

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village "Clerk. Village Council meetings from June 8, 2016 forward can be viewed online at <http://estero-fl.gov/council/watch-meetings-online/>. 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
NOVEMBER 16, 2016**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
Village Council Meeting
November 2, 2016 9:30 a.m.**

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

Call to Order: 9:30 a.m.

Pledge of Allegiance: Led by Mayor Batos.

Invocation: Offered by Pastor Mark Goodman from Christ Community Ministries

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, Assistant to Village Manager Kyle Coleman, Village Clerk Kathy Hall, Finance Director Lisa Pace, Community Development Director Mary Gibbs, and Development Review Manager Walter McCarthy.

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

Motion: Move to approve the agenda as amended: changing agenda item 5 from Public Hearings to the topic of Coconut Road, renumbering agenda items 8 through 12, moving Workshop Items after Village Manager's Report.

Motion by: Councilmember Ribble

Seconded by: Councilmember Boesch

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Motion by: Councilmember Ribble

Seconded by: Councilmember Boesch

Action: Approved the agenda as amended: changing agenda item 5 from Public Hearings to the topic of Coconut Road, renumbering agenda items 8 through 12, moving Workshop Items after Village Manager's Report.

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. CONSENT AGENDA:

(a) Approval of October 19, 2016 Council Meeting Minutes

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Ribble

Seconded by: Councilmember Errington

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

4. ORDINANCES:

(a) **FIRST READING:**

(1) Ordinance No. 2016-13 An Ordinance of the Village Council of the Village of Estero, Florida, Approving an Amendment to the Shoppes of Coconut Trace Commercial Planned Development Tract B, A 1.9 Acre Property Located at 22942 Lyden Lane, to add Limited Commercial Uses with Conditions to Previously Approved Uses on Tract B of the Commercial Planned Development, to Approve a Deviation for a Sign Setback, and to Deny a Parking Reduction Deviation; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-13. Community Development Director Gibbs, provided a brief overview of the hearing to be held on December 7.

Motion: Move to pass first reading of Ordinance No. 2016-13 and schedule second reading and public hearing for December 7, 2016.

Motion by: Councilmember Ribble

Seconded by: Councilmember Wilson

Action: Passed first reading of Ordinance No. 2016-13 and scheduled second reading and public hearing for December 7, 2016.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

5. Coconut Road

Village Manager Sarkozy and Community Development Director Gibbs provided explanations regarding a City of Bonita Springs Council workshop being held today regarding a presentation on the history and issues associated with the topic of whether to vacate the “Viewers Road” in the north western part of Bonita Springs. Discussion ensued.

Public Comment:

Persons speaking in favor of Village Council supporting Coconut Road to be maintained as a public road:

Don Eslick

Gene Cuomo

Allen Hergenbahn

Ben Korbly

Jerry Masters

Ernie Parks

Motion: Move to encourage Bonita Springs City Council to maintain Coconut Road as a public road, to authorize Village of Estero staff to appear at the Bonita Springs City Council Workshop on November 2, 2016 at 4:00 p.m. to voice the opinion of the Village Council, and to send an email to Carl Schwing and the Bonita Springs City Council regarding the position of the Village Council on this matter.

Motion by: Councilmember Ribble

Seconded by: Councilmember Boesch

Questions or Comments: Councilmembers Boesch and Errington. Brief discussion regarding working together with the Bonita Springs City Council on this important issue.

Action: Approved encouraging Bonita Springs City Council to maintain Coconut Road as a public road, to authorize Village of Estero staff to appear at the Bonita Springs City Council Workshop on November 2, 2016 at 4:00 p.m. to voice the opinion of the Village Council, and to send an email to Carl Schwing and the Bonita Springs City Council regarding the position of the Village Council on this matter.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

6. ACTION ITEMS:

- (a) Resolution No. 2016-33 A Resolution of the Village Council of the Village of Estero, FL, Establishing Meeting Dates, Time, and Location for Meetings of the Village of Estero Council for 2017; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2016-33. Village Manager Sarkozy provided a brief review of the information that was discussed at the October 19, 2016 Council workshop.

Questions or Comments: Mayor Batos, Councilmember Wilson and Vice Mayor Levitan. Discussion regarding zoning hearing dates, which the Community Development Director would call to meet her schedule.

Public Comment: None.

Motion: Move to adopt Resolution No. 2016-33.

Motion by: Councilmember Errington

Seconded by: Councilmember Wilson

Action: Adopted Resolution No. 2016-33.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (b) Resolution No. 2016-34 A Resolution of the Village Council of the Village of Estero, FL, Calling for an Election for Village of Estero Council Members; Setting the Date; Providing for Ballot Language; Requesting the Lee County Supervisor of Elections to Conduct the Election and Certify the Results to the Estero Village Council; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2016-34. Village Attorney Saunders provided a summary and indicated that the resolution followed the Charter. He also noted a minor typographical error on page 2, which had been corrected in the original version of the document.

Questions or Comments: Councilmembers Boesch, Ribble, Vice Mayor Levitan and Mayor Batos. Discussion included other cities in Lee County that would be holding an election in March 2017; ballot language; and early voting not addressed in the resolution.

Public Comment: None.

Motion: Move to adopt Resolution No. 2016-34.

Motion by: Councilmember Wilson

Seconded by: Councilmember Ribble

Action: Adopted Resolution No. 2016-34.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

(c) Takeover of Roads and Assumption of Road Maintenance Responsibilities from Lee County

Village Manager Sarkozy and Assistant to Village Manager Coleman presented information regarding background: low taxes and staff levels; 2015-2016 and 2016-2017 agreements; map and listing of roads to be assumed; minor versus major maintenance; minor and major maintenance components with cost estimates; annual maintenance costs combined; and control/liability. Discussion also included the difficulty in translating County and comparable City costs to Village costs; uncertainty concerning contractor's ability to expand into Estero; the breadth of responsibilities with many tasks to assume, account for and the cost for; continuing the agreement for Natural Resources and Animal Services with Lee County; and providing 65-day notice to terminate Transportation portion of the agreement with Lee County.

Questions or Comments: Councilmembers Wilson, Ribble, Boesch, Errington, Vice Mayor Levitan, and Mayor Batos. Discussion included lane mile concept; non-political paving schedule; element of control; general fund dollars; addressing Estero Parkway as soon as possible; road light study on Estero Parkway which would be part of the Capital Improvement Program; contractors' insurance; concern regarding transfer of roads and FDOT approval; the county's collaboration throughout the process; concern regarding Corkscrew Road west of US 41; the roundabout at the southern terminus of Via Coconut; and contract language.

Village Manager Sarkozy clarified that the Interlocal Agreement would come back to Council at the first meeting in December. Assistant to Village Manager Coleman explained the contract piggy-backing process that would begin in January. Brief discussion followed. Village Attorney Saunders indicated that it would be best for Council to approve all contracts; approvals could be done retroactively in order to allow the Village Manager to move things along.

Public Comment: None.

Motion: Move to instruct staff to proceed with the process of preparing the documents to take over the roads and maintenance responsibilities from Lee County.

Motion by: Councilmember Ribble

Seconded by: Councilmember Wilson

Action: Instructed staff to proceed with the process of preparing the documents to take over the roads and maintenance responsibilities from Lee County.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

Motion: Move to authorize the Village Manager to provide 65-day notice to Lee County for Village assumption of road maintenance responsibilities.

Motion by: Councilmember Ribble

Seconded by: Councilmember Errington

Action: Authorized the Village Manager to provide 65-day notice to Lee County for Village assumption of road maintenance responsibilities.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

(d) Southwest Florida Regional Planning Council Membership and Participation in Agency on Bay Management

Village Manager Sarkozy provided a brief introduction.

Tim Walker, GIS Manager, Southwest Florida Regional Planning Council, presented a video of the Southwest Florida Regional Planning Council annual report.

Questions or Comments: Councilmembers Ribble, Boesch, Errington, Vice Mayor Levitan and Mayor Batos. Discussion included the free membership that was offered for the first year; coordinating a program for a path along the railroad; concern regarding changes in responsibilities for the Regional Planning Council (RPC) that have occurred over the years; and the Council request for the Executive Director or other staff to provide information regarding what the RPC does and the reasons why the Village should join.

Councilmember Errington announced that she resigned from the Estero Bay Agency on Bay Management two weeks ago; she enjoyed participating; however, as an elected official, she became the sounding board for folks that did not like decisions made by the Village Council.

Public Comment: None.

Motion: Move to table the agenda item and extend another invitation to the Executive Director to come to a Council meeting to provide further information.

Motion by: Vice Mayor Levitan

Seconded by: Councilmember Wilson

Action: Tabled the agenda item and another invitation will be extended to the Executive Director to come to a Council meeting to provide further information.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

(e) Salary Adjustment for Staff

Village Manager Sarkozy explained the request for a cost of living increase, retroactive to October 1, 2016, which had been discussed as part of the budget process and included in the 2016-2017 fiscal year budget.

Questions or Comments: Vice Mayor Levitan, Councilmembers Errington, Wilson, Ribble, Boesch, and Mayor Batos. Discussion included whether this could have been approved by the Village Manager; transparency; and Village staff pay scale.

Public Comment: None.

Motion: Move to approve 4% increase for staff during fiscal year 2015-2016, including retroactive to October 1, 2016, for 4 staff members.

Motion by: Councilmember Errington

Seconded by: Councilmember Ribble

Action: Approved 4% increase for staff during fiscal year 2015-2016, including retroactive to October 1, 2016, for 4 staff members.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

(f) Health Care Coverage

Village Manager Sarkozy provided an explanation regarding a proposed modification of the Village benefits policy that would add spousal or dependent child coverage, with the affected employee paying 25% of the total monthly cost through payroll deduction. He noted that all other local cities and the County offered dependent health care.

Public Comment: None.

Motion: Move to approve a modification to the Benefits Policy that would add spousal or dependent child coverage, with the affected employee paying 25% of the cost.

Motion by: Councilmember Errington

Seconded by: Councilmember Wilson

Action: Approved a modification to the Benefits Policy that would add spousal or dependent child coverage, with the affected employee paying 25% of the cost.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

7. **UNFINISHED BUSINESS:** None.

8. **PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Appearance by:

Gary Israel, Stoneybrook, addressed concern regarding truck traffic

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

Councilmember Ribble: noted that Giordano & Associates had not provided Council with their performance reassessment that was discussed in August. He also suggested that Council take a look at their contract in helping with some of the responsibilities involved with public works.

Councilmember Errington: addressed concern regarding apartments for FGCU student housing and the number of additional projects. She received a call from a concerned citizen that the student housing was inundated with parties. She suggested that Council look at all areas of the Village and decide how Council wanted the areas to look.

Councilmember Boesch: addressed the sand re-nourishment program for Collier county; trucks will be utilizing Alico Road; administrators from the Lee County Sheriff's Office offered help. He suggested that Council request additional surveillance as well as truck inspections. Brief discussion ensued.

Councilmember Wilson: suggested working together with Grandezza for next year's community-wide Heart Walk event.

Mayor Batos: provided a list of requested Council workshops, asked that the Village Manager look at possible items for workshops and encouraged Councilmembers to do the same.

10. **VILLAGE ATTORNEY'S REPORT:**

None.

11. **VILLAGE MANAGER'S REPORT:**

None.

Adjourned Regular Session at 11:42 a.m.

Convened Workshop Items at 11:53 a.m.

12. WORKSHOP ITEMS:

(a) Estero Fine Arts Show – Patty Narozny, Director

Village Manager Sarkozy introduced the Director of the Estero Fine Arts Show.

Patty Narozny, Director, Estero Fine Arts Show, presented information regarding the 18th bi-annual event, indicated this was one of Estero's top cultural events, and noted that the important component was the youth art competition for ages 5 - 12 or grades K - 8.

Questions or Comments by: Councilmember Boesch inquired regarding the time of the event and Vice Mayor Levitan inquired whether they had been issued a permit for the event.

(b) US 41 Lighting Project Update

Village Manager Sarkozy provided a brief introduction.

Jeff Mednick, Design Consultant Project Management, Florida Department of Transportation, presented information regarding the scope of the project; LED highway lighting; project schedule; and construction efforts, including light poles, underground electrical and lane closures.

Questions or Comments: Councilmember Boesch, Vice Mayor Levitan and Mayor Batos. Discussion included light pole mounting brackets; ordinance and approval process for banner hanging.

(c) Council Rules of Procedure

Village Manager Sarkozy introduced the agenda item and reviewed that, previously, there had been a suggestion to enhance the rules with job descriptions for Mayor, Vice Mayor and Councilmembers. Village Attorney Saunders stated that the draft rules were distributed to the Council and comments were subsequently provided by Vice Mayor Levitan, which were also distributed to the Council. Discussion followed related to the Vice Mayor's proposed amendments.

Questions or Comments: Councilmember Boesch requested that a rule be added to allow for input on a motion at a meeting and bringing the motion up at a subsequent meeting for discussion and consideration. Mayor Batos requested that a rule be added to allow for a Councilmember to vote on motions while participating in a Council meeting via teleconference equipment.

Councilmember Errington reported that she would be attending a Veterans Day event at the Elks

Club and would be reading and presenting a proclamation. She requested that Council hold a combined workshop with the Planning and Zoning Board and Design Review Board. She also requested that Council explore the legality of utilizing drones.

Village Manager Sarkozy alerted Council to two items in the desk packet: (1) Letter regarding Truth in Millage (TRIM) Certification from Dr. Maurice M. Gogarty, Director, Property Tax Oversight Program; (2) Event information from Estero Bay Buddies regarding a dinner and silent auction – Estero Bay Aquatic Preserve 50th Anniversary, December 2, 5:00 p.m. until 10:00 p.m., Hyatt Regency Coconut Point Resort and Spa.

A motion to adjourn was duly made and passed.

13. ADJOURNMENT: 1:08 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: *Kathy Hall*
Kathy Hall, MMC, Village Clerk

By: *Howard Levitan*
Howard Levitan, Vice Mayor