VILLAGE COUNCIL REGULAR MEETING OF NOVEMBER 18, 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 Steve Sarkozy, Village Attorney Burt Saunders, Finance Director Lisa Pace, Community Development Director Mary Gibbs, 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 Doug Warren from Gulf Coast Presbyterian 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 Wilson, called and carried unanimously.

6. CONSENT AGENDA

(A) Approval of October 21, 2015 Regular Meeting Minutes

Councilmember Ribble moved approval of the Consent Calendar, seconded by Vice Mayor Levitan, called and carried unanimously.

7. COUNCIL BUSINESS

(A) Second Reading and Public Hearing: Ordinance No. 2015-16 An Ordinance of the Village of Estero, Florida, Repealing Village of Estero Ordinance No. 2015-08, Amending 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 Scriveners Errors, Modifications that may arise from Consideration at Public Hearing and an Effective Date

The title of Ordinance No. 2015-16 was read by Village Clerk Hall.

Village Attorney Saunders provided an explanation of the ordinance, noting that it replaced the emergency ordinance that was previously adopted.

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

Councilmember Errington moved to adopt Ordinance No. 2015-16, seconded by Councilmember Boesch, called and carried unanimously through a roll call vote.

(B) Second Reading and Public Hearing: Ordinance No. 2015-17 An Ordinance of the Village of Estero, Florida, Providing for an Additional Homestead Exemption of Fifty Thousand Dollars ($50,000) for Persons Sixty-Five (65) and Older with Certain Income Limits; Providing an Additional Homestead Exemption Equal to the Assessed Value of the Property with a Just Value Less than Two Hundred Fifty Thousand Dollars ($250,000) Where the Owner has Maintained Thereon Permanent Residence for at least Twenty Five (25) Years, and has Attained Age Sixty-Five (65) with Certain Income Limits; Providing for Authority; Providing for Short Title; Providing for Definitions; Providing for Criteria for Additional Exemptions; Providing for Application Procedure; Providing for Property Held Jointly with Right of Survivorship; Providing for Annual Adjustment of the Income Limitation; Providing for Conflicting Provisions and Severability; Providing for Filing with the Department of State and Lee County Property Appraiser; Providing for Codification and Scrivener's Errors; and Providing an Effective Date

The title of Ordinance No. 2015-17 was read by Village Clerk Hall.

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

Councilmember Wilson moved to adopt Ordinance No. 2015-17, seconded by Councilmember Brown, called and carried unanimously through a roll call vote.

(C) First Reading: Ordinance No. 2015-18 An Ordinance of the Village of Estero, Florida, Approving the Second Budget Amendment for Fiscal Year 2015-2016; and Providing an Effective Date

The title of Ordinance No. 2015-18 was read by Village Clerk Hall.

Finance Department Director Lisa Pace provided a general summary of the ordinance.

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

Councilmember Brown moved to approve first reading of Ordinance No. 2015-18, seconded by Councilmember Errington, called and carried unanimously through a roll call vote.

(D) Resolution No. 2015-76 A Resolution of the Village of Estero, Florida, Requesting the Lee County Metropolitan Planning Organization Remove the Portion of the Proposed County Road 951 Extension from Corkscrew Road to Alico Road from the 2040 Long Range Transportation Plan/Needs List; and Providing an Effective Date

The title of Resolution No. 2015-76 was read by Village Clerk Hall.

Mayor Batos reviewed that the resolution was discussed at the last Council meeting. He added that if the resolution passed, he intended to present a copy to the Metropolitan Planning Organization (MPO) this week.

Public Comment:

April Olson, Conservancy of Southwest Florida, read a statement for the record in support of the resolution.

Councilmember Boesch inquired whether Ms. Olson would be appearing at the MPO with the statement that she read into the record. Ms. Olson responded affirmatively.

Councilmember Ribble moved to adopt Resolution No. 2015-76, seconded by Councilmember Errington, called and carried unanimously through a roll call vote.

(E) Agreement with Urban3 and Consultant Joe Minicozzi, AICP

Village Manager Sarkozy reviewed that at the last Council meeting, Councilmember Ribble suggested that Council consider an agreement with consultant Joe Minicozzi, to help provide some guidance to the process of resolving some of the land use options in the Village Center; a proposal was received indicating a total fee in the amount of $5,175. He noted that Mr. Spikowski viewed this as being positive to the process.

Councilmember Ribble spoke regarding the word "mediation" in the proposal and the fact that the term "peer review" should have been used.

Council discussion followed regarding the time frame and Mr. Minicozzi's expertise.

Public Comment:

Neale Montgomery, Pavese Law Firm, stated that she felt better knowing that this did not involve mediation; she was encouraged that the process would not be slowed down.

Jim Wallace, Genova, addressed concern regarding bringing in another planner and taking more time, read from written material presented, and encouraged Council to instruct Mr. Spikowski to present his schedule and outline.

Wayne Smith, Estero Community Improvement Foundation, stated that the foundation was very interested in this topic, they were impressed with Mr. Minicozzi, and they proposed to help develop the plan for the day as well as being willing to pay the cost of the project. Mayor Batos expressed appreciation and inquired whether there would be a problem with having someone else participating in the contract. Attorney Saunders responded that there would not be a legal problem if a private organization wanted to pay for the cost of a study; however, the contract would be in the control of the Village. He continued that it would be best for the consultant to present the bill to the Village, the Village would pay the bill, and accept reimbursement from the Foundation. Mayor Batos asked that Mr. Smith work out the arrangements with the Village Manager, with the understanding that this was a Village project.

Katie Sproul, Barron Collier Companies and Halstatt, LLC, stated that she was pleased mediation was not involved and believed that everyone had agreed upon a direction. She also stated that six developers put together a proposal. She suggested that the developers be permitted to put their proposal on the table at the same time as the peer review takes place.

Council discussion ensued regarding developers meeting individually with Councilmembers and the need to talk about the information publicly.

Councilmember Ribble moved to accept the agreement with Urban3 and Consultant Joe Minicozzi, as amended to read "peer review," seconded by Councilmember Boesch, called and carried unanimously through a roll call vote.

Jim Wallace, Genova, addressed concern regarding the length of time the process has taken and urged Council to make a decision and move forward.

Neale Montgomery, Pavese Law Firm, inquired whether a workshop could be scheduled for December. Mayor Batos responded that the Village Manager would be working on the project and would see if it could be worked into the schedule.

Councilmember Errington stated that the initial planning occurred prior to the Council being in place; therefore, it has taken a while to know what was going on.

8. PUBLIC INPUT ON NON-AGENDA ITEMS

None.

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Appreciation was conveyed to Wayne Smith for the generous offer from the Estero Community Improvement Foundation.

10. VILLAGE MANAGER'S COMMENTS

None.

11. VILLAGE ATTORNEY'S COMMENTS

None.

12. ADJOURN

Councilmember Brown moved to adjourn, seconded by Councilmember Ribble, called and carried unanimously.

Mayor Batos adjourned the meeting at 7:23 p.m.

ATTEST:

By: Kathy Hall

Kathy Hall, MMC
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos

Nicholas Batos
Mayor

Minutes approved as submitted: January 6, 2016