

## **VILLAGE COUNCIL REGULAR MEETING OF JUNE 3 2015**

The Village of Estero Council Regular Meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Donald Brown - District 3, Councilmember Katy Errington - District 4, and Councilmember Jim Boesch - District 5.  
Absent: Councilmember Jim Wilson - District 7 (excused absence).

### **CALL TO ORDER**

The Mayor called the meeting to order at 10:01 am, followed by the Pledge of Allegiance to the Flag.

### **INVOCATION**

The Invocation was offered by Pastor Frank Brand of the First Baptist Church of Estero.

### **ROLL CALL**

Interim Village Manager Peter Lombardi called the roll; all members were present, except Mr. Wilson, whose absence had been previously excused.

### **APPROVAL OF AGENDA**

Mayor Batos requested the addition of four items to the agenda:

8(K) – Letter from Florida Gulf Coast University (FGCU)

8(L) – Letter from Fountain Lakes Community

8(M) – Letter to Lee County Clerk of Courts

8(N) – Transportation Issue

There were no objections from the Council members.

### **COUNCIL BUSINESS**

#### **8(A) APPROVAL OF MINUTES - Approval of Minutes for the May 15, 2015 Regular Meeting and the May 15, 2015 Workshop**

Mr. Ribble mentioned that Maryann Battle's name had been misspelled in the Workshop minutes. Mr. Ribble moved approval as corrected, seconded by Mr. Brown, called and carried with Mr. Wilson absent.

#### **8(B) SECOND READING AND PUBLIC HEARING – ORDINANCE 15-05 An Ordinance of the Village Council of the Village of Estero, Florida, Establishing and Adopting Uniform Travel Policies and Procedures; Providing a Process for Amending Travel Policies and Procedures; Providing for Severability; Providing an Effective Date**

The Mayor called for public comment, and no one came forward. The ordinance was adopted via roll-call vote with Mr. Wilson absent.

ORDINANCE 15-05

#### **8(C) SECOND READING AND PUBLIC HEARING – ORDINANCE 15-06 An Ordinance of the Village Council of the Village of Estero, Florida, Establishing Purchasing Procedures; Designating a Purchasing Agent; Providing for Limitations on Purchases; Providing for Competitive Bidding; Establishing Competitive Bidding and Bid Opening Procedures; Providing for Awarding of Bids; Providing for Waiver of Competitive Bidding; Providing for**

**Exemptions from Competitive Bidding; Providing for Repeal of Conflicting Provisions; Providing for Severability, Inclusion on the Code and in an Effective Date.**

The Mayor called for public comment, and no one came forward. The ordinance was adopted via roll-call vote with Mr. Wilson absent.

ORDINANCE 15-06

**8(D) FIRST READING AND PUBLIC HEARING – ORDINANCE 15-07**

**An Ordinance of the Village Council of the Village of Estero, Florida, Relating to the Local Communications Services Tax, Providing for the Levy of the Local Communications Services Tax and Specifying a Rate; Electing to Adjust the Tax Rate in Lieu of Permit Fees; Providing for Notice to the Department of Revenue; Providing for Severability; Providing an Effective Date**

Vice Mayor Levitan inquired about the impact of the recent legislative vote to reduce the tax. Village Attorney Burt Saunders explained that the original version would have no impact because it affected only the maximum rate, and that any necessary changes could be made for the second reading. The Mayor called for public comment, and no one came forward. The ordinance was set for second hearing via roll-call vote with Mr. Wilson absent.

**8(E) FIRST READING AND PUBLIC HEARING – ORDINANCE 15-08**

**An Ordinance of the Village Council of the Village of Estero, Florida, Adopting Lee County Ordinance No. 15-09 Amending the Lee County Code of Ordinances in Effect in the Village of Estero, Pursuant to Section 12(5)(1) of the of Estero Charter Amending Lee County Land Development Code Chapters 6 and 10 and Certain Sections of the Florida Building Code to Authorize the Board of Adjustments and Appeals to Hear Certain Variance Requests from the Florida Building Code; Limit Building Permits Based on Affidavit; Amend the Definition of Substantial Improvement; Repeal and Replace Land Development Code Article IV Flood Hazard (Secs. 6-401 – 6-476) in its Entirety, to Adopt Flood Hazard Maps, Designate a Floodplain Administrator, Adopt Procedures and Criteria for Development in Flood Hazard Areas, and for Other Purposes; Provide for Conflicts of Law, Severability, Codification and Scrivener's Errors, Modifications that May Arise from Consideration at Public Hearing and an Effective Date**

Village Attorney Burt Saunders explained the purpose of the ordinance is to try to maintain a 25% discount on residents' flood insurance. The Mayor called for public comment, and no one came forward. Attorney Saunders described a consulting proposal from Lori Lehr of J. R. Evans, and recommended that the Council approve the proposal. Discussion followed regarding the deadline for participation in the program, the timeline for consultant services, and the duration of the proposal. The ordinance was set for second hearing via roll-call vote with Mr. Wilson absent.

**8(F) RESOLUTION – Resolution Regarding Development on Corkscrew Road**

Vice Mayor Levitan provided background information regarding the resolution, pointed out various items that had been received from interested parties, and commented on the need to consider the impact of additional traffic on Corkscrew Road. Mr. Boesch briefly reviewed the history of improvements on Corkscrew Road, remarked on the unwillingness of the new developers to participate in the Corkscrew Road Service Area (CRSA), and stated his opposition to the developments as currently presented. Ms. Errington expressed her

concerns about the environment and water issues, noted a shortage of greenspace within the Village, and emphasized the need to protect what Estero has.

The Mayor called for public comment, and the following individuals came forward:

Donald Schrotenboer, Wild Blue Project Representative - enumerated objections to the resolution, and described developer efforts to inform the community and protect the environment.

Neale Montgomery, Pavese Law Firm - Corkscrew Farms - presented a letter describing objections to the resolution, and responded to Council questions.

Charles Basinait, Henderson Franklin - Wild Blue - commented on various aspects of the traffic issues and on the developer's willingness to communicate.

The Vines resident, Dick Hollander - commented on the need to be sure important issues are taken care of before development occurs.

Joseph Camerata, representing Corkscrew Farms - opined that the safety issue on Corkscrew Road could be resolved by a timed traffic light at Bella Terra, and addressed environmental/water issues.

April Olson, Conservancy of Southwest Florida - provided reasons for their support of the development overlay, particularly the ecological benefit of the conservation easements.

Nicole Johnson, Conservancy of Southwest Florida - commented on the studies that support the Conservancy's position.

Old Estero resident, Patty Whitehead - suggested that the two projects represented "urban sprawl", expressed her environmental concerns, and suggested that the land could be put to better use.

Don Eslick, Estero Council of Community Leaders (ECCL) – Encouraged approval of the resolution, and commented on the importance of the Density Reduction/Groundwater Resource (DR/GR).

Estero Fire Chief Scott Vanderbrook, representing Estero Fire District – Noted the need to protect the entire Fire District, and reported that Corkscrew Farms would donate five acres for a new fire station.

Throughout the speaker's comments, the Council members interjected questions and remarks regarding various aspects of the proposed developments. Vice Mayor Levitan summarized his reasons for supporting the resolution: the differences between County and Village visions for the area, the importance of protecting the DR/GR, the possible failure of Corkscrew Road, and the responsibility of the Council for the Village residents' quality of life. Ms. Errington cited Policy 19.5.4 of the Estero Community Plan regarding the DR/GR, and noted that the Council was trying to abide by that plan. Mr. Ribble moved approval, seconded by Vice Mayor Levitan, called and carried unanimously via roll-call vote with Mr. Wilson absent. KA

RESOLUTION NO. 2015-33

**8(G) RESOLUTION – Resolution Regarding the Creation of the Department of Community Development Establishing and Providing for the Authority of the Village Manager to fill the Position of Community Development Director**

Vice Mayor Levitan mentioned previous discussions about the number of development projects in the pipeline and the need for a staff person to assist the Village and developers in getting through the process. He added that the duties of the job would include development of a Village Comprehensive Plan and Land Development Code. Discussion followed regarding the importance of the position, the code enforcement process, the possible need for support staff, and budgetary considerations. The Mayor called for public comment, and no one came forward. Mr. Ribble moved approval, seconded by Vice Mayor Levitan, called and carried with Mr. Wilson absent.

RESOLUTION NO. 2015-34

**8(H) RESOLUTION – Resolution Adopting Interlocal Agreement with Lee County Regarding Floodplain Management**

Village Attorney Burt Saunders noted that some elements of the plan are already included in the Municipal Services Taxing Unit (MSTU), and that adoption of the agreement was part of the Village's effort to preserve the flood insurance discount. The Mayor called for public comment, and no one came forward. Mr. Brown moved to approve, seconded by Ms. Errington, called and carried with Mr. Wilson absent.

RESOLUTION NO. 2015-35

Attorney Saunders requested approval of the Floodplain Management contract with J. R. Evans. Vice-Mayor Levitan moved approval, seconded by Mr. Ribble. The Mayor called for public comment, and no one came forward. The motion was called and carried with Mr. Wilson absent.

**8(I) DISCUSSION – Discussion Regarding the Metropolitan Planning Organization (MPO)**

Mayor Batos mentioned that the subject of future plans for Corkscrew Road and the interchange had been brought up at the MPO meeting he attended last week; and that a workshop was scheduled for Tuesday, June 23 from 1:30-4:30 pm. He encouraged Council members and all concerned residents to attend the workshop to express their concerns to the Florida Department of Transportation (FDOT). There was consensus that Interim Village Manager Peter Lombardi would provide information to the Council and that it would also be posted on the website. The Mayor called for public comment, and no one came forward.

**8(J) DISCUSSION – Discussion Regarding Capital Projects**

Mayor Batos suggested, and Council agreed, that the discussion be postponed to the June 12 workshop.

**8(K) DISCUSSION – Letter from Florida Gulf Coast University (FGCU)**

Mayor Batos reported receipt of a letter from FGCU President Bradshaw requesting that the Council write to the legislature to help FGCU get funding for construction and other needs. He added that he had asked Village Attorney Saunders to compose a letter, and requested Council approval to send it. There were no objections.

**8(L) DISCUSSION – Letter from Fountain Lakes Community**

Mayor Batos reported receipt of a letter from Fountain Lakes regarding an issue with the creek on the south side of the property, noted that he had asked Interim Village Manager Peter Lombardi to acknowledge receipt of the letter and to contact County Natural Resources for additional information before taking any action.

**8(M) DISCUSSION – Letter to Lee County Clerk of Courts**

Mayor Batos expressed thanks on behalf of the Council to Lee County Clerk of Courts Linda Doggett and those who have helped over the last three months with the meeting minutes. He asked Interim Village Manager Peter Lombardi to send a thank you letter.

**8(N) DISCUSSION – Transportation Issue**

Mayor Batos mentioned that various individuals and groups had been meeting with the County to discuss transportation issues, and that the County had expressed a preference for more formal discussions. Village Attorney Burt Saunders noted that County staff was sensitive about meeting with elected officials. Brief discussion ensued regarding a process to convey citizens' concerns through the Council.

**PUBLIC INPUT ON NON-AGENDA ITEMS**

The Mayor called for public input; and the following individual came forward: Old Estero resident Patty Whitehead suggested appointment of a Councilmember as liaison to the Estero Bay Agency on Bay Management (ABM).

**COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS****Council Members' Comments:**

Mr. Ribble reported that he attended the Elks Memorial Day "Retirement of the Flags" celebration, and that the Proclamation read by Mayor Batos was well received. He also mentioned a presentation at a meeting of the South Florida Water Management District (SFWMD), and noted that he had asked the speaker to attend the Council workshop on June 24.

Referring to a meeting of municipal officials that he had attended on May 21, he commented that he had received many opinions from the group regarding the Village's office space needs.

Vice Mayor Levitan requested an excused absence for next week's Workshop. There were no objections.

Mr. Brown reported that he had no update on Health Care Village, and requested an excused absence for next week's Workshop. There were no objections.

Following discussion, there was consensus that the June 12 Workshop would be cancelled and the agenda items moved to June 24.

Ms. Errington reported attendance at meetings of Lee Memorial Health System (LMHS), the Conservancy of Southwest Florida, a group called BikeWalk, and "HealthyLee"

Mr. Boesch commented that he and Interim Village Manager Peter Lombardi would be meeting with the new Director of the Florida Department of Transportation (FDOT).

**Village Attorney's Comments:**

Village Attorney Burt Saunders reported a meeting with Commissioner Kiker and staff, and a conversation with County Attorney Wesch, regarding the draft interlocal agreement. Discussion followed regarding possible workshops and budget preparation.

**Interim Village Manager's Comments:**

Interim Village Manager Peter Lombardi:

Stated that he would present a draft budget for Council discussion at the June 24 Workshop, to allow for scheduling of budget workshops.

Mentioned receipt of the 2015 Preliminary Tax Roll with \$5.6 billion valuation, for approximately \$4,465,000 in revenue; and noted the need to verify that all Village of Estero parcels were included.

Described current and future improvements to the website.

**ADJOURN**

The Mayor adjourned the meeting at 12:50 pm.

ATTEST:

By: Kathy Hall

Kathy Hall, MMC  
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos

Nicholas Batos  
Mayor