

ORDINANCE NO. 2024 - 06

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING THE ANNUAL CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2024-2025; MAKING; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, section 8(7)(b) of the Village Charter provides that the Council shall publish in one or more newspapers of general circulation within the Village a summary of the capital program and a notice of at least two public hearings on the capital program, and shall, by resolution, adopt the capital program with or without amendments after the public hearings and on or before the 15th day of August of the then-current fiscal year; and

WHEREAS, notwithstanding the reference to resolution in the Charter, Florida Statutes § 163.3177(3)(b) provides that the “capital improvements element must be reviewed by the local government on an annual basis, and any modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan; and

WHEREAS, the Village’s Finance Director has developed the Capital Improvements Program (CIP) set forth in this Ordinance, which CIP has been recommended by the Village Manager; and

WHEREAS, the Village Council has considered the CIP elements set forth in this Ordinance, as well as the recommendations of the Village’s professional management, and finds that the CIP set forth in this Ordinance is in the best interests of the Village, and its residents and businesses.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. The following Capital Improvements Program is hereby adopted for the 2024-2025 fiscal year:

Roadway	\$ 13,447,200
Intersection	\$ 2,500,000
Bicycle and Pedestrian	\$ 6,500,000
Landscaping and Beautification	\$ 4,600,000
Parks and Recreation	\$ 29,670,000
Stormwater	\$ 725,106
Utility	<u>\$ 22,426,608</u>
Total Capital Program	\$ 79,868,914

Section 2. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Village Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 3. This Ordinance shall not be sent to the Codifier for codification as it does not revise or create any provision of the Village Code.

Section 4. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Village prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the Village, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Village's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING by the Village Council of the Village of Estero, Florida on the 15th day of May, 2024.

ADOPTED ON SECOND AND FINAL READING by the Village Council of the
Village of Estero, Florida on the 5th day of June, 2024.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: _____
John McLain, Mayor

By: _____
Carol Sacco, Village Clerk