

## VILLAGE COUNCIL REGULAR MEETING OF JULY 15, 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, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Peter Lombardi, Attorney Tony Pires (attending on behalf of Village Attorney Burt Saunders), and Village Clerk Kathy Hall.

### **1. CALL TO ORDER**

Mayor Batos called the meeting to order at 6:30 p.m.

### **2. PLEDGE OF ALLEGIANCE**

Mayor Batos led the Pledge of Allegiance.

### **3. INVOCATION**

Pastor Rollins was unavailable.

### **4. ROLL CALL**

Village Clerk Kathy Hall called the roll; all members were present.

### **5. PROCLAMATIONS AND PRESENTATIONS**

#### **(A) Proclamation Expressing and Proclaiming Support for the Creation of an Estero Historic Preservation Citizens Committee**

Mayor Batos read the proclamation expressing and proclaiming support for the creation of an Estero Historic Preservation Citizens Committee. He extended thanks to Councilmember Errington for bringing this to the Council and presented the proclamation to Charles Dauray. Mr. Dauray stated that, to date, the committee held one meeting and noted that a number of other people have shown interest in joining the committee. Mr. Dauray shared the committee's mission statement: to identify, preserve, protect, and educate about Estero's historical, environmental, water, and cultural heritage for future generations. He spoke regarding news from last week on the 11,000 acres of the Estero Bay Preserve as well as additions to the County park. He stated that the committee's task was important in order to leave a legacy for the future.

#### **(B) Presentation on Website Enhancements (Village Manager)**

Mayor Batos provided background information regarding the Village website and introduced Kim Dailey from Papyrus Document and Design. Ms. Dailey stated that everyone agreed that the Village needed a website that provided a professional appearance, proactively addressed resident concerns, and allowed for easy navigation. Ms. Dailey provided a demonstration of the website and noted that the site would go live on Friday, July 19, at 1:00 p.m.

Mayor Batos extended thanks to Ms. Dailey and noted that the website was quite a change from the existing website. Village Manager Peter Lombardi added that staff would continue to look at ways to continually modernize and improve the website as needed.

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

## **6. APPROVAL OF AGENDA**

Councilmember Ribble moved approval of the agenda, seconded by Councilmember Brown, called and carried unanimously.

## **7. COUNCIL BUSINESS**

### **(A) Colin Baenziger – Report on Findings of Interviews with Councilmembers (Village Manager)**

Colin Baenziger, Owner, Colin Baenziger & Associates, stated that, after meeting with each Councilmember, a draft recruitment file was assembled that described the community, the government, and information on the ideal candidate. He noted that the goal was to put together enough material to provide information to candidates in order for them to make a preliminary judgment on whether this was a job they seriously wanted to look at just by reading the document. Mr. Baenziger stated that the draft document was distributed and minor changes were made at the direction of the Mayor. After review of the revisions, Mayor Batos noted an additional revision on page 2.

Discussion ensued regarding salary range; Mr. Baenziger provided an explanation of the City Manager salary survey, which included a listing of 147 cities ranging in population. It was noted that the Estero Village Manager position was different from many other cities due to not overseeing Police, Fire, Public Works, and Parks; however, Council was looking for certain specialized skills along with management ability and thorough knowledge of land use planning and zoning. Discussion followed regarding longevity and length of contract. Mr. Baenziger believed that five to six years was the average length of stay for a City Manager based on information from the International City/County Management Association; a minimum contract was two years, three to five years was standard; however, he recommended an open ended contract.

Mayor Batos inquired whether information regarding benefits would be added to the recruitment information. Brief discussion followed regarding whether to leave it out, state that benefits were currently being developed, or indicate competitive benefits.

#### Public Comment:

Tim McCullough, Estero resident, addressed concern regarding the Village hiring someone with a lot of experience and then they move on to something bigger. Mayor Batos responded that one of the advantages Estero had was that most managers would look at this as a great opportunity to start something from scratch.

Councilmember Ribble moved to set the salary range at \$135,000 to \$175,000, seconded by Councilmember Brown, called and carried unanimously.

Mayor Batos inquired when the information would go out. Mr. Baenziger responded that it should go out tomorrow.

Vice Mayor Levitan commented on information regarding hiring that was distributed by Councilmember Ribble.

**(B) MPO Committee Assignments (Mayor Batos)**

Mayor Batos reviewed that filling the open non-voting positions for CAC, TAC and BikeWalk was brought up a few weeks ago, inquired whether Councilmembers had any names for the positions, and the response was “no.” Mayor Batos stated that he recommended Doug Saxton for the BikeWalk, Community Development Director Mary Gibbs for the TAC, and Pat Hiltman for the CAC.

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

Councilmember Ribble moved to accept the three names as stated, seconded by Councilmember Wilson, called and carried unanimously.

Mayor Batos offered thanks to Doug Saxton for serving on the BikeWalk. Mr. Saxton stated this was a passion of his and was excited to work with the Village.

**(C) RESOLUTION NO. 2015-46 A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2015-2016, SETTING THE DATE, TIME AND PLACE FOR THE PUBLIC HEARINGS REQUIRED BY STATE LAW; DIRECTING STAFF TO TRANSMIT NECESSARY DOCUMENTATION PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (Village Manager)**

Village Manager Peter Lombardi read the title of Resolution No. 2015-46 and stated the resolution was required by the State of Florida’s TRIM legislation program. He explained that the resolution sets a tentative millage rate of 0.8398, which was the existing millage rate for Fiscal Year 2014-2015; the rate would be published in the TRIM notice, along with the date of the TRIM hearing of September 3, 2015, 6:30 p.m., that the property appraiser would send out in August.

For clarification, Mayor Batos stated that he and Mr. Lombardi attended a meeting at the tax appraiser’s office this week and it was noted that the Estero Fire District had an 11.02% increase, which was a combination of increased values on homes and new products coming on line, the highest in Lee County. Mayor Batos continued that, in addition to what Council was proposing today, and Council’s action of removing the All Hazards Tax, on October 1, 2015 the accumulative tax rates for Estero residents would be lower than last year, if the rate remained as proposed.

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

Councilmember Brown moved to adopt Resolution 2015-46, seconded by Councilmember Errington, called and carried unanimously.

## **8. PUBLIC INPUT ON NON-AGENDA ITEMS**

Mayor Batos called for public input on any issue.

Mike Janowsky, 5-year resident on Sandy Lane, stated that he chose to live in Estero due to the laid back atmosphere; however, his road has become a speedway due to increased development. He inquired whether anything would be done to the area to calm the traffic. Mayor Batos responded that speeding problems were discussed at the last Council meeting and he and the Village Manager would be meeting with police next week to try to establish where the problems were and look at it in an enforcement point of view. He added that the Village would be beginning a capital program and during the process Council would be looking at roads, how they are used, if there would be any changes; he noted that there would be public input during the process. Mayor Batos stated that this was not something that would happen overnight; however, it was something that was in process, on the list of multiple items that Council was trying to work through as quickly as possible. Mr. Janowsky noted that Sandy Lane had room for sidewalks, etc. He also noted that he was happy there was an evening Council meeting.

## **9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS**

Councilmember Ribble stated that he was in Stone Harbor, New Jersey over the weekend and was impressed with the main “drag” which had four lanes and a 25 mph speed limit. He indicated that it was well managed no matter what time of the day and had a great bike lane. He believed that the Estero speed limits were too high and needed to be reviewed.

Vice Mayor Levitan explained that the reason for the special Council meeting in August was due to the Request for Qualifications for work labeled community development under the exhibit that Lee County provided that included code enforcement, zoning, planning, development services, etc.; the responses were due on or before August 5, 2015 and Council would meet on August 10, 2015 to review and rank the proposals. He added that negotiation with the company ranked first would be scheduled as well. He stated that commencement of services was targeted for October 1, 2015 with respect to everything except building permits, which was targeted for January 1, 2016. Mayor Batos added that the Interlocal Agreement may be completed and ready for approval at the August 10, 2015 meeting.

Councilmember Brown reported that the cellular service on US 41, near First Watch restaurant, had placed big, fluttery signs in front of their business last Sunday and every weekend when they understand that code enforcement officers were not on duty. He believed that they were advised that the signs were not permitted. He inquired whether there was something that could be done or if the Village Attorney could write them a letter. Mayor Batos responded that the County could be contacted again. Discussion ensued. Attorney Pires said that a letter could be sent and believed the best thing would be to find out if code enforcement would come out on a weekend. Mayor Batos asked that the Village Manager contact the County. Mr. Lombardi responded that he would make the contact as well as drive by the location if possible, and take a photo to provide to the County.

Councilmember Errington said that she believed there was enough interest from the Council to order baseball caps. Discussion ensued and consensus was to purchase the baseball caps.

Councilmember Errington commended the Estero Fire Rescue for the quick response to the home of a friend that had experienced a heart attack. She also commended Jerry, Patrick and David (last names unknown) for a quick response to her condo building after an upstairs neighbor had fallen and hit her head in the bathroom which subsequently caused flooding. She expressed appreciation for the paramedics' quick response and taking charge of the situation.

Councilmember Wilson offered a special thank you to the Council for indulging him in getting his Illinois-based home issue solved.

Mayor Batos reviewed that there were comments from the public and a Councilmember at the last Council workshop regarding the Council supporting the efforts of a group to get the County to fund the sidewalk project on Estero Parkway. Mayor Batos stated that he wanted to express his strong belief that this was completely the wrong direction. He said that Estero was now a municipality and the residents had voted for this Council to represent them, and as such it was that committee and the residents of Estero who should support the Council and its work with the County to get that project done as well as other projects. He encouraged all residents of Estero to advocate through this Council for items and issues they felt were needed or important to them. Mayor Batos continued that everyone had the best interest of Estero at heart and by working together there was no limit to what could be accomplished. He believed that, if individual groups continued to push their agendas on items that were within Estero with other governmental agencies, it would do nothing less than damage the Village's ability to be successful. He stated that the Village had been working with the County on many important issues and that Commissioner Kiker and the County staff had been very cooperative; there had been differences, but the Village and County were moving forward together. He noted that the Village needed the County and the County needed the Village for all of Estero and Lee County to be successful. Mayor Batos said that the help and cooperation the County had given the Village should be recognized. He asked Estero residents to give their support to the Council, to work with the Council and not go out on their own. He also asked that the Estero residents give the Council the opportunity to bring the visions everyone had for Estero to fruition; the vision why over 86% of the citizens voted for incorporation, and the vision the citizens voted this Council in and rightfully expected the Council to work for the citizens together.

#### **10. VILLAGE MANAGER COMMENTS**

None.

#### **11. VILLAGE ATTORNEY COMMENTS**

Attorney Tony Pires provided an update on Village Attorney Saunders' recuperation.

#### **12. ADJOURN**

Mayor Batos adjourned the meeting at 7:38 p.m.

ATTEST:

By: Kathy Hall  
Kathy Hall, MMC  
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos  
Nicholas Batos  
Mayor

Minutes approved as presented: September 3, 2015