VILLAGE COUNCIL REGULAR MEETING OF SEPTEMBER 16, 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, Village Attorney Burt Saunders, Finance Director Lisa Pace, 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

The Invocation was offered by Pastor Nolen Rollins of the Legacy Church.

4. ROLL CALL

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

5. APPROVAL OF AGENDA

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

7. CONSENT AGENDA

(A) Approval of August 10, 2015 Regular Meeting Minutes

(B) Approval of September 3, 2015 Regular Meeting Minutes

Councilmember Errington moved approval of the Consent Agenda, seconded by Councilmember Wilson, called and carried unanimously.

8. COUNCIL BUSINESS

(A) Public Hearing: Resolution No. 2015-58 Adopting the Final Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2015-2016; and Providing an Effective Date

The resolution was read in entirety by Village Manager Lombardi and the public hearing was opened.

Mayor Batos called for public comment and no one came forward; the public hearing was closed.

Councilmember Ribble moved to adopt Resolution No. 2015-58, seconded by Councilmember Brown, called and carried unanimously through a roll call vote.

(B) Public Hearing: Resolution No. 2015-59 Adopting the Final Budget for Fiscal Year 2015-2016; and Providing an Effective Date

The resolution was read in entirety by Village Manger Lombardi and the public hearing was opened.

Mayor Batos called for public comment and no one came forward; the public hearing was closed.

Councilmember Boesch moved to adopt Resolution No. 2015-59, seconded by Councilmember Ribble, called and carried unanimously through a roll call vote.

(C) Resolution No. 2015-60 Providing for Negotiation of a Contract with the Top Ranked Village Manager Candidate; and Providing an Effective Date

The resolution title was read by Village Clerk Hall.

Colin Baenziger, Colin Baenziger and Associates, provided a brief background and an explanation of the straw ballot process. The first sequence of straw ballots (vote for 2) followed, resulting in 4 votes for Ms. Tami Hanlin; 0 votes for Mr. Mark Kutney; 3 votes for Ms. Maria Lasday; 3 votes for Mr. Craig Malin; and 4 votes for Mr. Steven Sarkozy.

Mayor Batos called for public comment and no one came forward. Brief Council discussion ensued.

The second sequence of straw ballots (vote for 1) followed, resulting in 6 votes for Mr. Steven Sarkozy and 1 vote for Ms. Tami Hanlin.

Councilmember Brown noted that he was not available for the interview process; however, he had reached out to each of the candidates.

Vice Mayor Levitan moved that Council rank Steven Sarkozy as its number one candidate in Resolution No. 2015-60, seconded by Councilmember Brown, called and carried unanimously through a roll call vote.

Brief discussion followed regarding contacting the candidates.

Councilmember Wilson moved to designate Tami Hanlin as second choice in the event that negotiations with Mr. Sarkozy did not work out, seconded by Councilmember Ribble, called and carried unanimously through a roll call vote.

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

Councilmember Ribble moved for Mayor Batos to be the contract negotiator, seconded by Vice Mayor Levitan. Discussion followed and Councilmember Ribble withdrew the motion; Vice Mayor Levitan concurred. Councilmember Errington moved to request that Councilmember Ribble negotiate the contract, seconded by Councilmember Wilson. Discussion followed and, by consensus, a negotiation team was formed consisting of Councilmember Ribble, Village

Manager Lombardi, and Village Attorney Saunders. The motion was called and carried unanimously through a roll call vote.

Brief Council comment followed.

(D) Resolution No. 2015-61 Approving the Interlocal Agreement Between the State of Florida, Department of Transportation and the Village of Estero for the Creation of the Metropolitan Planning Organization; Authorizing the Village Mayor to Execute the Agreement; and Providing an Effective Date

The resolution title was read by Village Clerk Hall.

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

Mayor Batos provided an explanation of the resolution.

Councilmember Boesch moved to adopt Resolution No. 2015-61, seconded by Councilmember Ribble, called and carried unanimously through a roll call vote.

(E) Second Reading and Public Hearing: Ordinance No. 2015-09 Granting to Florida Power & Light Company, Its Successors and Assigns, a Non-Exclusive Electric Franchise, Imposing Provisions and Conditions Relating Thereto, Providing for Monthly Payments to the Village of Estero; and Providing for an Effective Date

The ordinance title was read by Village Clerk Hall and the public hearing was opened.

Mayor Batos called for public comment and no one came forward; the public hearing was closed.

Charlotte Miller, Florida Power & Light External Affairs, Southwest Florida, noted that rates were going down in January. Brief discussion followed.

Councilmember Brown moved to adopt Ordinance No. 2015-09, seconded by Councilmember Errington, called and carried unanimously through a roll call vote.

(F) Resolution No. 2015-62 Adopting and Agreeing to Follow the Lee County Comprehensive Emergency Management Plan; and Providing an Effective Date

The resolution title was read by Village Clerk Hall.

Village Attorney Saunders provided a brief explanation of the Lee County Comprehensive Emergency Management Plan.

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

Brief discussion followed regarding Village representation on the working group related to the plan as well as the possibility of Village involvement with social media in times of emergency.

Councilmember Errington moved to adopt Resolution No. 2015-62, seconded by Councilmember Ribble, called and carried unanimously through a roll call vote.

(G) Resolution No. 2015-63 Providing for the Adoption of the Local Mitigation Strategy, Prepared by the Local Mitigation Strategy Working Group of Lee County, as the Formal Guide for the Village of Estero Hazard Mitigation Activities; and Providing an Effective Date

The resolution title was read by Village Clerk Hall.

Village Attorney Saunders provided a brief explanation of the Local Mitigation Strategy along with the working group.

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

Discussion ensued regarding emergency shelters available in Estero.

It was noted that elected officials would not be involved in the working group. Mayor Batos stated that Marilyn Edwards participated in the first meeting today. Village Attorney Saunders suggested that Council officially appoint Ms. Edwards to represent the Village.

Councilmember Ribble moved to adopt Resolution No. 2015-63, seconded by Councilmember Wilson, called and carried unanimously through a roll call vote.

Councilmember Brown moved to name Marilyn Edwards to represent the Village of Estero on the committee with the County and the FEMA representatives, seconded by Councilmember Errington, called and carried unanimously through a roll call vote.

(H) First Reading and Public Hearing: Ordinance No. 2015-11 Repealing Village of Estero Ordinance 2015-08, Adopting Village of Estero Land Development Code Chapters 6 and 10 to Adopt Flood Hazard Maps, Designate a Floodplain Administrator, Adopt Procedures and Criteria for Development in Flood Hazard Areas, and for Other Purposes; Adopt Technical Amendments to the Florida Building Code; Provide for Conflicts of Law, Severability, Codification and Scrivener's Errors, Modifications that May Arise from Consideration at Public Hearing and an Effective Date

The ordinance title was read by the Village Clerk.

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

Attorney Saunders provided an explanation of the ordinance and noted that it was a key part of the National Flood Insurance Program.

Brief Council discussion followed.

Councilmember Errington moved to approve first reading of Ordinance No. 2015-11, seconded by Councilmember Boesch, called and carried unanimously through a roll call vote.

9. PUBLIC INPUT ON NON-AGENDA ITEMS

Glenna Rohrbach, Estero Art League, spoke regarding the need for the art league to relocate; the league was currently located in the Community Center.

Beverly MacNellis formally invited the Village Council to attend the annual "Light up Estero" on December 5, 2015. She also spoke to a report that she would be forwarding to the Council.

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmember Ribble reported on the negotiations regarding the lease of 9401 Corkscrew Palms Blvd.; the lease may be available for the September 23 Special Council meeting.

Vice Mayor Levitan reported that the contract with Calvin, Giordano and Associates would be on the September 23 Special Council meeting agenda. He noted there would be ordinances and resolutions that would also require Council adoption as a result of the contract. He also spoke to an invitation received by Council regarding helping out at a walkable urban communities event to present ideas for a walkable community. Consensus was to put this off until the next time, as the Village's plans for a walkable community were not currently formulated.

Councilmember Brown spoke to the Lee Memorial Health System's "Million Mile Movement" and noted that he would like to help.

Councilmember Errington noted that April Olson from the Conservancy of SW Florida would be making a presentation regarding the Estero River at the October 28 Council Workshop. She inquired regarding a vision statement. Vice Mayor Levitan responded that the vision statement was in the environmental section of the Community Plan. Councilmember Errington also requested permission for the opportunity to approach a business regarding the possibility of building a park on the property next to Walmart. Discussion ensued and consensus was to allow Councilmember Errington to look into it and not commit to anything.

Councilmember Boesch stated that he would be out of town October 3 through 9 and that he would need to be excused from the October 7, 2015 Council meeting and the October 9, 2015 Workshop.

Councilmember Wilson requested that the annexation procedure discussion be moved to the November 13, 2015 Council Workshop.

Mayor Batos noted that a Special Council meeting would be held on September 23, 2015, followed by the Workshop that was scheduled for that date. He also noted two important events that he attended: the Coach Sommer event at Estero High School and a luncheon at Wild Cat Run honoring First Responders.

11. VILLAGE MANAGER'S COMMENTS

Village Manager Peter Lombardi reported on the US 41 street lighting project; FDOT planned to begin the entire project in October 2015 rather than the two phases as previously announced. Discussion followed regarding historic design light poles and installation of a mounted banner holder on some of the light poles.

12. VILLAGE ATTORNEY'S COMMENTS

Village Attorney Burt Saunders reported that he was working on the draft ordinance regarding Special Magistrate, noting that there were two different methods for citing a violator, that could be discussed at the September 23, 2015 meeting. He also spoke to impact fees.

13. ADJOURN

Councilmember Brown moved to adjourn the meeting, seconded by Councilmember Errington, called and carried unanimously.

Mayor Batos adjourned the meeting at 7:47 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: October 7, 2015