

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village "Clerk. Staff reports, resolutions, ordinances, and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

**APPROVED BY COUNCIL
AUGUST 17, 2016**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
Village Council Special Meeting
June 22, 2016 2:00 p.m.**

- 1. OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

Call to Order: 2:00 p.m.

Pledge of Allegiance: Led by Mayor Batos.

Roll Call: 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 Steve Sarkozy, Village Attorney Burt Saunders, Village Land Use Attorney Nancy Stroud, Village Clerk Kathy Hall, Finance Director Lisa Pace, and Community Development Director Mary Gibbs.

- 2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:**

Motion: Move to approve the agenda.

Motion by: Councilmember Ribble

Seconded by: Councilmember Errington

Action: Approved the agenda.

Vote:

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

3. PLANNING AND ZONING BOARD APPLICANT INTERVIEWS:

The following applicant was interviewed:
William Campos

Questions or Comments by: Councilmembers Ribble, Boesch, Wilson, Errington, and Vice Mayor Levitan.

Questions included whether the applicant had previously attended Planning and Zoning Board meetings; participation in Village Center meetings/discussions; potential conflicts of interest; whether the applicant's business involved buying parcels of land in Estero and constructing buildings; importance of public comment/opinion.

4. PLANNING AND ZONING BOARD MEMBER APPOINTMENT:

(a) Resolution No. 2016-15 A Resolution of the Village Council of the Village of Estero, Florida, Appointing a Member to the Village of Estero Planning and Zoning Board and Establishing a Term; and Providing an Effective Date

Motion: Move to appoint Mr. Campos to the Planning and Zoning Board to a term expiring March 31, 2018 and adopt Resolution No. 2016-15.

Motion by: Vice Mayor Levitan
Seconded by: Councilmember Wilson

Action: Appointed William Campos to the Planning and Zoning Board to a term expiring March 31, 2018 and adopted Resolution No. 2016-15.

Vote:
Aye: Unanimous (roll call; Councilmember Brown absent)
Nay:
Abstentions:

5. PRESENTATION:

(a) Marisa Carrozzo, Natural Resource Specialist II, Conservancy of Southwest Florida - Request for Support: Yes On Conservation 20/20

Resolution No. 2016-14 A Resolution of the Village Council of the Village of Estero, Florida, Stating Support for Passage by the Voters of Estero and Lee County of the Referendum Item for Conservation 20/20 with a "Yes" Vote in the November 2016 General Election and Encouraging Similar Support of Conservation 20/20 by other Municipalities of Lee County, other Civic Organizations and the Voters; and Providing an Effective Date

Ms. Carrozzo provided details regarding Yes On Conservation 20/20.

Questions or Comments by: Councilmembers Boesch, Wilson, Errington, Vice Mayor Levitan, and Mayor Batos.

Discussion included which entity would be heading up the efforts; the amount of the County allocation and how the funds would be allocated; details regarding the referendum; and how the funds were previously listed on the tax rolls.

Vice Mayor Levitan proposed a revision to Section 3 of the resolution: The Council of the Village of Estero desires to support this program by encouraging the Village of Estero residents to vote affirmatively for the Conservation 20/20 referendum in the November 2016 election with a “Yes” vote. Further, the Council of the Village of Estero encourages similar support of the Conservation 20/20 program by other municipalities, civic organizations, and voters of Lee County.

Public Comment:

Peter Cangialosi, ECCL
Don Eslick, ECCL
Patty Whitehead, Estero resident

Village Clerk Hall read the title of Resolution No. 2016-14, as amended.

Motion: Move to adopt Resolution No. 2016-14 as amended.

Motion by: Vice Mayor Levitan
Seconded by: Councilmember Boesch

Action: Adopted Resolution No. 2016-14 as amended.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)
Nay:
Abstentions:

6. WORKSHOP ITEM:

(a) Capital Improvement Program

Village Manager Sarkozy and Finance Director Pace provided specifics of the Capital Improvement Program, along with the upcoming timeline for public hearings and adoption.

Questions or Comments by: Councilmembers Ribble, Wilson, Boesch, Errington, Vice Mayor Levitan, and Mayor Batos.

Discussion included shared use paths; Estero Parkway; road maintenance and levels of service; gateway signs; complying with the intent of the Charter; residents’ participation; professional landscaping; and providing flexibility on projects.

Public Comment:

Don Eslick, ECCL
Beverly MacNellis, Estero Historic Preservation Citizens Committee and Estero Community Preservation Committee
Doug Saxton, The Reserve

The meeting went into recess at 3:55 p.m. and reconvened at 5:30 p.m.

7. ORDINANCE SECOND READING AND PUBLIC HEARING

- (a) Ordinance No. 2016-04 An Ordinance of the Village of Estero, Florida Adopting Amendments to the Village of Estero Transitional Comprehensive Plan to Change the Text of the Future Land Use Element and the Glossary and to Amend the Future Land Use Maps to Provide for a New Future Land Use Category, Policies, and Objectives Related to the New Village Center Area and to Update Certain Outdated Provisions of the Future Land Use Element, all as Provided on Attachment A Made a Part Hereof; Providing for Transmittal of the Adopted Amendments to the State of Florida and Other Reviewing Agencies as Required by Statute; Providing for Severability; Providing for Conflicts; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-04.

Village Manager Sarkozy provided a brief introduction. Community Development Director Gibbs explained the minor revisions made since first reading of the ordinance. Village Manager Sarkozy spoke to the fact that land use counsel had been involved throughout the process. He also spoke to the opportunity of working with the developers.

Public Comment:

Robert King, Bella Terra
Paul Kaufman, Shadow Wood
Peter Cangialosi, ECCL
Mark Novitski, Bella Terra
Phil Douglas, Lighthouse Bay
Frank Moser, Rapallo
Wayne Arnold, representing North Point DRI
Lou Frattarelli, Preserve at Corkscrew
Ciro Farina, Shadow Wood
Hal Korbee, Shadow Wood
Don Vilness, The Meadows

Motion: Move to adopt Ordinance No. 2016-04.

Motion by: Vice Mayor Levitan
Seconded by: Councilmember Ribble

Action: Adopted Ordinance No. 2016-04.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (b) Ordinance No. 2016-07 An Ordinance of the Village of Estero, Florida Adopting Amendments to Chapters 33 and 34 of the Village of Estero Transitional Land Development Code; Combining Chapter 33, Articles I and II; Updating Chapter 33, Article II, Division 1 “In General” to Reflect Changes Resulting from Village Incorporation, Add Definitions and Provide for Modifications of Approved Master Concept Plans; Amending Chapter 33, Article II, Division 2 “Design Standards” to Add Requirements for Pattern Books; Amending Chapter 33, Article II, Division 3 “Corridor Overlay Districts” to Repeal the Sandy Lane Overlay District and the US 41 Overlay District and to Amend the Corkscrew Road Overlay District; Amending Chapter 33 to Create Division 5 “Estero Planned Development District” and to Provide Standards and Procedures for Approval of Land Development at Higher Densities and Heights Based on Incentives when Rezoned as a Planned Development within the Village Center Future Land Use Area; Amending Chapter 33 to Create Division 6 “Framework Plan” to Adopt a Framework for Interconnecting Streets for the Village Center; Amending Chapter 33 to Repeal Articles III – XI as Inapplicable to the Village; Amending Chapter 34, Article VII “Supplementary District Regulations” Division 12 “Density” to Modify Density Equivalents; Repealing Appendix I “Planning Community and Redevelopment Overlay District Boundaries and Legal Descriptions” to Delete Overlay District Boundaries for the Sandy Lane, Corkscrew Road, and US 41 Overlay Districts and to Repeal Provisions Inapplicable to the Village; Providing for Severability; Providing for Conflicts; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-07. Community Development Director Gibbs provided an explanation of the process and the revisions made to the document, such as definition of intensity; additional flexibility; internal blocks; definitions; variances and deviations administrative changes; addition of flexible language for lots and blocks (less restrictive); tiers up to the developer depending on the density requested; vested rights language; height limits; cross sections; connecting streets language regarding legal limitations; regulatory floodway buffer; commercial uses in tiers 2 and 3; gathering space; removed language regarding attics; best practices language; Framework Plan map changes; the road south of Coconut Road deleted from the map for Lee Memorial Health System.

Community Development Director Gibbs introduced Jeff Katims, AICP, Mellgren Planning Group, Inc., and explained that Mr. Katims was asked to help review the draft Land Development Code amendments.

Public Comment:

Matt Uhle, representing Livingston/Veterans LLC and CI Investment – referred to letter that he submitted

Jim Humphrey, representing Lee Memorial Health System

Doug Saxton, The Reserve

Steve Hartsell, representing Focus Development

Wayne Arnold, representing North Point DRI

Charles Basinait, representing Brandon Lurie General Real Estate Corp. and Orange State Partners

Neale Montgomery, representing North Point DRI and Pelican Landing DRI
Daniel Bersey, Trinity Commercial Group

Community Development Director Gibbs offered explanations regarding public comment questions and concerns.

Motion: Move to adopt Ordinance No. 2016-07.

Motion by: Councilmember Levitan
Seconded by: Councilmember Ribble

Action: Adopted Ordinance No. 2016-07.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

9. PUBLIC COMMENT ON NON-AGENDA ITEMS:

None.

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

None.

11. VILLAGE ATTORNEY'S REPORT:

None.

12. VILLAGE MANAGER'S REPORT:

None.

A motion to adjourn was duly made and passed.

13. ADJOURNMENT: 6:36 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos
Nicholas Batos, Mayor