VILLAGE COUNCIL WORKSHOP OF JUNE 24, 2015

The Village of Estero Council Workshop 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 Katy Errington - District 4, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7.

Absent: Councilmember Donald Brown - District 3 (excused absence).

Also present: Village Manager Peter Lombardi, Village Attorney Burt Saunders, Village Clerk Kathy Hall, and Finance Director Lisa Pace.

1. CALL TO ORDER

Mayor Batos called the workshop to order at 10:00a.m.

2. PLEDGE OF ALLEGIANCE

Mayor Batos led the Pledge of Allegiance to the Flag.

3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present with the exception of Councilmember Brown, whose absence had been previously excused.

4. APPROVAL OF AGENDA

Mayor Batos noted the following additions to the agenda: 5 (H) Planning Contract Status Update; 5 (I) Filling of Vacancies on the Design Review Board; and 5 (J) Discussion of Special Council Meeting.

Councilmember Ribble moved approval of the agenda as amended, seconded by Councilmember Errington, called and carried unanimously, with Councilmember Brown absent.

5. COUNCIL BUSINESS

(A) Presentation by Phil Flood – South Florida Water Management District

Councilmember Ribble introduced Mr. Phil Flood, South Florida Water Management District (SFWMD) Intergovernmental and Outreach Representative. Utilizing a PowerPoint presentation, Mr. Flood provided information on the following topics: South Lee County Watershed Plan; improving water quality in the Everglades; stormwater treatment areas; assisting local governments with stormwater management improvements; natural systems restoration; restoring the northern and southern Everglades; Corkscrew Regional Ecosystem Watershed; DR/GR area; ensuring sustainable water resources for South Florida's environment and economy; Lower West Coast Water Supply Plan; water demands of the region can continue to be met with appropriate management and diversification of water supply sources through 2030; Environmental Resource Permits (ERP) - Regulation of surface water management systems; Primary review criteria – wetlands water quality and water quantity (flood protection); Environmental Resource Compliance; Consumptive Use Permit Program – Florida Water Law Statute 373.019 (4), statutory three prong test; and Permit Review Process.

Vice Mayor Levitan inquired regarding the responsibility of the culverts running through the gated communities on the west side of US 41, which become blocked with debris. Mr. Flood responded that the developments have the responsibility of maintaining the lines and US 41 culverts are the responsibility of the state, adding that SFWMD could enforce. Vice Mayor Levitan also inquired whether SFWMD had taken a position with respect to development with the DR/GR zone, specifically Wild Blue and Corkscrew Farms. Mr. Flood responded that SFWMD could not make density determinations. He continued that, when a permit comes through, the management district works very closely with the applicant throughout the permitting process, they look at existing uses and encourage development in the appropriate areas. Discussion followed.

Councilmember Errington noted that the Estero River, which was listed as one of Florida's outstanding rivers, had been taken off the list and inquired how that could be fixed. Mr. Flood was not aware that the river had been taken off the list; however, it depended upon the level of pollutants. Brief discussion followed.

Discussion ensued regarding initiation of a permit request; Caloosahatchee water quality; shortfall of storage in the Caloosahatchee; releases by the Corp of Engineers; and density being a local land use decision.

Public Comment:

Patty Whitehead, Old Estero resident, spoke to the need to stop discharges and restore flow into the Everglades. Mr. Flood responded that there are detailed plans and projects in place; however, sufficient funding has not been put into place.

Beverly MacNellis, Marsh Landing resident, inquired regarding an update on the sugar plantations. Mr. Flood provided an explanation and responded that there has been a push to buy the landholdings of US Sugar; another option expires next month, noting that other existing projects were in place and it was not the appropriate time. In response to additional questions, Mr. Flood spoke regarding a previous everglades system that ran south of Kissimmee. Brief discussion followed.

(B) Discussion - Southwest Florida Regional Planning Council Membership

Village Attorney Burt Saunders stated that the issue was whether or not the Village should appoint a member to the Southwest Florida Regional Planning Council (SWFRPC). He indicated that there would be a fee in the amount of $9,000; however, the Village should be covered this fiscal year by the payment that would have been paid by Lee County. Discussion ensued regarding the activity related to existing Developments of Regional Impact; the advantage of interaction with other elected officials; and the Estero Bay Agency on Bay Management (ABM). Consensus was to bring the matter up at the next regular Council meeting.

(C) Discussion - Creation of an Estero Historic Preservation Board

Councilmember Errington noted that she was changing "Board" to "Advisory Committee" and read from presentation materials related to Council approval for a public supported Estero Historic Preservation Advisory Committee, to be created as soon as possible, in an effort to create additional ways to preserve Estero's heritage. The presentation materials included excerpts from several policies of the Estero Community Plan. Councilmember Errington stated

that special invitations to join the advisory committee should go to entities such as Estero Historical Society, Happehatchee Center, Koreshan State Historic Site, College of Life Foundation, and to the general Estero public, along with working with agencies to protect the Estero River.

Village Attorney Burt Saunders explained that the difference between an advisory committee and board was what an advisory committee could be asked to do. He spoke regarding Lee County's formal Historic Preservation Board policy and provided a copy of their application form. He explained that the Board reviews any application that would have an impact on a historic facility or area; the Board makes significant findings and final decisions similar to the Village Planning and Zoning Board. He believed that Councilmember Errington was looking for an advisory committee that would help guide where the Council should consider going in terms of taking over those responsibilities. Attorney Saunders stated the Village was still operating under the Lee County's Historic Preservation Board; he believed that the effort was to have an advisory committee that would advise the Village Council on how to take over those operations and what areas for historic preservation, which would ultimately lead Council into how to move forward. He also stated that an advisory committee would be subject to the sunshine law, public records law, and public meetings law.

Vice Mayor Levitan stated that he reviewed minutes of prior meetings. He noted that this is a difficult issue and preserving history is part of the Estero Community Plan. He stated he was unclear what the advisory committee mission would be. Vice Mayor Levitan noted that the historic board materials and laws that created the Lee County historic board are in the land development code; their jurisdiction is regulatory in nature, they can prevent developments from occurring, and they can assist in registration of historic sites. He indicated that, as part of the interlocal agreement negotiations, the County had asked whether Estero wanted to continue with the Historic Preservation Board. He addressed concern regarding creating an advisory committee that is not regulatory in nature and stated that his understanding was that the Council specifically was not going to adopt any advisory committees for the foreseeable future due to the newness as a Village and limited resources for staffing.

Councilmember Errington responded that she recalled Council saying that if Councilmembers wanted to bring an advisory committee proposal to the Council and had a way of doing it, they could do so. She reiterated that she was not proposing a board; this was an advisory committee and not subject to sunshine law.

Attorney Saunders stated that if Council created an advisory committee as part of the government, the committee would be subject to sunshine law. However, a group of citizens could create a board, they are free to do so; or, to create a committee that is not part of the Village Council, there would be no sunshine law or public records law requirement.

Councilmember Errington clarified that her proposal was for an advisory committee for the general public; she was making Council aware that there was need and concern; this was what citizens and residents wanted to do, and if they wanted this, the Council needed to give them the opportunity to do what they need to begin preserving the area.

Councilmember Wilson inquired whether the proposal was for the Village to disconnect from the Lee County Historical Preservation Board and Councilmember Errington responded that she did not believe the Village would have to. Attorney Saunders stated the only way to do that would

be by adopting ordinances; at some point in time if Council decided to create their own historic board, it would be done by ordinance.

Councilmember Boesch stated that he came from a town that incorporated in 1634 that adopted the concepts that Councilmember Errington was suggesting and encouraged the formation of the committee.

Mayor Batos noted on the last page of her presentation that Councilmember Errington was asking Council to give approval for a public supported Estero Historic Preservation Advisory Committee and it appeared that she now wasn't asking for approval, but rather informing Council of her plans. Councilmember Errington responded that the wording was out of courtesy to the Council. Mayor Batos stated it was a great idea that she worked on this, expressed thanks, and believed it was an admirable goal.

Councilmember Ribble stated there was a lot of passion on this request. He addressed concern regarding the presentation and he would have rather seen it as an intro of what we were going to do down the line. He also addressed concern regarding funding from Lee County and recommended using caution until a mechanism is in place to raise funding.

Councilmember Errington responded that she had been told that Lee County has given all the money that they will be giving to the Estero Historical Society. She noted that the purpose was meshing the Historical Society, Happehatchee group, and Koreshan State Park, for protection of the local history as well as the environment.

Vice Mayor Levitan stated now that it was understood it would not be a formal advisory committee that Council was being asked to support, he would support the Estero organizations coming together as a coalition to work on the historical aspects of the Estero Community Plan. He added that the organizations would have a tremendous influence on future decisions and there would not be a struggle with concepts of sunshine law.

Public Comment:

Bob Morris, President, Estero Historical Society, stated if something isn't done to preserve our history now, it's gone. He believed that these committees working together would help. Mr. Morris also spoke to a recent restoration project and encouraged working together.

April Olson, on behalf of the Conservancy of Southwest Florida, referred to the first sentence of the Estero Community Plan, which states "To establish a community that embraces its historic heritage and protects the environment, while carefully planning for future development resulting from a desirable high quality of life…" Ms. Olson stated that the conservancy had a similar mission with regard to protection of environmental resources. She referred to unique sites particularly around the Estero River and said that the conservancy would work with the Village to protect the areas. Ms. Olson stated that there was no question that the areas surrounding the Estero River including Koreshan State Park, Boomer Estate, Happehatchee Center and adjacent lands have historical significance; if a historic preservation advisory committee is established aimed at preserving the historical sites, they hope the Council will consider the numerous ecological benefits. In conclusion, Ms. Olson spoke regarding the Estero River and preserving the lands adjacent to it.

Holley Rauen, Vice President, Happehatchee Center, stated that restoring history is not only the historic buildings, but also included trees, water, animals; and to keep in mind what old Florida really is. Ms. Rauen encouraged the Council to at least pass a resolution of support for a committee of volunteers of the organizations that really care about Estero history.

Julie Hendrickson, volunteer coordinator, Happehatchee Center, stated that she attended Florida Gulf Coast University (FGCU) in 2009 and has seen many of the changes in the Estero area. During her studies, she visited the Koreshan State Park, one of the places she learned about old Florida and different ecosystems. She spoke regarding a class entitled "colloquium" that every FGCU student was required to take to enhance their sense of place; since many students were not from Florida, they needed to have an emotional connection to where they live, and to feel like they were part of a community. She believed that the historic society and creating a historic area would do that for the residents as well.

Ruth Fotovat, expressed thanks to the Council and hoped that the advisory committee would be founded. She shared a picture of Ellen Peterson, Happehatchee Founder, and hoped that the land surrounding Happehatchee Center would be preserved.

Patty Whitehead, Old Estero resident, stated that, after having re-read the Estero Community Plan, Estero prides itself on being a village with a vision; therefore, leaders and citizens strive to fulfill the vision. She stated that Estero was a community of unparalleled quality of life, founded on environmental integrity and preservation of natural richness. She believed that Estero's vision was not just defined by economic prosperity, measured by the number of luxury homes and shopping opportunities, but by a sense of place, a distinct and commonly shared identity in appreciation of natural and historic preservation; to make the vision a reality it would take cooperation and hard work on the part of citizens and government. Ms. Whitehead said the creation of the Estero Historic Preservation Advisory Committee is the key to the shared vision and begged Council support of the advisory committee.

Mitch Jacobs, Sociology Instructor, stated that he was touched by the Happehatchee Center when he attended the colloquium that Ms. Hendrickson spoke to. He believed that the public outcry is there to keep places such as the center preserved. He encouraged Council support of the advisory committee.

Charles Dauray, Chairman, College of Life Foundation, advised Council to be cautious as there are unintended consequences; there are rights inherent in national and local constitutions. He stated that he was a long time member and Chairman of the Collier County Historical Society. He continued that actions, although well intended, may turn out to be underestimated consequences in legalities. Mr. Dauray stated that the road Council is taking is very important; however, think it through, as it was not always what you do, but how you do it that was very important.

Beverly MacNellis, Marsh Landing resident, agreed that it should be an advisory committee and suggested that Charles Dauray bring the groups together, because of his involvement in the community.

Marlene Fernandez, 60 year resident, stated that she is for preservation and was a historical society member. Ms. Fernandez provided copies of a News-Press article dated March 13, 2005, entitled: "Guest essay: Generations of one family in Estero."

Carol Barclay, Corkscrew Woodlands resident, reiterated that Council adopt a resolution just to support the concept.

Council discussion regarding a resolution followed. Attorney Saunders spoke to possible wording of a resolution recognizing historic preservation and supporting the creation of a citizen advisory committee. Mayor Batos asked Attorney Saunders to prepare a resolution.

Vice Mayor Levitan spoke to tree preservation and the fact that the Village had the power to do something about clear-cutting and encouraged citizens to bring issues to the Council. He also noted that Lee County had a provision requiring tree removal permits; however, people hated it because when they wanted to remove a tree on their house lot they were required to obtain a permit; ultimately, Lee County got out of the business of issuing tree removal permits.

Councilmember Ribble inquired whether there were other entities that needed to be listed in addition to the entities on page 8 of Councilmember Errington's presentation. Brief discussion followed and Councilmember Errington responded "no."

(D) Discussion - Solid Waste Franchise Agreement with Lee County

Village Manager Peter Lombardi stated that there was a revenue line item in the budget for solid waste franchise fees; the fees were collected and distributed by Lee County. Mr. Lombardi said that the Village should begin to develop an interlocal agreement with the County to insure that the Village receives the appropriate share of solid waste franchise fees. In response to an inquiry regarding how the solid waste fees were collected, Mr. Lombardi stated it was part of tax bills as well as the solid waste collection companies pay a fee for the privilege of collecting solid waste in Lee County; the solid waste franchise fee paid to the Village would be negotiated in the interlocal agreement.

Public Comment:

Walter McCarthy, Bonita Springs resident, stated that people on the same street had different franchises and encouraged Council to look at maps to come up with common sense pick up routes that were on the same schedule.

Mayor Batos responded that the problem that existed last year was worse this year due to a number of homes that were not contiguous with each other. Mayor Batos requested that the Village Manager speak with Carl Schwing, Bonita Springs City Manager, to determine if an agreement could be reached with Lee County to draw a separate line on those blocks. Vice Mayor Levitan noted that the problem was Bonita Springs used a different contractor. Mayor Batos stated that Council understood the problem and was willing to work on a solution. It was also noted that the contracts may be on different timing. Consensus was for the Village Manager to contact the Bonita Springs City Manager; Councilmember Ribble agreed to help as needed.

(E) Discussion - Additional Senior Homestead Exemption

Village Attorney Burt Saunders stated that, in order for the Village to get the exemption, a resolution would have needed to be adopted prior to December 31, 2014; however, it is an exemption that the Village will get next year. Attorney Saunders added that it only applied to the very small millage that the Village of Estero would be levying. Discussion followed regarding the net effect on tax payers.

Vice Mayor Levitan inquired whether a resolution would need to be adopted every year. Village Manager Peter Lombardi responded that the Village would need to adopt an ordinance because the County ordinance excludes the incorporated area of Estero; the Village ordinance would put the provision into effect; once the ordinance is adopted, it remains until it is rescinded. Attorney Saunders stated that he would probably have an ordinance on the agenda in September. Brief discussion followed regarding County ordinances that differentiate between unincorporated areas and municipal areas and an opinion that was received from the County Attorney's office that they would still be collecting impact fees even though Estero became a municipality.

(F) Discussion - Village Office Space

Councilmember Ribble provided a brief background on the municipal office space project, which included discussions with elected officials at a SW Florida League of Cities meeting along with follow-up phone calls and site visits, as well as a meeting with the Estero Fire Rescue Commission Board Chair, the Estero Fire Chief, and the Estero Village Manager, regarding how a municipal center should be staffed and what space requirements would be needed. It was noted that Estero Fire Rescue would like the Village to set an exit date of October 2016.

Three buildings were taken under consideration: Brooks Town Center, Corkscrew Palms Building, and Picaya Bay. In addition, two office spaces along Three Oaks Parkway were briefly discussed for temporary use.

Discussion followed regarding parking; offices for Councilmembers; conference rooms; Council chambers large enough to handle up to 100 persons; having adequate space for contractors or additional employees looking forward five years and as the Village moves forward with the interlocal agreement with the County; importance of a separate break room; and building location.

Discussion followed regarding the Corkscrew Palms building and the Brooks Town Center property. It was noted that the ~~Brooks Town Center~~ Corkscrew Palms building KH would be the least expensive to remodel; it had an additional floor for expansion; the parking was more than adequate. Regarding the Brooks Town Center property, the idea of having the Council chambers in the location described on the presentation, there may be the possibility of an expansion area to allow for additional attendance at meetings.

Brief discussion ensued regarding pricing per square foot. Mayor Batos stated that he may be able to provide better direction on this topic next week, after a meeting this Friday related to conceptual ideas on the interlocal agreement.

Public Comment:

Garth Errington, Breckenridge resident, urged Council to be conscious of building security. Councilmember Ribble stated that the architect took security into consideration. Brief discussion ensued.

The following agenda items were discussed prior to agenda item 5 (G):

(H) Planning Contract Status Update

Vice Mayor Levitan pointed out that the Village Manager distributed the planning contract status update dated June 19, 2015 from Bill Spikowski, to the Council. He noted the takeaway from the update was that the first component of the planning study, including the overlay maps, would be presented to the Planning and Zoning Board in August and likely would be presented to the Council in September. He added that the second two components are longer term and Mr. Spikowski would draft a report that would also be circulated.

Mayor Batos called for public comment and no one came forward.

(I) Filling of Vacancies on Design Review Board

Vice Mayor Levitan reminded Council that the requirement in the ordinance was lowered for one registered architect, even though the Board currently had two architects, and reported that he had found and interviewed a volunteer, a registered Florida architect with extensive experience in the types of projects that Estero would be facing. Vice Mayor Levitan stated that he would be submitting information for the July 1, 2015 meeting agenda as well as distributing information from the architect, Scott Anderson, to the Council. He added that, with regard to filling the last vacancy, the Village had several applicants that were interviewed and suggested that the eighth position be filled with someone who had already been nominated and interviewed; a list of the applicants not selected in the first round would be circulated.

Mayor Batos inquired whether Board Member contact information had been put on the website. Village Manager Lombardi responded that he believed information was on the website. Discussion followed regarding Village email accounts for all Board Members.

(J) Discussion of a Special Meeting Request

Mayor Batos requested that Council approve a special meeting this Friday, June 26, 2015, 9:00 a.m. to 10:30 a.m., for the purpose of discussion regarding the Interlocal Agreement with Lee County. Discussion ensued regarding whether to hold a workshop or regular meeting. The decision was to hold a special regular meeting.

The meeting went into recess at 12:58 p.m. and reconvened at 1:04 p.m.

(G) Presentation of 2016 Annual Budget Report

Mayor Batos explained that the budget would be presented today; however, comment would be held at the scheduled workshops.

Village Manager Peter Lombardi stated the purpose of presenting the budget would fulfill the Charter requirement that the budget be presented to Council by July 15. He then read the budget message, which included proposed revenues, expenditures, and projected fund balance. Mr. Lombardi referred to the budget calendar, calling attention to the July 10 and 22 budget workshop dates and noting that if additional dates were needed they could be set. Discussion of the budget calendar followed. Mr. Lombardi explained that the hearing dates were firm because the Village hearings could not be held on the same dates as the School Board or County

Commission hearings. Discussion followed related to the September 3 hearing date, noting that it did not match the current meeting schedule; the September 2 meeting at 10:00 a.m. was combined with the September 3 budget hearing date, with a meeting start time of 6:30 p.m.

In reference to the figures on page 1, paragraph 3, discussion ensued regarding comparing the feasibility study figures with projected figures.

Mayor Batos called for public comment and no one came forward.

6. PUBLIC INPUT ON NON-AGENDA ITEMS

Note: Agenda item 6 followed agenda item 7.

Don Eslick, ECCL, conveyed thanks for the Council taking up the water aspect of the development of the DR/GR. He noted that the County spent a lot of money on the study of the DR/GR; however, the main focus was the impact on mining. He stated that he met with Commissioner Kiker and the County Manager to speak about the DR/GR development idea and the proposed overlay. He also emphasized the importance of moving up the traffic impact study up and the water study. Mr. Eslick also noted that the ECCL has been interactive with upcoming meetings and attempting to maximize public participation.

Vice Mayor Levitan stated that increasing public participation was one of Council's goals. He noted that steps being taken regarding the Planning and Zoning Board and Design Review Board would include each Councilmember beginning to receive emails from the Community Development Director when projects come up in their district, in order for Councilmembers to take the initiative to contact the management of the homeowner's associations to make certain the managers are aware of the issues.

Jennifer Hecker, Conservancy of Southwest Florida, conveyed on the behalf of conservancy that they share the same objective as the ECCL, and looking at water management at a holistic level as well as regional level that goes beyond Lee County, and they want to work with community leaders to achieve goals, even though there are times they might have different ideas of how to get there. Ms. Hecker indicated their highest priority was to support whatever would achieve the maximum benefit for the environment for protecting and restoring water resources. She added that they met with the developer and told them they could not support any development in that area that would not further restoration of hydrology in that area. Ms. Hecker noted that the developer considered the input from a contact they provided for the development to be science-based and driven by restoration.

Vice Mayor Levitan commented that sometimes there are disagreements on needs not goals; he believed that everyone agreed on the overall goal; however, he felt that the conservancy took the wrong approach and was concerned that it enabled the Board of County Commissioners to take the action on the transmittal that Council asked them not to.

Walter McCarthy, Chairman, Bayside Improvement Community Development District, believed that Councilmember Ribble may have been advised of an issue that was going on between the Community Development District and a developer with respect to a non-compliance issue. He stated that it appeared they were making progress with the developer for a resolution of the issue. Mr. McCarthy also spoke to drainage responsibility within the Village.

7. COUNCIL / VILLAGE MANAGER COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmembers' Comments:
Councilmember Ribble inquired about Village shirts. Mayor Batos recommended that Councilmember Ribble and the Village Manager get together and process the order. Discussion followed regarding color, style, and Village logo. Mayor Batos asked that Councilmembers provide comments to the Village Manager within the next three days.

Councilmember Wilson announced that he would be attending his first Horizon Council Executive Committee meeting tomorrow.

There were no comments from the Village Manager and Village Attorney.

8. ADJOURN

Mayor Batos adjourned the workshop at 1:39 p.m.

ATTEST:

By: _____

Kathy Hall, MMC
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: _____

Nicholas Batos
Mayor

Minutes approved as corrected: August 10, 2015