



Village of
ESTERO

VILLAGE OF ESTERO
VILLAGE COUNCIL MEETING
PACKET
OCTOBER 4, 2023, 09:30 AM



The Village Council Meeting will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity for members to participate virtually. The meeting will be broadcasted live via the Village of Estero website <https://estero-fl.gov/council/watch-meetings-online/>. Please see the [bottom of this agenda](#) for further information and instructions for public participation.

AGENDA
VILLAGE COUNCIL MEETING
9401 Corkscrew Palms Circle, Estero, Florida
October 4, 2023, 09:30 am

1. CALL TO ORDER

INVOCATION

Pastor Jan Chance River of Life Church

PLEDGE OF ALLEGIANCE

ROLL CALL

2. PRESENTATION

a. Captains for Clean Water presented by Dianna Ryan and Captain Chris Wittman

Attachment: [F 2021 CFCW Handout 4x6 01151.pdf](#)

3. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

5. CONSENT AGENDA

a. September 20, 2023 Council Budget Meeting Minutes

Attachment: [09222023 minutes.pdf](#)

b. Financial Report Month ended August 2023

Attachment: [Financial Report Month ended August 2023.pdf](#)

c. Superior Landscaping v. Village of Estero offer of Judgment

Attachment: [SS Superior Land v VOE offer of judgment.pdf](#)

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

8. ACTION ITEMS

a. Lien Mitigation 8800 Corkscrew Road Case No. 21060001

Recommended Action

Staff recommends accepting the request of ProEnergy, LLC to release the Village's code enforcement lien against 8800 Corkscrew Rd, Estero in exchange for the payment of 10% of the Lien in the amount of \$12,450.00 plus \$294.46 in costs for a total of \$12,744.46.

Financial Impact

The Village will recover its out-of-pocket costs for the Code Enforcement Case against the Property.

Attachment: [SS mitigation 8800 Corkscrew Road .pdf](#)

Attachment: [1 case overview.pdf](#)

Attachment: [2 request for fine review 08012023.pdf](#)

Attachment: [3 Case 21060001 Order Finding Violation 08202021.pdf](#)

Attachment: [4 recorded imposition.pdf](#)

b. Lien Mitigation 20275 Sherrill Lane Case No. 18040009

Recommended Action

Staff Recommends accepting the request of Troy Blasko, the new owner to release the Village's code enforcement lien against 20275 Sherrill Ln, Estero in exchange for the payment of \$5000.00.

Financial Impact

The Village will recover its out-of-pocket costs for the Code Enforcement Case against the Property.

Attachment: [SS mitigation 20275 sherrill case 18040009.pdf](#)

Attachment: [1 case overview.pdf](#)

Attachment: [2 request for relief of lien.pdf](#)

Attachment: [3 case 18040009 order finding violation.pdf](#)

Attachment: [4 20275 SHERRILL LANE Imposition of Lien 2 .pdf](#)

c. Hazard Mitigation Application Assistance Contract

Recommended Action

Motion to approve Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A. for the Estero River North Branch Drainage HMGP Assistance project.

Authorize the Village Manager to sign Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A.

Financial Impact

The financial impact of this contract is \$88,0000. This includes the contract amount of \$80,000 plus an \$8,000 contingency.

Attachment: [SS HMGP Assistance.pdf](#)

Attachment: [1 Loc Map.pdf](#)

Attachment: [2 EC 2022-39 STA 2.pdf](#)

Attachment: [3 EC 2022-39 STA 2 CO 1.pdf](#)

d. Resolution No. 2023-26 Consideration of a Resolution regarding proposed County Charter amendment regarding voluntary annexation.

A Resolution of the Village of Estero, Florida, Opposing Amending the County Charter in any Manner Which Would Impede the Free Right of a Property Owner to Voluntarily Annex into a Municipality and Opposing any Charter Language Which Would Allow County Commissioners to Arbitrarily Decide if a Voluntary Annexation May Occur; Making Related Findings; Providing for Severability and for an Effective Date.

Recommended Action

Motion to approve Resolution No 2023-26

Financial Impact: Adoption of this resolution has no financial impact on the Village.

Attachment: [SS Res No 2023-26 Annexation Charter.pdf](#)

Attachment: [Res No. 2023-26 Charter Annexation Initiative.pdf](#)

e. Village Wide Traffic Study RFQ 2023-05

Recommended Action

Approval of consultants ranking for The Village Wide Traffic Study as follows: Number 1 -- Johnson Engineering; Number 2 -- Trebilcock Consulting Solutions; Number 3 -- Pennoni.

Authorize staff to negotiate a contract with the Number 1 ranked firm, Johnson Engineering, to provide professional consulting services for the Village Wide Traffic Study.

Financial Impact

The financial impact will be determined by the contract negotiations. The final contract and cost will be brought before the Village Council for approval.

The Fiscal Year 2023-2024 budget includes \$250,000 for The Village Wide Traffic Study.

Attachment: [SS RFQ 2023-05 Traffic Study.pdf](#)

Attachment: [1 Selection Committee Minutes.pdf](#)

Attachment: [2 Ownership Disclosure.pdf](#)

9. FIRST READING

a. Ordinance No. 2023-07 Habitat Community Development District

An Ordinance of the Village Council of the Village of Estero, Florida Consenting to the Exercise by the Board of Supervisors of Habitat Community Development District of Certain Additional Powers Relating to Security; Providing for Conflict, Severability, and an Effective Date.

Recommended Action

Motion to pass first reading and set second reading and public hearing for October 18, 2023.

Financial Impact

Minor cost for newspaper advertisement. No other financial impact to Village as all costs associated with increased security will be funded by the CDD

Attachment: [SS Ord No 2023-07 Havitat CD Dist.pdf](#)

Attachment: [1 BellaTerra_LocationMap.pdf](#)

Attachment: [2 Habitat CDD Ordinance 2023-07.pdf](#)

Attachment: [3 Applicant's Request.pdf](#)

Attachment: [4 HAB - Resolution 2023-07_Village_.pdf](#)

Attachment: [5 Ordinance 03-10.pdf](#)

10.PUBLIC HEARING

- a. **Resolution No. 2023-25 confirming under the State "Live Local Act" that there is no Village-owned property suitable for affordable housing.**

A Resolution of the Village of Estero, Florida, Confirming No Ownership of Property Suitable for Affordable Housing; Making Related Findings; Providing for Severability and for an Effective Date.

Recommended Action

Approve Resolution No. 2023-25

Financial Impact

No financial impact

Attachment: [SS Res 2023-25 Affordable Housing.pdf](#)

Attachment: [Res No 2023-25 Live Local Act.pdf](#)

11.COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

12.VILLAGE ATTORNEY'S REPORT

13.VILLAGE MANAGER'S REPORT

Adjourn Regular Session and Convene Workshop Items

14.WORKSHOP

- a. **Discussion on Revisions to Council Procedures**

Attachment: [SS Discussion Revision Council Procedures.pdf](#)

Attachment: [Village Council Rules of Procedure through 2023.pdf](#)

15.ADJOURNMENT

General Attachments

[- Transcript.pdf](#)

VILLAGE OF ESTERO COUNCIL MEETING
WEDNESDAY, OCTOBER 4, 2023, 9:30 A.M.

DISCLAIMER:

THIS FILE REPRESENTS AN UNEDITED VERSION OF REALTIME
CAPTIONING WHICH SHOULD NEITHER BE RELIED UPON FOR COMPLETE
ACCURACY NOR USED AS A VERBATIM TRANSCRIPT.
ANY PERSON WHO NEEDS A VERBATIM TRANSCRIPT OF THE
PROCEEDINGS MAY NEED TO HIRE A COURT REPORTER.

09:30:33 >>Mayor McLain: WELCOME TO THE VILLAGE OF ESTERO'S COUNCIL
09:30:36 MEETING.
09:30:37 AND WELCOME TO PARADISE, A PLACE WE CALL THE VILLAGE OF
09:30:40 ESTERO.
09:30:40 I'D LIKE TO NOW CALL THE OCTOBER 4th, 9:30 A.M. COUNCIL
09:30:47 MEETING TO ORDER.
09:30:48 [SOUNDING GAVEL]
09:30:49 I WOULD LIKE TO REMIND EVERYONE THAT IF YOU HAVE A CELL
09:30:52 PHONE, LIKE I DO, IS THAT YOU TURN IT OFF OR SILENCE IT.
09:30:56 AND IF YOU HAVE ANY OTHER DEVICES THAT MIGHT INTERRUPT THE
09:31:00 MEETING, PLEASE TURN THOSE OFF ALSO.
09:31:02 I'D LIKE TO ALSO REMIND MY FELLOW COUNCIL MEMBERS THAT IF WE
09:31:07 SPEAK, TRY TO GET AS CLOSE OR MAYBE AS CLOSE AS I AM TO THE
09:31:12 MICROPHONES.
09:31:13 DON'T SIT BACK AND RELAX IN YOUR CHAIR AND TALK.
09:31:16 SO IT'S IMPORTANT THAT WE RECORD THESE MEETINGS AND ANYBODY
09:31:22 THAT'S WATCHING FROM HOME CAN HEAR EVERYTHING BEING SAID.
09:31:25 THAT'S REALLY IMPORTANT.

09:31:26 SO WITH NO FURTHER ADO, I'D LIKE TO INTRODUCE PASTOR JAN
09:31:32 CHANCE FROM THE RIVER OF LIFE CHURCH TO DO OUR INVOCATION.
09:31:36 THANK YOU, JAN, FOR COMING UP THIS MORNING.
09:31:39 >> THANK YOU.
09:31:39 WELL, IF EVERYONE WOULD PLEASE BOW YOUR HEADS AND JOIN ME IN
09:31:43 PRAYER.
09:31:43 DEAR HEAVENLY FATHER, WE THANK YOU FOR THIS DAY AND GIVE YOU
09:31:46 PRAISE FOR IT.
09:31:47 WE'RE THANKFUL FOR OUR COMMUNITY AND TO BE LIVING IN SUCH A
09:31:51 WONDERFUL PLACE.
09:31:52 I PRAY, LORD GOD, THAT NONE OF US WOULD EVER TAKE FOR
09:31:55 GRANTED THE BEAUTY YOU CREATED THAT IS ALL AROUND US.
09:31:59 GOD, I THANK YOU FOR THIS GROUP OF LEADERS THAT ARE HERE
09:32:02 TODAY SERVING ON THE VILLAGE OF ESTERO COUNCIL.
09:32:06 AS THIS GROUP AND OTHERS MAKE DECISIONS CONCERNING OUR
09:32:10 COMMUNITY, I ASK, LORD GOD, THAT YOU WOULD GIVE THEM INSIGHT
09:32:13 AND UNDERSTANDING FOR ALL THAT SURROUNDS THE DECISIONS AT
09:32:16 HAND AND HELP THEM TO THINK CLEARLY THROUGH THE

09:32:18 DECISION-MAKING PROCESS.
 09:32:20 GUIDE THEM, LORD, AS THEY CAST VISION FOR THE VILLAGE OF
 09:32:23 ESTERO AND TACKLE CHALLENGES THAT FACE THEM IN OUR
 09:32:27 COMMUNITY.
 09:32:28 I ASK, LORD GOD, THAT YOU WOULD PROTECT AND PROVIDE FOR THEM
 09:32:32 AND THEIR FAMILIES AS THEY GIVE OF THEIR TIME AND ENERGY TO
 09:32:35 SERVE.

09:32:36 GOD, I THANK YOU FOR OUR FIRST RESPONDERS AND ASK THAT YOU
 09:32:39 WOULD BLESS THEM FOR THEIR SELFLESS ACTS AND FOR PUTTING US
 09:32:42 BEFORE THEMSELVES AND THEIR FAMILIES.
 09:32:44 PLEASE PROTECT THEM AND KEEP THEM SAFE.
 09:32:46 I ALSO ASK THAT -- THE WORKERS UPGRADING OUR ROADWAYS.
 09:32:51 I THANK YOU, LORD, FOR OUR BUSINESS LEADERS, OUR SCHOOL
 09:32:55 PERSONNEL, ALL THE NOT FOR PROFITS, THE SERVICE INDUSTRY AND
 09:32:58 CHURCHES WHO WORKED TO PROVIDE NEEDED SERVICES, SUPPORT, AND
 09:33:02 ENCOURAGEMENT TO OUR RESIDENTS AND VISITORS.
 09:33:04 I ASK, LORD GOD, THAT YOU WOULD SHOW EACH OF US HOW WE CAN
 09:33:08 BE A BLESSING TO OTHERS.
 09:33:10 LORD, HELP US TO HAVE PATIENCE WITH ONE ANOTHER AND TO LOOK
 09:33:14 FOR THE GOOD IN EACH PERSON AND OPPORTUNITY.
 09:33:17 GOD, HELP US TO GO ABOUT OUR DAYS WITH GRATEFUL HEARTS.
 09:33:20 BLESS THIS MEETING TODAY, THE BUSINESS TO BE DISCUSSED, AND
 09:33:23 THOSE WHO ARE INVOLVED.
 09:33:25 MAY YOUR WILL BE DONE AND MAY YOU BE GLORIFIED.
 09:33:29 IN JESUS NAME, AMEN.
 09:33:31 >>Mayor McLain: THANK YOU, PASTOR JAN.
 09:33:33 PLEASE JOIN ME AND STAND FOR THE PLEDGE OF ALLEGIANCE.
 09:33:37 [PLEDGE OF ALLEGIANCE]
 09:33:51 MADAM CLERK, WOULD YOU PLEASE TAKE THE ROLL.
 09:33:59 >>Vice-Mayor Ribble: HERE.
 09:34:00 >>Larry Fiesel: HERE.
 09:34:02 >>Mayor McLain: HERE.

09:34:04 >>Lori Fayhee: HERE.
 09:34:05 >>Rafael Lopez: HERE.
 09:34:08 >>Jim Ward: HERE.
 09:34:09 >>George Zalucki: HERE.
 09:34:11 >>Mayor McLain: THANK YOU.
 09:34:12 NEXT ON THE AGENDA IS THE APPROVAL OF THE AGENDA.
 09:34:14 DOES ANYONE HAVE ANY ADDITIONS, DELETIONS, OR CHANGES?
 09:34:18 I WOULD LIKE TO MAKE ONE CHANGE TO THE CONSENT AGENDA, AND
 09:34:25 WE'RE GOING TO REMOVE ITEM 5B, OUR FINANCIAL REPORTING HAS
 09:34:31 BEEN COMPLETED BUT NOT ASSEMBLED.
 09:34:34 SO WE WILL HAVE THAT REPORT AVAILABLE FOR OUR NEXT MEETING I
 09:34:37 THINK ON OCTOBER 18.
 09:34:39 IF YOU NEED IT, COUNCIL MEMBERS, BEFOREHAND, I THINK YOU CAN
 09:34:45 TALK TO KEVIN AND PROBABLY GET THAT.

09:34:47 IF THERE ARE NO CHANGES OR ADDITIONS, I'LL ENTERTAIN A
 09:34:50 MOTION TO APPROVE THE AGENDA.
 09:34:52 >>Lori Fayhee: SO MOVED.
 09:34:53 >>Mayor McLain: COUNCIL PERSON FAYHEE HAS MADE A MOTION TO
 09:34:57 APPROVE.
 09:34:58 DO I HAVE A SECOND?
 09:34:59 SECOND FROM VICE-MAYOR RIBBLE.
 09:35:00 MADAM CLERK, WOULD YOU PLEASE TAKE THE ROLL.
 09:35:05 >>Larry Fiesel: AYE.
 09:35:07 >>Lori Fayhee: AYE.
 09:35:08 >>Rafael Lopez: AYE.

 09:35:09 >>Jim Ward: AYE.
 09:35:11 >>George Zalucki: AYE.
 09:35:12 >>Vice-Mayor Ribble: AYE.
 09:35:13 >>Mayor McLain: AYE.
 09:35:14 NEXT ON THE AGENDA, I WOULD LIKE TO MAKE MENTION, ALL OF THE
 09:35:21 COUNCIL MEMBERS GET OUT IN THE COMMUNITY, WHICH I THINK IS
 09:35:24 REALLY IMPORTANT FOR HOME RULE AND UNDERSTANDING THE NEEDS
 09:35:28 AND THAT OF OUR LOCAL COMMUNITY AND THEN EVEN OUTREACHING
 09:35:35 BEYOND THE BORDERS OF THE VILLAGE OF ESTERO.
 09:35:37 TWO OF OUR COUNCIL MEMBERS, VICE-MAYOR RIBBLE AND COUNCILMAN
 09:35:42 LOPEZ, IN THEIR WORKING IN THE COMMUNITY HERE HAVE RUN INTO
 09:35:47 OUR NEXT SPEAKERS, WHICH IS GOING TO BE DIANNA RYAN AND
 09:35:53 CAPTAIN CHRIS WITTMAN FROM THE CAPTAINS FOR CLEAN WATER.
 09:35:58 I THINK, OBVIOUSLY, WATER IS IMPORTANT TO THE VILLAGE OF
 09:36:00 ESTERO.
 09:36:00 IT'S IMPORTANT TO ALL OF LEE COUNTY AND ALL OF FLORIDA AND
 09:36:04 MAINTAINING THE QUALITY AND HAVING FOLKS LOOK AFTER ALL OF
 09:36:09 OUR NEEDS I THINK IS REALLY IMPORTANT.
 09:36:10 SO I'D LIKE TO WELCOME YOU BOTH UP AND THANK YOU FOR COMING
 09:36:13 AND THANK YOU FOR ALL THE WORK YOU DO FOR OUR ENTIRE
 09:36:17 COMMUNITY HERE.
 09:36:18 THANK YOU FOR SHOWING UP.
 09:36:19 >> THANK YOU, MAYOR.
 09:36:22 APPRECIATE THE OPPORTUNITY TO THE COUNCIL TO BE HERE THIS
 09:36:27 MORNING.

 09:36:27 AND ESPECIALLY THANK YOU TO COUNCILMAN LOPEZ AND VICE-MAYOR
 09:36:31 RIBBLE FOR ATTENDING THE OUTREACH AT THE SHERIFF'S AND FOR
 09:36:34 INVITING US TO BE HERE TODAY.
 09:36:35 APPRECIATE THE OPPORTUNITY.
 09:36:37 MY NAME IS CHRIS WITTMAN.
 09:36:39 BORN AND RAISED IN SOUTHWEST FLORIDA.
 09:36:41 BY TRADE I WAS A FISHING GUIDE FOR 20 YEARS.
 09:36:45 AS A FISHING GUIDE, OBVIOUSLY THE WATER IS CRITICAL TO MY
 09:36:51 BUSINESS, MY WAY OF LIFE, BASICALLY MY ENTIRE BEING REVOLVED
 09:36:57 AROUND THE HEALTH AND PRODUCTIVITY OF OUR WATERS.

09:36:59 THROUGHOUT MY LIFE GROWING UP IN SOUTHWEST FLORIDA, I SAW
 09:37:02 THE IMPACTS FIRSTHAND OF WATER QUALITY ISSUES.
 09:37:06 IT WASN'T UNTIL 2016, 16 PLUS YEARS INTO MY CAREER AS A
 09:37:14 FISHING GUIDE THAT I ACTUALLY DECIDED TO TRY TO BE INVOLVED
 09:37:18 TO DO SOMETHING ABOUT THESE WATER QUALITY ISSUES.
 09:37:21 THAT'S KIND OF SURPRISING, SOMEBODY WHO GREW UP ON AN ISLAND
 09:37:24 WHOSE LIFE REVOLVED AROUND THE WATER AND WHOSE BUSINESS
 09:37:27 REVOLVED AROUND THE WATER THAT I WASN'T DIRECTLY INVOLVED IN
 09:37:30 TRYING TO MAKE OUR WATERS BETTER, PRESERVE WHAT WE ALL LOVE
 09:37:33 ABOUT THIS AREA.
 09:37:34 AND THE REAL REASON FOR THAT WAS I JUST DIDN'T SEE AN OUTLET
 09:37:39 TO DO THAT, SOMEWHERE FOR MYSELF AND INDIVIDUALS LIKE MYSELF
 09:37:41 TO PLUG IN.
 09:37:43 IT WASN'T UNTIL WE HAD THESE MASSIVE DISCHARGES FROM LAKE
 09:37:46 OKEECHOBEE IN 2016 THAT IT WAS KIND OF THE CATALYST THAT I

 09:37:50 HAD TO DO SOMETHING.
 09:37:51 THE COST OF INACTION IN DOING NOTHING WAS NOT AN OPTION.
 09:37:56 SO MYSELF AND FELLOW FISHING GUIDE DANIEL ANDREWS STARTED
 09:38:02 TALKING TO OTHER BUSINESS OWNERS, PEOPLE IN THE RESTAURANT
 09:38:04 INDUSTRY, THE HOSPITALITY INDUSTRIES, THE TOURISM INDUSTRIES
 09:38:07 AND FELLOW FISHING GUIDES, AND WHAT WE SAW WAS ALL OF THOSE
 09:38:12 BUSINESSES WERE IMPACTED.
 09:38:14 EVERYBODY UNDERSTOOD THE IMPACT OF WATER QUALITY AND THE
 09:38:16 IMPORTANCE OF WATER QUALITY AND HOW THAT AFFECTED THEIR
 09:38:18 BUSINESS.
 09:38:19 AND THEN PEOPLE IN THE COMMUNITY WHO LIVED HERE BECAUSE OF
 09:38:23 THESE RESOURCES WHO LIKE TO ENJOY TAKING THEIR GRANDCHILDREN
 09:38:26 FOR WALKS ON THE BEACH OR FISHING, JUST ENJOYING A SUNSET,
 09:38:30 EVERYBODY WAS IMPACTED BY THESE ISSUES AND YET NONE OF US
 09:38:35 REALLY WERE ACTIVELY INVOLVED IN TRYING TO FIX THEM.
 09:38:39 SO THAT'S WHERE WE SAW A VOID THAT THIS WASN'T AN ISSUE THAT
 09:38:44 PEOPLE WEREN'T AWARE OF THESE PROBLEMS.
 09:38:47 IT WASN'T AN ISSUE THE MORE WE LOOKED INTO THE WATER
 09:38:50 MANAGEMENT OF LAKE OKEECHOBEE THAT THERE WAS NOT A SOLUTION.
 09:38:54 THERE WAS A SOLUTION TO FIX THESE PROBLEMS.
 09:38:57 THERE WAS THIS VOID OF INDIVIDUAL STAKEHOLDERS THAT WERE
 09:39:02 IMPACTED BY THESE ISSUES NOT BEING INVOLVED AND ENGAGED IN
 09:39:08 DRIVING THOSE SOLUTIONS FORWARD.
 09:39:10 AND IF YOU LOOK AT IT, I CARED ABOUT IT BECAUSE OF FISHING,
 09:39:16 BECAUSE OF THE HEALTH OF OUR WATERS, BUT WATER QUALITY, IT

 09:39:19 AFFECTS OUR ECONOMY.
 09:39:20 IT'S ONE OF THE LARGEST DRIVERS TO OUR ECONOMY.
 09:39:23 IT'S ONE OF THE LARGEST IMPACTS TO OUR ECONOMY, SOMETHING
 09:39:26 THAT WE CAN HAVE AN IMPACT ON.
 09:39:28 WE CAN'T CONTROL NATURAL DISASTERS LIKE HURRICANE IAN, BUT
 09:39:32 WE CAN CONTROL A LOT OF OUR WATER QUALITY ISSUES AND A LOT

09:39:36 OF OUR WATER MANAGEMENT ISSUES.
 09:39:37 IT IMPACTS OUR REAL ESTATE VALUES, THE TOURISM INDUSTRY.
 09:39:40 IN 2018, WHEN WE HAD THOSE DISCHARGES FROM LAKE OKEECHOBEE
 09:39:44 TO OUR COAST, JACKSONVILLE, FLORIDA, SAW 13% ECONOMIC
 09:39:49 DECLINE BECAUSE OF WATER QUALITY ISSUES HERE IN SOUTHWEST
 09:39:52 FLORIDA BECAUSE OF THE ATTENTION THAT THAT GOT NATIONALLY
 09:39:55 AND INTERNATIONALLY.
 09:39:57 SO THIS IS SOMETHING THAT IS CRITICALLY IMPORTANT TO OUR
 09:40:00 STATE AND TO OUR NATION, BUT ESPECIALLY TO THOSE OF US IN
 09:40:03 SOUTHWEST FLORIDA THAT FEEL THESE IMPACTS FIRSTHAND.
 09:40:06 SO WE FORMED AN ORGANIZATION IN 2016 TO TRY TO DO JUST THAT,
 09:40:12 TO GET OUR ARMS AROUND ALL OF THESE INDIVIDUAL STAKEHOLDERS,
 09:40:16 EVERYBODY THAT WAS IMPACTED AND EDUCATE THEM ON SOME OF
 09:40:19 THESE BIG, BIG PROBLEMS THAT WE DO HAVE A PATH FORWARD TO A
 09:40:25 SOLUTION AND THEN GIVE THEM A WAY TO PLUG IN AND USE THEIR
 09:40:30 VOICE TO ADVOCATE FOR EVERGLADES RESTORATION, FOR SENDING
 09:40:32 WATER BACK TO EVERGLADES NATIONAL PARK WHERE IT IS NEEDED
 09:40:35 AND REDUCING THOSE DISCHARGES TO OUR COMMUNITY.
 09:40:38 SO FOR THE PAST SEVEN AND A HALF YEARS, THAT'S WHAT WE HAVE

 09:40:41 BEEN DOING.
 09:40:41 THAT'S WHERE WE MET THE VICE-MAYOR AND THE COUNCILMAN WAS
 09:40:46 TALKING AND ENGAGING WITH THE COMMUNITY.
 09:40:48 IT HAS PROVEN TO BE A VOID THAT WAS NEEDED TO BE FILLED.
 09:40:54 SINCE THAT VOID HAS BEEN FILLED, WE'VE SEEN A LOT OF
 09:40:56 PROGRESS ON THESE PROJECTS AND ON BETTER WATER MANAGEMENT.
 09:40:59 AND WE HAVE A LONG WAY TO GO.
 09:41:00 BUT I THINK THAT THE OPPORTUNITY TO BE HERE TODAY, TO REACH
 09:41:03 OUT TO THE CITIZENS, WATER QUALITY IMPACTS EACH AND EVERY
 09:41:08 ONE OF US, AND WE APPRECIATE THE OPPORTUNITY TO BE HERE.
 09:41:10 HAPPY TO ANSWER ANY QUESTIONS, IF THERE ARE ANY QUESTIONS.
 09:41:15 I THINK THAT THE MORE PEOPLE THAT MOVE TO OUR AREAS FOR
 09:41:18 THESE RESOURCES, IT'S CRITICALLY IMPORTANT THAT WE CONTINUE
 09:41:21 TO EDUCATE THEM.
 09:41:22 WE GET NEW CITIZENS HERE BY THE DAY, AND THEY MAY NOT HAVE
 09:41:26 BEEN THROUGH 2018 OR 2016, BUT IT WILL AFFECT THEM IN ONE
 09:41:31 WAY OR ANOTHER.
 09:41:32 SO I THINK IT'S OUR RESPONSIBILITY TO BE A CONDUIT TO BRING
 09:41:35 THOSE PEOPLE IN AND GET THEM TO USE THEIR VOICE.
 09:41:37 THANK YOU VERY MUCH.
 09:41:39 >>Mayor McLain: ANYBODY HAVE ANY QUESTIONS?
 09:41:43 >>Jim Ward: ARE THE DISCHARGES FROM LAKE OKEECHOBEE, ARE
 09:41:46 THEY PRETTY MUCH AN ANNUAL EVENT?
 09:41:48 DOES THAT HAPPEN PRETTY MUCH EVERY YEAR?
 09:41:50 >> GREAT QUESTION.

 09:41:51 SO THAT DEPENDS A LOT ON WHAT MOTHER NATURE DEALS US AND HOW
 09:41:57 WATER MANAGERS ARE MANAGING.

09:41:59 IN THE PAST, WE'D GET SOME FORM OF DISCHARGES ALMOST
 09:42:04 ANNUALLY, BUT WHERE WE SAW REAL DAMAGE WAS OVER THE HARM
 09:42:09 THRESHOLD.
 09:42:11 YOU'RE TALKING ABOUT OVER 2500 CUBIC FEET PER SECOND COMING
 09:42:14 OUT OF THE FRANKLIN LOCKS AND THE CALOOSAHATCHEE RIVER.
 09:42:18 AND DURING THOSE BIG DISCHARGES IN 2018, WE WERE UP OVER
 09:42:21 10,000 CUBIC FEET PER SECOND FOR MONTHS ON END.
 09:42:25 THAT'S WHEN YOU SEE THE MASSIVE PLUME OF FRESHWATER THAT
 09:42:29 WOULD PUSH OUT SANIBEL, DOWN TO NAPLES, ALL THE WAY UP TO
 09:42:32 SARASOTA.
 09:42:33 SO THOSE EVENTS, DEPENDING ON THE WEATHER AND DEPENDING ON
 09:42:37 WHAT LEVEL THE LAKE IS AT AS WE ENTER INTO THE WET SEASON,
 09:42:41 TYPICALLY ARE EVERY TWO TO THREE YEARS.
 09:42:43 AND THAT IS ONE OF THE CHALLENGES BECAUSE THE THREAT OF THAT
 09:42:49 HAPPENING REMAINS AND WE MAY HAVE TWO OR THREE YEARS OF GOOD
 09:42:51 WATER QUALITY WITHOUT THOSE AND IT'S VERY EASY TO GET
 09:42:55 COMPLACENT OR HAVE PEOPLE NOT BE AWARE OF IT.
 09:42:59 FOR EXAMPLE, WE HAD THEM IN 2013.
 09:43:01 WE HAD THEM AGAIN IN 2016 AND THEN AGAIN IN 2018.
 09:43:05 FORTUNATELY, WE HAVE NOT HAD ANOTHER ONE OF THOSE
 09:43:09 CATASTROPHIC RELEASES SINCE.
 09:43:10 THAT BEING SAID, YESTERDAY MORNING WHEN I CHECKED THE LEVEL
 09:43:13 OF THE LAKE, IT'S AT 15.82 FEET, WHICH IS EXTREMELY HIGH,

 09:43:17 AND WE STILL HAVE A LONG WAY TO GO TO GET OUT OF THE WET
 09:43:21 SEASON.
 09:43:21 EVERY COUPLE OF YEARS, UNTIL WE HAVE THE ABILITY TO CONVEY
 09:43:26 THAT WATER BACK SOUTH TO THE EVERGLADES WHERE IT NATURALLY
 09:43:29 WENT, WE STILL HAVE THAT THREAT THAT REMAINS.
 09:43:34 >>Jim Ward: THANK YOU.
 09:43:34 >> THANK YOU FOR THAT QUESTION.
 09:43:35 >>Mayor McLain: VICE-MAYOR.
 09:43:36 >>Vice-Mayor Ribble: I KNOW THE CAPTAINS FOR CLEAN WATER
 09:43:40 WERE SO INSTRUMENTAL WITH LOSOM GOING UP TO TALLAHASSEE.
 09:43:44 WHERE DO WE STAND TODAY WITH THE IMPLEMENTATION OF THAT?
 09:43:48 >> THE LOSOM PROCESS, WHICH IS THE LAKE OKEECHOBEE SYSTEM
 09:43:51 OPERATING MANUAL, IT'S BASICALLY THE MANUAL THAT DIRECTS THE
 09:43:54 ARMY CORPS OF ENGINEERS ON HOW TO MANAGE WATER, WHEN TO SEND
 09:43:59 WATER WHERE AND AT WHAT TIME.
 09:44:01 WE WERE OPERATING OFF OF A PLAN DEVELOPED IN 2008.
 09:44:06 NOW WE HAVE NEW INFRASTRUCTURE IN PLACE.
 09:44:08 WE HAVE MORE ABILITY TO SEND WATER SOUTH, AND WE HAVE A
 09:44:10 GREAT REALIZATION THAT WE HAVE TO TAKE INTO ACCOUNT THINGS
 09:44:14 LIKE BLUE-GREEN ALGAE BLOOMS ON LAKE OKEECHOBEE TO NOT SEND
 09:44:19 THE BLOOMS TO OUR COMMUNITY ON THE COAST.
 09:44:21 SO THAT NEW PLAN THAT'S DEVELOPED IS A THREE-YEAR PROCESS.
 09:44:26 IT INCLUDED STAKEHOLDERS FROM AROUND THE STATE OF FLORIDA
 09:44:28 THAT WERE IMPACTED BETWEEN WATER SUPPLY, COASTAL

09:44:31 COMMUNITIES, THE LAKESIDE COMMUNITIES.

09:44:34 AND IT CAME UP WITH A MORE FAIR AND BALANCED, EQUITABLE OR
 09:44:38 SHARED ADVERSITY PLAN THAT WOULD REDUCE THE DISCHARGES TO
 09:44:41 OUR COAST BY 37% AND SEND THREE TIMES MORE WATER SOUTH TO
 09:44:45 THE EVERGLADES.
 09:44:46 THAT PLAN WAS SUPPOSED TO GO INTO PLACE THE BEGINNING OF
 09:44:49 THIS YEAR.
 09:44:49 AS WE KNOW, SOMETIMES WITH BIG GOVERNMENT, THERE ARE DELAYS
 09:44:54 SO THAT DELAYED AND WE ARE HOPEFUL THAT WE ARE GOING TO SEE
 09:44:57 THAT PLAN IMPLEMENTED BY THE END OF THIS YEAR.
 09:45:01 SO IN THE COMING MONTHS.
 09:45:04 JUST RECENTLY, ONE OF THE DIVISIONS AT NOAA HAS THE ABILITY
 09:45:09 TO REVIEW ACTIONS AND RATHER THAN REVIEWING WHAT THE
 09:45:15 ENVIRONMENTAL IMPACTS WOULD BE SOMETIME IN THAT THREE-YEAR
 09:45:18 PROCESS, THEY WANT TO DO THAT NOW.
 09:45:20 SO THAT HAS RESULTED IN KIND OF A LAST MINUTE, ANOTHER
 09:45:24 DELAY.
 09:45:24 WE DON'T KNOW IF THAT DELAY AT THIS POINT IS WEEKS, MONTHS.
 09:45:29 WE'RE NOT SURE.
 09:45:31 WE JUST RECENTLY SENT A LETTER TO THE SECRETARY OF THE
 09:45:34 DEPARTMENT OF INTERIOR ASKING THEM TO ENGAGE AND RIGHT NOW I
 09:45:40 THINK THAT'S KIND OF BEING ELEVATED BETWEEN NEPA AND THE
 09:45:44 SECRETARY OF THE DEPARTMENT OF THE INTERIOR TO TRY TO
 09:45:47 EXPEDITE THAT PROCESS AND GET IT.
 09:45:50 WE NEED THAT PLAN IMPLEMENTED SO THAT WE CAN SEE A MORE
 09:45:54 IMMEDIATE REDUCTION IN THOSE IMPACTS TO OUR COMMUNITY.

09:45:58 >>Vice-Mayor Ribble: THANK YOU.
 09:45:58 >> THANK YOU.
 09:45:59 >>Mayor McLain: THANK YOU.
 09:45:59 ANY OTHER QUESTIONS?
 09:46:01 >>Lori Fayhee: THANKS.
 09:46:02 I WANT TO THANK YOU BOTH FOR COMING AND SHARING THIS
 09:46:05 INFORMATION.
 09:46:05 I'M CURIOUS.
 09:46:09 HOW WOULD YOU DIRECT PEOPLE TO GET INVOLVED OR LEARN MORE
 09:46:12 INFORMATION?
 09:46:13 >> THANK YOU FOR THAT.
 09:46:14 I WOULD ENCOURAGE PEOPLE TO, DEPENDING ON WHETHER THEY
 09:46:19 CHOOSE TO USE SOCIAL MEDIA, TO VISIT US ON OUR SOCIAL MEDIA
 09:46:22 CHANNELS OR THE BEST THING WOULD BE TO VISIT OUR WEBSITE,
 09:46:25 CAPTAINS FOR CLEAN WATER.ORG.
 09:46:27 WE ARE A NONPARTISAN 501(C)(3) EDUCATIONAL ORGANIZATION, AND
 09:46:33 WE HAVE A TREMENDOUS AMOUNT OF INFORMATION ON OUR WEBSITE
 09:46:36 ABOUT THESE ISSUES, AND IT'S CRITICAL THAT PEOPLE UNDERSTAND
 09:46:40 THESE ISSUES.
 09:46:40 NOBODY IS GOING TO ENGAGE ON SOMETHING AND USE THEIR VOICE

09:46:43 IF THEY ARE NOT KNOWLEDGEABLE ABOUT IT.
 09:46:44 THEY ARE NOT GOING TO GET THEIR NEIGHBOR INVOLVED OR FELLOW
 09:46:47 COUNCIL MEMBERS INVOLVED IF THEY ARE NOT KNOWLEDGEABLE ABOUT
 09:46:49 IT.
 09:46:49 SO WE BELIEVE THAT THE FIRST STEP TO GETTING PEOPLE TO USE

 09:46:52 THEIR VOICE TO ADVOCATE FOR THEIR WATER IN THEIR COMMUNITY
 09:46:55 IS TO EDUCATE THEM ON THESE ISSUES, AND THAT'S THE ROLE WE
 09:46:58 PLAY.
 09:46:59 >>Lori Fayhee: THANK YOU.
 09:47:00 >>Mayor McLain: COUNCILMAN LOPEZ, DID YOU HAVE A QUESTION?
 09:47:02 >>Rafael Lopez: ACTUALLY, THAT WAS MY QUESTION.
 09:47:04 HOW CAN THE RESIDENTS HELP YOU?
 09:47:06 AND THANKS A LOT FOR WHAT YOU'RE DOING.
 09:47:08 I KNOW YOU'VE MADE A BIG EFFORT AND HAD SOME SUCCESSES.
 09:47:11 >> YEAH, WE'VE HAD A TREMENDOUS AMOUNT OF SUCCESS.
 09:47:14 WHEN WE STARTED THE ORGANIZATION, EVERGLADES RESTORATION WAS
 09:47:17 THOUGHT TO BE A 30-YEAR TIME FRAME FROM START TO FINISH.
 09:47:21 VOTED INTO LAW IN THE YEAR 2000.
 09:47:23 IN 2016, THE 68 INFRASTRUCTURE PROJECTS THAT WILL RECONNECT
 09:47:28 THE CONVEYANCE OF WATER SOUTH, NOT A SINGLE ONE HAD BEEN
 09:47:32 COMPLETED AND WE WERE PAST THE HALFWAY MARK.
 09:47:34 TODAY, SEVEN YEARS LATER, AS A RESULT OF PEOPLE BEING
 09:47:37 INVOLVED, COUNCILS BEING INVOLVED, CHAMBERS OF COMMERCE,
 09:47:40 BUSINESSES USING THEIR VOICE, OVER 50 OF THOSE PROJECTS NOW
 09:47:43 HAVE EITHER BROKEN GROUND, REACHED COMPLETION OR HIT A MAJOR
 09:47:49 MILESTONE IN THEIR CONSTRUCTION.
 09:47:50 WE'RE SEEING SIGNIFICANT PROGRESS.
 09:47:51 WE DON'T WANT TO LET OUR FOOT OFF THE GAS.
 09:47:54 RECORD FUNDING OUT OF THE STATE OF FLORIDA AND THE FEDERAL
 09:47:57 GOVERNMENT OVER THE LAST SEVEN YEARS AND SOMETHING THAT WE

 09:48:00 NEED TO CONTINUE THE MOMENTUM.
 09:48:02 THE ROLE PEOPLE PLAY IS TO USE THEIR VOICE, TO GET EDUCATED
 09:48:05 AND THEN GET OTHER PEOPLE EDUCATED.
 09:48:07 PEOPLE IN THEIR COMMUNITIES, EXTEND OPPORTUNITIES LIKE THIS.
 09:48:10 WE'RE HAPPY TO COME SPEAK TO COMMUNITY GROUPS AND GET PEOPLE
 09:48:13 TO WHERE WHEN THEIR VOICE IS NEEDED TO ASK FOR CONTINUED
 09:48:17 FUNDING FOR EVERGLADES RESTORATION OR TO USE THEIR VOICE ON
 09:48:20 BAD WATER POLICY THAT THEY ARE AWARE, EDUCATED, AND READY TO
 09:48:24 USE THEIR VOICE.
 09:48:26 >>Rafael Lopez: THANKS, CAPTAIN.
 09:48:28 WE APPRECIATE IT.
 09:48:28 >>Mayor McLain: I WANT TO THANK YOU.
 09:48:29 YOU'RE DOING AN EXCELLENT JOB I THINK REPRESENTING THIS NEED
 09:48:33 THAT WE HAVE.
 09:48:33 YOU ARE WELL SPOKEN AND WELL PREPARED.
 09:48:35 SO WE REALLY APPRECIATE THAT.

09:48:37 I'VE GOT ONE QUESTION FOR YOU.
 09:48:38 HOW IS THE FISHING THESE DAYS?
 09:48:41 >> WELL, THE FISHING IS FANTASTIC.
 09:48:42 IT WAS A LITTLE WINDY THE LAST FEW DAYS, BUT WE HAVE SOME
 09:48:46 TARPON OFF THE COAST RIGHT NOW.
 09:48:48 WE'RE TRYING TO SQUEEZE IN SOME FISHING TRIPS BEFORE WE GET
 09:48:51 IN THE OFFICE IN THE MORNING.
 09:48:52 BUT THE FISHING IS GOOD, AND IT SHOWS THAT OUR FISHERIES AND
 09:48:57 OUR ESTUARIES ARE VERY RESILIENT IF GIVEN THE CHANCE.

09:49:00 SO WE'RE HOPING THAT WE CAN CONTINUE PROGRESS SO WE CAN
 09:49:03 MAINTAIN THE FISHERY THAT THIS AREA IS KNOWN FOR.
 09:49:06 >>Mayor McLain: HAS THE DEMAND FROM -- OBVIOUSLY, WITH THE
 09:49:09 HURRICANES AND ALL THAT, WITH FORT MYERS BEACH, SANIBEL
 09:49:12 BEING DECIMATED, HAS THAT HAD AN IMPACT ON ALL THE CAPTAINS
 09:49:17 OUT THERE?
 09:49:17 >> IT HAS.
 09:49:18 IT'S HAD A TREMENDOUS IMPACT ON OUR FISHING GUIDE COMMUNITY.
 09:49:22 THERE'S NO INFRASTRUCTURE FOR CLIENTS TO STAY.
 09:49:24 MANY OF THE CLIENTS THAT WOULD COME AND FISH WITH ME FOR TEN
 09:49:28 DAYS AT A TIME HAD SECOND HOMES ON THESE ISLANDS.
 09:49:33 YEAH, SO IT HAS SIGNIFICANTLY IMPACTED NOT JUST THE FISHING
 09:49:38 GUIDE COMMUNITY, BUT THE COMMUNITY AS A WHOLE.
 09:49:41 THAT REALLY GOES TO UNDERLINE, AS WE RECOVER FROM THIS AND
 09:49:46 WE START TO GET MORE OF THAT HOSPITALITY INDUSTRY BACK ON
 09:49:51 THEIR FEET AND MORE OF THE TOURISM INDUSTRY BACK ON THEIR
 09:49:54 FEET, IT'S CRITICAL THAT WE DON'T HAVE A WATER-QUALITY
 09:49:58 CATASTROPHE ON THE HEELS OF THAT.
 09:50:00 ALL THE BUSINESSES ARE ALREADY STRUGGLING.
 09:50:02 IF WE COME OUT OF THIS HURRICANE A YEAR AND A HALF, TWO
 09:50:05 YEARS LATER AND THEY ARE BARELY HANGING ON AND THEY GET
 09:50:10 SOMETHING THAT CRIPPLES THEIR BUSINESS BY 80, 90 PERCENT,
 09:50:12 LIKE WE SAW IN 2018, THAT COULD BE A NAIL IN THE COFFIN FOR
 09:50:15 MANY OF OUR SMALL BUSINESSES.
 09:50:18 SO IT IS CRITICALLY, CRITICALLY IMPORTANT.

09:50:20 >>Mayor McLain: THANK YOU VERY MUCH FOR TAKING THE TIME.
 09:50:23 >> THANK YOU FOR THE OPPORTUNITY.
 09:50:24 APPRECIATE IT.
 09:50:25 >>Mayor McLain: AND COUNCIL MEMBERS FOR THINKING ABOUT
 09:50:27 INVITING HIM.
 09:50:28 I THINK WE SHOULD ALL KEEP OUR EYES AND EARS OPEN FOR THAT.
 09:50:31 I SHOULD HAVE PROBABLY AT THE BEGINNING OF THE MEETING MADE
 09:50:34 MENTION, THOSE OF YOU WATCHING ON TV OR WHATEVER, THAT OUR
 09:50:37 VILLAGE MANAGER IS NOT HERE.
 09:50:40 HE'S OUT DOING VILLAGE BUSINESS.
 09:50:42 HE'S AT A MANAGER'S MEETING IN CALIFORNIA.
 09:50:46 KNOWING STEVE, HE IS MAKING LOTS OF GOOD CONTACT, GETTING

09:50:50 SOME GOOD IDEAS.
 09:50:52 HE OBVIOUSLY DOES AN EXCELLENT JOB HERE.
 09:50:55 I THINK IT'S GOOD FOR PEOPLE IN THOSE ROLES AND OUR ROLES TO
 09:50:59 GET CONTINUING EDUCATION AND INSIGHT.
 09:51:00 SO THE REASON HE IS GONE IS FOR A VALID REASON.
 09:51:03 HE WILL BE BACK -- I THINK HE'S BACK MONDAY OR TUESDAY OF
 09:51:06 NEXT WEEK.
 09:51:10 >>Carol Sacco: HE'S BACK THURSDAY OF THIS WEEK.
 09:51:12 >>Mayor McLain: THE NEXT ITEM, THE CHAIR, I WILL TAKE PUBLIC
 09:51:15 COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA.
 09:51:17 DO WE HAVE ANY FOLKS?
 09:51:20 >>Carol Sacco: WE DO NOT.
 09:51:22 >>Mayor McLain: JUST AS A REMINDER FOR FUTURE COMMENTS,

 09:51:26 PEOPLE THAT MAY BE WATCHING, WE'RE GOING TO TALK ABOUT SOME
 09:51:31 OF THAT IN OUR WORKSHOP WE HAVE.
 09:51:33 BUT THE GENERAL GUIDELINE IS, ANYBODY THAT WANTS TO SPEAK ON
 09:51:36 A NON-AGENDA ITEM, OR EVEN ON AN AGENDA ITEM LATER IN THE
 09:51:41 AGENDA, IS LIMITED TO THREE MINUTES.
 09:51:44 AND IT'S MY RESPONSIBILITY AS A MAYOR TO MAKE SURE THAT WE
 09:51:48 STAY WITHIN THAT JUST TO MOVE THE MEETING ALONG.
 09:51:51 WE'VE HAD SOME TIMES WHERE PEOPLE WILL COME UP AND SPEAK FOR
 09:51:54 THREE MINUTES AND THEY ARE ALMOST DONE, AND THEN THEY ARE
 09:51:56 ALMOST DONE LATER.
 09:51:59 SO MY ROLE GOING FORWARD HERE, I'M GOING TO BE VERY CLOSE ON
 09:52:04 THAT THREE MINUTES.
 09:52:06 IF YOU'RE ONE SENTENCE AWAY TO WRAP UP, WE'LL PROBABLY LET
 09:52:09 YOU DO THAT.
 09:52:10 IT'S UP TO OUR SPEAKERS TO TAKE THE RESPONSIBILITY KNOWING
 09:52:13 THAT WE HAVE A THREE-MINUTE TIME LIMIT TO CONSOLIDATE ALL
 09:52:18 YOUR IDEAS AND MAKE SURE YOU CAN DELIVER IT WITHIN THREE
 09:52:21 MINUTES.
 09:52:22 I ONLY BRING THIS OUT TO LET YOU KNOW THAT WE'RE NOT TRYING
 09:52:28 TO BE DIFFICULT FOR YOU AND YOUR PRESENTATION, BUT THOSE ARE
 09:52:31 THE RULES WHICH WE WANT TO HAVE OUR MEETINGS CONDUCTED.
 09:52:35 TODAY, WE DON'T HAVE ANYBODY TO SPEAK, SO WE WILL MOVE ON TO
 09:52:40 THE NEXT AGENDA ITEM.
 09:52:43 THAT IS THE CONSENT AGENDA.
 09:52:45 DO ANY OF THE COUNCIL MEMBERS HAVE ANY COMMENTS OR QUESTIONS

 09:52:47 REGARDING THE COUNCIL MEETING MINUTES?
 09:52:51 I MENTIONED EARLIER THAT WE'RE REMOVING CONSENT AGENDA ITEM
 09:52:56 5B FROM THE CONSENT AGENDA.
 09:52:57 ANY OTHER COMMENTS OR QUESTIONS ON THE BALANCE OF IT?
 09:52:59 IF NO QUESTIONS OR COMMENTS, I'LL ENTERTAIN A MOTION TO
 09:53:04 APPROVE THE CONSENT AGENDA.
 09:53:07 >>Larry Fiesel: MR. MAYOR, I MAKE A MOTION THAT WE APPROVE
 09:53:09 THE CONSENT AGENDA.

09:53:10 >>Mayor McLain: COUNCILMEMBER FIESEL HAS MADE A MOTION AND
 09:53:13 SECONDED BY COUNCILMAN LOPEZ.
 09:53:14 MADAM CLERK, WOULD YOU PLEASE TAKE THE ROLL.
 09:53:19 >>George Zalucki: AYE.
 09:53:20 >>Jim Ward: AYE.
 09:53:22 >>Rafael Lopez: AYE.
 09:53:24 >>Lori Fayhee: AYE.
 09:53:26 >>Larry Fiesel: AYE.
 09:53:28 >>Vice-Mayor Ribble: AYE.
 09:53:28 >>Mayor McLain: AYE.
 09:53:29 THE NEXT AGENDA ITEM IS ITEM NUMBER 7A, LIEN MITIGATION FOR
 09:53:36 8800 CORKSCREW ROAD, CASE NUMBER 21060001.
 09:53:45 MARY.
 09:53:50 YOU'RE ALREADY UP.
 09:53:52 MARY IS HERE TO INTRODUCE THE ITEM FOR THE COUNCIL AND ALL
 09:53:54 IN ATTENDANCE.
 09:53:55 >>Mary Gibbs: IT WAS A STEALTH MOVE.

09:53:57 [LAUGHTER]
 09:53:57 SO THIS MORNING WE HAVE TWO LIEN MITIGATION REQUESTS FOR
 09:54:02 CODE ENFORCEMENT.
 09:54:03 AND THIS CASE IS THE ONE, THIS IS PROENERGY LLC BUT IT IS
 09:54:10 THE MARATHON GAS STATION AT U.S. 41 AND CORKSCREW ROAD IN
 09:54:13 THE PUBLIX SHOPPING PLAZA.
 09:54:15 THEY ARE ASKING FOR -- THEY WERE ACTUALLY CITED IN MAY 2021
 09:54:21 FOR SIGN MAINTENANCE.
 09:54:23 I'M GOING TO HAND OUT A PHOTO.
 09:54:25 I THOUGHT IT WAS IN THE PACKET, BUT IT'S NOT.
 09:54:28 I'LL HAND OUT A PHOTO SO YOU CAN SEE.
 09:54:30 MAYBE THE CLERK CAN PASS THESE OUT.
 09:54:31 THE SIGN, MONUMENT SIGN WAS NOT MAINTAINED.
 09:54:37 IT GOT MOLDY.
 09:54:38 THE PAINT WAS PEELING.
 09:54:40 SO STANLEY CITED THEM FOR SIGN MAINTENANCE.
 09:54:44 THE CASE WAS HEARD IN 2021 BY THE SPECIAL MAGISTRATE, AND HE
 09:54:48 IMPOSED THE FINE.
 09:54:49 THEN THE FINE BECAME A LIEN ON THE PROPERTY OF 124,500, PLUS
 09:54:57 ADMINISTRATIVE COST.
 09:54:58 THAT ACCUMULATED FOR ALMOST 500 DAYS BEFORE IT WAS BROUGHT
 09:55:02 INTO COMPLIANCE.
 09:55:03 STANLEY RECEIVED THE REQUEST FOR THE MITIGATION ON AUGUST
 09:55:08 1st.
 09:55:08 WE'RE GOING TO LET THE APPLICANT EXPLAIN WHY IT TOOK SO LONG
 09:55:12 TO BRING IT INTO COMPLIANCE.
 09:55:14 BUT FOR COMMERCIAL PROPERTIES, WE RECOMMEND TYPICALLY 10% OF
 09:55:17 THE LIEN AMOUNT.
 09:55:18 SO WHAT WE'RE RECOMMENDING IS THAT THE LIEN BE REDUCED --

09:55:22 THAT THEY PAY 12,450 PLUS 294.46 ADMINISTRATIVE COST FOR A
 09:55:29 TOTAL OF 12,744.46.
 09:55:32 IF YOU DON'T HAVE ANY QUESTIONS, STANLEY IS HERE ALSO, BUT
 09:55:39 HE'S GOT A BROKEN WING BACK THERE, SO HE'S HIDING IN THE
 09:55:43 BACK WITH HIS CAST.
 09:55:44 WE DO HAVE THE APPLICANT HERE FROM PROENERGY THAT WOULD LIKE
 09:55:47 TO SPEAK, I THINK.
 09:55:56 >>Mayor McLain: WELCOME.
 09:55:57 PLEASE STATE YOUR NAME FOR US.
 09:55:59 >> MY NAME IS CHAZ DiFELICE.
 09:56:01 I REPRESENT PROENERGY AND CORKSCREW ENERGY, WHICH IS THE
 09:56:05 ENTITY THAT RESIDES ON CORKSCREW AND 441.
 09:56:09 I WAS FIRST MADE OF THIS FINE WHEN WE RECEIVED THE LAST
 09:56:16 LETTER, WHICH STATED THE AMOUNT.
 09:56:20 PRIOR TO THAT I BELIEVE EVERYTHING WAS MISSENT TO AN OLD
 09:56:24 ADDRESS.
 09:56:24 SO I HAD NO WAY OF KNOWING WHAT WAS HAPPENING WITH THE
 09:56:30 PROPERTY.
 09:56:30 THE PERSON THAT OVERSAW THE PROPERTY WITHIN OUR COMPANY IS
 09:56:34 NO LONGER WITH US.
 09:56:38 AND IT SHOULD HAVE BEEN TAKEN CARE OF.

 09:56:41 FOR ME AND MY COMPANY, IT'S PERSONALLY EMBARRASSING.
 09:56:44 I'M NOT THE OWNER, BUT I AM THE RIGHT HAND TO THE OWNER, AND
 09:56:47 SOMETHING LIKE THAT AS FAR AS JUST MOLD ON A PAINT SIGN IS
 09:56:50 JUST EMBARRASSING.
 09:56:52 FOR THAT, I DO APOLOGIZE.
 09:56:54 I DO APPRECIATE WHAT IS BEING OFFERED.
 09:56:59 I'D LIKE TO SEE IF IT COULD BE A LITTLE LESS.
 09:57:03 WE HAVE RENTED OUT THE PROPERTY TO A COMPANY THAT DOES A
 09:57:06 MUCH BETTER JOB IN TERMS OF RUNNING GAS STATIONS BETTER THAN
 09:57:10 WE DO.
 09:57:10 OUR BUSINESS IS GAS DISTRIBUTION.
 09:57:13 WE SELL AS A WHOLESALER FOR MARATHON, CHEVRONS, UNBRANDED
 09:57:20 FUEL THROUGHOUT THE ENTIRE STATE.
 09:57:23 AND THAT'S WHERE OUR MAIN FOCUS IS.
 09:57:26 AND WHERE WE DON'T HAVE THAT STRENGTH IS IN RUNNING GAS
 09:57:30 STATIONS.
 09:57:31 WHATEVER YOU CAN DO, YOU'VE ALREADY LOWERED IT JUST FOR 10%,
 09:57:40 BUT ANYTHING ELSE YOU CAN DO WOULD BE GREATLY APPRECIATED BY
 09:57:44 MY COMPANY.
 09:57:50 >>Mayor McLain: ANY COMMENTS FROM COUNCIL?
 09:57:55 >>Jim Ward: I'M JUST CURIOUS.
 09:57:56 AS YOU STATED, IT'S BEEN 499 DAYS.
 09:58:02 I JUST FIND IT REALLY DIFFICULT TO UNDERSTAND HOW YOU COULD
 09:58:05 NOT KNOW THE SITUATION EXISTED FOR 499 DAYS AND NOW COME
 09:58:10 BEFORE US REQUESTING THIS CHANGE OF ABOUT 90% IN THE CODE

09:58:17 VIOLATION.
 09:58:18 ARE YOU ANTICIPATING ANY CHANGES TO THE GAS STATION, ANY
 09:58:22 CHANGE OF OWNERSHIP, ANY CHANGE OF ZONING?
 09:58:24 IS THERE SOMETHING PRECIPITATING YOU COMING TO US TODAY?
 09:58:31 >> NO.
 09:58:31 WE LEASED A COMPANY OUT TO A COMPANY, LIKE I SAID, THAT DOES
 09:58:34 THINGS BETTER.
 09:58:34 AS FOR THE 400, ALMOST 500 DAYS, AGAIN, IT WASN'T SOMETHING
 09:58:40 -- THE MAIL WAS GOING TO AN OLD ADDRESS WHICH WAS NOT BEING
 09:58:43 FORWARDED TO OUR CURRENT ADDRESS.
 09:58:45 WE HAD MOVED DURING COVID TIME.
 09:58:49 AND THE PERSON THAT WOULD COME OVER FROM THE EAST COAST --
 09:58:54 WE'RE LOCATED IN MEDLEY FLORIDA.
 09:58:55 WHICH IS NEAR HIALEAH.
 09:58:59 SO THE PERSON THAT WOULD COME OUT HERE TWICE A WEEK, HE WAS
 09:59:02 DESIGNATED TO MAKE SURE THE PROPERTY MET NOT ONLY THE BRAND
 09:59:08 STANDARDS FOR MARATHON, BUT ALSO OUR STANDARDS AS WELL.
 09:59:12 AND, OBVIOUSLY, IF THERE'S ANYTHING THAT THE COMMUNITY
 09:59:16 WANTED DONE, WE WOULD MAKE SURE THAT WOULD BE TAKEN CARE OF
 09:59:19 AS WELL.
 09:59:19 THAT'S A ROLE I USED TO TAKE CARE OF AND NOW I DO AGAIN, BUT
 09:59:25 I ONLY HAVE ONE STATION OUT OF 14 WE USED TO HAVE.
 09:59:29 SO WE HAVE REDUCED THE AMOUNT OF GAS STATIONS THAT WE
 09:59:33 PHYSICALLY OWN.
 09:59:33 BUT, AGAIN, WE WERE COMPLETELY UNAWARE OF THE SITUATION,

 09:59:40 OTHERWISE I WOULD HAVE MADE SURE IT HAD GOTTEN PAINTED,
 09:59:44 CLEANED UP, PRESSURE CLEANED, PAINTED, AND LOOKED FRESH.
 09:59:52 >>Mayor McLain: ANY OTHER COMMENTS FROM COUNCIL?
 09:59:56 >>George Zalucki: THANK YOU FOR COMING HERE TODAY.
 09:59:58 I'M TROUBLED BY THIS POSITION THE COUNCIL IS PUT IN.
 10:00:04 THE REASON I AM IS BECAUSE THIS COULD BE PRECEDENT SETTING
 10:00:07 IN REGARDS TO THE WAY WE HANDLE OUR COMMERCIAL BUSINESSES
 10:00:11 AND OUR RULES AND REGULATIONS HERE IN THE VILLAGE.
 10:00:13 I'M VERY MUCH PRO-BUSINESS, BUT AFTER LOOKING INTO THIS
 10:00:18 CASE, TO ME, AT LEAST IT SEEMS APPARENT THAT IT WAS AN
 10:00:22 INTENTIONAL DENIAL OF THIS CULPABILITY TO THE EXTENT WHERE
 10:00:29 THERE WAS A HEARING AND THERE WAS ACTUALLY NO-SHOW ON BEHALF
 10:00:34 OF YOUR COMPANY TO THE HEARING, SO THE MAGISTRATE IMPOSED
 10:00:39 THE FINES OF \$250 A DAY.
 10:00:41 SO WHAT I'M SEEING ON MY SIDE IS ALMOST 500 DAYS OF
 10:00:46 NONCOMPLIANCE, AND YOU'RE SAYING IT'S BECAUSE THERE'S
 10:00:49 SOMETHING WITH THE MAIL.
 10:00:50 I'LL DEFER TO THE VILLAGE ATTORNEY.
 10:00:53 I THINK TYPICALLY WHEN CORRESPONDENCE IS SENT FOR LEGAL
 10:00:58 PURPOSES, IT'S CERTIFIED MAIL.
 10:01:01 HOW WOULD THAT BE EXPLAINED?
 10:01:04 >> WELL, AS I WAS TOLD TODAY, THE MAIL HAD BEEN RETURNED.

10:01:08 IT HAD BEEN RETURNED BACK HERE.
 10:01:12 >>George Zalucki: SO NOBODY PICKED UP THE CERTIFIED MAIL IS
 10:01:15 WHAT YOU'RE SAYING.

 10:01:16 >> THAT'S CORRECT.
 10:01:19 >>George Zalucki: THAT TO ME IS INTENTIONAL BECAUSE YOU'RE
 10:01:21 NOT REACHING OUT AND GRABBING IT DOESN'T MEAN THE ATTEMPT OF
 10:01:27 COMMUNICATION WAS NOT MADE.
 10:01:30 >> WE WERE NOT PHYSICALLY AT THAT LOCATION.
 10:01:31 SORRY TO INTERRUPT YOU.
 10:01:32 WE WERE NOT PHYSICALLY AT THAT LOCATION.
 10:01:35 >>George Zalucki: YOU WEREN'T BUT HAD OPERATORS.
 10:01:37 >> AT THIS LOCATION HERE.
 10:01:39 WE HAD OPERATORS THERE.
 10:01:40 NOBODY FROM THERE HAD LET US KNOW THERE WAS A PROBLEM.
 10:01:43 I DON'T KNOW IF ANY MAILINGS WENT TO THE PROPERTY OR WENT TO
 10:01:46 OUR CORPORATE ADDRESS.
 10:01:47 >>George Zalucki: WHO IS IN CHARGE OF THE OPERATORS OVER
 10:01:49 THERE?
 10:01:50 YOU?
 10:01:51 >> WE ARE.
 10:01:52 >>George Zalucki: OKAY.
 10:01:53 SO THERE'S THE TRAIL.
 10:01:55 AGAIN, MY POSITION TO THE COLLEAGUES ON THE DAIS IS IF WE DO
 10:02:00 THIS, THEN WE'RE SETTING A PRECEDENT THAT THE VILLAGE OF
 10:02:03 ESTERO WILL WAIVE 90% OF FINES TO BUSINESSES OR OTHERS THAT
 10:02:11 IN MY OPINION DELIBERATELY IGNORE A SUMMONS OR AN ACTION
 10:02:18 THAT IS REQUIRED.
 10:02:19 SO THAT'S MY POSITION.

 10:02:22 MR. MAYOR, I'LL GO AHEAD AND YIELD.
 10:02:26 >> I UNDERSTAND THAT POSITION, IF I MAY.
 10:02:29 >>Robert Eschenfelder: I THINK IT MIGHT BE HELPFUL, THE
 10:02:31 GENTLEMAN CAN MAYBE COME BACK TO THE MICROPHONE IF YOU HAVE
 10:02:33 MORE QUESTIONS, BUT IT MIGHT BE HELPFUL IF EITHER MS. GIBBS
 10:02:37 OR MR. KNIGHT WOULD COME UP AND ADDRESS THE MAILING ISSUE TO
 10:02:40 CONFIRM TO YOU ALL WHAT WAS DONE AND TO CONFIRM THAT IT WAS
 10:02:44 DONE IN ACCORDANCE WITH STATUTE.
 10:02:47 >> THE ONLY LETTER I RECEIVED, I GUESS, WAS THE LAST ONE.
 10:02:50 >>Robert Eschenfelder: I'M SUGGESTING STAFF COME UP AND TALK
 10:02:53 ABOUT THAT.
 10:02:54 >>Mayor McLain: YOU INDICATED THE REASON YOU DIDN'T GET THE
 10:02:56 LETTERS IS YOU ACTUALLY MOVED HEADQUARTERS.
 10:03:01 >> YEAH, WE USED TO BE IN DAVIE, FLORIDA, WE MOVED TO
 10:03:05 MEDLEY, FLORIDA.
 10:03:06 WE MOVED OUR OFFICES.
 10:03:07 >>Mayor McLain: SEEMS LIKE AS A COMPANY, YOU MIGHT HAVE DONE
 10:03:10 FORWARDING THINGS.

10:03:13 >>Robert Eschenfelder: WHY DON'T WE LET STAFF TALK ABOUT
 10:03:15 THAT, IF YOU COULD STEP AWAY.
 10:03:19 >>Mary Gibbs: SO STANLEY, WHEN HE CITES THE PROPERTY OWNER,
 10:03:23 HE WILL SEND THE CERTIFIED NOTICE TO THE ADDRESS THAT'S ON
 10:03:27 THE PROPERTY APPRAISER'S WEBSITE.
 10:03:29 THE ADDRESS ON THE PROPERTY APPRAISER'S WEBSITE WAS SUN
 10:03:33 RISE, FLORIDA.

 10:03:34 AND THEN THEY ARE SAYING THEY MOVED TO MEDLEY.
 10:03:37 BUT THIS IS THE ADDRESS THAT WAS ON THE PROPERTY APPRAISER'S
 10:03:40 AND THE NEW ADDRESS DIDN'T SHOW UP UNTIL LATER.
 10:03:45 >> CORRECT.
 10:03:45 WHEN I CITED THE PROPERTY AND WHEN THE HEARING TOOK PLACE,
 10:03:48 THE PROPERTY RECORDS ARE PRINTED OUT WITH THE DATE ON THEM.
 10:03:52 THIS WAS THE DATE.
 10:03:52 THE WEEK BEFORE THE HEARING AND IT WAS SENT TO THE ADDRESS
 10:03:55 ON THE PROPERTY APPRAISER'S, ALONG WITH A COPY SENT TO THE
 10:03:58 REGISTERED AGENT.
 10:03:59 SINCE THAT TIME, BETWEEN THE TIME OF THE HEARING AND THE
 10:04:01 TIME OF COMPLIANCE, THEIR ADDRESS WAS CHANGED AT THE
 10:04:06 ASSESSOR'S OFFICE TO THE CURRENT ADDRESS NOW.
 10:04:09 WHEN I SENT IT OUT, IT WAS TO THE ADDRESS LISTED ON THE
 10:04:12 APPRAISER'S SITE.
 10:04:14 I WANT TO CLARIFY SOMETHING ELSE.
 10:04:17 THE CERTIFIED MAIL WAS NOT RETURNED.
 10:04:20 SOMEBODY DID SIGN IT.
 10:04:21 I GAVE HIM A COPY OF THE CARD THIS MORNING.
 10:04:23 IT WAS NOT RETURNED.
 10:04:25 >>George Zalucki: THAT WAS PART OF MY QUESTION.
 10:04:27 STANLEY, THE OTHER THING IS, IF YOU SEND IT THROUGH THE
 10:04:30 CORPORATE CHANNELS, IS THERE A WAY YOU COMMUNICATE TO THE
 10:04:32 LOCAL STORE IN ADDITION TO THAT?
 10:04:34 >>Stanley Knight: I DID NOT COMMUNICATE WITH THE LOCAL

 10:04:37 STORE.
 10:04:38 I SENT IT TO THE PROPERTY OWNER AND REGISTERED AGENT.
 10:04:40 >>George Zalucki: AND THAT'S WHO YOU ARE SUPPOSED TO DO SEND
 10:04:43 IT TO.
 10:04:44 >>Robert Eschenfelder: THE LAW DOES CONTEMPLATE THAT IT IS
 10:04:47 THE ADDRESS LISTED WITH THE PROPERTY APPRAISER AND
 10:04:48 ESPECIALLY FOR COMMERCIAL SITES, YOU HAVE A TENANT WHO ISN'T
 10:04:52 NECESSARILY RESPONSIBLE FOR THE MAINTENANCE OF THE BUILDING.
 10:04:54 THE LANDLORD IS.
 10:04:55 SO MR. KNIGHT, AS HE ALWAYS DOES, FOLLOWED THE LAW.
 10:04:59 LOOKED UP THE ADDRESS AND THAT WAS THE ADDRESS.
 10:05:01 NOW, THE COURTS SAY IF YOU BECOME ACTUALLY AWARE THAT THAT'S
 10:05:06 NOT THE RIGHT ADDRESS, THEN AT THAT TIME, THE LOCAL
 10:05:10 GOVERNMENT HAS TO SWITCH OVER.

10:05:13 AT THE TIME THIS WAS OCCURRING, WHAT MR. KNIGHT WAS SEEING
 10:05:15 AND HAD NO OTHER KNOWLEDGE TO THE CONTRARY, THIS WAS THE
 10:05:19 ADDRESS.
 10:05:19 BY THE WAY, IT IS THE SAME ADDRESS WHERE THE TAX BILL GOES.
 10:05:22 IF THE TAXES WERE PAID, IT MUST BE THAT THIS COMPANY WAS
 10:05:25 GETTING MAIL AT THAT ADDRESS.
 10:05:30 >>Mayor McLain: SO WHAT I'M HEARING COLLECTIVELY IS THAT WE
 10:05:34 FOLLOWED THE RULES.
 10:05:35 WE DID OUR BEST EFFORTS OVER WHATEVER IT IS, FOUR AND A
 10:05:38 HALF, FIVE YEARS.
 10:05:40 NOT MUCH MORE WE CAN REALLY DO IN THAT PERIOD OF TIME.

 10:05:43 COUNCILMAN WARD.
 10:05:44 >>Jim Ward: I WANTED TO FOLLOW UP ON A POINT YOU MADE.
 10:05:47 DID YOU SAY THE CERTIFIED LETTERS WERE SIGNED FOR?
 10:05:50 >>Stanley Knight: CERTIFIED MAIL WAS SENT TO THE ADDRESS ON
 10:05:52 THE PROPERTY RECORDS AND IT WAS RETURNED TO ME WITH JUST C
 10:05:56 19 IN THE SIGNATURE.
 10:05:59 >>Jim Ward: HOW OFTEN DO THOSE NOTICES GO OUT?
 10:06:03 >>Stanley Knight: THAT WAS IN 2021.
 10:06:05 2021 IS WHEN THE CERTIFIED MAIL WENT OUT.
 10:06:08 >>Jim Ward: HOW OFTEN DO YOU FOLLOW UP?
 10:06:11 WERE THERE A NUMBER OF INSTANCES WHERE A FOLLOW-UP LETTER
 10:06:14 WAS SENT?
 10:06:15 >>Stanley Knight: NO.
 10:06:16 WHEN I SEND THOSE CERTIFIED MAIL, IT IS FOR THE NOTICE OF
 10:06:19 HEARING TO APPEAR AT THE HEARING.
 10:06:21 THEY SIGN THOSE OR THEY DON'T SIGN THEM.
 10:06:23 IF I DON'T RECEIVE THEM, I POST THE PROPERTIES.
 10:06:26 ANSWER THEREFORE THE HEARING, THE ORDER OF VIOLATION OR THE
 10:06:29 IMPOSITION OF LIEN, THOSE ARE ALL SENT CERTIFIED MAIL TO THE
 10:06:33 SAME RESPONDENT.
 10:06:35 THE ONLY CARD I GOT RETURNED TO ME WAS FOR THE NOTICE OF
 10:06:38 HEARING.
 10:06:41 >>Jim Ward: THANK YOU.
 10:06:43 >>Mayor McLain: IF I MAY ASK YOU A QUESTION, MARATHON OWNS
 10:06:48 THE PROPERTY ON THE GAS STATIONS YOU HAVE AND YOU'VE REDUCED

 10:06:53 SOME OF THESE.
 10:06:53 BUT THIS STATION IN QUESTION, YOU OWNED IT.
 10:06:56 >> CORKSCREW ENERGY OWNS IT.
 10:06:57 >>Mayor McLain: AND YOU HAD SOMEBODY FROM YOUR COMPANY,
 10:06:59 BECAUSE YOU HAVE A FRANCHISE, YOU LEASE IT OUT, EITHER
 10:07:03 FRANCHISE OR LEASE.
 10:07:04 >> WE HAVE SOMEBODY RUNS THE STORE.
 10:07:05 WE RUN THE GASOLINE.
 10:07:06 >>Mayor McLain: YOU ARE RESPONSIBLE FOR THE ASSET.
 10:07:08 >> CORRECT.

10:07:08 >>Mayor McLain: AND YOU HAVE SOMEBODY GO OUT THERE LIKE
 10:07:11 EVERY TWO WEEKS, DID YOU SAY, THAT KIND OF CHECKS ON WHAT'S
 10:07:14 GOING ON?
 10:07:14 >> AT MINIMUM EVERY TWO WEEKS.
 10:07:16 SHOULD HAVE BEEN TWICE A WEEK.
 10:07:18 >>Mayor McLain: HOW IS YOUR CORPORATE POLICY ON -- WHEN I
 10:07:22 LOOK AT THIS SIGN --
 10:07:25 >> IT'S EMBARRASSING.
 10:07:26 >>Mayor McLain: THIS WAS DONE IN 2021.
 10:07:28 >> IT'S ABSOLUTELY EMBARRASSING.
 10:07:32 >>Mayor McLain: YOU'VE GOT OBVIOUSLY SOME ISSUES.
 10:07:36 >> OH, ABSOLUTELY.
 10:07:36 WE DID.
 10:07:36 >>Mayor McLain: NOT DOING THEIR JOB.
 10:07:40 I WOULD THINK A PHYSICAL INSPECTION IS NEEDED.

10:07:42 I CAN SAY I JUST HAPPENED TO GET GAS AT THIS STATION LAST
 10:07:47 WEEK.
 10:07:47 I THINK IT LOOKS NICE RIGHT NOW.
 10:07:49 IT'S CLEAN.
 10:07:50 IT LOOKS EFFICIENT.
 10:07:51 SO YOU GUYS HAVE CLEANED THAT UP.
 10:07:55 >> MUCH BETTER ORGANIZATION RUNNING THAT STATION, CORRECT.
 10:07:57 >>Mayor McLain: AS COUNCILMAN ZALUCKI INDICATED, WE WANT TO
 10:08:03 KEEP STANDARDS UP IN THE VILLAGE OF ESTERO, AND TO HAVE THIS
 10:08:07 KIND OF CONDITION LOOKS LIKE FROM 2021, A SIGN THAT'S
 10:08:11 DETERIORATING, UNTIL -- WHEN DID YOU ACTUALLY PERFORM THE
 10:08:16 CHANGES ON THIS?
 10:08:17 >> THE CHANGES WERE PERFORMED WHEN THE NEW OPERATORS TOOK
 10:08:21 OVER, WHEN THEY LEASED THE ENTIRE PROPERTY.
 10:08:24 >>Mayor McLain: THAT WAS HOW LONG AGO?
 10:08:26 >> I BELIEVE LAST YEAR.
 10:08:28 >> IT WAS ACTUALLY MARCH OF '23.
 10:08:30 >>Mayor McLain: OKAY.
 10:08:31 SO IT WAS ONGOING FOR TWO, THREE YEARS IN THERE.
 10:08:34 THAT'S ALL I'VE GOT FOR QUESTIONS.
 10:08:36 ANY OTHER QUESTIONS FROM COUNCIL?
 10:08:39 IF NOT, DO WE HAVE ANY PUBLIC COMMENTS?
 10:08:44 >>Carol Sacco: WE HAVE NONE AND NO E-COMMENTS.
 10:08:46 >>Mayor McLain: NOBODY TO SPEAK.
 10:08:50 I WILL NOW TAKE A MOTION ON THIS ITEM.

10:08:53 ANYONE ON COUNCIL WANT TO MAKE A MOTION OR FURTHER
 10:08:56 DISCUSSION ON IT?
 10:08:59 >>Lori Fayhee: I HAVE ONE.
 10:09:01 >>Mayor McLain: COUNCILMAN FAYHEE.
 10:09:04 >>Lori Fayhee: IN THE DOCUMENTS, IT SHOWS THAT THE LIEN
 10:09:08 AMOUNT WAS ACTUALLY FOR 124,500.

10:09:11 IS THAT CORRECT, MARY?
 10:09:14 SO WE ACTUALLY DID REDUCE THIS DOWN TO 10% OF THAT?
 10:09:20 THANK YOU.
 10:09:20 I JUST WANTED TO CLARIFY.
 10:09:26 >>George Zalucki: MR. MAYOR, WOULD IT BE APPROPRIATE TO MAKE
 10:09:28 A MOTION TO DEFER THIS ITEM FOR FURTHER CONSIDERATION AT A
 10:09:31 FUTURE MEETING?
 10:09:35 >>Mayor McLain: IT COULD BE APPROPRIATE, BUT I'M JUST
 10:09:38 WONDERING, WE CAN HAVE AN OPEN DISCUSSION ON THIS NOW.
 10:09:43 WE'VE HAD ISSUES WITH FINES IN THE PAST.
 10:09:47 THEY MOUNT UP QUICKLY WHEN YOU DON'T PAY ATTENTION TO THEM.
 10:09:49 IF THERE'S ANOTHER FINE THAT WE THINK NEEDS TO BE DONE, I
 10:09:56 THINK WE COULD PROBABLY DISCUSS THAT NOW, UNLESS YOU THINK
 10:10:00 YOU WANT TO RESEARCH IT MORE, BUT IN READING OVER THIS, IT
 10:10:02 LOOKS PRETTY APPARENT TO ME THAT ALL THE FACTS ARE HERE.
 10:10:06 SO BASED ON THOSE FACTS, BASED ON THE PRESENTATION WE'VE HAD
 10:10:09 TODAY, IN ORDER NOT TO CLUTTER OUR AGENDA GOING FORWARD, I'D
 10:10:14 LIKE TO SAY -- I'D LIKE TO ENTERTAIN A MOTION.
 10:10:18 WE'D HAVE TO GET IT SECONDED.

 10:10:21 WE CAN ADJUST THAT BACK AND FORTH.
 10:10:24 WE SHOULD TRY TO MOVE THIS FORWARD.
 10:10:26 MARY, IS THAT APPROPRIATE IN YOUR MIND?
 10:10:28 YOU'VE GOT MORE EXPERIENCE THAN I DO ON THIS.
 10:10:30 >>Mary Gibbs: I WAS JUST THINKING ABOUT WHEN WE HAD THE ONE
 10:10:35 AT RaceTrac, THE LAST COMMERCIAL ONE WHERE WE HAD A CODE
 10:10:40 ISSUE LIKE THIS.
 10:10:41 I THINK THE COUNCIL, WHAT WE RECOMMENDED, I THINK THE
 10:10:43 COUNCIL ENDED UP INCREASING IT A LITTLE BIT.
 10:10:45 SO YOU HAVE SEVERAL OPTIONS.
 10:10:47 YOU CAN DO WHAT THE MOTION SAYS, WHICH IS THE 10% PLUS THE
 10:10:52 ADMINISTRATIVE COST.
 10:10:53 IF YOU FEEL THAT THEY HAVE MADE SOME EFFORT TO COMPLY, YOU
 10:10:57 CAN REDUCE THAT A LITTLE BIT, SAY, TO 10,000 PLUS THE ADMIN
 10:11:01 COST.
 10:11:01 I THINK WITH THE RaceTrac WE ENDED UP INCREASING IT,
 10:11:05 INCREASING THE AMOUNT BY A COUPLE THOUSAND DOLLARS.
 10:11:08 IT'S REALLY KIND OF DISCRETIONARY FOR YOU ALL TO DECIDE WHAT
 10:11:13 YOU WANT TO DO.
 10:11:16 >>Mayor McLain: COUNCILMAN WARD.
 10:11:17 >>Jim Ward: I WOULD LIKE TO MAKE A MOTION.
 10:11:20 TWO THINGS, I FIND \$124,000 IS EGREGIOUS.
 10:11:25 I RECOGNIZE THE PICTURES HERE SHOW PROPERTY THAT HAS NOT
 10:11:34 BEEN MAINTAINED.
 10:11:35 BUT FOR \$124,000 I THINK IS EXCESSIVE.

 10:11:38 WE GOT TO THAT POINT BY \$250 A DAY FOR 500 DAYS.
 10:11:42 I MAKE A MOTION THAT WE REDUCE THE AMOUNT, BUT WE REDUCE IT

10:11:49 TO \$25,000 PLUS ADMINISTRATIVE COSTS.
 10:12:02 >>Mayor McLain: OKAY.
 10:12:02 SO WE HAVE A MOTION -- WE CAN HAVE SOME DISCUSSION ON THAT
 10:12:07 MOTION OR DO WE GO RIGHT TO A SECOND?
 10:12:11 >>Robert Eschenfelder: SO I THINK YOU NEED TO BE CAREFUL HOW
 10:12:16 YOU STATE IT.
 10:12:18 YOU WOULD BE WILLING TO DO THAT I BELIEVE IS WHAT YOU'RE
 10:12:21 SAYING, COUNCILMEMBER WARD, IF THE OWNER ACCEPTS THAT.
 10:12:26 BECAUSE OTHERWISE, MY RECOMMENDATION IS YOU JUST KEEP THE
 10:12:31 LIEN IN PLACE.
 10:12:35 THE LIEN HAS A 20-YEAR STATUTE OF LIMITATIONS IN TERMS OF
 10:12:41 OUR ABILITY TO FORECLOSE ON IT, SO THERE'S PLENTY OF TIME.
 10:12:44 IF YOU ADOPT A MOTION THAT SAYS WE'RE GOING TO REDUCE THE
 10:12:52 LIEN JUST ON OUR OWN, HE COULD STILL SAY I'M NOT PAYING
 10:12:56 THAT, RIGHT?
 10:12:58 I THINK WHY HE'S STANDING HERE IS BECAUSE HE AND STAFF HAVE
 10:13:03 TALKED AND HE HAS INDICATED I AM WILLING TO DO WHAT STAFF'S
 10:13:08 RECOMMENDATION IS, BUT I THINK WE NEED TO HAVE HIM SAY HERE
 10:13:12 TODAY, IF YOU'RE GOING TO ADOPT COUNCILMEMBER WARD'S MOTION,
 10:13:15 THAT HE'S WILLING TO PAY THAT.
 10:13:18 OTHERWISE, I THINK YOU'RE GIVING UP YOUR POSITION BY JUST
 10:13:21 REDUCING IT BECAUSE NOW THE NEXT TIME HE'S HERE, HIS
 10:13:25 STARTING POINT IS \$25,000 AND NOT --

 10:13:32 >>Rafael Lopez: MARY, CAN I ASK YOU A QUESTION?
 10:13:34 I KNOW YOUR STAFF ORIGINALLY RECOMMENDED THIS TO GO FORWARD.
 10:13:37 IS THERE A REASON YOU RECOMMENDED IT AND CAN YOU TELL US WHY
 10:13:40 THIS RECOMMENDATION IS UP?
 10:13:43 >>Mary Gibbs: I THINK WHEN THE PROPERTY OWNER HAS A REQUEST
 10:13:47 TO MITIGATE THE LIEN, THEY TYPICALLY COME TO COUNCIL.
 10:13:50 ONCE THEY GO OVER LIKE A HUNDRED THOUSAND DOLLARS, WE BRING
 10:13:53 THESE THINGS TO COUNCIL.
 10:13:55 BECAUSE THAT'S WHAT COUNCIL HAS SAID BEFORE, WE WANT TO SEE
 10:13:59 THE LARGE ONES.
 10:14:00 IF THEY ASK US, WE SAY, OKAY, WE'LL TAKE IT TO COUNCIL AND
 10:14:03 SEE WHAT THE COUNCIL HAS TO SAY ABOUT IT.
 10:14:06 >>Rafael Lopez: IT READS, STAFF RECOMMENDS ACCEPTING THE
 10:14:08 REQUEST.
 10:14:09 >>Mary Gibbs: YEAH, STAFF SAID WE THOUGHT THE 10% WAS
 10:14:14 REASONABLE BASED ON THE NATURE OF THE CODE VIOLATION.
 10:14:18 IT WASN'T LIKE A PUBLIC SAFETY OR HEALTH ISSUE.
 10:14:21 IT WAS MORE OF AN AESTHETIC ISSUE.
 10:14:24 THAT WAS OUR RECOMMENDATION.
 10:14:25 AGAIN, YOU KNOW, IT'S YOUR DECISION.
 10:14:29 >>Rafael Lopez: THANK YOU.
 10:14:30 >>Mayor McLain: COUNCILMAN FAYHEE.
 10:14:31 >>Lori Fayhee: COULD COUNCILMAN WARD REPEAT THE MOTION,
 10:14:34 PLEASE?

10:14:35 THE DOLLAR AMOUNT SEEMED OFF TO ME.

10:14:37 COULD YOU REPEAT YOUR MOTION, PLEASE?

10:14:39 >>Jim Ward: YEAH, AGAIN, I'LL STATE MY REASONS FOR IT.

10:14:45 I AGREE WITH WHAT COUNCILMAN ZALUCKI SAID.

10:14:49 IF WE REDUCE IT TO 10% OF THE ORIGINAL AMOUNT, WE'RE MUTING

10:14:53 THE EFFECT OF WHAT WE HAVE AS AN ORDINANCE AND OUR ABILITY

10:14:57 TO CONTROL WHAT BUSINESSES, WHAT RESIDENTS DO IF THEY

10:15:02 RECOGNIZE THAT THEY CAN COME BEFORE US AND WE'RE GOING TO

10:15:04 REDUCE IT BY 90%.

10:15:06 ON THE FLIP SIDE OF THAT, IS I DON'T SEE THIS AS AN

10:15:09 EGREGIOUS EVENT THAT IS WORTHY OF \$124,000 FINE.

10:15:14 SO I'D LIKE TO FIND A COMPROMISE TO THAT.

10:15:17 AND I THINK THE COMPROMISE THAT I WOULD SUGGEST AND I'LL

10:15:22 LOOK FOR WORDING FROM OUR COUNSEL, BUT I SUGGEST WE REDUCE

10:15:27 IT TO \$25,000 PLUS ADMINISTRATIVE COSTS.

10:15:31 I DON'T KNOW IF WE HAVE TO ASK THE PERSON HERE WHO IS

10:15:41 RESPONSIBLE IF THEY WILL ACCEPT THAT.

10:15:43 >>Mayor McLain: I THINK WE COULD DO THAT, BUT BEFORE WE ASK

10:15:45 THAT QUESTION, I WOULD LIKE TO GET OTHER COMMENTS FROM

10:15:48 COUNCIL.

10:15:48 SO YOU WERE ON THE TICKET THERE.

10:15:50 YOU UNDERSTAND THE MOTION.

10:15:52 >>Lori Fayhee: I UNDERSTAND THE MOTION.

10:15:54 I WAS CONCERNED THAT IT WAS ACTUALLY ASKING FOR MORE MONEY

10:15:59 THAN WHAT STAFF RECOMMENDED.

10:16:02 >>Mayor McLain: AND IT IS.

10:16:02 IT'S BASICALLY DOUBLE.

10:16:04 COUNCILMAN ZALUCKI.

10:16:06 >>George Zalucki: I DO THINK VICE-MAYOR RIBBLE.

10:16:09 >>Vice-Mayor Ribble: YES, MR. MAYOR.

10:16:13 I WAS ON COUNCIL BEFORE WHEN WE'VE HAD THESE LIEN ISSUES --

10:16:19 LET ME TAKE SOME WATER.

10:16:20 AND PART OF OUR PROBLEM HAS ALWAYS BEEN SETTING A PRECEDENT,

10:16:26 AND WE'VE NEVER SETTLED FOR THE 10% MINIMUM FOR ANY OF THE

10:16:30 LIENS THAT I HAVE PARTICIPATED IN.

10:16:32 SO I WOULD FAVOR SOME OTHER COMPROMISE TO THAT FIGURE.

10:16:43 >>Mayor McLain: MY EXPERIENCE IN THIS, WE HAVE LOTS OF

10:16:45 VIOLATIONS OUT THERE THAT HAVE BEEN GOING ON FOR A WHILE.

10:16:47 IF YOU LOOK AT THE TOTAL AMOUNT, IT'S A MILLION OR MORE THAN

10:16:52 THE VILLAGE HAS OUTSTANDING.

10:16:57 I THINK THAT EACH SITUATION IS DIFFERENT.

10:17:00 IF THIS WAS A SAFETY ISSUE, IF IT WAS A HEALTH ISSUE, AND I

10:17:05 THINK THAT'S WHAT STAFF EVALUATED TO COME DOWN TO 10% OF THE

10:17:10 TOTAL FINE.

10:17:11 I'M NOT SAYING THAT IS RIGHT OR WRONG, JUST FOR THE

10:17:15 DISCUSSION.

10:17:15 BUT IF ANOTHER HE SITUATION CAME UP AND ANOTHER 125,000 OR
 10:17:20 250,000, WHATEVER THAT NUMBER IS, I THINK IT DEPENDS ON THE
 10:17:28 OWNER OF A COMMERCIAL PROPERTY JUST ABANDON ANY CONCERN FOR
 10:17:30 THE PUBLIC NEEDS AND SAFETY.
 10:17:32 AND I THINK WE CAN LOOK AT THOSE.

10:17:35 AND I THINK EACH ONE, THE RaceTrac WAS A LITTLE DIFFERENT,
 10:17:38 TOTALLY DIFFERENT SITUATION.
 10:17:40 SO I THINK -- BY MAKING A JUDGMENT ON THIS, WE'RE NOT
 10:17:50 SETTING A PRECEDENT ON ALL FUTURE CASES THAT WE'RE GOING TO
 10:17:53 TAKE 10%.
 10:17:54 I THINK THAT'S AN IMPORTANT THING.
 10:17:56 NOT SAYING THAT 10% IS THE RIGHT NUMBER.
 10:17:58 IT COULD 20% OR WHATEVER.
 10:18:00 AM I SPEAKING CLEARLY ON THAT FROM A LEGAL STANDPOINT?
 10:18:06 >>Robert Eschenfelder: YES, MAYOR AND MEMBERS OF COUNCIL.
 10:18:09 IN TERMS OF PRECEDENT SETTING, FIRST OF ALL, THE STATUTE
 10:18:12 DOES ALLOW DISCRETION IN THAT IT DOESN'T REALLY MANDATE THAT
 10:18:17 YOU DO IT IN A CERTAIN WAY.
 10:18:19 IT SAYS A CERTIFIED COPY OF AN ORDER IMPOSING A FINE, FINE
 10:18:24 PLUS REPAIR COST MAY BE RECORDED IN THE PUBLIC RECORDS AND
 10:18:27 THEREAFTER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH
 10:18:31 THE VIOLATION EXISTS AND UPON ANY OTHER REAL OR PERSONAL
 10:18:34 PROPERTY OWNED BY THE VIOLATOR.
 10:18:37 A LIEN ARISING FROM A FINE IMPOSED PURSUANT TO THIS SECTION
 10:18:41 RUNS IN FAVOR OF THE LOCAL GOVERNING BODY, THAT'S YOU, AND
 10:18:44 THE LOCAL GOVERNING BODY MAY EXECUTE A SATISFACTION OR
 10:18:48 RELEASE OF LIEN ENTERED PURSUANT TO THIS SECTION.
 10:18:52 AFTER THREE MONTHS OF THE FILING OF ANY SUCH LIEN WHICH
 10:18:55 REMAINS UNPAID, THE ENFORCEMENT BOARD MAY AUTHORIZE THE
 10:18:58 LOCAL GOVERNMENT BODY ATTORNEY TO FORECLOSE THE LIEN OR TO
 10:19:02 SUE TO RECOVER THE MONEY JUDGMENT FOR THE AMOUNT OF THE LIEN
 10:19:06 PLUS ACCRUED INTEREST.
 10:19:07 WHEN YOU LOOK AT THESE CASES, I THINK YOU LOOK AT -- YOUR
 10:19:15 STATEMENT IS CORRECT THAT IT IS A CASE-BY-CASE BASIS.
 10:19:18 COUNCILMEMBER ZALUCKI IS CORRECT, THOUGH, THAT IF YOU DO IN
 10:19:21 THE FUTURE HAVE AN APPLES-TO-APPLES CASE WHERE YOU'VE GOT A
 10:19:25 COMMERCIAL PROPERTY THAT HAS A SIMILAR STORY TO THIS STORY,
 10:19:29 THEY ARE GOING TO BE POINTING TO THIS STORY TO SEE WHAT YOU
 10:19:32 DID AND SAY, WELL, I'M IN VIRTUALLY THE SAME BOAT THAT THESE
 10:19:37 GUYS ARE IN.
 10:19:37 YOU GAVE THIS TO THIS GUY, WHY ARE YOU DOING IT ANY
 10:19:40 DIFFERENT TO ME?
 10:19:41 SO THERE'S JUDGMENT, BUT WITHIN SIMILAR CASES, YOU SHOULD
 10:19:44 TRY TO TREAT THEM IN A SIMILAR FASHION, IF THAT ANSWERS YOUR
 10:19:48 QUESTION.
 10:19:50 >>Mayor McLain: A QUESTION TO STAFF.

10:19:52 WAS THE VIOLATION ONLY FOR THE SIGN?
 10:19:56 EVERYTHING ELSE WAS FINE.
 10:19:58 IT WAS JUST THE SIGN.
 10:20:00 OKAY.
 10:20:00 ANY FURTHER DISCUSSION BY COUNCIL?
 10:20:05 >>George Zalucki: JUST AS A FOLLOW-UP, MAYOR.
 10:20:07 THANK YOU.
 10:20:07 I AGREE WITH COUNCILMAN WARD.
 10:20:09 THE SIGN, THE LACK OF MAINTENANCE OF THE SIGN IS NOT

 10:20:12 EGREGIOUS.
 10:20:14 THE AMOUNT OF THE FINE WAS CREATED BECAUSE OF A LACK OF
 10:20:19 ACTION, AND THAT'S THE REASON THE FINE GOT UP TO WHERE IT
 10:20:22 IS.
 10:20:22 SO MY POSITION IS IT'S NOT ALL ABOUT THE MONEY.
 10:20:26 IT'S NOT ABOUT THE MONEY.
 10:20:27 IT'S ABOUT LETTING OUR COMMUNITY UNDERSTAND THAT THERE ARE
 10:20:32 CONSEQUENCES FOR NOT FOLLOWING THE GUIDELINES THAT THE
 10:20:36 VILLAGE PUTS FORTH.
 10:20:37 AND I THINK THAT'S THE MESSAGE WE NEED TO SEND.
 10:20:41 NOW, HOW WE GET TO A NUMBER THAT SATISFIES BOTH PARTIES IS
 10:20:46 TO ME A DIFFERENT DISCUSSION.
 10:20:49 I WOULD PREFER TO SEE OUR VILLAGE ATTORNEY OPEN UP SOME KIND
 10:20:54 OF DIALOGUE WITH THE COMPANY AND COME BACK WITH A
 10:20:58 RECOMMENDATION, ANOTHER RECOMMENDATION THAT THEY FEEL IS
 10:21:02 SOMEWHAT OF A WIN-WIN, BUT WE MEET OUR OBJECTIVE OF SENDING
 10:21:07 A STRONG MESSAGE THAT YOU CAN'T IGNORE SOMETHING FOR 500
 10:21:12 DAYS AND THEN COME TO VILLAGE COUNCIL AND EXPECT 90% OF THE
 10:21:17 CONSEQUENCE TO DISAPPEAR.
 10:21:19 I THINK THAT'S SENDING THE WRONG MESSAGE, FOR WHATEVER
 10:21:24 REASON.
 10:21:25 I WOULD SAY IF THERE'S NOT A SECOND ON COUNCILMAN WARD'S
 10:21:31 MOTION, I THINK IT DIES FOR LACK OF SUPPORT, AND THEN I
 10:21:35 WOULD BE OPEN TO PUTTING ANOTHER MOTION.
 10:21:37 >>Mayor McLain: LET'S GET A VOTE ON THE \$25,000 FINE PLUS

 10:21:43 ADMINISTRATIVE COSTS THAT COUNCILMAN WARD HAS PUT FORWARD.
 10:21:49 DO WE HAVE ANYONE THAT WILL SECOND THAT MOTION?
 10:21:52 I DON'T SEE ONE.
 10:21:54 SO THAT SAYS WE ARE OPEN FOR ANOTHER MOTION.
 10:22:00 COUNCILMAN ZALUCKI.
 10:22:02 >>George Zalucki: MR. MAYOR, THANK YOU.
 10:22:04 I WOULD LIKE TO MAKE A MOTION THAT THE VILLAGE ATTORNEY, OR
 10:22:09 HIS DESIGNEE, MEET WITH THE OPERATORS, THE OWNERSHIP OF THE
 10:22:12 GAS STATION TO NEGOTIATE SOMETHING THAT THEY FEEL IS FAIR ON
 10:22:19 BOTH SIDES AND BRING BACK TO THE COUNCIL AT A FUTURE DATE,
 10:22:23 HOWEVER THAT SHALL BE WORDED.
 10:22:25 BUT I DON'T THINK WE SHOULD MOVE WITH A 10% REDUCTION.

10:22:32 >> SECOND.
 10:22:33 >>Mayor McLain: I JUST WANT TO BE -- WE HAVE A MAGISTRATE
 10:22:37 JUDGE ON THIS.
 10:22:41 ARE WE USURPING THAT RESPONSIBILITY BY BRINGING OUR ATTORNEY
 10:22:45 IN?
 10:22:46 >>Robert Eschenfelder: WE'RE BEYOND THAT.
 10:22:47 THE MAGISTRATE HAS FULFILLED HIS ROLE IN ENTERING THE ORDER.
 10:22:51 SO THAT PROCESS IS DONE.
 10:22:54 UNDER THE STATUTE THAT I JUST READ TO YOU, THIS IS SOLELY A
 10:22:57 DECISION OF THIS COUNCIL.
 10:23:00 THE MAGISTRATE PROCESS IS OUT.
 10:23:01 >>Mary Gibbs: AND THAT'S BECAUSE EVERYTHING OVER HUNDRED
 10:23:05 THOUSAND COMES TO THE COUNCIL.

 10:23:06 THE MAGISTRATE DOESN'T HAVE TO RULE ON THOSE.
 10:23:09 >>Robert Eschenfelder: AND TO BE CLEAR, FOR LIEN RELEASES
 10:23:13 AND COMPROMISES, THE STATUTE SAYS THE GOVERNING BOARD DOES
 10:23:18 THAT.
 10:23:18 REALLY, WHETHER IT'S UNDER A HUNDRED OR OVER A HUNDRED,
 10:23:23 THOSE MATTERS SHOULD BE COMING TO YOU.
 10:23:27 I DON'T KNOW IF YOU'RE SAYING THAT'S NOT HOW IT'S BEEN IN
 10:23:30 THE PAST.
 10:23:30 BUT, GENERALLY SPEAKING, THE MAGISTRATE UNDER THE STATUTE
 10:23:33 DOES NOT HAVE AUTHORITY TO COMPROMISE A LIEN RUNNING IN
 10:23:36 FAVOR OF A -- A CODE LIEN RUNNING IN FAVOR OF THE VILLAGE.
 10:23:39 ONLY YOU DO.
 10:23:42 >>Mayor McLain: OKAY.
 10:23:43 SO WE HAVE A MOTION AND WE HAVE A SECOND.
 10:23:45 AND THAT MOTION IS THAT WE WILL HAVE OUR VILLAGE ATTORNEY
 10:23:51 CONTACT REPRESENTATIVES FROM YOUR COMPANY OR COMPANIES AND
 10:23:57 DISCUSS THE TERMS, IMPROVED TERMS FROM WHERE WE ARE ON THE
 10:24:02 RECOMMENDATION FROM STAFF.
 10:24:04 >>Robert Eschenfelder: COULD I ASK THAT PERHAPS ONE THING BE
 10:24:06 ADDED TO THE MOTION SINCE I NEED TO UNDERSTAND WHAT I'M
 10:24:10 TALKING TO THEM ABOUT.
 10:24:13 I WOULD RECOMMEND THAT YOU AUTHORIZE ME TO HAVE THOSE
 10:24:19 DISCUSSIONS, AS HAS BEEN STATED IN THE MOTION, BUT IF THOSE
 10:24:22 DISCUSSIONS FAIL, TO GO AHEAD AND FILE A LIEN FORECLOSURE
 10:24:27 PROCEEDING TO FORECLOSE THE LIEN.

 10:24:29 I THINK OTHERWISE WE'RE JUST GOING TO BE SITTING HERE.
 10:24:32 >>Mayor McLain: WE'LL ADD THAT TO THE MOTION.
 10:24:34 >>Robert Eschenfelder: IF THE MAKER AND SECONDER ARE WILLING
 10:24:37 TO DO THAT.
 10:24:39 >>George Zalucki: MR. MAYOR, I'M GOOD WITH THAT ADDITION.
 10:24:42 >>Mayor McLain: AND WE HAVE A SECOND FROM COUNCILMAN LOPEZ.
 10:24:46 >> MAY I MAKE A STATEMENT?
 10:24:48 >>Mayor McLain: YES.

10:24:48 >> WE'RE NOT A RaceTrac.
 10:24:50 WE'RE NOT A MASSIVE ORGANIZATION.
 10:24:52 I KNOW THAT EVERYONE THINKS OIL COMPANIES AND GAS STATIONS
 10:24:55 MAKE TONS OF MONEY.
 10:24:57 WE ARE A SMALL ORGANIZATION COMPARED TO MOST THAT ARE OUT
 10:25:00 THERE.
 10:25:02 JUST GOING THROUGH THIS, I WOULD LIKE TO RESOLVE THE MATTER
 10:25:14 TODAY INSTEAD OF HAVING TO INVOLVE ATTORNEYS AND MORE FEES
 10:25:19 AND EVERYTHING ELSE.
 10:25:20 WE HONESTLY -- THE ONLY THING WE HAVE RECEIVED IS THE LAST
 10:25:24 ONE THAT ACTUALLY CAME TO OUR ADDRESS.
 10:25:27 THAT'S THE ONLY DOCUMENT WE RECEIVED.
 10:25:29 OTHERWISE WE HAD NO IDEA THIS WAS HAPPENING.
 10:25:33 >>Mayor McLain: WHAT WOULD BE YOUR RECOMMENDATION TO SETTLE
 10:25:35 THIS TODAY?
 10:25:36 >> WE WOULD JUST PAY THE FINE AS IS.
 10:25:40 AND WE CAN GET THAT DONE VERY QUICKLY.

 10:25:45 >>Mayor McLain: DO YOU HAVE ANY AUTHORITY TO RAISE THAT UP?
 10:25:48 YOU'VE HEARD THE FIGURE OF 25,000.
 10:25:52 DO YOU HAVE AUTHORITY TO CHANGE WHAT YOU CAME IN WITH, THE
 10:25:57 12,500 TO 25,000?
 10:26:00 >> I WILL CALL THE OWNER OF THE COMPANY.
 10:26:03 >>George Zalucki: MR. MAYOR, POINT OF ORDER.
 10:26:05 THERE IS A MOTION ON THE FLOOR.
 10:26:07 WITHOUT DISRESPECT, WE'RE NEGOTIATING NOW.
 10:26:10 I THINK WHAT MY INTENT WAS TO HAVE THE ATTORNEY WITH HIS
 10:26:13 LEGAL PROFESSION HAVE THOSE DISCUSSIONS.
 10:26:16 I WOULD LIKE TO MOVE FORWARD WITH A VOTE.
 10:26:22 >>Mayor McLain: ALL RIGHT.
 10:26:22 WE CAN DO THAT BASED ON OUR CONVERSATION.
 10:26:27 DO YOU HAVE SOME COMMENTS?
 10:26:30 >>Lori Fayhee: I DO, THROUGH THE CHAIR TO THE ATTORNEY,
 10:26:34 PLEASE, WHAT ADDITIONAL COSTS WOULD THIS ENTAIL TO THE
 10:26:38 VILLAGE IF WE ACCEPT THIS MOTION?
 10:26:41 >>Robert Eschenfelder: WELL, SO INITIALLY, I MEAN, YOU PAY
 10:26:44 ME A CERTAIN AMOUNT OF MONEY EVERY WEEK TO HAVE OFFICE
 10:26:46 HOURS.
 10:26:47 DURING THOSE OFFICE HOURS, I WOULD CONTACT THIS GENTLEMAN OR
 10:26:51 WHOEVER HE TELLS ME TO CONTACT IF THEY'VE GOT CORPORATE
 10:26:55 COUNSEL AND PURSUANT TO THE MOTION, I WOULD DISCUSS WHAT
 10:26:59 WOULD BE SOMETHING THAT THEY WOULD AGREE TO THAT'S MORE IN
 10:27:02 LINE I THINK WITH WHERE COUNCIL WANTS TO BE.

 10:27:05 SO IF THAT SUCCEEDS, THEN AN AGENDA ITEM COMES BACK TO YOU
 10:27:09 SAYING HERE'S WHAT THE PARTIES HAVE AGREED TO AND THEN YOU
 10:27:12 MOTION TO APPROVE IT.
 10:27:14 ASSUMING THEY SAY WE JUST WILL NOT AGREE TO ANYTHING HIGHER

10:27:19 THAN WHAT'S BEEN DISCUSSED HERE TODAY, THEN UNDER THE
 10:27:23 MOTION, I WOULD FILE A CODE LIEN FORECLOSURE ACTION, WHICH
 10:27:28 OUR OFFICE DOES A LOT OF.
 10:27:30 SO THERE'S UP FRONT OBVIOUSLY COSTS HERE.
 10:27:34 WE ARE PAYING FOR MY TIME ON THAT.
 10:27:36 BUT UNDER THE STATUTE, AT THE END OF THAT PROCESS, WHEN THE
 10:27:39 JUDGE ENTERS THE ORDER OF FORECLOSURE AND THE PROPERTY GOES
 10:27:42 UP FOR AUCTION, YOUR ATTORNEY FEES ARE PAID BACK.
 10:27:46 THAT'S PART OF THE FINAL JUDGMENT.
 10:27:47 SO AT THE END OF THE DAY, THE VILLAGE IS HELD HARMLESS.
 10:27:50 IT WOULD JUST BE ADDITIONAL COSTS ON TOP OF THE LIEN COSTS.
 10:27:56 >>Lori Fayhee: THANK YOU.
 10:27:56 >>Mayor McLain: ANY FURTHER DISCUSSION?
 10:27:57 IF NOT, MADAM CLERK, WOULD YOU PLEASE TAKE THE ROLL.
 10:28:00 >>Carol Sacco: WE HAVE TO CALL FOR PUBLIC COMMENT FIRST.
 10:28:02 >>Mayor McLain: ANY PUBLIC COMMENT?
 10:28:04 >>Carol Sacco: WE HAVE NONE.
 10:28:04 >>Mayor McLain: THANK YOU.
 10:28:05 NO E-COMMENTS.
 10:28:06 >>Carol Sacco: NO E-COMMENTS.
 10:28:07 >>Mayor McLain: NOW LET'S CALL THE ROLL.

 10:28:12 >>Carol Sacco: CAN I HAVE THE MOTION THAT WAS MADE?
 10:28:14 I HAVE THE MOTION WHICH I WILL GET FROM THE ATTORNEY.
 10:28:19 WHO WAS THE FIRST MOTION?
 10:28:21 >>George Zalucki: MOTION MAKER ME.
 10:28:22 >>Mayor McLain: AND SECONDED BY COUNCILMAN LOPEZ.
 10:28:24 >>Carol Sacco: THANK YOU.
 10:28:28 >>George Zalucki: AYE.
 10:28:29 >>Jim Ward: AYE.
 10:28:31 >>Rafael Lopez: AYE.
 10:28:33 >>Lori Fayhee: I'D ACTUALLY LIKE TO HAVE IT REPEATED AGAIN,
 10:28:38 PLEASE.
 10:28:39 I APOLOGIZE.
 10:28:40 >>Carol Sacco: YOU WOULD LIKE THE MOTION REPEATED?
 10:28:44 >>Lori Fayhee: YES, PLEASE.
 10:28:45 >>Robert Eschenfelder: THE MOTION IS TO AUTHORIZE THE
 10:28:47 VILLAGE ATTORNEY TO NEGOTIATE WITH THE VIOLATOR ON A
 10:28:51 RECOMMENDED AMOUNT TO COME BACK TO COUNCIL.
 10:28:54 IF THAT FAILS, TO AUTHORIZE THE VILLAGE ATTORNEY TO
 10:28:58 FORECLOSE THE LIEN.
 10:28:59 I BELIEVE I AM STATING THE MOTION CORRECTLY.
 10:29:04 >>Lori Fayhee: THANK YOU.
 10:29:05 AYE.
 10:29:05 YES.
 10:29:13 >>Larry Fiesel: AYE.
 10:29:14 >>Vice-Mayor Ribble: AYE.

10:29:15 >>Mayor McLain: AYE.
 10:29:16 THANK YOU.
 10:29:21 >> THANK YOU FOR YOUR TIME TODAY.
 10:29:25 >>Mayor McLain: THE NEXT ITEM ON THE AGENDA IS AGENDA ITEM
 10:29:29 7B, LIEN MITIGATION 20275 SHERRILL LANE, CASE 18040009.
 10:29:40 MARY.
 10:29:43 >>Mary Gibbs: I'M BACK.
 10:29:44 THIS IS A CODE ENFORCEMENT LIEN MITIGATION REQUEST, TROY
 10:29:48 BLASKO.
 10:29:48 AND THIS RELATES TO RESIDENTIAL PROPERTY AT SHERRILL LANE.
 10:29:52 THE CIRCUMSTANCES ARE A LITTLE BIT DIFFERENT HERE.
 10:29:56 SO THERE WAS A PRIOR PROPERTY OWNER THAT WAS CITED FOR
 10:29:59 NUISANCE IN 2018, AND THE NUISANCE WAS VEHICLES THAT DIDN'T
 10:30:05 HAVE A PLATE, MEANING THEY DON'T USUALLY RUN, AND A
 10:30:09 REFRIGERATOR WAS ON THE PROPERTY.
 10:30:12 THIS CASE WENT TO THE MAGISTRATE IN 2018.
 10:30:15 THE PROPERTY OWNER DID NOT COME TO THE MEETING.
 10:30:18 THE MAGISTRATE IMPOSED THE FINE BEGINNING IN 2018, AND THE
 10:30:21 FINE BECAME A LIEN.
 10:30:23 AND THIS ONE WENT ON FOR QUITE SOME TIME.
 10:30:27 715 DAYS BEFORE IT WAS BROUGHT INTO COMPLIANCE.
 10:30:30 THAT WAS THE PREVIOUS PROPERTY OWNER.
 10:30:36 THE CURRENT PROPERTY OWNER, MR. BLASKO, PURCHASED THE
 10:30:39 PROPERTY IN 2022, SO THAT WAS AFTER ALL THIS OCCURRED.
 10:30:43 THE CURRENT PROPERTY OWNER IS ASKING TO REDUCE THE LIEN.

 10:30:48 WHAT WE ARE RECOMMENDING FOR RESIDENTIAL PROPERTY IS THAT IT
 10:30:51 BE AMOUNT OF \$5,000 AND THE ADMINISTRATIVE COSTS, WHICH I
 10:30:58 THINK WE FORGOT TO PUT ON THE AGENDA ITEM, BUT IT'S \$359.20.
 10:31:07 SO THE TOTAL WOULD BE \$5,359.20.
 10:31:11 MR. BLASKO IS NOT HERE TODAY.
 10:31:13 BUT HE DID SEND HIS REPRESENTATIVE, WHO IS MR. BARTLETT.
 10:31:17 MR. BLASKO HAS BEEN IN AND OUT OF THE HOSPITAL, SO HE SENT A
 10:31:21 LETTER TO STANLEY THAT SAID HE WAS OUT OF THE HOSPITAL BUT
 10:31:24 GOING BACK IN.
 10:31:25 SO MR. BARTLETT IS HERE.
 10:31:27 HE WOULD LIKE TO ADDRESS THE COUNCIL, UNLESS YOU HAVE ANY
 10:31:31 OTHER QUESTIONS FOR ME.
 10:31:33 >>Mayor McLain: LET'S LET HIM TALK.
 10:31:39 >>Rafael Lopez: DO WE KNOW HOW THE PROPERTY SOLD?
 10:31:43 WAS THERE A LIEN ON IT?
 10:31:46 >>Mary Gibbs: I THINK HE'S GOING TO ADDRESS THAT.
 10:31:49 >> HI, GUYS.
 10:31:49 HOW ARE YOU TODAY?
 10:31:50 >> GOOD.
 10:31:51 >> I'M KEVIN BARTLETT.
 10:31:52 NICE TO MEET YOU ALL.
 10:31:53 TO ADDRESS YOUR QUESTION, IT WAS A QUITCLAIM DEED.

10:31:58 THE PREVIOUS OWNER, THEY DREW UP A QUITCLAIM DEED.
 10:32:02 AND TROY GAVE HER MONEY.
 10:32:06 I DON'T KNOW THE AMOUNT.

10:32:07 WHEN YOU FILE A QUITCLAIM DEED, YOU'RE JUST GIVING WHATEVER
 10:32:12 YOUR OWNERSHIP WITH NO TITLE BASICALLY.
 10:32:15 SO YOU TAKE ANY INCOME RISK THAT WAY.
 10:32:18 >>Mayor McLain: COULD YOU STATE YOUR ADDRESS ALSO.
 10:32:20 >> 25295 BUSY BEE DRIVE, BONITA SPRINGS, FLORIDA, 34135.
 10:32:27 >>Mayor McLain: YOUR RELATIONSHIP WITH THE PROPERTY OWNER?
 10:32:30 >> REAL ESTATE AGENT TO HIM.
 10:32:34 >>Mayor McLain: WERE YOU INVOLVED IN THE SALE?
 10:32:35 >> NO.
 10:32:36 HE CALLED ME TWO WEEKS AGO ABOUT THIS PROPERTY.
 10:32:41 I FELT BAD FOR THE GUY.
 10:32:43 HE CAME DOWN HERE, HAD A MEETING THAT GOT PUSHED BACK AND
 10:32:49 BASICALLY, YOU KNOW, NO ONE ELSE WAS GOING TO HELP HIM.
 10:32:53 HE COULDN'T COME BACK BECAUSE HE WAS IN THE HOSPITAL AND ON
 10:32:56 OXYGEN.
 10:32:57 I SAID I WOULD COME TO THE MEETING FOR HIM.
 10:33:00 I WAS BORN AND RAISED HERE.
 10:33:02 >>Mayor McLain: GO AHEAD AND GIVE US YOUR SPIEL ON WHY WE
 10:33:05 SHOULD CONSIDER THE RECOMMENDATION.
 10:33:10 >> WELL, I JUST FEEL LIKE THE HOUSE ITSELF, YOU KNOW, I
 10:33:15 WALKED THROUGH IT.
 10:33:17 IT'S COMPLETELY DISINTEGRATED.
 10:33:20 EVENTUALLY WHAT TROY WANTS TO DO IS RESTORE IT AND MAKE IT
 10:33:24 NICE AND PUT BACK EVERYTHING SO IT'S A LIVABLE HOME, NICE
 10:33:29 FOR ESTERO.

10:33:30 I DON'T KNOW HOW IT GOT THAT HIGH OR WHAT HAPPENED DURING
 10:33:36 THE QUITCLAIM PROCESS, BUT WE JUST HOPE THAT THE COUNCIL
 10:33:41 WILL REDUCE THE FINE TO WHAT THE STAFF RECOMMENDS SO WE CAN
 10:33:45 JUST GET THIS BACK AND MAKE IT NICE FOR ESTERO.
 10:33:50 >>Mayor McLain: COUNCIL HAVE ANY QUESTIONS?
 10:33:55 >>George Zalucki: THANK YOU, KEVIN, FOR COMING TODAY AND
 10:33:58 EXPLAINING THIS.
 10:33:58 JUST A QUICK QUESTION.
 10:34:02 IS IT YOUR CLIENT OR IS IT YOUR FRIEND?
 10:34:05 >> A FRIEND CLIENT.
 10:34:07 >>George Zalucki: HE OWNED THE PROPERTY.
 10:34:09 HE PURCHASED THE PROPERTY A YEAR AGO AUGUST, CORRECT?
 10:34:12 >> YEAH, CORRECT.
 10:34:13 >>George Zalucki: WAS HE AWARE OF THE FINES BETWEEN AUGUST
 10:34:16 OF 2022 AND TODAY?
 10:34:17 >> NO.
 10:34:17 THE SELLER DIDN'T -- WELL, HE WAS AWARE AS OF I THINK TWO
 10:34:21 MONTHS AGO, BUT WHEN THEY QUITCLAIMED THE PROPERTY OVER, HE

10:34:27 HAD NO IDEA THAT THERE WERE ANY LIENS ON THE PROPERTY.
 10:34:32 I DON'T KNOW WHAT HAPPENED.
 10:34:34 I WASN'T A PARTY OF THAT TRANSACTION.
 10:34:36 WHAT I'M ASSUMING IS SOMEONE PUT IT SOMEWHERE ONLINE,
 10:34:40 ADVERTISED IT, AND A LOT OF PEOPLE DO THIS.
 10:34:45 IT'S NOT THE RIGHT WAY TO CONVEY PROPERTY, BUT THIS IS WHAT
 10:34:50 HAPPENED NOW.

10:34:52 >>George Zalucki: IT WAS NOT CONVEYED BY A FAMILY MEMBER
 10:34:54 THAT YOU'RE AWARE OF?
 10:34:56 >> IT WAS FROM THE PREVIOUS OWNER, BUT IT'S A QUITCLAIM
 10:34:59 DEED.
 10:35:00 THERE'S NO TITLE SEARCH, LIEN SEARCH OR ANY SEARCH.
 10:35:02 >>George Zalucki: IT WASN'T A FAMILY MEMBER THAT SOLD THE
 10:35:05 HOUSE TO THE GENTLEMAN?
 10:35:06 >> I DON'T KNOW THAT OFF THE TOP OF MY HEAD.
 10:35:12 >>George Zalucki: ALL RIGHT.
 10:35:13 THANK YOU.
 10:35:16 >>Mayor McLain: ANY OTHER QUESTIONS?
 10:35:18 >>Vice-Mayor Ribble: IS THE PREVIOUS PROPERTY OWNER STILL IN
 10:35:21 THE AREA?
 10:35:23 >> I DON'T KNOW.
 10:35:25 I JUST KNOW TROY.
 10:35:33 >>Larry Fiesel: THIS WILL BE I GUESS COUNTING THE TWO TODAY,
 10:35:36 THE FOURTH LIEN MITIGATION THAT'S COME BEFORE COUNCIL SINCE
 10:35:40 I'VE BEEN A MEMBER.
 10:35:41 AND NONE OF THEM ARE PLEASURABLE TO DEAL WITH.
 10:35:44 WE HEARD ALL KINDS OF REASONS WHY THEY DIDN'T GET PAID, MAIL
 10:35:51 DIDN'T GET THERE, DIDN'T KNOW ABOUT IT.
 10:35:53 WE HAD A REAL ESTATE INVESTOR FROM THE EAST COAST THAT
 10:35:57 BOUGHT A HOME OVER ON ESTERO RIVER COURT.
 10:36:00 \$240,000 LIEN AGAINST IT, WHICH YOU DESCRIBED HOW THAT
 10:36:05 APPLIES TO THIS ONE.

10:36:07 JUST NOT SURE HOW YOU BUY A PIECE OF PROPERTY TODAY AND
 10:36:10 DON'T KNOW IN THE PROCESS THAT THERE'S \$240,000, OR IN THIS
 10:36:14 CASE, \$178,000.
 10:36:16 I DON'T THINK IT'S INCUMBENT ON THIS COUNCIL TO SUPPORT OUR
 10:36:23 ANNUAL BUDGET BY FINING PEOPLE ON LIENS, BUT WE DO HAVE A
 10:36:29 CHALLENGE TO LIVE UP TO THE EXPECTATIONS OF THE COMMUNITY
 10:36:34 AND KEEPING OUR COMMUNITY LOOKING THE WAY IT'S SUPPOSED TO
 10:36:37 BE LOOKING AND ENFORCE THE CODE WHEN WE FIND THOSE
 10:36:41 VIOLATIONS.
 10:36:42 WE'VE BEEN ALL OVER THE BOARD WITH WHAT KIND OF NUMBERS
 10:36:46 WE'VE SETTLED WITH.
 10:36:47 WE SETTLED ONE ON SHERRILL LANE IN '21 FOR 4%.
 10:36:52 WE SETTLED ONE ON ESTERO RIVER COURT IN '22 FOR 20%.
 10:36:57 TODAY WE HAD A RECOMMENDATION OF 10%.

10:37:01 THIS PARTICULAR ONE, IF WE CHOOSE THIS NUMBER, 2.8%.
 10:37:05 SO WE DON'T HAVE ANY SET NUMBER THAT WE SEEM TO BE ABLE TO
 10:37:08 LIVE WITH.
 10:37:09 EACH ONE HAS A DIFFERENT SET OF CIRCUMSTANCES.
 10:37:11 BUT I THINK WHAT'S INCUMBENT ON THIS COUNCIL TO ENFORCE AND
 10:37:17 BACK UP OUR STAFF WHEN THEY HAVE THESE ISSUES THAT COME
 10:37:21 BEFORE US.
 10:37:23 SO IT'S NOT SOMETHING THAT'S PLEASURABLE, BUT IT'S SOMETHING
 10:37:28 THAT WE'RE CHARGED WITH AND IT'S OUR RESPONSIBILITY TO COME
 10:37:31 UP WITH CONCLUSION TO EACH OF THESE DIFFERENT CASES BASED ON
 10:37:37 THE CIRCUMSTANCES.

10:37:38 >>Mayor McLain: ANY OTHER QUESTIONS?
 10:37:42 >>Rafael Lopez: WHAT IS THE CONDITION OF THE PROPERTY?
 10:37:44 >> JUST COMPLETE TRASHED.
 10:37:47 INSIDE, FLOOR JOISTS ARE GONE, KITCHEN IS GONE.
 10:37:51 EVERYTHING IS GONE.
 10:37:54 THE HOUSE JUST NEEDS TO BE -- YOU KNOW, EVERYTHING MOVED
 10:37:58 OUT, BIG DUMPSTER PUT THERE.
 10:38:02 I BELIEVE FROM WHAT I READ ON THE CODE VIOLATION, THAT HAS
 10:38:06 BEEN REMOVED, THE CAR THAT HAD NO LICENSE PLATE.
 10:38:09 SO EVERYTHING ELSE IS JUST INSIDE THE PROPERTY.
 10:38:13 >>Mayor McLain: WHAT WAS THE VALUE OF THE QUITCLAIM DEED?
 10:38:17 >> I WOULD HAVE TO LOOK AT IT.
 10:38:20 >>Mayor McLain: TRANSFER.
 10:38:21 OBVIOUSLY A TRANSFER PRICE, RIGHT?
 10:38:24 >> THERE'S NO DOLLAR AMOUNT.
 10:38:26 IT'S \$10 LIKE IT SAYS ON EVERY DEED.
 10:38:29 >>Mayor McLain: HE BASICALLY GOT IT FOR \$10.
 10:38:32 >> NO.
 10:38:32 I DON'T KNOW WHAT HE PAID FOR IT.
 10:38:35 BUT IF YOU GO ON LEEPA AND YOU CAN PULL IT UP, BUT I DON'T
 10:38:40 KNOW IF IT SAYS WHAT HE ACTUALLY PAID FOR IT BECAUSE WHEN
 10:38:43 YOU DO A QUITCLAIM DEED, YOU JUST FILL OUT THE DEED.
 10:38:48 IT DOESN'T SAY A DOLLAR AMOUNT.
 10:38:51 >>Mayor McLain: ALL RIGHT.
 10:38:52 WELL, I THINK COUNCILMAN FIESEL IS CORRECT.

10:38:56 THEY ARE ALL INDIVIDUAL.
 10:38:57 THEY ARE DIFFICULT SITUATIONS.
 10:38:59 NEW OWNER.
 10:39:01 STAFF HAS PUT SOME GOOD ENERGY INTO THIS.
 10:39:05 >>Jim Ward: THIS PROPERTY WAS IN THE AREA THAT WAS IMPACTED
 10:39:08 BY HURRICANE IAN, IS THAT CORRECT?
 10:39:11 >> YES, SIR.
 10:39:11 >>Jim Ward: IS IT PRETTY MUCH DEMOLISHED AS A RESULT OF THE
 10:39:16 HURRICANE?
 10:39:17 >> IT HAD HURRICANE DAMAGE FROM IT, BUT THE BIGGER -- YES.

10:39:21 IT JUST NEEDS A LOT OF WORK TO GET BACK UP.
 10:39:24 IT'S A PIECE OF LAND, MORE OR LESS, RIGHT NOW.
 10:39:28 >>Jim Ward: I HAD LOOKED THIS UP ON ZILLOW PRIOR TO COMING
 10:39:31 IN HERE.
 10:39:31 IT DOESN'T REFLECT A SALE RECENTLY.
 10:39:34 LAST SALE IT REFLECTS IS 1998.
 10:39:38 I DON'T KNOW IF THAT MAKES ANY SENSE OR NOT FOR WHATEVER
 10:39:41 REASON, MAYBE BECAUSE IT WAS A QUITCLAIM DEED.
 10:39:44 BUT THIS ALSO IS AN ISSUE WHERE SOME OF THE NEIGHBORS HAD TO
 10:39:49 PUT UP WITH THIS ISSUE FOR A NUMBER OF TIMES WITH THE
 10:39:52 REFRIGERATOR SITTING OUTSIDE THE GARAGE, UNLICENSED VEHICLE
 10:39:55 SITTING OUTSIDE.
 10:39:56 IT'S NOT JUST SOMETHING THAT IMPACTED THE OWNER OF THE
 10:40:00 PROPERTY.
 10:40:00 IT IMPACTED HIS NEIGHBORS AND THEY HAD TO LIVE WITH THIS FOR

 10:40:05 QUITE A PERIOD OF TIME.
 10:40:07 I HAVE TO BELIEVE THAT THE OWNER, THE NEW OWNER WHO
 10:40:11 PURCHASED THE PROPERTY HAD TO BE AWARE OF THE LIEN PRIOR TO
 10:40:14 HIM PURCHASING THE PROPERTY.
 10:40:16 THAT CONCERNS ME A LITTLE BIT.
 10:40:22 >>Vice-Mayor Ribble: NOT ONLY THE NEW OWNER, BUT THE
 10:40:25 PREVIOUS OWNER JUST IGNORED THE FINES.
 10:40:32 AND POSSIBLY KNEW AND DIDN'T DISCLOSE TO THE NEW OWNER, TOO.
 10:40:39 THE PREVIOUS OWNER WAS AT FAULT FOR A LONG, LONG TIME.
 10:40:48 >>Mayor McLain: I MIGHT HAVE A QUESTION FOR THE ATTORNEY ON
 10:40:49 THIS.
 10:40:50 WE HAD A LIEN IN EFFECT AT THE TIME THE TRANSFER OF PROPERTY
 10:40:55 WITH THE QUITCLAIM DEED.
 10:40:57 WHAT IS OUR LEGAL RECOURSE AGAINST THE ORIGINAL SELLER?
 10:41:04 >>Robert Eschenfelder: THE LIEN RUNS WITH THE LAND AND IS
 10:41:06 ENFORCEABLE AGAINST THE CURRENT OWNER.
 10:41:09 WHEN WE FORECLOSE, WE WOULD FORECLOSE AGAINST THE CURRENT
 10:41:13 RECORD OWNER.
 10:41:14 I THINK IF WHAT THIS REPRESENTATIVE IS STANDING HERE TODAY
 10:41:18 TELLING YOU IS THAT HIS CLIENT, FOR LACK OF A BETTER WORD,
 10:41:24 WAS DEFRAUDED BECAUSE THE SELLER DID NOT DISCLOSE THE
 10:41:29 EXISTENCE OF THE LIEN, I THINK THAT THERE'S LEGAL RECOURSE
 10:41:34 WHERE THIS, HIS CLIENT CAN GO BACK AND SAY I WANT TO UNDO
 10:41:37 THE DEAL BECAUSE YOU HAVE DEFRAUDED ME AND I WANT MY MONEY
 10:41:42 BACK.

 10:41:42 OF COURSE, AS WE STAND HERE TODAY, HE'S NOT ABLE TO SAY HOW
 10:41:46 MUCH MONEY CHANGED HANDS, IF ANY.
 10:41:48 YOU'RE HEARING NOW THAT THIS PROPERTY IS IN SUCH DISREPAIR
 10:41:54 THAT IT LIKELY NEEDS IN EXCESS OF \$100,000 IN REPAIRS, AND
 10:42:00 I'M GUESSING -- I DON'T KNOW IF THIS REPRESENTATIVE KNOWS
 10:42:05 THE OWNER'S FINANCIAL STATUS, BUT IF THE OWNER IS OF ILL

10:42:09 HEALTH, IN AND OUT OF THE HOSPITAL, UNABLE TO MAKE IT DOWN,
 10:42:12 IS HE EVEN GOING TO BE ABLE TO REMEDY ALL THAT NEEDS TO BE
 10:42:16 DONE TO THIS PROPERTY?
 10:42:19 YOU'RE HERE TODAY BEING ASKED TO LOWER A LIEN.
 10:42:22 BUT THE BIGGER PICTURE IS THAT WE MAY STILL HAVE IN THE
 10:42:25 VILLAGE A PIECE OF PROPERTY THAT REALLY NEEDS TO BE -- COME
 10:42:30 INTO THE OWNERSHIP HANDS OF A NEW OWNER THAT HAS THE
 10:42:33 RESOURCES TO FIX EVERYTHING THAT NEEDS TO BE FIXED AND TURN
 10:42:37 IT BACK INTO A PRODUCTIVE PROPERTY.
 10:42:38 SO MAYBE -- THIS MAY BE A CASE WHERE REDUCING THE LIEN ISN'T
 10:42:43 GOING TO GET YOU ANYWHERE; WHEREAS, FORECLOSING THE LIEN,
 10:42:47 TAKING THE PROPERTY -- AND I HATE TO BE HARSH, BUT I'M
 10:42:50 TALKING IT THROUGH WITH YOU SO YOU ALL THINK ABOUT IT.
 10:42:53 YOU'RE BEING ASKED TO DO THIS DISCREET LITTLE THING, BUT
 10:42:58 THERE IS A BIGGER ICEBERG SITTING OUT THERE, AND IS MR.
 10:43:01 KNIGHT GOING TO BE OUT THERE THREE MONTHS LATER FOR THE NEXT
 10:43:04 THING THAT HE HAS TO CITE?
 10:43:05 BECAUSE WE STILL HAVE AN ABSENTEE OWNER WHO STILL HAS
 10:43:09 LIMITED FINANCIAL RESOURCES WHO IS NOT ON TOP OF THE

 10:43:11 PROPERTY.
 10:43:12 THAT MIGHT BE SOMETHING HE CAN ADDRESS, I DON'T KNOW.
 10:43:16 >> COULD I MAKE A STATEMENT TO THIS?
 10:43:18 IN REGARDS TO MR. WARD'S STATEMENT ABOUT THE OWNER ON
 10:43:23 SHERRILL THAT HAVE TO DRIVE BY AND THAT, I COMPLETELY
 10:43:28 UNDERSTAND THAT.
 10:43:28 YOU DON'T WANT TO DRIVE BY SOMETHING BAD.
 10:43:30 THERE ARE POTHOLES ON THE STREET AND EVERYTHING LIKE THAT.
 10:43:33 JUST BECAUSE IT'S AN OLDER STREET IN ESTERO.
 10:43:36 I WAS BORN AND RAISED HERE.
 10:43:38 I KNOW THE AREA REALLY WELL.
 10:43:39 TO ADDRESS YOUR VILLAGE ATTORNEY'S THING, HE'S 100% CORRECT.
 10:43:46 THE GENTLEMAN DOESN'T HAVE THE FINANCIAL MEANS, BUT THERE'S
 10:43:51 -- WE'RE NOT TALKING ABOUT A HOUSE ON ESTERO RIVER HEIGHTS
 10:43:55 OR ON THE WATER THAT HAS EXTREME VALUE.
 10:43:59 BUT WHAT TROY WOULD PLAN TO DO IS CLEAN IT UP ENOUGH SO THAT
 10:44:03 WE COULD GET A PRODUCTIVE OWNER IN THERE, A FAMILY.
 10:44:07 IT'S STILL AFFORDABLE HOUSING, LOCAL TO THE AREA THAT A
 10:44:12 FAMILY COULD USE THE SCHOOL SYSTEMS AND EVERYTHING ELSE
 10:44:14 AROUND AND USE THE HOUSE LATER ON.
 10:44:16 IF YOU FORECLOSE ON IT, YOU KNOW, I DON'T KNOW IF YOU GUYS
 10:44:22 ARE IN THE BUSINESS TO BE REAL ESTATE DEVELOPERS, BUT IT'S A
 10:44:28 HEADACHE AND A HASSLE FOR EVERYONE.
 10:44:32 >>Mayor McLain: ON THE QUITCLAIM DEED QUESTION, CAN YOU NOT
 10:44:39 GO TO PUBLIC RECORDS AND FIND OUT IF THERE IS A LIEN ON ANY

 10:44:43 SPECIFIC PROPERTY?
 10:44:43 IS THE LEEPA --

10:44:46 >> NOT UNLESS YOU DO A TITLE SEARCH OR LIEN SEARCH.
 10:44:50 >>Mayor McLain: SO YOU CAN FIND THAT OUT.
 10:44:52 >> YOU CAN, BUT WHEN YOU DO QUITCLAIM DEEDS -- I MEAN, THIS
 10:44:56 IS OWNER TO OWNER.
 10:44:57 THEY ARE NOT SOPHISTICATED.
 10:45:01 THE ORIGINAL OWNER WAS TRYING TO CONCEAL, OBVIOUSLY, THAT
 10:45:05 THERE WAS A LIEN ON THE PROPERTY WHEN THEY SOLD IT.
 10:45:07 >>Mayor McLain: OKAY.
 10:45:07 JUST TO MOVE THIS THING ALONG, DO WE HAVE ANYBODY THAT WILL
 10:45:10 SPEAK PUBLICLY OR E-COMMENTS?
 10:45:13 >>Carol Sacco: NO PUBLIC COMMENT AND NO E-COMMENTS.
 10:45:15 >>Mayor McLain: I THINK WE HAVE TALKED IT OVER.
 10:45:17 I WILL ENTERTAIN A MOTION REGARDING THIS.
 10:45:19 >>Lori Fayhee: I DO HAVE ONE QUESTION.
 10:45:20 IT'S FOR MR. KNIGHT.
 10:45:23 THANK YOU.
 10:45:30 ARE THERE CURRENTLY ANY OTHER VIOLATIONS TO DATE THAT ARE
 10:45:35 STILL ONGOING TODAY?
 10:45:38 >>Stanley Knight: NO, NOTHING ON THE PROPERTY, SINCE IT'S
 10:45:42 BEEN TAKEN CARE OF LAST AUGUST OR WHATEVER IT WAS, THERE
 10:45:45 HAVE BEEN NO ISSUES AT ALL.
 10:45:47 >>Lori Fayhee: THANK YOU VERY MUCH.
 10:45:48 >>George Zalucki: ONE MORE QUESTION, IF I MAY.

 10:45:49 MR. BARTLETT DOES ANYBODY OR HAS ANYBODY LIVED IN THE HOUSE
 10:45:53 SINCE YOUR CLIENT HAS PURCHASED IT?
 10:45:55 >> NOT TO MY KNOWLEDGE.
 10:45:57 >>George Zalucki: WAS HIS INTENT TO RENT THE PROPERTY?
 10:46:00 >> NO, TO OCCUPY IT COMING DOWN.
 10:46:02 WHEN HE GOT DOWN HERE, HE FOUND THE PROPERTY IN DISARRAY.
 10:46:06 >>George Zalucki: HE NEVER PHYSICALLY LOOKED AT THE PROPERTY
 10:46:08 BEFORE HE ASSUMED IT.
 10:46:12 DON'T KNOW IF HE BOUGHT IT, BUT ASSUMED IT.
 10:46:14 >> THAT'S WHAT HE STATED TO ME.
 10:46:16 >>George Zalucki: IT WAS HIS DECISION NOT TO DO A TITLE
 10:46:19 SEARCH.
 10:46:20 >> WELL, ONCE AGAIN, YOU'RE DEALING WITH SOMEONE THAT ISN'T
 10:46:25 IN THE BUSINESS ABOUT WHAT TO LOOK FOR, MOST PEOPLE WOULDN'T
 10:46:29 EVEN THINK ABOUT PULLING A TITLE SEARCH WHEN THEY BUY A QUIT
 10:46:34 -- THEY JUST -- THEY SHOULD HAVE WENT THIS ROUTE, BUT HERE
 10:46:40 HE WENT THIS ROUTE.
 10:46:41 I DON'T KNOW HOW MUCH KNOWLEDGE HE HAS OF REAL ESTATE.
 10:46:45 >>George Zalucki: I UNDERSTAND.
 10:46:46 BUT HERE WE ARE BECAUSE OF THAT DECISION.
 10:46:49 >> THAT'S CORRECT.
 10:46:51 >>George Zalucki: OKAY.
 10:46:52 MR. MAYOR, THANK YOU.
 10:46:53 >>Mayor McLain: I'VE GOT ONE, JUST ONE COMMENT AND THEN I

10:46:56 WANT TO LOOK FOR A MOTION.

10:46:59 I THINK COUNCILMEMBER WARD, YOU MENTIONED ABOUT, THERE'S
 10:47:09 BEEN AN IMPROVEMENT IN THE PROPERTY.
 10:47:10 CAR ISN'T PARKED THERE, REFRIGERATOR IS GONE.
 10:47:13 BASICALLY CLEANED UP.
 10:47:14 IT'S NOT THE TAJ MAHAL.
 10:47:15 SO THERE IS AN IMPROVEMENT ON THIS ON A PROPERTY THAT IS
 10:47:20 PROBABLY LESS THAN \$100,000 IN TOTAL VALUE.
 10:47:22 I'LL JUST MAKE THAT COMMENT AND LOOK FOR A MOTION FROM
 10:47:32 ANYBODY.
 10:47:32 ANYBODY WANT TO MAKE A MOTION ON THIS?
 10:47:36 >>Lori Fayhee: I WOULD LIKE TO MAKE THE MOTION TO ACCEPT THE
 10:47:39 STAFF'S RECOMMENDATION.
 10:47:41 I BELIEVE THE CAR HAS BEEN REMOVED, THE REFRIGERATOR HAS
 10:47:48 BEEN REMOVED, AND THERE HAVE BEEN NO NEW VIOLATIONS.
 10:47:52 >>Mayor McLain: COUNCILMEMBER FAYHEE HAS MADE A MOTION.
 10:47:54 DO WE HAVE A SECOND?
 10:47:55 I'LL MAKE A SECOND.
 10:47:59 MAYOR McLAIN MADE A SECOND.
 10:48:03 MADAM CLERK, WOULD YOU PLEASE CALL THE ROLL?
 10:48:07 >>Larry Fiesel: AYE.
 10:48:09 >>Lori Fayhee: AYE.
 10:48:10 >>Rafael Lopez: AYE.
 10:48:12 >>Jim Ward: NO.
 10:48:15 >>George Zalucki: NAY.
 10:48:18 >>Vice-Mayor Ribble: NO.

10:48:21 >>Mayor McLain: AYE.
 10:48:22 WHAT IS THE COUNT ON THAT?
 10:48:27 4-3.
 10:48:29 >>Carol Sacco: 4-3.
 10:48:30 THE MOTION PASSED.
 10:48:32 >>Mayor McLain: IN FAVOR OF ACCEPTING.
 10:48:34 >>Carol Sacco: YES.
 10:48:35 >>Mayor McLain: THANK YOU.
 10:48:37 >> THANK YOU.
 10:48:38 HAVE A NICE DAY, COUNCIL.
 10:48:42 >>Mayor McLain: THE NEXT ITEM IS ITEM 7C, HAZARD MITIGATION
 10:48:52 APPLICATION ASSISTANCE CONTRACT.
 10:48:53 THIS ONE DOESN'T HAVE MARY BUT IT HAS DAVID.
 10:48:58 DAVID, COULD YOU INTRODUCE THIS ITEM?
 10:49:03 >>David Willems: GOOD MORNING, COUNCIL.
 10:49:07 WHAT'S BEFORE YOU IS A CHANGE ORDER TO A CONTRACT WITH J.R.
 10:49:12 EVANS ENGINEERING.
 10:49:14 THIS IS RELATED TO SOME OF THE WORK WE'RE TRYING TO DO TO
 10:49:18 SET OURSELVES UP TO GET SOME GRANTS FROM THE FEDERAL
 10:49:20 GOVERNMENT RELATED TO HURRICANE IAN.

10:49:23 THIS HAZARD MITIGATION GRANT IS VERY TIME SENSITIVE.
 10:49:28 SO WE HAD TO GET THEM STARTED ON THE PROJECT NOT KNOWING
 10:49:33 EXACTLY WHERE THE END WAS.
 10:49:36 SO THE ORIGINAL CONTRACT I THINK WAS FOR \$45,000.
 10:49:40 THAT WAS NOT ENOUGH TO GET ALL THE WAY TO THE END OF THE

 10:49:43 GRANT.
 10:49:44 SO WE'RE HERE BEFORE COUNCIL TO GET APPROVAL BASICALLY FOR
 10:49:47 THE WHOLE CONTRACT BECAUSE IT'S OVER \$50,000.
 10:49:51 WHAT THEY DID WAS THEY LOOKED AT THE STORMWATER PROJECTS
 10:49:54 THAT WE WERE TRYING TO GET HAZARD MITIGATION GRANT FUNDING
 10:49:58 FOR, AND TWO OF THEM WE ORIGINALLY LOOKED AT.
 10:50:01 ONE WAS SOME IMPROVEMENTS TO THE RAILROAD DITCH AND THEN THE
 10:50:05 OTHER WAS MORE OF A REGIONAL PROJECT ON THE NORTH BRANCH OF
 10:50:07 THE ESTERO RIVER.
 10:50:09 WHEN THEY FIRST STARTED LOOKING AT THE RAILROAD, IT BECAME
 10:50:14 APPARENT WITHIN THE FIRST MONTH OR SO THAT WE WOULD NOT BE
 10:50:18 ABLE TO GET HAZARD MITIGATION FUNDING, SO THEY STOPPED WORK
 10:50:23 THAT AND FOCUSED ON THE NORTH BRANCH IMPROVEMENTS.
 10:50:25 AT THE BEGINNING, WE REALLY JUST HAD A CONCEPT OF WHAT WE
 10:50:31 WANTED TO DO.
 10:50:32 THEY ACTUALLY HAD TO GO IN AND ACTUALLY DESIGN AND MODEL THE
 10:50:36 IMPROVEMENTS TO THE POINT THAT WE COULD ACTUALLY TELL FEMA
 10:50:39 THAT THESE HOMES WOULD NOW BE PROTECTED MORE FROM FLOODING
 10:50:44 THAN THEY WERE BEFORE.
 10:50:45 SO THERE WAS A LOT OF DETAILED MODELING THAT HAD TO HAPPEN.
 10:50:49 BECAUSE WE HAVE TO WITH THE HAZARD MITIGATION, WE HAVE TO
 10:50:57 SHOW THE STATE THAT THE COST TO BUILD IT IS LESS THAN THE
 10:50:59 COST SAVINGS BY ROADS AND HOMES NOT FLOODING.
 10:51:03 WITH THAT, I CAN ANSWER ANY QUESTIONS.
 10:51:09 >>Mayor McLain: ANY QUESTIONS FROM COUNCIL?

 10:51:13 >>Larry Fiesel: I'VE GOT ONE, DAVID, OR AT LEAST A
 10:51:15 CLARIFICATION.
 10:51:16 THE DATA WE HAVE IN FRONT OF US TALKS ABOUT BROADWAY WEST
 10:51:20 UTILITY EXTENSION AND THE ESTERO RIVER NORTH.
 10:51:24 IT LOOKS LIKE WE'RE ONLY DOING THE ESTERO RIVER NORTH BRANCH
 10:51:28 AND THE BROADWAY WEST IS NOT BEING INCLUDED IN THIS.
 10:51:31 IS THERE A REASON THAT WE'RE NOT?
 10:51:32 THAT'S IN MY DISTRICT.
 10:51:35 >>David Willems: THAT'S ACTUALLY A VERY GOOD POINT.
 10:51:37 THE REASON THAT THIS ISN'T INCLUDED IN THIS CONTRACT IS
 10:51:40 BECAUSE THAT ONE DOESN'T HAVE ANYTHING TO DO WITH FLOODING.
 10:51:43 SO WE ARE SUBMITTING A HAZARD MITIGATION GRANT FOR BROADWAY
 10:51:48 WEST, BUT THAT DIDN'T NEED J.R. EVANS TO HELP US WITH THAT.
 10:51:53 HAGERTY CONSULTING HAD ALL THE EXPERTISE INTERNAL, SO THAT'S
 10:51:57 INCLUDED IN THAT CONTRACT.
 10:51:58 >>Larry Fiesel: ALL RIGHT.

10:51:59 WE'RE JUST DOING WHAT THE ESTERO RIVER --
 10:52:03 >>David Willems: YES.
 10:52:03 >>Vice-Mayor Ribble: WE CAN BE ASSURED THAT THE PROJECT WILL
 10:52:07 BE MORE TO MEET THE REQUIREMENTS FOR THE GRANT?
 10:52:13 YOU SAID THE IMPROVEMENTS HAVE TO BE --
 10:52:20 >>David Willems: I GOTCHA.
 10:52:22 >>Vice-Mayor Ribble: LESS THAN WHAT THE POSSIBLE DAMAGE
 10:52:25 COULD BE.
 10:52:25 >>David Willems: CORRECT.

 10:52:27 >>Vice-Mayor Ribble: THAT'S WHAT THEY ARE INVESTIGATING,
 10:52:29 RIGHT?
 10:52:29 WE'RE NOT SURE ABOUT THAT, ARE WE OR ARE WE?
 10:52:33 >>David Willems: ARE NOT.
 10:52:34 WHAT WE DO IN OUR APPLICATION IS J.R. EVANS DOES THE
 10:52:37 ANALYSIS THAT SHOWS HOW MUCH FLOODING IS GOING TO BE
 10:52:41 REDUCED.
 10:52:42 THEN THEY WORK, THEM AND US WORK WITH HAGERTY TO KIND OF GET
 10:52:47 A KIND OF ESTIMATE OF WHAT THE COST BENEFIT IS.
 10:52:50 AND THAT'S WHAT TOOK SO LONG IS THE BACK AND FORTH BETWEEN
 10:52:53 J.R. EVANS AND HAGERTY TO GET TO A POINT THAT HAGERTY FELT
 10:52:57 THAT WE WERE GETTING CLOSE TO THAT COST BENEFIT.
 10:53:00 THE FINAL DETERMINATION IS THE STATE.
 10:53:03 THEY DO A SEPARATE ANALYSIS.
 10:53:04 WE SUBMIT ALL THE INFORMATION TO THEM, AND THEN THEY DO
 10:53:07 THEIR OWN ANALYSIS ON COST BENEFIT.
 10:53:09 THAT'S -- IT'S NOT AN END THERE, SO WORST-CASE SCENARIO,
 10:53:15 THEY DETERMINE THAT THE COST BENEFIT ISN'T THERE.
 10:53:18 THE PROCESS IS FOR THEM TO WORK WITH US TO MAKE CHANGES TO
 10:53:22 THE PROJECT SO THAT WE CAN GET TO THAT COST BENEFIT.
 10:53:28 >>Vice-Mayor Ribble: THEY ARE GOING TO BE DOING THEIR
 10:53:29 MODELING FOR THIS EXTRA \$45,000.
 10:53:32 >>David Willems: THE BACK AND FORTH.
 10:53:33 >>Vice-Mayor Ribble: HOPEFULLY TO GET TO THAT.
 10:53:35 >>David Willems: THIS ACTUALLY WAS FOR THE INITIAL SUBMITTAL

 10:53:39 AS WELL.
 10:53:40 THIS ISN'T JUST FOR THE ADDITIONAL, BUT THE ADDITIONAL IS IN
 10:53:43 HERE AS WELL.
 10:53:45 >>Mayor McLain: OTHER QUESTIONS FROM COUNCIL?
 10:53:47 >>George Zalucki: THANK YOU, DAVID.
 10:53:48 WHEN I FIRST WENT THROUGH THIS, I WAS A LITTLE SHOCKED TO
 10:53:51 SEE A 78% INCREASE IN THE SCOPE OR THE COST.
 10:53:54 AND I DID GO THROUGH THE SCOPE OF SERVICES.
 10:53:57 ARE THERE ANY PROVISIONS IN THE ORIGINAL CONTRACT THAT
 10:53:59 ALLOWS SOME DEVIATION TO THE AGREEMENT?
 10:54:04 FOR INSTANCE, ORIGINALLY \$45,000.
 10:54:06 THE SCOPE SEEMS TO COVER EXACTLY WHAT YOU'RE ARTICULATING

10:54:11 BUT NOW WE'RE LOOKING AT ADDITIONAL 35,000.
 10:54:13 IS THERE ANY WIGGLE ROOM IN THE CONTRACT THAT SAYS THEY CAN
 10:54:16 COME BACK?
 10:54:17 NOT TO HOLD THEM TO CONTRACT NECESSARILY, BUT JUST TO HAVE
 10:54:20 RESPONSIBILITY AND ACCOUNTABILITY WHEN WE'RE TALKING AND
 10:54:23 NEGOTIATING THESE CONTRACTS.
 10:54:26 >>David Willems: THIS IS A LITTLE BIT OF A DIFFERENT PROJECT
 10:54:28 THAN WE NORMALLY WOULD WORK ON.
 10:54:29 SO WHEN WE'RE DOING A ROAD, WE KNOW THAT WE WANT A SIDEWALK,
 10:54:34 WE WANT DRAINAGE, THOSE TYPES OF THINGS.
 10:54:36 USUALLY WE HAVE A PRETTY GOOD DESIGN.
 10:54:38 THAT'S WHY THE FIRST PHASE OF ANY ROADWAY PROJECT IS THE
 10:54:41 CONCEPT DESIGN.

 10:54:42 TO GET US IN POSITION TO SUBMIT FOR THE HAZARD MITIGATION,
 10:54:48 WE HAD TO DO THAT ALL OUT OF ORDER.
 10:54:51 WE WERE NOT ABLE TO DO THE CONCEPTUAL DESIGN BEFORE WE
 10:54:56 SIGNED THE CONTRACT.
 10:54:57 THE CONCEPTUAL DESIGN AND THE ACTUAL MORE DETAILED DESIGNS
 10:55:01 ALL DONE AT THE SAME TIME.
 10:55:01 SO WE DIDN'T HAVE THE FRAMEWORK THAT WE WOULD NORMALLY HAVE.
 10:55:05 >>George Zalucki: SO THERE WAS AN UNDERSTANDING THAT IT
 10:55:07 COULD ESCALATE.
 10:55:08 >>David Willems: YES.
 10:55:10 >>George Zalucki: AT TIME OF CONTRACT.
 10:55:11 >>David Willems: WE DID NOT HAVE A REALLY GREAT
 10:55:13 UNDERSTANDING OF THE -- WE KNEW THAT AT THE TIME WHAT THE
 10:55:16 SCOPE WOULD BE.
 10:55:18 >>Mayor McLain: I'VE GOT A QUESTION.
 10:55:19 THE PROJECT ITSELF HAS TO DELIVER A COST THAT IS LESS THAN
 10:55:24 THE DAMAGE THAT COULD OCCUR IN THE NEIGHBORHOOD.
 10:55:27 DOES THAT HAVE ANYTHING TO DO WITH INSURANCE COSTS?
 10:55:30 BECAUSE I KNOW THAT THE PEOPLE JUST TO THE NORTH OF THIS
 10:55:33 PROJECT, AFTER IAN OR IRMA, WHATEVER, ALL THE FLOODING WE
 10:55:38 HAD, THEIR INSURANCE RATES, I DON'T KNOW FOR A FACT, BUT I
 10:55:42 HEARD THEY ARE UP LIKE 400%, WHICH IS VERY COMMON IN ALL OF
 10:55:46 SOUTHWEST FLORIDA RIGHT NOW.
 10:55:48 DOES THIS PROJECT GET TO INCLUDE THE BENEFIT OF THIS
 10:55:53 IMPLEMENTATION IS GOING TO SAVE OUR RESIDENTS SIGNIFICANT

 10:55:56 AMOUNTS OF MONEY FOR THEIR INSURANCE?
 10:56:00 >>David Willems: I DON'T BELIEVE IT IS DIRECTLY THE
 10:56:01 INSURANCE.
 10:56:02 BUT ONE OF THE INTENTS OF THE PROJECT IS TO REDUCE FLOODING
 10:56:06 IN THE HOPE -- WHAT HAPPENED IN THAT SPECIFIC AREA, IT
 10:56:08 WASN'T ACTUALLY DIRECTLY TIED TO IAN, BUT THEY KIND OF GOT
 10:56:13 HIT TWICE.
 10:56:14 EVERYBODY IS GETTING INSURANCE INCREASES, BUT THAT AREA,

10:56:18 JUST AS IAN CAME THROUGH, THE FEDERAL GOVERNMENT ADOPTED NEW
 10:56:22 FEMA MAPS.
 10:56:23 SO SOME OF THOSE HOMES WERE PAYING INSURANCE ON A HOME THAT
 10:56:27 WAS NOT IN A FLOODPLAIN, AND THEN AFTER IAN, WHICH WAS JUST
 10:56:30 AFTER, I THINK IT WAS NOVEMBER, THE MAPS BECAME OFFICIAL,
 10:56:33 THEY ACTUALLY GOT PUT INTO A FLOODPLAIN, SO NOW THEY ALSO
 10:56:37 HAD TO BUY FLOOD INSURANCE.
 10:56:39 IF YOU WEREN'T AFFECTED BY THAT, YOU GOT AN INCREASE, BUT
 10:56:42 THEY GOT A MUCH LARGER INCREASE.
 10:56:44 THE HOPE IS THAT THIS PROJECT WILL REDUCE THE FLOODING SO
 10:56:47 THAT SOME OF THOSE HOMES ARE NO LONGER IN THE FLOODPLAIN
 10:56:50 THAT WOULD NO LONGER BE REQUIRED TO GET FLOOD INSURANCE.
 10:56:53 >>Mayor McLain: THANK YOU.
 10:56:54 I THINK THAT IS A DOUBLE BENEFIT TO THIS PROJECT.
 10:56:56 I DON'T LIKE THE OVERSPEND OF 35,000 ON A 45, BUT I THINK
 10:57:01 BECAUSE OF TIME AND BECAUSE I'M ON THE TASK FORCE, THERE ARE
 10:57:04 SPECIFIC TIME LIMITS AND CONSTRAINTS THAT WE'RE UNDER THAT

 10:57:07 IF WE DON'T MOVE THEM FORWARD, WE'RE GOING TO MISS THE
 10:57:10 FUNDS.
 10:57:11 >>David Willems: WELL, AND THE REASON WE'RE SUBMITTING THIS
 10:57:13 IS SO THAT THE FEDERAL GOVERNMENT WILL PAY 75 TO 100 PERCENT
 10:57:17 OF THE CONSTRUCTION COSTS OF THAT PROJECT.
 10:57:19 THAT'S WHY IT WAS IMPORTANT TO GET ALL OF THAT SUBMITTED AND
 10:57:23 REALLY DO WHATEVER IT TOOK TO GET THAT SUBMITTED.
 10:57:26 >>Mayor McLain: GOOD.
 10:57:26 ANY OTHER QUESTIONS FROM COUNCIL?
 10:57:28 >>Vice-Mayor Ribble: THIS \$35,000, IS THAT GOING TO BE
 10:57:30 SUFFICIENT TO FINISH?
 10:57:32 OR DO THEY THINK THEY MAY COME BACK AGAIN?
 10:57:34 >>David Willems: THAT'S THE ESTIMATE THAT THEY HAVE.
 10:57:37 >>Vice-Mayor Ribble: THAT'S WHAT I SAW, IT'S AN ESTIMATE.
 10:57:40 WE CAN'T PUT ANY CEILING ON THE AMOUNT.
 10:57:45 >>Mayor McLain: NOT TO EXCEED.
 10:57:47 >>Vice-Mayor Ribble: YEAH.
 10:57:47 BECAUSE THEY COULD COME BACK AND SAY WE NEED MORE.
 10:57:51 WHAT'S YOUR FEELING?
 10:57:52 >>David Willems: IT'S DIFFICULT ON THESE TYPE OF CONTRACTS
 10:57:54 BECAUSE IT IS A LOT OF UNKNOWN THAT WE'RE DEALING WITH THE
 10:57:57 STATE ON A GRANT PROGRAM.
 10:58:00 IF WE TRIED TO PUT A NUMBER ON IT, THEY WOULD PROBABLY COME
 10:58:04 BACK WITH SOMETHING MUCH, MUCH HIGHER.
 10:58:07 >>Vice-Mayor Ribble: TAKE THE 35 AND RUN WITH IT, SEE HOW

 10:58:09 FAR IT GOES?
 10:58:12 >>David Willems: WE'RE GOING TO WORK WITH THEM TO MAKE SURE
 10:58:14 WE GET WHERE WE NEED TO.
 10:58:15 I THINK IF IT COMES TO THE POINT WE'RE REALLY CLOSE TO

10:58:19 GETTING THE GRANT AND MATTER OF A CHANGE ORDER FOR \$10,000
 10:58:22 TO GET THE GRANT, THAT'S MONEY WELL SPENT.
 10:58:24 YEAH, WE'LL DEFINITELY WORK WITH THEM TO MAKE SURE WE --
 10:58:30 >>Lori Fayhee: THIS IS AN ESTIMATE.
 10:58:32 DOES IT MEAN IT'S POSSIBLE THEY COULD COME IN UNDER THIS?
 10:58:36 >>David Willems: YES.
 10:58:37 THIS ISN'T A FEE THAT THEY ARE ENTITLED TO.
 10:58:40 THEY HAVE TO DO CERTAIN WORK AND THEN THEY GET PAID FOR THAT
 10:58:43 WORK.
 10:58:44 >>Mayor McLain: MADAM CLERK, DO WE HAVE ANY COMMENTS?
 10:58:48 >>Carol Sacco: NO, MAYOR.
 10:58:49 >>Larry Fiesel: I'D LIKE TO SAY THAT I THINK EVEN THOUGH THE
 10:58:52 ORIGINAL CONTRACT WAS A NOT TO EXCEED AMOUNT, I THINK THIS
 10:58:55 IS A VERY IMPORTANT PIECE OF PROPERTY THAT WE NEED TO BE
 10:59:00 DEALING WITH.
 10:59:00 I THINK IT'S PROBABLY GOOD MONEY.
 10:59:07 >>Mayor McLain: MADAM CLERK, ANY PUBLIC COMMENTS OR
 10:59:11 E-COMMENTS?
 10:59:12 >>Carol Sacco: NO PUBLIC COMMENTS AND NO E-COMMENTS.
 10:59:14 >>Mayor McLain: I WILL NOW ENTERTAIN A MOTION TO APPROVE.
 10:59:18 >>Rafael Lopez: SO MOVED.

 10:59:18 >>Mayor McLain: COUNCILMAN LOPEZ HAS MADE A MOTION AND
 10:59:20 SECONDED BY COUNCILMAN WARD.
 10:59:22 MADAM CLERK, PLEASE CALL THE ROLL.
 10:59:26 >>George Zalucki: AYE.
 10:59:27 >>Jim Ward: AYE.
 10:59:29 >>Rafael Lopez: AYE.
 10:59:32 >>Lori Fayhee: AYE.
 10:59:33 >>Larry Fiesel: AYE.
 10:59:34 >>Vice-Mayor Ribble: AYE.
 10:59:35 >>Mayor McLain: AYE.
 10:59:36 THE NEXT ITEM ON THE AGENDA IS 7D, RESOLUTION NUMBER
 10:59:41 2023-26, CONSIDERATION OF A RESOLUTION REGARDING PROPOSED
 10:59:47 COUNTY CHARTER AMENDMENT REGARDING VOLUNTARY ANNEXATION.
 10:59:52 MADAM CLERK, WOULD YOU PLEASE READ THE TITLE OF THIS
 10:59:55 RESOLUTION?
 10:59:55 >>Carol Sacco: RESOLUTION 2023-26, A RESOLUTION OF THE
 10:59:59 VILLAGE OF ESTERO, FLORIDA, OPPOSING AMENDING THE COUNTY
 11:00:02 CHARTER IN ANY MANNER WHICH WOULD IMPEDE THE FREE RIGHT OF A
 11:00:06 PROPERTY OWNER TO VOLUNTARILY ANNEX INTO A MUNICIPALITY AND
 11:00:10 OPPOSING ANY CHARTER LANGUAGE WHICH WOULD ALLOW COUNTY
 11:00:14 COMMISSIONERS TO ARBITRARILY DECIDE IF A VOLUNTARY
 11:00:16 ANNEXATION MAY OCCUR; MAKING RELATED FINDINGS; PROVIDING FOR
 11:00:22 SEVERABILITY AND FOR AN EFFECTIVE DATE.
 11:00:24 >>Mayor McLain: THANK YOU.
 11:00:25 OUR VILLAGE ATTORNEY, ROB, WOULD YOU PLEASE INTRODUCE THIS

11:00:29 ITEM?
 11:00:30 >>Robert Eschenfelder: YES, MAYOR.
 11:00:31 YOU ALL ARE AWARE OF THE PROPOSED LEE COUNTY CHARTER
 11:00:36 AMENDMENT THAT A COUNTY COMMISSIONER HAS ASKED FOR.
 11:00:40 THAT AMENDMENT IS CURRENTLY BEING DISCUSSED AND DEBATED BY
 11:00:42 THE CHARTER REVIEW COMMISSION.
 11:00:45 THE MAYOR AND I HAVE ATTENDED A MEETING I THINK BACK IN
 11:00:48 SEPTEMBER.
 11:00:49 THEY ARE MEETING AGAIN ON OCTOBER THE 10th.
 11:00:51 SO THE VILLAGE FELT THAT SINCE OTHER MUNICIPALITIES HAVE
 11:00:58 DONE FORMAL RESOLUTIONS, EVEN THOUGH AT THE LAST MEETING WE
 11:01:03 MADE IT CLEAR WE WEREN'T IN FAVOR, THAT THE COUNCIL SPEAK
 11:01:07 THROUGH A FORMAL RESOLUTION SO WHEN WE GO BACK ON THE
 11:01:09 10th, THAT THE MAYOR IN ADDITION TO HIS COMMENTS WILL HAVE
 11:01:13 THE RESOLUTION IN PLACE.
 11:01:14 HE ASKED ME TO DRAFT IT, AND I THINK WHAT I TRIED TO DO IN
 11:01:19 THIS VERSION IS TO WALK THROUGH WHAT REALLY THE ARGUMENTS
 11:01:23 ARE BASED UPON WHAT THE COUNTY COMMISSIONERS STATED
 11:01:28 REASONING IS FOR HIS ASK FOR THIS AMENDMENT AND TO TRY TO
 11:01:33 POINT OUT THAT THOSE TOOLS ALREADY EXIST WITHOUT THIS
 11:01:36 CHARTER AMENDMENT, IF THE COUNTY WISHES TO ENGAGE WITH ITS
 11:01:41 MUNICIPALITIES ABOUT THE FUTURE PLANNING AND FUNDING OF
 11:01:44 ROADS AND SEWERS AND SO FORTH, YOU COULD DO THAT ALREADY.
 11:01:47 YOU DON'T NEED TO TAKE TO THE COUNTY COMMISSION THE POWER TO
 11:01:50 ARBITRARILY SAY YES OR NO TO SOMEONE WHO VOLUNTARILY WANTS

 11:01:54 TO COME INTO A MUNICIPALITY, OURS OR OTHERS.
 11:01:57 SO I THINK THIS RESOLUTION RESPECTFULLY MAKES THOSE POINTS.
 11:02:01 THAT'S WHERE I THINK WE'RE AT.
 11:02:04 >>Mayor McLain: THANK YOU.
 11:02:05 ANY COMMENTS FROM COUNCIL?
 11:02:07 I'VE GOT SOME COMMENTS.
 11:02:10 I APPRECIATE ROB GOING THROUGH THIS AND MAKING THIS ORIGINAL
 11:02:16 FROM VILLAGE OF ESTERO, NOT -- I THINK I ASKED THE CLERK TO
 11:02:22 FORWARD CAPE CORAL AREA AND THEIR NEEDS AND LIKES ARE
 11:02:25 DIFFERENT.
 11:02:25 THAT'S WHERE HOME RULE REALLY COMES INTO PLAY.
 11:02:28 BUT I DO THINK THAT WITH OUR MAYORS, WE ALL HAVE OUR
 11:02:32 CONCERNS WITH THIS.
 11:02:33 I THINK WE ALL, I MAY EXCLUDE BONITA SPRINGS BECAUSE I'VE
 11:02:38 TALKED TO BONITA SPRINGS AT ANOTHER MEETING LAST WEEK, TASK
 11:02:42 FORCE, TWO OF THE MEMBERS, ONE BEING THE VICE-MAYOR, HAVE
 11:02:45 ELECTED NOT TO SPEAK UP ON THIS.
 11:02:48 AND I DON'T KNOW.
 11:02:51 I COULDN'T GET A RATIONAL REASON FOR THAT, BUT WE ALL HAVE
 11:02:57 TO WORK TOGETHER.
 11:03:00 THE CITIES HAVE TO DO THAT.
 11:03:02 WE ALSO HAVE TO WORK WITH LEE COUNTY, AND I THINK THAT WE

11:03:05 SHOULD DO THAT IN A COOPERATIVE WAY, AND I THINK OUR
 11:03:09 RESOLUTION IS BASICALLY SAYING THAT.
 11:03:10 THERE'S NO REASON TO PUT ADDITIONAL BARRIERS TO THAT.

11:03:15 ROB AND I WILL BE ON THE 10th, I THINK IT IS A 5:30
 11:03:21 MEETING ON THE 10th, IN FACT, I'D ASK OUR CLERK MAYBE TO
 11:03:27 MAKE SURE WE KNOW THE DATE AND THAT WE CONFIRM WITH THEM
 11:03:31 THAT BOTH OF US WILL BE SPEAKING.
 11:03:35 IF WE DON'T CONFIRM THAT AHEAD OF TIME, WE ONLY GET THREE
 11:03:38 MINUTES.
 11:03:38 SO I WANT TO HAVE MORE THAN THREE MINUTES TO STATE OUR CASE
 11:03:42 IN THERE.
 11:03:43 I THINK THIS IS EXTREMELY IMPORTANT FOR ESTERO AND FOR ALL
 11:03:48 THE OTHER CITIES IN HERE.
 11:03:50 THIS RESOLUTION IS A GREAT WAY TO MAKE OUR CASE.
 11:03:58 AND IF WE DO ANNEXATION IN THE FUTURE, WE'RE WILLING TO TALK
 11:04:01 TO THE LEE COUNTY, THE FIRE DISTRICTS, ALL THE UTILITIES TO
 11:04:06 SAY WHAT'S THE APPROPRIATE WAY TO DO THAT.
 11:04:09 I DON'T WANT TO GO THROUGH ALL THAT WORK IN THE FUTURE FROM
 11:04:12 EITHER A HOMEOWNER OR AN HOA WHERE THEY TALK TO US.
 11:04:16 WE AGREE ON THIS.
 11:04:17 WE TALK TO THE DISTRICTS, THE FIRE DISTRICT, THE PUBLIC
 11:04:20 UTILITIES, AND EVEN LEE COUNTY THEMSELVES AND BE IN THEIR
 11:04:26 STAFF AND SAY WE DOTTED ALL THE IS, CROSSED THE TS.
 11:04:31 THE NEXT STEP IS WE GET TO GO TO THE LEE COUNTY
 11:04:33 COMMISSIONERS WITH THAT REQUEST.
 11:04:36 AND ARBITRARILY WITH NO RULES, WE'VE GOT FIVE COMMISSIONERS
 11:04:40 THAT CAN SAY YES OR NO.
 11:04:43 I THINK THAT IS NOT ACCEPTABLE IN THAT WITH ALL THE

11:04:49 NEGOTIATION AND DISCUSSIONS GOING ON, ON THE TIME
 11:04:52 REQUIREMENT TO DO ALL THAT AND HAVE AN ARBITRARY VOTE
 11:04:56 OVERSHADOWING THAT IS NOT THE WAY TO RUN OUR COUNTY AND OUR
 11:05:00 CITIES IN HERE.
 11:05:00 THOSE ARE MY COMMENTS.
 11:05:03 ANYBODY ELSE HAVE ANY OTHER COMMENTS?
 11:05:08 >>Rafael Lopez: MIGHT EVEN BE -- [INAUDIBLE]
 11:05:13 >>Robert Eschenfelder: ANOTHER POINT I WOULD MAKE IS THE
 11:05:16 MEMBERSHIP OF THE CHARTER REVIEW COMMISSION IS ON THE
 11:05:18 COUNTY'S WEBSITE.
 11:05:19 AND THEY ARE COMMUNITY LEADERS, AND YOU LIKELY KNOW AT LEAST
 11:05:24 SOME OF THEM, EACH OF YOU.
 11:05:26 SO LOOK THEM UP.
 11:05:27 AND YOU EACH ARE INDIVIDUALLY FREE TO TRY TO CHAT WITH, IF
 11:05:31 YOU HAVE PERSONAL CONTACTS.
 11:05:34 BECAUSE WHEN THE MAYOR AND I WERE THERE LAST TIME, THERE WAS
 11:05:37 A HANDFUL OF MEMBERS WHO CLEARLY UNDERSTOOD THE POINTS AND
 11:05:43 CLEARLY DID NOT SUPPORT, BUT THERE WAS ANOTHER FAIRLY LARGE

11:05:46 HANDFUL THAT SEEMED TO JUST WANT TO DO WHAT THEY WERE BEING
 11:05:50 ASKED TO DO.
 11:05:50 I THINK THE MORE VOICES THAT THEY HEAR FROM OUR COMMUNITY
 11:05:54 LEADERS TO SAY THIS IS REALLY NOT GOOD GOVERNANCE, IT WOULD
 11:05:58 HELP I THINK THE MAYOR'S EFFORTS TO TRY TO LOBBY.
 11:06:02 >>Mayor McLain: I AGREE.
 11:06:04 I DON'T KNOW THE RULES AND REGULATIONS, BUT I THINK THERE

 11:06:06 ARE 15 MEMBERS, 14 OR 15 MEMBERS.
 11:06:09 IT TAKES MORE THAN A MAJORITY TO KEEP THIS MOVING FORWARD UP
 11:06:14 TO THERE.
 11:06:15 SO THERE IS A STEP ON THE 10th AND PROBABLY ANOTHER
 11:06:18 MEETING, OR THEY COULD DROP IT AT THAT MEETING.
 11:06:21 I THINK THAT IF WE COULD SWAY FOUR PEOPLE, I THINK IT WOULD
 11:06:28 PROBABLY SAY LET'S LET THIS GO ACCORDING TO FLORIDA STATUTE
 11:06:32 THAT BINDS US ALL UNDER THIS.
 11:06:33 IF YOU KNOW ANYBODY, LOOK AT THAT LIST.
 11:06:38 MADAM CLERK, I DON'T KNOW IF YOU HAVE THAT LIST.
 11:06:40 I CAN GET IT TO YOU AND THEN MAYBE YOU CAN GET COPIES TO
 11:06:44 FOLKS.
 11:06:44 IF YOU KNOW SOMEBODY, PLEASE GIVE THEM A CALL.
 11:06:47 ANY OTHER COMMENTS?
 11:06:49 NO OTHER COMMENTS --
 11:06:51 >>Larry Fiesel: MR. MAYOR, I DO.
 11:06:52 I JUST FEEL LIKE THIS IS JUST ONE LAYER OF BUREAUCRACY THAT
 11:06:56 DOESN'T NEED TO BE PUT INTO PLACE.
 11:06:58 I'M CONCERNED, AS YOU MENTIONED, THAT WE GO THROUGH WHAT WE
 11:07:04 DO, DOT THE Ts, CROSS -- DOT THE Is, CROSS THE Ts AND
 11:07:10 THEN THE COUNTY COMMISSIONERS JUST SAY NO.
 11:07:12 AND THERE ARE NO STANDARDS OF WHICH WE CAN EFFECTIVELY
 11:07:15 REVIEW.
 11:07:17 WHEN THEY SAY NO, WE'RE DONE.
 11:07:19 WE'VE GOT NO PLACE TO GO.

 11:07:20 I JUST THINK IT'S A LAYER OF BUREAUCRACY THAT'S NOT
 11:07:25 REQUIRED.
 11:07:26 AND WE RECEIVED A LETTER, YOU ALL RECEIVED A LETTER FROM ONE
 11:07:29 OF THE COUNTY COMMISSIONERS.
 11:07:31 I DIDN'T SEE ANYTHING IN THERE THAT WOULD CHANGE MY MIND AS
 11:07:36 TO WHY WE WOULD SUPPORT HIS POSITION.
 11:07:41 I THINK IT'S SOMETHING THAT'S NOT NECESSARY.
 11:07:44 >>Mayor McLain: THANK YOU.
 11:07:44 DO WE HAVE ANY PUBLIC COMMENTS?
 11:07:46 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENT.
 11:07:48 >>Mayor McLain: THANK YOU.
 11:07:49 NOW I WILL ENTERTAIN A MOTION TO MOVE THIS FORWARD,
 11:07:52 VICE-MAYOR RIBBLE AND COUNCILMAN LOPEZ SECONDED IT.
 11:07:57 MADAM CLERK, PLEASE CALL THE ROLL.

11:08:00 >>Larry Fiesel: AYE.
 11:08:02 >>Lori Fayhee: AYE.
 11:08:03 >>Rafael Lopez: AYE.
 11:08:05 >>Jim Ward: AYE.
 11:08:07 >>George Zalucki: AYE.
 11:08:07 >>Vice-Mayor Ribble: AYE.
 11:08:09 >>Mayor McLain: AYE.
 11:08:10 THE NEXT ITEM ON THE AGENDA IS 7E, VILLAGE WIDE TRAFFIC
 11:08:17 STUDY RFQ 2023-05.
 11:08:20 DAVID GETS THE HONOR OF INTRODUCING THIS TO US.
 11:08:27 >>David Willems: GOOD MORNING AGAIN.

 11:08:28 SEVERAL YEARS AGO, THE VILLAGE CREATED A TRAFFIC WIDE STUDY
 11:08:35 FOR THE ENTIRE VILLAGE LOOKING AT BOTH THE VILLAGE ROADS,
 11:08:39 INTERSECTIONS, AND THERE WERE MANY RECOMMENDATIONS MADE.
 11:08:42 BUT THAT WAS DONE SIX YEARS AGO AND A LOT OF THE
 11:08:45 IMPROVEMENTS THAT WERE NOTED IN THAT REPORT HAVE ALREADY
 11:08:48 BEEN DONE.
 11:08:49 SO THE VILLAGE MANAGER HAS DECIDED THAT THIS IS A GOOD TIME
 11:08:52 FOR THE VILLAGE TO UPDATE THAT REPORT, AND WE SUBMITTED,
 11:08:57 ADVERTISED FOR BIDS ON UPDATING THAT REPORT AND DOING A
 11:09:01 LITTLE BIT MORE DETAIL.
 11:09:05 IN THAT ORIGINAL REPORT, WE ONLY LOOKED AT A FEW
 11:09:07 INTERSECTIONS.
 11:09:08 THIS ONE IS GOING TO -- THIS IS PROPOSED TO DO MORE OF THE
 11:09:11 INTERSECTIONS AND THEN ALSO UPDATE TO ACCOUNT FOR THE
 11:09:14 ADDITIONAL TRAFFIC, ESPECIALLY OUT EAST ON CORKSCREW ROAD.
 11:09:17 A LOT OF THAT HAS ALREADY BEEN STUDIED BY THE COUNTY, BUT
 11:09:20 THIS WOULD BE A STUDY THAT IS DONE BY THE VILLAGE.
 11:09:24 SO WE ADVERTISED ORIGINALLY ON AUGUST 10.
 11:09:28 WE GOT RESPONSES BACK, BUT WE ONLY GOT THREE RESPONSES.
 11:09:32 SO WE OPENED IT UP AGAIN IN HOPES THAT WE WOULD GET MORE
 11:09:35 RESPONSES, AND WE REACHED OUT TO OTHER FIRMS, BUT,
 11:09:38 UNFORTUNATELY, WE STILL, THE THREE THAT WE GOT WERE GOOD,
 11:09:41 BUT WE STILL ONLY GOT THREE RESPONSES.
 11:09:44 STAFF MET.
 11:09:47 WE HAD A SELECTION COMMITTEE MEETING ABOUT A WEEK AGO, AND

 11:09:51 WE WENT THROUGH ALL OF THE THREE PROPOSALS.
 11:09:54 ALL THREE FIRMS ARE VERY QUALIFIED.
 11:09:57 ALL OF THEM BROUGHT DIFFERENT STRENGTHS AND WEAKNESSES, BUT
 11:10:01 ULTIMATELY THE COMMITTEE PROPOSED THE RANKINGS THAT ARE
 11:10:04 BEFORE YOU, WHICH IS JOHNSON ENGINEERING NUMBER ONE,
 11:10:08 TREBILCOCK CONSULTING SOLUTIONS NUMBER TWO AND PENNONI
 11:10:12 NUMBER THREE.
 11:10:13 THE ITEM BEFORE YOU IS TO APPROVE THOSE RANKINGS AND THEN
 11:10:19 AUTHORIZE STAFF TO START NEGOTIATIONS WITH JOHNSON
 11:10:21 ENGINEERING TO PUT TOGETHER A CONTRACT TO DO THOSE SERVICES

11:10:26 AND THEN BRING IT BACK TO THE VILLAGE COUNCIL.
 11:10:30 >>Mayor McLain: ANY COMMENTS?
 11:10:31 YES, VICE-MAYOR.
 11:10:33 >>Vice-Mayor Ribble: DAVID, 41 AND COCONUT ISN'T INCLUDED IN
 11:10:36 THIS STUDY?
 11:10:37 >>David Willems: YES, IT IS INCLUDED IN THIS STUDY.
 11:10:41 >>Vice-Mayor Ribble: I SAW THE LIST HERE, AND I DIDN'T SEE
 11:10:43 IT.
 11:10:45 >>David Willems: WHICH LIST ARE YOU LOOKING AT?
 11:10:47 >>Vice-Mayor Ribble: PAGE 1.
 11:10:48 >>David Willems: THAT'S JUST THE BACKGROUND.
 11:10:51 REALLY, THAT LIST IS THE RECOMMENDATIONS THAT WERE INCLUDED
 11:10:55 IN THE ORIGINAL, THE ORIGINAL, AND THOSE ARE THE ONES THAT
 11:11:00 HAVE BEEN DONE.
 11:11:00 >>Vice-Mayor Ribble: OKAY.

 11:11:01 THANK YOU.
 11:11:01 >>Mayor McLain: ANY OTHER COMMENTS?
 11:11:04 >>George Zalucki: THANK YOU, MAYOR.
 11:11:06 DAVID.
 11:11:07 VICE-MAYOR, YOU ASKED THE QUESTION I DID, IF 41 AND COCONUT
 11:11:11 WAS ALSO GOING TO BE INCLUDED.
 11:11:12 CORKSCREW EAST, WE KNOW THAT'S COUNTY ROADS, BUT I THINK
 11:11:16 IT'S VERY IMPORTANT THAT'S PART OF THE TRAFFIC STUDY BECAUSE
 11:11:21 THAT IS THE LARGEST IMPACT.
 11:11:22 YESTERDAY I WITNESSED, NOT FOR THE FIRST TIME, BUT BETWEEN 2
 11:11:25 AND 2:30 IN THE AFTERNOON, TURNING INTO PINETREES ELEMENTARY
 11:11:28 ON CORKSCREW ROAD HEADING WEST, THE BRAND-NEW TURN LANE, THE
 11:11:34 ROAD IS NOT EVEN COMPLETELY OPEN, WAS OVERFLOWING INTO
 11:11:40 TRAFFIC.
 11:11:40 SO IT'S ALREADY OUTDATED FROM THE ORIGINAL DESIGN TO WHERE
 11:11:45 WE ARE TODAY.
 11:11:46 I THINK WE NEED TO BE VERY MINDFUL OF WHERE WE'RE GOING, NOT
 11:11:49 WHERE WE'VE BEEN WHEN IT COMES TO TRAFFIC STUDY.
 11:11:52 MY QUESTION IS, CORKSCREW ROAD DEFINITELY EAST, HOW FAR EAST
 11:11:57 WOULD THAT ENTAIL, DAVID?
 11:11:59 >>David Willems: SO WE WOULD ONLY GO TO THE VILLAGE
 11:12:02 BOUNDARY.
 11:12:03 AS FAR AS THE ACTUAL ROAD STUDY.
 11:12:04 BUT AS FAR AS TRAFFIC, WE WOULD LOOK AT EVERYTHING OUT EAST.
 11:12:08 SO THE TRAFFIC OUT EAST IS AN INPUT INTO OUR ANALYSIS.

 11:12:12 WHEN OUR CONSULTANTS -- THERE'S BASICALLY A TRANSPORTATION
 11:12:19 NETWORK MODEL, AND IT INCLUDES REALLY MOST OF LEE COUNTY,
 11:12:22 AND THEY WOULD USE THAT AS THE BASIS OF THE REPORT.
 11:12:26 SO IT INCLUDES VERDANA AND ALL THE OTHER DEVELOPMENTS THAT
 11:12:30 ARE GOING TO HAPPEN OUT EAST.
 11:12:32 REALLY, THE REPORT WOULD ONLY COMMENT ON THE PARTS OF

11:12:36 CORKSCREW THAT DIRECTLY AFFECT THE VILLAGE.
 11:12:40 >>George Zalucki: UP TO BELLA TERRA.
 11:12:42 >>David Willems: IT WILL PROBABLY EXTEND A LITTLE BIT OUT OF
 11:12:43 THERE BECAUSE THAT COULD AFFECT VILLAGE RESIDENTS, BUT I
 11:12:45 DON'T EXPECT -- IT'S NOT GOING TO INCLUDE ALICO ROAD AND
 11:12:49 CORKSCREW OR ANYTHING LIKE THAT.
 11:12:49 THAT'S REALLY GOING TO BE UP TO THE COUNTY.
 11:12:51 >>George Zalucki: A COUPLE MORE QUESTIONS.
 11:12:52 THE TIMELINE AFTER THE CONTRACT IS NEGOTIATED AND PRESENTED
 11:12:55 AND SIGNED, TIMELINE OF THE STUDY NORMALLY?
 11:12:59 >>David Willems: I'M GUESSING IT'S GOING TO BE A YEAR OR
 11:13:02 MORE.
 11:13:02 IT'S A LOT OF INFORMATION, A LOT OF WORK.
 11:13:06 BECAUSE REALLY -- SO WE'LL SIGN THE CONTRACT.
 11:13:08 HOPEFULLY WE GET THAT HERE IN NOVEMBER.
 11:13:11 REALISTICALLY, THEY CAN'T START THE TRAFFIC DATA PART OF IT
 11:13:16 UNTIL FEBRUARY, MARCH, BECAUSE THAT'S ALWAYS WHEN WE GET OUR
 11:13:20 PEAK SEASON DATA.
 11:13:21 WE WOULDN'T WANT TO DO ANYTHING OTHER THAN THAT.

 11:13:22 >>George Zalucki: THANK YOU.
 11:13:24 ONE LAST QUESTION.
 11:13:25 SINCE I HAVEN'T TRACKED THE PREVIOUS STUDY, WHAT IS THE
 11:13:29 APPROXIMATE COST?
 11:13:30 DO YOU HAVE A BALLPARK?
 11:13:32 >>David Willems: I THINK OUR BUDGET IS 250,000.
 11:13:35 >>George Zalucki: OKAY.
 11:13:36 THAT'S BUDGETED.
 11:13:37 >>David Willems: YEAH.
 11:13:38 >>George Zalucki: THANK YOU.
 11:13:39 >>Mayor McLain: COUNCILMAN WARD.
 11:13:40 >>Jim Ward: DAVID I THINK PROBABLY ONE OF THE MOST IMPORTANT
 11:13:43 PARTS OF THIS STUDY IS UNDERSTAND FUTURE DEVELOPMENTS.
 11:13:49 WE ALL RECOGNIZE THERE ARE LARGE TRACTS WITHIN ESTERO THAT
 11:13:52 ARE GOING TO BE DEVELOPED OVER THE NEXT FIVE TO TEN YEARS
 11:13:56 AND THE IMPACT OF THAT.
 11:13:57 SO ARE WE ASSURED THAT THOSE DEVELOPMENTS OR THOSE FUTURE
 11:14:03 DEVELOPMENTS WILL BE ADEQUATELY OR CORRECTLY IDENTIFIED BY
 11:14:09 JOHNSON ENGINEERING?
 11:14:11 >>David Willems: WE CAN ONLY GO WITH WHAT WE KNOW NOW.
 11:14:15 SO IF SOMEBODY WERE TO COME IN AND REZONE A PROJECT, THEN
 11:14:18 THE INTENSITY CHANGE, THE REPORT WOULDN'T TAKE THAT INTO
 11:14:23 ACCOUNT.
 11:14:24 BUT THE REPORT THAT THEY DO WILL INCLUDE HIGH INTENSITY ON
 11:14:27 THE NORTH POINT PROPERTY BECAUSE WE EXPECT THAT TO DEVELOP

 11:14:31 AS A HIGH INTENSITY DEVELOPMENT.
 11:14:32 WE'LL DO THE BEST WE CAN TO ESTIMATE WHAT THOSE USES ARE.

11:14:39 >>Jim Ward: I GUESS I'M STRUGGLING WITH, IF WE DON'T HAVE
 11:14:42 THE DEVELOPMENT ORDER OR SOMETHING ISN'T PERMITTED ALREADY,
 11:14:46 HOW WOULD WE GET A BETTER UNDERSTANDING OF THE IMPACT THAT
 11:14:49 IT'S GOING TO HAVE?
 11:14:53 >>David Willems: MOST OF THE PROPERTIES ARE ZONED.
 11:14:54 WE WOULD BASE IT ON WHAT THE COMP PLAN SAYS SHOULD BE IN
 11:14:57 THAT AREA OR THE ZONING SAYS SHOULD BE IN THE AREA AND WE'LL
 11:15:00 DO THE BEST WE CAN TO ESTIMATE THAT.
 11:15:03 >>Jim Ward: THANK YOU.
 11:15:04 >>Mayor McLain: ANY QUESTIONS OR COMMENTS?
 11:15:05 I'M TRYING TO LOOK AT WHEN YOU GO EAST ON CORKSCREW, WHICH
 11:15:11 IS WHERE THE MAJOR TRAFFIC IS STARTING.
 11:15:17 I KIND OF LOOK AT THAT ALMOST -- AND THEN THE PROJECT WILL
 11:15:30 SAY IN ORDER TO ACCOMMODATE THAT FLOW, WE NEED A TRAFFIC
 11:15:35 LIGHT, WE NEED THIS WE NEED INTERSECTION CHANGES OR
 11:15:38 RECOMMENDATIONS.
 11:15:42 THEN YOU LOOK AT THAT FROM THE NORTH, THE SOUTH AND THE
 11:15:44 LIKE.
 11:15:46 >>David Willems: YEAH, ESPECIALLY ON CORKSCREW ROAD, A BIG
 11:15:48 PART OF THAT IN THIS REPORT, WE'LL BE COORDINATING WITH THE
 11:15:52 COUNTY.
 11:15:53 WE'RE NOT LOOKING TO DO THIS IN A VACUUM.
 11:15:56 THAT ROAD IS A COUNTY ROAD.

 11:15:58 WE NEED TO MAKE SURE -- IT SAYS NOT NECESSARILY THE SAME
 11:16:01 THING BUT USING THE SAME INFORMATION AND WE'RE ON THE SAME
 11:16:04 PAGE BEFORE WE START RECOMMENDING SOMETHING TOTALLY
 11:16:06 DIFFERENT THAN THE COUNTY, NEED TO UNDERSTAND WHAT THE
 11:16:09 SIMILARITIES ARE AND WORK TOGETHER ON THAT.
 11:16:11 THE SAME WITH BONITA.
 11:16:12 WE PLAN ON WORKING WITH BONITA ON THE SOUTHERN ARE THE PA,
 11:16:15 NOT JUST COCONUT, BUT EVENTUALLY VIA COCONUT POINT IS
 11:16:20 SUPPOSED TO GO THROUGH THERE AND START THOSE DISCUSSIONS.
 11:16:22 THE COORDINATION IS GOING TO BE A BIG PART OF THIS AS WELL.
 11:16:25 >>Mayor McLain: WHEN YOU LOOK AT CORKSCREW, WHERE YOU LIVE,
 11:16:30 GETTING THE RESERVE OUT OF THERE WITH AN EXTRA X NUMBER OF
 11:16:35 PEOPLE, IT'S TOUGH NOW, AND EVEN WITH THE CHANGES OF FOUR
 11:16:38 LANES, IT'S NOT GOING TO GET ANY EASIER GETTING OUT OF
 11:16:40 THERE.
 11:16:41 YOU DON'T HAVE THE OPPORTUNITY FOR TWO INTERSECTIONS TO GET
 11:16:44 A LIGHT, BUT MAYBE AT SOME FUTURE DATE WE HAVE TO DO SOME
 11:16:47 WAY TO SAFELY LET PEOPLE EXIT THOSE DEVELOPMENTS IN THERE.
 11:16:51 THOSE AREN'T GOING TO HAPPEN.
 11:16:54 WE'LL SEE THE RESULTS OF THIS AND RECOMMENDATIONS IN A YEAR
 11:16:56 AND A HALF, TWO YEARS PROBABLY.
 11:16:58 >>David Willems: WE FOCUSED REALLY ON THE TRAFFIC HERE.
 11:17:01 BUT THERE IS A PIECE OF THIS REPORT THAT'S GOING TO BE MORE
 11:17:04 ON THE SAFETY PEDESTRIAN.

11:17:07 IF YOU LOOK AT THE BIKE-PED MASTER PLAN, IT RECOMMENDED THAT

11:17:10 WE LOOK AT A LOT OF THE INTERSECTIONS.

11:17:12 BECAUSE IF YOU LOOK AT PEDESTRIAN ISSUES, NORMALLY AT A

11:17:17 COUPLE OF OUR INTERSECTIONS.

11:17:18 SO PART OF THIS IS TO ACTUALLY LOOK AT THAT SAFETY AS WELL.

11:17:21 HOW CAN WE MAKE SOME OF THE INTERSECTIONS ON U.S. 41 SAFER

11:17:25 FOR PEOPLE THAT ARE TRYING TO CROSS THE INTERSECTION.

11:17:27 TRAFFIC IS AN IMPORTANT PART, BUT ALSO THE PEDESTRIAN IS AN

11:17:30 IMPORTANT PART AS WELL.

11:17:32 >> AND BICYCLISTS.

11:17:34 >>David Willems: BICYCLISTS, YES.

11:17:35 >>Vice-Mayor Ribble: WILL IT TAKE INTO CONSIDERATION, DAVID,

11:17:37 THE INTERCONNECTED ROADS THAT WE HOPE TO HAVE COME INTO

11:17:42 NORTH POINT AND WHAT TRAFFIC LANES AND LIGHTS AND TURNING

11:17:47 LANES THAT MIGHT ENTAIL?

11:17:50 >>David Willems: YES.

11:17:50 THAT WOULD BE FOR THE FUTURE CONDITIONS.

11:17:52 THERE'S ALWAYS AN ANALYSIS OF WHAT IT IS NOW AND THEN

11:17:55 PROJECT HOW THAT COULD CHANGE IN THE FUTURE.

11:17:58 >>Vice-Mayor Ribble: THANK YOU.

11:17:59 >>Mayor McLain: WHEN WE DID WOODFIELD DEVELOPMENT, WE WERE

11:18:04 TALKING ABOUT COCONUT BEING A D AND WORSE BEING AN F.

11:18:09 SO IF THIS STUDY SAYS A ROAD, I WON'T PICK ON A ROAD NUMBER,

11:18:15 THAT IT'S ACTUALLY GOING TO BE AN F, DOES THAT OPEN UP A

11:18:19 WHOLE NEW LOOK AT PROPERTY, RIGHT-OF-WAYS, AND ALL THAT, IF

11:18:28 THEY PROJECT THAT IT IS AN F ROAD?

11:18:32 IS THAT SOMETHING THAT WILL COME OUT OF THE STUDY, DO YOU

11:18:34 THINK?

11:18:34 >>David Willems: IT DEPENDS.

11:18:35 NOT NECESSARILY, BUT IT COULD IN CERTAIN SITUATIONS.

11:18:38 >>Mayor McLain: ALL RIGHT.

11:18:39 ANY OTHER QUESTIONS FROM COUNCIL?

11:18:41 IF NOT, DO WE HAVE ANY PUBLIC COMMENTS?

11:18:43 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.

11:18:45 >>Mayor McLain: NOW WE'LL ENTERTAIN A MOTION.

11:18:48 >> SO MOVE.

11:18:49 >>Mayor McLain: COUNCILMAN FIESEL HAS MADE THE MOTION.

11:18:52 SECONDED BY COUNCILMAN ZALUCKI.

11:18:54 MADAM CLERK, PLEASE TAKE THE ROLL.

11:18:57 >>George Zalucki: AYE.

11:18:58 >>Jim Ward: AYE.

11:19:00 >>Rafael Lopez: AYE.

11:19:01 >>Lori Fayhee: AYE.

11:19:03 >>Larry Fiesel: AYE.

11:19:04 >>Vice-Mayor Ribble: AYE.

11:19:05 >>Mayor McLain: AYE.

11:19:06 NEXT ITEM ON THE AGENDA IS ITEM 8A, FIRST READING OF
 11:19:10 ORDINANCE NUMBER 2023-07.
 11:19:15 MADAM CLERK, WOULD YOU PLEASE READ THE TITLE OF THIS
 11:19:18 ORDINANCE.
 11:19:18 >>Carol Sacco: ORDINANCE NUMBER 2023-07, AN ORDINANCE OF THE

 11:19:23 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA,
 11:19:25 CONSENTING TO THE EXERCISE BY THE BOARD OF SUPERVISORS OF
 11:19:28 HABITAT COMMUNITY DEVELOPMENT DISTRICT OF CERTAIN ADDITIONAL
 11:19:31 POWERS RELATING TO SECURITY; PROVIDING FOR CONFLICT,
 11:19:35 SEVERABILITY, AND AN EFFECTIVE DATE.
 11:19:40 >>Mayor McLain: MARY, WOULD YOU PLEASE INTRODUCE THIS ITEM?
 11:19:43 >>Mary Gibbs: THIS IS THE -- THE HABITAT IS ACTUALLY THE
 11:19:46 BELLA TERRA RESIDENTIAL DEVELOPMENT ON CORKSCREW ROAD AT THE
 11:19:49 END OF THE VILLAGE LIMITS.
 11:19:52 WHEN THIS PROJECT WAS IN LEE COUNTY, IT WAS ACTUALLY CALLED
 11:19:56 HABITAT.
 11:19:56 THAT WAS THE FIRST NAME OF THE PROJECT WHEN IT WAS REZONED
 11:19:59 IN 1986.
 11:20:00 SO IT'S KEPT THAT NAME FOR THE COMMUNITY DEVELOPMENT
 11:20:02 DISTRICT.
 11:20:03 THEY ACTUALLY, WHEN THEY ARE IN LEE COUNTY IN 2003, THEY SET
 11:20:08 UP A COMMUNITY DEVELOPMENT DISTRICT FOR HABITAT OR BELLA
 11:20:11 TERRA.
 11:20:11 AND BACK AT THAT TIME, THEY WERE SET UP FOR KIND OF THE
 11:20:16 STANDARD POWERS THAT YOU'RE ALLOWED TO DO THROUGH THE
 11:20:19 STATUTE, WHICH IS TYPICALLY WATER, WASTEWATER, STORMWATER
 11:20:23 MANAGEMENT, THOSE TYPE OF THINGS.
 11:20:24 SO COMMUNITY DEVELOPMENT DISTRICT, AGAIN, DOES NOT HAVE THE
 11:20:28 FULL POWERS OF A GOVERNMENT BUT HAS SOME LIMITED POWERS
 11:20:33 THROUGH THE STATUTES.

 11:20:34 SO WHEN THIS ONE WAS SET UP, IN 2003, THEY GOT THE
 11:20:38 STANDARDS, SOME OF THE USUAL POWERS, WATER AND SEWER.
 11:20:42 KIND OF LIKE WHAT YOU SEE IN STONEYBROOK OR WHAT YOU MIGHT
 11:20:44 SEE IN PELICAN LANDING OR EVEN THE BROOKS ALL HAVE COMMUNITY
 11:20:49 DEVELOPMENT DISTRICTS.
 11:20:50 SO THEY HAVE ASKED TO HAVE AN ADDITIONAL POWER WHICH UNDER
 11:20:56 THE STATUTE YOU CAN ASK FOR SPECIAL ADDITIONAL POWERS.
 11:21:00 THEY ASKED FOR THE POWER OF SECURITY.
 11:21:02 AND SECURITY COULD BE GATES OR IT COULD BE SOME PATROLS OR
 11:21:07 FENCES, ANYTHING THAT'S RELATED TO PROVIDING SECURITY FOR
 11:21:10 THE PROPERTY.
 11:21:11 THE REASON THEY ARE ASKING FOR THIS IS BECAUSE THEY ACTUALLY
 11:21:16 SEARCHED THE RECORDS FROM THE COUNTY BECAUSE THEY THINK THEY
 11:21:20 ARE ALREADY PROVIDING GATES AND SOME TYPE OF SECURITY.
 11:21:24 IN SEARCHING THE RECORDS OF THE COUNTY, THEY FOUND THEY
 11:21:28 COULDN'T FIND WHERE THEY HAD EVER GONE BACK TO REQUEST THOSE

11:21:31 ADDITIONAL POWERS.
 11:21:32 SO THIS IS KIND OF CLEANUP ITEM WHERE THEY ARE COMING
 11:21:36 FORWARD TO REQUEST THOSE ITEMS NOW.
 11:21:38 OF COURSE, THEY ASKED THE COUNTY AND THE COUNTY SAID NO, NO,
 11:21:41 WAIT, IT'S IN THE VILLAGE NOW.
 11:21:43 SO THEY COME TO US FOR THE ADDITIONAL POWERS.
 11:21:47 THIS IS JUST THE FIRST READING.
 11:21:51 SO THIS IS THE BASIC EXPLANATION.
 11:21:52 WE HAVE THE SECOND READING, IF YOU WANT TO GO FORWARD, THAT

 11:21:55 WOULD BE ON THE 18th, AND THAT WOULD BE A PUBLIC HEARING.
 11:21:57 THEY HAVE TO ADVERTISE IN THE NEWSPAPER BECAUSE THEY HAVE
 11:22:01 SPECIFIC ADVERTISING REQUIREMENTS FOR COMMUNITY DEVELOPMENT
 11:22:05 DISTRICTS, AND WE DO HAVE THE APPLICANT, GREG URBANCIC, WHO
 11:22:14 HAS BEEN SITTING PATIENTLY IN THE BACK OF THE ROOM.
 11:22:17 >>Vice-Mayor Ribble: THIS IS BASICALLY A HOUSEKEEPING ISSUE.
 11:22:21 >>Mary Gibbs: PRETTY MUCH.
 11:22:24 >>Robert Eschenfelder: THIS DIDN'T HAVE TO BE DONE BY
 11:22:26 ORDINANCE.
 11:22:27 >>Mary Gibbs: WE HAD A DISCUSSION BECAUSE I THINK WHEN I
 11:22:30 SPOKE TO GREG AND NANCY, I THINK IT SAYS ORDINANCE OR A
 11:22:34 RESOLUTION.
 11:22:34 AND WE THOUGHT THAT SINCE WE'VE DONE ALL THE OTHERS BY
 11:22:37 ORDINANCE IT WOULD BE CLEANER TO DO IT BY ORDINANCE.
 11:22:46 >>Robert Eschenfelder: I'M JUST ALWAYS LOOKING TO SAVE
 11:22:48 ADVERTISING MONEY AND TIME AND --
 11:22:50 >>Mary Gibbs: THEY ARE GOING TO PAY FOR THE ADVERTISING.
 11:22:51 >> AND THEN WASTE THEIR MONEY.
 11:22:52 [LAUGHTER]
 11:22:53 >>Mayor McLain: ANY OTHER QUESTIONS?
 11:22:56 >>George Zalucki: I DON'T HAVE ANY QUESTIONS.
 11:22:57 I READ THIS.
 11:22:58 IT MAKES PERFECT SENSE TO ME.
 11:23:00 I WOULD GO AHEAD AND MAKE THE MOTION TO ACCEPT THE
 11:23:02 RESOLUTION AS WRITTEN.

 11:23:04 >>Vice-Mayor Ribble: I'LL SECOND.
 11:23:07 >>Carol Sacco: EXCUSE ME.
 11:23:08 WE HAVE TO DO PUBLIC COMMENT.
 11:23:12 >>Mayor McLain: WE HAVE TO DO PUBLIC COMMENT BEFORE WE DO
 11:23:14 MOTIONS.
 11:23:15 I READ THIS ALSO.
 11:23:18 DID YOU SAY THEY DON'T HAVE THAT AUTHORITY RIGHT NOW?
 11:23:22 WHEN I DRIVE BY BELLA TERRA AND I'VE BEEN IN BELLA TERRA
 11:23:25 SEVERAL TIMES, THEY HAVE A GREAT GATE SYSTEM.
 11:23:28 OBVIOUSLY, THERE'S CONSTRUCTION IN THERE.
 11:23:30 THEY ARE PUTTING A CELL TOWER UP THERE SOMEWHERE.
 11:23:32 IT SEEMS LIKE THEY HAVE SECURITY ALREADY.

11:23:35 I'M JUST WONDERING WHY --
 11:23:39 >>Mary Gibbs: THAT'S THE QUESTION I ASKED GREG.
 11:23:41 MAYBE YOU WANT TO COME UP AND EXPLAIN IT.
 11:23:43 >>Mayor McLain: I HATE TO DRAG IT OUT.
 11:23:44 BUT WHEN YOU GO THROUGH THIS PROCESS, THERE'S GOT TO BE A
 11:23:49 RATIONALE OR REASON FOR IT.
 11:23:51 >> THANK YOU, MAYOR, COUNCIL MEMBERS.
 11:23:52 I THINK THE COMMENT, HOUSE KEEPING IS REALLY THE APROPOS
 11:23:57 ONE.
 11:23:57 THAT'S WHAT WE'RE DOING.
 11:23:59 I WASN'T THE ATTORNEY AT THE TIME THAT THIS WAS ESTABLISHED.
 11:24:01 BUT ESSENTIALLY THAT IS GOING ON.
 11:24:03 THEY HAVE THE GATE.

 11:24:05 THEY PROVIDE CERTAIN ROVING PATROLS, WHICH IS NOT UNLIKE
 11:24:09 OTHER COMMUNITY DEVELOPMENT DISTRICTS.
 11:24:11 SO WE JUST SAID, HEY, WE NEED TO CLEAN THIS UP IS BASICALLY
 11:24:15 WHAT WE'RE DOING.
 11:24:19 >>Mayor McLain: DO THE HOMEOWNERS GET A VOTE ON THIS
 11:24:21 THEMSELVES?
 11:24:21 ON THE CDD?
 11:24:24 I WORRY ABOUT GIVING MORE POWER TO PEOPLE THAT IMPACTS
 11:24:28 PEOPLE'S LIVES IN A COMMUNITY.
 11:24:31 EVERYBODY WANTS GOOD SECURITY, BUT SOMETIMES WHEN YOU GIVE
 11:24:36 AUTHORITY, IT GETS ABUSED.
 11:24:38 I WANT TO MAKE SURE THAT DOESN'T HAPPEN.
 11:24:40 >> I DON'T KNOW OF ANY INTENT TO CHANGE ANYTHING THAT'S
 11:24:43 ACTUALLY HAPPENING RIGHT NOW.
 11:24:44 IT'S JUST A MATTER OF US GOING BACK AND MAKING SURE THAT WE
 11:24:50 HAVE THE AUTHORITY TO DO WHAT WE'RE DOING.
 11:24:52 I THINK SOME OF THE CONFUSION THAT CAME UP IS THE WAY THE
 11:24:56 STATUTE USED TO BE WRITTEN BACK IN THE OLD DAYS WAS YOU
 11:24:59 COULD GET YOUR CDD ESTABLISHED, AND THEN YOU HAD TO COME
 11:25:03 BACK TO THE LOCAL GOVERNMENT AND REQUEST THESE SPECIAL
 11:25:06 POWERS.
 11:25:06 THE WAY THE STATUTE READS TODAY, YOU CAN GET YOUR
 11:25:10 ESTABLISHMENT OF THE CDD AND SPECIAL POWERS AT THE SAME
 11:25:13 TIME.
 11:25:13 AS AN EXAMPLE, IF YOU LOOK AT VERDANA VILLAGE, SOME OF THE

 11:25:20 OTHER, THEY MAY BE OUTSIDE THE VILLAGE, ALONG CORKSCREW
 11:25:24 ROAD, I ESTABLISHED THOSE AND WHEN WE ESTABLISHED THEM, WE
 11:25:27 DID THE EXACT SAME THING, SO WE GOT THE POWERS AT THE TIME
 11:25:31 WE ESTABLISHED THE DISTRICT.
 11:25:33 THIS ONE, FOR WHATEVER REASON, IT WASN'T DONE AND NOBODY
 11:25:35 COULD FIND WHERE THEY HAD GONE BACK TO REQUEST THAT THE
 11:25:39 DISTRICT -- OR THAT THE COUNTY OR WHATEVER LOCAL GOVERNMENT
 11:25:43 APPROVE THAT SPECIAL POWERS.

11:25:44 EXAMPLE, IN THE PRESERVE AT CORKSCREW, WHICH IS ALSO THERE,
 11:25:50 THEY DO THE EXACT SAME THING.
 11:25:52 THE DISTRICT OWNS THE ROADS.
 11:25:54 THEY HAVE A SECURITY THAT THEY PROVIDE BY GATES.
 11:25:57 SO IT'S THE SAME CONCEPT.
 11:25:59 WE'RE JUST SORT OF CLEANING IT UP.
 11:26:00 TO YOUR QUESTION, MAYOR, NO SPECIFIC VOTE, BUT CERTAINLY
 11:26:06 RESIDENTS HAVE A CHANCE TO COMMENT ON THE BUDGET, GET NOTICE
 11:26:10 OF BUDGET HEARINGS.
 11:26:11 WE HAVE PUBLIC HEARINGS EVERY YEAR ON BUDGET.
 11:26:13 SO THEY KNOW WHETHER OR NOT THERE'S GOING TO BE AN INCREASE
 11:26:15 OF SERVICE OR CHANGE OF SERVICE.
 11:26:17 >>Mayor McLain: THAT IS A SEPARATE MEETING FROM HOA.
 11:26:19 CDD HAS THEIR OWN MEETINGS.
 11:26:22 >> YES, SIR.
 11:26:22 >>Mayor McLain: WHEN I READ THIS ONE THING I SEE, THIS IS
 11:26:24 GOING TO INCLUDE THE ABILITY TO CONTRACT WITH A TOWING

 11:26:29 AGENCY.
 11:26:30 IS THE CURRENT PRACTICE IN BELLA TERRA THAT IF SOMEBODY
 11:26:32 PARKS ILLEGALLY OVERNIGHT, I'M ASSUMING, THAT THEY ARE BEING
 11:26:36 TOWED.
 11:26:39 DO YOU HAVE AN ANSWER FOR THAT?
 11:26:41 >> I DON'T KNOW WHAT SPECIFICALLY WE'RE DOING TODAY ON THAT
 11:26:44 WITH THIS DISTRICT.
 11:26:45 THEY PROBABLY HAVE SOME MECHANISM.
 11:26:48 TYPICALLY, DISTRICTS WILL GO THROUGH AND IF THEY OWN THE
 11:26:53 ROADS, THEY HAVE TO GO THROUGH CHAPTER 120 RULE MAKING
 11:26:56 PROCESS AND ADOPT RULES AND THEN THOSE HAVE THE
 11:26:59 ENFORCEABILITY OF LAW IN WHICH CASE IF SOMEBODY ILLEGALLY
 11:27:03 PARKS, THEN YOU CAN REMOVE THE CARS.
 11:27:05 I DON'T KNOW IF THEY ARE DOING THAT TODAY.
 11:27:06 IN MY TENURE WITH THE DISTRICT, THAT ISSUE HAS NOT COME UP.
 11:27:09 WE HAVE PARKING ISSUES IN OTHER COMMUNITIES, BUT NOT
 11:27:12 NECESSARILY THIS COMMUNITY.
 11:27:13 THAT HASN'T COME UP.
 11:27:16 >>Mayor McLain: SOME OF THE ROADS IN BELLA TERRA ARE
 11:27:19 EXTREMELY NARROW AND FIRE TRUCKS, EMERGENCY VEHICLES NEED TO
 11:27:22 GET IN THERE.
 11:27:22 BUT I CAN SEE SOME RESIDENTS SAYING WE DON'T WANT OUR CARS
 11:27:29 TOWED.
 11:27:29 BUT THIS IS GOING TO GIVE THEM THE AUTHORITY AND THAT'S WHAT
 11:27:32 WE'RE VOTING ON.

 11:27:34 COUNCILMEMBER WARD.
 11:27:34 >>Jim Ward: JUST A QUICK QUESTION.
 11:27:36 ON THE BOARD OF SUPERVISORS OF THE CDD, ARE THEY RESIDENTS
 11:27:39 OF BELLA TERRA?

11:27:41 >> YES, THEY ARE.
 11:27:42 THEY ARE ALL WHAT WE CALL QUALIFIED ELECTORS, WHICH MEANS
 11:27:45 THEY ARE REGISTERED ELECTORS LIVING WITHIN THE DISTRICT.
 11:27:50 >>Rafael Lopez: THEY GO TO AN ELECTION -- I LIVE IN
 11:27:53 STONEYBROOK AND IT IS THE SAME THING.
 11:27:55 >> YES, THAT'S CORRECT.
 11:27:56 THERE ARE FIVE SUPERVISORS, AND THEY ARE SPLIT UP TWO AND
 11:28:00 THREE.
 11:28:01 AND EVERY GENERAL ELECTION, IT'S TWO, IT'S THREE, IT'S TWO,
 11:28:05 IT'S THREE.
 11:28:06 THEY SERVE FOUR-YEAR TERMS.
 11:28:08 >>Rafael Lopez: LIKE IN STONEYBROOK, AFTER 2 A.M., THEY ARE
 11:28:12 NOT ALLOWED TO BE ON THE ROAD, THE CARS.
 11:28:15 THEY GET CITED.
 11:28:17 THEY ARE NOT TOWED.
 11:28:18 THEY ARE CITED.
 11:28:21 IT IS A LETTER THAT IS SENT TO THEM.
 11:28:22 >>Mayor McLain: THEY GET TO MANAGE THEIR OWN LIVES OUT
 11:28:25 THERE.
 11:28:25 THAT'S YOUR TERRITORY OUT THERE, TOO.
 11:28:28 DO YOU HAVE ANY COMMENTS FROM PEOPLE ABOUT THIS?

 11:28:31 >>George Zalucki: THANK YOU, GREG.
 11:28:33 GOOD TO SEE YOU.
 11:28:33 THANK YOU FOR EXPLAINING THIS.
 11:28:35 I THINK IT'S IMPORTANT TO KNOW THAT THIS DOES NOT INSTILL
 11:28:38 ANY POLICE POW NEARS THE CDD.
 11:28:40 IT ALLOWS THEM THE ABILITY TO PROBABLY LEVY FINES, MAYBE GET
 11:28:44 TO ESCALATE TO A SECTION -- BY THE WAY, I SERVED ON OUR CDD
 11:28:48 AT THE PRESERVE FOR FIVE YEARS.
 11:28:50 THAT'S HOW I DO KNOW GREG.
 11:28:51 HE SERVED AS OUR ATTORNEY OVER THERE, FULL DISCLOSURE.
 11:28:55 I THINK THIS IS A GOOD THING, TO GIVE THEM THE ABILITY TO
 11:28:58 TAKE CERTAIN ACTIONS ON CERTAIN VIOLATIONS THAT THE
 11:29:03 COMMUNITY SEES THAT THEY NEED TO RECTIFY.
 11:29:07 GREG, MAYBE YOU CAN ANSWER.
 11:29:09 WAS THIS AGENDA ITEM DRIVEN BY THE COMMUNITY VIS-A-VIS THE
 11:29:13 CDD BOARD?
 11:29:14 SO THIS IS SOMETHING THEY ARE ASKING FOR.
 11:29:17 >> THAT'S CORRECT.
 11:29:18 >>George Zalucki: AS A COMMUNITY.
 11:29:19 >>Mayor McLain: FROM THE HOA TO THE CDD.
 11:29:22 >> IT WAS ACTUALLY THE CDD BOARD.
 11:29:24 THERE HAVE BEEN DISCUSSIONS BETWEEN THE HOA AND CDD, BUT WE
 11:29:27 HAVE A RESOLUTION OF THE CDD SPECIFICALLY REQUESTING YOU TO
 11:29:29 CONSENT TO THIS POWER.
 11:29:31 SO THAT WE CAN SORT OF CLEAN THAT UP.

11:29:34 BECAUSE THEY ARE OPERATING THE GATE AND THAT'S GOING TO BE
 11:29:36 YOUR PRIMARY SECURITY.
 11:29:39 YOU'RE RIGHT, NO POLICE POWER EXERCISE.
 11:29:41 NONE OF THAT.
 11:29:42 IF WE NEEDED POLICE AUTHORITY IN THE COMMUNITY FOR SOME
 11:29:45 REASON, LIKE SOME COMMUNITIES THAT YOU CAN ACTUALLY PASS ALL
 11:29:49 THE WAY THROUGH, THEY MIGHT HAVE A NEED TO HIRE LCSO OR
 11:29:55 OFF-DUTY STATE TROOPERS TO DO POLICE PATROLS.
 11:29:59 THEY DON'T HAVE ANY OF THAT IN BELLA TERRA AT THIS POINT IN
 11:30:03 TIME.
 11:30:04 THAT IS JUST AN EXAMPLE.
 11:30:06 THEY DON'T HAVE THAT POLICE POWER BUT IF THEY NEEDED IT,
 11:30:09 THEY COULD CONTRACT WITH SOMEBODY TO PROVIDE THAT.
 11:30:12 >>George Zalucki: IT'S IMPORTANT TO KNOW THAT THE BOARD,
 11:30:14 ELECTED OFFICIALS ELECTED BY THE CITIZENS OF THE COMMUNITY.
 11:30:16 SO THE ACTION THEY ARE ASKING FOR IS DRIVEN BY THAT ELECTED
 11:30:19 BODY.
 11:30:20 >>Mayor McLain: OKAY.
 11:30:21 GOOD.
 11:30:21 ANY OTHER QUESTIONS?
 11:30:22 IF NOT, DO WE HAVE ANY PUBLIC COMMENTS?
 11:30:25 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
 11:30:28 NOW WE CAN TAKE A MOTION.
 11:30:29 >>Mayor McLain: NOW I WILL ENTERTAIN THAT MOTION THE SECOND
 11:30:32 TIME.

 11:30:33 >> SO MOVED, MR. MAYOR.
 11:30:34 >>Vice-Mayor Ribble: AND SO SECONDED.
 11:30:35 >>Mayor McLain: THAT WAS SECONDED BY OUR VICE-MAYOR.
 11:30:38 MADAM CLERK, WILL YOU PLEASE TAKE THE ROLL?
 11:30:43 >>Larry Fiesel: AYE.
 11:30:45 >>Lori Fayhee: AYE.
 11:30:46 >>Rafael Lopez: AYE.
 11:30:48 >>Jim Ward: AYE.
 11:30:49 >>George Zalucki: AYE.
 11:30:51 >>Vice-Mayor Ribble: AYE.
 11:30:52 >>Mayor McLain: AYE.
 11:30:53 IT'S GETTING LATE.
 11:31:02 THE NEXT ITEM ON THE AGENDA IS 9A, PUBLIC HEARING FOR
 11:31:06 RESOLUTION 2023-25.
 11:31:10 MADAM CLERK, WOULD YOU PLEASE READ THE TITLE OF THE
 11:31:13 RESOLUTION?
 11:31:15 >>Carol Sacco: RESOLUTION 2023-25, A RESOLUTION OF THE
 11:31:20 VILLAGE OF ESTERO, FLORIDA, CONFIRMING NO OWNERSHIP OF
 11:31:28 PROPERTY SUITABLE FOR AFFORDABLE HOUSING; MAKING RELATED
 11:31:31 FINDINGS, PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE
 11:31:34 DATE.
 11:31:35 >>Mayor McLain: MARY, ARE YOU GOING TO INTRODUCE OR ROB?

11:31:37 >>Robert Eschenfelder: I BROUGHT IT TO STAFF'S ATTENTION.
 11:31:40 IT'S VERY QUICK.
 11:31:40 THE LIVE LOCAL ACT, AS YOU ALL RECALL WAS A VERY SPRAWLING

 11:31:44 PIECE OF LEGISLATION.
 11:31:46 ONE OF THE COMPONENTS THAT MANY LOCAL GOVERNMENTS FRANKLY
 11:31:48 ARE MISSING REQUIRES A LOCAL GOVERNMENT TO LOOK ACROSS THE
 11:31:53 LAND OF ANY PROPERTY IS OWNS IN FEE SIMPLE TO FIND OUT IF
 11:31:57 IT'S APPROPRIATE FOR WORKFORCE HOUSING.
 11:32:03 I ENGAGED WITH STAFF, IT DOESN'T APPEAR YOU'VE DONE THIS.
 11:32:07 SUPPOSED TO HAVE DONE IT BY OCTOBER 1.
 11:32:10 STAFF DID TAKE A LOOK AT WHAT PROPERTIES WE OWN AND
 11:32:13 DETERMINED WE DON'T HAVE ANY.
 11:32:14 ALL THIS RESOLUTION DOES IS TICK THE BOX SO THAT IF THE
 11:32:18 SENATE PRESIDENT, WHO IS IN OUR NECK OF THE WOODS, LOOKS TO
 11:32:21 SEE, DID YOU ALL COMPLY WITH THAT PART OF MY LAW, WE CAN
 11:32:24 SAY, YES, WE DID.
 11:32:26 ONCE IT IS ADOPTED, THAT WILL BE POSTED TO OUR WEBSITE,
 11:32:28 WHICH IS REQUIRED UNDER THE LAW AND THEN WE'LL TAKE CARE OF
 11:32:31 THAT.
 11:32:31 AND REQUIRED IN THREE YEARS TO REVISIT IT IF WE NEED TO.
 11:32:34 >>Mayor McLain: GOOD.
 11:32:35 ANY QUESTIONS?
 11:32:36 PRETTY SIMPLE.
 11:32:38 ANY PUBLIC COMMENTS OR E COMMENTS?
 11:32:39 >>Carol Sacco: NO PUBLIC COMMENT AND NO E-COMMENTS.
 11:32:42 >>Mayor McLain: I'LL ACCEPT A MOTION TO APPROVE RESOLUTION
 11:32:46 NUMBER 2023-25.
 11:32:48 COUNCILMAN FIESEL AND SECONDED BY COUNCIL PERSON FAYHEE.

 11:32:54 MADAM CLERK, PLEASE TAKE THE ROLL.
 11:32:58 >>Larry Fiesel: AYE.
 11:32:59 >>Lori Fayhee: AYE.
 11:33:00 >>Rafael Lopez: AYE.
 11:33:02 >>Jim Ward: AYE.
 11:33:04 >>George Zalucki: AYE.
 11:33:05 >>Vice-Mayor Ribble: AYE.
 11:33:05 >>Mayor McLain: AYE.
 11:33:07 WE'RE NOW AT THE POINT OF PUBLIC COMMENTS ON NON-AGENDA
 11:33:12 ITEMS, DO WE HAVE ANYONE TO SPEAK?
 11:33:13 >>Carol Sacco: WE HAVE NONE.
 11:33:15 >>Mayor McLain: WE'LL MOVE ON NEXT TO THE COUNCIL
 11:33:18 COMMUNICATIONS AND FUTURE AGENDA ITEMS.
 11:33:20 I THINK WE STARTED WITH GEORGE LAST TIME, SO WE'LL START
 11:33:26 WITH VICE-MAYOR.
 11:33:27 >>Vice-Mayor Ribble: I HAVE NOTHING, MR. MAYOR.
 11:33:31 >>Mayor McLain: COUNCILMAN FIESEL.
 11:33:33 >>Larry Fiesel: I HAVE A COUPLE OF ITEMS.

11:33:36 ONE, SOME OF US HAD AN OPPORTUNITY TO ATTEND FORT MYERS
 11:33:40 BEACH REMEMBRANCE LAST THURSDAY, REMEMBERING THE FIRST
 11:33:43 ANNIVERSARY OF HURRICANE IAN DEVASTATING THEIR BEACH, HOMES.
 11:33:53 IT WAS A NICE PRESENTATION.
 11:33:56 ONLY HAVE TO LOOK BACK AT THE PHOTOS FROM A YEAR AGO WHEN
 11:34:00 THE HURRICANE HIT TO REALIZE THE DEVASTATION THAT THEY
 11:34:05 SUFFERED AND TO SEE ACTUALLY HOW FAR THEY HAVE COME, NOT

 11:34:09 THAT THEY ARE THERE YET, BUT THEY ARE MOVING FORWARD.
 11:34:11 IT WAS A NICE DAY WEATHER-WISE, TOO, UNTIL THE SUN AND THE
 11:34:17 HUMIDITY KIND OF GOT TO US.
 11:34:19 FINALLY, I'D LIKE TO ASK PERMISSION TO ATTEND THE NEXT
 11:34:24 COUNCIL MEETING VIA ZOOM.
 11:34:26 I PLAN TO BE BACK NORTH CELEBRATING MY GREAT GRANDSON'S
 11:34:30 FIRST BIRTHDAY.
 11:34:33 >>Mayor McLain: I DON'T THINK ANY ISSUES.
 11:34:35 WE DO CONSENSUS ON HIS REQUEST?
 11:34:42 I KNOW WE'LL GO THROUGH THAT IN A WORKSHOP IN A LITTLE BIT.
 11:34:48 >>Robert Eschenfelder: WELL, YOU ALL HAD A BIG DEBATE ABOUT
 11:34:52 THIS BEFORE I JOINED YOU.
 11:34:54 WHAT HAS ENDED UP BEING WRITTEN IN YOUR POLICY IS MERE
 11:34:58 INCONVENIENCE OR PREFERENCE IS NOT AN EXCUSABLE REASON.
 11:35:03 IT REALLY TALKS ABOUT EITHER THAT YOU'RE ILL OR THAT YOU'RE
 11:35:07 GOING TO BE ON VILLAGE BUSINESS.
 11:35:09 IF YOU WANT TO REVISIT THAT TODAY, YOU CERTAINLY CAN.
 11:35:13 >>Mayor McLain: WE'LL LOOK AT THAT.
 11:35:14 I THINK WHAT YOU'RE SAYING, IT WON'T BE AN EXCUSED ABSENCE,
 11:35:18 BUT YOU GET UP TO THREE ANNUALLY.
 11:35:21 >>Robert Eschenfelder: IT ALSO SAYS YOU CAN'T GET TO ATTEND
 11:35:24 REMOTELY UNLESS IT'S ONE OF THOSE REASONS.
 11:35:26 AGAIN, OTHER CLIENTS, THIS WOULD NOT BE AN ISSUE BECAUSE
 11:35:38 DON'T HAVE THE RULE.
 11:35:39 I KNOW IT WAS DIFFERENT MEMBERSHIP.

 11:35:41 >>Mayor McLain: WE'LL REVISIT THAT WHOLE THING IN THE
 11:35:43 WORKSHOP.
 11:35:44 WE'LL LOOK AT THAT.
 11:35:49 >>Larry Fiesel: I'M NOT ALLOWED TO ATTEND BY ZOOM, IS THAT
 11:35:51 WHAT YOU'RE SAYING?
 11:35:52 >>Robert Eschenfelder: RIGHT.
 11:35:54 >>Larry Fiesel: OKAY.
 11:35:54 >>Mayor McLain: COUNCIL PERSON FAYHEE.
 11:35:58 >>Lori Fayhee: THANK YOU.
 11:35:59 LAST MONTH I ATTENDED THE COASTAL AND HEARTLAND ESTUARY
 11:36:04 PARTNERSHIP POLICY COMMITTEE.
 11:36:05 THAT IS A MOUTHFUL.
 11:36:07 THEY GAVE PRESENTATIONS ON INNOVATIVE REDUCTION PROJECTS FOR
 11:36:12 IMPROVING WATER QUALITY, STATE FUNDING OPPORTUNITIES FOR

11:36:17 GREEN STORAGE WATER, STORMWATER INFRASTRUCTURE AND CONTINUED
 11:36:21 RECOVERY AND FEDERAL FUNDING OPPORTUNITIES.
 11:36:24 THESE WERE VERY INFORMATIVE PRESENTATIONS, AND IF YOU HAVE
 11:36:30 THE OPPORTUNITY, YOU CAN VIEW THESE AT
 11:36:33 CHNEP.ORG/POLICY-COMMITTEE.
 11:36:38 I ALSO ATTENDED THE PRESS CONFERENCE OF MOVING FLORIDA
 11:36:46 FORWARD.
 11:36:47 THAT WAS GOVERNOR NU EZ AND F.D.O.T.
 11:36:50 THEY ANNOUNCED OVER \$700 MILLION IN INVESTMENTS FOR LEE AND
 11:36:54 COLLIER COUNTY.
 11:36:55 INCLUDING EXPECTED CONSTRUCTION TIMELINES FOR THE LOCAL

 11:37:01 INFRASTRUCTURE INITIATIVE PROJECTS TO BEGIN IN 2025 AND
 11:37:05 2027.
 11:37:06 THESE PROJECTS WE'RE ALL LOOKING FORWARD TO.
 11:37:11 THEY'LL HELP TO ADDRESS CONGESTION AND IMPROVE SAFETY AND
 11:37:19 HELP US WITH OUR TRAFFIC ISSUES.
 11:37:21 THANK YOU VERY MUCH.
 11:37:23 >>Mayor McLain: THANK YOU.
 11:37:23 COUNCILMAN LOPEZ.
 11:37:26 >>Rafael Lopez: I JUST WANT TO REMIND EVERYONE THAT NOVEMBER
 11:37:28 11, THE VILLAGE OF ESTERO IS HAVING OUR VETERANS DAY
 11:37:32 CELEBRATION FROM 11 TO 2.
 11:37:37 I ENCOURAGE EVERYONE IN THE VILLAGE AND THE SURROUNDING
 11:37:40 AREAS TO COME AND ATTEND.
 11:37:41 WE'RE PROUD TO BE OFFERING THIS EVENT WITH NO COST
 11:37:48 WHATSOEVER TO ANY OF THE RESIDENTS OR ANY OF THE VETERANS.
 11:37:51 OUR MAIN MISSION IS TO HAVE A NICE EVENT AND HONOR OUR
 11:37:55 VETERANS AND WE WANT AS MANY PARTICIPANTS TO COME OUT AND
 11:37:59 ENJOY THE CONCERT, ENJOY THE EVENT, AND I WELCOME EVERYONE
 11:38:03 TO COME.
 11:38:03 I KNOW THAT COUNCILMAN ZALUCKI WILL PROBABLY WANT TO SPEAK
 11:38:09 ABOUT THE VEHICLES.
 11:38:09 I APPRECIATE IT IF HE DOES THAT BECAUSE HE KNOWS MORE ABOUT
 11:38:13 IT THAN I DO.
 11:38:16 >>Jim Ward: THANK YOU.
 11:38:17 I HAD THE OPPORTUNITY ON SATURDAY TO PARTICIPATE IN A RIBBON

 11:38:20 CUTTING FOR THE PGA STORE IN THE COCONUT POINT MALL.
 11:38:24 VERY WELL DONE.
 11:38:25 KIND OF INTERESTING.
 11:38:27 THE 20 SOMETHINGS AND 30 SOMETHINGS THAT KIND OF PARKED
 11:38:32 THEMSELVES THERE OVERNIGHT BECAUSE APPARENTLY PGA STORE WAS
 11:38:35 GIVING ABOUT \$30,000 OF FREE EQUIPMENT.
 11:38:37 I SAW TWO OR THREE GUYS WALKING OUT WITH PRETTY EXPENSIVE
 11:38:43 DRIVERS, \$600 DRIVERS.
 11:38:45 THAT'S WHY THEY WERE THERE.
 11:38:47 THEY WERE PARKING OUT THERE FROM FRIDAY MORNING TILL

11:38:50 SATURDAY MORNING.
 11:38:53 BUT THEY DID A NICE EVENT.
 11:38:54 INTERESTINGLY, THOUGH, I HAVE A GOOD FRIEND OF MINE AN
 11:38:58 EXECUTIVE IN A REAL ESTATE DEVELOPMENT FIRM OUT OF NEW YORK
 11:39:00 CITY, AND ONE OF THE THINGS HE TOLD ME WAS THAT PGA AND
 11:39:04 CHEESECAKE FACTORY ARE VERY SELECTIVE AS TO WHERE THEY PUT
 11:39:09 THEIR STORES.
 11:39:10 FOR THEM TO RECOGNIZE ESTERO AND COCONUT POINT AS A
 11:39:13 DESTINATION FOR ONE OF THEIR STORES SPEAKS VERY HIGHLY OF
 11:39:17 THE VILLAGE AND COCONUT POINT.
 11:39:19 SO IT WAS VERY WELL DONE.
 11:39:20 SECOND POINT, WE HAD A PRETTY INTENSE DISCUSSION EARLIER
 11:39:27 RELATED TO CODE ENFORCEMENT AND LIEN MITIGATION.
 11:39:30 I'D LIKE TO REQUEST THAT WE DO A WORKSHOP WITH MARY ON THIS
 11:39:37 ISSUE SO WE BETTER UNDERSTAND THE PROCESS.

11:39:40 I THINK COUNCIL WAS PUT IN A VERY DIFFICULT POSITION TODAY
 11:39:45 TO TRY TO UNDERSTAND HOW WE GOT TO A POINT WHERE WE HAD
 11:39:50 LIENS OF \$178,000 AND A TIME FRAME OF 500 DAYS BEFORE
 11:39:57 SOMETHING WAS ADJUDICATED.
 11:39:59 WE HAD ONE SITUATION WHERE IT WAS A MARATHON GAS SELECT
 11:40:05 PROPERTY, WHICH, OBVIOUSLY, HAS A HIGHER VALUE THAN
 11:40:08 SOMETHING ON SHERRILL LANE, YET THE FINES WERE PRETTY MUCH
 11:40:13 IDENTICAL.
 11:40:13 I RECOGNIZE WE SHOULDN'T BE MAKING DECISIONS BASED ON THE
 11:40:16 VALUE OF PROPERTY, BUT ON THE OTHER HAND IT DOES COME INTO
 11:40:22 CONSIDERATION WHEN WE'RE LOOKING AT \$178,000 FINE ON A
 11:40:26 PROPERTY THAT'S PROBABLY NOT WORTH A FRACTION OF THAT.
 11:40:28 SO I'D LIKE TO ASK THE MAYOR TO SEE IF WE COULD HAVE A
 11:40:33 WORKSHOP WITH MARY TO BETTER UNDERSTAND THE PROCESS AND
 11:40:36 MAYBE IMPROVE THE PROCESS SO WE DON'T COME UP WITH THOSE
 11:40:39 SITUATIONS IN THE FUTURE.
 11:40:41 >>Mayor McLain: I THINK THAT'S WORTHWHILE BASED ON THE
 11:40:43 DISCUSSION WE HAD TODAY.
 11:40:45 WE CAN LOOK AT THE RULES AND ALL THAT AND MAKE SOME CHANGES
 11:40:50 AS APPROPRIATE.
 11:40:50 I THINK WE'VE GOT NEW COUNCILMEMBER.
 11:40:53 WE STARTED THIS WITH THE ORIGINAL.
 11:40:57 SO AS TIME MOVES ON, WE CAN MAKE SOME MODIFICATIONS TO THAT.
 11:41:00 MARY IS RIGHT THERE.
 11:41:04 WORK WITH THE CLERK AND WE'LL GET SOMETHING ON HERE SOMETIME

11:41:07 IN THE FUTURE.
 11:41:08 COUNCILMAN ZALUCKI.
 11:41:11 >>George Zalucki: THANK YOU, MAYOR.
 11:41:13 COUNCILMAN, I THINK THAT IS A GREAT RECOMMENDATION.
 11:41:15 I LOOK FORWARD TO THAT WORKSHOP.
 11:41:16 JUST A COUPLE OF THINGS, COUNCILMAN LOPEZ AGAIN IS DOING A

11:41:19 GREAT JOB WITH THE VETERANS DAY CELEBRATION.
 11:41:22 I ALSO REITERATE, PLEASE, EVERYBODY COME AND JOIN US.
 11:41:26 THERE'S GOING TO BE A GREAT, GREAT EVENT.
 11:41:28 LET'S TALK ABOUT THE CARS.
 11:41:30 SO IF THERE'S ANYBODY IN THE COMMUNITY THAT HAS A CLASSIC
 11:41:33 CAR MADE IN AMERICA, BUILT IN AMERICA, CAN BE AN ANTIQUE, A
 11:41:38 MUSCLE CAR, PLEASE FEEL FREE TO GET HOLD OF ME TO REGISTER
 11:41:42 YOUR CAR IF YOU WOULD LIKE TO ATTEND AND BRING YOUR CAR THE
 11:41:45 DAY OF THE EVENT.
 11:41:46 I'M ASKING ALL OF OUR CARS, SO FAR, WE'RE GOING TO CAP IT AT
 11:41:50 50.
 11:41:50 WE'RE AT ABOUT 20 RIGHT NOW AND I HAVEN'T EVEN REALLY
 11:41:53 STARTED TO REACH OUT.
 11:41:54 SO WE'RE GOING TO LIKELY HIT --
 11:41:57 >>Mayor McLain: AIMING FOR 50.
 11:41:59 >>George Zalucki: AIMING FOR 50.
 11:42:00 WE DON'T WANT IT TO BE OUT OF CONTROL.
 11:42:02 WE WANT TO BE SENSITIVE TO THE LIMITED SPACE ON-SITE.
 11:42:07 IF SOMEBODY WANTS TO REGISTER, GET HOLD OF ME.

 11:42:09 THROUGH THE VILLAGE WEBSITE YOU CAN E-MAIL ME OR CALL ME.
 11:42:13 MY INFORMATION IS POSTED.
 11:42:14 I WILL REGISTER THE CAR AS LONG AS IT MEETS THE CRITERIA
 11:42:17 MADE IN THE USA.
 11:42:18 IT WILL BE GREAT AND A FANTASTIC EVENT.
 11:42:20 LAST THING I WANT TO REPORT ON IS THE CENTER FOR THE ARTS
 11:42:23 BONITA SPRINGS, THEIR BOARD OF DIRECTORS HAS APPOINTED ME AS
 11:42:26 THE VILLAGE OF ESTERO COMMUNITY LIAISON.
 11:42:29 I WANT TO BE CLEAR ABOUT THAT.
 11:42:31 IT HAS NOTHING TO DO WITH THE COUNCIL.
 11:42:34 IT HAS TO DO BEING AN ADVOCATE FOR THE ARTS IN THE VILLAGE
 11:42:37 OF ESTERO.
 11:42:37 NOW IN ESSENCE THAT BOARD OF DIRECTORS HAS A VOICE COMING
 11:42:42 FROM ESTERO SO I CAN HELP DRIVE THE PERFORMING ARTS BECAUSE
 11:42:47 THERE IS A LOT OF FOLKS IN OUR COMMUNITY THAT LOVE THE ARTS.
 11:42:50 NOW WE CAN START MAKING CONNECTIONS AND UTILIZE THE ASSETS
 11:42:54 AND THE FACILITY OVER THERE OFF OF BONITA BEACH ROAD.
 11:42:57 THEY HAVE A WONDERFUL CAMPUS.
 11:42:58 THEY HAVE SHOWS CONTINUOUSLY.
 11:43:01 THERE IS A NEW DIRECTOR.
 11:43:03 SHE'S HIGHLY MOTIVATING, MAKING GREAT CHANGES OVER THERE.
 11:43:09 I ENCOURAGE ALL THE COUNCIL MEMBERS, AND IF YOU'D LIKE, I
 11:43:12 WOULD BE HAPPY TO ORGANIZE A TOUR TO HAVE FOLKS GO THROUGH.
 11:43:14 BUT IT'S A GREAT FACILITY FOR A GREAT REASON.
 11:43:18 LOTS OF ARTS IN ESTERO AND WE WANT TO WORK WITH THE BONITA

 11:43:23 COMMUNITY AS WELL TO BRING AWARENESS TO THE ASSETS INSTEAD
 11:43:25 OF US BUILDING A \$22 MILLION PERFORMING ARTS CENTER, WE HAVE

11:43:29 SOMETHING JUST A FEW MILES DOWN THE ROAD THAT I THINK THAT
 11:43:31 OUR CITIZENS WOULD BE VERY PLEASED TO UTILIZE.
 11:43:34 MORE ON THAT.
 11:43:37 I WILL BE HAPPY TO REPORT AND GIVE UPDATES.
 11:43:40 BUT THAT'S ALL I HAVE TO SHARE TODAY.
 11:43:42 THANK YOU.
 11:43:44 >>Mayor McLain: ON THE VETERANS DAY THING AND THE CARS
 11:43:47 SPECIFICALLY, IF YOU GET 50 IN THERE AND GET THEM ALL IN,
 11:43:52 ARE YOU GOING TO HAVE JUDGING, WHO HAS THE BEST CAR, SHOW,
 11:43:56 ANYTHING LIKE THAT?
 11:43:57 >>George Zalucki: YOU KNOW WHAT, THAT'S TOUGH.
 11:43:59 I'VE BEEN ASKED THAT AND DONE QUITE A FEW CAR EVENTS.
 11:44:02 MOST OF THEM ARE NOT JUDGE SHOWS.
 11:44:03 THE REASON WHY, BECAUSE YOU ALWAYS UPSET SOMEBODY.
 11:44:06 >>Mayor McLain: IT'S A TOUGH DEAL.
 11:44:07 >>George Zalucki: WE WANT EVERYBODY TO LEAVE THERE WITH
 11:44:10 SMILES.
 11:44:10 WE DON'T WANT THIS TO BE A CAR SHOW.
 11:44:12 WE WANT THIS JUST TO COME AND BE PROUD OF YOUR AMERICAN
 11:44:18 PRODUCT.
 11:44:18 AND IT WORKS REALLY WELL WITH THE THEME OF THE VETERANS.
 11:44:21 >>Mayor McLain: I AGREE.
 11:44:22 FREE HOT DOGS.

 11:44:26 I GOT TO ASK COUNCILMAN WARD, YOU GO TO THE PGA STORE, DID
 11:44:32 YOU DROP YOUR HANDICAP TWO OR THREE STROKES OR SO BY JUST
 11:44:37 GOING THERE?
 11:44:39 >>Jim Ward: IF THEY GAVE ME A \$900 DRIVER --
 11:44:42 >>Mayor McLain: I DON'T EVEN NEED A 900.
 11:44:44 I THINK I COULD DO IT WITH A \$50 ONE.
 11:44:47 ANOTHER TOPIC, I'M NOT SURE IF THE OTHER COUNCIL MEMBERS
 11:44:51 RECEIVED OR NOT, BUT I RECEIVED AN E-MAIL YESTERDAY FROM JIM
 11:44:56 BOESCH THAT HE IS RESIGNING FROM THE ESTERO FOREVER
 11:45:01 FOUNDATION.
 11:45:01 THERE WILL BE SOME NEW LEADERSHIP IN THERE.
 11:45:04 AND I WISH JIM THE BEST IN HIS DECISIONS ON THAT.
 11:45:09 I DON'T KNOW ALL THE DETAILS, BUT JUST SO EVERYBODY IS AWARE
 11:45:14 THAT IS A CHANGE IN THAT.
 11:45:15 OTHER THAN THAT, I WANTED TO TALK A LITTLE BIT ABOUT, ONE, I
 11:45:20 APPRECIATE THE SUPPORT OF APPROVING THE RESOLUTION OR
 11:45:27 WHATEVER WE GOT FOR THE CHARTER GROUP IN THERE.
 11:45:29 I THINK THAT'S REALLY IMPORTANT.
 11:45:31 WE'LL GIVE A READING ON HOW THAT GOES AT OUR NEXT MEETING.
 11:45:35 VICE-MAYOR AND MYSELF, WE ATTENDED SEPARATELY, I WAS AT THE
 11:45:42 TABLE, BUT I ATTENDED THE TASK FORCE MEETING FOR LEE HEALTH
 11:45:47 FOR THE BILLION DOLLAR PROJECT.
 11:45:49 AND I CAN REPORT THAT I FELT THAT WE ACTUALLY MADE SOME
 11:45:54 PROGRESS IN THERE.

11:45:56 WE'VE ALL BEEN PUTTING IN AT THE BRANCH LEVEL, WHICH

11:46:00 INCLUDES A LOT OF OUR STAFF HAVE PUT IN A LOT OF ENERGY OVER
 11:46:03 THE LAST, I GUESS YEAR TO BRING A LOT OF THESE TOPICS UP.
 11:46:09 ONE OF THEM WE TALKED ABOUT TODAY FOR THE DRAINAGE AND FOR
 11:46:11 THE POND THAT WE'RE WORKING ON.
 11:46:14 I THINK WE MADE SOME PROGRESS BECAUSE WHAT HAPPENED IN THIS
 11:46:21 WITH THE BRANCHES, WE FOUND THAT THE BRANCHES WERE
 11:46:25 IDENTIFYING SIMILAR PROJECTS.
 11:46:27 ONE FOR ECONOMICS, MAYBE ONE FOR ENVIRONMENT OR WHATEVER.
 11:46:31 THEN THERE WERE SOME DUPLICATION.
 11:46:33 IN ORDER TO BE ABLE TO FOCUS THE TASK FORCE TO REALLY MAKE A
 11:46:36 DECISION, WE STARTED A PROCESS WHERE WE ARE CONSOLIDATING
 11:46:43 THOSE.
 11:46:43 AND MY RECOMMENDATION I SAID I DON'T WANT TO LOSE THOSE
 11:46:50 PROJECTS.
 11:46:51 IF WE HAVE A NEW HEADER CALLED XYZ, THE TASK FORCE WORK OF
 11:46:57 DEVELOPING SUBPROJECTS UNDER THAT THAT'S CONSOLIDATED NOW ON
 11:47:01 THE TOP SHOULD NOT BE FORGOTTEN AND SHOULD BE ABLE TO BE
 11:47:06 ADDRESSED AS WE MOVE FORWARD TO APPROVING SOME OF THESE
 11:47:08 PROJECTS.
 11:47:09 AND I THINK EVERYBODY AGREED THAT'S IMPORTANT, BECAUSE THE
 11:47:13 WORK THAT EACH OF THESE BRANCHES HAVE DONE IS SIGNIFICANT.
 11:47:17 AND WE DON'T WANT TO FORGET MAYBE A LITTLE NUANCE THAT ONE
 11:47:20 OF THOSE MAY HAVE HAD IN THERE.
 11:47:22 I THINK WE MOVE FORWARD PRETTY WELL.
 11:47:27 ANOTHER BIG MILESTONE THAT HAPPENED IS WE HAD KIND OF AN

11:47:32 ARBITRARY DATE, I THINK LIKE OCTOBER 17, THAT WE HAD TO HAVE
 11:47:36 ALL THIS PUT TOGETHER AND GET THE FUNDING.
 11:47:39 THE TOPICS WITH HAGERTY THERE, WHICH IS OUR CONSULTANT FOR
 11:47:43 LEE COUNTY AND FOR THE VILLAGE HERE ALSO, WE'VE AGREED TO BE
 11:47:49 ABLE TO PUSH THAT OFF INTO I THINK JANUARY OR FEBRUARY.
 11:47:53 THE INTENT BEING WE DON'T WANT RUSH IT.
 11:47:56 WE WANT TO GET IT RIGHT.
 11:47:57 IT DOESN'T MEAN THAT AS WE MOVE THESE PROJECTS FORWARD,
 11:48:00 THERE WON'T BE CONTINUAL EDITING AND CHANGES IN THERE.
 11:48:04 THE VICE-MAYOR WAS THERE.
 11:48:07 I DO THINK OF THE MEETINGS I'VE BEEN TO, WHICH ARE SEVERAL,
 11:48:11 THIS IS A MEETING WHERE I FELT LIKE WE ACTUALLY ACCOMPLISHED
 11:48:15 SOMETHING.
 11:48:17 I'M HOPEFUL IN THE FUTURE WE'LL SEE THAT.
 11:48:20 BECAUSE WE ARE COMING INTO THE AREA.
 11:48:22 THE OTHER THING THAT'S GOING TO HAPPEN IS THAT HAGERTY IS
 11:48:28 GOING TO GO TO EACH OF THE CITIES AND VILLAGES TO GO THROUGH
 11:48:35 AND REEVALUATE EACH OF OUR PROJECTS THAT ARE BEING ROLLED UP
 11:48:39 IN THERE.
 11:48:40 AND I THINK THAT'S AN EXTREMELY IMPORTANT MEETING TO GET

11:48:42 DAVID AND MARY AND STEVE, JOANNE INVOLVED.
 11:48:49 AND I'D LIKE -- I BELIEVE WE CAN GET TOGETHER AS A GROUP AND
 11:48:55 HAVE AN OPEN DISCUSSION WITHOUT HAVING A SUNSHINE VIOLATION
 11:49:00 BECAUSE WITH JOANNE BEING THERE, OUR VICE-MAYOR AND MYSELF,
 11:49:06 WE'RE NOT VOTING ON IT.

11:49:08 WE'RE DISCUSSING THESE.
 11:49:09 SHE'S ON ONE BRANCH AND I'M ON THE OVERALL AREA.
 11:49:13 SO I DON'T THINK THAT'S A SUNSHINE RULE AND THE GROUP THERE,
 11:49:18 HAGERTY DIDN'T THINK IT WAS EITHER.
 11:49:20 WE'RE LOOKING AT HAVING THAT MEETING SOMETIME HERE IN
 11:49:23 OCTOBER.
 11:49:23 SO HOPEFULLY THEY GIVE US ENOUGH NOTIFICATION THAT WE CAN
 11:49:27 ALL ATTEND THAT.
 11:49:29 I THINK THAT'S AN EXTREMELY IMPORTANT MEETING FOR US TO MAKE
 11:49:33 SURE THAT EACH OF OUR PROJECTS IS STILL MOVING UP THE
 11:49:37 LADDER.
 11:49:39 LEE COUNTY STAFF NOW IS INVOLVED TO SOME EXTENT.
 11:49:47 I AT THIS POINT DON'T SEE ANY DISRUPTION IN THE PROCESS.
 11:49:55 I DON'T THINK THEY ARE INTERFERING WITH IT AT THIS POINT.
 11:49:58 I'M HOPEFUL WE CAN CONTINUE TO MAKE SURE THAT EACH CITY AND
 11:50:04 EACH GROUP CAN MOVE THESE PROJECTS UP WITHOUT BEING SECOND
 11:50:08 GUESSED.
 11:50:09 BECAUSE I TAKE THE ROLE AS A TASK FORCE THING, THOSE ARE OUR
 11:50:13 DECISIONS AND WE SHOULDN'T BE SECOND GUESSING THOSE
 11:50:15 DECISIONS AS THEY GO UP.
 11:50:17 TASK FORCE MEETING WAS IMPORTANT, TOOK TIME.
 11:50:22 CHARTER REVIEW WILL TAKE SOME TIME.
 11:50:24 I APPRECIATE YOU ALL BEING INVOLVED IN THE COMMUNITY AND
 11:50:29 BRINGING THE CAPTAINS OF WATER IN HERE.
 11:50:33 I THINK THOSE ARE GOOD FOR OUR MEETING.

11:50:35 I'LL TURN THIS OVER TO OUR VILLAGE ATTORNEY SINCE WE DON'T
 11:50:40 HAVE A VILLAGE MANAGER TODAY.
 11:50:42 >>Robert Eschenfelder: QUICKLY, COUNCIL MEMBERS, THE
 11:50:45 VICE-MAYOR -- YOU'LL RECALL THAT WE HAD A DISPUTE BETWEEN
 11:50:50 THE DENTAL OFFICE APPLICATION AND THE ENTRANCE THAT HE WANTS
 11:50:53 TO USE AND THE ASSOCIATION.
 11:50:55 SO WE RECOMMENDED -- I RECOMMENDED THAT THEY NEED TO GO TO
 11:50:59 COURT AND FIGHT IT OUT WITH EACH OTHER, SO THEY DID.
 11:51:01 BUT THE FOUNTAIN LAKES HAS BROUGHT US IN AS A THIRD-PARTY
 11:51:06 DEFENDANT.
 11:51:10 LOOKING THROUGH I UNDERSTAND WHY, BECAUSE THEY ARE ASKING
 11:51:11 FOR THE JUDGE TO DO AN INJUNCTION TO STOP EVERYTHING UNTIL
 11:51:16 THE EASEMENT INTERPRETATION IS DONE, SO WE CAN'T BE ORDERED
 11:51:20 BY A JUDGE TO DO SOMETHING UNLESS WE'RE A PARTY TO THE CASE.
 11:51:24 SO THAT'S WHY WE'RE COMING IN.
 11:51:27 AS I'VE SAID BEFORE, WE HAVE NO DOG IN THE HUNT.

11:51:29 WHATEVER THAT EASEMENT ULTIMATELY ENDS UP SAYING AND
 11:51:33 APPROVING, WHATEVER THE JUDGE SAYS IS FINE TO US AND WE'LL
 11:51:37 TELL MARY.
 11:51:38 I'LL FILE AN ANSWER.
 11:51:40 WHEN THE HEARING IS SET, I'LL SHOW UP AND SAY, JUDGE,
 11:51:43 WHATEVER YOU WANT US TO DO, WE'LL DO.
 11:51:45 YOU STILL HAVE TO TELL THESE GUYS WHO HAS THE RIGHT TO DO
 11:51:48 WHAT.
 11:51:49 JUST WANT TO LET YOU KNOW THE SUIT CAME IN.

 11:51:51 THAT'S ALL I HAVE.
 11:51:52 >>Mayor McLain: THANK YOU.
 11:51:52 I THINK I WILL ADJOURN.
 11:51:59 LET ME MAKE SURE.
 11:52:00 THE REGULAR SESSION OF THIS WILL CONVENE AND WE'LL GO TO THE
 11:52:11 WORKSHOP.
 11:52:11 BECAUSE IT'S 11:51, WOULD ANYBODY LIKE TO HAVE A BREAK?
 11:52:17 WHY DON'T WE TAKE A NINE-MINUTE BREAK AND BE BACK HERE AT
 11:52:21 NOON BECAUSE I THINK THE WORKSHOP ON REVISIONS TO THE
 11:52:25 COUNCIL PROCEDURES MIGHT TAKE A LITTLE BIT OF TIME.
 11:52:28 I THINK WE CAN GO THROUGH THAT AT A PACE WHERE WE'RE NOT
 11:52:31 RUSHING IT TOO MUCH.
 11:52:32 ANY PROBLEMS WITH TAKING AN EIGHT, NINE MINUTE BREAK?
 11:52:38 WE'LL ADJOURN FOR -- COME BACK HERE BY 12:00.
 11:52:41 THANK YOU.
 11:52:42 [RECESS]
 12:02:26 >>Mayor McLain: I'LL LET HIM SPEAK TO WHY HE MADE SOME
 12:02:29 REVISIONS AND THE LIKE.
 12:02:31 WE'LL TRY TO GO THROUGH THIS.
 12:02:34 I CAN TELL YOU WE'RE ONLY GOING TO FOCUS ON THE AREAS OF
 12:02:38 CHANGE.
 12:02:39 WE'RE NOT GOING TO GO THROUGH THE WHOLE DOCUMENT.
 12:02:41 ROB, YOU'RE ON.
 12:02:42 >>Robert Eschenfelder: THANK YOU, MAYOR AND COUNCIL MEMBERS.
 12:02:44 SO, AS YOU RECALL, FROM THE LAST MEETING WHERE WE HAD A

 12:02:49 SPEAKER WHO SORT OF TOOK TWO -- WENT LONG, IT WAS A SPUR FOR
 12:02:58 ME TO TAKE A LOOK AT WHAT YOU HAD.
 12:03:00 IN LOOKING THROUGH YOUR DOCUMENT, THERE WERE A FEW OTHER
 12:03:03 TWEAKS AND STUFF, EITHER TO MAKE IT READ BETTER, WHATNOT.
 12:03:08 I'LL GO THROUGH THEM.
 12:03:10 I'LL TELL YOU BASICALLY WHY I DID WHAT I DID.
 12:03:13 SOME OF IT SELF-OBVIOUS.
 12:03:15 IF ANYBODY HAS QUESTIONS, PLEASE FEEL FREE TO INTERRUPT.
 12:03:18 STARTING ON PAGE 3, DOWN AT THE BOTTOM, SECTION 3, VOTING
 12:03:24 REQUIREMENTS, I TOOK OUT THE WORD PRESENT ON THE FIRST LINE
 12:03:29 BECAUSE THE WORD PRESENT IS ON THE SECOND LINE.
 12:03:31 WE KIND OF USED PRESENT ONE TOO MANY TIMES.

12:03:34 >>Mayor McLain: AS A MATTER OF ORDER AND MOVING IT FORWARD,
 12:03:38 IF WE AGREE TO THESE CHANGES, WE BRING IT BACK AT A COUNCIL
 12:03:42 MEETING AND VOTE ON THE CHANGES.
 12:03:43 >>Robert Eschenfelder: AT THIS END OF THIS, I'LL SAY IS
 12:03:46 EVERYBODY OKAY WITH WHAT WE HAVE.
 12:03:49 AND IF EVERYBODY SAYS YES, WE'LL PUT IT ON A REGULAR MEETING
 12:03:52 FOR ADOPTION, YES.
 12:03:53 THE NEXT CHANGE APPEARS AT PAGE 7, DOWN AT THE BOTTOM E.
 12:04:04 THIS DEALS WITH SECTION 6, WHICH IS THE AGENDA.
 12:04:07 SUB E SAYS THE AGENDA FOR REGULAR AND WORKSHOP MEETINGS
 12:04:11 SHALL INCLUDE PROVISIONS FOR A PUBLIC COMMENT PERIOD.
 12:04:16 AND THEN IT HAD THE SENTENCE, THE PUBLIC HAS THE RIGHT TO
 12:04:20 SPEAK BEFORE COUNCIL.

 12:04:21 I'VE EDITED THAT TO SAY THE AGENDA FOR REGULAR AND WORKSHOP
 12:04:24 MEETINGS SHALL INCLUDE PROVISIONS FOR A PUBLIC COMMENT
 12:04:28 PERIOD TO ADDRESS MATTERS NOT ON COUNCIL AGENDA.
 12:04:32 THE PUBLIC COMMENT PERIOD SHALL FOLLOW THE CONCLUSION OF ALL
 12:04:37 OLD AND NEW BUSINESS AND BE PLACED ON THE AGENDA IMMEDIATELY
 12:04:42 BEFORE THE COMMENT REPORT SECTION -- SORRY, OF THE
 12:04:46 INDIVIDUAL COUNCIL MEMBERS, THE ATTORNEY, AND THE MANAGER.
 12:04:50 WHAT THIS DOES IS, NUMBER ONE, IT CONFIRMS YOU'RE ONLY
 12:04:55 SPEAKING ON MATTERS NOT ON THE COUNCIL AGENDA.
 12:04:58 NUMBER TWO, IT TELLS THE CLERK WHERE TO PLACE THE COMMENT,
 12:05:02 THE PUBLIC COMMENT PERIOD ON THE AGENDA.
 12:05:04 AS YOU ALL RECALL RIGHT NOW, YOU HAVE PUBLIC COMMENT PERIODS
 12:05:09 IN TWO DIFFERENT PLACES ON THE AGENDA.
 12:05:12 I'M NOT USED TO ANYWHERE ELSE.
 12:05:14 YOU CAN CONTINUE THAT IF YOU WANT TO, BUT I TEND TO THINK
 12:05:19 PEOPLE WHO COME TO OUR MEETINGS, THEY COME TO DO THE
 12:05:21 BUSINESS THAT'S ON THE AGENDA THAT DAY, BE IT THE ATTORNEY
 12:05:24 SITTING IN THE BACK OF THE ROOM.
 12:05:25 SO IF I WANT TO TALK ABOUT SOMETHING THAT'S NOT ON THE
 12:05:28 AGENDA TO SAY, YOU KNOW, COUNCIL MEMBERS, I THINK THAT YOU
 12:05:31 SHOULD CONSIDER THIS IN THE FUTURE, I EITHER GOT TO TIME IT
 12:05:34 TO SHOW UP MIDWAY THROUGH THE MEETING OR I HAVE TO KIND OF
 12:05:37 SUFFER THROUGH AND SIT THROUGH.
 12:05:38 BUT TO HAVE THE PUBLIC COMMENT PERIOD AT THE BEGINNING OF
 12:05:41 THE MEETING, IT SORT OF HAS THE POTENTIAL TO DELAY IF YOU

 12:05:44 HAVE MULTIPLE SPEAKERS THE BUSINESS AT HAND.
 12:05:47 AGAIN, WE'RE SUPPOSED TO BE MEETING TO GET THE BUSINESS OF
 12:05:50 THE DAY DONE.
 12:05:52 THAT'S WHY I MADE THE CHANGE I MADE.
 12:05:54 UNLESS ANYONE HAS COMMENTS ON THAT.
 12:05:55 >>Vice-Mayor Ribble: I DO.
 12:05:57 I ALWAYS THOUGHT THAT WAS CONFUSING WHY IT'S ON OUR AGENDA
 12:06:01 TO BE IN BOTH PLACES.

12:06:02 I WOULD LIKE TO COMMENT AND SAY, SHOULD WE POSSIBLY TAKE OUT
 12:06:08 PUBLIC COMMENT ON NON-AGENDA ITEMS FROM THE BEGINNING OF THE
 12:06:12 MEETING AND JUST HAVE IT AT THE END?
 12:06:14 >>Robert Eschenfelder: THAT'S WHAT THIS CHANGE DOES.
 12:06:16 >>Vice-Mayor Ribble: IT DOES.
 12:06:17 OKAY.
 12:06:20 >>Mayor McLain: THEY HAVE TO SIT THROUGH THE WHOLE.
 12:06:25 >>Vice-Mayor Ribble: WELL, YEAH.
 12:06:27 THEY CAN MAKE E-COMMENTS.
 12:06:28 >>Mayor McLain: ONLY AT THE END.
 12:06:30 >>Robert Eschenfelder: IF THE PRESIDENT OF THE UNITED STATES
 12:06:32 SHOWS UP AND TAKES YOU ASIDE AND SAYS, HEY, GUYS, I'VE ONLY
 12:06:37 GOT 30 MINUTES AND I WOULD REALLY LIKE TO TALK TO THE
 12:06:39 COUNCIL, YOU CAN WAIVE THE RULES.
 12:06:41 >>Mayor McLain: YOU CAN MAKE AN EXCEPTION.
 12:06:43 >>Robert Eschenfelder: YEAH, YOU CAN MAKE AN EXCEPTION.
 12:06:45 GENERAL RULE, ONE TIME AT THE END OF THE MEETING.

12:06:50 >>Lori Fayhee: DOESN'T THAT TAKE AWAY THE PUBLIC ABILITY TO
 12:06:54 SPEAK ON WHAT WE'RE GOING TO VOTE ON?
 12:06:55 >>Robert Eschenfelder: NO.
 12:06:57 BECAUSE THIS IS ONLY NON-AGENDA ITEMS.
 12:07:00 >>Lori Fayhee: YOU'RE NOT DIVIDING THAT PART OUT.
 12:07:02 >>Robert Eschenfelder: NO, WE CAN'T.
 12:07:03 THE RIGHT TO SPEAK STATUTE REQUIRES US TO OPEN THE FLOOR.
 12:07:06 SO, YEAH, THAT WILL CONTINUE TO BE SOMETHING THAT THE MAYOR
 12:07:09 SAYS, OKAY, DOES ANYBODY IN THE AUDIENCE HAVE A COMMENT
 12:07:14 ABOUT THIS ITEM THAT WE'RE ABOUT TO VOTE ON?
 12:07:16 BUT THIS IS ONLY STUFF PEOPLE WANT TO TALK ABOUT THAT'S NOT
 12:07:20 ON THE AGENDA.
 12:07:22 >>Lori Fayhee: NON-AGENDA WOULD BE RIGHT BEFORE BOARD
 12:07:25 COMMENT, CORRECT?
 12:07:25 >>Robert Eschenfelder: YES.
 12:07:26 >>Mayor McLain: THE ONLY CONCERN I HAVE, I DO THINK IT IS A
 12:07:30 DUPLICATION OF EFFORT, BUT ONE OF THE REASONS IT WAS
 12:07:33 PROBABLY IN THERE AT THE BEGINNING IS THAT PEOPLE THAT HAVE,
 12:07:37 WHATEVER THAT ISSUE THAT MIGHT BE THAT'S NOT ON THE AGENDA,
 12:07:40 IF THEY HAVE TO WAIT THROUGH A MEETING FOR TWO AND A HALF
 12:07:43 HOURS, IT'S NOT OVERLY FAIR TO THEM, IN MY MIND.
 12:07:50 IT CAN DELAY THE MEETING, BUT ISN'T ONE OF OUR ROLES TO
 12:07:57 LISTEN TO OUR CITIZENS?
 12:08:00 WE DON'T COMMENT.
 12:08:01 IT'S BEST THAT WE DON'T COMMENT, BUT RATHER THAN KIND OF --

12:08:05 WE'RE PENALIZING THEM BY HAVING TO SIT THROUGH THE WHOLE
 12:08:08 AGONY OF THIS MEETING JUST SEEMS A LITTLE UNFAIR TO ME.
 12:08:14 THE COMMENTS WE RECEIVE ARE OVER AND DONE WITH GENERALLY IN
 12:08:19 FIVE MINUTES OR TEN MINUTES, MAYBE, AT THE MAXIMUM FOR

12:08:23 DELAYING THE MEETING.
 12:08:23 I'M ALL ABOUT GETTING -- I REALLY ENJOY THE COMMENTS FROM
 12:08:28 PEOPLE AND I THINK IT HELPS US MOVE AGENDAS FORWARD.
 12:08:33 I THINK WE MAY WANT TO KEEP IT IN THERE.
 12:08:38 THAT'S JUST MY THOUGHT.
 12:08:42 >>Rafael Lopez: CAROL, CAN I ASK YOU A QUESTION?
 12:08:46 WHEN THEY FILE THE CARD, THEY TELL YOU WHAT THEY WANT TO
 12:08:49 SPEAK ABOUT.
 12:08:49 >>Carol Sacco: THAT'S CORRECT.
 12:08:51 >>Rafael Lopez: SOMETHING WE CAN LOOK AT ON A CASE-BY-CASE
 12:08:53 BASIS.
 12:08:54 I AGREE WITH ROB, IT'S KIND OF REDUNDANT WHERE IF YOU HAVE A
 12:08:59 BUNCH OF PEOPLE AT THE BEGINNING OF THE MEETING, IT TAKES
 12:09:02 AWAY FROM -- YOU KNOW, WE WANT TO GET OUR BUSINESS DONE.
 12:09:05 WE WANT TO MAKE SURE THAT WE GET THE BUSINESS AT HAND FIRST
 12:09:10 BECAUSE THERE MAY BE PEOPLE THAT WANT TO SPEAK ABOUT
 12:09:13 SOMETHING THAT HAS NOTHING TO DO WITH ANYTHING.
 12:09:15 >>Mayor McLain: I THINK THAT'S TRUE, BUT AREN'T WE HEAR TO
 12:09:19 LISTEN TO THOSE --
 12:09:21 >>Vice-Mayor Ribble: GENERALLY SPEAKING, THIS IS OUR
 12:09:24 AUDIENCE.

 12:09:26 >>Mayor McLain: YEAH, I AGREE.
 12:09:27 >>Vice-Mayor Ribble: GENERALLY SPEAKING, WE DON'T HAVE THAT
 12:09:32 TIME CRUNCH USUALLY.
 12:09:34 I WOULD AT LEAST LIKE TO TRY IT AND SEE, KEEPING IT TO THE
 12:09:43 END AND SEE WHAT HAPPENS.
 12:09:47 >>Lori Fayhee: I DON'T WANT TO EVER LIMIT THE PUBLIC FROM
 12:09:49 SPEAKING AND COMING HERE TO SPEAK, AND I DON'T THINK ANY YOU
 12:09:52 DO, YOU KNOW, WANT TO LIMIT IT.
 12:09:54 BUT I KNOW WE'VE HAD SPEAKERS IN THE PAST COME IN.
 12:09:58 ONE WAS A YOUNG MOTHER AND HER TIME WAS LIMITED.
 12:10:03 SHE NEEDED TO GET HER KIDS TO SCHOOL AND HERSELF TO WORK,
 12:10:08 AND SHE WOULDN'T BE ABLE TO BE HERE AT NOON TO SPEAK WITH US
 12:10:13 ABOUT SOMETHING THAT WAS NOT ON THE AGENDA.
 12:10:17 >>Mayor McLain: IF WE WERE GOING TO ELIMINATE THE
 12:10:18 OPPORTUNITY TO SPEAK, WHY NOT TAKE IT OFF THE BACK?
 12:10:24 >>Lori Fayhee: RIGHT, I AGREE.
 12:10:25 >>Mayor McLain: IS THERE A REAL ADVANTAGE TO HAVE
 12:10:27 NON-AGENDAED ITEMS TALKED ABOUT AT THE END AS OPPOSED TO IN
 12:10:32 THE FRONT?
 12:10:33 TIME CERTAIN IS A GOOD DEAL BECAUSE PEOPLE ARE ALL BUSY.
 12:10:36 DO WE NEED IT AT THE END, ROB, FOR ANY REASON?
 12:10:43 >>Robert Eschenfelder: IT IS TOTALLY YOUR CHOICE.
 12:10:45 I HAVE SEEN IN THE PAST -- MOST OF OUR CLIENTS HAVE IT AT
 12:10:52 THE END AND MOST OF OUR CLIENTS HAVE IT AT THE END BECAUSE
 12:10:56 OF PAINFUL LESSONS THAT THEY HAVE LEARNED -- I'M NOT SAYING

12:11:00 IT WILL EVER HAPPEN HERE -- BUT I'M THINKING OF ONE IN
 12:11:04 PARTICULAR WHERE A COMMUNITY GROUP DECIDED THAT THEY WANTED
 12:11:08 TO CAUSE AS MUCH PAIN FOR THE COMMISSION AS THEY COULD.
 12:11:12 SO THEY WOULD SHOW UP 10, 15, 20 OF THEM, AND THEY WOULD ALL
 12:11:18 GET CARDS TO SPEAK ON NON-AGENDA ITEMS JUST TO BURN TIME.
 12:11:22 AND THEY WOULD TALK ABOUT MICKEY MOUSE AND HOW HE SHOULD BE
 12:11:26 PRESIDENT AND JUST RIDICULOUS STUFF.
 12:11:29 BUT BECAUSE THE PROCEDURES LET THEM GO, THEY WENT ON AND ON.
 12:11:33 AND IT WAS 45 MINUTES BEFORE COUNCIL -- BEFORE THAT
 12:11:37 COMMISSION GOT TO THE FIRST AGENDA ITEM.
 12:11:42 >>Mayor McLain: I DON'T DISAGREE WITH THAT.
 12:11:44 THE GOOD NEWS IS, IN THE SIX YEARS I'VE BEEN HERE, I DON'T
 12:11:48 THINK WE'VE HAD MORE THAN MAYBE ONE OR TWO MEETINGS WHERE IT
 12:11:53 WAS A LONG PERIOD OF TIME.
 12:11:55 AND THE GOOD NEWS IS IF WE MAKE A CHANGE TODAY, THAT DOESN'T
 12:11:59 MEAN, IF THAT BECOMES AN ISSUE GOING FORWARD, WE CAN ALWAYS
 12:12:04 ADDRESS IT AGAIN AND CANCEL IT.
 12:12:07 >>Vice-Mayor Ribble: I JUST WANT TO CALL YOUR ATTENTION TO
 12:12:10 TWO MEETINGS AGO WHEN WE HAD ALL THE FOUNTAIN LAKE PEOPLE
 12:12:13 HERE WHEN THAT WASN'T EVEN ON OUR AGENDA.
 12:12:15 THEY SPOKE FOR A GOOD LONG TIME.
 12:12:20 AND THEN WE HAD TO HAVE THE DISCUSSION ABOUT THIS IS NOT AN
 12:12:28 ISSUE FOR THE COUNCIL TO RESOLVE.
 12:12:30 WE ADVISED THEM TO GO TO THE PLANNING AND ZONING MEETING.
 12:12:34 AND THAT TOOK A GOOD BIT OF TIME.

12:12:41 >>Jim Ward: I HEAR BOTH SIDES OF THE ARGUMENT, BUT AT THE
 12:12:43 END OF THE DAY, I THINK IT'S IMPORTANT TO GIVE PEOPLE THE
 12:12:48 RIGHT TO SPEAK, BUT I DON'T THINK THEY SHOULD HAVE TO SIT
 12:12:50 THROUGH A TWO AND A HALF HOUR MEETING TO BE ABLE TO DO THAT.
 12:12:55 I THINK THEY SHOULD BE ABLE TO SPEAK AND GET ON WITH THEIR
 12:12:59 DAY, WHETHER IT'S GETTING BACK TO THEIR BUSINESS, GETTING
 12:13:02 BACK TO THEIR CHILDREN, WHATEVER IT MIGHT BE.
 12:13:04 I WOULD PREFER IT STAY AT THE BEGINNING.
 12:13:09 >>Mayor McLain: YEAH, I THINK THERE WILL BE SOME ABUSES THAT
 12:13:12 WE'LL HAVE TO DEAL WITH, BUT I THINK THEY ARE NOT A REGULAR
 12:13:15 OCCURRENCE.
 12:13:15 WE HAVE TO DIRECT OUR ATTORNEY WHICH WAY TO GO.
 12:13:20 >>Robert Eschenfelder: IT'S YOUR CHOICE.
 12:13:22 YOU HAVE ALL TALKED ABOUT WHAT THE ISSUES ARE.
 12:13:25 I'M HEARING A CONSENSUS THAT YOU WANT IT AT THE BEGINNING OF
 12:13:28 THE MEETING.
 12:13:29 SO THEN E WOULD SAY THE AGENDA FOR REGULAR AND WORKSHOP
 12:13:34 MEETINGS SHALL INCLUDE PROVISIONS FOR A PUBLIC COMMENT
 12:13:37 PERIOD TO ADDRESS MATTERS NOT ON COUNCIL AGENDA, PERIOD.
 12:13:42 THE PUBLIC COMMENT PERIOD SHALL FOLLOW THE CONCLUSION -- NO
 12:13:47 -- IT SHALL BE PLACED ON THE AGENDA IMMEDIATELY AFTER
 12:13:51 PRESENTATIONS, PERIOD.

12:13:53 WHICH IS WHERE THE FIRST ONE IS NOW.
 12:13:57 >>Mayor McLain: WE HAVE KIND OF A CONSENSUS ON THAT.
 12:14:00 THE IDEA BEING IN THE FUTURE, IF IT BECOMES MORE

12:14:03 TROUBLESOME, ADDRESS IT AGAIN AND WE'LL CHANGE IT BACK.
 12:14:11 >>Robert Eschenfelder: TURNING TO PAGE 8, THIS IS UNDER SUB
 12:14:14 G, WHICH IS THE CONSENT AGENDA.
 12:14:16 THE AGENDA MAY HAVE A CONSENT AGENDA SECTION.
 12:14:19 SUB-3, I ADDED SOME LANGUAGE THERE.
 12:14:23 PUBLIC COMMENTS AS TO CONSENT AGENDA ITEMS.
 12:14:26 PURSUANT TO THE FLORIDA RIGHT TO SPEAK LAW, BEFORE VOTING ON
 12:14:29 A MOTION TO APPROVE THE CONSENT AGENDA, THE CHAIR SHALL
 12:14:32 ALLOW MEMBERS OF THE PUBLIC TO ADDRESS THE COUNCIL AS TO ANY
 12:14:37 CONSENT AGENDA ITEMS.
 12:14:38 A PERSON COMMENTING ON CONSENT AGENDA ITEMS SHALL BE LIMITED
 12:14:42 TO THREE MINUTES AS TO ALL CONSENT AGENDA ITEMS.
 12:14:47 PUBLIC COMMENT PRIOR TO APPROVAL OF THE CONSENT AGENDA ITEMS
 12:14:49 IS NOT PERMITTED TO THE EXTENT THE COMMENT IS DIRECTED AT
 12:14:53 THE ADOPTION OF MINUTES OR CEREMONIAL PROCLAMATIONS OR OTHER
 12:14:58 MINISTERIAL ACTS.
 12:15:00 WHY I ADDED THIS LANGUAGE, AND I WAS TALKING TO THE
 12:15:02 VICE-MAYOR THIS MORNING, TODAY'S CONSENT AGENDA IS A PRIMARY
 12:15:05 EXAMPLE WHERE ONE OF THE CONSENT AGENDA ITEMS WAS THE
 12:15:09 LITIGATION MATTER.
 12:15:10 AND THAT IS A SUBSTANTIVE THING.
 12:15:12 NOT JUST A MINISTERIAL THING.
 12:15:15 REALLY THE PUBLIC SHOULD BE INVITED TO SPEAK TO THAT UNDER
 12:15:17 THE RIGHT TO SPEAK STATUTE.
 12:15:18 I TALKED TO THE CLERK AND HOW IT WOULD WORK IS IF ON THE

12:15:23 AGENDA IS ONLY EVER ADOPTION OF THE MINUTES, WHATNOT, THAT
 12:15:27 JUST WON'T EVEN BE IN THE OUTLINE THAT YOU GET, MAYOR, TO
 12:15:33 CALL FOR IT.
 12:15:34 BUT IF SOMETHING DOES GET ADDED THAT IS SUBSTANTIVE, THE
 12:15:36 CLERK WOULD INCLUDE IN THERE A CALL FOR COMMENT ON AGENDA
 12:15:40 AND THE PERSON HAS THREE MINUTES.
 12:15:42 ANY MORE THAN ONE ITEM, THEY HAVE THREE MINUTES TO TALK
 12:15:45 ABOUT WHATEVER THEY WANT TO TALK ABOUT.
 12:15:48 >>Mayor McLain: I THINK THAT'S ALMOST A REQUIREMENT THAT WE
 12:15:51 NEED TO HAVE THAT KIND OF SPEAKING GOING ON.
 12:15:54 I DON'T HAVE A PROBLEM.
 12:15:55 ANYBODY ELSE HAVE A PROBLEM WITH THAT?
 12:15:56 NO.
 12:15:57 THAT LOOKS GOOD.
 12:15:58 >>Robert Eschenfelder: THEN I ADDED A LITTLE I BELOW H ON
 12:16:02 PAGE 9.
 12:16:03 MATTERS NOT ON THE AGENDA.
 12:16:05 WHILE FLORIDA LAW DOES NOT REQUIRE A MATTER TO APPEAR ON A

12:16:10 PUBLISHED AGENDA BEFORE IT IS ACTED ON, THE COUNCIL ALWAYS
 12:16:13 DESIRES TO PROVIDE NOTICE TO VILLAGE RESIDENTS IN ADVANCE OF
 12:16:18 THE VOTE.
 12:16:19 THEREFORE, AS TO MATTERS NOT ON THE PUBLISHED AGENDA, BUT
 12:16:22 WHICH ARE ADDED TO THE AGENDA AT THE MEETING, THE COUNCIL
 12:16:25 WILL NOT ORDINARILY TAKE ACTION AT THE SAME MEETING WHEREIN
 12:16:30 A MATTER IS FIRST RAISED BUT MAY DIRECT THAT THE ITEM BE

 12:16:34 PLACED ON A FUTURE AGENDA.
 12:16:35 HOWEVER, THE COUNCIL RESERVES THE RIGHT TO VOTE ON MATTERS
 12:16:39 ADDED TO THE AGENDA WHERE THE MATTER IS EITHER MINOR IN
 12:16:43 NATURE, ADDRESSES A MATTER OF INTERNAL VILLAGE OPERATIONS OR
 12:16:46 STAFFING, OR WHERE A LEGAL OR BUSINESS DEADLINE, SUCH AS A
 12:16:51 GRANT APPLICATION OR A COURT FILING DEADLINE WOULD NOT
 12:16:54 PROVIDE ENOUGH TIME FOR THE ITEM TO WAIT FOR THE NEXT
 12:16:57 AGENDA.
 12:16:57 SO WHAT THIS LANGUAGE DOES IS IT SETS YOUR GENERAL POLICY
 12:17:01 THAT SAYS WE DON'T LIKE SANDBAGGING PEOPLE.
 12:17:04 SO AS A GENERAL POLICY, STUFF SHOULDN'T GET ADDED ONTO THE
 12:17:07 AGENDA ONCE THE PUBLISHED AGENDA GOES OUT BECAUSE WE WANT
 12:17:11 OUR PUBLIC TO BE ABLE TO UNDERSTAND THEY NEED TO COME HERE
 12:17:14 IF THEY WANT TO TALK ABOUT SOMETHING.
 12:17:16 HOWEVER, I ALSO WANTED IT IN YOUR RULES THAT IF SOMETHING
 12:17:19 COMES UP THAT IS EITHER EXTREMELY MINOR, LIKE MOTION TO
 12:17:24 APPROVE A STAFF MEMBER TAKING AN EXTENDED VACATION OR
 12:17:28 SOMETHING, THAT THE PUBLIC DOESN'T REALLY HAVE A SAY IN, OR
 12:17:31 SOMETHING LIKE I'VE GOT TO GET A COURT FILING DONE AND IT
 12:17:35 CAN'T WAIT TO THE NEXT MEETING AND ONLY FOUND OUT ABOUT IT
 12:17:38 THAT MORNING, I NEED TO BE ABLE TO COME TO YOU GUYS AND SAY
 12:17:41 PLEASE VOTE YES ON THIS NOW SO I CAN DO WHAT I NEED TO DO.
 12:17:44 THAT'S WHY I PUT THAT PARAGRAPH IN IF ANYBODY HAS ANY
 12:17:47 QUESTIONS.
 12:17:47 IF NOT, MOVING TO PAGE 10.

 12:17:52 >>Mayor McLain: LOOKS GOOD.
 12:17:53 >>Robert Eschenfelder: I ADDED A G, PUBLIC FORUM NOT
 12:17:58 CREATED.
 12:17:59 NOTHING IN THIS PROCEDURE MANUAL IS INTENDED TO CREATE A
 12:18:01 GENERAL PUBLIC FORUM FOR DISCUSSION, DEBATE, OR COMMENT ON
 12:18:06 ANY MATTER AN INDIVIDUAL DESIRES TO DISCUSS.
 12:18:09 VILLAGE COUNCIL MEETINGS OCCUR SO AS TO CONDUCT THE PENDING
 12:18:14 VILLAGE BUSINESS.
 12:18:15 AND TO THAT END, MUST PROCEED AS EFFICIENTLY AS POSSIBLE.
 12:18:19 WHY I PUT THIS IN IS DIRECTLY RELATED TO LITIGATION I'VE
 12:18:24 BEEN INVOLVED IN OVER MY CAREER UNDER THE FIRST AMENDMENT
 12:18:27 WHERE PEOPLE COME IN AND SAY, WELL, YOU DIDN'T SAY, YOUR
 12:18:31 GOVERNING BOARD DIDN'T SAY I COULDN'T COME IN AND TALK ABOUT
 12:18:35 ANYTHING AND YOU CREATED THIS PUBLIC FORUM FOR ME, SO I NEED

12:18:38 TO BE ABLE TO SPEAK ON WHATEVER.
 12:18:40 THIS SETS IT FIRMLY IN PLACE THAT A COUNCIL MEETING IS NOT A
 12:18:43 FIRST AMENDMENT FREE-FOR-ALL.
 12:18:45 IT IS WHERE WE DO THE BUSINESS OF THE VILLAGE.
 12:18:47 WE WILL CARVE OUT OUR PUBLIC COMMENT PERIOD WHERE YOU CAN
 12:18:50 BRING THINGS TO US THAT AREN'T ON THE AGENDA, BUT OTHERWISE,
 12:18:55 WE'RE STICKING TO THE BUSINESS OF THE DAY.
 12:18:57 SO THIS IS KIND OF A LEGAL THING I PUT IN THERE IN CASE WE
 12:19:01 EVER GET SUED.
 12:19:03 PAGE 11 I MADE SOME EDITS THERE.
 12:19:07 THIS DEALS WITH PUBLIC HEARINGS OTHER THAN QUASI-JUDICIAL,

 12:19:10 SECTION 9.
 12:19:11 I MADE SOME EDITS TO SUBSECTION C AND I'LL JUST READ HOW IT
 12:19:16 WILL CURRENTLY READ.
 12:19:17 FOLLOWING THE SUMMARY EXPLANATION, THE CHAIR WILL OPEN THE
 12:19:22 PUBLIC HEARING.
 12:19:23 CITIZENS WISHING TO SPEAK TO THE MATTER UNDER CONSIDERATION
 12:19:27 ARE REQUIRED TO COMPLETE AND PROVIDE TO THE CLERK A
 12:19:31 SPEAKER'S CARD.
 12:19:33 FAILURE TO SUBMIT A COMPLETED SPEAKER'S CARD PRIOR TO THE
 12:19:37 START OF THE PUBLIC HEARING MAY RESULT IN FORFEITURE OF THE
 12:19:41 RIGHT TO SPEAK UNLESS PERMITTED BY THE CHAIR OR A MAJORITY
 12:19:44 OF THE COUNCIL.
 12:19:45 PUBLIC COMMENTS ON THE MATTER UNDER CONSIDERATION SHALL BE
 12:19:50 LIMITED TO THREE MINUTES AND ONE TIME, UNLESS OTHERWISE
 12:19:55 DETERMINED BY THE CHAIR OR A MAJORITY OF THE COUNCIL.
 12:19:57 MEMBERS OF THE PUBLIC ARE NOT PERMITTED TO DONATE TIME TO
 12:20:01 ANOTHER SPEAKER.
 12:20:02 SOME OF THESE EDITS ARE TO MAKE IT READ MORE CLEARLY BUT WE
 12:20:08 ALSO WANTED TO MAKE SURE TO EMPHASIZE THAT YOU ARE SUPPOSED
 12:20:11 TO ONLY BE SPEAKING ON THE ITEM UNDER CONSIDERATION AND THEN
 12:20:14 FINALLY TO CLEARLY STATE DONATED TIME IS NOT AN OPTION FOR
 12:20:18 SPEAKERS.
 12:20:18 ANY PROBLEMS WITH SUB-C?
 12:20:21 MR. CHAIR, DID YOU WANT TO RECOGNIZE --
 12:20:29 >>Mayor McLain: OH, SORRY.

 12:20:30 I WAS REREADING TRYING TO THINK THROUGH.
 12:20:33 >>Robert Eschenfelder: IT'S HARD TO RUN A MEETING AND READ
 12:20:36 AT THE SAME TIME, RIGHT?
 12:20:37 >>Lori Fayhee: I WOULD LIKE TO SUGGEST -- I KNOW THERE HAVE
 12:20:41 BEEN TIMES AT OTHER BOARD MEETINGS WHERE A PERSON MIGHT COME
 12:20:45 IN AFTER THE MEETING HAS STARTED AND TYPICALLY THE CHAIR
 12:20:51 WILL SAY, IS THERE ANYONE WHO -- IN THE ROOM WHO WOULD LIKE
 12:20:56 TO SPEAK WHO DIDN'T HAVE THE OPPORTUNITY TO FILL OUT A CARD.
 12:21:00 AND IF THERE IS ANYONE THAT RAN -- THAT WAS RUNNING LATE,
 12:21:09 THEY COULD HAVE THE OPPORTUNITY TO GO AHEAD AND SPEAK STILL

12:21:12 BUT IT DOESN'T TAKE ANY MORE TIME AWAY FROM THE BOARD.
 12:21:15 WOULD THAT BE ACCEPTABLE TO EVERYONE?
 12:21:21 >>Mayor McLain: I THINK WHAT OUR PRACTICE HAS BEEN IS THAT
 12:21:23 WHEN SOMEBODY STARTS SPEAKING, SOME OTHER PEOPLE IN THE
 12:21:27 AUDIENCE SEEM TO GET AN IDEA AND THEY ARE WAVING THEIR HAND
 12:21:30 AND WE DIRECT THEM TO GO TO THE CLERK.
 12:21:33 SO WE'RE NOT -- I DON'T THINK WE'VE PREVENTED ANYBODY FROM
 12:21:37 SPEAKING.
 12:21:40 >>Robert Eschenfelder: AS WORDED, THAT WOULD STILL ALLOW
 12:21:42 THAT.
 12:21:43 WE REQUIRE THE CARD BECAUSE THE CLERK KEEPS THE OFFICIAL
 12:21:46 MINUTES AND SHE NEEDS TO INDICATE WHO SPOKE.
 12:21:48 BUT IF SOMEONE SAYS, OH, YOU KNOW, I DIDN'T FILL OUT A CARD,
 12:21:52 YOU LET THEM SPEAK BUT THE CHAIR WOULD NEED TO DIRECT THEM,
 12:21:56 OKAY, WHEN YOU'RE DONE, GO FILL OUT THE CARD WITH THE CLERK.

12:21:59 SO THEY GOT TO SAY WHAT THEY WANTED TO SAY BUT WE ALSO
 12:22:02 CAPTURED THEIR CARD.
 12:22:03 >>Mayor McLain: I KIND OF LIKE EVEN BEFORE THEY SPEAK TO TRY
 12:22:06 TO GET THEM OVER.
 12:22:08 WE'VE HAD SOME CHARACTERS IN HERE BEFORE, THEY'VE GOT THEIR
 12:22:14 HAND UP ALL THE TIME.
 12:22:15 ARE WE GOOD WITH THE WAY THIS IS WORDED THIS TIME FOR C?
 12:22:18 I DON'T THINK WE HAVE ANY OBJECTIONS.
 12:22:23 >>Vice-Mayor Ribble: IN MORE CONTENTIOUS MEETINGS WHEN WE
 12:22:28 HAVE A NUMBER OF SPEAKERS, IT WOULD BEHOOVE THE CHAIR TO SAY
 12:22:32 AND, REMEMBER, YOU WILL ONLY BE ALLOWED TO SPEAK ONCE ON THE
 12:22:37 TOPIC BECAUSE SOME PEOPLE DO TRY TO COME UP MORE THAN ONCE.
 12:22:40 THEY ARE NOT READING THESE, SO THEY DON'T KNOW.
 12:22:48 >>Robert Eschenfelder: ONCE THIS GETS ADOPTED AND APPROVED,
 12:22:50 I'LL GO AHEAD AND GET WITH THE CLERK BECAUSE WE HAVE
 12:22:53 PRODUCED A SCRIPT FOR THE CHAIR, WHICH I THINK IS A HELPFUL
 12:22:56 THING.
 12:22:56 AND MAYBE THAT SCRIPT NEEDS TO HAVE ADDITIONAL LANGUAGE
 12:22:59 ADDED TO IT AT THE BEGINNING OF THE PUBLIC HEARING.
 12:23:01 SPEAKERS WILL BE SPEAKING ONLY ONCE, BLAH, BLAH, BLAH.
 12:23:06 >>Lori Fayhee: I THINK THAT WOULD PREVENT THE HAND WAVING
 12:23:09 AFTER PUBLIC COMMENT HAS BEGUN ALREADY.
 12:23:12 BECAUSE I THINK WE WANT TO AVOID THAT.
 12:23:15 >>Robert Eschenfelder: ALL RIGHT.
 12:23:16 MOVING TO D, THIS IS JUST TO BE VERY CLEAR, WHEN THE PUBLIC

12:23:21 COMMENTS HAVE CONCLUDED, THE CHAIR WILL CLOSE THE PUBLIC
 12:23:24 HEARING.
 12:23:25 DEBATE MAY CONTINUE UNTIL THE QUESTION IS CALLED OR THE
 12:23:29 MEASURE DIES FOR LACK OF A MOTION OR SECOND.
 12:23:31 TURNING TO PAGE 13, SECTION 11, PUBLIC HEARINGS BY COMMITTEE
 12:23:39 CHAIR OR VILLAGE MANAGER.

12:23:42 I STRUCK THE REQUIREMENTS OF THE SUNSHINE LAW SHALL APPLY IN
 12:23:46 THE SAME MANNER AS THEY WOULD APPLY TO THE COUNCIL.
 12:23:50 THIS IS PROBLEMATIC LANGUAGE TO ME, AT LEAST IN SOME OF THE
 12:23:54 THINGS HERE, INCLUDING THE MAGISTRATE OR A HEARING BEFORE
 12:24:00 THE VILLAGE MANAGER, THAT'S ONE INDIVIDUAL, AND SO THE
 12:24:04 SUNSHINE LAW DOES NOT APPLY TO ONE INDIVIDUAL.
 12:24:06 ADDING THIS SENTENCE COULD IMPOSE UPON US A LEGAL DUTY THAT
 12:24:13 WE OTHERWISE DON'T HAVE SO THAT'S WHY I TOOK THAT OUT.
 12:24:16 MOVING RIGHT ALONG TO PAGE 16, SO THIS IS A PART OF SECTION
 12:24:26 14, CONDUCT OF COUNCIL MEMBERS AND MEETINGS.
 12:24:30 THIS IS TALKING ABOUT CONDUCT AT THE MEETINGS.
 12:24:34 ON PAGE 16, SUBJECT TO THE FOREGOING GENERAL RULES, THE
 12:24:38 CHAIR SHOULD, DROPPING TO 3, ALLOW PERSONS NOT ON THE
 12:24:42 COUNCIL TO SPEAK ONLY AT DESIGNATED TIMES, AND THEN I ADDED,
 12:24:47 AND ONLY ON THE TOPIC UNDER CONSIDERATION.
 12:24:50 I ADDED 5, MAKE RULINGS ON ALL PROCEDURAL PARLIAMENTARY
 12:25:00 QUESTIONS.
 12:25:01 IN MAKING A RULING, THE CHAIR MAY CONSULT WITH THE VILLAGE
 12:25:05 ATTORNEY AS TO THE APPLICABLE RULES OF ORDER.

 12:25:07 THE RULING OF THE CHAIR ON A PROCEDURAL ISSUE CAN BE
 12:25:10 OVERTURNED BY A MAJORITY OF COUNCIL.
 12:25:13 I STRUCK THE LANGUAGE ABOUT OUT OF ORDER REMARKS BECAUSE
 12:25:18 THAT WILL BE DEALT WITH IN A FOLLOWING PAGE.
 12:25:23 BUT I WANTED TO GET IN HERE HOW THE PROCESS WORKS, WITH THE
 12:25:28 CHAIR MAKING A RULING AND HOW IT CAN BE OVERRULED.
 12:25:33 >>Mayor McLain: I'M TRYING TO THINK WHEN THAT MIGHT ACTUALLY
 12:25:36 TAKE PLACE.
 12:25:36 MAYBE IT DEPENDS ON THE CHAIR, IF THEY ARE TRYING TO BE
 12:25:40 OVERLY DOMINANT IN GETTING THEIR IDEAS ACROSS.
 12:25:43 WE SEEM TO BE PRETTY OPEN.
 12:25:46 I CAN SEE THAT IN THE FUTURE.
 12:25:49 >>Robert Eschenfelder: NORMALLY WHERE IT COMES UP IS WHERE
 12:25:53 THE PRESIDING OFFICER RULES A SPEAKER OUT OF ORDER BECAUSE
 12:25:57 THEY ARE SPEAKING -- BECAUSE THE PRESIDING OFFICER FEELS
 12:26:00 THEY ARE NOT SPEAKING TO THE MOTION AT HAND OR WHATEVER.
 12:26:02 BUT THE MAJORITY OF THE GOVERNING BOARD FEELS, OH, YOU'RE
 12:26:08 JUST PLAYING POLITICS BECAUSE YOU DON'T WANT TO HEAR WHAT
 12:26:11 THIS PERSON HAS TO SAY, SO SOMEONE COULD SAY, POINT OF
 12:26:15 ORDER, I THINK IT IS, AND I MOVE TO OVERRULE THE RULING OF
 12:26:18 THE CHAIR.
 12:26:19 IT'S A RARE THING --
 12:26:21 >>Mayor McLain: THAT IS THE MOTION.
 12:26:22 YOU HAVE TO HAVE IT SECONDED.
 12:26:24 >>Robert Eschenfelder: THAT'S CORRECT.

 12:26:25 THE GOVERNING BOARD CAN OVERRULE YOU.
 12:26:27 UNDER ROBERT'S RULES THEY HAVE TO MAKE A MOTION AND SECOND

12:26:30 AND VOTE.
 12:26:32 >>Mayor McLain: PROBABLY A PRETTY GOOD IDEA FOR THE FUTURE.
 12:26:34 >>Robert Eschenfelder: IT RESPECTS THE PREROGATIVE OF THE
 12:26:36 BODY.
 12:26:36 YOU HAVE A LOT OF POWER AS CHAIR, BUT THE BODY HAS THE LAST
 12:26:40 WORD.
 12:26:40 THE REST OF THAT IS RENUMBERED.
 12:26:42 THEN WE GO TO PAGE 19.
 12:26:47 THE PUBLIC WILL -- STILL CONDUCT ISSUES -- THE PUBLIC WILL
 12:26:51 BE PERMITTED TO ADDRESS THE COUNCIL ON ANY AGENDA ITEM PRIOR
 12:26:57 TO THE COUNCIL TAKING A VOTE ON THE MATTER.
 12:27:00 SO THIS GETS TO COMMISSIONER FAYHEE'S EARLIER QUESTION.
 12:27:04 THE PUBLIC MAY ALSO SPEAK DURING THE PUBLIC COMMENT PORTION
 12:27:07 OF THE COUNCIL MEETINGS IN ACCORDANCE WITH THESE PROCEDURES.
 12:27:11 THE NEXT EDIT IS DOWN ON C-2, WHERE IT SAYS THE PUBLIC WILL
 12:27:18 BE PERMITTED TO ADDRESS THE COUNCIL ON ANY SUBJECT MATTER
 12:27:21 NOT SCHEDULED ON THE AGENDA DURING THE PUBLIC COMMENT
 12:27:25 SECTION OF THE AGENDA.
 12:27:26 THE PUBLIC COMMENT PORTION OF THE MEETING IS DESIGNED TO
 12:27:30 ALLOW THE PUBLIC TO ADDRESS MATTERS WHICH ARE NOT ON THE
 12:27:34 AGENDA AND WHICH WILL ADDRESS MATTERS WHICH MAY BE
 12:27:37 APPROPRIATE FOR THE VILLAGE COUNCIL TO ACT ON AT A FUTURE
 12:27:42 MEETING.

 12:27:43 NOW, I ADDED THIS LANGUAGE BECAUSE IT'S NOT COMMON, BUT
 12:27:48 OCCASIONAL YOU GET SOMEONE, AND IN PARTICULAR WHEN I WAS
 12:27:51 WITH MANATEE COUNTY, WE HAD A COUPLE OF PEOPLE IN THE
 12:27:55 COMMUNITY WHO MAYBE THEY HAD SOME MENTAL HEALTH CHALLENGES
 12:27:57 OR WHATEVER, I DON'T KNOW, BUT THEY CAME IN AND THEY WOULD
 12:28:00 TALK ABOUT THE GRAND JEWISH CONSPIRACY, ALL KIND OF STUFF
 12:28:08 THAT THE MANATEE COUNTY COMMISSION WOULD NEVER HAVE
 12:28:10 AUTHORITY TO ACT ON, WOULD NEVER ADDRESS IN ANY WAY.
 12:28:14 THIS LANGUAGE, IF WE GET SOMEBODY LIKE THAT, THAT JUST GETS
 12:28:17 REPETITIVE AND OUT OF CONTROL, AND WE WANT TO BE GRACIOUS TO
 12:28:21 EVERYBODY, BUT IF IT GETS TO BE A THING, AT SOME POINT OUR
 12:28:25 CHAIR NEEDS TO BE ABLE TO SAY, YOU KNOW WHAT, WE'VE HEARD
 12:28:29 THIS PRESENTATION BEFORE.
 12:28:30 WE CANNOT ENSHRINE UMPA LUMPAS, WHATEVER IT IS THEY WANT TO
 12:28:37 DO, I HAVE TO ASK YOU TO SIT DOWN AND THAT'S WHAT THIS ADDED
 12:28:40 LANGUAGE DOES.
 12:28:41 >>Mayor McLain: I THINK THAT'S PROBABLY GOOD.
 12:28:43 >>Robert Eschenfelder: STAYING AT THE BOTTOM OF PAGE 19 AND
 12:28:47 CARRYING OVER, THE CHAIR WILL ALLOW THE PERSON THREE MINUTES
 12:28:50 TO SPEAK ON THE MATTER OR MATTERS WHICH THE SPEAKER WISHES
 12:28:55 TO ADDRESS UNLESS OTHERWISE WAIVED BY THE CHAIR OR A
 12:29:00 MAJORITY OF THE COUNCIL MEMBERS.
 12:29:01 SPEAKER TIME LIMITS WILL NOT BE EXTENDED SIMPLY BECAUSE THE
 12:29:06 SPEAKER IS ADDRESSING MORE THAN ONE TOPIC.

12:29:08 HOWEVER, IF THE COUNCIL INTERRUPTS THE SPEAKER DURING PUBLIC

12:29:13 COMMENT, THE SPEAKER'S TIME WILL BE ADJUSTED TO ALLOW HIM OR

12:29:18 HER TO RECEIVE THE FULL THREE MINUTES.

12:29:20 ANY QUESTIONS ON THAT?

12:29:24 >>Vice-Mayor Ribble: YES.

12:29:24 THIS HAPPENED TO US DURING THE 2020 ELECTION.

12:29:31 WHEN YOU SAY ON WHICH THE SPEAKER WISHES TO ADDRESS.

12:29:35 WE HAD SOMEONE WHO WAS RUNNING FOR AN ELECTED POSITION COME

12:29:41 BEFORE COUNCIL AND PLEAD HER CASE ABOUT WHY SHE WAS RUNNING

12:29:47 AND WHY SHE SHOULD, YOU KNOW, HAVE OUR VOTE.

12:29:52 AND THEN WE ALLOWED HER TO SPEAK.

12:29:54 WE DIDN'T KNOW WHAT SHE WAS GOING TO SPEAK ON.

12:29:57 AFTER SHE LEFT, WE ALL KIND OF LOOKED AT EACH OTHER AND

12:30:00 SAID, SHOULD WE HAVE ALLOWED THAT?

12:30:02 WHAT DO YOU FEEL ABOUT PEOPLE MAKING PROCLAMATIONS ABOUT

12:30:05 THEIR RUN FOR OFFICE AT A COUNCIL MEETING?

12:30:09 >>Robert Eschenfelder: WELL, IT'S CERTAINLY NOT SOMETHING

12:30:15 THAT THE VILLAGE COUNCIL COULD EVER ACT ON, GETTING BACK TO

12:30:20 THAT LAST LANGUAGE THAT I DID.

12:30:24 AND WE DO SAY THAT WE ESTABLISH OUR PUBLIC COMMENT PERIOD OF

12:30:28 OUR MEETING TO BRING THINGS TO OUR ATTENTION THAT WE MAY

12:30:32 THEORETICALLY ACT ON IN THE FUTURE FOR THE BETTERMENT OF THE

12:30:36 VILLAGE.

12:30:37 THIS ISN'T A FIRST AMENDMENT FORUM TO GIVE SPEECHES ON

12:30:40 ANYTHING YOU WANT TO, SO UNDER THAT VEIN, I WOULD SAY IT

12:30:45 WOULD BE WITHIN THE CHAIR'S POWER TO RULE AS OUT OF ORDER

12:30:48 SOMEONE WHO IS EFFECTIVELY GIVING A CAMPAIGN SPEECH.

12:30:54 >>Vice-Mayor Ribble: THAT'S WHAT SHE DID.

12:30:55 I THINK THE FOUR OF US REMEMBER THAT INCIDENT.

12:30:58 BUT WE DON'T HAVE TO HAVE A RULE TO THAT OR ANYTHING --

12:31:04 >>Robert Eschenfelder: I THINK THE PROBLEM WITH GETTING INTO

12:31:06 THAT IS IF YOU START CALLING OUT THE SPECIFIC THINGS YOU

12:31:09 WON'T HEAR, THEN YOU'RE GOING TO HAVE TO GAIN THROUGH OTHER

12:31:12 THINGS BECAUSE THEN IF I'M A PLAINTIFF LAWYER, I WILL SAY,

12:31:17 OH, WELL, YOU'RE CALLING OUT A PARTICULAR TYPE OF SPEECH, SO

12:31:21 I THINK IT'S BETTER TO HAVE A RULE THAT JUST SAYS HERE'S

12:31:24 WHAT PUBLIC FORUM IS ABOUT.

12:31:27 IT'S ABOUT THINGS THAT WE IN THE FUTURE COULD POTENTIALLY

12:31:30 ACT ON.

12:31:30 YOUR ELECTION BY THE VOTERS OUT THERE, IT HAS NOTHING TO DO

12:31:33 WITH VILLAGE BUSINESS, SO YOU'RE OUT OF ORDER.

12:31:36 I DON'T THINK WE NEED TO CALL IT OUT.

12:31:37 I THINK IF IT STARTS TO HAPPEN YOU OR SOMEBODY NEEDS TO MAKE

12:31:41 A POINT OF ORDER IF THE PRESIDING OFFICER IS NOT ALREADY ON

12:31:43 IT, TO SAY I THINK THIS IS OUT OF ORDER, WHICH I WILL

12:31:47 CERTAINLY JUMP IN AND SAY, YES, I AGREE WITH YOUR RULING,

12:31:50 IT'S OUT OF ORDER.
 12:31:50 THEN YOU WOULD OR ANY MEMBERS OF COUNCIL WOULD PROMPT THE
 12:31:54 CHAIR TO SAY I BELIEVE, MAYOR, THIS ISN'T IN ORDER.
 12:31:59 >>Mayor McLain: I THINK, YEAH, THE CHAIRMAN HAS GOT TO DO
 12:32:03 THAT, INTERRUPT.

 12:32:04 BUT THAT DOES GIVE COUNCIL MEMBERS THE FREEDOM TO SAY, OH,
 12:32:07 WE DON'T THINK IT'S OUT OF ORDER.
 12:32:08 WE WANT TO HEAR IT AND THEN WE HAVE TO HAVE A MOTION AND DO
 12:32:11 THAT.
 12:32:11 >>Robert Eschenfelder: THE REVERSE IS ALSO TRUE THAT A
 12:32:13 COUNCILMEMBER -- IF THE PRESIDING OFFICER JUST ISN'T
 12:32:16 THINKING ABOUT IT OR IS IN THE MIDDLE OF READING SOMETHING,
 12:32:20 ANY OF YOUR COLLEAGUES COULD SAY, POINT OF ORDER, I THINK
 12:32:24 YOU NEED TO STOP THIS PERSON.
 12:32:25 THEN YOU COULD SAY, OH, YES, YOU'RE OFF TOPIC.
 12:32:28 THIS IS NOT WHAT WE HAVE PUBLIC FORUM FOR.
 12:32:30 >>Mayor McLain: I AGREE.
 12:32:32 >>Robert Eschenfelder: D, PUBLIC COMMENT IS INTENDED TO
 12:32:34 ENCOURAGE CITIZENS TO SPEAK ABOUT ISSUES, NOT TO POSE
 12:32:38 QUESTIONS TO COUNCIL OR STAFF.
 12:32:40 THEREFORE, COUNCIL MEMBERS AND STAFF WILL NOT RESPOND TO A
 12:32:44 SPEAKER'S QUESTIONS UNLESS DIRECTED BY THE CHAIR OR COUNCIL.
 12:32:49 OTHERWISE, IF A SPEAKER'S QUESTION WARRANTS A FOLLOW-UP
 12:32:53 RESPONSE, IT WILL BE PROVIDED BY THE STAFF OR COUNCIL
 12:32:56 MEMBERS OUTSIDE OF THE MEETING.
 12:32:57 NOTHING HEREIN SHALL LIMIT THE ABILITY OF COUNCIL MEMBERS TO
 12:33:02 SEEK CLARIFICATION FROM A PUBLIC COMMENT SPEAKER.
 12:33:05 HOWEVER, TO ALLOW ALL CITIZENS THE OPPORTUNITY TO SPEAK AND
 12:33:09 TO FACILITATE AN EFFICIENT MEETING, COUNCIL MEMBERS SHOULD
 12:33:13 REFRAIN FROM ENGAGING IN DEBATES OR LENGTHY EXCHANGES WITH

 12:33:18 PUBLIC COMMENT SPEAKERS DURING THE MEETING.
 12:33:20 THIS EDIT KIND OF GETS TO WHAT WE KIND OF GOT INTO WITH THE
 12:33:23 WATER GUY, AND IT GOT TO BE KIND OF A DISCUSSION AS OPPOSED
 12:33:27 TO PUBLIC COMMENT PERIOD.
 12:33:29 SO THIS JUST MORE CRYSTALLIZES, WE'RE GOING TO HEAR YOU OUT.
 12:33:33 WE MAY ASK A FOLLOW-UP QUESTION, BUT THE DEFAULT IS WE WILL
 12:33:37 NOT BE ENGAGING YOU.
 12:33:38 IF WE FEEL THAT THIS NEEDS FOLLOW-UP, WE'RE PROBABLY GOING
 12:33:41 TO SAY, MANAGER, WILL YOU PLEASE GET WITH THIS PERSON.
 12:33:45 TAKE THEM ASIDE, GET THEIR BUSINESS CARD, FOLLOW UP AND HELP
 12:33:50 THEM OUT THING.
 12:33:51 IF IT DEALS WITH ONE OF YOU ALL, YOU SAY, HIT ME UP AFTER
 12:33:54 THE MEETING AND I WILL FURTHER THIS DISCUSSION WITH YOU.
 12:33:56 OTHERWISE, WE'RE NOT GOING TO DO IT AT THE END.
 12:33:59 ANY PROBLEMS WITH D?
 12:34:01 OKAY.

12:34:01 DROPPING DOWN TO SUB-3, ALL PERSONS IN ATTENDANCE AT -- AT A
 12:34:07 COUNCIL MEETING, HEARING, OR WORKSHOP SHALL CONDUCT
 12:34:10 THEMSELVES IN A CIVIL MANNER AND REFRAIN FROM ACTIONS THAT
 12:34:13 DISRUPT THE MEETING OR HINDERS THE COUNCIL IN PERFORMING ITS
 12:34:18 DUTIES.
 12:34:19 TO THESE ENDS, SUCH PERSONS ARE PROHIBITED FROM COMMITTING
 12:34:24 ACTS OF VIOLENCE TOWARDS ANY PERSON, MAKING THREATS OF
 12:34:28 VIOLENCE OR SPEAKING FIGHTING WORDS THAT ARE LIKELY TO
 12:34:31 PROVOKE VIOLENCE, DISRUPTING THE PROCEEDINGS WITH EXCESSIVE

 12:34:37 COMMOTION OR EXCESSIVELY LOUD SHOUTING OR OTHER NOISE OR USE
 12:34:41 OF OBSCENE OR CRUDE LANGUAGE.
 12:34:44 INTERFERING WITH THE RIGHTS OF OTHERS TO SPEAK, HEAR, SEE,
 12:34:47 OR ATTEND THE PROCEEDINGS, BEING UNDULY REPETITIOUS OR
 12:34:51 PRESENTING MATTERS NOT RELEVANT TO THE AGENDA ITEM UNDER
 12:34:55 CONSIDERATION, SPEAKING ON A SUBJECT ABOUT WHICH THE COUNCIL
 12:34:59 HAS ALREADY TAKEN A POSITION OR ABOUT WHICH THE COUNCIL HAS
 12:35:02 VOTED NOT TO RECEIVE FURTHER COMMENT.
 12:35:06 MAKING AD HOMINEM IN A WAY THAT IS DIRECTED AGAINST A PERSON
 12:35:11 RATHER THAN THE POSITION THEY ARE MAINTAINING.
 12:35:14 ATTACKS OR INSULTS AGAINST ANY PERSON.
 12:35:17 CONTINUING TO SPEAK AFTER THE ALLOTTED TIME HAS EXPIRED OR
 12:35:21 AFTER HAVING BEEN RULED OUT OF ORDER.
 12:35:23 OR SPEAKING ON A SUBJECT THAT IS CLEARLY OUTSIDE THE
 12:35:27 PURVIEW, MATTERS THAT RELATE TO THE COUNCIL'S DUTIES,
 12:35:33 AUTHORITY, OR POWERS UNDER THE VILLAGE CHARTER, FLORIDA
 12:35:37 STATUTES CHAPTER 166 OR OTHER APPLICABLE LAW OR WHICH RELATE
 12:35:42 TO THE VILLAGE'S PROPERTY, LEGAL OR FINANCIAL INTERESTS, OR
 12:35:46 THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE VILLAGE AND ITS
 12:35:51 RESIDENTS.
 12:35:51 WHAT THIS ADDED LANGUAGE IS, IT IS IMPORTANT TO ADD TO YOUR
 12:36:00 POLICY.
 12:36:00 RIGHT NOW, YOU HAVE VERY SMALL PASSAGE OF LANGUAGE THAT SAYS
 12:36:06 IF YOU ARE ENGAGING IN SLANDER OR SOMETHING LIKE THAT.
 12:36:12 THERE IS A TON OF FEDERAL FIRST AMENDMENT CASE LAW ON HOW

 12:36:17 LOCAL GOVERNMENT CONDUCTS ITS MEETINGS AND WHEN IT CAN TELL
 12:36:21 PEOPLE TO SHUT UP, BASICALLY, AND STOP THEIR SPEAKING.
 12:36:24 THIS IS SORT OF LIKE THE MASTER LIST OF THINGS THAT THE
 12:36:28 COURTS HAVE APPROVED OVER THE YEARS.
 12:36:30 IT'S VERY BROAD.
 12:36:31 BUT BASICALLY IN TOTAL, IT ALLOWS US TO CONDUCT OUR BUSINESS
 12:36:35 AND REINS IN PEOPLE WHO ARE OUT OF CONTROL.
 12:36:39 ONE OF THE THINGS I WANT TO POINT OUT TO YOU, THIS ADDS A
 12:36:42 PROVISION THAT SAYS IF YOU HAVE VOTED TO NOT RECEIVE ANY
 12:36:47 FURTHER COMMENT ON A PARTICULAR TOPIC, THAT'S ENFORCEABLE
 12:36:51 AND YOU CAN DO.
 12:36:52 SO LET'S SAY YOU HAVE A COMMUNITY GROUP THAT COMES IN AND

12:36:56 THEY CONTINUE TO WANT TO TALK ABOUT THE SAME THING ON PUBLIC
 12:37:00 COMMENT OVER AND OVER AND OVER AGAIN, AND THEY ARE DOING IT
 12:37:04 TO WASTE OUR TIME OR TO BE AN ANNOYANCE OR JUST TO MAKE
 12:37:08 THEIR POINT.
 12:37:09 THERE COMES A POINT IN TIME WHERE THE GOVERNING BOARD CAN
 12:37:13 SAY, GUYS, WE'VE HEARD YOU FOR EIGHT MEETINGS NOW.
 12:37:17 WE UNDERSTAND YOUR POSITION.
 12:37:19 WE HAVE BUSINESS TO GET DOWN, AND THIS IS PARTICULARLY
 12:37:23 IMPORTANT IF WE'RE MOVING PUBLIC COMMENT BACK TO THE
 12:37:26 BEGINNING OF THE MEETING.
 12:37:27 WE'RE NOT GOING TO HEAR COMMENT ON THIS ANYMORE.
 12:37:30 SO YOU CAN HAVE PUBLIC COMMENT ON SOME OTHER TOPIC, BUT
 12:37:33 WE'RE NOT GOING TO HAVE COMMENT ON THIS TOPIC ANYMORE.

12:37:36 YOU CAN DO THAT UNDER THE FIRST AMENDMENT, BUT PUTTING IT IN
 12:37:39 YOUR RULES GIVES OOMPH TO YOUR DOING IT AND NOT BEING
 12:37:43 ACCUSED OF BEING ARBITRARY.
 12:37:45 ANY QUESTIONS?
 12:37:49 >>Mayor McLain: IF SOMEBODY IS TOTALLY OUT OF ORDER.
 12:37:52 THEY HAVE DONE THEIR THREE MINUTES AND CONTINUE TO TALK AND
 12:37:55 WE SAY YOU'RE OUT OF ORDER, DO WE ASK THE SHERIFF THEN?
 12:37:59 >>Robert Eschenfelder: YES.
 12:37:59 THAT'S WHAT OUR DEPUTY IS ALWAYS THERE.
 12:38:01 >>Mayor McLain: I ASK THE SHERIFF, PLEASE REMOVE THIS --
 12:38:06 >>Robert Eschenfelder: TYPICALLY YOU SAY I AM GOING TO CALL
 12:38:10 A BRIEF RECESS.
 12:38:12 SHERIFF, IF YOU WILL PLEASE REMOVE THIS PERSON FROM
 12:38:15 CHAMBERS.
 12:38:15 AND WE ARE IN CHARGE OF THIS CHAMBERS.
 12:38:18 IT IS NOT A TRADITIONAL FIRST AMENDMENT FORUM, AND THE
 12:38:21 SHERIFF IS TOTALLY AUTHORIZED TO TAKE THAT PERSON OUT AND
 12:38:23 REMOVE THEM.
 12:38:25 >>Mayor McLain: THE RECESS IS A GOOD IDEA.
 12:38:26 IT LOWERS THE TENSION A LITTLE BIT.
 12:38:29 >>Robert Eschenfelder: EXACTLY.
 12:38:30 THEN, AND I'VE TALKED TO THE MANAGER AND THE CLERK ABOUT
 12:38:33 THIS, I HAVE DEVELOPED OVER THE YEARS A VERY NICE TRESPASS
 12:38:37 NOTICE THAT CAN BE GIVEN TO PEOPLE.
 12:38:40 WE DON'T WANT TO DO THAT.

12:38:41 WE'RE A GOVERNMENT, SO WE HAVE TO HEAR PEOPLE, BUT IF IT
 12:38:45 COMES A POINT WHERE THE PERSON HAS BECOME THREATENING,
 12:38:51 ESPECIALLY VIOLENCE AND WHATNOT, AFTER THE IMMEDIATE THREAT
 12:38:54 IS GONE AND THE SHERIFF HAS REMOVED THE PERSON FROM
 12:38:57 DISRUPTING OUR MEETING, THE VILLAGE CAN ISSUE A TRESPASS
 12:39:00 NOTICE TO THE PERSON AND A COPY WOULD BE GIVEN TO THE
 12:39:04 SHERIFFS AND THEREFORE IF THAT PERSON COMES BACK IN THE
 12:39:06 PERIOD OF TIME WHERE THEY ARE BANNED, THEY CAN BE ARRESTED

12:39:09 FOR TRESPASS.
 12:39:10 >>Rafael Lopez: EVEN ASK THE DEPUTY TO DO IT AND THE DEPUTY
 12:39:14 CAN PUT IT ON HIS REPORT.
 12:39:16 ONCE THE DEPUTY SAYS YOU'RE NOT ALLOWED HERE ANYMORE, THEN
 12:39:20 YOU HAVE --
 12:39:22 >>Robert Eschenfelder: I HAVEN'T REALLY INTERACTED WITH
 12:39:25 SHERIFF CARMINE, BUT I DON'T KNOW -- SOME LAW ENFORCEMENT
 12:39:28 AGENCIES WANT THE PROPERTY OWNER TO ISSUE THE TRESPASS
 12:39:33 WARNING FIRST.
 12:39:36 EITHER WHICH WAY, WE'LL WORK THAT OUT IF IT COMES TO PASS.
 12:39:39 ANY OTHER QUESTIONS OR COMMENTS?
 12:39:41 >>Mayor McLain: JUST A COMMENT ON THAT.
 12:39:43 IF COUNCIL WERE TO RECEIVE NUMEROUS E-MAILS, MAYBE
 12:39:48 THREATENING E-MAILS, NONSENSICAL E-MAILS FROM AN INDIVIDUAL,
 12:39:54 CAN WE TAKE PROACTIVE ACTION AND SAY WE DON'T WANT THEM HERE
 12:40:00 TO DISCUSS?
 12:40:03 >>Robert Eschenfelder: REALLY, WITH AN E-MAIL, THAT WOULD

 12:40:05 TAKE ME FILING AN ACTION IN COURT AND ASKING A JUDGE TO TELL
 12:40:11 THIS PERSON NOT TO E-MAIL US ANYMORE.
 12:40:14 AND THE JUDGE WOULD SAY, WELL, YOU KNOW, MR. ESCHENFELDER,
 12:40:17 THERE IS A THING IN CONSTITUTIONAL LAW CALLED PRIOR
 12:40:20 RESTRAINT.
 12:40:21 AND WHAT YOU'RE ASKING ME TO DO IS PROACTIVELY TELL THIS
 12:40:26 PERSON NOT TO ENGAGE IN POTENTIALLY FIRST AMENDMENT
 12:40:30 SPEAKING.
 12:40:31 WHEN I DON'T KNOW INTO THE FUTURE WHAT THEY ARE GOING TO
 12:40:33 SAY.
 12:40:33 SINCE IT'S E-MAIL, WE OWN THE E-MAIL SYSTEM, AND I'VE HAD
 12:40:40 THIS, TOO, WHERE AGAIN, MANATEE COUNTY, A LOT OF ADVENTURES
 12:40:45 AT MANATEE COUNTY, WE HAD A GENTLEMAN WHO WAS VERY ABUSIVE
 12:40:50 ON E-MAIL AND INAPPROPRIATE.
 12:40:52 SO I.T. BLOCKED HIM AT THE FIREWALL.
 12:40:57 SO NO E-MAIL HE SENT COULD COME TO ANY COUNTY ADDRESS.
 12:41:02 OF COURSE, HE GOT VERY MAD AT THAT AND STARTED TO COME TO
 12:41:05 THE MEETINGS.
 12:41:05 IF IT COMES TO THAT --
 12:41:09 >>Mayor McLain: WE'LL DEAL WITH IT.
 12:41:10 >>Robert Eschenfelder: YOU ALL GET ELECTED TO OFFICE.
 12:41:12 PART OF THAT IS HAVING TO SUFFER TO E-MAILS THAT ARE QUITE
 12:41:15 OUT THERE.
 12:41:16 >>Vice-Mayor Ribble: QUESTION.
 12:41:17 THIS KIND OF INVOLVES ANTONIO AND TAMMY.

 12:41:20 IF WE HAVE SOMEONE WHO IS SPEWING VILE AND VULGAR LANGUAGE
 12:41:24 UP HERE, OVER THE AIR TO THE VILLAGE, THEY CAN TURN THAT OFF
 12:41:29 IMMEDIATELY, CAN THEY NOT, SO THAT ISN'T ON THE AIR TO OUR
 12:41:35 RESIDENTS?

12:41:46 >>Carol Sacco: WHILE HE'S WALKING UP, DON'T FORGET TO SPEAK
 12:41:49 INTO YOUR SPEAKERS.
 12:41:52 >> WE CONTROL EVERY MICROPHONE INDIVIDUALLY.
 12:41:55 HOWEVER, BECAUSE OF THE PROXIMITY TO THE DAIS, WHATEVER THEY
 12:41:57 ARE GOING TO SAY HERE, ESPECIALLY IF THEY VOICE IT IN A
 12:42:00 CERTAIN VOLUME, IT WILL BE PICKED UP ON ALL THE OTHER
 12:42:04 MICROPHONES.
 12:42:04 IT'S A YES AND NO AT THE SAME TIME.
 12:42:09 >>Mayor McLain: WE DO THE OUT OF ORDER, TAKE A RECESS.
 12:42:16 >>Robert Eschenfelder: ALL RIGHT.
 12:42:16 TURNING THEN TO PAGE 23, RIGHT ABOUT HERE I MERGED -- I'M
 12:42:30 CREATING ONE DOCUMENT FOR YOU ALL.
 12:42:32 YOU HAD AN ORIGINAL 2017 DOCUMENT AND THEN YOU HAD SOME
 12:42:36 FREE-STANDING STUFF.
 12:42:37 THERE WAS AN ATTACHMENT THAT DEALT WITH VACANCIES AND THEN
 12:42:41 THERE WAS WHAT YOU ALL DID MORE RECENTLY WITH YOUR ABSENCES,
 12:42:47 WHAT WE TALKED ABOUT.
 12:42:48 TO HAVE ONE DOCUMENT, I JUST TOOK EXACTLY WORD FOR WORD WHAT
 12:42:51 YOU DID AND CREATED SOME NEW SECTIONS FOR YOU.
 12:42:54 SECTION 18 I JUST GAVE A TITLE TO VACANCIES AND FORFEITURES.
 12:43:02 OTHERWISE IT READS THE WAY YOU HAVE.

 12:43:04 I CREATED A SECTION 19, AND THIS PULLS IN WHAT YOU ALL HAD
 12:43:08 CREATED ABOUT REMOTE ATTENDANCE.
 12:43:10 AND SO I STRUCK OUT IT IS ATTACHED AS ADDENDUM TO COUNCIL
 12:43:19 RULES BECAUSE IT'S NOW NOT ANYMORE.
 12:43:21 IT'S YOUR 19.
 12:43:23 OTHERWISE, I LEFT IT ALONE.
 12:43:26 BUT NOW IS THE TIME, AND IF YOU GO TO PAGE 24, IF YOU WANT
 12:43:31 TO TALK ABOUT THE DISCUSSION WE HAD A LITTLE EARLIER ABOUT
 12:43:37 NEEDING TO BE OUT OF TOWN AND ATTENDING REMOTELY, IF YOU
 12:43:40 LOOK AT SECTION 3 THERE ON PAGE 24, WHETHER THE REASON
 12:43:46 STATED IS UNUSUAL OR SPECIAL CIRCUMSTANCE, AND THEN A, B, C
 12:43:51 AND D, MERE INCONVENIENCE OR PREFERENCE TO ATTEND REMOTELY
 12:43:54 ARE NOT USUAL -- UNUSUAL OR SPECIAL CIRCUMSTANCES, B,
 12:44:00 ILLNESS, ESPECIALLY SERIOUS OR CONTAGIOUS, MAY BE AN UNUSUAL
 12:44:04 OR SPECIAL CIRCUMSTANCE.
 12:44:04 HOWEVER, IF IT IS SUCH THAT IT IS LIKELY TO BE LONG TERM OR
 12:44:09 REPETITIOUS, IT MAY NO LONGER BE UNUSUAL AND MAY BE GROUNDS
 12:44:13 FOR REMOVAL FOR INABILITY TO PERFORM.
 12:44:16 C, A PERSONAL OR FAMILY EMERGENCY MAY QUALIFY.
 12:44:20 D, UNAVOIDABLE CONFLICT IN SCHEDULE THAT KEEPS THE MEMBER AT
 12:44:24 A REMOTE LOCATION MAY QUALIFY SO LONG AS THE CONFLICTING
 12:44:29 SCHEDULE IS WORK RELATED OR OFFICIAL DUTY RELATED.
 12:44:31 SO WHEN I READ THOSE -- AND I HEARD THE COUNCILMEMBER'S
 12:44:38 REASON FOR BEING ABSENT, IF YOU APPLY THESE RULES, HE'S NOT
 12:44:41 ALLOWED TO ATTEND REMOTELY.

12:44:43 YOU MAY REVISIT THOSE NOW OR LATER IF YOU WISH, BUT THAT IS
 12:44:47 WHAT YOUR RULES SAY.
 12:44:50 >>Mayor McLain: I THINK WE HIT THOSE PRETTY HARD WHENEVER
 12:44:54 THAT WAS.
 12:44:54 E IS THE BIG DEAL.
 12:44:59 RULE OF THUMB IS THAT A REQUEST TO ATTEND REMOTELY, MAY NOT
 12:45:04 BE GRANTED MORE THAN THREE MEETINGS IN A CALENDAR YEAR.
 12:45:06 THERE'S SOME JUDGMENT YOU MAKE IN A THROUGH D, FAMILY
 12:45:11 EMERGENCIES AND THIS KIND OF THING.
 12:45:13 I THINK WE CAN ADDRESS THOSE.
 12:45:15 BUT I THINK WE'VE ADDRESSED THOSE PRETTY SOLIDLY IN THE
 12:45:19 PAST.
 12:45:19 EVERYBODY ELSE SEEMS TO BE --
 12:45:21 >>Carol Sacco: MAYOR, SPEAK A LITTLE LOUDER, PLEASE.
 12:45:24 YOU NEED TO SPEAK A LITTLE LOUDER.
 12:45:25 >>Mayor McLain: OH, CAN'T HEAR ME?
 12:45:28 >>Carol Sacco: NO.
 12:45:28 >>Mayor McLain: WE'RE NOT SAYING ANY CHANGES THERE.
 12:45:33 >>Robert Eschenfelder: THAT'S MY PACKAGE OF RECOMMENDED
 12:45:35 REVISIONS FOR YOU.
 12:45:38 >>Lori Fayhee: THAT DIDN'T ADDRESS LARRY'S REQUEST TO ATTEND
 12:45:42 VIA ZOOM, WHEN HE'S GOING TO BE OUT OF TOWN FOR HIS
 12:45:47 GRANDSON'S BIRTHDAY, RIGHT?
 12:45:48 WERE WE HAVING CONVERSATION ON THAT AS WELL OR NO?
 12:45:54 >>Vice-Mayor Ribble: THAT WOULD REQUIRE CHANGING THE RULES.

 12:45:56 >>Mayor McLain: IT'S NOT AN EXCUSED ABSENCE AND IT'S ONE OF
 12:45:59 THREE THAT HE CAN HAVE.
 12:46:01 SO HE'S GOT TWO MORE LEFT BETWEEN NOW --
 12:46:03 >>Vice-Mayor Ribble: I THINK WE WERE VERY LIBERAL GIVING
 12:46:06 THREE EXCUSES -- I MEAN, THREE ABSENCES.
 12:46:09 >>Robert Eschenfelder: I APOLOGIZE.
 12:46:11 YOU HAVE TO UNDERSTAND, THERE ARE TWO DIFFERENT ISSUES.
 12:46:15 IF YOU LOOK AT PAGE 24, IT DEALS WITH REMOTE ATTENDANCE.
 12:46:18 IF YOU LOOK AT PAGE 25, IT'S EXCUSED ABSENCES.
 12:46:23 SO WHETHER YOU GIVE SOMEONE AN EXCUSED ABSENCE IS A SEPARATE
 12:46:27 QUESTION FROM WHETHER THEY CAN APPEAR REMOTELY.
 12:46:29 YOU APPEAR TO USE THE SAME STANDARDS, ALTHOUGH INTERESTINGLY
 12:46:32 THEY ARE NOT WORDED EXACTLY THE SAME.
 12:46:34 I DON'T KNOW WHAT THE DRIVER WAS THERE, BUT THE REQUEST FROM
 12:46:38 THE COUNCILMEMBER WAS TO APPEAR BY ZOOM.
 12:46:41 SO PAGE 24 IS WHAT YOU WOULD LOOK LIKE.
 12:46:44 IN TERMS OF WHETHER HIS ABSENCE IS EXCUSED, YOU WOULD LOOK
 12:46:47 AT THE FACTORS ON PAGE 25.
 12:46:52 >>Vice-Mayor Ribble: A LOT OF THIS CAME OUT AFTER COVID AND
 12:46:55 WE WERE HAVING ZOOM MEETINGS.
 12:46:56 AND MEDICAL CONTAGIOUS ISSUE IS STILL AN EXCUSE --
 12:47:05 >>Mayor McLain: IN THAT CASE YOU COULD ATTEND.

12:47:08 >>Vice-Mayor Ribble: YES, IT'S STILL EXCUSABLE.
 12:47:10 >>Mayor McLain: THIS IS SOMETHING WE EACH HAVE TO REVIEW
 12:47:15 BECAUSE THERE IS A LOT HERE.

12:47:16 WHEN YOUR PERSONAL SITUATION COMES UP, GO TO THE MANUAL
 12:47:21 HERE, LOOK AT IT, AND SAY WHAT DO YOU THINK IT QUALIFIES
 12:47:24 FOR?
 12:47:24 I THINK IT'S IMPORTANT TO ALLOW US THE OPPORTUNITY TO KNOW
 12:47:27 YOU'RE GOING TO BE MISSING FOR THAT MEETING.
 12:47:29 SOMETIMES IT'S GOING TO HAPPEN -- FAMILY EMERGENCY HAPPENS,
 12:47:33 WHICH IS AN EXCUSED ABSENCE.
 12:47:36 TWO HOURS BEFORE THE MEETING STARTING RIGHT?
 12:47:39 >>Robert Eschenfelder: DIFFERENT JURISDICTIONS DO IT
 12:47:40 DIFFERENT WAYS.
 12:47:41 ONE OF MY CLIENTS, THEY BASICALLY ADOPTED A POLICY THAT
 12:47:46 SAYS, YOU KNOW WHAT, WE FEEL IT IS YOUR RESPONSIBILITY TO
 12:47:49 YOUR CONSTITUENTS TO SHOW UP LIVE AND IN PERSON, BUT WE LIVE
 12:47:55 IN A WORLD OF MODERN TECHNOLOGY CONVENIENCE, SO YOU CAN HAVE
 12:48:00 UP TO THREE TIMES TO APPEAR REMOTELY NOT RELATED TO BEING
 12:48:06 SICK OR WHATNOT, AND IT'S REALLY UP TO YOUR CONSTITUENTS IF
 12:48:10 THEY FEEL YOU'RE SERVING THEM.
 12:48:11 IT'S UP TO YOU GUYS HOW YOU WANT TO DO IT.
 12:48:16 I DO KNOW IT WAS QUITE PROTRACTED FROM WHAT I WAS TOLD -- I
 12:48:20 WASN'T HERE AT THE TIME -- IT WAS QUITE A PROTRACTED DEBATE
 12:48:23 YOU HAD TO COME UP WITH THESE.
 12:48:26 THAT'S WHERE THEY ARE AT.
 12:48:26 >>Vice-Mayor Ribble: YEAH, AND FOR THE NEWER COUNCIL PEOPLE,
 12:48:29 WHAT PROVOKED A LOT OF THIS CHANGE WAS IN A PREVIOUS
 12:48:38 COUNCIL, A COUNCILMEMBER WAS GONE FOR AN EXTENDED PERIOD OF

12:48:41 TIME AND IT REALLY PUT THE COUNCIL IN AN AWKWARD POSITION
 12:48:48 AND DIFFICULT POSITION BECAUSE THERE WAS NOTHING TO RELY ON
 12:48:50 HOW THEY COULD PROCEED.
 12:48:51 THERE WERE NO RULES AND REGULATIONS IN PLACE AT THE TIME.
 12:48:55 THAT WAS ONE OF THE REASONS WHY THIS WAS INSTITUTED.
 12:49:01 >>Mayor McLain: I AGREE WITH THAT.
 12:49:02 ROB, THANK YOU FOR YOUR INPUT AND YOUR EXPERIENCES.
 12:49:07 I THINK IT REALLY HELPED US MODIFY THIS IN AN APPROPRIATE
 12:49:12 WAY.
 12:49:13 NO COMMENTS ON THAT.
 12:49:14 >>Robert Eschenfelder: OKAY TO PUT IT BACK ON THE AGENDA FOR
 12:49:17 ADOPTION AT THE NEXT MEETING?
 12:49:18 >>Mayor McLain: YES, I THINK WE CAN DO THAT.
 12:49:20 WE'LL GET THOSE AHEAD OF TIME.
 12:49:22 >>George Zalucki: MR. MAYOR, ARE WE STILL OPEN FOR
 12:49:23 DISCUSSION AND CLARIFICATION SINCE WE'RE TALKING ABOUT
 12:49:26 RULES?
 12:49:27 EVERYTHING THAT WE'VE DISCUSSED I'M COMPLETELY ON BOARD

12:49:29 WITH.
 12:49:30 I WOULD JUST LIKE SOME CLARIFICATION ON SOME TOPICS RELATIVE
 12:49:34 TO ROBERT'S RULES OF ORDER AND HOW WE DO BUSINESS, YOU KNOW,
 12:49:39 ARE WE DOING IT PROPERLY?
 12:49:41 IS THIS THE RIGHT FORUM TO HAVE THAT DISCUSSION TO JUST KIND
 12:49:44 OF REVIEW?
 12:49:45 >>Mayor McLain: SURE.

 12:49:46 I THINK WE COULD DO THAT.
 12:49:50 >>George Zalucki: TO UNDERSTAND THE SEQUENCE OF HOW WE DO
 12:49:54 BUSINESS, AND I THINK IT'S REFERENCED ON PAGE 12.
 12:49:59 ROB DIDN'T HAVE TO MAKE ANY CHANGES TO THIS, BUT IT IS KIND
 12:50:01 OF EMBEDDED INTO SECTION 2 WHERE, B, IT SAYS FOLLOWING THE
 12:50:08 INTRODUCTION OF A SUBJECT, DISCUSSION BY THE COUNCIL IS
 12:50:10 PERMITTED EITHER PRIOR TO AND AFTER THE INTRODUCTION OF A
 12:50:14 MOTION.
 12:50:15 I JUST WANT TO BE CLEAR ON HOW WE DO BUSINESS.
 12:50:20 AS AN EXAMPLE, EARLIER IN THE MEETING, I JUMPED AND I SAID,
 12:50:24 BECAUSE THE SUBJECT MATTER WAS ALREADY VERY APPARENT.
 12:50:29 WE KNEW IT WAS COMING UP FOR DISCUSSION.
 12:50:33 AND I MADE A MOTION.
 12:50:34 I DON'T THINK THERE'S ANYTHING THAT WOULD PRECLUDE US FROM
 12:50:37 MAKING A MOTION AND A SECOND TO FURTHER DISCUSS.
 12:50:41 SO I JUST WANTED TO CLARIFY THAT I DON'T THINK THAT WAS OUT
 12:50:45 OF ORDER.
 12:50:46 I THINK A MOTION -- DISCUSSION CAN HAPPEN BEFORE A MOTION
 12:50:50 AND DISCUSSION CAN HAPPEN AFTER A MOTION.
 12:50:53 SO WE'RE NOT ELIMINATING THE DISCUSSION.
 12:50:56 AM I MAKING MYSELF CLEAR?
 12:50:57 >>Mayor McLain: I THINK THE REASON WE DID THAT, THE PROCESS
 12:51:00 WE'RE USING NOW IS PUBLIC COMMENTS WERE NOT ADDRESSED, WHICH
 12:51:04 WE DIDN'T HAVE ANYBODY.
 12:51:05 WE NEED, I THINK, FOR THE RECORD, BEFORE WE TAKE A MOTION,

 12:51:09 WE SHOULD AT LEAST SAY, IS THERE ANYBODY OR ELECTRONIC
 12:51:14 COMMENTS AND THEN THE MOTION IS IN ORDER.
 12:51:16 >>Robert Eschenfelder: I THINK COUNCILMEMBER ZALUCKI BRINGS
 12:51:20 UP A POINT THAT I'VE WONDERED ABOUT SINCE BECOMING VILLAGE
 12:51:26 ATTORNEY, BECAUSE YOU ALL ARE THE ONLY ONE OF MY CLIENTS
 12:51:30 THAT DO IT IN REVERSE.
 12:51:33 NORMALLY THERE IS A MOTION AND A SECOND, THEN THERE IS
 12:51:39 DISCUSSION.
 12:51:39 THEN THE PRESIDING OFFICER OPENS IT UP TO THE FLOOR FOR ANY
 12:51:43 MEMBERS OF THE PUBLIC AND THEN MOVES IT BACK UP TO THE
 12:51:46 GOVERNING BOARD FOR ANY FINAL DISCUSSION OR DEBATE AND CALLS
 12:51:49 FOR THE VOTE.
 12:51:50 AND THAT'S HOW ROBERT'S RULES DEFAULTS.
 12:51:56 WE CAN DEPART FROM THAT AND IT APPEARS WE HAVE, BUT WHY THAT

12:52:00 IS THE DEFAULT IS BECAUSE WHY WASTE THE TIME OF DISCUSSING
 12:52:05 AND TAKING PUBLIC COMMENTS IF A MOTION ISN'T EVEN GOING TO
 12:52:09 GET A SECOND?
 12:52:14 >>George Zalucki: THANK YOU FOR THAT CLARIFICATION.
 12:52:15 I KNOW ROBERT'S RULES PRETTY DECENT BECAUSE I'VE PRESIDED
 12:52:19 OVER OTHER COMMISSIONS IN THE PAST.
 12:52:21 AND THE ORDER IN WHICH WE DO BUSINESS IS A LITTLE BIT
 12:52:24 DIFFERENT, AS ROB ARTICULATED, THAN ROBERT'S RULES.
 12:52:29 I THINK IN OUR GUIDELINES OR PROCEDURES, WE ARE TO FOLLOW
 12:52:32 ROBERT'S RULES.
 12:52:33 SO MY QUESTION IS --

 12:52:34 >>Robert Eschenfelder: WELL, NO, TO BE CLEAR, IT SAYS THAT
 12:52:37 WHERE THIS MANUAL DOESN'T ADDRESS THE ISSUE, WE DEFAULT TO
 12:52:42 ROBERT'S RULES.
 12:52:43 >>George Zalucki: OKAY.
 12:52:44 THANK YOU.
 12:52:44 BUT TO YOUR POINT, HAVING PUBLIC COMMENT BEFORE A MOTION,
 12:52:49 EVEN THOUGH IT'S ON THE AGENDA, I THINK IT WOULD BETTER
 12:52:51 SERVE THE PUBLIC BECAUSE THE DEBATE BETWEEN ALL OF US COULD
 12:52:56 ACTUALLY INITIATE A QUESTION FROM THE PUBLIC SO THEY CAN
 12:52:59 COMMENT AFTER THE MOTION WAS MADE, IF IT WAS SECONDED, WE
 12:53:03 HAVE OUR DEBATE, AND THEN IT'S OPEN TO PUBLIC.
 12:53:05 AND THEN THEY CAN COMMENT ON OUR DEBATE.
 12:53:08 AS IT IS NOW, THEY ACTUALLY COMMENT ON JUST THE SUBJECT
 12:53:12 MATTER RATHER THAN THE NUANCES THAT WE BRING TO LIGHT.
 12:53:17 >>Mayor McLain: I UNDERSTAND THAT, BUT BEING ON COUNCIL HERE
 12:53:20 FOR SIX YEARS OR SO, THIS WAS A CONSCIOUS DECISION MADE THAT
 12:53:27 BEFORE WE START DEBATING -- I DON'T KNOW THIS 100% FACT, BUT
 12:53:32 THERE'S SOME LOGIC TO SAY PRIOR TO US MAKING A MOTION, IS
 12:53:37 THERE A VALUE HEARING FROM THE PUBLIC TO HELP US CREATE A
 12:53:42 MOTION THAT MAY ADDRESS SOME CONCERNS WE HEAR FROM THE
 12:53:46 PUBLIC.
 12:53:47 I THINK THAT'S WHY WE'RE DOING -- DOESN'T MEAN WE CAN'T
 12:53:51 CHANGE IT.
 12:53:51 BUT WE HEAR FROM THE PUBLIC, AND YOU MAY BE FORMULATING THE
 12:53:56 MOTION OR NOT, BUT AFTER YOU HEAR FROM THE PUBLIC, IT MAY

 12:53:59 HELP MODIFY THAT MOTION JUST A LITTLE BIT, AND THEN WE MAKE
 12:54:04 THE MOTION, WE HAVE SOME DEBATE ON IT AND WE GO FORWARD.
 12:54:07 >>George Zalucki: THANK YOU, MAYOR.
 12:54:09 THERE ARE STILL PROVISIONS TO AMEND A MOTION, AND THAT'S WHY
 12:54:12 THE AMENDMENT CLAUSE IS IN THERE, THAT IF SOMETHING IS
 12:54:15 BROUGHT UP BY THE PUBLIC OR ANOTHER COUNCILOR, CAN CONSIDER
 12:54:22 AMENDING THE MOTION, A MOTION TO AMEND IS APPROPRIATE AT
 12:54:25 THAT TIME.
 12:54:25 IT WOULD NEED A SECOND, AND THEN WE WOULD MOVE FORWARD IN
 12:54:28 THAT REGARD.

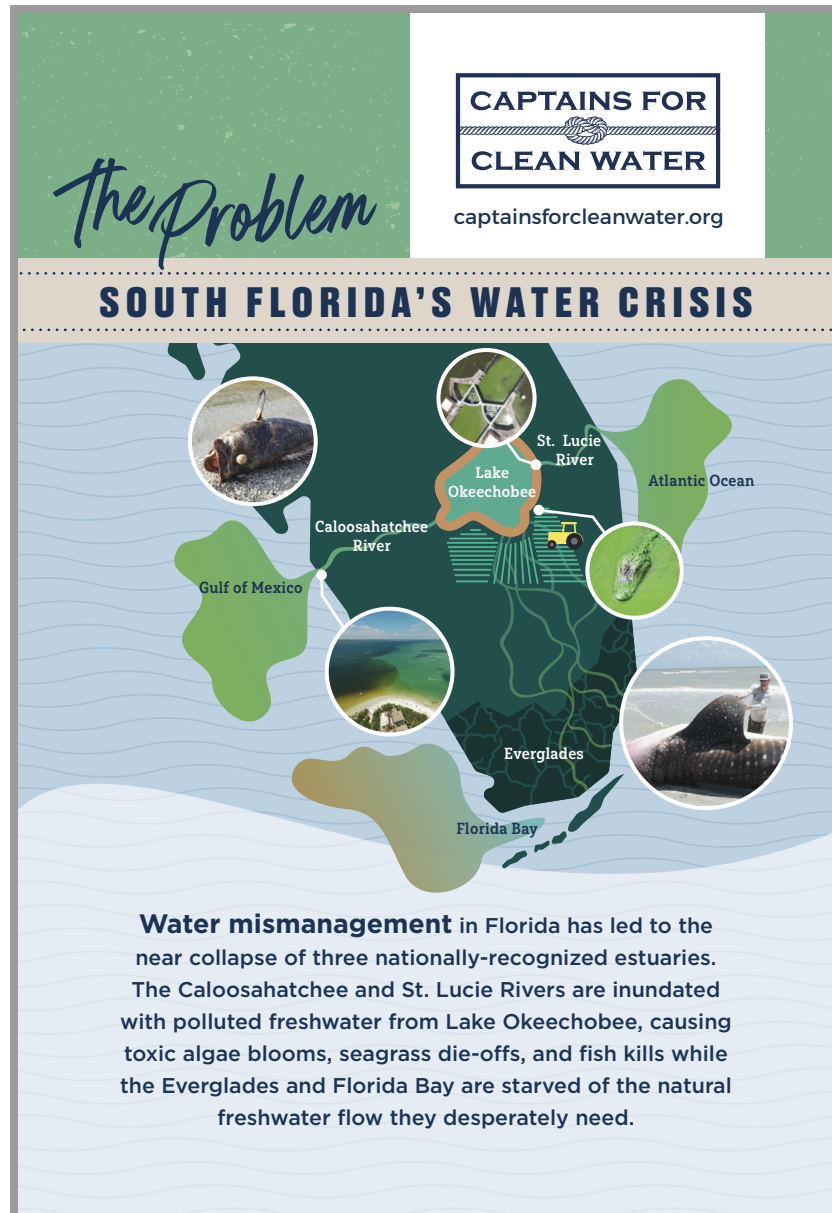
12:54:29 SO THERE'S STILL AN OPPORTUNITY TO TAKE A SECOND BITE AT THE
 12:54:32 APPLE.
 12:54:32 WHAT'S NOT ALLOWED ACCORDING TO OUR RULES -- ROB, CORRECT ME
 12:54:35 IF I'M WRONG -- IF A CITIZEN GETS UP AND TALKS ON THE
 12:54:38 SUBJECT BEFORE THEY HAVE ALL OF THE CONTEXT, THEY CAN'T COME
 12:54:41 BACK UP TO THE PODIUM AND ADDRESS IT AGAIN.
 12:54:44 >>Mayor McLain: I'LL TELL YOU WHAT I'D LIKE TO SEE US DO
 12:54:48 BECAUSE STEVE IS NOT HERE.
 12:54:50 HE'S BEEN HERE FOR A LENGTHY PERIOD OF TIME.
 12:54:51 I'D LIKE TO TABLE ANY CHANGE IN THE ORDER IN WHICH WE
 12:54:55 CONDUCT THE MEETING.
 12:54:56 LET STEVE HAVE -- MAYBE WE HAVE A BRIEF WORKSHOP ON THAT AT
 12:55:01 MAYBE OUR NEXT MEETING OR WHEN APPROPRIATE TO DETERMINE HOW
 12:55:05 WE GOT TO WHERE WE ARE.
 12:55:06 I DO THINK LOOKING FORWARD THIS COUNCIL, AS LONG AS IT'S

 12:55:13 LEGAL, CAN CHANGE THE ORDER OF HOW WE DO BUSINESS TO SUIT
 12:55:16 OUR NEEDS.
 12:55:17 AND ROBERT'S RULES ARE PRETTY COMMON WAY TO DO THAT.
 12:55:20 BUT RATHER THAN TRYING TO MAKE A DECISION ON IT TODAY, I'D
 12:55:22 LIKE TO GET SOME HISTORY ON IT.
 12:55:25 AND STEVE MAY BE A GOOD INDICATOR OF HOW WE GOT TO WHERE WE
 12:55:29 ARE TODAY.
 12:55:29 AND THEN WE'LL GO FROM THERE.
 12:55:32 WE'LL LOOK AT THAT --
 12:55:35 >>Robert Eschenfelder: WE'LL ADOPT THIS PACKAGE HERE BECAUSE
 12:55:37 I THINK EVERYBODY IS FINE WITH WHAT'S DONE.
 12:55:39 AND YOU ALL CAN TALK ABOUT THE ORDER --
 12:55:41 >>Mayor McLain: YES.
 12:55:42 THIS IS GOING FORWARD.
 12:55:43 LET'S GET STEVE'S COMMENTS.
 12:55:45 >>Jim Ward: IS IT APPROPRIATE TO SAY THAT NO ONE SHOULD MAKE
 12:55:49 A MOTION UNTIL ALL COUNCIL PEOPLE HAVE HAD AN OPPORTUNITY TO
 12:55:53 SPEAK ON THE MATTER?
 12:55:56 >>Mayor McLain: YOU DON'T HAVE TO DO THAT, BUT I LIKE THAT
 12:56:01 PROCESS.
 12:56:01 >>Jim Ward: YEAH, I DO AS WELL.
 12:56:03 BECAUSE SOMETIMES WHEN A MOTION IS PUT IN FRONT OF US, IT
 12:56:07 BECOMES DIFFICULT TO ARGUE IT OR TO CREATE A SITUATION WHERE
 12:56:13 YOU WANT A SECOND MOTION OR A DIFFERENT MOTION.
 12:56:15 I JUST THINK IT'S APPROPRIATE THAT EVERY COUNCIL PERSON

 12:56:18 SHOULD HAVE THE ABILITY TO SPEAK ON THE SUBJECT BEFORE A
 12:56:22 MOTION IS MADE BY A COUNCIL PERSON.
 12:56:25 >>Mayor McLain: I THINK THAT'S WHY WE NEED TO HAVE A
 12:56:27 WORKSHOP ON THAT.
 12:56:31 I THINK WE EVEN DID IT TODAY.
 12:56:33 WE HAVE A MOTION AND A SECOND, AND I HAVEN'T SPOKEN OR YOU

12:56:36 HAVEN'T SPOKEN.
12:56:40 NOW YOU KNOW IT'S ALREADY BIASED AND MAYBE MY COMMENTS
12:56:45 AREN'T GOOD.
12:56:45 LET'S HAVE THAT AS A DISCUSSION FOR A WORKSHOP TO SAY WHAT
12:56:49 IS THE BEST WAY FOR US TO CONDUCT OUR MEETINGS IN A WAY
12:56:51 THAT'S GOING TO DELIVER THE BEST RESULTS.
12:56:54 AND WE CAN FORMULATE THAT.
12:56:58 CONTINUE WITH WHAT WE'RE DOING, CHANGE IT, YOU KNOW,
12:57:01 WHATEVER WE HAVE TO DO.
12:57:02 I THINK IT'S A GOOD POINT TO BRING UP.
12:57:05 >>George Zalucki: I THINK THAT IS A GOOD PATH FORWARD.
12:57:06 >>Mayor McLain: IF WE HAVE NO OTHER COMMENTS AND SINCE IT'S
12:57:10 12:56, I WILL TAKE A MOTION TO ADJOURN.
12:57:13 SO MOVED BY COUNCILMAN FIESEL AND SECONDED BY GEORGE.
12:57:19 [SOUNDING GAVEL]

DISCLAIMER:
THIS FILE REPRESENTS AN UNEDITED VERSION OF REALTIME
CAPTIONING WHICH SHOULD NEITHER BE RELIED UPON FOR COMPLETE
ACCURACY NOR USED AS A VERBATIM TRANSCRIPT.
ANY PERSON WHO NEEDS A VERBATIM TRANSCRIPT OF THE
PROCEEDINGS MAY NEED TO HIRE A COURT REPORTER.



Final Action Agenda/Minutes are supplemented by audio and video recordings of the meetings, as well as transcripts. Video recordings of Village Council meetings from June 8, 2016, forward, as well as agendas, staff reports, resolutions, ordinances, and other documents related to the meetings can be viewed online at <https://estero-fl.gov/agendas/> at the corresponding meeting date.

**DRAFT MINUTES
VILLAGE COUNCIL BUDGET MEETING**

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928**

September 20, 2023 5:05 p.m.

1. CALL TO ORDER

INVOCATION

Pastor Todd Weston River of Life Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Jon McLain - District 3, Vice Mayor Joanne Ribble - District 1, Councilmember Larry Fiesel - District 2, Councilmember Lori Fayhee – District 4, Councilmember Rafael Lopez - District 5, Councilmember Jim Ward - District 6, and Councilmember George Zalucki - District 7.

Also present

Village Manager Steve Sarkozy, Village Attorney Robert Eschenfelder, Community Development Director Mary Gibbs, Public Works Director David Willems, Finance Director Kevin Greenville, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. PUBLIC BUDGET HEARINGS

(a) Resolution No. 2023 -23

A Resolution of the Village of Estero, Lee County, Florida, Adopting the Final Millage Rate for the Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2023-2024; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comments

None.

Motion: Motion to approve Resolution No. 2023-23 with the Mill rate 0.7400.

Motion by: Councilmember Lopez

Seconded by: Vice Mayor Ribble

Action: Approved Resolution No. 2023-23 with the Mill rate 0.7400.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

(b) Resolution No. 2023-24

A Resolution No. 2023-24 A Resolution of the Village of Estero, Lee County, Florida, Adopting the Final Budget for Fiscal Year 2023-2024; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Councilmember Ward and Mayor McLain.

Public Comments

None.

Motion: Motion to approve Resolution No. 2023-24.

Motion by: Councilmember Fiesel

Seconded by: Councilmember Zalucki

Action: Approved Resolution No. 2023-24.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

3. PROCLAMATIONS

(a) Leslie Gunderson/ Principal Pinewood Elementary

(b) Denise Carlin/Principal Pinewood Elementary

4. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda.

Motion by: Councilmember Fayhee

Seconded by: Councilmember Fiesel

Action: Approved agenda.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

Joe Gilberti, P.E., Fort Myers Beach

Kathy Wyrofsky, Shadow Wood

Council Questions or Comments

Mayor McLain.

6. CONSENT AGENDA

(a) September 7, 2023 Council Budget Meeting Minutes

(b) Resolution No. 2023-18 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Establishing Meeting Dates, Time, and Location for Meetings of the Village of Estero Council for 2024; and Providing an Effective Date

Motion: Motion to approve consent agenda.

Motion by: Councilmember Lopez

Seconded by: Vice Mayor Ribble

Action: Approved consent agenda.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

7. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

None.

8. ACTION ITEMS

(a) Council appropriation up to \$10,000 for 2023 Veterans Day Event

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Councilmembers Zalucki, Fiesel, Lopez, and Mayor McLain.

Public Comments

None.

Motion: Motion to approve Council appropriation up to \$10,000 for 2023 Veteran Day event.

Motion by: Councilmember Zalucki

Seconded by: Councilmember Fayhee

Action: Approved Council appropriation up to \$10,000 for 2023 Veteran Day event.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

(b) Tyler Munis Project Management

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Councilmembers Fayhee, Ward, and Mayor McLain.

Public Comments

None.

Motion: Motion to approve the engagement for Horizon Solutions Group, Inc. between the Village of Estero and Horizon Solutions Group, Inc and authorize the Village Manager to execute the engagement documents on behalf of the Village of Estero Council.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Fiesel

Action: Approved the engagement for Horizon Solutions Group, Inc. between the Village of Estero and Horizon Solutions Group, Inc and authorize the

Village Manager to execute the engagement documents on behalf of the Village of Estero Council.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

11. VILLAGE ATTORNEY'S REPORT

Robert Eschenfelder, Village Attorney

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Carol Sacco, Village Clerk

Council Questions or Comments

Councilmember Zalucki, Lopez, Fayhee, Vice Mayor Ribble and Mayor McLain.

12. VILLAGE MANAGER'S REPORT

None.

Adjourn Regular Session at 6:14 pm and Convene Workshop Item 6:14 pm.

13. WORKSHOP

(a) Water Monitoring Update

Staff Presentation/Comments

Steve Sarkozy, Village Manager

David Willems, Public Works Director

Council Questions or Comments

Councilmember Ward and Mayor McLain.

Public Comments

None.

(b) Main Building 8801 Corkscrew Road

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Robert Eschenfelder, Village Attorney

Council Questions or Comments

Councilmembers Zalucki, Fiesel, Ward and Mayor McLain.

Public Comments

John Quinn., Riverwood

Jim Boesch, Stoneybrook

(c) Broadway West Utility Extension Project UEP Update

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Robert Eschenfelder, Village Attorney

Council Questions or Comments

Councilmembers Zalucki, Ward, Fayhee. Vice Mayor Ribble, and Mayor McLain.

Public Comments

Ron Locascio, Holiday Drive

(d) Broadway East Utility Extension Project UEP Update

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Robert Eschenfelder, Village Attorney

Council Questions or Comments

Councilmembers Feisel and Mayor McLain.

Public Comments

None.

14. ADJOURNMENT at 7:20 pm

Motion by Councilmember Fiesel and seconded by Councilmember Lopez.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____

By: _____

Carol Sacco, Village Clerk

Jon McLain, Mayor

(td/CS)

For an official copy of the signed minutes, please submit a [Public Record Request](#).

5 (b)

Financial Report
Month ended August 2023

To follow

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 4, 2023

Agenda Item:

Superior Landscaping v. Village of Estero offer of judgment

Description:

Fla. R. Civ. P. 1.442 and Florida Statutes § 45.061 allow a party to a lawsuit to serve on an adverse party a written offer to resolve claims. The offer remains active for 45 days. If after final judgment for either party, the court determines that an offer was rejected unreasonably, resulting in unnecessary delay and needless increase in the cost of litigation, it must award the amount of the offering party's costs and expenses, including reasonable attorney fees, investigative expenses, expert witness fees, and other expenses which relate to the preparation for trial, incurred after the making of the offer.

An offer is presumed to have been unreasonably rejected by a plaintiff if the judgment entered is at least 25 percent less than the offer rejected. Given the expected costs of litigation defense to the Village, attempting an early resolution is recommended by the Village Attorney.

Action Requested:

Authorize the Village Attorney to serve an offer of judgment on Plaintiff for \$30,000.

Financial Impact:

\$30,000 if the offer is accepted.

Prepared by: Robert Eschenfelder, Village Attorney

Attachments:

n/a

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 4, 2023

Agenda Item:

Consider a code enforcement lien mitigation request from ProEnergy, LLC relating to the Marathon Gas Station at 8800 Corkscrew Rd (US 41 and Corkscrew Rd), Estero, FL 33928 located in Corkscrew Village.

Description:

The owner acquired the commercial property at 8800 Corkscrew Rd in September of 2002. The owner was cited in May of 2021 for sign Maintenance. The case was heard before the Special Magistrate on August 20, 2021. The owner was not present. The Special Magistrate imposed a fine beginning on September 23, 2021.

The Village Recorded the Magistrate order of imposition on October 10, 2021, as recorded at 2021000345285, and it thereafter became a lien on the property. A code enforcement lien in the amount of \$124,500.00 plus \$294.46 in administrative costs for a total of \$124,794.46 has accumulated over 499 days of the lien based on the calculation from September 23, 2021; the date of the order imposing fines to February 3, 2023; when the property was brought into compliance, accumulating at \$250.00 a day.

The property owner did not attend the Special Magistrate hearing; There has been no correspondence between the respondent and the Village of Estero until the mitigation request was submitted on 08/01/2023.

Action Requested:

Staff recommends accepting the request of Proenergy, LLC to release the Village's code enforcement lien against 8800 Corkscrew Rd, Estero in exchange for the payment of 10% of the Lien in the amount of \$12,450.00 plus \$294.46 in costs for a total of \$12,744.46.

Financial Impact:

The Village will recover its out-of-pocket costs for the Code Enforcement Case against the Property.

Prepared by: Mary Gibbs

Attachments:

1. Code Enforcement Case Overview

2. Request for Fine Review
3. Special Magistrate Order Finding Violation
4. Special Magistrate Order of Imposition of Fine

Case Overview

Property/Incident Information

Owner	Address	Site Address
CORKSCREW ENERGY LLC	9780 NW 115th Way Medley, FL 33178	8800 CORKSCREW RD , ESTERO, FL 33928

Legal Description

CORKSCREW VILLAGE PB 60 PGS 34 + 35 LOT 4

Description

Monument sign in need of maintenance

Case Status Closed **Case #** 21060001

Notes Monument signs in need of maintenance

The monument sign on Corkscrew Road is dirty/discolored and need to be cleaned

Thank you

Stanley Knight

knight@estero-fl.gov

Documents Issued

<u>Date Issue</u>	<u>Document Type</u>
5/17/2021	Complaint
5/17/2021	Courtesy Notice
6/1/2021	Affidavit of Non-Compliance
6/16/2021	Notice of Violation
7/15/2021	Notice of Hearing
8/19/2021	Notice of Hearing
9/23/2021	Affidavit of Non-Compliance
9/23/2021	Final Order
9/23/2021	Order of Imposition/Liens
2/3/2023	Affidavit of Compliance

Violations

Ordinance/Regulation	Section	Description	Date Complied
CHAPTER 6: SIGNS	6-206.- MAINTENANCE	a. All signs for which a permit is required by this chapter, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order. b. Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of ground signs for a distance of ten feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.	2/3/2023

Fines

Case Overview

<u>Fine Type</u>	<u>Section</u>	<u>Fine Type</u>	<u>Date Complied</u>	<u>Total Fine</u>
Individual Violation	6-206.- MAINTENANCE	Individual Violation	2/3/2023	\$124,500.00
Admin Fixed		Admin Fixed		\$294.46
			Total Fines	\$124,794.46

Payments

<u>Date</u>	<u>Payment Type Name</u>	<u>Amount</u>
	Total Payments	\$0.00
	Fees Outstanding	\$124,794.46



REQUEST FOR VILLAGE OF ESTERO SPECIAL MAGISTRATE CODE ENFORCEMENT LIEN REDUCTION

This form is for applicants seeking to reduce the fine or assessed costs resulting from a Code Enforcement Order by the Village of Estero Special Magistrate. This form may only be used if the violation has been corrected. The process cannot be used to reduce liens imposed for other Code Enforcement processes (such as lot mowing, securing pools, or lot clean-up).

Submit this form by email to knight@estero-fl.gov

Name of Applicant:	Chas DeFelice
Mailing Address:	9780 NW 115th Way
City, State, Zip:	Medley, FL 33178
Phone Number:	954-431-5389
Email Address:	chas@proenergy.us

Code Enforcement Case Number (shown on recorded Order):	21060001
Provide a copy of the recorded document OR provide an instrument number or the Official Records Book and Page numbers below.	
INSTR # or Official Records Book/Page (shown on recorded Order):	303/00345285
Property Address:	8800 Corkscrew Road, Estero, FL 33928
STRAP Number:	334625E-202000040

Relationship of Applicant to the property:

- ☒ Owner of the property or Owner's Representative
☐ Contract Purchaser
☐ Other (specify): _____

Relationship of Applicant to the violation resulting in the Order:

- ☒ Applicant was the owner of the property at the time of violation
☐ Applicant acquired the property after the imposition of the fine/costs
 ☐ Purchased property from: _____
☐ Seeking to purchase the property
☐ Other (specify): _____

Has the Division of Code Enforcement verified the violation has been corrected? Yes ☒ No ☐

Who corrected the violation? ☒ Respondent ☐ County
☐ New Owner ☐ Unknown

The burden is on the Applicant to show why the fine/costs should be reduced.

SUMMARIZE YOUR REQUEST FOR FINE REVIEW, INCLUDING THE FACTORS TO BE CONSIDERED BY THE SPECIAL MAGISTRATE (Attach additional pages, if necessary):

Ownership of Corkscrew Energy LLC did not receive any violation notices nor did any other personnel of the management team.

The ex-employee responsible for the management of the property did not inform any management of any violations.

As this occurred during the COVID pandemic there were minimal visitations to the location. There was also an issue of supplies and service personnel for hire at the time. If we had been aware of the violation.

We ask that the accrued penalties be waived as we have always taken matters such as this very seriously and would have attended and communicated with the Village of Estero.

Applicant's Signature: Chas DeFelice

Date: 8/1/23

LienMitigationRequest (Revised 02/27/2019)



OFFICE OF THE SPECIAL MAGISTRATE
ORDER FINDING VIOLATION

Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Case #: 21060001

Certified #:

Petitioner,

Vs

CORKSCREW ENERGY LLC
9780 NW 115th WAY
MEDLEY, FL 33178

Respondent(s)

IN RE: CASE 21060001

STREET ADDRESS: 8800 CORKSCREW RD , ESTERO, FL 33928
FOLIO: 334625e2020000040
LEGAL CORKSCREW VILLAGE PB 60 PGS 34 + 35 LOT 4

The Village of Estero Special Magistrate, having heard testimony under oath and argument at a Public Hearing, in reference to the above-described property, held Thursday **August 20, 2021**, after due notice to the Respondent(s):

AS AND FOR MY FINDINGS OF FACT:

1. The Respondent(s) is/are the owner(s) of record, and is/are responsible for the subject property.
2. The respondent(s) has/have received proper notice of this hearing by certified mail, the property of the alleged existence of certain conditions on the property described as violations, and that those conditions constituted a violation(s) of a Village of Estero Ordinance.
3. The Respondent(s), despite proper notice of this hearing, have failed to appear or otherwise participate in today's hearing, and are in default of having appeared.
4. The notice(s) previously given to the Respondent(s) specified that certain violations existed at the subject premises and what actions to abate the alleged violations were to be taken by a time certain, but the Respondent(s) has/have failed to complete such actions in a timely manner.
The following condition(s) is/are found to exist on the subject property located at **8800 CORKSCREW RD, ESTERO, FL 33928**, as reported by the Village's Code Compliance Manager in the Notice of Violation:

Revised 5/22/2017

	Ordinance / Regulation	Violation Description / Correction	Order Date to Comply by
1	CHAPTER 6: SIGNS 6-206.- MAINTENANCE	a. All signs for which a permit is required by this chapter, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order. b. Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of ground signs for a distance of ten feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.	September 23, 2021

The conditions testified to by the Village's Code Compliance Manager are found to have existed as the date and time of this hearing upon the subject property located **8800 CORKSCREW RD, ESTERO, FL 33928**. That same constitute(s) a violation(s) under **ESTERO LAND DEVELOPMENT CODE CHAPTER 6: SIGNS 6-206.- MAINTENANCE**. Due to the refusal or failure on the part of the Respondent(s) to remedy the conditions(s) which exist on the subject property, it may be necessary for the Petitioner/Village of Estero to take any and all steps necessary to remedy the conditions.

AS AND FOR MY CONCLUSIONS OF LAW:

Respondent(s), by reason of the foregoing, is/are in violation of the Village of Estero's Ordinances, as specified above.

THEREFORE, I HEREBY ORDER:

1. That Respondent(s) shall correct or abate the aforesaid violations in the manner set forth in the official Notice of Violation **PRIOR to 5:00 P.M., on September 22, 2021**
2. That Respondent(s) shall pay to the Village of Estero, Florida, the sums determined to be due for the Village's actual costs of prosecution of this case in the amount of **\$294.46** and shall deliver payment of same to the Village Clerk's office no later than 10 days from the date of this Order; and if not paid, may also constitute a lien against the above-referenced property which may also be actionable by law.

In the event that the violation(s) is/are not corrected or abated as indicated above prior to **5:00 PM ON September 22, 2021**, additional fines of \$250.00 per day shall be imposed against Respondent(s), beginning on that date and continuing for each day that the aforesaid violations continue to exist.

In the event the sums awarded herein are not paid, such sums will become a lien, which may attach to all real and personal property owned by the Respondent(s) upon being recorded in the Public Records of Lee County, even if the violations have been subsequently abated in accordance with this Order.

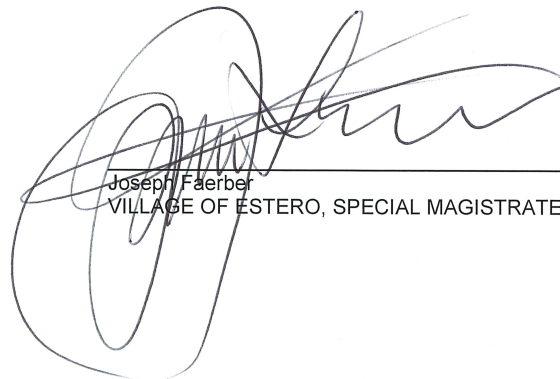
If the owner(s) fail(s) to comply, an Order Imposing Fine in the amounts shown above for every day that the violation continues to exist commencing on the dates shown above will be entered and a certified copy shall be recorded in the Public Records of Lee County, Florida and shall constitute a lien against the above-described real property or personal property owned by the violator. (Section 162.09, Florida Statutes). This Order may be enforced like a court judgment. Repeat violations can be fined up to \$500.00 per day. (Section 162.09, Florida Statutes). Property owner(s) has/have 30 days from date this Final Order is executed to file an appeal in circuit court. (Section 162.11, Florida Statutes). The property owner must contact the Code Compliance Department to advise when

compliance has been reached.

3. In determining the amount of such fine(s), I have considered the gravity of the violation(s); any actions, or lack thereof, to correct the violation(s); and, any previous violation(s) committed by the Respondent(s).
4. When the violation(s) has/have been abated, the Respondent(s) **MUST CALL THE VILLAGE OF ESTERO CODE ENFORCEMENT MANAGER – STANLEY KNIGHT, AT (239) 319-2815, AND REQUEST A RE-INSPECTION.** UPON SUCH RE-INSPECTION, IF SUCH VIOLATION(S) ARE FOUND TO HAVE BEEN ABATED, SUCH FINES SHALL CEASE RUNNING.
5. The Village of Estero is hereby authorized, in its discretion, to enter onto the subject premises and to itself abate, clear and remove all violation(s) (or specific items listed in Finding of Fact), found to still exist at the subject premises on or after **September 23, 2021**, or as soon thereafter as practicable in the event the Respondent(s) has/have not abated the violations. In addition to the amount of fines, and the Village's costs of prosecution, as imposed herein, all costs of such abatement, clearing and removal shall be recovered by the Village of Estero and shall accrue and increase the cost lien provided for herein.
6. Compliance by the Respondent(s) shall be considered at a subsequent Hearing before the undersigned Hearing Examiner/Special Magistrate to be held on **September 23, 2021, at 1:00 p.m., at the Village Hall Council Chambers, 9401 Corkscrew Palms Circle, Estero, FL 33928.**
7. You may also have other rights which are set forth in Article VI - Code Enforcement Board of the Village of Estero Code of Ordinances.
8. Respondents may appeal any decision with respect to any matter considered by the Village of Estero Special Magistrate. An appeal must be filed within (30) days of the execution of the Order to be appealed. If a person decides to appeal any decision, such person will need a record of the proceedings and that, for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Section 286.0105, Florida Statutes.

DONE AND ORDERED in the Village of Estero, Lee County, Florida this 20th Day of August 2021.

OFFICE OF THE SPECIAL MAGISTRATE
VILLAGE OF ESTERO, FLORIDA



Joseph Faerber
VILLAGE OF ESTERO, SPECIAL MAGISTRATE

SPECIAL MAGISTRATE CLERK AFFIDAVIT

Dated on August 20, 2021

Village of Estero Special Magistrate Clerk

By: 

Bernard Pita

I certify that, under the penalty of perjury that the above written statements are true and accurate to the best of my knowledge.

**STATE OF FLORIDA
COUNTY OF LEE**

the foregoing instrument was acknowledged before me by means of ☒ physical presence or ___ online notarization, this 20th day of August 2021, by Bernard Pita and Joseph Faerber, Special Magistrate, respectively, of the Village of Estero, who are personally known to me and who did not take an oath.

My Commission Expires:


Notary Public, State of Florida at Large

Print, Type or Stamp of Notary

Sheryl L. Hopping

Notary Public

State of Florida

Comm# HH034361

Expires 8/19/2024

Commission Number, if any

SEAL:

Linda Doggett, Lee County Clerk of Circuit Court

INSTR. # 2021000345285, Doc Type LI, Pages 3, Recorded 10/20/2021 at 1:08 PM, Deputy Clerk TBAER ERECORD

Rec Fees: \$27.00



OFFICE OF THE SPECIAL MAGISTRATE
ORDER OF IMPOSITION OF FINE & CLAIM OF LIEN

Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Case #: 21060001

Certified #:

Petitioner,

Vs

CORKSCREW ENERGY LLC
9780 NW 115th WAY
MEDLEY, FL 33178

Respondent(s)

The Village of Estero Special Magistrate, having reviewed evidence and sworn testimony by Affidavit, enters the following Findings of Fact:

1. That the Village of Estero Special Magistrate did issue on the 20th day of August 2021 a Final Order in the above captioned case commanding the Respondent to bring the violations specified in said Final Order into compliance or be subject to a fine in the amounts shown below commencing on the dates shown below plus an additional fine to cover costs incurred by the Village in the amount of \$294.46

Ordinance/ Regulation	Violation Description/Correction	Order Date to Comply by	Date Complied	Daily Fine
CHAPTER 6: SIGNS 6-206.- MAINTENANCE	a. All signs for which a permit is required by this chapter, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order. b. Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of ground signs for a distance of ten feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.	September 23 2021		\$250.00

2. That said violations occurred on the following described real property situate, lying and being in the Village of Estero, Florida, to-wit:

Revised 5/22/2017

INSTR. # 2021000345285 Page Number: 2 of 3

FOLIO #: 334625E2020000040

LEGAL DESCRIPTION: CORKSCREW VILLAGE PB 60 PGS 34 + 35 LOT 4

STREET ADDRESS: 8800 CORKSCREW RD, ESTERO, FL 33928

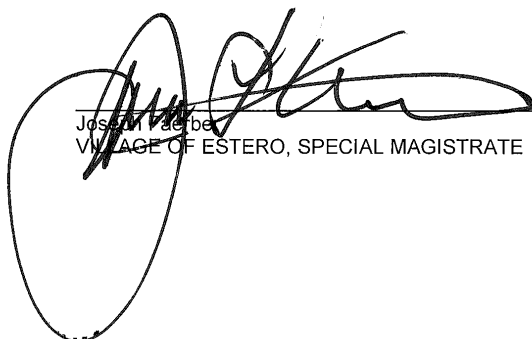
3. That the Respondent did not comply with the Final Order on or before the date specified therein. Upon complying with this Final Order, the Respondent **SHALL NOTIFY STANLEY KNIGHT**, The Code Enforcement Compliance Manager, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.
4. A fine in the amounts shown above commencing on dates shown above is hereby confirmed and imposed. This fine shall continue to accrue until such time as the property is brought into compliance at which time the Respondent shall notify the Code Compliance Manager. **Additionally, a fine of \$294.46 to cover costs incurred in the prosecution of this matter is confirmed and imposed.**
5. The fine and costs shall constitute a lien against the above-described real property pursuant to Chapter 162, Florida Statutes and Article VI – Code Enforcement of the Village of Estero Code of Ordinances, as currently enacted or as may be amended from time to time. The Special Magistrate Clerk is directed to record a true copy of this order in the Public Records of Lee County, Florida. Any such lien which accrues more than (90) days after the date it is recorded and which remains unpaid, may be referred to a collection agency which shall result in the imposition of additional collection fees.

You may request, in writing, a hearing before the Special Magistrate to contest the finding of non-compliance and imposition of fines. Said hearing shall be limited to consideration of whether the violations were timely complied. A written request for a hearing MUST BE MADE TO THE OFFICE OF THE SPECIAL MAGISTRATE AND RECEIVED WITHIN TWENTY (20) DAYS OF THE DATE OF THIS NOTICE. You will be notified of a hearing date and time. If no timely request is received, this Order Imposing Fine and Claim of Lien entered by the Special Magistrate will be recorded in the Public Records of Lee County, constituting a lien on the subject real property.

Respondents may appeal a final administrative order of the Special Magistrate for the Village of Estero to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

DONE AND ORDERED in the Village of Estero, Lee County, Florida this 23rd day of September, 2021

OFFICE OF THE SPECIAL MAGISTRATE
VILLAGE OF ESTERO, FLORIDA



Joseph Vaerba
VILLAGE OF ESTERO, SPECIAL MAGISTRATE

INSTR. # 2021000345285 Page Number: 3 of 3

SPECIAL MAGISTRATE CLERK AFFIDAVIT

Dated on September 23, 2021

Village of Estero Special Magistrate Clerk

By: 

Bernard Pita

I certify that, under the penalty of perjury that the above written statements are true and accurate to the best of my knowledge.

**STATE OF FLORIDA
COUNTY OF LEE**

the foregoing instrument was acknowledged before me by means of X physical presence or ___ online notarization, this 23rd Day of September, 2021 by Stanley Knight and Joseph Faerber, Special Magistrate, respectively, of the Village of Estero, who are personally known to me and who did not take an oath.

My Commission Expires:



Notary Public, State of Florida at Large



James Gardner
Notary Public
State of Florida
Comm# HH135089
Expires 5/26/2025

James Gardner
Print, Type or Stamp of Notary

HH 135089
Commission Number, if any

SEAL:

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 4, 2023

Agenda Item:

Consider a code enforcement lien mitigation request from Troy Blasko relating to the property at 20275 Sherrill Ln, Estero, FL 33928, located in Broadway Mobile home village.

Description:

The current owner acquired the residential property at 20275 Sherrill Ln in August of 2022. The previous owner Donna Davis was cited in March of 2018 for Nuisance; un-plated vehicle in the front of the property and a refrigerator next to the garage. The case was heard before the Special Magistrate on June 21, 2018. The previous owner was not present. The Special Magistrate imposed a fine beginning on July 18, 2018, as recorded at E 2018000177846, and it thereafter became a lien on the property. A code enforcement lien in the amount of \$178,750.00 plus \$359.20 in administrative costs for a total of \$179,109.20 has accumulated over 715 days of the lien based on the calculation from July 18, 2018; the date of the order imposing fines to July 2, 2020; the date the property was brought into compliance, accumulating at \$250.00 a day.

The Previous property owner did not attend the Special Magistrate hearing; there had been no correspondence with the previous owner. The property was brought into compliance by the previous owner on 07/02/2020.

Action Requested:

Staff Recommends accepting the request of Troy Blasko, the new owner to release the Village's code enforcement lien against 20275 Sherrill Ln, Estero in exchange for the payment of \$5000.00.

Financial Impact:

The Village will recover its out-of-pocket costs for the Code Enforcement Case against the Property.

Prepared by: Mary Gibbs

Attachments:

1. Code Enforcement Case Overview
2. Request for Fine Review
3. Special Magistrate Order Finding Violation
4. Special Magistrate Order of Imposition of Fine

Case Overview

Property/Incident Information

Owner	Address	Site Address
DAVIS DONNA K	20275 SHERRILL LN ESTERO, FL 33928	20275 SHERRILL LN , ESTERO, FL 33928

Legal Description

BROADWAY M/H VLG UNREC OR 506 PG 697 LOT 89

Description

Car in the front yard with expired permits
Refrigerator sitting near the garage

Case Status Closed **Case #** 18040009

Notes Car in the front yard with expired permits
Refrigerator sitting near the garage

All vehicles must have current registration and be road ready
Please remove the refrigerator from the property and dispose of or store elsewhere

Thank you,

Stanley Knight
knight@estero-fl.gov

Documents Issued

<u>Date Issue</u>	<u>Document Type</u>
3/21/2018	Complaint
3/21/2018	Courtesy Notice
4/5/2018	Affidavit of Non-Compliance
4/19/2018	Notice of Violation
5/2/2018	Notice of Hearing
6/21/2018	Notice of Hearing
6/21/2018	Final Order
7/19/2018	Affidavit of Non-Compliance
7/19/2018	Order of Imposition/Liens
7/2/2020	Affidavit of Compliance

Violations

Case Overview

Ordinance/Regulation	Section	Description	Date Complied
CHAPTER 17 - HEALTH AND SANITATION	Sec. 17-33(1a,b,c)(2)(3). - Nuisance declared.	It is hereby declared by the board of county commissioners that nuisance accumulations on private property shall constitute a public nuisance, subject to immediate abatement as provided by this article or by any other remedy in law or equity, if: (1) The private property is not: a. A legally permitted junkyard, automobile wrecking or wrecking yard or sanitary landfill as defined and regulated by the county zoning ordinance or any other applicable ordinance; or b. Zoned or permitted by special permit or variance to allow such nuisance accumulations; and (2) The nuisance accumulation impairs the economic value of the underlying or adjacent property, creates a danger to the public health, safety and welfare, constitutes an attractive nuisance as defined by law, or creates a fire hazard; and (3) The accumulation is not made as a part of a regularly scheduled garbage removal program or service.	7/2/2020

Fines

Fine Type	Section	Fine Type	Date Complied	Total Fine
Individual Violation	Sec. 17-33(1a,b,c)(2)(3). - Nuisance declared.	Individual Violation	7/2/2020	\$178,750.00
Admin Fixed		Admin Fixed		\$359.20
		Total Fines		\$179,109.20

Payments

Date	Payment Type Name	Amount
	Total Payments	\$0.00
	Fees Outstanding	\$179,109.20



REQUEST FOR VILLAGE OF ESTERO SPECIAL MAGISTRATE CODE ENFORCEMENT LIEN REDUCTION

This form is for applicants seeking to reduce the fine or assessed costs resulting from a Code Enforcement Order by the Village of Estero Special Magistrate. This form may only be used if the violation has been corrected. The process cannot be used to reduce liens imposed for other Code Enforcement processes (such as lot mowing, securing pools, or lot clean-up).

Submit this form by email to knight@estero-fl.gov

Name of Applicant:	Troy Blascko
Mailing Address:	2114 MILBURN BLVD
City, State, Zip:	MISHAWAKA, IN 46544
Phone Number:	(514) 309-8465
Email Address:	Blascko.troy.m@6-mail.com

Code Enforcement Case Number (shown on recorded Order):	18040009
Provide a copy of the recorded document OR provide an instrument number or the Official Records Book and Page numbers below.	
INSTR # or Official Records Book/Page (shown on recorded Order):	201800017846
Property Address:	20775 Shermill Ln, Estero, FL 33928
STRAP Number:	29-46-25-E2-04000 0890

Relationship of Applicant to the property:

- ☒ Owner of the property or Owner's Representative
☐ Contract Purchaser
☐ Other (specify): _____

Relationship of Applicant to the violation resulting in the Order:

- ☐ Applicant was the owner of the property at the time of violation
☐ Applicant acquired the property after the imposition of the fine/costs
☒ Purchased property from: DONNA MCCORD
☐ Seeking to purchase the property
☐ Other (specify): _____

Has the Division of Code Enforcement verified the violation has been corrected? Yes ☐ No ☐

Who corrected the violation?

- ☐ Respondent
☒ New Owner
☐ County
☐ Unknown

The burden is on the Applicant to show why the fine/costs should be reduced.

SUMMARIZE YOUR REQUEST FOR FINE REVIEW, INCLUDING THE FACTORS TO BE CONSIDERED BY THE SPECIAL MAGISTRATE (Attach additional pages, if necessary):

I purchased property without knowledge of
any fines or fees

Applicant's Signature: Jim Bland

Date: _____



OFFICE OF THE SPECIAL MAGISTRATE
ORDER FINDING VIOLATION

Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Case #: 18040009

Certified #:
7017 3040 0000 8767 0699

Petitioner,

Vs

DAVIS DONNA K
20275 SHERRILL LN
ESTERO, FL 33928

Respondent(s)

IN RE: Case 18040009

STREET ADDRESS: 20275 SHERRILL LN, ESTERO, FL 33928
FOLIO: 294625E2040000890
LEGAL DESCRIPTION: BROADWAY M/H VLG UNREC OR 506 PG
697 LOT 89

The Village of Estero Special Magistrate, having heard testimony under oath and argument at a Public Hearing, in reference to the above-described property, held Thursday **June 21, 2018**, after due notice to the Respondent(s):

AS AND FOR MY FINDINGS OF FACT:

1. The Respondent(s) is/are the owner(s) of record, and is/are responsible for the subject property.
2. The respondent(s) has/have received proper notice of this hearing by Posting of the property of the alleged existence of certain conditions on the property described as violations, and that those conditions constituted a violation(s) of a Village of Estero Ordinance.
3. The Respondent(s), despite proper notice of this hearing, have failed to appear or otherwise participate in today's hearing, and are in default of having appeared.
4. The notice(s) previously given to the Respondent(s) specified that certain violations existed at the subject premises and what actions to abate the alleged violations were to be taken by a time certain, but the Respondent(s) has/have failed to complete such actions in a timely manner.

The following condition(s) is/are found to exist on the subject property located at **20275**

SHERRILL LN, ESTERO, FL 33928, as reported by the Village's Code Compliance Manager in the Notice of Violation:

Revised 5/22/2017

If the owner(s) fail(s) to comply, an Order Imposing Fine in the amounts shown above for every day that the violation continues to exist commencing on the dates shown above will be entered and a certified copy shall be recorded in the Public Records of Lee County, Florida and shall constitute a lien against the above-described real property or personal property owned by the violator. (Section 162.09, Florida Statutes). This Order may be enforced like a court judgment. Repeat violations can be fined up to \$500.00 per day. (Section 162.09, Florida Statutes). Property owner(s) has/have 30 days from date this Final Order is executed to file an appeal in circuit court. (Section 162.11, Florida Statutes). The property owner must contact the Code Compliance Department to advise when compliance has been reached.

3. In determining the amount of such fine(s), I have considered the gravity of the violation(s); any actions, or lack thereof, to correct the violation(s); and, any previous violation(s) committed by the Respondent(s).
4. When the violation(s) has/have been abated, the Respondent(s) **MUST CALL THE VILLAGE OF ESTERO CODE ENFORCEMENT MANAGER – STANLEY KNIGHT, AT (239) 319-2815, AND REQUEST A RE-INSPECTION.** UPON SUCH RE-INSPECTION, IF SUCH VIOLATION(S) ARE FOUND TO HAVE BEEN ABATED, SUCH FINES SHALL CEASE RUNNING.
5. The Village of Estero is hereby authorized, in its discretion, to enter onto the subject premises and to itself abate, clear and remove all violation(s) (or specific items listed in Finding of Fact), found to still exist at the subject premises on or after **July 18, 2018**, or as soon thereafter as practicable in the event the Respondent(s) has/have not abated the violations. In addition to the amount of fines, and the Village's costs of prosecution, as imposed herein, all costs of such abatement, clearing and removal shall be recovered by the Village of Estero and shall accrue and increase the cost lien provided for herein.
6. Compliance by the Respondent(s) shall be considered at a subsequent Hearing before the undersigned Hearing Examiner/Special Magistrate to be held on **July 19, 2018**, at 1:00 p.m., at the Village Hall Council Chambers, 9401 Corkscrew Palms Circle, Estero, FL 33928.
7. You may also have other rights which are set forth in Article VI - Code Enforcement Board of the Village of Estero Code of Ordinances.
8. Respondents may appeal any decision with respect to any matter considered by the Village of Estero Special Magistrate. An appeal must be filed within (30) days of the execution of the Order to be appealed. If a person decides to appeal any decision, such person will need a record of the proceedings and that, for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Section 286.0105, Florida Statutes.

DONE AND ORDERED in the Village of Estero, Lee County, Florida this 21st day of June, 2018.

OFFICE OF THE SPECIAL MAGISTRATE
VILLAGE OF ESTERO, FLORIDA

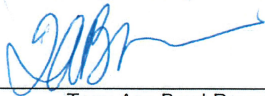


Joseph Fagber
VILLAGE OF ESTERO, SPECIAL MAGISTRATE

SPECIAL MAGISTRATE CLERK AFFIDAVIT

Dated on June 21st of 2018

Village of Estero Special Magistrate Clerk

By: 
Terry-Ann Boyd-Reynolds

I certify that, under the penalty of perjury that the above written statements are true and accurate to the best of my knowledge.

STATE OF FLORIDA)
)ss:
COUNTY OF LEE)

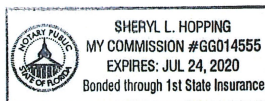
Terry-Ann Boyd Reynolds stated personally before me that they have personal knowledge of the facts stated herein:

Sworn or affirmed before me on this 21st day of June, 2018


Notary Public

Sheryl L. Hopping
Print Name

SEAL:



INSTR # 2018000177846, Doc Type LI, Pages 3, Recorded 07/24/2018 at 04:42 PM,
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$27.00 Deputy
Clerk ERECORD



OFFICE OF THE SPECIAL MAGISTRATE
ORDER OF IMPOSITION OF FINE & CLAIM OF LIEN

Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Case #: 18040009

Certified #:

Petitioner,

Vs

DAVIS DONNA K
20275 SHERRILL LN
ESTERO, FL 33928

Respondent(s)

The Village of Estero Special Magistrate, having reviewed evidence and sworn testimony by Affidavit, enters the following Findings of Fact:

1. That the Village of Estero Special Magistrate did issue on the 21st day of June, 2018 a Final Order in the above captioned case commanding the Respondent to bring the violations specified in said Final Order into compliance or be subject to a fine in the amounts shown below commencing on the dates shown below plus an additional fine to cover costs incurred by the Village in the amount of \$267.20

Ordinance/ Regulation	Violation Description/Correction	Order Date to Comply by	Date Complied	Daily Fine
CHAPTER 17 - HEALTH AND SANITATION Sec. 17-33(1a,b,c)(2) (3). - Nuisance declared.	It is hereby declared by the board of county commissioners that nuisance accumulations on private property shall constitute a public nuisance, subject to immediate abatement as provided by this article or by any other remedy in law or equity, if: (1) The private property is not: a. A legally permitted junkyard, automobile wrecking or wrecking yard or sanitary landfill as defined and regulated by the county zoning ordinance or any other applicable ordinance; or b. Zoned or permitted by special permit or variance to allow such nuisance accumulations; and (2) The nuisance accumulation impairs the economic value of the underlying or adjacent property, creates a danger to the public health, safety and welfare, constitutes an attractive nuisance as defined by law, or creates a fire hazard; and (3) The accumulation is not made as a part of a regularly scheduled garbage removal program or service.	07/18/2018		\$250.00

Revised 5/22/2017

INSTR # 2018000177846 Page Number: 2 of 3

2. That said violations occurred on the following described real property situate, lying and being in the Village of Estero, Florida, to-wit:

FOLIO #: 294625E2040000890

**LEGAL DESCRIPTION: BROADWAY M/H VLG UNREC OR 506 PG
697 LOT 89**

STREET ADDRESS: 20275 SHERRILL LN, ESTERO, FL 33928

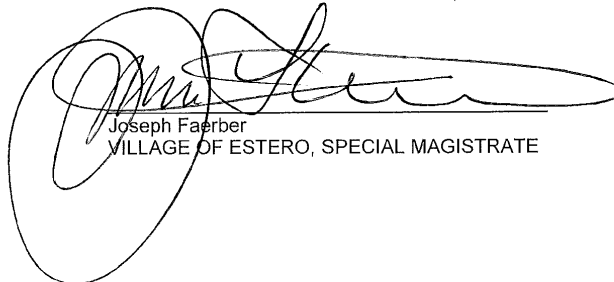
3. That the Respondent did not comply with the Final Order on or before the date specified therein. Upon complying with this Final Order, the Respondent **SHALL NOTIFY STANLEY KNIGHT**, The Code Enforcement Compliance Manager, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.
4. A fine in the amounts shown above commencing on dates shown above is hereby confirmed and imposed. This fine shall continue to accrue until such time as the property is brought into compliance at which time the Respondent shall notify the Code Compliance Manager. **Additionally, a fine of \$359.20 to cover costs incurred in the prosecution of this matter is confirmed and imposed.**
5. The fine and costs shall constitute a lien against the above-described real property pursuant to Chapter 162, Florida Statutes and Article VI – Code Enforcement of the Village of Estero Code of Ordinances, as currently enacted or as may be amended from time to time. The Special Magistrate Clerk is directed to record a true copy of this order in the Public Records of Lee County, Florida. Any such lien which accrues more than (90) days after the date it is recorded and which remains unpaid, may be referred to a collection agency which shall result in the imposition of additional collection fees.

You may request, in writing, a hearing before the Special Magistrate to contest the finding of non-compliance and imposition of fines. Said hearing shall be limited to consideration of whether the violations were timely complied. A written request for a hearing MUST BE MADE TO THE OFFICE OF THE SPECIAL MAGISTRATE AND RECEIVED WITHIN TWENTY (20) DAYS OF THE DATE OF THIS NOTICE. You will be notified of a hearing date and time. If no timely request is received, this Order Imposing Fine and Claim of Lien entered by the Special Magistrate will be recorded in the Public Records of Lee County, constituting a lien on the subject real property.

Respondents may appeal a final administrative order of the Special Magistrate for the Village of Estero to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

DONE AND ORDERED in the Village of Estero, Lee County, Florida this 19th day of July, 2018.

OFFICE OF THE SPECIAL MAGISTRATE
VILLAGE OF ESTERO, FLORIDA



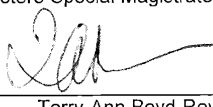
Joseph Faerber
VILLAGE OF ESTERO, SPECIAL MAGISTRATE

INSTR # 2018000177846 Page Number: 3 of 3

SPECIAL MAGISTRATE CLERK AFFIDAVIT

Dated on July 19th of 2018

Village of Estero Special Magistrate Clerk

By: 
Terry-Ann Boyd-Reynolds

I certify that, under the penalty of perjury that the above written statements are true and accurate to the best of my knowledge.

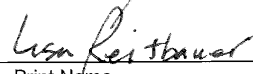
STATE OF FLORIDA)

)ss:

COUNTY OF LEE)

Terry-Ann Boyd-Reynolds stated personally before me that they have personal knowledge of the facts stated herein:

Sworn or affirmed before me on this 19th day of July, 2018


Notary Public

Print Name



SEAL:

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 4, 2023

Agenda Item:

Hazard Mitigation Application Assistance Contract

Motion to approve Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A. for the Estero River North Branch Drainage HMGP Assistance project.

Authorize the Village Manager to sign Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A.

Background:

In response to Hurricane Ian, FEMA has made funding available through the Hazard Mitigation Grant Program (HMGP) for affected state, local, tribal, and territorial governments to rebuild in a way that reduces, or mitigates, future disaster losses in their communities.

The Village of Estero identified two projects that may be eligible to receive HMGP funding. Those projects are the Broadway Ave. West Utility Extension Project and the Estero River North Branch Drainage Improvement Project. To determine if these projects are eligible for HMGP funding, the Village had to submit HMGP applications to the Florida Department of Emergency Management.

Description:

The Village of Estero hired J.R. Evans to help prepare the HMGP application for the Estero River North Branch Drainage Improvements. Contract EC 2022-39 STA 02 was executed with J.R. Evans Engineering, P.A. for \$45,000. The full extent of the services required at that time was not known.

To qualify for an HMGP Grant, projects must demonstrate the reduction in flooding will save more money than the project costs to construct. This required a significant amount of work including numerous stormwater model scenarios and mapping that showed the reduction in flooding. J.R. Evans pushed hard to get their work completed so the application could be submitted by August 31st.

Page 1 of 2

While pushing to get their work completed, J.R. Evans went over the original contract limit of \$45,000. J.R. Evans is estimating the work they completed to get the application submitted and respond to questions/comments from the Florida Department of Emergency Management will require an additional \$35,000.

Action Requested:

Motion to approve Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A. for the Estero River North Branch Drainage HMGP Assistance project.

Authorize the Village Manager to sign Change Order No. 1 to Contract EC 2022-39 STA 02 with J.R. Evans Engineering, P.A.

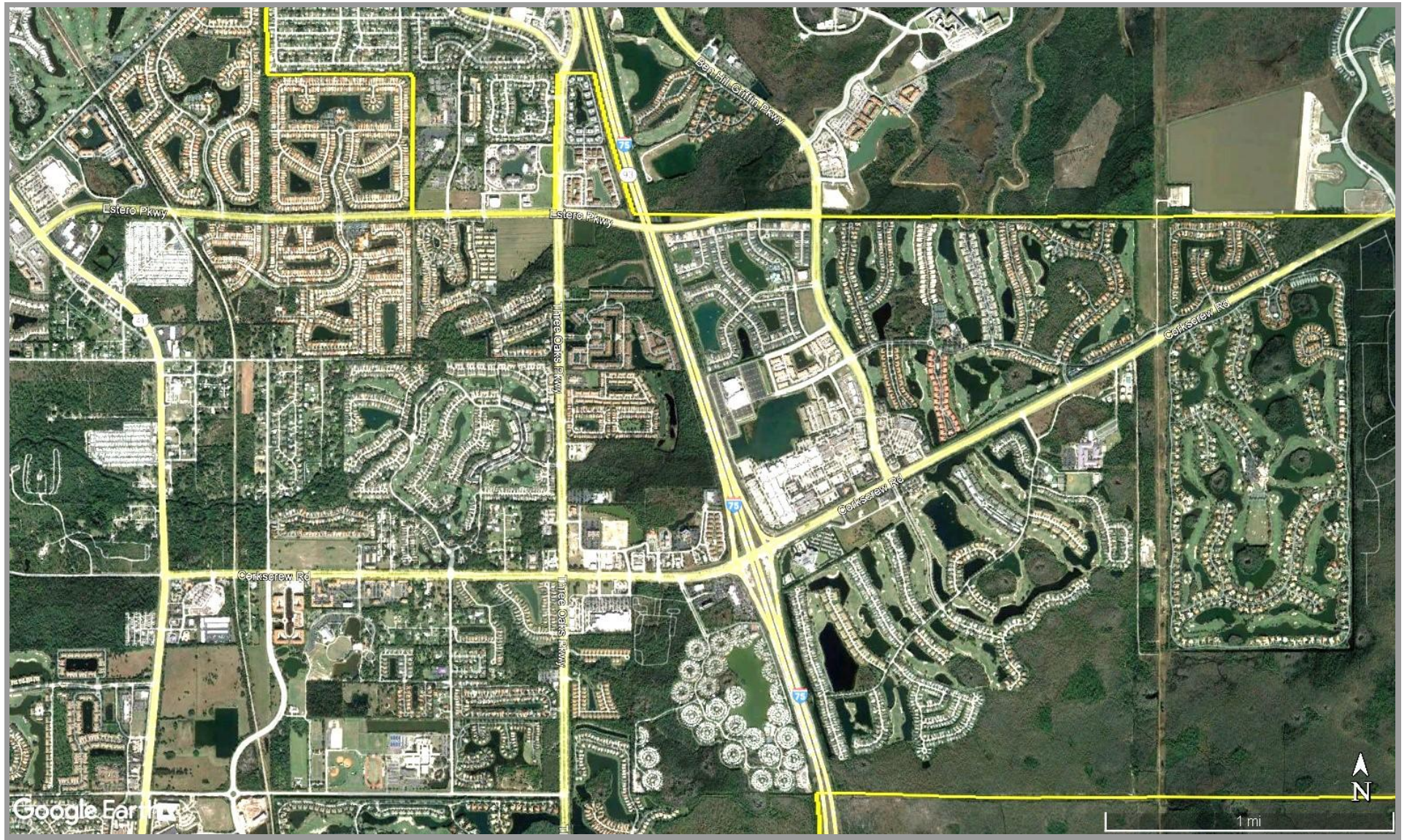
Financial Impacts:

The financial impact of this contract is \$88,0000. This includes the contract amount of \$80,000 plus an \$8,000 contingency.

Prepared by: David Willems, P.E.

Attachments:

1. Project Location Map
2. EC 2022-39 STA 2
3. EC 2022-39 STA 2 CO#1





Misc. Professional Services

EC 2022-39

STA No. 02

Project Name: Estero River North Branch Drainage HMGP Assistance

Consultant: JR Evans Engineering

Village of Estero Contract No.: 2022-39

Village of Estero Account Number: _____

Brief Description: Assist the Village with the Estero River North Branch hazard mitigation grant application.

Total Fees: \$45,000 NTE

The Consultant shall perform the services outlined in the attached Exhibit A – Scope of Services and Fees, under the terms and conditions outlined in the above referenced Village of Estero Contract No. EC2022-39.

Consultant: JR Evans Engineering

By: Elizabeth Fountain

Name: Elizabeth Fountain, P.E., CFM

Title: Vice President

Date: 04/21/2023

Village of Estero

By: [Signature]

Name: Steve Sarkozy

Title: Village Manager

Date: 4/26/2023

Attachments:

Exhibit A – Scope of Services and fees

Exhibit A – Scope of Services and fees

Estero River North Branch Drainage Improvements

Hazard Mitigation Grant Assistance

The Village of Estero is working to complete a hazard mitigation grant application for the Estero River North Branch Drainage Improvements project.

Assist the Village with a HMGP application for the project. The Consultant will provide engineering assistance for the proposed drainage improvement project. Services will include, but are not limited to drainage calculations, drainage modelling, drainage maps, inundation maps, drainage plans and drainage reports as required to complete the grant application.

Services will be provided as requested by Village Staff and the Grant Coordinator. Consultant will notify the Village if requested services are expected to exceed the contract value. If those services are required for the grant application, the Village will process a change order to include those services and increase the contract fees accordingly.

Fees: \$45,000 NTE

VILLAGE OF ESTERO, FLORIDA CONTRACT CHANGE ORDER

Number: 1Contract/Project Name: Estero River North Branch Drainage HMGP AssistanceContractor: J.R. Evans Engineering, P.A.Contract #: EC 2022-39 STA 02 Project #: _____ Bid #: _____Village Project Manager: David Willems

Upon the completion and execution of this Change Order by both parties to the Contract, the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:
(If you need space other than what has been provided, please attach additional sheets.)

Attachments:

(List documents

supporting change) JR Evans CO#1 (00650-06 09.18.23) Change Order for Consultant ServicesDescription: Change Order proposal from J.R. Evans Engineering, P.A.

Purpose of Change Order: Provide funding for the increased services required to prepare the HMGP grant application supporting documentation and provide funding for agency requests for additional information

Change in Contract Price	Dollar Amount	Change in Contract Time	Calendar Days N/A
Original Contract Price	\$45,000.00	Original Contract Time	
Previous Change Order No.:	N/A	Net Change from Previous Change Orders	
Contract Price Prior to this Change Order	\$45,000.00	Contract Time Prior to this Change Order	
Net Increase (Decrease) of this Change Order	\$35,000.00	Net Increase (Decrease) of this Change Order	
Contract Price with All Approved Change Orders	\$80,000.00	Contract Time with All Approved Change Orders	

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

J.R. Evans Engineering, P.A.
Name of Contractor

Date Accepted By Contractor

Elizabeth@jrevansengineering.com
Contractor Contact Email Address

239-405-9148
Contractor Contact Phone #

Accepted on behalf of the Contractor by:

Accepted on behalf of the Village by:

Date:
Elizabeth A. Fountain, P.E., Vice President

Date:
Steve Sarkozy, Village Manger



JRE #00650-06

CHANGE ORDER FOR CONSULTANT SERVICES

PROJECT NAME/PHASE:

DATE: September 18, 2023Esterio River North Branch Drainage HMGP AssistanceORDERED BY: David Willems
willems@estero-fl.gov**FEE BREAKDOWN:**

Contract Fee: \$45,000.00
 CO#1 Amount: \$35,000.00 (TME)
 Revised Contract Fee: \$80,000.00

Scope Item:

This requested change order amount covers the continued services of engineering assistance on the proposed drainage and flood mitigation project, including stormwater modeling, inundation mapping, assessment of modeling results, preparation of stormwater project memorandum and providing the final deliverables to the grant specialist. The requested change order amount also covers any needed additional follow-up engineering or stormwater modeling services after the submittal of the grant package to address questions related to the HMGP application and submitted materials

Task Fee: \$45,000.00
 Increase: \$35,000.00
Revised Fee: \$80,000.00

AUTHORIZATION:

The work referenced above will be initiated when copy of this work order is signed by both parties.

I hereby authorize the performance of the above services and agree to pay the charges resulting therefrom as identified in the "FEE-TYPE" above. All Time and Material Estimate (TME) tasks are an ESTIMATED fee to adjust to a wide range of inconsistent agency requests and client direction for these tasks. All TME services and Reimbursables shall be billed based on our hourly rate schedule in effect at the time of service and as accrued. Work authorized under this agreement is subject to the terms and conditions of the original contract being provided under **Project No.00650-06 (Village Contract EC2022-39 STA No.02).**

John J. Jantzen
 Signee Name
 J.R. Evans Engineering, P.A.

9/18/23

Date

On Behalf of: Village of Estero, FL

Date

J. R. EVANS ENGINEERING

9961 INTERSTATE COMMERCE DRIVE, STE. 230 / FORT MYERS, FL 33913 / 239.405.9148 (p) / 239.288.2537 (f)
 WWW.JREVANSENGINEERING.COM

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 4, 2023

Agenda Item:

Consideration of a Resolution regarding proposed County Charter amendment regarding voluntary annexation.

Motion to approve Resolution 2023-26

Background:

The Lee County Charter Review Commission has recently begun debating a proposal to amend the County Charter so as to preclude a property owner from voluntarily annexing into a municipality without prior County Commission approval.

The proposal's stated aim is to foster greater coordination between the County and its municipalities regarding future infrastructure and services needs.

Inasmuch as current state law provides for procedures to ensure long-term infrastructure and service planning occurs at the county and municipal level, and since the proposal has no standards which could effectively be reviewed by a court, and since the proposal undermines the right of a property owner to freely join or not join a municipality as the owner may decide is best, the Council is considering a resolution expressing formal opposition to the proposal.

Description:

n/a

Action Requested:

Motion to approve Resolution 2023-26

Process and Timeline:

The Charter Review Commission's next meeting is October 10th, and the Village Council desires to ensure its position is known to that body in advance of that meeting.

Financial Impact:

Adoption of this resolution has no financial impact on the Village.

Prepared by: Robert Eschenfelder, Village Attorney

Attachments:

1. Resolution No. 2023-26

RESOLUTION NO. 2023-26

A RESOLUTION OF THE VILLAGE OF ESTERO, FLORIDA, OPPOSING AMENDING THE COUNTY CHARTER IN ANY MANNER WHICH WOULD IMPEDE THE FREE RIGHT OF A PROPERTY OWNER TO VOLUNTARILY ANNEX INTO A MUNICIPALITY AND OPPOSING ANY CHARTER LANGUAGE WHICH WOULD ALLOW COUNTY COMMISSIONERS TO ARBITRARILY DECIDE IF A VOLUNTARY ANNEXATION MAY OCCUR; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 177.044(1) provides that the owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality; and

WHEREAS, the statute then goes on to allow the municipality, after it provides certain newspaper and county notices, to adopt an ordinance incorporating the property into the municipality's boundaries; and

WHEREAS, a member of the County Commission has asked the County's Charter Review Commission to approve a proposed amendment to the County Charter which would allow the County Commission to unilaterally and arbitrarily prohibit any voluntary annexation into a municipality within the County; and

WHEREAS, the proposed Charter amendment provides that if a property:

1. is located in a Lee County Utilities Future Water Service Area, or
2. is located in a Lee County Utilities Future Sewer Service Area, or
3. abuts, has direct access to, or its primary access to the public street network is or will be a County Maintained Roadway, then

then the County Commission must approve of the voluntary annexation of that property; and

WHEREAS, the proposed Charter language provides further that if a property seeking to voluntarily annex is within a fire control district, the municipality must first enter into an interlocal agreement with the district to provide fire protection services; and

WHEREAS, the proponent of the Charter language has indicated that the intent of the proposal is for the County and its municipalities to work together in the planning of infrastructure; and

WHEREAS, it is unclear how the voluntary annexation of a home or a business or vacant land could possibly have substantial Countywide infrastructure impacts; and

WHEREAS, it is also unclear how the adoption of a rule which provides that on a case-by-case basis a property owner and municipality would go through the entire voluntary annexation process, and then require the owner to petition the County Commission to agree, would create the

type of systematic cooperative planning process regarding future infrastructure needs which the proponent indicates is the aim of the proposal; and

WHEREAS, in 2006, the Florida Legislature adopted Part II of Florida Statutes Chapter 171, providing for Interlocal Service Boundary Agreements; and

WHEREAS, specifically, Florida Statutes § 171.203 authorizes the County Commission to initiate a collaborative process with some or all of its municipalities to develop agreements regarding, among other things, the identity of governmental units which will be responsible for providing public safety, fire, water, wastewater, road construction and maintenance, and stormwater management in areas which may be annexed; and

WHEREAS, this process would appear to afford the County with a greater opportunity to engage with its municipalities if there are concerns over such matters than individually halting voluntary annexations, large or small, regardless of existing or future use; and

WHEREAS, in regards to any concern that voluntary annexation would impose a negative impact on the County's fire districts;; and

WHEREAS, Florida Statutes § 171.203(8) already provides that in order to ensure that the health and welfare of the residents affected by annexation will be protected, all fire and emergency medical services shall be provided by the existing provider of fire and emergency medical services to the annexed area and remain part of the existing municipal service taxing unit or special district unless the county and annexing municipality reach an agreement regarding who shall provide such services; and

WHEREAS, setting aside that there are already adequate statutory mechanisms to allow counties and municipalities to systemically coordinate on issue of public safety, fire, water, and other infrastructure matters, the proposed Charter language is inconsistent with a property owner's right to voluntarily choose to become part of a municipality for whatever personal, business, financial or other reasons the owner may have; and

WHEREAS, the proposed Charter language would cause the owner of property who wanted to become part of one of the County's municipalities to first undertake the time and expense of working with the municipality to join, only to then petition the County Commission to agree, in a process which would not be applying any objective, quantifiable, measurable standards and would instead permit unfettered and subjective discretion on the part of the Commission; and

WHEREAS, such a process may be found by a reviewing court to be a taking of an owner's property rights, and may also be found by a reviewing court to be a deprivation of the owner's due process and equal protection rights; and

WHEREAS, with regard to the fire district provision, the owner would not even be able to petition the County Commission to approve the voluntary annexation unless the fire district approved an agreement with the relevant municipality (a process the owner cannot impact), even though the fire district would then also be able to effectively preclude the voluntary annexation by simply refusing to enter the required agreement; and

WHEREAS, while the City Council of the Village of Estero has been and will remain fully willing to engage with County leaders to discuss the planning of future infrastructure needs as the County continues to grow and as voluntary annexations may occur, it respectfully believes the proposed Charter language will not result in any systemic infrastructure solutions, is incompatible with freedom of choice of property owners, and may expose the County to needless litigation.

WHEREAS, the City Council desires to have its position known to the members of the County's Charter Review Commission as that body furthers its work for all of the citizens of the County, both those within municipalities and those in unincorporated portions of the County.

NOW, THEREFORE BE IT RESOLVED by the City Council of the Village of Estero, Florida, that:

Section 1. The Village Council of the Village of Estero opposes any amendment to the County's Charter which would deprive the owner of any residential or non-residential property to freely choose to become part of one of the County's municipalities as long as any statutory requirements regarding voluntary annexation are satisfied.

Section 2. The Village Mayor and Manager are authorized to convey the Village's position on this matter, and to engage in such other communication efforts as those officials deem appropriate to advocate for the continuation of the right of any County property owner to freely choose to join, or not join, a municipality.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this ____ day of _____, 2023.

Jon McLain, Mayor

Attest:

Carol Sacco, Village Clerk

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 4, 2023

Agenda Item:

Village Wide Traffic Study RFQ 2023-05

Approval of consultants ranking for The Village Wide Traffic Study as follows: Number 1 – Johnson Engineering; Number 2 – Trebilcock Consulting Solutions; Number 3 – Pennoni.

Authorize staff to negotiate a contract with the Number 1 ranked firm, Johnson Engineering, to provide professional consulting services for the Village Wide Traffic Study.

Background:

The Village of Estero's first Village Wide Traffic Study was completed in 2017. The study identified areas where improvements were needed to improve traffic flow and safety. A few of the projects identified in this report are:

1. Install Traffic Signal at Corkscrew Rd/Bella Terra (complete)
2. Add Turn Lanes onto I-75 (complete)
3. Install Traffic Signal at Corkscrew Rd/Puente Lane (complete)
4. Improvements at Cypress Shadows Blvd (complete, have since been removed with Corkscrew Rd Widening)
5. Extend/add Ben Hill Griffin southbound left turn at Corkscrew Road (complete)
6. Safety improvements at Corkscrew Woodlands Blvd. (complete)
7. Williams Road eastbound left turn lane (designed)
8. US 41 southbound left turn lane and Williams Rd westbound left turn lane (planning)
9. Three Oaks at Corkscrew Rd northbound right turn
10. Corkscrew Rd at US 41 westbound right turn

Since 2017 traffic within and surrounding the Village has changed significantly. The population in and around Estero has continued to grow. Several of the projects referenced in the 2017 report have been completed, are under construction or will be under construction soon (indicate above).

Extend/add Ben Hill Griffin southbound left turn at Corkscrew Road
11. Safety improvements at Corkscrew Woodlands Blvd.

Updating the Village Wide Traffic Study is important to document how traffic has changed and identify any new areas that need to be improved. The report is also important to help the Village understand how future developments could impact traffic flow and safety.

Description:

The Village of Estero advertised The Village Wide Traffic Study RFQ 2023-05 on August 10, 2023, and re-advertised on September 6, 2023, in an effort to receive more responses. The Village of Estero received responses from three qualified firms (Johnson Engineering, Pennoni, and Trebilcock Consulting Solutions) on September 20, 2023. Village Staff met on September 28, 2023, to discuss the three proposals. After discussion of each firm's qualifications, Village Staff ranked the firms as follows.

1. Johnson Engineering
2. Trebilcock Consulting Solutions
3. Pennoni

Action Requested:

Approval of consultants ranking for The Village Wide Traffic Study as follows: Number 1 – Johnson Engineering; Number 2 – Trebilcock Consulting Solutions; Number 3 – Pennoni.

Authorize staff to negotiate a contract with the Number 1 ranked firm, Johnson Engineering, to provide professional consulting services for the Village Wide Traffic Study.

Process and Timeline:

Project Advertised:	August 10, 2023;
Project Re-Advertised:	September 6, 2023;
Proposal Received:	September 20, 2023;
Selection Committee Meeting:	September 28, 2023

The project schedule will be identified within the negotiated contract.

Financial Impact:

The financial impact will be determined by the contract negotiations. The final contract and cost will be brought before the Village Council for approval.

The Fiscal Year 2023-2024 budget includes \$250,000 for The Village Wide Traffic Study.

Prepared by: David Willems, P.E.

Attachments:

1. September 28, Selection Committee Meeting Minutes
2. Ownership Disclosure

MEMORANDUM

To: PROJECT FILE, MINUTES OF MEETING
From: Purchasing
RE: **RFQ 2023-05 VILLAGE WIDE TRAFFIC STUDY
SELECTION COMMITTEE MEETING**

MEETING DATE: September 28, 2023 TIME: 4:00 PM

COMMITTEE MEMBERS: Steve Sarkozy, David Willems, Mary Gibbs

At 4:15 p.m. the selection committee meeting was called to order by Kevin Greenville, Finance Director. Introductions were put on the record by everyone in attendance. The meeting was then turned over to the committee.

The committee discussed each firm submittal. The committee complimented each of the firms on being well qualified for the project. Johnson Engineering is a large local firm with a depth of local experience. Pennoni is a larger firm with a local office, but the people working on the project are from outside the area. Trebilcock is a smaller local firm with a lot of experience related to traffic studies.

A motion to approve the following ranking was made by David Willems and seconded by Mary Gibbs, and then called and carried with no further questions.

1. Johnson Engineering
2. Trebilcock Consulting Services
3. Pennoni

The meeting was adjourned at 4:25 p.m.

RFQ No.: RFQ 2023-05

VILLAGE OF ESTERO, FLORIDA
VENDOR DISCLOSURE FORM

Project No.: RFQ 2023-05

Project Name: Village-Wide Traffic Study Update

Please check as appropriate:

☐ I am the sole proprietor/owner. The company is not publicly held.

☒ The company is not publicly held.
The names and addresses of the owners having a greater than 5% interest is attached.

☐ The company is publicly held.
The names and addresses of the owners having a greater than 5% interest is attached.

I do hereby certify that to the best of my knowledge and belief certify that the information above and attached is true and correct.

Signed: 
Vendor

Printed Name Michael Dickey, PE, Vice President/Chairman

Company Name: Johnson Engineering, Inc.

Date: 8/10/2023

RFQ No.: RFQ 2023-05

NAMES & ADDRESSES OF OWNERS

NOTE: Please list individuals; the listing of a corporation(s) is **NOT** acceptable.

Lonnie V. Howard - 2122 Johnson Street, Fort Myers, FL 33901 17.3%

Michael Dickey - 2122 Johnson Street, Fort Myers, FL 33901 11.2%

<u>Ryan Bell - 2122 Johnson Street, Fort Myers, FL 33901</u>	9.7%
--	------

Dana Hume - 2122 Johnson Street, Fort Myers, FL 33901	9.2%
---	------

Matt Howard - 2122 Johnson Street, Fort Myers, FL 33901 7.4%

Andrew Tilton - 2122 Johnson Street, Fort Myers, FL 33901 6.2%

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 4, 2023

Agenda Item:

First Reading of Ordinance No. 2023-07 approving additional powers for the Habitat Community Development District

Motion to pass first reading and set second reading and public hearing for October 18, 2023

Background:

Lee County established a Community Development District for the Habitat property in 2003. Habitat is now known as the residential community of Bella Terra. This 961-acre property is located on the south side of Corkscrew Road adjacent to RiverCreek on the west and the Village limits on the east.

Community Development Districts are authorized under Florida Statute Chapter 190. They have governing bodies with limited powers and typically provide infrastructure and services such as water, sewer, and stormwater.

Description:

The Board of Supervisors for Habitat CDD is requesting Additional Powers under Florida Statutes Section 190.012(2)(d) to include security, more specifically:

(d) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. However, this paragraph does not prohibit a district from contracting with a towing operator to remove a vehicle or vessel from a district-owned facility or property if the district follows the authorization and notice and procedural requirements in s.715.07 for an owner or lessee of private property. The district's selection of a towing operator is not subject to public bidding if the towing operator

is included in an approved list of towing operators maintained by the local government that has jurisdiction over the district's facility or property.

Action Requested:

Motion to pass first reading and set second reading and public hearing for October 18, 2023

Process and Timeline:

- Application submitted August 29, 2023
- Planning Zoning and Design Board review not required
- First reading scheduled for October 4, 2023
- Second reading will be scheduled for October 18, 2023

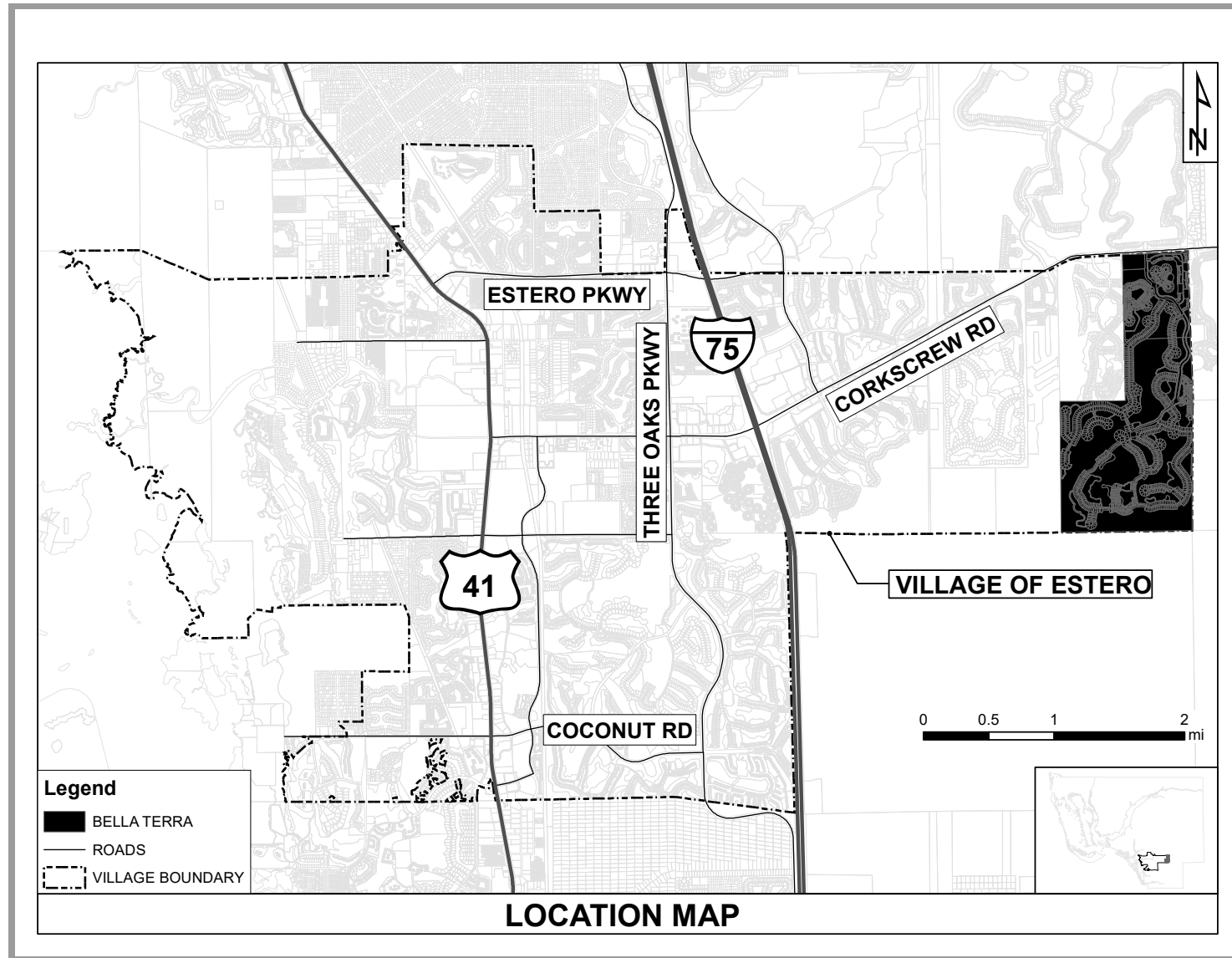
Financial Impact:

Minor cost for newspaper advertisement. No other financial impact to Village as all costs associated with increased security will be funded by the CDD.

Prepared by: Mary Gibbs

Attachments:

1. Location Map
2. Ordinance No.2023-07
3. Applicant's Request for Additional Powers Pursuant to Section 190.012(2)(d) Florida Statutes
4. Resolution from Board of Supervisors of Habitat Community Development District Requesting Additional Powers for Security
5. Lee County Ordinance No. 03-10 Establishing the Habitat Community Development District in 2003



VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2023 - 07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, CONSENTING TO THE EXERCISE BY THE BOARD OF SUPERVISORS OF HABITAT COMMUNITY DEVELOPMENT DISTRICT OF CERTAIN ADDITIONAL POWERS RELATING TO SECURITY; PROVIDING FOR CONFLICT AND SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on April 8, 2003, the Board of County Commissioners of Lee County adopted Ordinance No. 03-10, establishing the Habitat Community Development District ("District") as a community development district within the authority of Chapter 190 Florida Statutes; and

WHEREAS, subsequent to the establishment of the District by Lee County, the Village of Estero ("Village") was established; and

WHEREAS, the District is now located wholly within the boundaries of the Village; and

WHEREAS, Pursuant to Section 190.012 Florida Statutes, community development districts have special powers relating to security, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included within the district; and

WHEREAS, the Board of Supervisors of the District adopted a resolution requesting that the Village consent to the exercise by the District of certain special powers specified in Section 190.012(2)(d), Florida Statutes, in order to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; provided, however that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the District's boundaries; and

WHEREAS, the Village Council acknowledges the District's desire to exercise the special powers set forth in Section 190.012(2)(d), Florida Statutes, and that these improvements and additions will be funded solely from the District's budget.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA:

Section 1. Consent

The Council hereby consents to the exercise by the Board of Supervisors of the District of the special powers set forth in Section 190.012(2)(d), Florida Statutes in order to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; provided, however that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the District's boundaries.

Section 2. Conflict and Severability

In the event this Ordinance conflicts with any other Village of Estero ordinance or other applicable law, the more restrictive will apply. If any portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portion.

Section 3. Effective Date

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 4th day of October, 2023.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 18th day of October, 2023.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Jon McLain, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor McLain	_____	_____
Vice Mayor Ribble	_____	_____
Councilmember Fayhee	_____	_____
Councilmember Fiesel	_____	_____
Councilmember Lopez	_____	_____
Councilmember Ward	_____	_____
Councilmember Zalucki	_____	_____

Ordinance No. 2023-07
Habitat CDD

Page 2 of 2



Writer's Email:
gurbancic@cyklawfirm.com

August 30, 2023

VIA FEDEX

Village of Estero – Community Development
Attn: Mary Gibbs, Director of Community Development
9401 Corkscrew Palms Circle
Estero, FL 33928

**Re: Habitat Community Development District
Request for Additional Powers Pursuant to Section 190.012(2)(d), Florida Statutes**

Dear Mary:

My law firm serves as legal counsel to the Habitat Community Development District (the "District"). The District was established on April 8, 2003 by the Lee County Board of County Commissioners pursuant to Ordinance No. 03-10 and is fully operating. Subsequent to the adoption of Ordinance No. 03-10, the Village of Estero (the "Village") was established. The District lies within the jurisdiction of the Village and we understand from the County that this correspondence should be directed to the Village.

The establishment of the District was done prior to the various statutory amendments that changed how certain other special power authorizations could be obtained under Section 190.012, Florida Statutes. Previously, the request for such additional powers had to be made after the establishment of the District rather than simultaneous with the establishment of the District. In this case, it does not appear from available records that the District ever obtained the consent to the exercise of the special powers under Section 190.012(2)(d), Florida Statutes.

The Board of Supervisors of the District has requested that my office pursue with the Village authorization to exercise the additional powers under Section 190.012(2)(d), Florida Statutes. These powers are generally related to security.

Enclosed with this correspondence are the following items for your information relating to this matter:

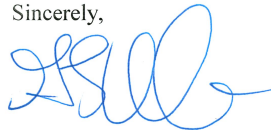
1. Ordinance No. 03-10;
2. Resolution 2023-07 of the District's Board of Supervisors formally requesting the Village consent to the exercise of these additional powers by the District;
3. One (1) flash drive containing a copy of Ordinance No. 03-10 and Resolution 2023-07;
4. Check No. 2558 in the amount of \$1,500.00 representing the filing fee.

cyklawfirm.com

Mary Gibbs, Director of Community Development
August 30, 2023
Page 2 of 2

After your review of the foregoing, please contact me if you have any questions or if you require any additional information. Thank you for your assistance in this matter.

Sincerely,



Gregory L. Urbancic
For the Firm

Enclosures

cc: Calvin Teague, Premier District Management, LLC
Board of Supervisors

cyklawfirm.com

RESOLUTION NO. 2023-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF HABITAT COMMUNITY DEVELOPMENT DISTRICT REQUESTING THAT THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA CONSENT TO THE EXERCISE BY THE DISTRICT OF CERTAIN ADDITIONAL POWERS PURSUANT TO SECTION 190.012(2)(D), FLORIDA STATUTES TO PLAN, ESTABLISH, ACQUIRE, CONSTRUCT OR RECONSTRUCT, ENLARGE OR EXTEND, EQUIP, OPERATE AND MAINTAIN ADDITIONAL SYSTEMS AND FACILITIES FOR SECURITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HABITAT COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “**Board**”) of Habitat Community Development District (the “**District**”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 190, Florida Statutes, and its Charter as adopted by Ordinance No. 03-10 of the Lee County Board of County Commissioners on April 8, 2003 (the “**Ordinance**”) and other applicable provisions of law.

SECTION 2. FINDINGS.

A. Pursuant to the Ordinance, Lee County (the “**County**”) established Habitat Community Development District (the “**District**”) as a community development district within the meaning of Chapter 190, Florida Statutes.

B. Subsequent to the adoption of the Ordinance by the County, the Village of Estero, Florida (the “**Village**”) was established. The District lies within the jurisdiction of the Village.

B. The Board of the District now desires to adopt this Resolution requesting the Village to consent by ordinance or resolution to the exercise by the District of certain additional powers specified in Section 190.012(2)(d), Florida Statutes and to submit such Resolution to the Village.

SECTION 3. REQUEST FOR ADDITIONAL POWERS. The District hereby requests that the Village consent by ordinance or resolution to the exercise by the District pursuant to Section 190.012(2)(d), Florida Statutes of the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic

intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; provided, however that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the District's boundaries. The District Counsel and District Manager are hereby authorized to submit this Resolution to the Village and pursue the authority to exercise the powers described herein.

SECTION 4. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 5. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of Habitat Community Development District this 15th day of August, 2023.

Attest:

**HABITAT COMMUNITY
DEVELOPMENT DISTRICT**


Calvin Teague, Secretary


Larry Roth, Chair

LEE COUNTY ORDINANCE NO. 03-10

AN ORDINANCE ESTABLISHING THE HABITAT COMMUNITY DEVELOPMENT DISTRICT; NAMING THE DISTRICT; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; ESTABLISHING AND DESCRIBING THE EXTERNAL BOUNDARIES OF THE COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE INITIAL POWERS OF THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE STATUTORY PROVISIONS GOVERNING THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING ADDITIONAL CONDITIONS IMPOSED ON THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FILED
2003 APR 14 PM 1:44
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, Habitat Lakes, LLC, has petitioned the Lee County Board of County Commissioners to establish the HABITAT COMMUNITY DEVELOPMENT DISTRICT, a Uniform Community Development District (UCDD), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes; and

WHEREAS, the Lee County Board of County Commissioners, after proper published notice, conducted a local public information-gathering ordinance hearing as required by law and finds as follows:

1. The petition is complete in that it meets the requirements of §190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.
2. The Lee County Executive Regulatory Oversight Committee has reviewed and approved the petition for establishment of the proposed district.
3. The costs to the County and government agencies from establishment of the district are nominal. There is no adverse impact on competition or employment from district establishment. The persons affected by establishment are the future landowners, present landowners, Lee County and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from district establishment as the entity to manage and finance the statutory services identified. The impact of district establishment and function on competition and the employment market is marginal and generally positive,

as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the ordinance, is as economically viable as establishing the district. Methodology is set forth in the economic impact statement on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

4. Establishment of the proposed district, whose charter is consistent with §§190.006 - 190.041, Florida Statutes, was created by general law, is not inconsistent with the local Comprehensive Plan of Lee County or the State Comprehensive Plan.

5. The area of land within the proposed district is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.

6. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

7. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.

8. The area that will be served by the district is amenable to separate special district government.

9. The proposed district, once established, may petition the Board of County Commissioners for consent to exercise one or more of the powers granted by charter in §190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the proposed Habitat Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law; and has the right to seek consent from Lee County for the grant of authority to exercise special powers in accordance with F.S. 190.012(2), without question as to the district's continued right, authority and power to exercise its limited powers as established by this ordinance.

11. All notice requirements of law were met and complete notice was timely given.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: DISTRICT NAME AND LEGAL DESCRIPTION

The community development district herein established will be known as the Habitat Community Development District. A copy of the legal description of the community development district is attached as Exhibit "A" and incorporated herein by reference.

SECTION TWO: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to §190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

SECTION THREE: ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT

The Habitat Community Development District is hereby established within the boundaries of the real property located in Lee County, Florida, and described in Exhibit "A" attached hereto and incorporated by reference.

SECTION FOUR: DESIGNATION OF INITIAL MEMBERS OF THE BOARD OF SUPERVISORS

The following five persons are designated to be the initial members of the Board of Supervisors:

- | | | |
|----|-----------------------------|--|
| 1. | Antonio Gonzalez, P.E., PLS | 782 NW 42 nd Avenue #630
Miami, FL 33126 |
| 2. | Carlos Montero | 1717 North Bayshore Drive
Apt. #1457
Miami, FL 33132 |
| 3. | Michael Montero, Esq. | 1885 SW 18 th Street
Miami, FL 33145 |
| 4. | Felix Pardo | c/o Felix Pardo and Associates, Inc.
5545 SW 8 th Street #205
Miami, FL 33126 |
| 5. | Reynaldo Mayor | 780 NW 42 nd Avenue #616
Miami, FL 33126 |

**SECTION FIVE: INITIAL POWERS OF
THE COMMUNITY DEVELOPMENT DISTRICT**

Upon the effective date of this Ordinance, the proposed Habitat Community Development District will be duly and legally authorized to exist and exercise all of its powers in accordance with §§190.011 and 190.012(1), Florida Statutes, subject to any conditions imposed herein; and has the right to seek consent from Lee County for the grant of authority to exercise additional special powers in accordance with §190.012(2), Florida Statutes.

**SECTION SIX: STATUTORY PROVISIONS GOVERNING
THE COMMUNITY DEVELOPMENT DISTRICT**

The Habitat Community Development District will be governed by the provisions of Chapter 190, Florida Statutes,

**SECTION SEVEN: ADDITIONAL CONDITIONS IMPOSED ON THE
COMMUNITY DEVELOPMENT DISTRICT**

The Habitat Community Development District will also be subject to the following additional conditions:

1. Any and all agreements for the sale of property within the boundaries of the Habitat Community Development District must include the disclosure statement required in Section 190.048, Florida Statutes, for the initial sale of the property. This requirement applies to the initial seller of the property as well as all subsequent sellers, successors and assigns for the life of the Habitat Community Development District.

SECTION EIGHT: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Lee County ordinance or other applicable law, the more restrictive will apply. If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining portion.

SECTION NINE: EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Office of the Secretary of the Florida Department of State.

THE FOREGOING ORDINANCE was offered by Commissioner Robert P. Janes, who moved its adoption. The motion was seconded by Commissioner Andrew W. Coy and, being put to a vote, the vote was as follows:

ROBERT P. JANES	AYE
DOUGLAS R. ST. CERNY	AYE
RAY JUDAH	AYE
ANDREW W. COY	AYE
JOHN E. ALBION	AYE

DULY PASSED AND ADOPTED THIS 8TH DAY OF APRIL, 2003.

ATTEST:
CHARLIE GREEN, CLERK

By: Michelle S. Cooper
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Ray Judah
Chairman

APPROVED AS TO FORM:

By: John W. Hedgcock
Office of County Attorney

S:\LU\JJF\jfu\Habitat CDD\Habitat CDD Ordinance.wpd JJF

EXHIBIT "A"**Banks Engineering, Inc.**Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTADESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 20, 29 AND 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**EXHIBIT-2**
(CDD PARCEL – 961.07 ACRES, MORE OR LESS)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 20, 29 AND 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

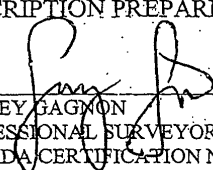
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST; THENCE N.89°19'57"E. ALONG THE NORTH LINE OF SAID SETION FOR 2634.97 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 32; THENCE N.01°08'41"W. ALONG THE EAST LINE OF THE WEST HALF (1/2) OF SAID SECTION 29 FOR 2641.21 FEET; THENCE CONTINUE N.01°08'41"W. ALONG SAID EAST LINE FOR 2641.21 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 29; THENCE N.01°09'39"W. ALONG THE EAST LINE OF THE WEST HALF (1/2) OF SAID SECTION 20 FOR 595.30 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE N.86°32'32"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 2641.52 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID SECTION 20; THENCE S.01°09'13"E. ALONG SAID EAST LINE FOR 725.67 FEET TO THE NORTHEAST CORNER OF SAID SECTION 29; THENCE S.01°05'47"E. ALONG THE EAST LINE OF SAID SECTION 29 FOR 2640.31 FEET; THENCE CONTINUE S.01°05'47"E. ALONG SAID EAST LINE FOR 2640.30 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S.00°42'05"E. ALONG THE EAST LINE OF SAID SECTION 32 FOR 2638.41 FEET; THENCE CONTINUE S.00°42'05"E. ALONG SAID EAST LINE FOR 1990.64 FEET; THENCE S.89°06'24"W. FOR 2641.80 FEET; THENCE S.00°40'39"E. FOR 647.76 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 32; THENCE S.89°07'51"W. ALONG SAID SOUTH LINE FOR 2644.83 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE N.00°30'10"W. ALONG THE WEST LINE OF SAID SECTION 32 FOR 2646.68 FEET; THENCE N.00°31'59"W. ALONG SAID WEST LINE FOR 2649.87 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

PARCELS CONTAIN 961.07 ACRES, MORE OR LESS.

ASSUMED NORTH BASED ON THE NORTH LINE OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST, AS BEARING N.89°19'57"E.

DESCRIPTION PREPARED 08-26-02

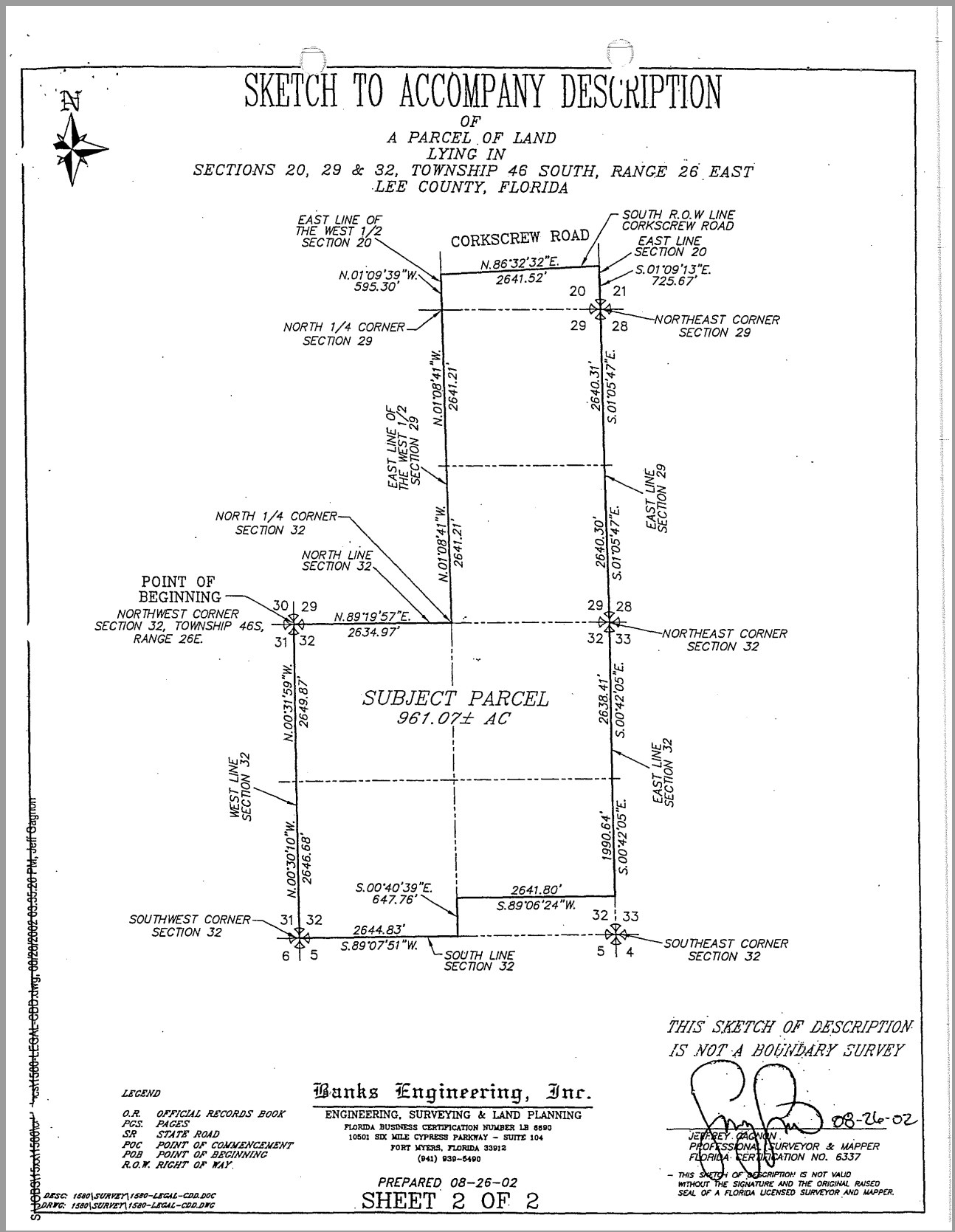
 08-26-02
JEFFREY HAGMON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 6337

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SHEET 1 OF 2

10511 Six Mile Cypress Pkwy, Suite 101, Ft Myers, Florida 333912 • (239) 939-5490 • Fax (239) 939-2923

2003 APR 14 PM 1:44
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
FILED



Charlie Green
Clerk of Circuit Court
Lee County, Florida

STATE OF FLORIDA

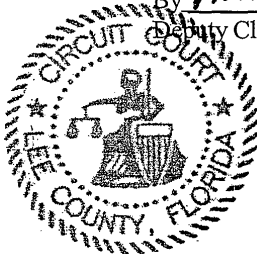
COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and
ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do
hereby Certify that the above and foregoing, is a true and correct copy of
Ordinance No. 03-10, adopted by the Board of Lee County Commissioners, at
their meeting held on the 8th day of April, 2003.

Given under my hand and seal, at Fort Myers, Florida, this 11th
day of April, 2003.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By Michelle S. Cooper
Deputy Clerk

The seal of the Circuit Court of Lee County, Florida, is circular. It features a central figure of a person sitting at a desk with a gavel, surrounded by the words "CIRCUIT COURT" and "LEE COUNTY, FLORIDA".

FILED
2003 APR 14 PM 1:44
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

Clerk of County Court - Comptroller - Auditor - Recorder - Custodian of All County Funds
P.O. Box 2469 Fort Myers, Florida 33902-2469 (941) 335-2283

A black and white copy of this document is not official

STATE OF FLORIDA DEPARTMENT OF STATE

Division of Elections

I, Glenda E. Hood, Secretary of State of the State of Florida,
do hereby certify that the above and foregoing is a true and correct
copy of Lee County Ordinance No. 03-10, which was filed in this
office on April 14, 2003, pursuant to the provisions of Section
125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
15th., day of April, A.D., 2003.



Glenda E. Hood

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 4, 2023

Agenda Item:

Resolution No. 2023-25 confirming under the State “Live Local Act” that there is no Village-owned property suitable for affordable housing.

Approve Resolution No. 2023-25

Background:

The “Live Local Act” amended Florida Statutes to require that by October 1, 2023, each municipality shall prepare an inventory of all property owned by the municipality which is appropriate for use as affordable housing. Each city must adopt a resolution and inventory list, post it on its website, and update it every three years.

Description:

Staff has evaluated the limited list of Village-owned property and has found no property appropriate for affordable housing as described in the Live Local Act.

Action Requested:

Approve Resolution No. 2023-25

Process and Timeline:

- Live Local Act requires each city to adopt a Resolution by October 1, 2023
- Resolution scheduled for October 4, 2023 Council meeting
- Inventory list must be posted on website and updated every 3 years

Financial Impact:

No financial impact

Prepared by: Mary Gibbs

Attachments:

1. Resolution No. 2023-25

RESOLUTION NO. 2023-25**A RESOLUTION OF THE VILLAGE OF ESTERO,
FLORIDA, CONFIRMING NO OWNERSHIP OF
PROPERTY SUITABLE FOR AFFORDABLE HOUSING;
MAKING RELATED FINDINGS; PROVIDING FOR
SEVERABILITY AND FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter Law 2023-17, Laws of Florida, commonly referred to as the Live Local Act, amended Florida Statutes § 166.0451 to require that by October 1, 2023, and every three years thereafter, each municipality shall prepare an inventory of all real property within its jurisdiction to which the municipality (or any dependent special district within its boundaries) holds fee simple title which is appropriate for use as affordable housing; and

WHEREAS, the inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved; and

WHEREAS, following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property, which inventory list shall be made publicly available on the municipality's website to encourage potential development; and

WHEREAS, the Village staff has examined the Village's real property holdings and has advised the Council that the Village does not own any real property appropriate for affordable housing; and

WHEREAS, the Village Council desires to be compliant with this statutory requirement and therefore adopts this Resolution.

NOW, THEREFORE BE IT RESOLVED by the Village Council of the Village of Estero, Florida, that:

Section 1. Inventory List

The Village of Estero does not own in fee simple any real property which is appropriate for use as affordable housing.

Section 2. Instructions to Village Manager

A. Pursuant to the statutory requirement, the Village Manager or designee shall ensure a copy of this Resolution is posted at an appropriate location on the Village's website.

B. Pursuant to the statutory requirement for a review of this law every 3 years, the Village Manager or designee shall schedule adoption of a similar Resolution in the fall of 2026.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this ____ day of _____, 2023.

Jon McLain, Mayor

Attest:

Carol Sacco, Village Clerk

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 4, 2023

Agenda Item:

Discussion of revision of Council Procedures

Background:

At its meeting of September 20th, 2023, the Council discussed the potential for improvements in its current Council Rules of Procedure, particularly regarding creating greater specificity as to the rules surrounding the timing and topics of public comment.

Council asked the Village Attorney to prepare some recommendations for the Council's consideration at a future workshop. Pursuant to that direction, the Village Attorney has drafted the attached revisions to the current Rules of Procedure for workshop discussion.

Description:

This agenda item is a workshop discussion of potential revisions to the Council Rules of Procedure.

Action Requested:

N/A

Process and Timeline:

Once Council provides direction on final wording, the Village Attorney will make final revisions to the Rules of Procedure and bring back a Resolution for the Council to adopt any approved revisions.

Financial Impact:

N/A

Prepared by: Robert Eschenfelder, Village Attorney

Attachments: Draft Rules of Procedure with attorney recommended revisions.

Page 1 of 1

**RULES OF PROCEDURE
VILLAGE COUNCIL
VILLAGE OF ESTERO**

Purpose.

The purpose of the rules of procedure is to ensure that the public's business is transacted efficiently and effectively and to promote order and cooperation in the deliberation of public policy. These rules are designed to promote thoughtful, fair, and organized debate and action on the part of the Village Council of Estero (Council), and they are designed to protect the rights of the public, the minority, and the individual Members of the Council to be heard and considered.

These rules will generally govern the proceedings before all other Village of Estero advisory boards. Where reference is made to the Council, Council Members, Mayor or Vice-Mayor; it will apply to each Village Board, its Board Members, its Chair and its Vice-Chair to the extent that it is relevant.

Section 1. Rules of Order and Quorum.

- (a) Except as otherwise required by law or by the Village Charter, or an ordinance or resolution of the Council, all proceedings shall be governed by these rules of order. The Village Attorney shall act as a parliamentarian and shall render opinions on procedures or matters not covered in these rules. In situations where these rules are silent, Robert's Rules of Order shall apply.
- (b) A majority of the Council Members serving constitutes a quorum for the conduct of business at any meeting. Unless a quorum is present, no action may be taken except to adjourn. The Mayor or Vice-Mayor shall preside, as Chair. If both are absent, the present Members shall elect a presiding Council Member. A Member present but disqualified from voting on a question by a state law, the Village Charter, or an ordinance due to a conflict of interest shall be counted for the purposes of a quorum. Members are required to abide by the ruling of the Chair, subject to appeal by the Council.
- (c) All meetings of the Council shall be noticed as required by law and open to the public.

- (d) Questions of order shall be decided by the Chair without debate, subject to appeal by the Council.
 - 1) An appeal of the ruling of the Chair must be seconded and is subject to debate.
 - 2) The Chair then puts to a vote the question, “Shall the decision of the Chair be over-ruled?” The Chair also votes. A majority vote to overrule, overrules the ruling of the Chair, however a minority vote or tie vote sustains the ruling of the Chair.
- (e) If a Member believes the Rules of Procedure are being violated, that Member may interrupt a speaker without being recognized by stating, “Point of order.” No motion is required nor is debate allowed. The Chair shall ask the Member to state the point and shall rule on the matter. The ruling is subject to appeal. If the Chair is in doubt, the Chair may put the question to a vote.
- (f) These Rules of Procedure may be suspended for a definite purpose by majority vote.

Section 2. Introduction of Agenda Subjects and Motions.

- (a) The Village Clerk or Village Manager shall read an ordinance or resolution by title only (except where otherwise provided by law).
- (b) Following the introduction of a subject, discussion by the Council is permitted prior to and after the introduction of a motion. The Council Members shall signal their desires to speak by raising a hand. The Chair shall call on each Council Member as seen.
- (c) The Chair will recognize those citizens who have filled out a speaker’s card prior to a vote on a motion. Such recognition may occur prior to or after a motion is introduced.
- (d) When a motion is proposed and seconded, the Chair will repeat the motion and the names of the Council Members initiating and seconding the motion.

- (e) Motions shall be made in the affirmative (i.e. “I move that...be approved” or “I move that...be denied.”)
 - 1) The Member offering the motion will be given the first opportunity to speak to the motion, followed in order by other Members wishing to be heard. Member comments should be as succinct as possible and directed to the Motion. Personal criticisms of other Members or the Public may be ruled out of order.
 - 2) Following comments from each Member who wishes to speak, each Member may again comment. Further comments will be at the discretion of the Chair.
 - 3) When known, the proposer shall be given the opportunity to make the motion with respect to such proposal.
- (f) All motions shall be open to amendments.
- (g) When an amendment is offered, the amendment must be seconded and is debatable. A vote shall be taken on the amendment. If an amendment is adopted by majority vote, debate may continue on the main motion as amended
- (h) A Member may request that the person offering the motion consider an amendment to a motion. If the maker and the person who seconded the motion agree, the motion shall be amended without a vote. The Chair shall state the motion as amended.
- (i) If a vote of the Council is equally divided, the vote will be considered to be in the negative and will not pass.

Section 3. Voting Requirements.

- (a) Actions of the Council shall be by majority vote of the Members ~~present~~ at a public meeting where a quorum is present, except where otherwise provided by law.
- (b) Every Council Member present (whether in person or remotely by phone or electronic means) shall vote on every question except when required

or permitted to abstain from voting by law.

- (c) Votes may be by voice. Those in favor of a motion shall signify by saying “yes”, and those against shall signify by saying “no”. However, any Member may require a roll call vote on any issue.
- (d) The Chair or any Council Member may call for a roll call vote. The order of the roll call vote will be by district number, Vice Chair, with the Chair to cast the last vote. The Clerk will reverse the roll call by district number for each alternate vote.
- (e) The vote on every question for each Member will be recorded in minutes.
- (f) Votes on ordinances will be by roll call vote.
- (g) When a quorum is present and a Council Member or Council Members are participating by telephone or other electronic means where they can hear and be heard by persons in Council Chambers, those Council Members participating by phone or other electronic means are considered present, and therefore authorized to participate fully and to vote on motions and all other matters presented to the Village Council.
- (h) Members participating by phone or other electronic means must affirm that they have heard all proceedings with respect to the matter prior to voting.

Section 4. Reconsideration of a Motion.

- (a) During the meeting in which a matter has been voted on, the Council may reopen the matter by a simple majority vote and reconsider its decision. The request to re-open the matter must be made by a person that voted in the majority.
- (b) After adjournment of the meeting in which the matter was voted on, reconsideration must adhere to the following:
 - 1) Only Council Members may request reconsideration of an agenda

Page | 4

item which has been voted on previously by the Council.

- 2) Any Council Member who voted with the majority or was not present for the original vote may ask for reconsideration. Where the matter resulted in a tie vote, any Council Member who voted may request consideration.
- 3) A request for reconsideration must be transmitted in writing or by email to the Chair no later than by the close of business two days prior to the next regularly scheduled Council meeting after the item was voted upon.
- 4) The Council will first discuss whether to reconsider the item. A majority vote in favor of the reconsideration will place the item on a future regularly scheduled Council meeting agenda as set out below. Failure to receive a majority vote will halt the reconsideration process.
- 5) Items approved for reconsideration shall be placed on the next regularly scheduled Council meeting agenda unless the Council specifically votes to set a different schedule for hearing the matter. The Village Clerk shall make a good faith effort to notify all parties who participated by speaking or submitting registration forms or written materials at the first hearing of the date of reconsideration; however, failure of such notification shall not invalidate or otherwise affect such reconsideration.

(c) General Rules:

- 1) A matter may only be reconsidered one time by the Council within any one (1) year period, after the initial vote. After that, any matter or any issues subsumed by it shall require a new agenda submittal, including but not limited to:
 - a) A new petition, including filing fees and advisory board hearings where appropriate.
 - b) Council action on the matter.
 - c) The policy contained herein shall constitute the full and

Page | 5

complete reconsideration of a matter by the Council.

- d) Reconsideration will not toll or suspend any deadline for appealing or otherwise challenging the original decision, unless Council specifically indicates to the contrary in conjunction with the scheduling of the Reconsideration hearing.

Section 5. Types of Motions.

(a) Main Motion:

- 1) Defined as a proposal that certain action be taken or an opinion be expressed by a group.
- 2) The words to use are, “I move...”

(b) Secondary Motion:

- 1) Motions can be made while the main motion is on the floor and before it has been decided. These are called “secondary motions”, and they include subsidiary and privileged motions. A secondary motion can be introduced while the main motion is being debated. The secondary motion shall be considered first.
 - a) The most common is a “motion to amend [the main motion]”. The motion must be debated and voted upon before the main motion is further considered.
 - b) Some secondary motions are not debatable. These include the following: “move to the previous question”; “call the question”, which takes Members back to the main motion if approved; “recess or adjourn”; “to table”; and “to suspend the rules”. A call for the question requires a second if Members informally do not agree to suspend debate.
 - c) Debatable secondary motions include: “to amend”; “to refer to committee”; or “to postpone to a time certain”.

Section 6. Agenda.

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- (a) The Village Manager is solely responsible for the preparation of the agenda for meetings of the Council.
- (b) The Village Clerk will post or otherwise provide notice containing date, time, and location of Council meetings as required by law.
- (c) Items on the agenda will be accompanied by relevant documentation. The agenda, agenda memorandum, and supporting information will, whenever reasonably possible, be provided to the Council by noon on the Wednesday preceding a regular Council meeting, and at least two days in advance of any special called or workshop meeting except for emergency meetings. Revised or additional information may be distributed via an agenda supplement at least 24 hours in advance of a meeting, whenever reasonably possible.
- (d) Exhibits, including documents, photos, PowerPoint or other electronic media presentations, or other evidence in support of a petition must be submitted to the departmental staff by close of business seven days prior to the hearing. Any amendments to the submittal must be received by the close of business five days before the hearing. Failure to do so is grounds for the Council to determine not to admit the new exhibit into evidence or consider the exhibit or testimony pertaining to it, for the matter to be continued, or for the matter to be remanded to the appropriate advisory board. It is the petitioner's responsibility to ensure that all exhibits that he or she wants to be considered are in the Council packet prior to the foregoing deadline. Deadlines falling on holidays are extended to the next non-holiday workday.
- (e) The agenda for regular and workshop meetings shall include provisions for a public comment period to address matters not on the Council agenda. The public comment period shall follow the conclusion of all old and new business, and be placed on the agenda immediately before the comments/reports of individual Council Members, the Attorney and the Manager~~The public has a right to speak before the Council.~~
- (f) The agenda will include a section for "correspondence and communication" by the Council following the Business Section.
 - 1) A Council Member may request that a subject matter be placed on

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a future workshop or regular agenda.

- 2) If two or more members request an item to be placed on a Council meeting agenda, the item will be placed on the next available Council agenda, or on a subsequent agenda as deemed appropriate by the Manager.
 - 3) A Council Member may provide a “position paper”, memorandum, or summary to the Village Manager prior to the distribution of the agenda to clarify the purpose and the intent of the subject matter, subject to restrictions in the Sunshine Law including, prohibiting a request for a reply, or for a reply to all.
 - 4) Council Members may share reports, information, correspondence, or other items they deem necessary for the Council to hear subject to restrictions in the Sunshine Law.
 - 5) Council Members will be given an opportunity to respond to any oral or written comments from other Council Members so as to encourage open discussion, subject to restrictions in the Sunshine Law.
- (g) The agenda may have a “consent agenda” section for items relating to routine business, reoccurring, or non-controversial business of the Council.
- 1) The intent of the “consent agenda” is to facilitate the conduct of the Council’s business in an efficient, timely, and orderly manner.
 - 2) Should a Council Member desire to discuss any item on the consent agenda, the Member shall request that the item be removed from the consent agenda. The Council will consider that an item of business separate from the other items on the consent agenda. Any Member of the Council may remove an item from the consent agenda.
 - 3) Public Comments as to Consent Agenda Items. Pursuant to the Florida right to speak law, before voting on a motion to approve the consent agenda, the Chair shall allow members of the public to address the Council as to any consent agenda items. A person

commenting on consent agenda items shall be limited to three (3) minutes as to all consent agenda items. Public comment prior to approval of the consent agenda items is not permitted to the extent the comment is directed at the adoption of minutes or ceremonial proclamations, or other similar ministerial acts.

- (h) The agenda packet will be in electronic format. The Council agenda and packet will be posted on the Village's website for public review at least seven days prior to the meeting whenever reasonably possible, or within any shorter time that may be required by law. In addition, the Village Clerk will have at least one (1) hard copy of the agenda packet available for public review before the meeting and at the meeting.

- (i) Matters not on the agenda. While Florida law does not require a matter to appear on a published agenda before it is acted on, the Council always desires to provide notice to Village residents in advance of a vote. Therefore, as to matters not on the published agenda but which are added to the agenda at the meeting, the Council will not ordinarily take action at the same meeting wherein a matter is first raised, but may direct that the item be placed on a future agenda. However, the Council reserves the right to vote on matters added to the agenda where the matter is either minor in nature, addresses a matter of internal Village operations or staffing, or where a legal or business deadline (such as a grant application or court filing deadline) would not provide enough time for the item to wait to the next agenda.

Section 7. Meetings of the Council.

- (a) A schedule of Council regular and workshop meetings for the year shall be adopted by motion prior to January of each year. As required by the Village Charter, at least 12 regular meetings must be scheduled each year. Any changes in the adopted schedule shall be made by motion of the Council.
- (b) The Council may hold special meetings at any time pursuant to the call of the Mayor or majority of Members. Where feasible, at least 24-hours notice shall be provided in writing or email to each Member. The notice shall specify the subject of the special meeting.
- (c) Executive sessions (closed-door meetings or portions of meetings) may

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be held and shall be limited to those subject matters authorized by law (Florida Statutes) or federal law.

- (d) The Council may recess any regular or special meeting, providing that such recessed meeting shall be to a future day and hour to be specifically provided for in the motion for such recess. The recessed meeting shall not be later than the next regular meeting, and any such recessed meeting shall not be held at any hour or time other than as specified in such resolution.
- (e) Emergency meetings of the Village Council may be called by the Mayor, Village Manager or three Council Members as deemed necessary. The notice shall specify the subject of the emergency meeting.
- (f) The Village Manager, or his or her designee, may continue or grant one continuance of a published agenda item before the meeting. Further continuances must be considered by the Council.
- (g) Public forum not created. Nothing in this procedure manual is intended to create a general public forum for discussion, debate or comment on any matter an individual desires to discuss. Village Council meetings occur so as to conduct the pending Village business and, to that end, must proceed as efficiently as possible.

Section 8. Meeting Minutes.

The Village Clerk or designee shall keep minutes of all public meetings of Council, which shall be a matter of permanent public record and shall be presented to the Council for review and approval. A taped or video recording of the meetings may be made.

Section 9. Public Hearings (Other than Quasi-Judicial).

The purpose of public hearings is to receive input from citizens regarding the issue before the Council.

- (a) The Village Attorney, or the Village Land Use Counsel, where appropriate, or the Village Manager, or his or her designee, will summarize the issue before the Council rather than read the entire staff

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report, unless otherwise requested by the Council. Ordinances and resolutions will be read into the record by title only.

- (b) The Chair shall remind the members of the public to fill out a speaker's card prior to the start of the public hearing.
- (c) Following the summary explanation, the Chair will open the Public Hearing ~~will open~~. Citizens wishing to speak to the matter under consideration are required to complete and provide to the Clerk a Speaker's card ~~shall be required~~. Failure to ~~fill out and~~ submit a completed ~~the~~ speaker's card prior to the start of the public hearing may result in forfeiture of the right to speak, unless permitted by the Chair or a majority of the Council. Public comments on the matter under consideration shall be limited to three minutes and one time, unless otherwise determined by the Chair or a majority of the Council. Members of the public are not permitted to "donate" time to another speaker.
- (d) When the public comments have concluded, the Chair will close the Public Hearing. ~~Debate may continue until the question is called~~ or the measure dies for lack of a motion and second.

Section 10. Quasi-Judicial Proceedings and Public Hearing.

- (a) Unless otherwise designated by the Chair, the Chair will call each item and direct the Village Clerk to administer the oath to the Village staff and to those persons who intend to testify or present evidence at the hearing. At this time all Members shall disclose any ex-parte communications they have had or conflicts of interest that they may have regarding the petition.
- (b) After the introduction of the petition by staff, the petitioner's presentation will occur first. The Council, or the appropriate advisory board, may impose time limits on the petitioner based on staff recommendation. The petitioner's presentation may not exceed one hour without the affirmative consent of the Council or such advisory board.
- (c) Staff shall then provide an analysis of the petition and staff report.

- (d) After the Petitioner and staff have made their presentations, the Council will determine which persons, if any, in addition to the Petitioner and the Village staff, shall be considered parties in the matter permitted to present evidence and examine witnesses in support or opposition to the petition.
- (e) Following presentations by the parties, the Chair will call for public comment by those who have filled out speaker's cards. Each speaker shall have up to three minutes to present comments on the petition.
- (f) Upon conclusion of public comment, the Petitioner may, before the close of the public hearing, present a brief rebuttal with a time limit to be determined by the Chair.
- (g) Council members may ask questions of the parties, staff, or public speakers at any time during the hearing. Questions of an informational nature from the parties or public speakers may be asked through the Chair. Direct questions between the parties to their witnesses will be permitted. A representative of a party may respectfully ask questions of an adverse witness, which questioning may be reasonably limited by the Chair. Questions must be reasonably relevant to the issues before Council. In a quasi-judicial proceeding, Council members are not serving in a legislative capacity, but as judges. Therefore, Council members should not formulate or express opinions until all of the testimony and evidence has been presented. Any new *ex parte* communications must be disclosed on the record prior to a vote.
- (h) The Council should introduce a motion, debate the position, and call for the question.
- (i) The agenda packet will be in electronic format. The Council agenda and packet shall be posted on the Village's website for public review at least seven days prior to the meeting whenever reasonably possible. In addition, the Village Clerk will have at least one hard copy of the agenda packet available for public review before the meeting and at the meetings.
- (j) The petitioner must provide electronic copies of petitioner's presentation materials and any new evidence to the Village Manager or staff at least seven days prior to the Village Council meeting at which

the Petition is to be considered for inclusion with the Council agenda packets. Failure to do so is grounds for the Council to determine not to admit the new exhibit into evidence or consider the exhibit or testimony pertaining to it, for the matter to be continued, or for the matter to be remanded to the appropriate advisory board for reconsideration. It is the petitioner's responsibility to ensure that all exhibits that petitioner wants to be considered are provided to the staff for the Council packet prior to the foregoing deadline. Deadlines falling on weekends and holidays are extended to the next non-weekend or holiday workday.

- (k) Handouts of hard copies of the presentation materials or new evidence provided during the proceeding shall consist of 13 copies for the Council, staff, and other parties.
- (l) In making its decision, the Council shall consider the evidence in the record, the public's input and any recommendations of the Village staff and appropriate Village Land Use Boards. The Chair, with the advice of the Council's counsel, may rule on any objections to admission of any irrelevant or immaterial evidence, but the public hearing need not conform strictly to the rules of evidence or procedure that govern judicial proceedings as long as fundamental due process is observed. The Council's decision shall be based on competent substantial evidence in the record of the proceeding, and the applicable law.
- (m) Following the hearing, the Council's decision shall be reduced to writing. If a petition is rejected, the Council shall state the reason(s).

Section 11. Public Hearings by Committee, Chair, or Village Manager.

When authorized by law or ordinance, the Council may appoint a special magistrate or committee of its Members, or designate the Chair, one of its Members or the Village Manager to assist in or hold a public hearing for the Council at any time or upon any matter pending before it. ~~The requirements of the Sunshine law shall apply in the same manner as they would apply to the Council.~~ Minutes or reports of hearings held by the special committees, the Chair, or the Village manager shall be filed as public record.

Section 12. Role of Council Members.

In order to prevent any misunderstanding or false impression based on the

holding of an office on behalf of the Village, whenever any Council Member, including the Mayor and Vice Mayor, ~~-speaks to the news media or the public with respect to any matter for which the member is not designated by the Council as the spokesperson or liaison for the Village, -the member must make it known that -the member -does not -speak for the Village with respect to the matter, and that any comments are the member's own in the member's -capacity as a Member of the Council.~~

Section 13. Role of the Mayor/Vice Mayor.

- (a) The Mayor shall serve as Chair during meetings of the Council in the manner provided in these Rules of Procedure; and
- (b) The Mayor shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance; and
- (c) The Mayor shall also serve as the ceremonial head of the Village. Except as specifically set forth above, or otherwise provided by law there is no inherent or apparent power by virtue of a person holding the office of Mayor or Vice Mayor.
- (d) The Vice Mayor shall serve as Mayor during the absence or disability of the Mayor, and if a vacancy of the Mayor occurs, shall become interim Mayor until the next regularly scheduled election.
- (e) When a liaison is appointed, or when the Council appoints a spokesperson, on any issue, such questions to the Village with respect to such issue shall, where possible, be referred to such liaison or spokesperson. If a liaison or spokesperson has not been appointed by the Council as to an issue, the Mayor (or the Vice Mayor) as the ceremonial head of the Village, may serve as the spokesperson for the Village with respect to resolutions, ordinances and policies previously adopted by the Village Council. As is the case with all Council Members, when making statement of the Mayor's personal opinion on matters not yet adopted by the Village Council, the Mayor shall preface those comments as being those of the Mayor and not the Village Council as a whole.
- (f) Subject to the limitations set forth in the preceding paragraphs, concerning ceremonial activities on behalf of the Village, the Mayor is

authorized to prepare and sign as Mayor, Proclamations recognizing the opening of new businesses, expansion of existing businesses, special events that provide a public benefit to the citizens of the Village, and other routine non-controversial matters as requested by the Manager. Attendance at business openings or anniversaries, attendance at non-profit organization social functions, and other similar social or business sponsored events, are ~~be~~ deemed to be part of the role of the Mayor acting as ceremonial head of the Village.

- (g) In order to give as many Council Members as possible the opportunity for ceremonial roles in the Village government should they desire to so serve, as a general rule of the Council, the election of the Mayor and Vice Mayor pursuant to the terms of the Village Charter may be accomplished on a rotational basis, as determined by the Council. Council Members would generally not serve in either such position more than once during the limit of their terms in office as set forth in the Charter.

Section 14. Conduct of Council Members and Meetings.

General Rules:

The Village Charter provides information on the roles and responsibilities of Council Members, the Mayor and the Vice-Mayor. Florida Statutes provide regulation and guidance on ethical issues to ensure that Council Members conduct themselves independently and impartially, not using their office for private gain.

In addition to guidance from Florida Statutes, these Council Rules are designed to describe the manner in which Council Members should treat one another, Village staff, constituents, and others with whom they come into contact while representing the Village. It defines more clearly the behavior, manners, and courtesies that are suitable for various occasions.

The constant and consistent themes through all of these guidelines are dignity and respect. Council Members experience stress in making decisions that impact the lives of the citizens. At times, the impacts on the entire community must be weighed against the impact on only a few. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the

touchstone that can help guide Council Members to do the right thing in even the most difficult situations.

The Village Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve, protect, and enhance the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may “agree to disagree” on contentious issues.

Council Members should practice civility, professionalism, and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Council Members should conduct themselves in a professional manner at all times, and shall avoid personal comments that could offend other Council Members.

Subject to the foregoing general rules:

(a) The Chair should:

- 1) Conduct the meeting firmly and courteously while maintaining order at all times.
- 2) Ensure that a Member is recognized before speaking, and permit only one person to speak at a time.
- 3) Allow persons not on the Council to speak only at designated times, and only on the topic under consideration.
- 4) -Apply time limits uniformly.

5) Make rulings on all procedural/parliamentary questions. In making a ruling, the Chair may consult with the Village Attorney as to the applicable rules of order. The ruling of the Chair on a procedural issue can be overturned by a majority of the Council. ~~Rule out of order remarks which involve personalities or may be seen as having an attack motive or may impugn the character of another Member or a member of the Village Staff, or which are not related to the matter~~

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~~before the Council.~~

- 6) Reject frivolous motions and motions not permitted by the Rules. Require motions to be stated affirmatively and to the point.
- 7) Restate the motion and allow the maker of the motion to speak first. Call for a second for a motion requiring a second, before debate begins.
- 8) Allow a Member additional opportunities to speak on a matter only after all other Members have had an opportunity to speak.
- 9) Allow interruption of a speaker only by consent of the speaker or for permitted reasons (e.g. "Point of order", "point of information, please").
- 10) Recognize citizens wishing to address the Council on the issues before the Council prior to the vote.
- 11) Reject discussion of motions which are not debatable (e.g. adjourn, call for the question, continuance, recess, or table).
- 12) Recognize that all Members have equal rights, privileges, and obligations. Remain impartial in the use of authority.
- 13) Call for the question when it appears that Members have concluded debate, or when such debate has become repetitive and non-productive for the required policy discussion.
- 14) Remind the public of the requirement to submit a speaker's card for the "public comment" section of the agenda or for an agenda subject.
- 5)15) During workshops and informal sessions these rules may not be strictly applied. The Chair shall encourage a free exchange of ideas.

(b) Council Members should:

- 1) Be recognized by the Chair before speaking. Then, after each Member has had the opportunity to speak, a Member may comment on the subject following a recognition by the Chair. The Chair may elect to have a less formalized speaker order during

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workshop topics, and a more formalized speaker order depending on the issue and the volume of the information to be discussed.

- 2) When making a motion, speak clearly and concisely so as to avoid any misunderstanding as to the intent of the motion. State the motion affirmatively. State the motion without setting out the reasons and basis for the motion. Those can come as part of the debate.
- 3) Not speak a second time on a subject until all who wish to speak have done so. Confine remarks to the subject of the motion, while avoiding remarks involving personalities.
- 4) Not interrupt a speaker who has the floor without consent, except to present a privileged motion.
- 5) Limit comments to that required to state a position while avoiding repetitiveness or redundancy.
- 6) Not be obligated to state a position or opinion on matters under discussion. Discussion should be intended to add information, persuade colleagues through debate, and state positions.
- 7) Refrain from adding comments or explanations during the voting process. Comments and explanations should be made during discussion before or after the motion, and not during voting procedure.
- 8) At all times act with decorum toward the Members of the Council and the Members of the public attending the meeting. Recognize that people appearing before the Council shall be treated with respect and dignity.
- 9) Refrain from initiating a discussion with citizens during the public comment period except to ask questions or clarify points raised by a citizen. Let public speakers finish before commenting or asking questions. If additional information or response from staff is needed, the Council Member may ask questions following the public comment.
- 10) Recognize that the legislative process involves interaction of

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competing ideas that resolve themselves by a decision of the Council. That decision may not satisfy all Members, but the will of the majority shall prevail.

- 11) Be prepared and focused. While questions and clarification will occur, many questions can be answered by studying the agenda packet, or with a phone call or visit to the Village staff prior to a meeting. The Council and the public may then focus on the decision-making process at hand in a timely manner.

(c) The public will:

- 1) Be permitted to address the Council ~~during the public comment period on any subject, and on any matter scheduled on the agenda item prior to the Council taking a vote on the matter.~~ The public may also speak during the public comment portion of Council meetings in accordance with these procedures.

- a) Citizens who wish to address the Council on business matters scheduled on the agenda must complete and submit a speaker's card prior to the close of the public comment period or the comment period on a public hearing for that agenda item. Registered speakers who have completed a speaker's card will be called to the podium by the Chair.

- b) Public comment shall be limited to three minutes unless waived by the Chair or by a majority of the Council Members.

- 2) Be permitted to address the Council on any subject matter not scheduled on the agenda during the "public comment" section of the agenda. The public comment portion of the meeting is designed to allow the public to address matters which are not on the agenda, and which address matters which may be appropriate for the Village Council to act on at a future meeting.

- a) Speaker's cards are required.

- b) Upon being recognized by the Chair, the person shall proceed to the podium and state the person's name and address.

- c) The Chair will allow the person three minutes to speak on the

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matter or matters which the speaker wishes to address present matters before the Council unless otherwise waived by the Chair or a majority of the Council Members. Speaker time limits will not be extended simply because the speaker is addressing more than one topic. However, if the Council interrupts the speaker during public comment, the speaker's time will be adjusted to allow him or her to receive the full three minutes to approximate time involved with Council dialogue.

- d) Public comment is intended to encourage citizens to speak about issues, not to pose questions to Council or staff. Therefore, Council Members and staff will not respond to a speaker's answering of questions unless will only occur when directed by the Chair or Council. Otherwise, if a speaker's question warrants a follow up response, it answers will be provided by the staff or Council Members outside of the meeting. Nothing herein shall limit the ability of the Council Members to seek clarification from a public comment question public speakers. However, to allow all citizens the opportunity to speak, and to facilitate an efficient meeting, Council Members should refrain from engaging in debates or lengthy exchanges with public comment speakers during the meeting.
- e) All members of the public who address the Council shall do so without remarks which are deemed by the Chair to be slanderous, involve personalities or may be seen as having a personal attack motive, or which may impugn the character of a Member or a member of the Village staff. Such remarks shall be ruled out of order by the Chair.

3) All persons in attendance at a Council meeting, hearing, or workshop shall conduct themselves in a civil manner and refrain from actions that disrupt the meeting or hinders the Council in performing its duties. To these ends, such persons are prohibited from:

- committing acts of violence toward any person;

- making threats of violence or speaking “fighting words” that are likely to provoke violence;
- disrupting the proceedings with excessive commotion or excessively loud shouting or other noise or use of obscene or crude language;
- interfering with the rights of others to speak, hear, see, or attend the proceedings;
- being unduly repetitious or presenting matters not relevant to the agenda item under consideration;
- speaking on a subject about which the Council has already taken a position or about which the Council has voted not to receive further comment;
- making ad hominem (in a way that is directed against a person rather than the position they are maintaining) attacks or insults against any person;
- continuing to speak after the allotted time has expired or after having been ruled out of order; or
- speaking on a subject that is clearly outside the purview matters that relate to the Council’s duties, authority or powers under the Village Charter, Florida Statutes Chapter 166 or other applicable law, or which relate to the Village’s property, legal or financial interests, or to the public health, safety or welfare of the Village and its residents.

Section 15. Not Appealable.

- (a) The failure of the Council to adhere strictly to any of the rules contained herein shall not create a cause of action or basis of appeal or challenge of the matter before the Council.

Section 16. Conflict With Charter or Ordinances.

Where these rules conflict with the Village Charter, Code of Ordinances, or Florida Statutes, the Charter, Code of Ordinances, or Florida Statutes shall

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prevail.

Section 17. Liaisons.

There are many governmental bodies, organizations and entities, that request the appointment of liaisons from the Village Council to help facilitate communications between those governmental bodies, organizations and entities and the Village of Estero. When such a governmental body, organization or entity makes a request for the appointment of a liaison, all Council Members desiring to serve as the liaison shall so notify the Manager who will provide that information to the Village Council for Council consideration. The Village Council shall appoint the liaison from the Village Council for the period ending on May 1 or as otherwise determined by Council. In a like manner, the Village Council may make appointments of Council Members to serve in a liaison capacity even if the governmental body, organization or entity has not requested the appointment of a liaison. The Village Council may also appoint a liaison or spokesperson on any issue deemed to be of strategic concern to the Village.

On or before May 1 of each year, unless specifically determined otherwise by Council, all liaison or spokesperson appointments shall be reviewed by the Village Council and each such position shall be filled by the Village Council for the next year, with each liaison and spokesperson appointment being effective on the date of such appointment and continuing until a successor appointment is made by the Council. The appointment of a liaison or spokesperson shall in any event serve at the pleasure of the Village Council.

The role of the liaison or spokesperson is to facilitate communications between the Village Council and the entity, or with respect to the issue of strategic concern identified by the Council. The liaison is responsible for communicating to the entity, or with respect to such an issue, the official position of the Village Council on all matters, and not to promote the liaison's personal position on issues not yet adopted by the Village Council. However, the liaison or spokesperson may express its personal opinion on matters as long as it is clearly stated that such communication is not the official position of the Village Council and is the personal opinion of the liaison or spokesperson.

The appointment of a liaison or spokesperson does not absolutely prohibit other Council Members from communicating with the entity as long as it is clearly stated that such communication is the personal opinion of the Council Member and does not reflect the official position of the Village Council. However, except in unusual circumstances, Council Members shall normally defer to the

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appropriate liaison or spokesperson with respect to either communicating with or making comments about the organization to which such liaison or spokesperson was appointed or as to the issue of strategic concern for which such liaison or spokesperson was appointed.

In situations where a liaison is to vote on behalf of the Village at a meeting of an entity to which it the liaison, the Council Liaison shall use a reasonable effort to get direction from the Village Council prior to voting. If prior direction from the Village Council is not feasible, then the Liaison will use its best effort to vote in a manner consistent with the wishes of the Village Council.

Section 18. Vacancies; forfeiture. Policies for vacancies, forfeiture of office and related Charter provisions are incorporated to these rules by reference as Attachment A and Attachment B.

Section 19. Remote Attendance/Absence Policies.

Purpose: This Policy addresses alternatives to a Council Member's physical presence at Council meetings. ~~It is an addendum to Council's Rules of Procedure previously adopted in 2017. To the extent of any conflict with the current Rules of Procedure, this Policy will prevail.~~

Physical Non-Attendance; Generally: The policy of Florida as set out in general law and as reflected in the Village of Estero Charter strongly indicates that local government officials are expected to be diligent in their offices, which includes being physically present at meetings, and voting unless there is a conflict.

As to physical attendance the Village Charter states that a Member's office may be forfeited if the Member "**misses three consecutive regularly scheduled council meetings, unless excused by the council**". The Charter is silent as to what constitutes an excused absence but assigns to Council the determination of circumstances for which a Member's office may be forfeited, including inability to perform the duties of office.

State law leaves the decision up to the Council's "sound discretion".

Following are Council's general policies for Remote Attendance and for Excused Absences, and factors to consider.

1. **Remote attendance.** The Florida Attorney General has allowed a

limited category of exceptions, for “unusual” or “special circumstances”, recognizing that with electronic devices (first the telephone, now videoconferencing) there is a way for officials to participate remotely, if they cannot attend a meeting in person. If members are allowed to attend remotely, they are considered present for all purposes, and thus, it is not an absence.

Remote Attendance Policy: When a Member wishes to attend a meeting remotely (recognizing that remote attendance is disfavored) the Council will apply the following considerations:

1. Whether the remote means allows the member to hear and to be heard by all who are physically present. If the remote feed is insufficient or lost, the member will not be considered present for such period.
2. Whether the request was made a reasonable time prior to the meeting, normally at a previous meeting.
3. Whether the reason stated is an “unusual” or a “special” circumstance.
 - a. Mere inconvenience or preference to attend remotely are not unusual or special circumstances.
 - b. Illness, especially serious or contagious, may be an “unusual” or “special” circumstance. However, if it is such that it is likely to be long-term, or is repetitious, it may no longer be “unusual” and may be grounds for removal for inability to perform the duties of the office.
 - c. A Personal or family emergency may qualify.
 - d. Unavoidable conflict in schedule, that keeps the Member at a remote location may qualify, so long as the conflicting schedule is work-related or official duty related.
 - e. A rule of thumb is that a request to attend remotely will not be granted for more than three meetings in a calendar year.

2. **Absence; Excuses for Absence Policy.** When a Member wishes to have an excusable absence, recognizing that absences are disfavored, Council will apply the following considerations:
 - a. Whether an absence is excusable is left to the sound discretion of the Council (bearing in mind that the highest responsibility of elected and appointed officials is physical attendance at meetings), and that the strict Sunshine Laws prohibit members from communicating with each other on Council business outside of meetings.)
 - b. Absence, and the determination as to whether it is excused, normally occurs at Roll Call, but could also apply if a Member leaves the chamber during a meeting. (It is a violation of the Florida Ethics Code for a Member to absent oneself to avoid a vote or a declaration of conflict).
 - c. In making a determination as to whether a Member's absence may be excused Council will consider by vote the following:
 - i. Mere inconvenience or preference not to attend are not excusable reasons.
 - ii. Illness, especially contagious or serious, may be an excusable reason. However, if it is such that it is likely to be long-term, or is repetitious, it may be grounds for forfeiture of office for inability to perform the duties of the office.
 - iii. A Personal or family emergency may qualify.
 - iv. Unavoidable conflict in schedule may qualify, so long as the conflicting schedule is work-related or official duty-related and does not repeat.

- v. A rule of thumb is that a request to be excused will not be granted for more than three meetings in a calendar year.

Attachment A

VILLAGE OF ESTERO—RULES OF PROCEDURE-VACANCIES

Preamble--The Village Charter sets out a series of reasons that an elected Member's office becomes vacant. It also specifies certain procedures that must be followed. It specifies that the Council is the entity that judges these circumstances and qualifications. The Governor also has the power to suspend or remove local elected officials from office. The voters can also remove (recall) under certain circumstances. These procedures are intended to clarify and supplement, but not to be in conflict with, the relevant Charter provisions, the Florida Constitution or general law.

Vacancies.—A vacancy in the office of council, mayor, or vice mayor shall occur upon the incumbent's **death, inability to fulfill the duties of the office, movement of residence outside the district, resignation, appointment to another public office, judicially determined incompetence, removal, or forfeiture of office** as described in this subsection. (Village Charter Section 4, paragraph (7)(a)).

Policy: Death--Upon receipt of notification of death of a member, the clerk will enter the notification into the Village records and notify the Village Manager and Council. The office will be deemed to be vacant immediately upon the date and time of death.

Policy: Inability to fulfill the duties of the office—

The duties of a Member in the Village of Estero are set out elsewhere in these Rules of Procedure.

- a. **Notification by the Member**--If a Member is unable to fulfill the duties of the office, the Member must notify the Council. The Council will review the notification, and if it concurs, will declare the office vacant.
- b. **Notification by other than the Member**—If the Council is notified by other than the Member that the Member is unable to fulfill the duties of the office, it may notify the Member and give the Member the opportunity to rebut the notification as required in the Charter.
- c. **Notification by Staff or other Council Members**—If the Council is notified by Staff, other Council Members, or upon its own, it will notify the Member and give the Member the opportunity to rebut the notification as required in the

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Charter.

Policy: Movement of residence outside the district--An elected official must be a bona fide resident and “elector” of the Village and district at all times. (See Charter Sec. 4. (2)(b). To qualify as an elector, the Member must have a residence in the Village and district and must intend that this be the Member’s one and only domicile. That is the only place that the Member can vote or hold office. If the Member is no longer an elector within the Village and district.

If it comes to the attention of the Village that a Member is no longer an elector in the district, Council must investigate, and if found to be correct, declare the office vacant as of the date the Member is no longer an elector in the district.

Resignation—A resignation should be written and transmitted to the Village Manager or Mayor, or both. It is effective upon the date specified in the resignation or upon the date it is accepted by the Council. It will be taken up at the next regularly scheduled meeting of Council. If the resignation is due to a lack of qualification as set out in the Charter, it is effective immediately upon receipt by the Village.

Appoint to another public office—The Florida Constitution’s Dual Office-holding provisions prohibit a Member from holding more than one office at a time. It provides that the acceptance of another office, constitutes a resignation from the current office. There are some exceptions. Therefore, prior to acceptance of any appointment to another public agency, board or committee board, the Member should ensure that the appointment does not constitute an “office” under the Dual Office-holding prohibitions. The Florida Attorney General’s office has a Dual Office-holding booklet.

Judicially-determined Incompetence-This is related to **inability to fulfill the duties of the office**. Florida law sets out reasons and procedures for judicial determination of Incompetence. If a Member is judicially declared to be Incompetent, the Village must follow that determination and declare the office vacant. Determination of appeals of judicial incompetence must be with the Court, not the Council.

Removal—The Charter provides for suspension and removal. Due process requires a Council hearing. The Governor can also **suspend or remove**. The people can remove by **municipal recall** (100.161 Fla. Stats.) for:

1. Malfeasance;
2. Misfeasance;
3. Neglect of duty;
4. Drunkenness;

5. Incompetence;
6. Permanent inability to perform official duties; and
7. Conviction of a felony involving moral turpitude.

Attachment B

**VILLAGE OF ESTERO—RULES OF PROCEDURE-CHARTER
PROVISIONS-**

FILLING OF VACANCIES

VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

Section 4. (7)(b) Forfeiture of office.—A member of the council may forfeit the office if the member:

1. Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;
2. Violates any express prohibition of this charter;
3. Is convicted of a felony or criminal misdemeanor, which felony or misdemeanor involves the office of village council;
4. Is found to have violated any standard of conduct or code of ethics established by law for public officials or has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
5. Misses three consecutive regularly scheduled council meetings, unless excused by the council.

If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled council meeting, and the member may be declared to have forfeited office by majority vote of the council.

(c) Filling of vacancies.—A vacancy on the council, except for the position of mayor, shall be filled as follows:

1. If a vacancy occurs and the remainder of the unexpired term is 28 months or less, the remaining council members shall, within 60 days after the occurrence of such vacancy, by majority vote of the remaining council members, appoint a person from the same district to fill the vacancy for the remainder of the unexpired term.
2. If a vacancy occurs and the remainder of the unexpired term is more than 28 months, the remaining council members shall, within 60 days after the occurrence of such vacancy, by a majority vote of the remaining council members, appoint a person from the same district to fill the vacancy until the next regularly scheduled

election, at which time the balance of the term for the seat shall be filled pursuant to section 9.

3. If four or more council vacancies occur at one time, the remaining council members shall, within 60 days after the occurrence of such vacancies, by a majority vote of the remaining council members, appoint a person from the same district to fill such vacancies until the next regularly scheduled village election, at which time the balance of the term for the seats shall be filled pursuant to section 9.

(8) JUDGE OF QUALIFICATIONS.—

(a) The council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a council member's office, including whether good cause for absence has been or may be established. The council shall have the power to set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the village at least 7 days before the hearing.

(b) The burden of establishing good cause for absences shall be on the council member in question; however, any council member may, at any time during a duly held meeting, move to establish good cause for his or her absence. A council member whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on such matters.

Policy: In any proceeding where Council is authorized to judge qualifications, to discipline, to suspend, or to remove or declare a Member's office to be vacant, it may have the Village Manager or Village Attorney investigate the facts, refer it to the County Sheriff and State attorney for investigation (where criminal charges are or may be made), engage the services of one or more qualified persons to investigate, and appoint a special magistrate to hear and make recommendations to the Council.