

VILLAGE OF ESTERO
VILLAGE COUNCIL MEETING
PACKET
JUNE 15, 2022, 09:30 AM

www.Estero-fl.gov

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

June 15, 2022, 09:30 am

1. CALL TO ORDER

INVOCATION

Pastor Kevin Morris Estero Community Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION/KEY TO CITY
Florida Everblades -- Kelly Cup Championship

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

4. CONSENT AGENDA

a. June 1, 2022, Council Meeting Minutes

Attachment: 06012022 minutes.pdf

5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

6. ACTION ITEMS

a. Community Development Software

Motion to approve a contract with N. Harris Computer Corporation to provide "CityView"software to Community Development (RFI 2020-01). Authorize Village Manager to execute contract including

revisions resulting from final negotiations, and related documents, including annual renewal (maintenance) fees on behalf of the Council.

Recommended Action
Approve the contract with N. Harris Computer Corporation to provide "CityView" software for Community Development for an estimated cost of $397,379.

Also approve a contingency fund amount of $49,153 (an amount equal to 15% of the total project cost minus annual fees) to cover unforeseen circumstances which may occur.

Authorize the Village Manager to execute the contract including revisions resulting from final negotiations and related documents including annual renewal (maintenance) fee on behalf of the Council.

Financial Impact
Total project cost is estimated at $397,379.00. Funds have been budgeted in the current fiscal year 2021-2022 budget under Community Development. The acquisition and implementation of the software will be funded primarily by the Building Fee Fund, including excess revenues, with the remaining funded under General Fund.

The annual maintenance fee will be budgeted for each fiscal year going forward.

Attachment: Agenda Item Summary Sheet 6-15-2022 Community Development Software.pdf
Attachment: Vendor Disclosure Form - CityView.pdf

b. Resolution No. 2022-11 Village of Estero and The Coccoloba Chapter of the Florida Native Plant Society MOU

A Resolution Approving a Memorandum of Understanding (MOU) Between the Village of Estero and the Coccoloba Chapter of the Florida Native Plant Society, Inc.; Authorizing the Mayor to Execute he MOU; and Providing an Effective Date.

Recommended Action
Motion to approve Resolution No. 2022-11.

Financial Impact
The Village will pay CC-FNPS an amount of $3,000 per month for maintenance, plants for public areas, security, and upgrades to the "Preserve". Funds of $150,000 were allocated by the Village Council for closing costs and initial maintenance of the parcel. In the future, the Village of Estero will need to expend additional funds for basic services such as utilities, exotics control, structures such as a building, a bridge, removal of septic systems, etc.

Attachment: 2022 Agenda Item Summary Sheet - Template.pdf
Attachment: Resolution No. 2022-11 Approving MOU-Florida Native Plant Society.pdf
Attachment: DRAFT_ss_MOU-Coccoloba Chapter-Florida Native Plant 5-26 _002_4922CCFNPS.pdf
Attachment: COI FL Native Plant Society.pdf

c. Resolution No. 2022-17 appointing Scotty Wood as the Chairperson of the Planning, Zoning and Design Board in lieu of 2 Co-Chairs.

A Resolution of the Village Council of the Village of Estero, Florida, Appointing Leonard E. Scotty Wood as the Chairperson of the Village of Estero Planning Zoning and Design Board; and Providing an Effective Date.

Recommended Action
Motion to approve Resolution No. 2022-17

Financial Impact

N/A (volunteer Board)

Attachment: Agenda Item Summary Sheet 6.15.2022 Appointing Scotty Wood as Chairdocx.pdf
Attachment: Resolution No. 2022-17 PZDB.pdf
Attachment: Ordinance 2021-04 Amending LDC.pdf
Attachment: Resolution No. 2021-03 PZDB Appointing Members to the Board.pdf

7. FIRST READING

a. Ordinance 2022-04 establishing a Community Development District for the Corkscrew Crossing Property

An Ordinance Establishing Corkscrew Crossing Community Development District; Providing a District Name; Setting Forth the Authority for Adopting the Ordinance; Establishing the External Boundaries of the District; Designating the Initial Members of the Board of Supervisors; Establishing the Governing District Charter as Florida Statutes Chapter 190; Providing for Notice to Subsequent Purchasers; Pertaining to Modifications that may Arise from Consideration at Public Hearing; Providing for Conflict, Severability and an Effective Date.

Recommended Action
Motion to pass first reading of Ordinance No. 2022-04 and set second reading for July 6, 2022

Financial Impact
No financial impact to Village.

A CDD serves a governmental purpose by financing, providing and maintaining certain basic infrastructure systems, facilities and services. Only property owners within the District are assessed through the District for these improvements within its boundaries. The District uses the assessments to pay debt and expenses.

CDDs provide an alternative to an MTSU, property owners association,

or city provided services. Estimated costs are $8 million for the infrastructure. The costs are paid by the property owners, not the Village.

Applicant is responsible for 4 weeks of newspaper advertisements required by statute and an application fee.

Attachment: Agenda Item Summary Sheet 6-15-22 for Ordinance 2022-04 CDD for Corkscrew Crossing.pdf
Attachment: 1 Location Map.pdf
Attachment: 2 Ordinance 2022-04 Establishing Corkscrew Crossing CDD.pdf
Attachment: 3 Legal Description.pdf
Attachment: 4 Petition to Establish Corkscrew Crossing CDD _Estero_.pdf

8. SECOND READING AND PUBLIC HEARING

a. Ordinance No. 2022-02

Second Reading and Public Hearing of Ordinance 2022-02 for Miromar Outlets Signage

Ordinance 2022-02 of the Village Council of the Village of Estero, Florida, Considering an Amendment to the Commercial Planned Development, Specifically Deviation 3, for Replacement Signage for Miromar Outlets Property Located at the Northeast Quadrant of I-75 and Corkscrew Road, Consisting of Approximately 75 Acres; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action
Motion to adopt Ordinance 2022-02

Financial Impact
N/A

Attachment: 1. Agenda Item Summary Sheet 6.15.2022 Miromar Outlet Signs.pdf
Attachment: 2. Ordinance 2022-02 Ordinance Miromar Outlet Signage.pdf
Attachment: 3. DCI2021-E002 Council Staff Report for 6-15-2022.pdf
Attachment: A. Miromar Outlets Staff Report Attachment A. Sign Location Map.pdf
Attachment: B. Miromar Outlets Staff Report Attachment B. Sign Comparison.pdf
Attachment: C. Miromar Outlets Staff Report Attachment C. Applicant Project Description.pdf
Attachment: D. Miromar Outlets Staff Report Attachment D. Master Concept _1-7-2022_.pdf
Attachment: E. Sign Package Pattern Book.pdf

Attachment: F. Miromar Outlets Sign Amendment 4.4.21 _8 Day Letter_.pdf
Attachment: 4. FINAL Miromar Outlets Signs PZDB PPT _6-8-22_ _3_.pdf

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

11. VILLAGE ATTORNEY'S REPORT

12. VILLAGE MANAGER'S REPORT

13. WORKSHOP

a. FY 2022/2023 Budget Introduction

Attachment: Agenda Item Summary Sheet - Budget Introduction for FY 22-23.pdf
Attachment: Initial Council Presentation for FY 22-23 _003_a.pdf
Attachment: 2022-23 Budget Timetable ss.pdf

b. Fiscal Year 2022-2023 5-year Capital Improvement Projects

Attachment: 2022 Agenda Item Summary Sheet - Workshop - Template.pdf
Attachment: FY 22-23 5-yr CIP Presentation.pdf
Attachment: CIP 5-yr Plan.pdf

c. Package Wastewater Treatment Plant Utility Extension Project Update

Attachment: Treatment Plant UEP Update.pdf
Attachment: WWTP UEP Presentation.pdf

d. Council Rules of Procedure

Attachment: Council Rules of Procedure Summary Sheet - Workshop.pdf
Attachment: Highlighted Rules of Procedures bpritt 05312022.pdf

14. ADJOURNMENT

General Attachments

- Transcript.pdf

VILLAGE OF ESTERO COUNCIL MEETING
WEDNESDAY, JUNE 15, 2022, 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.

09:29:47 >>Mayor Errington: GOOD MORNING.
09:29:49 >> GOOD MORNING.
09:29:53 >>Jim Wilson: GOOD MORNING.
09:29:54 >>Mayor Errington: WELCOME TO THE JUNE 15th, 2022, VILLAGE
09:29:56 OF ESTERO COUNCIL MEETING.
09:30:01 AS A COURTESY AND GOOD REMINDER, IF YOU HAVE ANY CELL PHONES
09:30:06 OR ANYTHING THAT WOULD DING-A-LING OR ANYTHING THAT WOULD
09:30:09 DISRUPT THE MEETING, IF YOU WOULD SILENCE THOSE, WE WOULD
09:30:12 GREATLY APPRECIATE IT.
09:30:13 SO GLAD YOU ARE HERE.
09:30:14 DELIGHTED FOR THOSE OF YOU WHO ARE HERE IN PERSON AND FOR
09:30:17 OTHERS JOINING US ONLINE.
09:30:19 SO WITH THAT, I WILL ASK THAT WE START THE MEETING, AND THIS
09:30:24 IS A GOOD DAY.
09:30:25 THIS IS A DAY OF CELEBRATION AND MANY OTHER THINGS.
09:30:29 SO I WILL ASK THAT THE INVOCATION BY PASTOR KEVIN MORRIS OF
09:30:34 ESTERO COMMUNITY CHURCH BE GIVEN AT THIS TIME.
09:30:37 WELCOME, KEVIN.

09:30:40 >> THANK YOU, MADAM MAYOR.
09:30:42 IT IS ALWAYS AN HONOR TO COME AND BE HERE AND TO INVITE A
09:30:48 HOLY PRESENCE TO BE WITH US, TO HELP GUIDE US THROUGHOUT
09:30:52 THIS MEETING AND THROUGHOUT THE MONTH UNTIL THE NEXT PASTOR
09:30:58 COMES AND REINFORCES IT.
09:31:00 SO EVERYBODY OUT OF RESPECT, LET US BOW OUR HEADS.
09:31:04 WE ARE SO GRATEFUL THAT WE HAVE LEADERS THAT LISTEN TO US.
09:31:12 GOD, PLEASE BE WITH OUR GOVERNMENT OFFICIALS AS THEY WEIGH
09:31:16 THE PROS AND CONS OF EACH CONSTITUENT'S REQUEST.
09:31:20 GIVE THEM WISDOM ON HOW TO BEST REPRESENT EVERYONE.
09:31:26 LORD, WE ALSO ASK THAT YOU GIVE OUR LEADERS COURAGE SO THAT
09:31:30 EVEN WHEN IT'S HARD, THEY WOULD CONTINUE TO BOLDLY REPRESENT
09:31:35 THEIR CONSTITUENTS' NEEDS AND THOSE ESPECIALLY OF THE MOST
09:31:41 VULNERABLE.
09:31:43 BRING ALL PRESENT IN THIS BUILDING AND ONLINE EMOTIONAL
09:31:49 STABILITY, MENTAL CLARITY, AND PHYSICAL ENDURANCE TO DO
09:31:54 THEIR WORK.
09:31:56 REGARDLESS OF THEIR FAITH, PLEASE BESTOW UPON THEM YOUR

09:32:00 COMMON GRACE AND STRENGTH TO EFFECTIVELY CARRY OUT THEIR
09:32:05 RESPONSIBILITIES TO PRESERVE THE PEACE AND TRANQUILITY IN
09:32:09 THE LAND SO THAT YOUR PEOPLE MAY FLOURISH.
09:32:14 AND PLEASE EMPOWER US AS CITIZENS TO GIVE THE RESPECT DUE
09:32:21 THIS ESTERO GOVERNMENT, WHETHER OR NOT WE AGREE WITH CERTAIN
09:32:25 POSITIONS.
09:32:27 O, LORD, MAY YOUR GRACE ABOUND.

09:32:30 AMEN.
09:32:32 >>Mayor Errington: THANK YOU.
09:32:33 THANK YOU VERY MUCH.
09:32:33 WE WILL CALL THE ROLL, BUT WE NEED TO RECOGNIZE THAT COUNCIL
09:32:39 MEMBER WILSON HAS ASKED TO BE ON ZOOM.
09:32:44 I WILL NEED A MOTION TO APPROVE THAT.
09:32:46 YES.
09:32:52 BEFORE WE DO THAT, LET'S DO THE PLEDGE OF ALLEGIANCE AND BE
09:32:58 LED BY COUNCIL MEMBER RIBBLE.
09:33:00 [PLEDGE OF ALLEGIANCE]
09:33:13 BACK ON TRACK.
09:33:18 LET'S NOW DO --
09:33:21 >>Carol Sacco: CONSENSUS?
09:33:22 >>Mayor Errington: WE NEED A MOTION TO PERMIT COUNCIL MEMBER
09:33:25 WILSON ON ZOOM AND A SECOND.
09:33:30 >> SO MOVED.
09:33:31 >>Mayor Errington: MOVED BY COUNCIL MEMBER WARD AND A SECOND
09:33:33 BY VICE-MAYOR McLAIN.
09:33:35 PLEASE CALL THE ROLL.
09:33:37 >>Joanne Ribble: AYE.
09:33:38 >>Larry Fiesel: AYE.
09:33:40 >>Jim Boesch: AYE.
09:33:41 >>Jim Ward: AYE.
09:33:43 >>Jim Wilson: PASS.
09:33:48 >>Vice-Mayor McLain: AYE.

09:33:49 >>Mayor Errington: AYE.
09:33:52 >>Carol Sacco: NOW I WILL CALL THE ROLL.
09:33:55 >>Joanne Ribble: HERE.
09:33:57 >>Larry Fiesel: HERE.
09:33:58 >>Jim Boesch: HERE.
09:34:00 >>Jim Ward: HERE.
09:34:01 >>Jim Wilson: HERE.
09:34:04 >>Vice-Mayor McLain: HERE.
09:34:05 >>Mayor Errington: HERE.
09:34:06 THANK YOU.
09:34:08 SO, TODAY, BEFORE WE GO INTO ITEM NUMBER 2, WE ARE
09:34:17 INTERRUPTING THE AGENDA THAT YOU HAVE BEFORE YOU THAT WAS
09:34:21 SENT TO YOU WITH SOME EXCITING NEWS THAT EVERYBODY KNOWS BY
09:34:25 NOW.

09:34:25 WE HAVE IN OUR PRESENCE TODAY THE FLORIDA EVERBLADES 2022
09:34:32 KELLY CUP CHAMPIONS.
09:34:34 WE HAVE AT LEAST THREE PEOPLE HERE.
09:34:36 SO THAT IS GREAT.
09:34:37 IT'S TIME TO CELEBRATE.
09:34:44 FOR EVERYONE WHO IS HERE TODAY AS AN APPLICANT, YOU ARE
09:34:48 EXTREMELY IMPORTANT.
09:34:50 WE WANT YOU TO KNOW THAT.
09:34:51 NOW AND THEN, EVERYTHING WE'VE BEEN THROUGH, IT'S A JOY TO
09:34:53 HAVE SOMETHING TO CELEBRATE, AND THAT'S WHAT WE INTEND TO DO
09:34:56 HERE THIS MORNING.

09:34:57 I WAS CONTACTED BY MIKE KELLY, STRANDING IN THE BACK, WHO IS
09:35:03 THE ANNOUNCER WITH THE EVERBLADES, MONDAY MORNING, IF I
09:35:08 COULD COME OVER AND GIVE A LITTLE TALK BEFORE THE CROWD ON
09:35:13 MONDAY EVENING.
09:35:15 SO THAT WAS SHORT NOTICE, BUT I GOT THERE, AND I CAN
09:35:18 REMEMBER GOING UP ON STAGE SAYING, WONDER WHAT I'M GOING TO
09:35:21 SAY.
09:35:22 ANYWAY, IT WAS WELL RECEIVED, AND I APPRECIATE YOUR
09:35:25 AUDIENCE.
09:35:26 THEY WERE VERY KIND AND RESPECTFUL.
09:35:28 SO WITH THAT, IT WAS A BIG CELEBRATION THAT NIGHT.
09:35:33 BIG, BIG, BIG CELEBRATION.
09:35:35 AND I WAS GLAD TO HAVE BEEN A PART OF IT.
09:35:37 SO WITH THAT IN MIND, WE WANTED TO DO SOMETHING FOR YOU, BUT
09:35:42 WE DIDN'T REALIZE, YOU KNOW, THAT -- I DIDN'T KNOW THAT
09:35:45 HOCKEY PLAYERS HAD SO MANY JINX, SO MANY THINGS, THAT'S MY
09:35:51 UNDERSTANDING, LISTENING TO ALL OF YOU TALK THAT NIGHT.
09:35:53 WE COULDN'T GET TO THE PROCLAMATION OR THE KEY TO THE CITY
09:35:55 LIKE WE WANTED TO GIVE TO YOU, PREPARED AHEAD OF TIME, BUT
09:35:59 WE DO HAVE IT.
09:36:00 WE HAVE IT NOW, THANKS TO OUR TRUSTY STAFF WHO WENT OUT AND
09:36:03 GOT IT ALL TOGETHER.
09:36:04 SO WE HAVE THAT TODAY.
09:36:05 SO THE PLANS ARE HERE.
09:36:07 I WILL READ THE PROCLAMATION FROM THE DAIS, AND THEN I WILL

09:36:11 ASK THE THREE OF YOU TO COME UP AND INTRODUCE YOURSELVES.
09:36:15 AND WE'LL GET PICTURES WITH THE COUNCIL BEHIND US.
09:36:20 SO IF YOU HAVE SOMETHING TO SAY, WE WOULD REALLY APPRECIATE
09:36:23 IT.
09:36:24 WE'LL GET YOU OUT OF HERE SO YOU CAN GET TO YOUR NEXT
09:36:27 MEETING, COACH.
09:36:28 WITH THAT IN MIND, I WILL READ THE VILLAGE OF ESTERO
09:36:32 PROCLAMATION.
09:36:33 WHEREAS, THE HARD WORK, DEDICATION, SPORTSMANSHIP, TALENT,
09:36:39 AND EXCEPTIONAL FLORIDA EVERBLADES TEAM CHEMISTRY WON THE

09:36:43 2022 KELLY CUP CHAMPIONSHIP ON SATURDAY NIGHT, RIGHT INSIDE
09:36:47 THEIR HOME HERTZ ARENA WITH A 4-2 WIN OVER THE TOLEDO
09:36:52 WALLEYE.
09:36:52 WHEREAS, THIS IS THE SECOND TIME IN TEAM HISTORY FLORIDA
09:36:55 EVERBLADES WON THE KELLY CUP CHAMPIONSHIP WITH THEIR FIRST
09:36:58 WIN IN 2012.
09:37:01 AND WHEREAS, THE FLORIDA EVERBLADES WERE FOUNDED IN 1998.
09:37:05 THEY PLAY IN THE SOUTH DIVISION OF THE EASTERN CONFERENCE IN
09:37:08 THE ECHL.
09:37:10 WHEREAS, SINCE THEIR INCEPTION IN 1998, THE FLORIDA
09:37:14 EVERBLADES HAVE ESTABLISHED A REPUTATION AS ONE OF THE
09:37:18 PREMIER ORGANIZATIONS IN THE CHHL.
09:37:23 AND WHEREAS, THE FLORIDA EVERBLADES HAVE BEEN A CONSISTENT
09:37:26 FORCE ON THE ICE, ADVANCING TO THE PLAYOFFS IN 22 OF THEIR
09:37:30 23 SEASONS.

09:37:31 NOW, THEREFORE, I KATY ERRINGTON, MAYOR OF THE VILLAGE OF
09:37:34 ESTERO, LEE COUNTY, FLORIDA, OFFER THE VILLAGE OF ESTERO'S
09:37:38 HARDIEST CONGRATULATIONS TO THE EVERBLADES FOR THE KELLY CUP
09:37:42 CHAMPIONSHIP.
09:37:42 IN WITNESS THEREOF, I, KATY ERRINGTON, MAYOR OF THE VILLAGE
09:37:45 OF ESTERO, LEE COUNTY, FLORIDA, DO HEREBY PROCLAIM THAT THE
09:37:48 VILLAGE RECOGNIZES AND WE ARE VERY PROUD OF THE FLORIDA
09:37:52 EVERBLADES TEAM OUTSTANDING ACCOMPLISHMENT OF WINNING THE
09:37:56 2022 KELLY CUP CHAMPIONSHIP.
09:37:59 I HAVE HERE UNTO SET MY HAND, CAUSED THE SEAL OF THE VILLAGE
09:38:03 OF ESTERO TO BE AFFIXED THIS 15th DAY OF JUNE, 2022.
09:38:08 SO IF THE THREE OF YOU WILL COME FORWARD AND WE WILL PRESENT
09:38:14 YOU WITH THE PROCLAMATION AND A KEY TO THE CITY.
09:38:17 LET'S START WITH THE COACH HERE.
09:38:41 >> WELL, I WOULD JUST LIKE TO SAY WE'RE REALLY PROUD TO WIN
09:38:44 A KELLY CUP CHAMPIONSHIP ON HOME ICE IN THE VILLAGE OF
09:38:49 ESTERO.
09:38:49 WE'RE HONORED TO PLAY HOCKEY AND LIVE HERE, AND WE WOULD
09:38:53 LIKE TO THANK THE VILLAGE OF ESTERO FOR THEIR SUPPORT.
09:38:56 IT'S BEEN AN AMAZING RIDE, FEW YEARS IN THE MAKING, BUT
09:39:02 WE'RE ECSTATIC FOR THIS OPPORTUNITY TO JUST WIN IN FRONT OF
09:39:05 OUR FANS AND EVERYONE WE LIVE WITH.
09:39:07 >>Mayor Errington: THANK YOU.
09:39:08 JESSE?
09:39:11 >> TERRIFIC.

09:39:12 >> YOU WANT ME TO HOLD THAT?
09:39:13 [LAUGHTER]
09:39:14 >> I JUST WANT TO FOLLOW UP WITH WHAT BRAD SAID.
09:39:17 WE'RE EXTREMELY PROUD TO GET TO PLAY HERE.
09:39:20 ALL THREE OF US ARE RESIDENTS OF THE VILLAGE OF ESTERO, SO
09:39:23 WE'RE VERY HONORED TO HAVE BEEN INVITED HERE TODAY AND TO

09:39:28 GET TO SHARE THIS GREAT PRIVILEGE AND CHAMPIONSHIP WITH ALL
09:39:32 OF YOU GUYS.
09:39:33 SO THANKS SO MUCH FOR HAVING US OUT.
09:39:35 AND AS ALWAYS, GO BLADES.
09:39:39 >> WELL, IT WAS AN AMAZING NIGHT.
09:39:42 MORE THAN 7600 PEOPLE AT HERTZ ARENA, STANDING ROOM ONLY.
09:39:46 WE'RE JUST SO GRATEFUL FOR THE VILLAGE'S SUPPORT AND THE
09:39:51 SUPPORT OF SOUTHWEST FLORIDA.
09:39:52 AND TO BE ABLE TO PUT ESTERO ON THE MAP, NOT ONLY AROUND THE
09:39:56 UNITED STATES, BUT WE DEFEATED A TEAM IN CANADA AS WELL.
09:40:00 SO IT'S AN INTERNATIONAL CHAMPIONSHIP.
09:40:02 THERE ARE 27 TEAMS AND WE'RE ON TOP OF THE WORLD HERE TODAY.
09:40:06 AND WE APPRECIATE IT.
09:40:07 >>Mayor Errington: THANK YOU.
09:40:08 [APPLAUSE]
09:40:46 >>Mayor Errington: THANK YOU SO MUCH.
09:40:46 MAY I ASK YOU BEFORE YOU LEAVE, I HAVE SOMETHING ELSE HERE.
09:40:51 AND I DON'T SEE HIM AROUND HERE ANYWHERE, BUT YOU HAVE A BIG
09:40:58 FAN, A FORMER NUMBER 9, ERNIE HARTLIEB.

09:41:04 THEY RETIRED -- THE BLADES RETIRED HIS JERSEY IN 2012, I
09:41:09 UNDERSTAND, AFTER 350 GAMES.
09:41:11 SO ERNIE IS ONE OF YOUR AVID SUPPORTERS.
09:41:17 SO, HE GOES AROUND TELLING EVERYBODY -- I MET HIM
09:41:19 ACCIDENTALLY IN THE BANK, AND HE ASKED ME WHAT I DID.
09:41:22 I TOLD HIM I WAS THE MAYOR.
09:41:23 HE SAID, "YOU CAN'T BE. I'M THE MAYOR."
09:41:25 HE SAID, "I'M THE UNOFFICIAL MAYOR."
09:41:30 I TAKE IT THAT HE IS AND HAS BEEN FOR YEARS.
09:41:33 WE HAVE SOMETHING FOR YOU TO TAKE TO ERNIE.
09:41:38 HE WAS SUPPOSED TO HAVE BEEN HERE TODAY.
09:41:42 SO TELL ERNIE THAT HE IS NO LONGER THE UNOFFICIAL MAYOR OF
09:41:47 ESTERO.
09:41:47 HE IS NOW THE UNOFFICIAL AMBASSADOR FOR ESTERO.
09:41:51 OKAY?
09:41:52 THANK YOU.
09:41:52 THANK YOU.
09:41:55 [APPLAUSE]
09:41:59 ITEM NUMBER 2, APPROVAL OF AGENDA, ADDITIONS AND DELETIONS.
09:42:35 ANYONE HAVE ANY CHANGES?
09:42:37 NO.
09:42:38 IF NOT, I WOULD ENTERTAIN A MOTION.
09:42:41 >>Jim Boesch: I MOVE THAT WE ACCEPT THE AGENDA AS PRESENTED.
09:42:44 >>Joanne Ribble: I'LL SECOND.
09:42:45 >>Mayor Errington: MOTION HAS BEEN MADE BY COUNCIL MEMBER

09:42:49 BOESCH AND SECONDED BY COUNCIL MEMBER RIBBLE.
09:42:52 PLEASE CALL THE ROLL.

09:42:59 >>Carol Sacco: COUNCIL MEMBER WILSON?
09:43:02 >>Jim Wilson: AYE.
09:43:04 >>Jim Ward: AYE.
09:43:05 >>Jim Boesch: AYE.
09:43:07 >>Larry Fiesel: AYE.
09:43:09 >>Joanne Ribble: AYE.
09:43:10 >>Vice-Mayor McLain: AYE.
09:43:11 >>Mayor Errington: AYE.
09:43:13 ITEM NUMBER 3, PUBLIC COMMENT ON NON-AGENDA ITEMS.
09:43:21 >>Carol Sacco: NO PUBLIC COMMENT.
09:43:22 >>Mayor Errington: OKAY.
09:43:22 MOVING FORWARD, NUMBER FOUR, CONSENT AGENDA.
09:43:27 WE DON'T HAVE ANY COMMENTS OR QUESTIONS HERE FOR THAT.
09:43:38 >>Carol Sacco: WE NEED A MOTION.
09:43:40 >>Joanne Ribble: SO MOVED.
09:43:41 >>Mayor Errington: MOTION MADE BY COUNCIL MEMBER RIBBLE AND
09:43:43 SECONDED BY COUNCIL MEMBER FIESEL.
09:43:45 PLEASE CALL THE ROLL.
09:43:47 >>Joanne Ribble: AYE.
09:43:48 >>Larry Fiesel: AYE.
09:43:50 >>Jim Boesch: AYE.
09:43:51 >>Jim Ward: AYE.
09:43:52 >>Jim Wilson: AYE.

09:43:54 >>Vice-Mayor McLain: AYE.
09:43:56 >>Mayor Errington: AYE.
09:43:57 ITEM NUMBER 5, CONSIDERATION OF ITEMS DEFERRED.
09:44:04 WE DIDN'T DEFER ANYTHING.
09:44:05 SO NOW WE ARE ON ITEM NUMBER 6A.
09:44:09 THIS IS COMMUNITY DEVELOPMENT SOFTWARE.
09:44:15 SO, STEVE, WILL YOU INTRODUCE THIS PLEASE?
09:44:19 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
09:44:21 GOOD MORNING.
09:44:22 THIS ITEM IS -- HAS BEEN IN THE BUDGET FOR ABOUT THREE
09:44:27 YEARS.
09:44:28 IT'S THE COMPLETE REVAMP OF OUR SOFTWARE THAT WILL SERVE THE
09:44:32 COMMUNITY DEVELOPMENT DEPARTMENT.
09:44:34 WE'VE BEEN USING A PROPRIETARY SOFTWARE PACKAGE BY OUR
09:44:41 CONSULTANT, CGA, AND WE REALLY NEED SOMETHING THAT IS
09:44:47 UPDATED AND BETTER SUITED TO SERVE NOT ONLY THE VILLAGE BUT
09:44:52 THE PUBLIC THAT UTILIZES OUR INSPECTION AND COMMUNITY
09:44:56 DEVELOPMENT SERVICES.
09:44:58 THE TOTAL PROJECT HERE IS OVER -- JUST SLIGHTLY OVER
09:45:05 $397,000.
09:45:06 WITH A $49,000 CONTINGENCY FUND ATTACHED AS WELL.
09:45:11 THIS PROJECT IS GOING TO TAKE 12 TO 18 MONTHS AND WILL
09:45:17 INVOLVE CITY STAFF AND OUR CONSULTANT TO GO THROUGH THE
09:45:22 ENTIRE PROCESS OF TRANSFERRING INFORMATION FROM THE

09:45:27 PROPRIETARY SOFTWARE PACKAGE AND THE LEE COUNTY PUBLIC

09:45:31 RECORDS INTO OUR SYSTEM SO THAT WE'LL HAVE A FULLY
09:45:35 INTEGRATED SYSTEM AVAILABLE TO STAFF AND THE PUBLIC.
09:45:38 WE'RE AVAILABLE IF YOU HAVE ANY QUESTIONS.
09:45:43 THIS HAS BEEN DISCUSSED IN PREVIOUS BUDGET SESSIONS.
09:45:47 WE DID NOT ATTACH THE ENTIRE CONTRACT BECAUSE IT WAS OVER
09:45:51 150 PAGES LONG AND WE WANTED TO SAVE A FEW TREES, BUT THE
09:45:55 COPIES OF THE CONTRACTS HAVE BEEN AVAILABLE FOR REVIEW.
09:46:02 THIS HAS BEEN REVIEWED BY SPECIAL LEGAL COUNSEL WHO HAS A
09:46:07 STRONG FAMILIARITY WITH THESE TYPE OF SOFTWARE PACKAGES, AS
09:46:12 WELL AS OUR INTERIM VILLAGE ATTORNEY.
09:46:14 AND THIS COMES TO YOU WITH A RECOMMENDATION FOR APPROVAL.
09:46:17 123450 I THINK MARY WANTS TO.
09:46:21 >>Mayor Errington: I THINK MARY WANTS TO SAY SOMETHING.
09:46:23 >>Mary Gibbs: MAY I ADD ONE THING WITH REGARD TO THE BUDGET.
09:46:26 IT HAS BEEN BUDGETED.
09:46:27 WHAT WE PLAN TO DO IS TO PRIMARILY USE EXCESS FEES THAT WE
09:46:31 GET FOR BUILDING PERMITS.
09:46:33 SOMETIMES YOU'RE ALLOWED TO COLLECT EXTRA, BUT YOU HAVE TO
09:46:36 USE THEM FOR THINGS THAT ARE RELATED TO BUILDING PERMITTING.
09:46:40 SO WE SAVED UP THOSE EXCESS FEES AND WE WILL ALLOCATE THEM
09:46:44 TO USE FOR THE SOFTWARE PURCHASE SO THAT THE MAJORITY WILL
09:46:48 NOT COME OUT OF GENERAL FUND.
09:46:50 >>Mayor Errington: THANK YOU.
09:46:51 COUNCIL, ANY QUESTIONS, COMMENTS?
09:46:56 >>Jim Ward: STEVE, I NOTICED THE CONTINGENCY IS 15%.

09:46:59 IS THAT A CHANGE IN POLICY FROM OUR NORMAL 10?
09:47:02 >>Steven Sarkozy: WE NORMALLY USE 10, BUT IN THIS CASE,
09:47:05 THERE ARE SO MANY UNCERTAINTIES BECAUSE WE'RE DEALING WITH
09:47:07 OUTSIDE AGENCIES, NOT ONLY THE OUTSIDE CONTRACTOR, BUT ALSO
09:47:10 THE COUNTY.
09:47:13 AND MOST OF THIS WORK WILL BE DONE BY A THIRD-PARTY VENDOR.
09:47:18 SO WE'RE THINKING THAT THIS WILL PROVIDE US THE ASSURANCE
09:47:23 THAT WE CAN GET THIS DONE WITHOUT HAVING TO COME BACK TO
09:47:26 COUNCIL.
09:47:27 >>Jim Ward: NORMAL POLICY OF 10% WILL CONTINUE.
09:47:31 >>Steven Sarkozy: THIS IS AN ISOLATED CASE.
09:47:36 >>Larry Fiesel: IF YOU WOULD CLARIFY FOR ME, STEVE, TODAY,
09:47:38 WE'RE APPROVING, IMPLEMENTING THE CITYVIEW SOFTWARE THAT WE
09:47:46 APPROVED BACK IN JULY OF LAST YEAR, BUT ON JUNE OF LAST
09:47:50 YEAR, OUR MEETING ON JUNE THE 2nd, WE PROVIDED FUNDING FOR
09:47:55 A CONSULTANT OF $250,000.
09:47:58 JUST HELP ME MARRY THESE TWO THINGS TOGETHER.
09:48:01 WE SPENT $250,000 LAST YEAR GETTING THIS TO THE CITYVIEW
09:48:06 SOFTWARE?
09:48:07 >>Steven Sarkozy: I'LL TURN IT OVER TO MARY TO DESCRIBE THE

09:48:09 PROCESS OVER THE LAST YEAR TRYING TO GET THIS THING UP AND
09:48:14 RUNNING.
09:48:14 >>Mary Gibbs: WE HIRED A CONSULTANT BECAUSE WE DON'T HAVE
09:48:21 ANY PEOPLE WITH SPECIALIZED I.T. SKILLS DOING SOFTWARE
09:48:25 CONTRACT.

09:48:25 SO WE HIRED A CONSULTANT THAT HAS IMPLEMENTED SOFTWARE
09:48:28 BEFORE TO BE OUR ADVOCATE PUTTING TOGETHER THIS CONTRACT
09:48:32 WITH CITYVIEW.
09:48:34 AND HE IS GOING TO HELP WITH US THE IMPLEMENTATION.
09:48:38 THE CONTRACT WITH HIM WAS SEPARATE, BUT IT WAS THROUGH THE
09:48:40 CONTRACT APPROVAL AND WITH IMPLEMENTATION AS WELL.
09:48:45 BECAUSE, AGAIN, WE DON'T HAVE AN I.T. STAFF LIKE WHEN I WAS
09:48:48 AT THE COUNTY AND WE DID IMPLEMENTATION, WE HAD A LARGE I.T.
09:48:52 STAFF THAT DID ALL THAT FOR US.
09:48:54 SO THAT'S A SEPARATE CONTRACT.
09:48:56 I DON'T THINK HE'S SPENT ALL THAT.
09:48:58 THAT WAS ALLOCATED OVER THE LIFE OF THE PROJECT.
09:49:00 AND THIS IS FOR THE SOFTWARE, THE IMPLEMENTATION, THE DATA
09:49:04 CONVERSION, STAFF TRAINING, AND THEN THE STAFF WILL BE
09:49:08 WORKING WITH CITYVIEW AND THE PROGRAM CONSULTANTS TO PUT THE
09:49:15 WHOLE THING TOGETHER.
09:49:16 LIKE STEVE SAID, TYPICALLY, WE'D LIKE TO SAY 12 MONTHS.
09:49:20 WE REALLY WANT TO GET IT DONE IN 12 MONTHS, BUT A LOT OF
09:49:23 PLACES THAT DO IT, IT'S TAKEN BETWEEN 12 TO 18.
09:49:27 IT'S NOT CHEAP BECAUSE SOFTWARE IS EXPENSIVE.
09:49:35 >>Larry Fiesel: THANK YOU.
09:49:36 GOING BACK A YEAR, JUST KIND OF REVIEW MY EXPERIENCES.
09:49:41 >>Mayor Errington: JON.
09:49:41 >>Vice-Mayor McLain: I THINK YOU JUST SAID THE
09:49:44 IMPLEMENTATION OF THIS IS A 12 TO 18 MONTH PROJECT.

09:49:48 HAS THAT CLOCK ALREADY STARTED OR DOES IT START --
09:49:51 >>Mary Gibbs: NO.
09:49:52 THE CLOCK WILL START ONCE WE GET THE CONTRACT EXECUTED, AND
09:49:55 THEN THE CLOCK WILL START.
09:49:57 WE DON'T HAVE THE CONTRACT EXECUTED.
09:49:59 THERE MAY BE SOME FINAL REVISIONS IN THE MOTION THAT WE
09:50:02 SUGGESTED, IF YOU APPROVE THIS, YOU WILL ALLOW STEVE, IF WE
09:50:07 NEED TO DO A FEW LITTLE REVISIONS BECAUSE WE'RE NOT QUITE
09:50:10 THERE.
09:50:11 WE'RE TRYING TO HONE DOWN THE EXACT COST.
09:50:14 SO WE'VE LEFT SOME FLEXIBILITY FOR STEVE TO APPROVE
09:50:17 REVISIONS.
09:50:18 IT MAY TAKE A COUPLE OF WEEKS TO GET THAT FINALIZED AND THEN
09:50:21 THE CLOCK STARTS.
09:50:22 BUT WE HAVE DONE A LOT OF -- YOU KNOW, IT TOOK A LONG TIME
09:50:25 TO GET THIS CONTRACT FORWARD BECAUSE WE WANTED TO MAKE SURE

09:50:28 WE WORKED WITH THE COUNTY TO MAKE SURE WE CAN GET THE DATA.
09:50:30 SO WE'VE DONE A LOT OF LEGWORK UP FRONT THAT TYPICALLY
09:50:35 WOULDN'T BE DONE UNTIL YOU ACTUALLY EXECUTED A CONTRACT, BUT
09:50:38 WE WANTED TO MAKE SURE WE HAD A REALLY GOOD GRASP OF WHAT
09:50:41 WAS INVOLVED.
09:50:42 >>Mayor Errington: ANY OTHER QUESTIONS?
09:50:43 ANY PUBLIC COMMENT?
09:50:49 >>Carol Sacco: NO PUBLIC COMMENT AND NO E-COMMENTS.
09:50:51 >>Mayor Errington: OKAY.

09:50:52 I NEED A MOTION.
09:50:54 >>Jim Boesch: MAKE A MOTION.
09:50:55 >>Mayor Errington: MOTION MADE BY COUNCIL MEMBER BOESCH AND
09:50:58 SECONDED BY COUNCIL MEMBER WARD.
09:51:03 PLEASE CALL THE ROLL.
09:51:06 >>Jim Wilson: AYE.
09:51:07 >>Jim Ward: AYE.
09:51:09 >>Jim Boesch: AYE.
09:51:09 >>Larry Fiesel: AYE.
09:51:12 >>Joanne Ribble: AYE.
09:51:13 >>Vice-Mayor McLain: AYE.
09:51:14 >>Mayor Errington: AYE.
09:51:16 ITEM NUMBER 6B IS RESOLUTION NUMBER 2022-11.
09:51:27 MADAM CLERK, WILL YOU PLEASE READ THE RESOLUTION?
09:51:29 >>Carol Sacco: RESOLUTION NUMBER 2022-11, A RESOLUTION
09:51:33 APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE
09:51:36 OF ESTERO AND THE COCCOLOBA CHAPTER OF THE FLORIDA NATIVE
09:51:41 PLANT SOCIETY, AUTHORIZING THE MAYOR TO EXECUTE THE MOU AND
09:51:46 PROVIDING AN EFFECTIVE DATE.
09:51:49 >>Mayor Errington: THANK YOU.
09:51:50 STEVE, WILL YOU INTRODUCE THIS RESOLUTION, PLEASE?
09:51:52 >>Steven Sarkozy: THANK YOU, MADAM MAYOR AND MEMBERS OF
09:51:55 COUNCIL.
09:51:55 AS IS OUR PRACTICE, WHEN WE ARE INVOLVED IN THE OPERATION
09:52:01 AND MAINTENANCE OF A CERTAIN PIECE OF PROPERTY, MUCH LIKE WE

09:52:04 DID WITH THE ESTERO ON THE RIVER, WE BROUGHT IN AN OUTSIDE
09:52:08 501(C)(3) ORGANIZATION TO PROVIDE FOR THE MAINTENANCE AND
09:52:12 OPERATION OF THE ACTIVITIES ON A PARTICULAR PARCEL.
09:52:17 THE ESTERO ON THE RIVER CASE, WE BROUGHT IN THE YMCA, AND
09:52:21 WE'RE PAYING THEM ON A MONTHLY BASIS TO DO BASICALLY ALL THE
09:52:25 MAINTENANCE AND PROGRAMMING ON THAT SITE.
09:52:28 WE'VE RECENTLY PURCHASED AND CLOSED ON THE 10-ACRE RIVER
09:52:35 OAKS PRESERVE PROPERTY.
09:52:38 AND IN THIS CASE, THE LOCAL CHAPTER OF FLORIDA NATIVE PLANT
09:52:46 SOCIETY HAS TAKEN A LOOK AT THE PROPERTY AND VIEW THAT
09:52:51 PROPERTY AS REALLY A PRISTINE LOCATION AND AN IDEAL LOCATION
09:52:57 FOR THEIR OPERATION TO GROW AND ENHANCE THE KNOWLEDGE OF

09:53:03 NATIVE PLANTS -- AND USE OF THE NATIVE PLANTS THROUGHOUT THE
09:53:07 ENTIRE COMMUNITY.
09:53:08 SO WE'VE CRAFTED MEMORANDUM OF UNDERSTANDING.
09:53:14 WE'LL GIVE THEM DAY-TO-DAY CONTROL OF THE SITE, ALL UNDER
09:53:18 THE CITY'S WING.
09:53:20 THIS IS A NONEXCLUSIVE AGREEMENT WHERE WE'LL PAY THEM IN
09:53:25 THIS CASE $3,000 A MONTH FOR THAT OPERATION.
09:53:30 THEY WILL BE RESPONSIBLE FOR REMOVING INVASIVES, ONCE WE DO
09:53:35 THE MAJOR INVASIVE TREE REMOVAL, THEY WILL ALSO PROVIDE
09:53:40 ONGOING MAINTENANCE AND SECURITY ON THE SITE AND THEN ALSO
09:53:44 CREATE NURSERIES OF NATIVE PLANTS THAT WILL BE USED IN THE
09:53:47 ESTERO ON THE RIVER PROPERTY AS WELL AS OTHER PROPERTIES
09:53:50 THROUGHOUT THE VILLAGE.

09:53:52 ON A LONG-TERM BASIS, THE NURSERY WILL ALLOW THEM TO SELL
09:53:58 NATIVE PLANTS AND BECOME SELF-SUPPORTING.
09:54:01 SO WE BELIEVE THAT THIS AGREEMENT IS REALLY MORE SHORT-TERM
09:54:06 IN PERSPECTIVE.
09:54:08 WE'D LOVE TO SEE THIS GROW AND HAVE SOMEONE ELSE MAINTAIN IT
09:54:12 AS A GREAT PRESERVE WITHOUT IT BECOMING A BURDEN ON VILLAGE
09:54:17 STAFF AND CAUSING US TO HAVE TO HIRE PEOPLE AND SO FORTH.
09:54:20 SO THIS IS A GREAT GROUP.
09:54:23 THEY ARE VOLUNTEER BASED.
09:54:26 IT IS LARGELY FROM ESTERO, AND THEY HAVE A GREAT REPUTATION
09:54:32 WITHIN KIND OF THAT GENERAL COMMUNITY.
09:54:35 AND I THINK WE HAVE A GREAT OPPORTUNITY HERE TO FORGE A GOOD
09:54:41 RELATIONSHIP THAT WILL ADVANCE NOT ONLY THE CAUSE BUT THE
09:54:44 OPPORTUNITIES FOR VOLUNTEERS IN THE COMMUNITY.
09:54:49 >>Mayor Errington: THANK YOU.
09:54:50 COUNCIL, ANY QUESTIONS, COMMENTS?
09:54:54 >>Jim Boesch: THE ONLY POINT THAT I CAN SEE WOULD BE A
09:54:57 DISADVANTAGE FOR US, STEVE, IS IF WE DO NOT COVER WITHIN THE
09:55:04 LIABILITY OF ANY ANIMALS OR ANYTHING THAT BITE THEM,
09:55:09 WHATEVER THE CASE, SINCE I'M SURE THEY WORK IN THIS VENUE,
09:55:14 THAT'S COVERED ANYHOW.
09:55:16 SO MAKE SURE THAT WE'RE COVERED THAT THERE IS A CLEAR
09:55:21 UNDERSTANDING THAT YOU'RE RESPONSIBLE FOR ANY TYPE OF
09:55:24 SITUATION LIKE THIS HERE AND YOU RELIEVE THE TOWN OF ANY
09:55:30 TYPE OF HEALTH HAZARD THAT COULD COME FROM THIS PARTICULAR

09:55:35 SITUATION.
09:55:36 I THINK IN ACCORDANCE WITH OUR CONCEPT OF OUTSOURCING
09:55:40 DIFFERENT SERVICES, THIS CERTAINLY FITS WITHIN THE CONCEPT
09:55:44 THAT WE HAVE IN IT.
09:55:45 SO I THINK IT'S A GOOD IDEA.
09:55:47 IT'S GOT TO BE DONE, HAVE PEOPLE WALKING ON AN UNSECURE TYPE
09:55:53 OF SITUATION.
09:55:54 SO I FAVOR THIS CONTRACT THAT YOU'VE WORKED OUT WITH THESE

09:55:59 PEOPLE FOR THIS AND MAYBE IN THE FUTURE, IF THERE ARE OTHER
09:56:05 AREAS THAT HAS TO BE CULTIVATED, THAT THESE PEOPLE MAYBE CAN
09:56:14 HELP US WITH THAT AS WELL.
09:56:16 >>Steven Sarkozy: MADAM MAYOR, COUNCIL, WE DO HAVE THE
09:56:21 FLORIDA NATIVE PLANT SOCIETY PROVIDING US -- AND THEY HAVE
09:56:25 ALREADY PROVIDED A CERTIFICATE OF INSURANCE NAMING THE
09:56:29 VILLAGE AS AN ADDITIONAL INSURED, AND WE ALSO ADVISED THE
09:56:33 FLORIDA LEAGUE OF CITIES INSURANCE TRUST THAT THIS IS PART
09:56:37 OF OUR PROPERTY.
09:56:38 SO WE'RE COVERED INSURANCE-WISE.
09:56:43 >>Mayor Errington: YES.
09:56:45 >>Joanne Ribble: I WAS JUST HAPPY TO SEE THAT THEY
09:56:47 VOLUNTEERED TO COOPERATE WITH US ON THE ESTERO ON THE RIVER
09:56:50 PROJECT AS WE DEVELOP OUR TRAILS.
09:56:53 I'M LOOKING FORWARD TO THEM ENHANCING WHAT COULD BE DONE
09:56:57 THERE, AND I THINK IT IS A VERY EXCITING PROSPECT IN THE
09:57:01 FUTURE AND I LOOK FORWARD TO SEEING IT HAPPEN.

09:57:03 >>Mayor Errington: ANY OTHER COMMENTS?
09:57:04 YES, LARRY.
09:57:05 >>Larry Fiesel: I'M HAPPY TO SEE THIS ALSO.
09:57:08 I THINK IT IS A GREAT THING TO WORK WITH THESE FOLKS ON THIS
09:57:12 PIECE OF PROPERTY.
09:57:14 THE NATIVE PLANT SOCIETY HAS ME KIND OF FASCINATED BECAUSE
09:57:18 I'VE WORKED WITH LANDSCAPE ARCHITECTS AND CONTRACTORS IN MY
09:57:20 COMMUNITY.
09:57:21 EVERY TIME I PULL UP A PLANT, WELL, IT'S NOT NATIVE TO
09:57:24 FLORIDA.
09:57:24 WELL, WHAT IS NATIVE TO FLORIDA?
09:57:27 SO MAYBE THEY CAN GIVE US A LIST OF WHAT COVERS THAT.
09:57:30 I'D ALSO LIKE TO THANK BOB FOR CLARIFYING SOMETHING IN THE
09:57:35 MEMORANDUM OF UNDERSTANDING.
09:57:37 INITIALLY, I THOUGHT WE HAD A 10-ACRE PIECE OF PROPERTY PLUS
09:57:41 ANOTHER FIVE-ACRE PARCEL.
09:57:42 I WAS TRYING TO REMEMBER, WHEN DID WE BUY THAT OTHER FIVE
09:57:46 ACRES.
09:57:47 BUT IT APPARENTLY IS A PART OF THE ACTUAL TEN ACRES.
09:57:49 THE WAY IT'S DESCRIBED HERE KIND OF CONFUSED ME.
09:57:52 BOB GOT ME A BIT OF AN UNDERSTANDING OF WHAT THAT MEANT.
09:57:56 >>Mayor Errington: ANY OTHER COMMENTS?
09:57:58 YES, JON.
09:58:00 >>Vice-Mayor McLain: I THINK THIS IS A GREAT IDEA FOR THE
09:58:02 VILLAGE AND FOR THE PIECE OF PROPERTY.

09:58:03 IT'S GOING TO BE GREAT.
09:58:04 JUST A QUESTION, STEVE, ON THE MEMORANDUM OF UNDERSTANDING.
09:58:08 ON PARAGRAPH FOUR, IT SAYS, EQUIPMENT ACCESS EAST OF THE
09:58:14 ESTERO RIVER IS LIMITED TODAY AND CCFNPS WILL HANDLE

09:58:19 IMPROVING ACCESS TO THE EASTERN SIDE OF THE PROPERTY BY
09:58:23 BUILDING A MAINTENANCE BRIDGE.
09:58:26 AND THEN LATER IN PARAGRAPHS 9 AND 11, IT REFERENCED THE
09:58:32 BRIDGES.
09:58:33 ARE THEY DOING THE INITIAL ONE JUST TO GET OVER THERE?
09:58:38 LATER IN 9 AND 11, IT TALKS ABOUT US PARTICIPATING IN THE
09:58:41 FUNDING OF THAT.
09:58:42 CAN YOU HELP ME UNDERSTAND THAT A LITTLE BIT?
09:58:44 >>Steven Sarkozy: SURE.
09:58:44 THE INITIAL ACCESS TO THE EAST SIDE -- SO THE PROPERTY IS
09:58:48 DIVIDED EAST AND WEST BY THE NORTH BRANCH OF THE ESTERO
09:58:51 RIVER.
09:58:53 YOU CAN GET PEDESTRIAN ACCESS ACROSS KIND OF A JERRY-RIGGED
09:59:00 WALKWAY, BUT WE REALLY NEED A FULL BRIDGE.
09:59:03 SO THEY'LL TAKE CARE OF THE INITIAL WALKWAY, BUT TO DO MAJOR
09:59:08 MAINTENANCE ON THE EAST SIDE OF THAT RIVER, WE'LL NEED A
09:59:12 BIGGER BRIDGE THAT WILL ALLOW SMALL CARTS, ELECTRIC, OR GAS
09:59:20 CARTS TO GET ACROSS BECAUSE THERE'S SOME RESTORATION THAT
09:59:24 HAS TO BE DONE ON THAT EAST SIDE.
09:59:27 WE JUST CAN'T THROW UP A BRIDGE THERE.
09:59:31 BECAUSE IT'S PROTECTED WATERWAY AND BECAUSE WE HAVE SOME

09:59:35 DELICATE SIDE SLOPES DOWN TO THE RIVER, WE'RE GOING TO HAVE
09:59:39 TO DO A CLEAR SPAN BRIDGE THAT'S GOING TO TAKE SOME TIME TO
09:59:43 DESIGN, PURCHASE, AND PERMIT.
09:59:46 SO THE HOPE IS THAT SOMETIME IN THE NEXT 12 MONTHS, WE TRY
09:59:52 TO GET SOME TYPE OF GRANT TO MAKE SOME PERMANENT
09:59:56 IMPROVEMENTS ON THAT SITE THAT SUSTAIN NOT ONLY THE NATIVE
10:00:02 PLANT SOCIETY, BUT ANY OTHER GROUP THAT WANTS TO GO IN
10:00:05 THERE.
10:00:05 AND THEN IN THAT PROCESS, WE CAN KIND OF PULL BACK OUR
10:00:09 FINANCIAL SUPPORT AND LET THEM KIND OF GROW ON THEIR OWN.
10:00:13 THERE'S ONE OTHER POINT, AND I THOUGHT DEPUTY MAYOR McLAIN
10:00:19 MIGHT HAVE MENTIONED IT, BUT WE DID MEET WITH THE NATIVE
10:00:22 PLANT SOCIETY AND THE THREE ADJOINING NEIGHBORHOOD
10:00:26 ORGANIZATIONS.
10:00:29 THIS PROPERTY BORDERS COUNTRY CREEK, CASCADES, AND THE
10:00:34 ROOKERY.
10:00:34 THERE'S GOING TO BE SOME MORE ACTIVITY BACK THERE THAN THERE
10:00:41 HAS BEEN IN RECENT YEARS.
10:00:42 SO WE WANTED TO LET THE NEIGHBORS KNOW ABOUT THEM AND,
10:00:50 FRANKLY, THEY WERE DELIGHTED.
10:00:51 IT WAS A GREAT MEETING.
10:00:52 THEY ARE PLUGGED INTO WHAT'S GOING ON AND WILL CONTINUE TO
10:00:56 COMMUNICATE WITH THEM SO THAT THERE ARE NO SURPRISES OUT
10:01:00 THERE.
10:01:02 >>Mayor Errington: THANK YOU.

10:01:02 YES, JIM.
10:01:04 >>Jim Ward: STEVE BASICALLY JUST ANSWERED MY QUESTION AS TO
10:01:06 WHETHER OR NOT WE HAD COMMUNICATED WITH THE PROPERTY AROUND
10:01:09 US AND WHETHER WE HAD THEIR AGREEMENT WITH WHAT WE PLAN TO
10:01:13 DO.
10:01:14 I JUST SEE THIS AS A WIN-WIN.
10:01:16 IT'S A REAL OPPORTUNITY FOR US TO WORK WITH THE PLANT
10:01:19 SOCIETY AND FOR THEM TO GET SOME ADDITIONAL KNOWLEDGE ABOUT
10:01:21 THE AREA TO PARTICIPATE WITH FGCU.
10:01:26 I THINK IT IS A WIN-WIN FOR BOTH THE COMMUNITY AND THE
10:01:29 COUNCIL FOR THE VILLAGE.
10:01:30 >>Mayor Errington: THANK YOU.
10:01:31 ANY OTHER COMMENTS?
10:01:32 COUNCIL MEMBER WILSON, DO YOU HAVE A COMMENT?
10:01:40 >>Jim Wilson: NO.
10:01:40 I TOTALLY SUPPORT THE PROJECT.
10:01:42 I THINK IT'S ANOTHER OUTSTANDING EXAMPLE OF US USING OUTSIDE
10:01:47 ORGANIZATIONS TO HELP US CONTROL COSTS OF RUNNING VILLAGE
10:01:51 GOVERNMENT.
10:01:53 >>Mayor Errington: THANK YOU.
10:01:54 I HAVE ONE REQUEST.
10:01:56 AS WE LOOK AT THE GATE THAT GOES TO THE PROPERTY, AND I HAD
10:02:01 TALKED WITH STEVE ABOUT THIS, THAT PUTTING A FENCE ALONGSIDE
10:02:05 THE GATE, NOW, YOU GO DOWN THAT ROAD AND IT'S JUST A GATE
10:02:11 AND FOR SAFETY TO ENCLOSE JUST ON BOTH SIDES, THAT'S OUR

10:02:14 VILLAGE PROPERTY.
10:02:16 SO THAT WOULD BE SAFETY FOR THOSE GOING IN TO WORK DURING
10:02:20 THE DAY SO THAT OTHERS CANNOT GO IN THERE AT NIGHT AND DO
10:02:25 WHATEVER.
10:02:25 I THINK IT'S A WIN-WIN.
10:02:27 THIS RIVER OAKS PROPERTY IS ABSOLUTELY GORGEOUS, BEAUTIFUL
10:02:33 PROPERTY.
10:02:33 AND SOME DAY, I HOPE YOU HAVE THE OPPORTUNITY, MANY OF YOU,
10:02:38 TO GO IN AND SEE WHAT IT LOOKS LIKE.
10:02:41 IT'S REALLY A NICE, NICE PIECE OF PROPERTY FOR THE VILLAGE
10:02:45 OF ESTERO.
10:02:49 SO NO MORE COMMENTS FROM ANYONE ON COUNCIL, NOW --
10:02:54 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
10:02:56 >>Mayor Errington: OKAY.
10:02:57 SO I WILL ENTERTAIN A MOTION.
10:02:59 >>Vice-Mayor McLain: I MAKE A MOTION WE MOVE FORWARD WITH
10:03:03 THE MEMORANDUM OF UNDERSTANDING.
10:03:04 >>Mayor Errington: MOTION MADE BY VICE-MAYOR McLAIN AND
10:03:07 SECONDED BY COUNCIL MEMBER RIBBLE.
10:03:10 PLEASE CALL THE ROLL.
10:03:13 >>Joanne Ribble: AYE.
10:03:14 >>Larry Fiesel: AYE.

10:03:16 >>Jim Boesch: AYE.
10:03:17 >>Jim Ward: AYE.
10:03:19 >>Jim Wilson: AYE.

10:03:21 >>Vice-Mayor McLain: AYE.
10:03:22 >>Mayor Errington: AYE.
10:03:26 THANK YOU.
10:03:27 ITEM NUMBER 6C IS RESOLUTION NUMBER 2022-17.
10:03:34 MADAM CLERK, WILL YOU PLEASE READ THE RESOLUTION?
10:03:37 >>Carol Sacco: RESOLUTION NUMBER 2022-17, A RESOLUTION OF
10:03:41 THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA,
10:03:43 APPOINTING LEONARD E. SCOTTY WOOD AS CHAIRPERSON OF THE
10:03:47 VILLAGE OF ESTERO PLANNING ZONING AND DESIGN BOARD; AND
10:03:50 PROVIDING AN EFFECTIVE DATE.
10:03:54 >>Mayor Errington: THANK YOU.
10:03:55 STEVE, WILL YOU INTRODUCE THE RESOLUTION, PLEASE?
10:03:58 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
10:04:00 YOU'LL RECALL THAT WHEN THE VILLAGE ADOPTED OUR NEW LAND
10:04:04 DEVELOPMENT CODE BACK IN 2021, YOU MERGED THE TWO BOARDS
10:04:13 THAT WE HAD, THE DESIGN REVIEW BOARD AND THE PLANNING AND
10:04:16 ZONING BOARD, AND CREATED A LARGER NINE-MEMBER BOARD WITH
10:04:21 TWO CO-CHAIRS, FORMER COUNCIL MEMBER HOWARD LEVITAN AND
10:04:26 SCOTTY WOOD.
10:04:27 HOWARD LEVITAN HAS MOVED OUT OF THE CITY AND HAS THUS
10:04:35 RESIGNED FROM HIS POSITION ON THE BOARD, LEAVING US WITH AN
10:04:39 EIGHT-MEMBER BOARD AND ONE CO-CHAIR.
10:04:43 THE ACTION TODAY IS TO DESIGNATE CO-CHAIR SCOTTY WOOD AS THE
10:04:51 FULL-TIME CHAIRPERSON OF THIS BOARD.
10:04:53 OF COURSE, SCOTTY HAS A GREAT ATTENDANCE RECORD.

10:04:59 HE'S DONE GREAT WORK FOCUSING THE EFFORTS OF THE BOARD AND
10:05:04 GETTING TO SOME GOOD OUTCOMES, AND, OF COURSE, THE COUNCIL
10:05:11 HAS SEEN THE BOARD IN OPERATION, BUT THIS COMES TO YOU WITH
10:05:14 A STAFF RECOMMENDATION FOR APPROVAL.
10:05:16 IT RESOLVES THE ORGANIZATIONAL AND LEGAL ISSUES AND MOVES US
10:05:22 FORWARD.
10:05:22 WE WOULD PROPOSE TO STAY WITH AN EIGHT-MEMBER BOARD UNTIL
10:05:26 YOU DECIDE TO CHANGE THAT.
10:05:27 >>Mayor Errington: THANK YOU.
10:05:28 COUNCIL, ANY QUESTIONS, COMMENTS?
10:05:33 >>Jim Ward: THE ONLY QUESTION I HAVE IS RELATIVE TO THE
10:05:35 NINTH PERSON ON THE BOARD AND WHAT THE INTENT IS THERE.
10:05:41 >>Mayor Errington: STEVE.
10:05:42 >>Steven Sarkozy: MAYOR AND COUNCIL, THERE'S NO PLANS TO ADD
10:05:47 ANYONE.
10:05:47 WHEN WE WENT TO A NINE-MEMBER BOARD, THERE WAS A DISCUSSION
10:05:53 -- NO DECISION, BUT A DISCUSSION THAT MAYBE BY ATTRITION IT
10:05:56 WOULD ROLL BACK TO BECOME A SEVEN-MEMBER BOARD.

10:06:01 BUT WHAT TO DO IS ENTIRELY UP TO THE COUNCIL.
10:06:04 YOU COULD LEAVE IT AT EIGHT.
10:06:07 YOU CAN MOVE IT BACK UP TO NINE, OR YOU COULD -- INVARIABLY
10:06:12 THERE WILL BE SOMEBODY WHO WILL RESIGN AND GO BACK TO A
10:06:15 SEVEN-MEMBER BOARD.
10:06:16 IT'S ENTIRELY YOUR PURVIEW.
10:06:18 >>Mayor Errington: BUT TODAY WE'RE VOTING ON --

10:06:20 >>Steven Sarkozy: JUST THE CHAIR.
10:06:22 >>Mayor Errington: YES.
10:06:24 >>Vice-Mayor McLain: AS THE LIAISON TO THIS BOARD, I'VE
10:06:28 OBSERVED MANY OF THE MEETINGS VIA VIDEO.
10:06:33 WITHOUT A DOUBT, SCOTTY HAS GOT OUTSTANDING LEADERSHIP, AND
10:06:37 I THINK HE'S BEEN HERE FOR QUITE SOME TIME SO HE KNOWS
10:06:41 ESTERO.
10:06:41 HE KNOWS OUR RULES AND REGULATIONS.
10:06:45 I THINK IF HE IS WILLING TO BE THE SOLE CHAIR, I THINK THAT
10:06:49 WOULD BE A PLUS FOR THE VILLAGE BECAUSE IT ADDS CONTINUITY
10:06:52 FROM ONE MEETING TO THE NEXT.
10:06:54 BY SWITCHING BACK AND FORTH, SOMETIMES I THINK THERE COULD
10:06:58 BE A LITTLE BIT OF INCONSISTENCY IN THERE.
10:07:03 SO I'M IN FULL SUPPORT IF SCOTTY IS WILLING TO BE THE CHAIR
10:07:09 TO GO FORWARD WITH THIS MOTION.
10:07:11 >>Mayor Errington: THANK YOU.
10:07:12 ANY OTHER COMMENTS OR QUESTIONS, ANY COUNCIL MEMBERS?
10:07:18 >>Mary Gibbs: MAY I JUST ADD ONE THING?
10:07:21 THE WAY IT WORKS AND BECAUSE SCOTTY IS VERY COMMITTED, BUT I
10:07:25 THINK THE PLANNING, ZONING AND DESIGN BOARD, IF YOU ALL
10:07:27 AGREE AND MAKE HIM THE SOLE CHAIR, THEN THE PLANNING, ZONING
10:07:31 AND DESIGN BOARD WILL PROBABLY VOTE FOR A VICE-CHAIR AT
10:07:35 THEIR NEXT MEETING SO WE HAVE A LITTLE BACKUP FOR SCOTTY.
10:07:38 I ALSO WANTED TO RECOGNIZE HIM, BECAUSE HE IS HERE, WEARING
10:07:42 HIS FULL EVERBLADES GEAR TODAY.

10:07:44 >>Mayor Errington: YAY.
10:07:46 THANK YOU.
10:07:49 >>Jim Ward: FIRST OF ALL, I DO SUPPORT THE MOTION.
10:07:52 I WATCHED A NUMBER OF THE PLANNING AND ZONING BOARD
10:07:55 MEETINGS, AND I FULLY RECOGNIZE THE EXPERTISE THAT SCOTTY
10:08:00 BRINGS TO THIS.
10:08:01 JUST A POINT OF CLARIFICATION.
10:08:04 IN TERMS OF ADDING A NINTH PERSON TO THAT BOARD, IS THAT A
10:08:07 COUNCIL DECISION OR IS THAT A PLANNING, ZONING BOARD
10:08:10 DECISION?
10:08:12 >>Mary Gibbs: IT WOULD BE A COUNCIL DECISION.
10:08:13 THE WAY THE ORDINANCE IS WRITTEN, I THINK IT SAYS A RANGE OF
10:08:18 SEVEN TO NINE MEMBERS.
10:08:19 THAT'S THE WAY WE WROTE THAT.

10:08:20 SO IF YOU WANT TO APPOINT ANOTHER PERSON, THAT WOULD BE UP
10:08:24 TO THE COUNCIL TO APPOINT.
10:08:25 I WOULD SUGGEST THAT WE LEAVE IT AS IS FOR NOW JUST UNTIL WE
10:08:31 GET THIS CHAIR AND VICE-CHAIR GOING AND JUST SEE HOW IT
10:08:34 GOES.
10:08:34 WE'VE ONLY HAD A TIE VOTE ONCE, WHICH YOU'LL BE HEARING
10:08:39 ABOUT SHORTLY.
10:08:43 >>Jim Boesch: I THINK IT'S IMPORTANT TO BRING UP THE FACT
10:08:46 THAT WE CONTINUOUSLY HAD A PROBLEM GETTING PEOPLE TO SERVE
10:08:52 ON THE BOARDS, AND THAT'S ONE OF THE REASONS THAT WE
10:08:55 CONSOLIDATED SO THAT THAT HELPS WITH US THAT PARTICULAR

10:09:00 PROBLEM.
10:09:00 BUT I WOULD LIKE TO SAY SCOTTY HAS BEEN THE CHAIRMAN THROUGH
10:09:07 THICK AND THIN SINCE WE STARTED.
10:09:09 THERE'S NO QUESTION THAT, AS YOU MENTIONED, JIM, HE SHOULD
10:09:16 BE THE CHAIRMAN.
10:09:21 WE SHOULD GO BACK TO THE CONCEPT OF SINGLE CHAIRMAN AND IT
10:09:26 WILL RUN AS SMOOTHLY AS IT RAN BEFORE.
10:09:30 >>Mayor Errington: THANK YOU.
10:09:30 ANY OTHER COMMENTS, QUESTIONS?
10:09:33 ANY PUBLIC COMMENTS?
10:09:39 >>Carol Sacco: NO PUBLIC COMMENTS AND NO E-COMMENTS.
10:09:41 >>Mayor Errington: I'LL ENTERTAIN A MOTION.
10:09:43 >>Vice-Mayor McLain: I MAKE THE MOTION THAT WE APPOINT
10:09:45 SCOTTY WOOD AS THE CHAIRMAN OF THE ZONING, ARCHITECT AND ALL
10:09:53 THAT GOOD STUFF.
10:09:54 >>Mayor Errington: MOTION MADE BY VICE-MAYOR McLAIN AND
10:09:57 SECONDED BY COUNCIL MEMBER JIM WARD.
10:09:59 PLEASE CALL THE ROLL.
10:10:02 >>Jim Wilson: AYE.
10:10:05 >>Jim Ward: AYE.
10:10:06 >>Jim Boesch: AYE.
10:10:07 >>Larry Fiesel: AYE.
10:10:09 >>Joanne Ribble: AYE.
10:10:10 >>Vice-Mayor McLain: AYE.
10:10:11 >>Mayor Errington: AYE.

10:10:13 THANK YOU, SCOTTY, FOR YOUR SERVICE.
10:10:16 APPRECIATE IT.
10:10:17 THE NEXT ITEM, NUMBER 7A.
10:10:23 IT IS THE FIRST READING OF ORDINANCE 2022-04 ESTABLISHING A
10:10:28 COMMUNITY DEVELOPMENT DISTRICT FOR THE CORKSCREW CROSSING
10:10:32 PROPERTY.
10:10:32 MADAM CLERK, WILL YOU PLEASE READ THE TITLE OF THE
10:10:36 ORDINANCE?
10:10:37 >>Carol Sacco: ORDINANCE NUMBER 2022-04, AN ORDINANCE
10:10:41 ESTABLISHING CORKSCREW CROSSING COMMUNITY DEVELOPMENT

10:10:44 DISTRICT, PROVIDING A DISTRICT NAME, SETTING FORTH THE
10:10:48 AUTHORITY FOR ADOPTING THE ORDINANCE, ESTABLISHING THE
10:10:50 EXTERNAL BOUNDARIES OF THE DISTRICT, DESIGNATING THE INITIAL
10:10:54 MEMBERS OF THE BOARD OF SUPERVISORS, ESTABLISHING THE
10:10:56 GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190;
10:11:00 PROVIDING FOR NOTICE TO SUBSEQUENT PURCHASERS; PERTAINING TO
10:11:06 MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC
10:11:08 HEARING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN
10:11:11 EFFECTIVE DATE.
10:11:12 >>Mayor Errington: THANK YOU.
10:11:13 STEVE, WILL YOU INTRODUCE THE RESOLUTION -- I'M SORRY, THE
10:11:17 ORDINANCE?
10:11:17 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
10:11:20 THIS IS A FIRST READING OF AN ORDINANCE TO ESTABLISH THE
10:11:23 COMMUNITY DEVELOPMENT DISTRICT FOR THE CORKSCREW CROSSINGS

10:11:28 DEVELOPMENT.
10:11:29 THIS HAS BEEN KNOWN IN THE PAST AS THE ARGO PROJECT OR
10:11:32 CORKSCREW CROSSINGS.
10:11:33 IT'S LOCATED BETWEEN WILDCAT RUN AND THE PRESERVE ON THE
10:11:37 SOUTH SIDE OF CORKSCREW EAST OF I-75.
10:11:40 THIS IS A NEW DEVELOPMENT, 395 ACRES, AND OVER 500
10:11:48 SINGLE-FAMILY HOMES THAT ARE GOING TO GO IN THERE.
10:11:51 AND THE DEVELOPER HAS ASKED -- OR PLANS TO CREATE A
10:11:56 COMMUNITY DEVELOPMENT DISTRICT.
10:11:57 THIS IS, AGAIN NEW, THAT WE HAVE NOT CONSIDERED IN THE PAST,
10:12:03 HOWEVER, IT IS A RATHER ROUTINE WAY FOR DEVELOPERS TO CREATE
10:12:10 THE INFRASTRUCTURE NECESSARY FOR THE HOUSING DEVELOPMENT.
10:12:15 THIS, AGAIN, IS A FIRST READING.
10:12:20 IT WILL COME BACK TO YOU IN A COUPLE OF WEEKS, BUT I WOULD
10:12:24 LIKE MARY GIBBS TO PROVIDE ADDITIONAL BACKGROUND ON THIS
10:12:28 BECAUSE IT IS SOMETHING NEW THAT YOU HAVE NOT SEEN IN THE
10:12:31 PAST.
10:12:32 MARY?
10:12:34 >>Mayor Errington: THANK YOU, MARY.
10:12:38 >>Mary Gibbs: AGAIN, THIS IS A FIRST READING, SO WE WON'T GO
10:12:40 INTO ALL THE DETAIL THAT WE'LL GO INTO AT THE SECOND
10:12:43 READING.
10:12:44 BUT AS STEVE SAID, THIS IS THE FIRST TIME WE HAVE ACTUALLY
10:12:47 AS THE VILLAGE ESTABLISHED A COMMUNITY DEVELOPMENT DISTRICT.
10:12:50 THEY ARE PRETTY COMMON FOR LARGE PROPERTIES.

10:12:53 THEY HAVE BEEN ESTABLISHED.
10:12:54 THERE ARE SEVERAL IN ESTERO.
10:12:56 STONEYBROOK HAS A CDD.
10:12:58 PELICAN LANDING HAS A CDD.
10:13:00 THE BROOKS HAS A CDD.
10:13:03 SO IT'S A COMMON WAY FOR THE DEVELOPERS TO FINANCE THE

10:13:09 INFRASTRUCTURE THAT THEY NEED WITHOUT THAT BECOMING A COST
10:13:11 TO THE VILLAGE ITSELF.
10:13:12 SO THEY ARE ASKING FOR YOUR BASICS FOR INFRASTRUCTURE AND
10:13:20 MAINTENANCE, WATER AND SEWER LINES, STORMWATER DRAINAGE, AND
10:13:23 THEN THE PRESERVE CONSERVATION AREA, IF YOU REMEMBER FROM
10:13:27 THIS ARGO PROPERTY, THERE IS A LARGE CONSERVATION AREA ON
10:13:30 THE SOUTH SIDE OF THE PROPERTY BECAUSE OF THE WETLANDS.
10:13:32 THERE'S ABOUT A 200-ACRE PRESERVE.
10:13:34 SO THEY WANT TO USE THE COMMUNITY DEVELOPMENT DISTRICT FOR
10:13:36 ALL OF THAT.
10:13:37 AND THEN THESE ARE ESTABLISHED BY THE STATUTE FOR COMMUNITY
10:13:42 DEVELOPMENT DISTRICTS, SO YOU HAVE TO EXPLAIN WHAT POWERS
10:13:45 YOU'RE ASKING FOR, WHAT INFRASTRUCTURE, AND THEN THERE'S
10:13:48 WHAT THEY CALL AN ADDITIONAL POWER, WHICH IS SECURITY.
10:13:53 SO IT COULD BE GATE MAINTENANCE, IF YOU HAVE PATROL CARS IN
10:13:57 THE COMMUNITY, THAT CAN ALSO BE FINANCED BY A CDD.
10:14:00 SO THEY HAVE ASKED FOR THAT ADDITIONAL POWER AS WELL.
10:14:04 IN THE APPLICATION, THEY HAVE TO PROVIDE THE COST, WHICH
10:14:08 THEY HAVE ESTIMATED AT ABOUT 8 AND A HALF MILLION DOLLARS TO

10:14:11 PROVIDE ALL THIS.
10:14:12 THIS, AGAIN, IS NOT FINANCED BY THE VILLAGE.
10:14:15 IT'S FINANCED THROUGH THE CDD, AND THEN THE PROPERTY OWNERS
10:14:19 THAT BUY PROPERTY IN THAT PROJECT WILL PAY, NOT THE GENERAL
10:14:24 PUBLIC OR NOT ANY RESIDENTS OF ANY OTHER COMMUNITIES.
10:14:27 SO THAT'S PRETTY BASIC.
10:14:31 THE PUBLIC HEARING WE'RE ASKING TO SCHEDULE ON JULY 6th,
10:14:34 THE APPLICANT IS RESPONSIBLE FOR THE COST OF RUNNING THE
10:14:38 NEWSPAPER ADS.
10:14:40 THE STATUTE REQUIRES PRETTY EXTENSIVE, BIG NEWSPAPER AD, AND
10:14:44 YOU'VE PROBABLY SEEN THEM BEFORE, AND THEY HAVE TO RUN FOUR
10:14:45 WEEKS IN A ROW.
10:14:46 SO WE HAD TO TIME OUT THE SCHEDULE TO FIGURE OUT WHEN WE
10:14:49 COULD DO THAT ON JULY 6th.
10:14:52 AND THE APPLICANTS ARE HERE.
10:14:54 I WOULD JUST LIKE TO INTRODUCE THEM.
10:14:56 WE'VE GOT JOHN ASHER FROM GL HOMES.
10:15:00 THEY ARE THE ONES THAT ARE DEVELOPING THE PROPERTY RIGHT
10:15:02 NOW.
10:15:02 THEY STARTED CLEARING.
10:15:04 WE GOT A COUPLE OF COMPLAINTS ABOUT DUST AND THINGS FROM THE
10:15:07 CLEARING, BUT THEY ARE DOING A GOOD JOB.
10:15:09 THERE'S A LOT OF EXOTICS.
10:15:10 THEY ARE CLEARING THAT OUT.
10:15:11 THEY ARE DOING THE FIRST 140 LOTS NOW.

10:15:14 AND THEN WE HAVE THE ATTORNEY, TUCKER MACKIE, FROM THE LAW
10:15:17 FIRM IN TALLAHASSEE THAT I CAN'T PRONOUNCE THE NAME OF.

10:15:21 BUT SHE'S HERE FROM TALLAHASSEE.
10:15:23 THEY ARE HERE IF YOU HAVE QUESTIONS, BUT OTHERWISE, THEY
10:15:25 KNOW WE'LL DO THE EXPLANATION AT THE PUBLIC HEARING.
10:15:29 >>Mayor Errington: THANK YOU.
10:15:30 COUNCIL, ANY QUESTIONS OR COMMENTS?
10:15:36 >>Jim Wilson: MADAM MAYOR?
10:15:37 >>Mayor Errington: YES, COUNCIL MEMBER WILSON.
10:15:39 >>Jim Wilson: YES.
10:15:42 IN SECTION 4, THERE IS A DEFINITION OF THE FIVE INITIAL
10:15:46 BOARD MEMBERS, BUT IT WOULD APPEAR THEY ARE ALL -- CERTAINLY
10:15:51 SINCE NOBODY LIVES THERE NOW, IT US THIS DISTRICT EVER GET
10:15:54 TURNED OVER TO THE PEOPLE WHO DO LIVE THERE?
10:15:58 AND WHAT WOULD BE THE PROCESS FOR THAT?
10:16:00 >>Mary Gibbs: YEAH.
10:16:01 SO INITIALLY, YOU HAVE TO ESTABLISH YOUR BOARD MEMBERS, AND
10:16:05 THEY ARE TYPICALLY THE PEOPLE THAT WOULD WORK FOR GL HOMES.
10:16:08 YOU SEE JOHN ASHER IS LISTED HERE AS ONE OF THE PEOPLE.
10:16:12 BECAUSE THEY DON'T HAVE ANY RESIDENTS AT THE MOMENT.
10:16:15 EVENTUALLY, I THINK THE CDDs GET TURNED OVER WHEN YOU HAVE
10:16:18 A CERTAIN PERCENTAGE OF OWNERSHIP.
10:16:22 I DON'T KNOW EXACTLY, AND I'M SURE THAT TUCKER COULD ANSWER
10:16:26 THAT IF YOU WANT AN ANSWER TODAY OR IF YOU WANT TO WAIT.
10:16:30 >>Jim Wilson: NO.

10:16:31 I WAS JUST CURIOUS.
10:16:32 I WANTED TO BE SURE THERE WAS A PROCESS THAT EVENTUALLY THE
10:16:36 RESIDENTS WOULD CONTROL THEIR OWN DESTINY.
10:16:42 >>Mayor Errington: I SEE A SHAKING OF THE HEAD BACK THERE.
10:16:44 >>Mary Gibbs: THEY ARE SAYING YES.
10:16:45 I THINK THEY CAN ADDRESS THAT IN A LITTLE MORE DETAIL AT THE
10:16:49 SECOND READING.
10:16:50 >>Mayor Errington: COUNCIL MEMBER BOESCH?
10:16:52 >>Jim Boesch: YES.
10:16:55 I WOULD SUGGEST -- CONSIDERATION OF CONSERVATION AREAS, BUT
10:17:00 I WAS CHAIR OF THE FIRST CDD IN OUR COMMUNITY.
10:17:06 AND ONE OF THE MAIN THINGS, ADVANTAGES FOR HAVING A CDD, AS
10:17:12 YOU MENTIONED, BEING ABLE TO BOND PROJECTS.
10:17:16 SO I WOULD THINK YOU WOULD CONSIDER ADDING ROADS TO THE LIST
10:17:21 OF PROJECTS OR LIST OF ITEMS IN YOUR PRESENTATION THAT YOU
10:17:26 GAVE TODAY, BECAUSE THE ROADS GENERALLY ARE GOING TO GO IN
10:17:32 20 YEARS, AND THEY ARE NOT GOING TO GO ONE SINGLE ROAD AT A
10:17:36 TIME.
10:17:37 THEY ARE ALL GOING TO GO.
10:17:40 AND THE CONCEPT OF CDDs IS THEIR ABILITY TO FUND BY A
10:17:50 BONDING, AND THAT IS A PROJECT THAT DEFINITELY WILL TAKE
10:17:53 BONDING IN ORDER TO COMPLETE ALL THE ROADS IN A COMMUNITY.
10:17:58 SO I WOULD SUGGEST THAT YOU ADD THAT FOR TWO REASONS.
10:18:03 NUMBER ONE, YOU WANT TO HAVE WATER AND SEWER ACCESS.

10:18:09 BUT IF YOU DON'T HAVE ACCESS TO THE ROADS, THEN IT'S GOING

10:18:14 TO BE A FIGHT BETWEEN THE MASTER BOARD AND THE CDD ABOUT
10:18:18 WHAT'S GOING ON AND SO FORTH AND SO ON.
10:18:20 IT'S JUST A THOUGHT THAT I'M GIVING TO YOU.
10:18:27 IN OUR CDD, THEY ARE IN CHARGE OF MAJOR IMPLEMENTATIONS OF
10:18:32 ROADS.
10:18:32 THE MASTER BOARD IS IN CHARGE OF SMALL MAINTENANCE PROJECTS.
10:18:38 SO IT'S THOUGHT FOR YOU.
10:18:41 IN ORDER TO AVOID THAT CONFLICT WHEN YOU GET TO THAT
10:18:47 PARTICULAR POINT, WELL, IT'S PRETTY CLEAR WHAT THE
10:18:49 UNDERSTANDING IS.
10:18:51 >>Mayor Errington: THANK YOU.
10:18:52 ANY OTHER COMMENTS?
10:18:54 >>Larry Fiesel: I THANK COUNCIL MEMBER BOESCH FOR BRINGING
10:18:56 THE ROADS UP BECAUSE THAT IS ONE THAT I HAD CIRCLED HERE.
10:18:59 THE ONLY CDD THAT I PERSONALLY HAVE BEEN INVOLVED WITH IS IN
10:19:03 MY OWN COMMUNITY AND THE ROADS WERE A VERY IMPORTANT PART OF
10:19:06 THE CDD AUTHORIZATION BECAUSE OF THE SEWER WATERWAY AND SO
10:19:12 FORTH, WHO HAS JURISDICTION WHEN ONE OF THEM FAILS.
10:19:15 SO I DIDN'T KNOW IF ROADWAYS WAS NORMALLY INCLUDED IN A CDD,
10:19:20 BUT IT WAS IN THE ONE THAT I'M INVOLVED WITH.
10:19:23 >>Mary Gibbs: ROADS ARE USUALLY PRETTY TYPICALLY INCLUDED.
10:19:25 I'M NOT SURE WHY.
10:19:29 DO YOU WANT THEM TO ADDRESS THAT NOW?
10:19:30 IT'S TUCKER MACKIE.
10:19:37 >>Mayor Errington: WELCOME.

10:19:38 >>Tucker Mackey: THANK YOU, MADAM MAYOR, COUNCIL MEMBERS.
10:19:40 TO ANSWER THAT SPECIFIC QUESTION, AND THEN I WILL ALSO GO
10:19:43 BACK AND PROVIDE A LITTLE BIT OF DETAIL REGARDING TRANSITION
10:19:46 OF THE BOARD TO THE EXTENT THAT'S HELPFUL.
10:19:48 THE REASON ROADWAYS WERE NOT INCLUDED WITHIN THE IMPROVEMENT
10:19:52 COST IDENTIFIED IN THE PETITION IS THAT THIS IS GOING TO BE
10:19:54 A GATED COMMUNITY.
10:19:56 AND COMMUNITY DEVELOPMENT DISTRICTS CAN ONLY FUND PUBLIC
10:19:59 INFRASTRUCTURE.
10:20:01 TO THE EXTENT THAT THERE IS A HARD GATE THAT RESTRICTS
10:20:04 ACCESS TO THE GENERAL PUBLIC, CDDs UNDER FLORIDA LAW ARE
10:20:08 PROHIBITED FROM USING TAX-EXEMPT DOLLARS TO PAY FOR THOSE
10:20:11 IMPROVEMENTS.
10:20:12 HOWEVER, THE FACT THAT THE UTILITIES BEHIND THE GATE AND THE
10:20:15 PRESERVE DON'T PROVIDE A REASONABLE EXPECTATION OF ACCESS TO
10:20:19 THE PUBLIC, THOSE CAN BE FINANCED BY THE DISTRICT AND IS THE
10:20:23 CURRENT PLAN FOR FUNDING AN OPERATION BY THE DISTRICT.
10:20:27 >>Mayor Errington: ANY QUESTIONS?
10:20:30 >>Tucker Mackey: BUT I DO TAKE COUNCIL MEMBER WARD'S
10:20:32 STATEMENT TO HEART INSOFAR AS IT IS VERY IMPORTANT AT THE

10:20:37 START OF A COMMUNITY DEVELOPMENT DISTRICT TO IDENTIFY WHO'S
10:20:40 RESPONSIBLE FOR WHAT IN THE COMMUNITY AS IT RELATES TO THE
10:20:43 HOA AND THE CDD, AND WE WILL WORK HARD TO DO THAT.
10:20:47 >>Mayor Errington: THANK YOU.
10:20:48 MARY, ARE YOU OKAY WITH -- OKAY.

10:20:50 THANK YOU.
10:20:50 >>Tucker Mackey: FINALLY, JUST WITH RESPECT TO TRANSITION,
10:20:53 ABSOLUTELY, THE FIVE MEMBERS ARE IDENTIFIED AS PRESCRIBED IN
10:20:56 STATUTE.
10:20:57 IN THE PETITION ITSELF, WITHIN 90 DAYS OF CREATION, THE
10:21:01 DISTRICT WILL HOLD ITS FIRST LANDOWNER ELECTION.
10:21:04 SEATS WILL BE ELECTED ON AN ONGOING BASIS BY THE LANDOWNERS
10:21:09 ON A ONE ACRE BY ONE VOTE BASIS UNTIL SUCH TIME AS THE
10:21:14 DISTRICT TRIPS TWO THRESHOLDS UNDER FLORIDA LAW.
10:21:17 ITS EXISTENCE FOR AT LEAST SIX YEARS AND 250 QUALIFIED
10:21:21 ELECTORS WITHIN THE DISTRICT'S BOUNDARIES.
10:21:24 AT THAT POINT, TWO SEATS WILL BEGIN TO TRANSITION OVER TO
10:21:27 THE RESIDENTS AT AN ELECTION HELD BY THE SUPERVISOR OF
10:21:32 ELECTION UNTIL SUCH TIME AS ALL FIVE TURN OVER TO THE
10:21:36 RESIDENTS.
10:21:36 IN MY EXPERIENCE, HOWEVER, TO THE EXTENT THAT THIS PROPERTY
10:21:39 IS DEVELOPED QUICKER THAN SIX YEARS, DEVELOPERS MORE OFTEN
10:21:43 THAN NOT DO LOOK TO TRANSITION THOSE SEATS OVER QUICKER.
10:21:46 >>Mayor Errington: THANK YOU.
10:21:47 >>Tucker Mackey: YOU'RE WELCOME.
10:21:49 >>Jim Wilson: THANK YOU.
10:21:49 >>Mayor Errington: ANY OTHER QUESTIONS OR COMMENTS FROM
10:21:51 COUNCIL?
10:21:51 THANK YOU.
10:21:53 APPRECIATE IT.

10:21:55 >>Tucker Mackey: YOU'RE WELCOME.
10:21:56 >>Mayor Errington: ANY PUBLIC?
10:21:57 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
10:21:59 >>Mayor Errington: I NEED A MOTION.
10:22:06 >>Joanne Ribble: SO MOVED.
10:22:08 >>Mayor Errington: MOTION MADE BY COUNCIL MEMBER RIBBLE AND
10:22:11 SECONDED BY COUNCIL MEMBER JIM BOESCH.
10:22:15 WILL YOU PLEASE CALL THE ROLL?
10:22:18 >>Joanne Ribble: AYE.
10:22:20 >>Larry Fiesel: AYE.
10:22:21 >>Jim Boesch: AYE.
10:22:22 >>Jim Ward: AYE.
10:22:23 >>Jim Wilson: AYE.
10:22:25 >>Vice-Mayor McLain: AYE.
10:22:27 >>Mayor Errington: AYE.
10:22:31 >>Jim Boesch: MENTION THAT THIS IS A FIRST READING.

10:22:39 >>Mayor Errington: ITEM NUMBER 8A, WE WILL NOW OPEN A PUBLIC
10:22:44 HEARING.
10:22:45 WE HAVE ON THE AGENDA ORDINANCE NUMBER 2022-02, SECOND
10:22:50 READING AND PUBLIC HEARING OF ORDINANCE 2022-02 FOR MIROMAR
10:22:57 OUTLETS SIGNAGE.
10:22:58 THIS IS ALSO A PUBLIC HEARING.
10:23:03 AND IN THIS MATTER, THE COUNCIL WILL SIT IN ITS
10:23:06 QUASI-JUDICIAL CAPACITY.
10:23:09 BEFORE I TURN IT OVER TO ATTORNEY BOB PRITT, I WILL ASK THE

10:23:13 CLERK, HAS THIS ORDINANCE BEEN PROPERLY ADVERTISED?
10:23:15 >>Carol Sacco: YES, MAYOR.
10:23:17 >>Mayor Errington: WILL YOU PLEASE READ THE TITLE OF THE
10:23:18 ORDINANCE?
10:23:19 >>Carol Sacco: ORDINANCE NUMBER 2022-02 OF THE VILLAGE
10:23:22 COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, CONSIDERING AN
10:23:26 AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT,
10:23:29 SPECIFICALLY DEVIATION 3 FOR REPLACEMENT SIGNAGE FOR MIROMAR
10:23:34 OUTLETS PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF I-75
10:23:37 AND CORKSCREW ROAD, CONSISTING OF APPROXIMATELY 75 ACRES;
10:23:44 PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND
10:23:47 PROVIDING AN EFFECTIVE DATE.
10:23:51 >>Mayor Errington: THANK YOU.
10:23:52 BEFORE I TURN IT OVER TO OUR ATTORNEY, BOB PRITT, I JUST
10:23:55 WANT TO SAY THAT WE HAVE NOT HAD A WHOLE LOT OF HEARINGS IN
10:24:01 THE PAST FEW YEARS.
10:24:02 SO WE DO CHANGE.
10:24:05 BOB WILL EXPLAIN THE DIFFERENCE BETWEEN A SITTING COUNCIL
10:24:08 AND A QUASI-JUDICIAL HEARING.
10:24:11 WE LOOK FORWARD TO YOU EXPLAINING THAT TO US, BOB.
10:24:13 >>Robert Pritt: THANK YOU.
10:24:14 MADAM MAYOR AND MEMBERS OF THE COUNCIL AND EVERYONE HERE, I
10:24:20 WOULD LIKE TO READ AND MAYBE EXPLAIN SOMETHING ABOUT
10:24:23 QUASI-JUDICIAL HEARINGS.
10:24:26 WE DO HAVE VARIOUS TYPES OF HEARINGS ON ORDINANCES AND

10:24:29 THINGS LIKE THAT, BUT ONLY CERTAIN TYPES ARE CONSIDERED
10:24:33 QUASI-JUDICIAL.
10:24:34 "QUASI" SIMPLY MEANS LIKE, VERY SIMILAR.
10:24:39 "JUDICIAL" MEANS LIKE JUDGING.
10:24:41 LET ME JUST READ SOMETHING HERE.
10:24:43 AND THEN IF I NEED TO EXPLAIN ANYTHING, WE'LL GO AHEAD AND
10:24:46 DO THAT.
10:24:47 THE DECISION WHETHER OR NOT TO APPROVE THIS APPLICATION,
10:24:51 LIKE ALL QUASI-JUDICIAL ITEMS, MUST BE BASED ON THE CRITERIA
10:24:57 IN THE LAND USE ORDINANCE AND THE LAND DEVELOPMENT CODE AND
10:25:01 ON WHAT WE CALL SUBSTANTIAL COMPETENT EVIDENCE THAT IS
10:25:04 PRESENTED AT THE HEARING.

10:25:05 IF YOU INTEND TO PROVIDE TESTIMONY ON THE APPLICATION AT
10:25:09 TODAY'S QUASI-JUDICIAL HEARING, YOU MUST BE SWORN IN BY
10:25:14 MADAM CLERK IN A MOMENT AND YOU SHOULD ALSO FILL OUT A
10:25:17 PUBLIC SPEAKER'S CARD AND GIVE IT TO THE CLERK BEFORE
10:25:21 SPEAKING -- [INAUDIBLE]
10:25:22 PLEASE BE ADVISED THAT ANY PERSON WHO PROVIDES TESTIMONY ON
10:25:26 AN APPLICATION MAY BE SUBJECT TO CROSS-EXAMINATION.
10:25:30 THE GENERAL PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE
10:25:33 WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO DIRECT
10:25:37 QUESTIONS ON THEIR BEHALF TO EITHER STAFF OR TO THE
10:25:39 APPLICANT.
10:25:40 THE APPLICANT AND THE VILLAGE STAFF MAY CROSS-EXAMINE
10:25:44 WITNESSES.

10:25:45 COUNCIL MEMBERS MAY ALSO ASK QUESTIONS OF ANY WITNESSES.
10:25:48 AS A MATTER OF FACT, THE STAFF CAN BE CROSS-EXAMINED ALSO BY
10:25:55 THE APPLICANT.
10:25:56 FURTHER DETAILS OF QUASI-JUDICIAL PROCEDURES MAY BE OBTAINED
10:26:01 FROM THE CLERK, BUT IN GENERAL, THE CLERK WILL SWEAR IN ANY
10:26:04 PERSONS WHO INTEND TO PROVIDE TESTIMONY ON THE APPLICATION
10:26:08 TODAY.
10:26:09 WE WILL FIRST HEAR AN INTRODUCTION FROM THE VILLAGE
10:26:11 COMMUNITY DEVELOPMENT DIRECTOR, MARY GIBBS, AND THEN THE
10:26:14 APPLICANT WILL ADDRESS THE COUNCIL.
10:26:16 MARY GIBBS, VILLAGE COMMUNITY DEVELOPMENT DIRECTOR, WILL
10:26:21 THEN BE CALLED UPON FOR ANY FURTHER TESTIMONY.
10:26:26 AFTER THIS, WE WILL ALLOW ANYONE FROM THE PUBLIC WHO HAS
10:26:28 BEEN SWORN IN TO PROVIDE TESTIMONY.
10:26:33 MEMBERS OF THE PUBLIC, THE LIMIT IS THREE MINUTES PER
10:26:36 PERSON.
10:26:36 SO BE PREPARED TO BE VERY SUCCINCT IN YOUR COMMENTS.
10:26:40 IN ADDITION, IF ANY OF THE COUNCIL MEMBERS HAVE HAD EX PARTE
10:26:45 COMMUNICATIONS REGARDING TODAY'S APPLICATION, THAT MEMBER
10:26:48 WILL NEED TO DISCLOSE THE SUBJECT MATTER OF THAT
10:26:51 COMMUNICATION AND THE PERSON TO WHOM OR WITH WHOM THE
10:26:56 COUNCIL MEMBER SPOKE OR HAD COMMUNICATION.
10:26:58 NOW, EX PARTE COMMUNICATION IS SIMPLY ONE SIDE OF THE
10:27:03 COMMUNICATION OR ANOTHER WAY TO PUT IT IS A COMMUNICATION
10:27:08 WITH SOMEBODY, COULD BE A MEMBER OF THE PUBLIC, IT COULD BE

10:27:12 THE APPLICANT, SOMEBODY REPRESENTATIVE OF THE APPLICANT.
10:27:15 IF YOU'VE HAD ANY OF THOSE COMMUNICATIONS, THEN YOU MUST
10:27:20 DISCLOSE THOSE ON THE RECORD TODAY.
10:27:24 AND THAT WOULD BE THE PERSON WITH WHOM YOU HAVE THE
10:27:30 COMMUNICATION AND GENERALLY THE SUBJECT MATTER OF THE
10:27:33 COMMUNICATION.
10:27:34 IF ANY COUNCIL MEMBER HAS A CONFLICT OF INTEREST ON ANY
10:27:39 ACTION, THE MEMBER MUST DISCLOSE THE CONFLICT AND RECUSE

10:27:44 HIMSELF OR HERSELF FROM PARTICIPATING IN THE DISCUSSION OR
10:27:47 THE VOTING.
10:27:54 SO EX PARTE COMMUNICATIONS, THERE WOULD BE A TIME HERE FOR
10:28:02 THE MAKING OF EX PARTE COMMUNICATIONS, AND IF YOU'VE HAD
10:28:05 ANY, DISCLOSE THAT TODAY ON THE RECORD.
10:28:08 THE FINAL THING I WOULD SAY IS, BEFORE WE ASK FOR
10:28:15 DISCLOSURES, IT'S VERY IMPORTANT IN A QUASI-JUDICIAL
10:28:22 PROCEEDING THAT NO MATTER WHAT COMMUNICATIONS YOU MAY HAVE
10:28:28 HAD, WHAT YOU KIND OF THINK SHOULD BE THE OUTCOME, WHATEVER
10:28:34 YOU THINK ABOUT IT NOW, PLEASE HOLD OFF ON MAKING ANY FINAL
10:28:40 CONCLUSIONS BECAUSE TODAY IS "THE" DAY FOR THE TESTIMONY AND
10:28:45 ALL OF THE EVIDENCE TO COME BEFORE YOU.
10:28:47 IT'S A LITTLE BIT LIKE IF YOU EVER SAT AS A JUROR IN A CASE,
10:28:52 YOU WAIT UNTIL ALL OF THE EVIDENCE HAS BEEN PRESENTED TO
10:28:57 YOU.
10:28:57 ALL THE QUESTIONS HAVE BEEN ASKED.
10:28:58 ALL THE ANSWERS HAVE BEEN GIVEN, AND EVERYBODY HAS HAD A

10:29:03 CHANCE TO TESTIFY, INCLUDING THE PUBLIC.
10:29:06 THEN, ONLY THEN, DO YOU MAKE UP YOUR MIND.
10:29:08 THAT'S VERY IMPORTANT.
10:29:10 IT'S A CONSTITUTIONAL REQUIREMENT, ACTUALLY.
10:29:12 SO PLEASE DO THAT.
10:29:14 NOW, I THINK AT THIS TIME WE'LL HAVE THE CLERK ADMINISTER
10:29:21 THE OATH, IF THAT'S OKAY, UNLESS COUNCIL HAS ANY QUESTIONS.
10:29:27 >>Carol Sacco: WILL ALL THOSE WHO INTEND TO TESTIFY IN THIS
10:29:29 HEARING STAND AND RAISE YOUR RIGHT HAND?
10:29:31 DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING
10:29:35 BUT THE TRUTH SO HELP YOU GOD?
10:29:37 >> YES, MA'AM.
10:29:44 >>Robert Pritt: AT THIS TIME, WE WOULD ASK FOR THE COUNCIL
10:29:46 MEMBERS' EX PARTE DISCLOSURES, ANYTHING THAT -- CONFERENCES,
10:29:53 MEETINGS, OR COMMUNICATIONS THAT YOU'VE HAD CERTAINLY SINCE
10:29:59 THE TIME THIS HAS BEEN FILED, THAT THIS WAS FILED.
10:30:05 NOW WOULD BE THE TIME TO DISCLOSE THOSE ON THE RECORD.
10:30:08 >>Mayor Errington: START WITH COUNCIL MEMBER RIBBLE.
10:30:10 >>Joanne Ribble: I HAVE HAD NONE.
10:30:12 >>Larry Fiesel: NO.
10:30:15 >>Vice-Mayor McLain: NONE.
10:30:15 >>Jim Boesch: I DID SPEAK TO MARK LAST WEEK ON CLARIFICATION
10:30:20 OF THE HEIGHT OF THE SIGN, BASE SIGN.
10:30:27 IN ADDITION, WE SPOKE ABOUT OTHER THINGS.
10:30:30 BUT I DID SPEAK ABOUT CLARIFICATION ON THE HEIGHT OF THE

10:30:33 SIGN.
10:30:36 >>Jim Ward: I ALSO HAD AN OPPORTUNITY TO SPEAK WITH MARK
10:30:39 GESCHWENDT, THE ATTORNEY FOR MIROMAR.
10:30:42 I HAD RECEIVED AN E-MAIL FROM MIROMAR LEGAL COUNSEL ASKING

10:30:47 IF THEY COULD PROVIDE AN OPPORTUNITY TO SPEAK WITH ME ABOUT
10:30:49 15 MINUTES REGARDING THEIR APPLICATION.
10:30:52 I CLEARED THAT WITH STEVE.
10:30:53 I ASKED STEVE IF THERE WERE ANY ISSUES RELATIVE TO THAT.
10:30:56 HE CLEARED ME THE OPPORTUNITY TO HAVE THAT 15-MINUTE
10:31:00 DISCUSSION.
10:31:00 I DID HAVE THE 15-MINUTE DISCUSSION WITH HIM.
10:31:03 I PROVIDED NO INPUT OR COMMENT TO IT.
10:31:07 I JUST LISTENED TO HIS EXPLANATION RELATIVE TO THE PROCEDURE
10:31:11 AND WHAT WAS GOING TO BE PRESENTED TODAY.
10:31:13 I DON'T KNOW IF IT CLARIFIES AS EX PARTE, BUT I DID LISTEN
10:31:17 TO THE PLANNING AND ZONING BOARD MEETING WHEN MIROMAR
10:31:22 PRESENTED TO THE PLANNING AND ZONING BOARD.
10:31:24 >>Mayor Errington: THANK YOU.
10:31:25 COUNCIL MEMBER WILSON?
10:31:28 >>Jim Wilson: YES, MADAM MAYOR, I, TOO, SPOKE TO MIROMAR'S
10:31:32 IN-HOUSE COUNSEL, MARK, AND GOT SOME CLARIFICATION ON THE
10:31:43 ASPECTS OF THEIR PETITION.
10:31:44 I ALSO VISITED THE FOUR CORNERS OF WHERE THE SIGNS ARE
10:31:49 LOCATED TO GAIN ADDITIONAL INPUT ABOUT EXACTLY WHAT THEY
10:31:55 WERE PROPOSING.

10:31:56 >>Mayor Errington: THANK YOU.
10:31:56 I, TOO, HAVE SPOKEN WITH THE APPLICANT, MARGARET ANTONIER,
10:32:05 ON SEVERAL OCCASIONS REGARDING THE SIGNAGE, HEIGHT, AND SO
10:32:13 FORTH.
10:32:14 THAT'S ALL I HAD.
10:32:18 >>Robert Pritt: I THINK THAT COVERS EVERYBODY.
10:32:19 I WOULD ALSO LIKE TO ASK IF ANY OF YOU HAVE, OR BELIEVE THAT
10:32:25 YOU HAVE A CONFLICT OF INTEREST.
10:32:27 AGAIN, WITHOUT GETTING INTO THE ENTIRE DISCUSSION AND WHAT
10:32:35 DIFFICULT LONG LAW IN SUMMARY IS, IF YOU HAVE A FINANCIAL
10:32:45 INTEREST IN THE OUTCOME OF THE HEARING TODAY, THEN IT'S
10:32:48 LIKELY THAT YOU WOULD HAVE A CONFLICT OF INTEREST.
10:32:51 THAT COMES UP EVERY NOW AND THEN WHEN SOMEBODY IS INVOLVED
10:32:54 WITH OR WORKS WITH HAS A CONTRACT WITH, ET CETERA.
10:33:01 IF ANYBODY HAS THAT, YOU NEED TO PUT THAT ON THE RECORD AND
10:33:04 WE'LL DEAL WITH THAT.
10:33:06 >>Mayor Errington: GO DOWN THE LINE THEN.
10:33:08 COUNCIL MEMBER RIBBLE.
10:33:09 >>Joanne Ribble: I DO NOT.
10:33:10 >>Larry Fiesel: NO.
10:33:13 >>Vice-Mayor McLain: NONE.
10:33:14 >>Jim Ward: NO.
10:33:15 >>Jim Boesch: NONE.
10:33:16 >>Jim Wilson: NO.
10:33:17 >>Mayor Errington: I WILL ANSWER NO ALSO.

10:33:24 >>Robert Pritt: WE'LL CHECK WITH THE CLERK TO SEE IN ANY
10:33:26 LETTERS OR OTHER WRITTEN COMMUNICATIONS HAVE BEEN RECEIVED.
10:33:29 >>Carol Sacco: I'LL DEFER TO THE COMMUNITY DEVELOPMENT
10:33:31 DIRECTOR, MARY GIBBS.
10:33:32 >>Mary Gibbs: WE ONLY RECEIVED ONE E-COMMENT.
10:33:35 THAT WAS BEFORE THE PLANNING AND ZONING BOARD SOME TIME AGO.
10:33:38 THAT WAS FROM A RESIDENT THAT WAS IN FAVOR OF THE SIGNS.
10:33:45 >>Robert Pritt: THAT WOULD BE CONSIDERED PART OF THE
10:33:47 PROCEEDINGS SINCE THEY HAVE BEEN BROUGHT UP ALSO.
10:33:48 IF THAT'S IT, I WOULD TURN IT BACK OVER TO THE MAYOR TO
10:33:56 CONDUCT THE HEARING.
10:33:59 >>Mayor Errington: I THINK WE ARE AT THE POINT --
10:34:06 >>Neale Montgomery: I WOULD LIKE TO ASK MR. PRITT ONE POINT
10:34:09 OF CLARIFICATION.
10:34:09 YOU DID INDICATE ALL THE EVIDENCE WOULD COME IN TODAY.
10:34:12 IT WAS MY UNDERSTANDING THAT THE APPLICATION AND THE STAFF
10:34:15 REPORT AND THE PLANNING, ZONING, DESIGN REVIEW BOARD
10:34:18 TRANSCRIPT IS ALSO PART OF THE EVIDENCE IN THESE
10:34:20 PROCEEDINGS.
10:34:21 >>Robert Pritt: NORMALLY IT IS NOT, BUT I DON'T KNOW WHAT
10:34:23 YOU DO HERE.
10:34:27 >>Mary Gibbs: WELL, WE DIDN'T ATTACH THE TRANSCRIPT TO
10:34:29 PLANNING, ZONING AND DESIGN BOARD TO THE PACKET, BUT I THINK
10:34:32 WE NORMALLY CONSIDER ALL THE INFORMATION PART --
10:34:38 >>Robert Pritt: COUNCIL CAN RULE ON WITHOUT LOOKING AT PAGES

10:34:41 AND PAGES OF TESTIMONY THAT MAY HAVE OCCURRED AT THE OTHER
10:34:46 HEARING, HOW COUNCIL CAN REALLY DEAL WITH THAT.
10:34:48 IF THAT'S HOW YOU'VE BEEN DOING IT IN THE PAST, I'M NOT
10:34:51 GOING TO STOP.
10:34:52 >>Mary Gibbs: THAT'S TYPICALLY HOW WE'VE DONE IT IN THE
10:34:56 PAST.
10:35:01 >>Mayor Errington: AT THIS POINT, DO I HAVE MARY TO COME UP?
10:35:03 OKAY.
10:35:04 INTRODUCE THE ITEM TO THE COUNCIL.
10:35:10 >>Mary Gibbs: GOOD MORNING.
10:35:11 SO THIS ZONING REQUEST IS TO AMEND A DEVIATION FOR MIROMAR
10:35:15 OUTLETS FOR NEW SIGNS.
10:35:22 THIS IS WHAT WE CALL A UNIFIED SIGN PLAN.
10:35:25 THIS WAS APPROVED BY LEE COUNTY BACK IN 1996, SO IT WAS
10:35:29 QUITE A WHILE BACK.
10:35:30 WHAT THEY ARE ASKING FOR IS TO REPLACE THE FOUR EXISTING
10:35:34 PROJECT IDENTIFICATION SIGNS WITH NEW SIGNS, AND THE SIGNS,
10:35:38 JUST TO REFRESH YOU A LITTLE BIT, THE LARGEST SIGN IS
10:35:41 LOCATED AT I-75.
10:35:43 IT'S A 75-FOOT SIGN NOW.
10:35:46 THEY WOULD LIKE TO HAVE IT BE 78 FEET.
10:35:48 THERE IS ONE SIGN ALONG THE CORKSCREW ROAD ENTRANCE THAT I

10:35:53 BELIEVE IS 25 FEET AND THEY WANT TO BE AT 26 FEET.
10:35:56 AND THEN THERE ARE TWO SIGNS AT THE MAIN ENTRIES ON BEN HILL
10:35:59 GRIFFIN THAT ARE 26 FEET TALL.

10:36:02 THEY WANT TO REPLACE THESE WITH NEWER SIGNS.
10:36:05 AT THE FIRST READING, WHICH YOU ALL HAD ON MAY 4th, THE
10:36:10 COUNCIL SAID WE WOULD LIKE A LITTLE ADDITIONAL INFORMATION
10:36:13 FOR THE PUBLIC HEARING TODAY.
10:36:15 WE WANT TO UNDERSTAND HOW THE SIGN AND THE COLORS TIE INTO
10:36:18 THE CENTER ITSELF.
10:36:20 SO YOU WANT A LITTLE EXPLANATION FROM THE APPLICANT ABOUT
10:36:22 THAT.
10:36:23 THERE'S ALSO A QUESTION ABOUT PRECEDENT, WHETHER THIS WOULD
10:36:26 BE A PRECEDENT OR NOT.
10:36:27 I'M HOPING THE APPLICANT IS GOING TO ADDRESS THAT AS WELL
10:36:31 TODAY.
10:36:31 WE WERE SCHEDULING FOR A SECOND READING ON MAY 18, BUT THE
10:36:38 APPLICANT REQUESTED A CONTINUANCE BECAUSE THEY WANTED
10:36:40 ADDITIONAL TIME TO ADDRESS SOME OF THE COUNCIL'S COMMENTS.
10:36:43 SO WE'RE BACK TODAY FOR THE PUBLIC HEARING.
10:36:46 NOW, JUST TO GIVE YOU A LITTLE BIT OF BACKGROUND, WHEN WE
10:36:50 REVIEWED THIS ORIGINALLY, THE REQUEST FROM THE STAFF
10:36:53 REVIEWED IT BEFORE PLANNING AND ZONING BOARD, WE QUESTIONED
10:36:56 IF THE SIGN DESIGN WAS COMPATIBLE WITH THE BUILDINGS.
10:36:59 THE OLD SIGN IS CLEARLY COMPATIBLE BECAUSE IT'S VERY
10:37:03 MEDITERRANEAN, BUT WE UNDERSTAND THAT IT'S A LITTLE BIT --
10:37:07 IT'S OVER 20 YEARS OLD, SO IT'S A LITTLE BIT DATED.
10:37:11 THE STAFF DID NOT HAVE ANY ISSUES AT THE TIME WITH THE SIGN
10:37:14 HEIGHT OR THE SETBACKS.

10:37:16 THERE WAS NO -- WE HAVE NO ISSUE WITH THAT.
10:37:19 WHEN IT WENT TO PLANNING AND ZONING BOARD, WHICH WAS APRIL
10:37:22 12th, WE HAD THAT 4-4 TIE VOTE.
10:37:24 THERE WAS A MOTION TO APPROVE IT, BUT WE HAD THE TIE VOTE.
10:37:27 SO AT THE PLANNING, ZONING AND DESIGN BOARD, I KNOW SOME OF
10:37:30 YOU HAVE WATCHED THAT, BUT IF YOU HAVEN'T, THERE WAS A LOT
10:37:32 OF DISCUSSION ABOUT THE COLOR AND THE DESIGN OF THE SIGN.
10:37:37 INTERESTINGLY, A COUPLE OF THE MEMBERS OF PLANNING AND
10:37:40 ZONING THAT VOTED AGAINST THE SIGN ACTUALLY SAID THEY LIKED
10:37:44 THE DESIGN.
10:37:45 THEY JUST DIDN'T LIKE THE BLACK-AND-WHITE PART OF THE SIGN.
10:37:48 AND THEN INTERESTINGLY, SOME OF THOSE THAT VOTED FOR THE
10:37:52 SIGN WERE THE ONES THAT SUGGESTED THAT THE COLOR BLUE BE
10:37:55 MODIFIED A LITTLE BIT.
10:37:56 SO WE HAD A MIXTURE, AND WE ALSO HAD, I THINK ONE OF THE
10:38:01 MEMBERS MENTIONED THE CONCERN ABOUT THE PRECEDENT.
10:38:02 SO THOSE ARE THE THINGS THAT CAME UP AT PLANNING AND ZONING
10:38:06 BOARD THAT WE ASKED THE APPLICANT TO LOOK INTO AND SEE IF

10:38:09 THEY COULD PROVIDE SOME CLARIFICATION TO YOU.
10:38:11 BEFORE I TURN IT OVER TO THE APPLICANT, I JUST WANT TO SPEND
10:38:16 A MINUTE TO TALK ABOUT THE ZONING BECAUSE IT'S A LITTLE
10:38:19 CONFUSING WHEN YOU'VE GOT A DEVIATION FOR A SIGN PLAN.
10:38:23 AGAIN, THIS WAS BACK IN 1996 WHEN THE ZONING WAS ACTUALLY
10:38:27 APPROVED FOR THE SHOPPING MALL.
10:38:29 AND THEY APPROVED THE DEVIATION TO LET THE SIGN, THE

10:38:33 INTERCHANGE WAS A LITTLE BIT TALLER THAN WHAT WOULD BE
10:38:36 ALLOWED AT THE TIME.
10:38:37 AND THE OTHER SIGNS WERE ACTUALLY MAYBE -- THEY ARE
10:38:41 PROPOSING ONE FOOT DIFFERENCE.
10:38:43 SO THE SIGN CODE, IN MY OPINION, IS REALLY DESIGNED FOR
10:38:48 INDIVIDUAL-TYPE PROJECTS.
10:38:51 IF YOU BUILD A RESTAURANT ON A LOT, YOU GET A SIGN ON THAT
10:38:54 LOT.
10:38:54 IF YOU BUILD A CAR WASH ON THE LOT, YOU GET A SIGN ON THAT
10:38:59 LOT.
10:38:59 BUT WHEN YOU HAVE A SHOPPING CENTER SUCH AS MIROMAR OR
10:39:03 COCONUT POINT, YOU'VE GOT ALL THESE INDIVIDUAL BUSINESSES.
10:39:06 THE SIGN CODE DOESN'T WORK VERY WELL BECAUSE YOU CAN'T HAVE
10:39:09 INDIVIDUAL SIGNS, OBVIOUSLY.
10:39:10 YOU GET WHAT THEY CALL A PROJECT IDENTIFICATION SIGN.
10:39:13 AND YOU CAN PUT ALL THE NAMES OF THE SHOPS ON YOUR SIGN, BUT
10:39:18 THEN IT GETS KIND OF BUSY AND DIFFICULT.
10:39:22 SO WHEN THE COUNTY APPROVED THIS MIROMAR SIGN PLAN BACK IN
10:39:26 1996, THEY SAID LET'S CONSOLIDATE THE SIGNAGE.
10:39:31 SO WE JUST HAVE THE FOUR MAIN SIGNS THAT IDENTIFIES THE
10:39:34 CENTER SO YOU CAN SEE IT IF YOU'RE DRIVING BY OR DON'T KNOW
10:39:38 HOW TO FIND IT.
10:39:39 SO THE IDEA BEHIND THE MIROMAR SIGNS AT THE TIME WAS THEY
10:39:48 JUST HAD THE SIGN THAT SHOWED MIROMAR.
10:39:50 THEY DID NOT HAVE ALL THOSE DIFFERENT PANELS FOR THE

10:39:52 DIFFERENT TENANTS BECAUSE THAT'S A LITTLE BIT BUSY.
10:39:57 IF YOU'VE NOTICED, IF YOU'VE DRIVEN BY GULF COAST TOWN
10:40:01 CENTER, YOU'LL NOTICE THEY HAVE NEW SIGNAGE THAT HAS ALL THE
10:40:04 PANELS WHICH IS KIND OF A MISHMASH OF SIGNAGE.
10:40:08 THAT IS A TECHNICAL TERM, BY THE WAY, MISHMASH.
10:40:11 SO THE SIGNS THAT THEY ARE SHOWING TODAY ARE A LITTLE MORE
10:40:15 SIMPLIFIED.
10:40:16 SO -- AND, OF COURSE, YOUR DECISION TODAY IS DO YOU WANT TO
10:40:21 APPROVE THESE OR NOT APPROVE THESE BASED ON THE CODE?
10:40:25 IF YOU DO APPROVE THEM, WE HAVE CONDITIONS THAT WE HAVE PUT
10:40:28 INTO THE ORDINANCE FOR APPROVAL IF YOU WANT TO APPROVE IT.
10:40:33 THAT BASICALLY -- THEY ARE FAIRLY STRICT.
10:40:35 THEY LIMIT IT TO THE FOUR SIGNS, AND THEY LIMIT IT TO THE
10:40:38 NAME OF MIROMAR SO THEY WON'T BE HAVING ALL THOSE PANELS.

10:40:43 THE SIGN PLAN REALLY CONTROLS THAT.
10:40:50 I THINK THAT'S BASICALLY WHAT I KIND OF WANTED TO EXPLAIN
10:40:53 BEFORE WE GET INTO THE SPEAKERS.
10:40:58 AT SOME POINT LATER, I MAY COME BACK UP, DEPENDING ON HOW
10:41:01 YOU WANT TO VOTE AND IF YOU HAVE DISCUSSION OR QUESTIONS.
10:41:04 IF NOT, I'LL TURN IT OVER TO THE APPLICANT NOW, AND I THINK
10:41:07 THE FIRST SPEAKER IS GOING TO BE MARK GESCHWENDT.
10:41:14 >>Mayor Errington: THANK YOU, MARY.
10:41:15 WELCOME, MARK.
10:41:18 >>Mark Geschwendt: WELL, MARY STOLE MOST OF THE THINGS I
10:41:22 NEED TO SAY IN THE FIRST FIVE MINUTES, SO THAT WILL HELP

10:41:24 THINGS OUT.
10:41:25 GOOD MORNING, MADAM MAYOR AND MEMBERS OF COUNCIL.
10:41:28 THIS HAS BEEN A KIND OF LONG JOURNEY FOR US TO GET HERE IN
10:41:31 TERMS OF THE SIGN, THROUGH THE DEVELOPMENT PROCESS AND TO
10:41:36 GET THIS APPROVED.
10:41:37 BY WAY OF BACKGROUND, I'M THE VICE PRESIDENT AND GENERAL
10:41:44 COUNSEL TO MIROMAR DEVELOPMENT WHO OWNS AND OPERATES MIROMAR
10:41:47 OUTLETS.
10:41:48 I'VE BEEN WITH THE COMPANY JUST OVER 21 YEARS.
10:41:50 I'M GOING TO ADDRESS THE BACKGROUND OF THE UNIFIED SIGN PLAN
10:41:54 AND ADDRESS SOME OF THE QUESTIONS THAT WERE ASKED AT THE
10:41:56 LAST MEETING.
10:41:58 AND THEN JOHN KONOPKA, VICE PRESIDENT OF U.S. SIGN, WILL GET
10:42:02 INTO MORE OF THE TECHNICAL DETAILS ABOUT THE SIGNAGE AND ANY
10:42:06 QUESTIONS YOU HAVE WITH THE ACTUAL PROPOSED SIGNS.
10:42:09 NEALE MONTGOMERY WILL BE THE LAST SPEAKER, AND SHE WILL
10:42:13 ADDRESS ANY OF THE CODE QUESTIONS AND OTHER LEGAL ISSUES
10:42:17 ASSOCIATED WITH OUR REQUESTED MODIFICATION TO THE SIGN PLAN.
10:42:20 IN 1995, LEE COUNTY APPROVED OUR UNIFIED SIGN PLAN FOR THE
10:42:25 MIROMAR OUTLETS PROJECT, WHICH SUBSEQUENTLY OPENED IN 1998.
10:42:31 IT'S NEARLY 25 YEARS AGO THAT THE ORIGINAL SIGNS WERE
10:42:35 CONSTRUCTED.
10:42:39 IT'S NOT UNUSUAL FOR A LARGE PROJECT TO HAVE A UNIFIED SIGN
10:42:43 PLAN, AS MARY INDICATED, BECAUSE MANY OF THE ELEMENTS OF A
10:42:49 TYPICAL SIGN ORDINANCE DON'T FIT VERY WELL WITH THE UNIQUE

10:42:51 CHARACTERISTICS OF LARGE-SCALE CENTERS LIKE MIROMAR.
10:42:54 WE DON'T BELIEVE THAT THESE MODIFICATIONS ESTABLISH ANY KIND
10:42:57 OF PRECEDENT BECAUSE THEY ARE TAILORED SPECIFICALLY TO THESE
10:43:02 PROPERTIES, AND IT DOESN'T HAPPEN VERY OFTEN.
10:43:04 IN THE VILLAGE OF ESTERO, I THINK WE ONLY HAVE TWO
10:43:06 EXAMPLES -- MIROMAR OUTLETS AND COCONUT POINT.
10:43:09 SO I THINK BY NARROWLY TAILORING SOME OF THE CONDITIONS SO
10:43:15 THAT THEY ARE FAIRLY RESTRICTIVE IN THE NUMBER OF SIGNS YOU
10:43:18 HAVE AND SOME OF THE DIFFERENT THINGS YOU CAN DO ON YOUR
10:43:21 SIGNAGE IS MORE RESTRICTIVE THAN IF YOU HAD A BUSINESS, LIKE

10:43:28 CAR WASH OR SOMETHING LIKE THAT, BUT AT THE SAME TIME, IT
10:43:31 GIVES US A BETTER OPPORTUNITY TO PROVIDE VISIBILITY FOR
10:43:34 TRAVELERS COMING TO THE CENTER.
10:43:36 THEY CAN SEE OUR SIGNAGE, AND SIGNAGE IS DEVELOPED IN ORDER
10:43:43 TO ALLOW VISITORS AND TRAVELERS TO BE ABLE TO FIND OUR
10:43:47 LOCATION AND TO SAFELY ENTER OUR BUSINESS.
10:43:52 IN THE ORIGINAL SIGN PLAN, THE STATED PURPOSE WAS TO ASSURE
10:44:00 A TASTEFUL SIGN DESIGN THAT WAS AESTHETICALLY PLEASING AND
10:44:04 FACILITATED EASY LEGIBILITY TO TRAVELERS VISITING.
10:44:09 AS MARY SAID, UNIFIED SIGN PLAN ALLOWED FOR ONLY THREE
10:44:13 SIGNS, ONE AT EACH OF OUR ENTRANCES AND THE PYLON SIGN ON
10:44:17 I-75.
10:44:17 ONE OF THE QUESTIONS WAS ABOUT THE HEIGHT OF THE BUILDING,
10:44:21 AND JOHN WILL GET INTO THAT A LITTLE BIT MORE, BUT THE SIGN
10:44:25 WE'RE PROPOSING FOR THE PYLON SIGN ON I-75 IS THE MAIN

10:44:29 STRUCTURE IS 75 FEET HIGH.
10:44:32 THE ARCHITECTURAL WAVES THAT COME ALONGSIDE OF THE BUILDING,
10:44:37 THERE ARE TWO PARTS OF IT THAT JUST EXCEED THAT 75 FEET
10:44:40 HEIGHT BY 36 INCHES ON THE PYLON SIGN, AND ON THE ENTRYWAY
10:44:45 SIGNS, IT'S 12 INCHES.
10:44:46 SO THE MAIN SIGNS THEMSELVES MAINTAIN THE CURRENT 25-FOOT
10:44:52 HEIGHT AT THE ENTRANCES AND 75 FEET ON I-75.
10:44:55 AS CONTINUED UNDER OUR PREVIOUS SIGN PLEDGE OF ALLEGIANCE,
10:45:03 WE WON'T BE ABLE TO ATTACH A LOT OF TENANT NAMES AND THINGS
10:45:06 LIKE THAT.
10:45:08 YOU WILL ONLY SEE THE MIROMAR OUTLETS SIGN AS HISTORICALLY
10:45:11 HAS BEEN THERE.
10:45:11 OVER TIME, IN THE INITIAL PHASE OF THE MALL, WE ONLY HAD A
10:45:18 HUNDRED THOUSAND SQUARE FEET.
10:45:19 SO THE SIGNS THAT YOU SEE THERE TODAY WERE FINE AND FITTING
10:45:22 FOR THAT TIME.
10:45:23 BUT OVER TIME THAT HAS CHANGED.
10:45:26 TOLD SOMEBODY, IT'S LIKE MY 1978 OLDS CUTLASS WHEN I WAS A
10:45:33 LITTLE KID, THAT WAS A GREAT VEHICLE, AND IT WAS WONDERFUL.
10:45:37 BUT TIMES HAVE CHANGED.
10:45:38 THE KIDS TODAY, THEY WANT A TESLA.
10:45:40 SO OVER TIME, THERE'S DEMAND IN CHANGE AND WHILE THE SIGNS
10:45:47 WERE FINE FOR THAT TIME, I DON'T THINK IT'S APPROPRIATE FOR
10:45:50 US TODAY.
10:45:50 SINCE THAT INITIAL PHASE WAS CONSTRUCTED, MIROMAR HAS ADDED

10:45:56 FIVE MORE PHASES TO THE MALL AND IT'S BECOME REALLY A
10:45:59 REGIONAL SHOPPING DESTINATION KNOWN FOR ITS BEAUTIFUL
10:46:04 FOUNTAINS, LANDSCAPING, AND ARCHITECTURE.
10:46:06 THE LOTS CHANGED IN THE LAST -- A LOT HAS CHANGED IN THE
10:46:11 LAST 25 YEARS.
10:46:12 THE LANDSCAPING HAS GROWN TREMENDOUSLY.

10:46:14 THE TREES HAVE GOTTEN BIGGER.
10:46:16 THAT'S CREATED A BIG CHALLENGE FOR US AND PART OF THE REASON
10:46:19 FOR THIS PROJECT IS TO INCREASE OUR VISIBILITY AND BE ABLE
10:46:21 TO HAVE A BETTER WAYFINDING SIGNS SO PEOPLE CAN ACTUALLY SEE
10:46:27 WHERE OUR ENTRANCES ARE.
10:46:29 AND THE OTHER THING THAT'S HAPPENED IN THE 25-YEAR PERIOD IS
10:46:32 THE GROWTH OF THE ROADS AND TURN LANES AND MEDIANS AND
10:46:36 THINGS LIKE THAT, MUCH OF WHICH WE HELP FUND AND ARE
10:46:41 RESPONSIBLE FOR CREATING, SO THE GROWTH OF ESTERO COUPLED
10:46:52 WITH THE CHANGE IN LANDSCAPING HAVE CREATED A CHALLENGE FOR
10:46:56 US IN TERMS OF OUR SIGN PACKAGE.
10:47:00 THE OTHER THING THAT HAS CHANGED OVER TIME IS CORKSCREW ROAD
10:47:15 WAS WIDENED AND IMPROVED.
10:47:18 OBVIOUSLY, WITH OUR FUNDING UNDER THE CRSA, BEN HILL GRIFFIN
10:47:21 PARKWAY ALL THE WAY TO ESTERO PARKWAY WAS CONSTRUCTED WITH
10:47:25 FUNDS FROM MIROMAR AND FUNDED WITH OUR IMPACT FEES.
10:47:31 WHILE THAT'S BEEN REALLY GREAT FOR OUR BUSINESS AND FOR
10:47:35 ESTERO, IT HAS DEFINITELY ALTERED THE POSITION OF OUR
10:47:40 SIGNAGE AND OUR VISIBILITY.

10:47:42 IT'S INTERESTING THAT MIROMAR HAS GROWN FROM ITS SMALL ROOTS
10:47:48 TO WHERE WE EMPLOY OVER 2500 PEOPLE SEASONALLY, AND WE HAVE
10:47:53 NEARLY 8 MILLION VISITORS EACH YEAR TO THE CENTER.
10:47:56 MIROMAR GENERATES A TREMENDOUS AMOUNT OF REVENUE FOR THE
10:48:03 VILLAGE, FROM REAL ESTATE TAXES AND OUR SALES TAXES AND BEEN
10:48:07 A TREMENDOUS ECONOMIC DRIVER TO THE VILLAGE.
10:48:09 ONE COMMENT ABOUT CHANGING THE LOCATION OF OUR SIGNS, WHICH
10:48:17 WE THINK IS VITALLY IMPORTANT AS PART OF THE PROJECT TO PUSH
10:48:22 THOSE CLOSER TO THE ROADWAYS WAS THAT EVERYONE KNOWS WHERE
10:48:25 MIROMAR IS LOCATED, BUT THAT'S NOT NECESSARILY TRUE.
10:48:29 ONLY 5.59% OF OUR VISITORS ARE FROM THE ESTERO AREA.
10:48:34 20% ARE FROM LEE COUNTY.
10:48:36 BUT 79.09% OF OUR VISITORS ARE MADE UP OF TOURISTS FROM
10:48:42 OTHER PARTS OF FLORIDA, VACATIONERS FROM OTHER STATES AND
10:48:46 CANADA AND OUR INTERNATIONAL TRAVELERS.
10:48:49 THIS ALONE DRIVES A TREMENDOUS AMOUNT OF REVENUE TO OUR
10:48:52 AREA, BUT AT THE SAME TIME, IT OBVIATES THE FACT THAT WE
10:48:58 NEED TO BE ABLE TO GIVE PEOPLE GOOD SIGNAGE AND WAYFINDING
10:49:02 TO BE ABLE TO GET TO THE CENTER.
10:49:03 AND THE IMPORTANT THING, WE LOOKED AT IT AS MORE THAN JUST
10:49:07 SIGNAGE.
10:49:08 IT WAS AN OPPORTUNITY TO DO SOMETHING THAT REALLY
10:49:10 COMPLEMENTED THE MALL.
10:49:11 THE MALL HAS GOT BEAUTIFUL FOUNTAINS AND LANDSCAPING AND
10:49:16 ARCHITECTURE, AND WE WANTED SOMETHING THAT MATCHED THAT.

10:49:21 IF YOU LOOK AT OUR SIGNAGE THAT WE'RE PROPOSING, REALLY,
10:49:25 IT'S A SCULPTURE AND KIND OF A WORK OF ART.

10:49:28 WE TRIED TO MARRY THAT WITH THE FACT TO HAVE A GOOD
10:49:31 WAYFINDING SIGN SO PEOPLE KNEW WHERE WE WERE LOCATED AND
10:49:35 THEY COULD SAFELY ENTER TO THE MALL.
10:49:37 ONE OF THE THINGS THAT HAPPENED AT THE PLANNING AND DESIGN
10:49:47 REVIEW HEARING WAS THAT -- I THINK THERE WAS A STRUGGLE WITH
10:49:51 HOW TO EVALUATE THE PROPOSED SIGNAGE UNDER THE VILLAGE CODE
10:49:57 IN DEALING WITH UNIFIED SIGN PLAN THAT WE HAVE.
10:50:01 AND SOME OF THE STRUGGLE, I THINK, WAS BORN OUT OF THE FACT
10:50:05 THAT IF YOU LOOK AT THE AREA AROUND US, THERE AREN'T REALLY
10:50:12 GOOD EXAMPLES OF TRYING TO DO SOMETHING DIFFERENT IN A
10:50:15 POSITIVE WAY AND HAVING GOOD SIGNAGE.
10:50:17 JOHN, DO YOU HAVE --
10:50:40 SO IF YOU LOOK AROUND OUR AREA, THIS IS ALICO ARENA TO THE
10:50:44 NORTH OF US.
10:50:45 HERE IS THEIR SIGNAGE.
10:50:51 IT'S ELECTRONIC SIGNAGE.
10:50:53 NOT VERY ATTRACTIVE.
10:50:54 KIND OF ORDINARY.
10:50:57 WE ALSO SEE DIFFERENT SCULPTURES AND THINGS IN THE AREA, BUT
10:51:11 WE HAD A LOT OF DISCUSSION, IF YOU LISTENED TO THE DESIGN
10:51:14 REVIEW BOARD, ABOUT COLORS AND SIGNS AND WHAT THEY LOOK LIKE
10:51:18 AND WHETHER THEY HAD PARTICULAR STYLES OR NOT.
10:51:21 THIS IS THE CHASE BANK THAT'S RIGHT NEXT DOOR TO US.

10:51:26 ALBEIT, WE WERE TOLD THAT BLUE WASN'T A FAVORITE COLOR, IT
10:51:30 SEEMS LIKE WE SEE A LOT OF BLUE OVER THERE, AND THE SIGNAGE
10:51:35 ITSELF IS FAIRLY NONDESCRIPT.
10:51:37 IF YOU GO DOWN CORKSCREW ROAD, THERE ARE A NUMBER OF SIGNS,
10:51:41 FAIRLY NONDESCRIPT, USING -- THE BLUE COLORS BECAUSE IT
10:51:48 SEEMS LIKE THAT WAS A STICKING POINT WITH THE DESIGN REVIEW
10:51:52 BOARD.
10:51:53 YOU SEE HERE ADDITIONAL SIGNS.
10:51:56 THIS IS THE COCONUT POINT SIGN.
10:51:59 IT'S NOT VERY ATTRACTIVE, AND WE THINK THAT OUR DESIGN IS A
10:52:02 LOT BETTER AESTHETICALLY AND ARCHITECTURALLY.
10:52:13 AND IT SHOWS IF YOU DESIGN FOR SCULPTURE-TYPE PRESENTATION
10:52:13 RATHER THAN JUST A BILLBOARD FULL OF SIGNS, IT'S MUCH MORE
10:52:17 PLEASING AND ATTRACTIVE TO LOOK AT.
10:52:18 HERE ARE SOME ADDITIONAL SIGNS.
10:52:21 PRETTY NONDESCRIPT.
10:52:22 I CAN SEE WHY THE DESIGN REVIEW BOARD STRUGGLED.
10:52:24 THEY WERE SPLIT IN THEIR VOTE, BUT THERE CERTAINLY WEREN'T
10:52:29 VERY MANY EXAMPLES OF VERY ATTRACTIVE SIGNAGE TO DRAW ON.
10:52:31 HERE'S SOME ADDITIONAL SIGNAGE, JUST LISTING OF NAMES THERE.
10:52:39 I THINK THAT DISTINGUISHES THE MIROMAR PROPOSAL AND THE
10:52:44 MODIFICATIONS WE'RE LOOKING AT, WHILE THE HEIGHT IS JUST A
10:52:50 LITTLE DIFFERENT, ONE SLIGHT MODIFICATION, BUT THE REAL
10:52:54 THRUST OF WHAT WE'RE LOOKING FOR IS BRING THE SIGNS CLOSER

10:52:56 TO CORKSCREW AND BEN HILL FOR BETTER VISIBILITY GIVEN WHAT

10:53:00 THE LANDSCAPING IS AND THE CHANGE IN THE ROADS OVER THE LAST
10:53:05 25 YEARS.
10:53:06 I THINK THIS IS -- WE KNOW THAT THE RETAIL STRUGGLED
10:53:12 MIGHTILY OVER THE LAST COUPLE OF YEARS THROUGH THE PANDEMIC,
10:53:16 AND COMING ON US TO REALLY LOOK AT HOW WE CAN IMPROVE THINGS
10:53:22 FOR OUR BUSINESS AND HOW THAT HOPEFULLY WILL FILTER DOWN TO
10:53:28 OUR TENANTS AND BETTER EXPERIENCE FOR EVERYBODY.
10:53:30 I THINK IT'S GOOD FOR ESTERO.
10:53:34 SO I REALLY HOPE THAT WE CAN HAVE YOUR SUPPORT FOR THIS.
10:53:39 I THINK IT'S GOOD BUSINESS FOR US, AND I THINK THIS IS A
10:53:45 REAL ENHANCEMENT TO OUR AESTHETICS AND ARCHITECTURAL DESIGN.
10:53:50 I THINK IT REFLECTS WELL ON ESTERO.
10:53:52 SO I THINK THIS IS SOMETHING THAT I HOPE YOU CAN ALL GET
10:53:56 BEHIND AND SUPPORT.
10:53:57 JOHN KONOPKA WILL NOW TALK ABOUT THE TECHNICAL ASPECTS OF
10:54:05 THE SIGN ITSELF.
10:54:07 >>Mayor Errington: THANK YOU.
10:54:08 WELCOME.
10:54:09 STATE YOUR NAME PLEASE.
10:54:10 >> MY NAME IS JOHN KONOPKA, VICE PRESIDENT OF U.S. SIGN AND
10:54:15 MILL.
10:54:15 U.S. SIGN AND MILL HAS BEEN IN LEE COUNTY FOR 35 YEARS.
10:54:17 WE'VE ESTABLISHED OURSELVES AS ONE OF THE PRIMARY -- ONE OF
10:54:20 THE PROMINENT SIGN BUILDERS IN THE UNITED STATES.
10:54:23 I'VE BEEN WITH U.S. SIGN AND MILL FOR 12 YEARS MYSELF,

10:54:27 SPECIALIZED IN PERMITTING AND THEN MOVED INTO WAYFINDING
10:54:29 LARGE PROJECTS AND SIGN CONCEPT AND DESIGN.
10:54:35 FIRST, I WOULD LIKE TO THANK MR. GESCHWENDT.
10:54:39 GOOD MORNING, MADAM MAYOR.
10:54:40 GOOD MORNING COUNCIL MEMBERS.
10:54:41 I APPRECIATE YOUR TIME AND ATTENTION.
10:54:45 WHEN MS. ANTONIER AND HER TEAM SET US TO TASK WITH UPDATING
10:54:52 THE MIROMAR OUTLETS SIGNAGE, WE KNEW WE NEEDED TO BRING OUR
10:54:54 A GAME.
10:54:55 23 YEARS AGO WE WERE GIVEN THE OPPORTUNITY TO BUILD THE
10:54:58 ORIGINAL SIGNS FOR MIROMAR OUTLETS.
10:55:00 SO WE KNEW WE WERE UP FOR THE TASK.
10:55:02 IT'S FINALLY COME FULL CIRCLE.
10:55:05 SO OUR CREATIVE TEAM WENT AHEAD AND WORKED COUNTLESS HOURS
10:55:07 BETWEEN E-MAILS, PHONE CALLS, MEETINGS, SKETCHES, DESIGNS,
10:55:10 BACK AND FORTH SINCE 2020, I'M PROUD TO STAND BEFORE YOU
10:55:15 TODAY.
10:55:15 A QUICK STUDY AND A LEISURELY STROLL THROUGH THE MIROMAR
10:55:19 OUTLETS PROPERTY ITSELF QUICKLY REVEALS THE AMOUNT OF
10:55:21 THOUGHT AND ENERGY THAT MS. ANTONIER HAS PUT INTO THE

10:55:26 PEDESTRIAN EXPERIENCE INSIDE THE MALL.
10:55:27 300 AWARDS FOR DESIGN ARE INCLUDED IN HER PORTFOLIO WITH 13
10:55:31 FOUNTAINS, WONDERFUL LANDSCAPING, AND SCULPTURES THAT ADORN
10:55:33 THE PROPERTY, ALL HAND-SELECTED BY MS. ANTONIER AND HER
10:55:38 TEAM.

10:55:39 IT WAS THEN WE REALIZED MIROMAR OUTLETS DIDN'T JUST NEED A
10:55:50 COOKIE-CUTTER SIGN.
10:55:52 THEY NEEDED A SCULPTURE THAT WOULD SERVE AS THE PROPERTY
10:55:55 IDENTIFICATION WAYFINDING SIGN, COMPATIBLE WITH THE IMAGE
10:55:57 THAT MS. ANTONIER HAS CREATED OVER THE LAST 24 YEARS.
10:56:00 BY BRINGING IN AN UPDATED PALETTE OF THE ORIGINAL MIROMAR
10:56:04 OUTLETS COLORS THAT THE CENTER HAD IN PLACE SINCE 1998 AND
10:56:07 THE WAVES THAT ARE UTILIZED BY THE OTHER MIROMAR PROJECTS
10:56:11 THAT HAVE BEEN IN PLACE SINCE 2002, OUR TEAM WAS ABLE TO
10:56:16 ACHIEVE A GOAL OF NOT ONLY CREATING A MASTERPIECE, BUT ALSO
10:56:20 INCORPORATING ALL OF THE BRAND IDENTITIES INTO ONE COHESIVE
10:56:23 DESIGN THAT ALSO COMPLEMENTS THE EXPERIENCE OF THE PROPERTY
10:56:25 ITSELF.
10:56:26 OUR PROPOSED IDENTIFICATION SCULPTURES WILL CONSIST OF A
10:56:32 SUBTERRANEAN CONCRETE BASE FOUNDATION, A STEEL SUBSTRUCTURE,
10:56:37 A MAIN COLUMN COMPRISED OF AN ALUMINUM SKIN ON A SUPPORT
10:56:41 STRUCTURE.
10:56:41 THE WAVE ELEMENTS ARE CONSISTENT WITH A STEEL SUBSTRUCTURE,
10:56:46 INDIVIDUAL ALUMINUM LED ILLUMINATED CABINETS WITH 3M
10:56:52 PANAFLEX STRETCH FABRIC FACES ATTACHED TO THE CABINETS WITH
10:56:56 HIDDEN CLIP RETAINER SYSTEMS.
10:56:57 THE MAIN SIGN COPY AREA IS COMPOSED OF TWO INDEPENDENT
10:57:00 ALUMINUM CABINETS, ALSO SUPPORTED BY A STEEL SUBSTRUCTURE
10:57:03 WITH LED FACE-LIFT CHANNEL LETTERS FLUSH MOUNTED TO THE FACE
10:57:07 OF EACH CABINET.

10:57:08 SIGN NUMBER ONE IS CURRENTLY 75 FEET TALL.
10:57:12 IT HAS A MEASURED SIGN COPY AREA OF 484 SQUARE FEET.
10:57:16 OUR NEW PROPOSED STRUCTURE HAS A BASE HEIGHT OF 75 FEET WITH
10:57:21 AN EXTENDED WAVE HEIGHT OF 78 FEET.
10:57:24 SO THAT IS THE BLUE AND THE GOLD ACTUALLY EXTENDS UP OVER
10:57:29 THE MAIN BASE POLE COVER BY ABOUT THREE FEET.
10:57:33 THE COPY AREA OF THE NEW SIGN IS 440.6 SQUARE FEET.
10:57:37 IT'S ACTUALLY SLIGHTLY SMALLER WHEN YOU TAKE THE SHAPE INTO
10:57:41 CONSIDERATION.
10:57:41 SIGNS NUMBER 2, 3, 4 ON THE RIGHT OF THE SCREEN ARE 25-FOOT
10:57:49 TALL WITH MEASURED COPY AREA OF 196 SQUARE FEET CURRENTLY.
10:57:53 THE PROPOSED STRUCTURES WOULD HAVE A BASE HEIGHT OF 25 FEET,
10:57:57 THE SAME BLUE AND GOLD EXTENDED WAVE TO 26 FEET, AND A
10:58:02 PROPOSED MEASURED SIGN COPY AREA OF 58.43 SQUARE FEET.
10:58:05 THE FOUR IDENTIFICATION SIGNS WILL BE REFERRED TO BY
10:58:11 LOCATION AND NUMBER AS FOLLOWS: SIGN NUMBER ONE IS LOCATED

10:58:14 IN THE WEST PARKING LOT OF MIROMAR OUTLETS.
10:58:16 ADJACENT TO I-75, APPROXIMATELY 690 FEET NORTH OF CORKSCREW
10:58:22 ROAD.
10:58:22 SIGN NUMBER TWO IS LOCATED AT THE INTERSECTION OF BEN HILL
10:58:25 GRIFFIN PARKWAY AND MIROMAR OUTLETS DRIVE NORTH.
10:58:27 NUMBER THREE IS LOCATED AT THE INTERSECTION OF BEN HILL
10:58:30 GRIFFIN PARKWAY AND MIROMAR OUTLET DRIVE SOUTH.
10:58:34 NUMBER FOUR IS LOCATED AT THE INTERSECTION OF CORKSCREW ROAD
10:58:36 AND MIROMAR OUTLETS.

10:58:38 THE PROPOSED LOCATION OF SIGN ONE IS GOING TO BE 60 FEET
10:58:42 NORTH OF THE EXISTING 75-FOOT SIGN.
10:58:45 ONE PARKING LOT ISLAND NORTH FOR REFERENCE, WITH A 60-FOOT
10:58:51 SETBACK FROM MIROMAR OUTLETS' WESTERN PROPERTY LINE.
10:58:54 SO THE SAME SETBACK FROM THE PROPERTY LINE WILL REMAIN.
10:58:57 NUMBER TWO'S PROPOSED LOCATION WILL BE CENTERED IN THE OUTER
10:59:01 PORTION OF THE MEDIAN AT THE ENTRANCE TO MIROMAR OUTLETS
10:59:04 WITH THE OUTER MOST PORTION OF THE SIGN SET BACK 15 FEET,
10:59:08 CLEAR OF UTILITY EASEMENTS AND VISIBILITY TRIANGLES.
10:59:12 SOUTH ON BEN HILL IS SIGN NUMBER THREE, OUR PROPOSED SIGN
10:59:16 WILL BE LOCATED ON THE NORTH SIDE OF THE ENTRANCE BETWEEN
10:59:18 THE EXISTING VEGETATION AND PROPERTY LINE WITH A 15-FOOT
10:59:23 SETBACK FROM THE LEADING EDGE OF THE SIGN TO THE PROPERTY
10:59:25 LINE ITSELF.
10:59:26 THE NEW LOCATION IS CLEAR OF VISIBILITY, TRIANGLES, AND
10:59:30 UTILITIES.
10:59:30 AND THEN SIGN NUMBER FOUR IS PROPOSED TO MOVE JUST FORWARD
10:59:33 OF THE EXISTING SIGN IN THE SAME MEDIAN.
10:59:37 THIS LOCATION WILL PROVIDE A ZERO SETBACK FROM THE SIGNAGE
10:59:40 TO THE PROPERTY LINE, BUT THE NEW LOCATION IS CLEAR OF
10:59:43 VISIBILITY TRIANGLES, UTILITIES, AND STILL REMAINS 43 FEET
10:59:47 BACK FROM THE CROSS TRAFFIC RIGHT-OF-WAY.
10:59:50 SO ACCORDING TO AAA, 3.5 MILLION DOMESTIC TRAVELERS, 153,000
11:00:00 INTERNATIONAL TRAVELERS VISIT SOUTHWEST FLORIDA ANNUALLY.
11:00:04 108,000 VEHICLES CROSS THE I-75 CORKSCREW INTERCHANGE DAILY.

11:00:09 THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION STATES
11:00:11 THAT 500 FEET OF VEHICULAR TRAVEL IS NEEDED FOR DRIVER
11:00:15 ADJUSTMENT AT 80 MILES AN HOUR.
11:00:17 THIS IS I-75 SOUTHBOUND AT 500 FEET FROM THE OFF-RAMP.
11:00:22 AT 500 FEET AND 80 MILES AN HOUR, I'M SURE EVERYBODY IS
11:00:26 PRETTY FAMILIAR WITH HOW TRAFFIC CAN GET CONGESTED ON I-75,
11:00:29 TO MOVE FROM THE FAST LANE TO THE EXIT RAMP, BY THE TIME YOU
11:00:34 RECOGNIZE THE SIGN, IT COULD BECOME QUITE AN ENDEAVOR.
11:00:38 HERE IS THE SAME SIGN NORTHBOUND ON I-75 OR WITH THE
11:00:45 500-FOOT FROM THE OFF-RAMP AT CORKSCREW.
11:00:49 THIS ONE IS EVEN LESS OF AN OPPORTUNITY FOR VISIBILITY
11:00:52 BECAUSE THE SIGN IS STILL 750 FEET NORTH OF THE OFF-RAMP.

11:00:56 SO THIS 500 FEET TO THE RAMP IS ACTUALLY 1250 FEET TO THE
11:01:01 SIGN, CREATING LESS VISIBILITY, MORE OF A REASON TO CATCH
11:01:04 THAT EYE APPEAL.
11:01:05 THERE IS SIGN NUMBER ONE SCALED TO THE PARKING LOT FOR A
11:01:14 CONCEPTUAL IDEA, UNDERSTANDING OF HOW IT'S GOING TO LOOK.
11:01:18 BACK TO THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S
11:01:23 RECOMMENDATIONS IN REGARDS TO SIGNS NUMBER 2, 3, AND 4, 300
11:01:28 FEET IS THE DISTANCE NEEDED FOR SAFE ADJUSTMENT AT 55 MILES
11:01:31 AN HOUR.
11:01:32 AS YOU CAN SEE, THE CURRENT SIGN IS BLOCKED BY NEW
11:01:37 DEVELOPMENTS UNTIL YOU REACH THE INTERSECTION.
11:01:38 AT 80 FEET PER SECOND, IDENTIFYING INTERSECTION IS IMPORTANT
11:01:45 ESPECIALLY FOR OUR OUT-OF-TOWN VISITORS.

11:01:47 BECAUSE OF ITS CURRENT SETBACKS AND EXISTING VEGETATION,
11:01:55 SIGN NUMBER 3 IS ALMOST ENTIRELY COVERED UNTIL YOU REACH THE
11:01:58 INTERSECTION TO THE ENTRANCE AT CORKSCREW -- I'M SORRY, AT
11:02:03 BEN HILL SOUTH WITH AN ALREADY CONGESTED INTERSECTION JUST
11:02:08 SOUTH OF THE ENTRANCE, EVEN THE RESIDENTS OF ESTERO HAVE A
11:02:12 TOUGH TIME NAVIGATING THIS PORTION OF BEN HILL.
11:02:14 ALTHOUGH THE TURN LANE INTO MIROMAR OUTLETS FROM EASTBOUND
11:02:25 CORKSCREW IS 950 FEET LONG, THERE ARE NO SIGNS, D.O.T. OR
11:02:30 PRIVATE THAT INDICATE THE ENTRANCE TO THE CENTER.
11:02:32 VISIBILITY IS LIMITED AT 300 FEET DUE TO THE EXISTING SIGN
11:02:37 SETBACK BEHIND THE DESIGNATED LANDSCAPE BUFFER AS VEHICULAR
11:02:40 TRAFFIC TRAVELS EASTBOUND, THEY ARE LIKELY TO PASS THE
11:02:43 ENTRANCE TO THE PROPERTY AND END UP AT STONEYBROOK OR PUBLIX
11:02:47 BEFORE THEY CAN ADJUST.
11:02:48 WEST ON CORKSCREW ROAD REVEALS THE SAME ISSUE WITH THE
11:02:51 CURRENT SIGN LOCATION DUE TO THE REQUIRED LANDSCAPE BUFFER.
11:02:55 IN CLOSING, THE CURRENT SIGN IS LOCATED AT MIROMAR OUTLETS
11:03:00 WAS INSTALLED 23 YEARS AGO WHEN THE MALL OPENED FOR
11:03:03 BUSINESS.
11:03:03 RETAIL BUSINESS HAS GROWN THROUGH THE YEARS AS OUR COMMUNITY
11:03:06 HAS GROWN.
11:03:06 HOWEVER, THESE LAST -- DURING THE PANDEMIC, RETAILERS FACED
11:03:12 MANY FORMIDABLE CHALLENGES.
11:03:13 AS WE EMERGE FROM THE TOUGH DAYS OF 2020, MIROMAR OUTLETS
11:03:17 WANTS TO SHOW RESIDENTS, CUSTOMERS, AND VISITORS THEIR

11:03:20 COMMITMENT TO SOUTHWEST FLORIDA AS WELL AS BEING ABLE TO
11:03:23 ATTRACT NATIONAL BRAND RETAILERS AND STORES TO THE CENTER.
11:03:25 WE BELIEVE THIS NEW SIGN PACKAGE WILL ASSIST PEOPLE IN
11:03:28 DIRECTING THEM TO THEIR LOCATION AS WELL AS SERVE AS AN
11:03:31 ATTRACTIVE AND PLEASING ARTISTIC BRAND FOR MIROMAR OUTLETS.
11:03:35 I WOULD LIKE TO ASK IF YOU HAVE ANY QUESTIONS, COMMENTS, OR
11:03:38 CONCERNS.
11:03:42 >>Neale Montgomery: I HAVE A QUESTION IF YOU GUYS DON'T.

11:03:44 NEALE MONTGOMERY, FOR THE RECORD.
11:03:47 MS. GIBBS NOTED AT THE BEGINNING THAT ONE OF THE QUESTIONS
11:03:50 YOU HAVE IS HOW THE COLORS TIE IN.
11:03:53 CAN YOU GO BACK TO THOSE SLIDES AND HELP US UNDERSTAND HOW
11:03:59 THE COLORS TIE IN?
11:04:04 >> JOHN: YOU CAN SEE THE THREE WAVES HERE ARE A BERRY
11:04:08 BURGUNDY, A BLUE, AND A GOLD COLOR.
11:04:11 WHAT WE DID WAS WE TOOK THE COLORS FROM THE EXISTING MIROMAR
11:04:21 OUTLETS BRANDING, MODERNIZED IT JUST A TWITCH AND THEN USED
11:04:25 THE WAVES FROM DIFFERENT MIROMAR BRANDS AS WELL TO KIND OF
11:04:29 INCORPORATE THE TWO OF THEM TOGETHER TO CREATE THIS NEW
11:04:33 IDENTITY.
11:04:33 THIS IS THE CURRENT MIROMAR OUTLETS LOGO AND COLORS.
11:04:43 >>Mayor Errington: THANK YOU.
11:04:44 NEALE, DO YOU HAVE ANY OTHER?
11:04:46 >>Neale Montgomery: YES.
11:04:49 >>Mayor Errington: THANK YOU.

11:04:53 >>Neale Montgomery: ONE OF THE QUESTIONS, THE FIRST QUESTION
11:04:54 THAT MARY INDICATED THAT YOU HAD WAS PRECEDENT, DOES THIS
11:04:58 CREATE A PRECEDENT?
11:05:00 THE ANSWER IS NO.
11:05:00 HERE'S WHY.
11:05:01 IN THE STAFF REPORT, MARY NOTES THE ZONING RESOLUTION,
11:05:06 Z-95-094, THAT'S WHAT APPROVES THE SIGN DEVIATION.
11:05:13 THE SIGN DEVIATION WAS SUBJECT TO SOME CONDITIONS, ONE OF
11:05:17 WHICH IS THE ONLY THING THAT CAN BE ON THE SIGN IS THE NAME
11:05:22 MIROMAR OUTLET.
11:05:26 IF YOU LOOK AT THE COMPETITION, IT IS FORTUITOUS THAT THE
11:05:29 SIGN IS UP THERE NOW, THAT IS WHAT A NORMAL SIGN LOOKS LIKE.
11:05:32 IT HAS THE NAME OF THE CENTER AND IT HAS THE NAME OF EVERY
11:05:35 TENANT THAT'S IN THE CENTER.
11:05:37 WE'RE NOT ALLOWED TO DO THAT.
11:05:39 SO THIS DOESN'T CREATE A PRECEDENT FOR ANYONE BECAUSE THIS
11:05:42 IS THE ONLY RETAIL CENTER OR COMMERCIAL CENTER IN THE
11:05:48 VILLAGE THAT IS LIMITED TO JUST THEIR NAME.
11:05:50 SO IF THE ONLY SIGN YOU'RE ALLOWED TO HAVE IS JUST YOUR
11:05:55 NAME, YOU HAVE TO WORK A LITTLE BIT HARDER TO ACTUALLY BE
11:05:57 VISIBLE.
11:05:59 ANOTHER RESTRICTION OF THE ORIGINAL CONDITION WAS THAT NONE
11:06:05 OF THE OUTPARCELS COULD HAVE A MONUMENT SIGN.
11:06:09 AND I THINK IN THE PICTURES THERE WAS A SIGN ACROSS THE
11:06:19 STREET.

11:06:19 OUR NEIGHBORS HAVE THE PUBLIX SIGN AND THEN THE OUTPARCELS
11:06:23 HAVE THEIR SIGNS.
11:06:25 AGAIN, THE CENTER NOT ALLOWED TO DO THAT.
11:06:29 THERE WE GO.

11:06:32 YOU JUST PASSED IT.
11:06:34 SO THAT'S A NEIGHBORING SIGN.
11:06:38 SO ANYTHING YOU DO HERE DOESN'T CREATE A PRECEDENT BECAUSE
11:06:42 WHAT WE'RE DOING IS AMENDING THE EXISTING APPROVED SIGN
11:06:46 PACKAGE.
11:06:47 WHAT THE COUNTY DID WAS SAID, OKAY, YOU CAN ONLY HAVE FOUR
11:06:51 SIGNS.
11:06:51 WE'RE GOING TO LIMIT THE SIGN.
11:06:53 WE'LL GIVE YOU THE HEIGHT SO IT'S SOMEWHAT VISIBLE FROM THE
11:06:56 INTERSTATE, BUT YOU CAN'T HAVE AS MUCH SQUARE FOOTAGE AS
11:06:59 EVERYBODY ELSE AND YOU CAN'T PUT PANELS ON YOUR SIGN, AND
11:07:04 YOU CAN'T HAVE MONUMENT SIGNS FOR YOUR OUTPARCELS.
11:07:07 SO IF WE'RE GOING TO TREAT THIS CENTER LIKE EVERYBODY ELSE,
11:07:11 THERE WOULD BE MORE SIGNAGE AND MORE CLUTTER.
11:07:14 SO WHAT WE'RE TRYING TO DO IS, AS EVERYTHING HAS GROWN
11:07:18 AROUND US, TRY TO ACHIEVE VISIBILITY.
11:07:20 I THINK, COUNCILMAN FIESEL, YOU INDICATED THAT YOU WANT TO
11:07:28 BE CONSISTENT WITH THE NEW LAND DEVELOPMENT CODE.
11:07:30 AND WE ARE.
11:07:33 ONE OF THE THINGS IS THE SETBACK OF 15 FEET, MOVING IT
11:07:37 CLOSER.

11:07:37 15 FEET IS THE NEW REGULATION, SO RIGHT NOW SOME OF THOSE
11:07:41 SIGNS ARE FURTHER AWAY THAN THEY WOULD BE ALLOWED TO UNDER
11:07:44 YOUR CODE, WHICH IS PART OF WHY THEY ARE NOT VISIBLE.
11:07:48 THE OTHER THING IS MIROMAR HAS MORE LANDSCAPING THAN MOST
11:07:51 CENTERS, WHICH ALSO IMPEDES THE VISIBILITY.
11:07:54 YOUR SIGN REGULATIONS, SECTION 6-101 SAYS, ONE OF THE THINGS
11:08:02 THAT'S IMPORTANT IN SIGN REGULATIONS IS TO GRANT EQUAL
11:08:06 PROTECTION AND FAIRNESS OF PROPERTY.
11:08:07 WE WANT PROPERTIES TO HAVE THE SAME BENEFIT, AND WE DON'T
11:08:11 HERE.
11:08:14 THE ONE THAT PARTICULARLY STANDS OUT IS PARAGRAPH D.
11:08:17 THIS CHAPTER IS DESIGNED TO BE FAIR TO EACH PROPERTY OWNER
11:08:22 AND THAT EACH RECEIVE EQUAL AND ADEQUATE EXPOSURE TO THE
11:08:26 PUBLIC AND NO ONE IS ALLOWED TO VISUALLY DOMINATE THE OTHER.
11:08:31 THAT'S NOT HAPPENING NOW.
11:08:32 WE CELEBRATE THE EVERBLADES.
11:08:36 THEY ARE AN ASSET TO OUR COMMUNITY, BUT THEY HAVE A
11:08:39 HUMONGOUS READER BOARD SIGN THAT VISUALLY DOMINATES THE
11:08:45 AREA, AND THEY ARE RIGHT NEXT DOOR.
11:08:52 EVEN WITH THIS SIGNAGE, WE WON'T VISUALLY DOMINATE THE AREA
11:08:55 TO THE EXTENT THAT THE EVERBLADES DO.
11:08:57 SO WHEN WE TALK ABOUT INCOMPATIBLE WITH OUR SURROUNDINGS,
11:09:01 IT'S THAT.
11:09:02 IT IS THE BIG SILVER SKATER.
11:09:04 IT IS THE JUMBOTRON.

11:09:08 WE ARE COMPATIBLE AND MORE AESTHETIC.
11:09:13 THE SIGN, ACCORDING TO THE REGS IS SUPPOSED TO BE
11:09:16 APPROPRIATE TO THE SIGN OF ACTIVITY TO WHICH IT PERTAINS.
11:09:20 IT IS A RETAIL CENTER.
11:09:21 IF YOU LOOK AT GULF COAST, IN THE COUNTY, THEY HAVE SEVERAL
11:09:25 LARGE SIGNS WITH ALL THE TENANTS.
11:09:29 AND AS YOU SAW, COCONUT POINT HAS THE SAME THING.
11:09:31 THEY AREN'T GOING TO HAVE THE SAME EXPOSURE AS OTHER HUGE
11:09:37 RETAIL CENTERS DO, AND SO THEY ARE TRYING TO GET A LITTLE
11:09:42 CLOSER TO THAT.
11:09:44 THE CODE ALSO SAYS IT'S AN EXPRESSION OF THE IDENTITY OF
11:09:48 INDIVIDUAL PROPRIETORS.
11:09:54 MR. KONOPKA EXPLAINED TO YOU HOW HARD HE WORKED WITH THE
11:09:59 OWNERS TO HAVE AN ARTISTIC EXPRESSION OF THEIR IDENTITY,
11:09:59 WHICH THE CODE PROVIDES FOR.
11:10:01 AND IT HAS TO BE LARGE ENOUGH TO SUFFICIENTLY CONVEY A
11:10:05 MESSAGE ABOUT THE OWNER OR OCCUPANTS.
11:10:08 AGAIN, BECAUSE WE'RE LIMITED IN SIGNAGE BECAUSE OF THE
11:10:11 LANDSCAPING, THE SIGN IS LIMITED TO JUST THE NAME AND WHAT'S
11:10:16 NEEDED TO IDENTIFY WHAT'S IN THE CENTER.
11:10:19 AND I KNOW THAT SOME FOLKS SAY, WELL, EVERYBODY KNOWS HOW TO
11:10:23 FIND IT.
11:10:26 NOT SO.
11:10:28 MY NAIL PERSON MOVED TO UNIVERSITY HIGHLANDS BOULEVARD, AND
11:10:33 AS I WAS COMING DOWN THE INTERSTATE TO GET OFF ON CORKSCREW,

11:10:35 I KNEW TO GET ON THE INSIDE LANE, AND I NOTICED THAT THERE
11:10:39 WAS A CAR FROM NEW JERSEY, AND I'M THINKING, WHAT IS A
11:10:42 JERSEY PERSON DOING IN FLORIDA IN THE MIDDLE OF THE SUMMER?
11:10:45 SO I PONDERED THAT THOUGHT AS I'M MOVING ALONG, AND I SEE
11:10:50 THE CAR DRIVING ERRATICALLY.
11:10:53 SO IT'S IN THE FAR LANE.
11:10:54 I'M IN THE INSIDE LANE.
11:10:56 WE GET TO WHERE THE DUAL LEFT TURN INTO MIROMAR OUTLETS, AND
11:11:00 HE BLOWS ACROSS THE LANES, CUTS ME OFF AND PULLS INTO THE
11:11:05 LANE.
11:11:05 I CAN TESTIFY THEY NEED BETTER SIGNAGE.
11:11:08 SO I DON'T GET CREAMED BY THE JERSEY GUY.
11:11:12 IF YOU'RE COMING SOUTH ON BEN HILL, EVEN THOUGH I KNOW WHERE
11:11:15 TO TURN OFF, YOU CAN'T SEE IT BECAUSE OF THE VEGETATION.
11:11:19 I JUST KNOW THAT ONCE I HIT CHASE, I BETTER START LOOKING.
11:11:23 BUT IF THE AVERAGE PERSON WHO IS NOT FROM HERE DOESN'T KNOW
11:11:27 THAT, SO IF WE'RE GOING TO BE CONSISTENT WITH THE
11:11:29 REGULATIONS AND ALLOW THE ARTISTIC EXPRESSION, NOT ALLOW OUR
11:11:34 NEIGHBORS TO DOMINATE US AND TO AMEND THE EXISTING APPROVED
11:11:38 SIGN PLAN THAT DOES NOT CREATE A PRECEDENT, WE ASK YOU TO
11:11:41 CONSIDER APPROVING THIS.
11:11:42 THANK YOU.

11:11:45 >>Mayor Errington: THANK YOU.
11:11:45 MARY, ARE WE TO THE POINT TO ASK QUESTIONS NOW BY THE
11:11:54 COUNCIL?

11:11:55 >>Mary Gibbs: I BELIEVE -- I THINK YOU CAN EITHER ASK FOR
11:11:59 PUBLIC INPUT IF YOU WANT TO DO THAT.
11:12:01 I'M NOT SURE THERE IS ANYONE.
11:12:05 >>Robert Pritt: NORMALLY YOU WOULD PRESENT ANYTHING FURTHER
11:12:07 THAT YOU HAVE TO PRESENT.
11:12:08 >>Mary Gibbs: I WANTED TO CLARIFY ONE POINT THAT NEALE SAID
11:12:11 WHEN SHE TALKED ABOUT EQUAL PROTECTION, AND I'M NOT AN
11:12:14 ATTORNEY, BUT I JUST WANT TO CLARIFY THE ONE POINT.
11:12:16 I KNOW HERTZ DOES HAVE THAT ELECTRONIC SIGN THAT WAS
11:12:19 APPROVED BY THE COUNTY MANY YEARS AGO, AND I KNOW THEY
11:12:23 MODIFIED IT WHEN IT BECAME HERTZ TO ADD THE YELLOW.
11:12:27 AND I'M NOT SURE VISUALLY DOMINATING BECAUSE THE HERTZ SIGN
11:12:31 IS I THINK ONLY 30 OR 35 FEET TALL.
11:12:35 MIROMAR SIGN IS MORE SLENDER BUT IT'S 75 FEET TALL.
11:12:38 SO I DON'T KNOW THAT I NECESSARILY AGREE WITH VISUALLY
11:12:41 DOMINATING, BUT I JUST WANT TO CLARIFY THAT ONE POINT AT
11:12:43 THIS TIME.
11:12:48 >>Mayor Errington: OKAY.
11:12:56 >>Mary Gibbs: AND I KIND OF LIKE THE ICE HOCKEY SCULPTURE.
11:13:01 >>Mayor Errington: I THINK WE ARE TO THE POINT TO HAVE
11:13:03 COUNCIL QUESTIONS NOW.
11:13:06 >>Robert Pritt: COUNCIL QUESTIONS AND THEN PUBLIC INPUT.
11:13:08 >>Mayor Errington: ANY QUESTIONS, COMMENTS BY COUNCIL
11:13:10 MEMBERS?
11:13:11 NO.

11:13:16 OKAY.
11:13:16 OKAY.
11:13:17 JOANNE.
11:13:19 >>Joanne Ribble: I'D LIKE TO ASK A QUESTION OF JOHN.
11:13:22 WHEN YOU WERE DESIGNING THE SIGN, CAN YOU EXPLAIN TO ME HOW
11:13:28 YOU THINK THE SIGN FITS IN WITH THE MEDITERRANEAN FEEL OF
11:13:33 WHAT THE VILLAGE IS NOTED FOR?
11:13:38 >> JOHN: SO WHEN THE INITIAL DESIGN CAME THROUGH, WE WERE
11:13:43 BASING OFF OF ZONING RESOLUTION 95-094, WHICH WAS GRANTING
11:13:48 US THE SIGN SIZE, SHAPE, WE UNDERSTOOD IT AS A GRANDFATHERED
11:13:54 SITUATION BECAUSE THE ZONING RESOLUTION WAS PRIOR TO THE
11:13:59 ESTABLISHMENT OF THE VILLAGE OF ESTERO.
11:14:00 SO IN REGARDS TO CONCEPT TOWARDS THE BUILDING, I CAN'T SAY
11:14:04 THAT WE DID BUILD THE SIGN TOWARDS THE BUILDING.
11:14:08 WE DEFINITELY BUILT THE SIGN TOWARDS MS. ANTONIER'S STYLE.
11:14:13 AND THE PEDESTRIAN FEEL INSIDE THE BUILDING, INSIDE THE
11:14:16 PROPERTY WITH THE SCULPTURES, WATER FEATURES, AND THEN USED
11:14:19 THE WAVES FROM THE ORIGINAL COLORS WITH THE MIROMAR DESIGN

11:14:25 BRANDING TO BRING THE TWO TOGETHER.
11:14:32 >>Mayor Errington: FURTHER QUESTIONS?
11:14:33 COMMENTS FROM COUNCIL?
11:14:37 >>Jim Ward: THE ONE COMMENT I WOULD MAKE IS RELATIVE TO THE
11:14:40 IDEA OF SETTING PRECEDENT.
11:14:43 I'M NOT SURE THAT THE PRECEDENT -- WHAT I THINK THE
11:14:46 PRECEDENT WAS ADDRESSING IS A CHANGE FROM MEDITERRANEAN TO

11:14:49 ARCHITECTURAL DESIGN THAT WE HAVE HERE.
11:14:52 AND I THINK PRECEDENT MIGHT HAVE BEEN ADDRESSING THE
11:14:55 ADDITIONAL INCREASE IN FOOTAGE RELATIVE TO THE 75-FOOT
11:15:00 VERSUS 78-FOOT.
11:15:01 SO I DON'T THINK IT'S RELATIVE TO THE PRECEDENT THAT WOULD
11:15:04 BE SET WITH OTHER SHOPPING CENTERS AS IT RELATES TO WHAT
11:15:10 COCONUT POINT DOES OR SOME OF THE OTHER OUTLETS THAT WE HAVE
11:15:15 WITHIN THE COMMUNITY.
11:15:18 >>Mayor Errington: --
11:15:23 >>Robert Pritt: BEFORE YOU GET INTO COMMENTS, I WOULD
11:15:26 SUGGEST THAT YOU HEAR -- FINISH THE QUESTIONING AND THEN
11:15:29 HEAR FROM THE PUBLIC BEFORE YOU START MAKING UP YOUR MINDS
11:15:34 AND COMMENT.
11:15:36 >>Vice-Mayor McLain: I'VE GOT A QUESTION FOR MARY ABOUT THE
11:15:38 SIGNAGE FOR MIROMAR BEING LIMITED TO NAME ONLY.
11:15:42 THAT WAS A LEE COUNTY SITUATION?
11:15:45 DOES THAT STILL APPLY IN OUR CODE?
11:15:47 >>Mary Gibbs: NO.
11:15:48 THAT ACTUALLY CAME FROM LEE COUNTY AS PART OF THEIR INITIAL
11:15:51 APPROVAL OF THE SIGN PLAN.
11:15:55 THAT WAS NOT -- THE CODE ACTUALLY WOULD ALLOW -- WOULD HAVE
11:15:59 ALLOWED THEM BACK THEN TO DO ALL THE PANELS LIKE YOU SEE ON
11:16:02 GULF COAST TOWN CENTER OR COCONUT POINT.
11:16:04 BUT THE COUNTY WORKED OUT THIS KIND OF NEGOTIATED
11:16:07 ARRANGEMENT AND SAID, OKAY, IF YOU WANT THE SIGN TO BE A

11:16:10 LITTLE TALLER, WE DON'T WANT ALL THOSE PANELS ON IT.
11:16:14 IT'S DISTRACTING.
11:16:16 LET'S FOCUS IT AND PUT THAT CONDITION IN SO IT JUST SAYS
11:16:19 MIROMAR AND IT'S CLEAN AND SIMPLE.
11:16:21 NOW, SINCE WE'RE AMENDING THE DEVIATION, WE BROUGHT FORWARD
11:16:26 THE SAME LANGUAGE FROM THE PRIOR CONDITION TO SAY, WHICH
11:16:28 THEY ARE PROPOSING JUST TO SHOW MIROMAR OUTLETS AND NOT
11:16:31 CLUTTER IT UP WITH ALL THE PANELS. SO THAT CONDITION, IF
11:16:34 YOU APPROVE IT, WOULD STILL APPLY.
11:16:39 >>Mayor Errington: I THINK I UNDERSTAND OUR ATTORNEY SAYING
11:16:42 THAT OUR COUNCIL SHOULD ONLY ASK QUESTIONS AND NO COMMENTS.
11:16:47 >>Robert Pritt: MY RECOMMENDATION UNDER THE THEORY THAT YOU
11:16:49 ARE NOT SUPPOSED TO MAKE UP YOUR MINDS UNTIL YOU HEARD
11:16:53 EVERYTHING AND THEN HAD YOUR DISCUSSION.

11:16:55 >>Mayor Errington: SO QUESTIONS ONLY, IF ANYONE HAS --
11:17:01 >> JOHN: IF I COULD ADDRESS THIS PROPERTY IN PARTICULAR IN
11:17:04 REGARD TO THIS BEING AN ISSUE ANYWHERE FARTHER DOWN THE
11:17:09 ROAD, SOMEBODY ELSE ASKING FOR SPECIAL EXCEPTIONS, IF I'M
11:17:12 NOT MISTAKEN IN CODE, THE NORTHEAST CORNER OF CORKSCREW AND
11:17:16 I-75 IS THE ONLY QUADRANT OF THAT INTERSECTION THAT IS
11:17:20 ALLOWED A HIGHWAY INTERCHANGE SIGN.
11:17:24 IS THAT CORRECT?
11:17:26 >>Mary Gibbs: NORTHEAST CORNER, I'M TRYING TO REMEMBER
11:17:33 BECAUSE I DON'T RIGHT OFF HAND.
11:17:35 I THOUGHT THERE WAS A UNIVERSITY WINDOW OVERLAY.

11:17:37 I THOUGHT THEY WERE NOT ALLOWED IN A CERTAIN CORNER.
11:17:42 >> JOHN: I'LL DOUBLE CHECK AND REFERENCE BACK TO CODE.
11:17:54 >> PAULA McMICHAEL, VICE PRESIDENT OF PLANNING SERVICES
11:17:57 WITH HOLE MONTES.
11:17:58 JUST TO ADDRESS THE QUESTION, THESE SIGNS ARE ALL PROJECT
11:18:04 IDENTIFICATION SIGNS.
11:18:05 HE WAS TALKING ABOUT A HIGHWAY INTERCHANGE SIGN.
11:18:09 THIS IS NOT CONSIDERED A HIGHWAY INTERCHANGE SIGN SO I
11:18:12 WANTED TO MAKE THAT CLARIFICATION, THAT IT IS ACTUALLY A
11:18:14 PROJECT IDENTIFICATION SIGN.
11:18:17 >>Mayor Errington: THANK YOU.
11:18:18 ANY OTHER QUESTIONS FROM COUNCIL?
11:18:22 NOW THE APPLICANT OR THE DIRECTOR WISH TO CROSS-EXAMINE ANY
11:18:36 WITNESSES?
11:18:42 >>Robert Pritt: YOU HAVE THE PUBLIC COMMENT.
11:18:43 >>Mayor Errington: NOW WE ARE DOWN TO PUBLIC COMMENT.
11:18:47 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT OR NO E-COMMENTS.
11:18:58 >>Mayor Errington: ARE THERE ANY FURTHER COUNCIL QUESTIONS
11:19:02 FOR THE PUBLIC?
11:19:04 DOES THE APPLICANT OR DIRECTOR WISH TO CROSS-EXAMINE?
11:19:16 WE DON'T HAVE ANY PUBLIC SPEAKERS, SO YOU CAN'T
11:19:18 CROSS-EXAMINE.
11:19:21 >>Neale Montgomery: MARY DOESN'T WANT TO HEAR FROM ME
11:19:23 ANYMORE.
11:19:24 SHE DOESN'T LIKE TO ASK ME QUESTIONS.

11:19:26 >>Mayor Errington: OKAY.
11:19:26 SO ARE WE AT THE POINT TO CLOSE THE HEARING THEN?
11:19:30 >>Robert Pritt: I THINK YOU ARE.
11:19:30 >>Mayor Errington: OKAY.
11:19:31 SO WE WILL CLOSE THE HEARING.
11:19:36 >>Robert Pritt: YOU'RE CLOSING THE PUBLIC PORTION OF THE
11:19:39 HEARING.
11:19:39 >>Mayor Errington: YES, PUBLIC PORTION OF THE HEARING.
11:19:42 NOW, ACCORDING TO MY SCRIPT, IT SAYS, DO I HAVE ANY COUNCIL
11:19:47 MEMBER COMMENTS OR DISCUSSION OR A MOTION?

11:19:51 IN REGARD TO THE ORDINANCE, IS THAT CORRECT?
11:19:55 >>Robert Pritt: AGAIN, THIS IS THE TIME, KIND OF LIKE A
11:19:58 JURY, THAT YOU GO BACK INTO THE JURY ROOM -- YOU DON'T GO
11:20:02 ANYWHERE HERE -- BUT DISCUSSION AS TO WHAT YOU THINK ABOUT
11:20:06 THE APPLICATION.
11:20:07 >>Mayor Errington: LET ME MAKE SURE WE UNDERSTAND.
11:20:10 YOU'RE JUST MAKING YOUR COMMENTS.
11:20:13 YOU'RE NOT TRYING TO PERSUADE.
11:20:19 WE HAVE TO REMEMBER THAT.
11:20:20 THIS IS A LITTLE DIFFERENT FROM WHAT WE USUALLY DO.
11:20:22 WE'RE NOT TRYING TO PERSUADE.
11:20:23 YOU JUST MAKE YOUR COMMENTS.
11:20:36 >>Robert Pritt: I'M NOT TRYING TO PERSUADE YOU ONE WAY OR
11:20:38 THE OTHER, BUT EACH OF YOU CAN HAVE YOUR DISCUSSION AND TRY
11:20:41 TO PERSUADE EACH OTHER ALL YOU WANT.

11:20:48 >>Vice-Mayor McLain: THAT WAS MY QUESTION.
11:20:49 HARD TO HAVE A DISCUSSION --
11:20:53 >>Mayor Errington: OKAY.
11:20:53 SO ARE WE TO THE POINT THEN TO HAVE COUNCIL MEMBER COMMENTS
11:20:57 OR DISCUSSION OR A MOTION IN REGARD TO THE ORDINANCE?
11:21:00 IS THAT WHERE WE ARE?
11:21:04 >>Robert Pritt: NORMALLY YOU JUST ASK, IS THERE ANY COMMENT
11:21:07 AND AT SOME POINT, YOU CAN ASK FOR A MOTION ONE WAY OR THE
11:21:10 OTHER.
11:21:11 >>Mayor Errington: ANY OTHER COMMENTS TO BE MADE OR
11:21:14 ANYTHING?
11:21:18 >>Vice-Mayor McLain: I'VE GOT SOME COMMENTS, IF NOBODY ELSE
11:21:22 DOES.
11:21:22 I WAS GOING TO WAIT.
11:21:23 I GO BACK TO THE PLANNING, ZONING, DESIGN BOARD.
11:21:30 THEY DID SPLIT AT 4 AND 4.
11:21:33 STAFF IS SAYING THE ARCHITECTURE IS NOT CONSISTENT WITH THE
11:21:38 DEVELOPMENT CODE.
11:21:39 I HEARD MARK TODAY IN HIS TESTIMONY SAY THE CURRENT SIGNAGE
11:21:45 IS NOT APPROPRIATE FOR TODAY.
11:21:50 YOU KNOW, I HAVE NO ISSUES WITH THE PLACEMENT OF THE SIGNS
11:21:52 OR HEIGHT.
11:21:54 COUPLE FEET IS PROBABLY NOT A BIG DEAL FOR A SIGN.
11:21:57 I DON'T KNOW WHAT HAPPENS AT A LATER DATE WHEN THE LANDSCAPE
11:22:02 CONTINUES TO GROW.

11:22:03 ARE WE GOING TO GO TO 80 FEET?
11:22:06 HOPEFULLY DO SOME PRUNING ON THAT.
11:22:08 I THINK THE SIGN IS GOING TO GAIN A LOT OF ATTENTION.
11:22:15 I THINK THERE'S NO DOUBT ABOUT THAT.
11:22:17 AND PERSONALLY, I WANT TO SUPPORT THE SUCCESS OF THE OUTLET
11:22:24 BECAUSE IT'S AN IMPORTANT ASSET FOR THE VILLAGE OF ESTERO.

11:22:28 AND I THINK IT'S A REAL DRAW FOR PEOPLE TO COME TO THE
11:22:32 VILLAGE.
11:22:32 WE SHOULD DO EVERYTHING WE CAN TO HELP IN THAT REGARD.
11:22:39 BUT I DO FALL BACK ON OUR PLANNING AND ZONING BOARD BEING
11:22:44 TIED, NOT CONSISTENT WITH THE LAND DEVELOPMENT CODE.
11:22:49 DO WE NEED TO -- AND THERE'S NO DOUBT ABOUT THE
11:22:53 MEDITERRANEAN LOOK THAT WE HAVE THAT DOMINATES ESTERO TODAY.
11:22:58 I HAVE LOTS OF COMMENTS FROM A VARIETY OF PEOPLE,
11:23:02 DEVELOPERS, PUBLIC THAT SAY THE MEDITERRANEAN LOOK IS
11:23:08 OUTDATED, AND I WOULDN'T TOTALLY DISAGREE WITH THAT, BUT
11:23:13 IT'S A MATTER OF HOW DO WE TRANSITION FROM PREDOMINANT
11:23:19 MEDITERRANEAN STYLE TO UPDATING THAT TO TODAY'S WISHES OF
11:23:26 PEOPLE OR THE ARCHITECTURE?
11:23:28 AND IT'S A DIFFICULT QUESTION, AND WE HAVE TO GO BACK TO OUR
11:23:32 CODE.
11:23:33 I BELIEVE THAT IN MY POSITION AS COUNCIL MEMBER THAT I
11:23:37 SHOULD MAKE MY JUDGMENTS BASED ON WHAT OUR CODE SAYS, AND IF
11:23:44 THAT SAYS NO TO A PROJECT, AND WE SEE THAT QUITE A BIT OF
11:23:50 TIME, WE MAY NEED AS A VILLAGE TO LOOK AT OUR DEVELOPMENT

11:23:54 COULD HE, OUR PLANNING AND ZONING AND SAY, HOW DO WE UPDATE
11:23:59 THAT SO WE CAN INCORPORATE MAYBE A TRANSITION.
11:24:03 NOT A REVOLUTION, BUT A TRANSITION TO A MORE UPDATED
11:24:08 ARCHITECTURAL STYLE.
11:24:10 BECAUSE I SURE DON'T WANT FOLKS THAT HAVE DONE EXACTLY AS
11:24:14 WE'VE TOLD THEM THAT WE HAVE WITHIN OUR REGULATIONS TO --
11:24:19 THEY HAVE GONE THROUGH GREAT EXPENSE TO DO THAT, TO SUPPLY
11:24:22 WITH OUR THINGS, AND THEN ALL OF A SUDDEN WE SAY, OH, WE'RE
11:24:25 GOING TO MAKE A COMPLETELY DIFFERENT CHANGE.
11:24:27 WE'LL GO TO COASTAL OR SOMETHING.
11:24:29 SO I STRUGGLE TODAY WITH A SIGN -- IT'S ATTRACTIVE, AND HOW
11:24:36 DO WE JUSTIFY MAKING A YES FOR THIS WHEN WE'VE SAID NO TO SO
11:24:42 MANY OTHER FOLKS?
11:24:43 IT IS AS IT IS PRESENTED.
11:24:50 I COULD MAKE SOME COMMENTS ABOUT HOW TO MAKE THE DESIGN
11:24:52 CHANGES TO MAYBE MAKE IT WORK BETTER, BUT THAT'S NOT WHAT
11:24:55 WE'RE TALKING ABOUT TODAY.
11:24:56 SO I THINK THOSE ARE JUST MY COMMENTS.
11:24:59 IT LOOKS LIKE WE'VE GOT A CONFLICT BETWEEN WHAT IS BEING
11:25:02 REQUESTED AND WHAT WE HAVE FOR STANDARDS.
11:25:05 AND I'M OPEN FOR COMMENTS, DISCUSSIONS ON MY THOUGHTS BY
11:25:11 ANYBODY.
11:25:15 >>Mayor Errington: LET ME SEE IF WE CAN GET THIS CLEARED UP.
11:25:18 IT'S MY UNDERSTANDING THAT BECAUSE OF THE KIND OF HEARING
11:25:20 THAT WE ARE IN, THIS HAS GONE THROUGH THE PROCESS AND, MARY,

11:25:25 YOU SAID SO YOURSELF, IT HAS BEEN APPROVED THROUGH ALL --
11:25:30 EVERYBODY HAS APPROVED, STAFF TO APPROVE THIS, CAN YOU

11:25:35 CLARIFY THAT WITH WHAT YOU SAID ABOUT THE CODE AND SO FORTH?
11:25:40 BECAUSE I DON'T WANT US -- WE ARE NOW A HEARING OR WE ARE
11:25:44 JUDGES.
11:25:45 WE ARE DEPENDING ON WHAT HAS HAPPENED IN THE PAST.
11:25:50 AND YOU'VE SAID, IT'S NOT PRECEDENT.
11:25:53 SO LET'S GET THAT CLEARED UP.
11:25:55 >>Mary Gibbs: ALL RIGHT.
11:25:56 SO IN MY OPINION, BASED ON WHAT WE HEARD TODAY, WHEN WE
11:26:01 INITIALLY DID OUR RECOMMENDATION, WE DIDN'T HAVE ANY OF THIS
11:26:04 INFORMATION.
11:26:05 THIS HAS SORT OF EVOLVED AS WE'VE GONE THROUGH THE HEARINGS.
11:26:08 I DON'T BELIEVE IT'S A PRECEDENT BECAUSE THEY DO HAVE THE
11:26:13 SIGN PLAN THAT WAS APPROVED BY THE COUNTY.
11:26:16 THE ONLY OTHER LARGE DEVELOPMENT THAT HAS A SIGN PLAN
11:26:19 APPROVED IS COCONUT POINT MALL, AND THEIR SIGN PLAN IS VERY
11:26:22 DIFFERENT.
11:26:23 THEY DON'T HAVE THE HEIGHT WITH THE ONE SIGN BECAUSE NOT BY
11:26:27 THE INTERSTATE, OBVIOUSLY.
11:26:29 THEY HAVE A DIFFERENT SIGN PACKAGE.
11:26:32 IF THEY CAME IN AND SAID WE WANT TO AMEND THAT, THEY HAVE TO
11:26:34 GO THROUGH THE SAME PROCESS.
11:26:36 IF THEY CAME IN AND SAID TO ME WE WANT A 75-FOOT SIGN, I
11:26:40 WOULD SAY BYE-BYE, YOU HAVE NO REASON TO JUSTIFY THAT.

11:26:44 SO FROM A PRECEDENT POINT OF VIEW, I DON'T THINK THIS
11:26:47 CREATES A PRECEDENT, BUT WHAT I THINK YOU'RE ALSO GETTING AT
11:26:50 HERE IS THAT, REMEMBER, THE STAFF AND THE PLANNING AND
11:26:54 ZONING BOARD MAKE A RECOMMENDATION TO COUNCIL.
11:26:57 SO OUR RECOMMENDATION IS JUST A RECOMMENDATION TO YOU.
11:27:00 PLANNING AND ZONING BOARD TIE VOTE, SO BASICALLY YOU HAVE NO
11:27:04 RECOMMENDATION FROM THEM.
11:27:05 YOU ARE THE ONES THAT DECIDE.
11:27:10 DO YOU THINK IT MEETS THE CODE OR NOT?
11:27:12 IT'S YOUR DECISION.
11:27:13 YOU HAVE TO BASE IT ON IN THE ORDINANCE, WHEN WE WROTE IN
11:27:17 HERE, THERE ARE FINDINGS THAT YOU MAKE IN THE CODE FOR A
11:27:22 DEVIATION.
11:27:22 AND THE FINDINGS ARE, DO YOU THINK IT WILL IMPROVE THE
11:27:26 QUALITY OF THE PROPOSED DEVELOPMENT OR NOT?
11:27:28 WILL IT PRESERVE AND PROMOTE GENERAL INTENT OF THE CODE TO
11:27:32 PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE?
11:27:35 AND THEN WILL IT OR WILL IT NOT BE COMPATIBLE WITH USES ON
11:27:39 SURROUNDING PROPERTY?
11:27:39 AND WILL IT OR WILL IT NOT CREATE AN UNDUE BURDEN ON PUBLIC
11:27:43 FACILITIES?
11:27:44 SO THOSE ARE REALLY THE FINDINGS YOU NEED TO MAKE WHEN YOU
11:27:47 MAKE YOUR DECISION ON WHAT YOU WANT TO DO ABOUT THE SIGN.
11:27:50 >>Mayor Errington: SO NO ONE ELSE, NO OTHER BUSINESS COULD

11:27:52 COME IN WHO IS HERE IN ESTERO NOW COULD ASK FOR ANYTHING

11:27:56 LIKE THIS.
11:27:57 >>Mary Gibbs: I THINK ANYBODY --
11:27:59 >>Mayor Errington: THEY COULD ASK.
11:28:00 >>Mary Gibbs: ANYBODY CAN ASK FOR ANYTHING.
11:28:02 IF THEY DON'T HAVE THE SIGN PLAN APPROVED, AND THEY CAME IN
11:28:06 AND ASKED FOR THAT, WE WOULD TELL THEM HIT THE ROAD.
11:28:10 ANYBODY CAN ASK, BUT IT'S NOT LIKELY.
11:28:13 CAN SOMEBODY COME IN AND SAY MIROMAR GOT A BIG SIGN AND WE
11:28:17 WANT A BIG SIGN.
11:28:19 THEY CAN ASK BUT WE WOULD TELL THEM, NO, YOU'RE NOT ON THE
11:28:23 INTERSTATE AND YOU DON'T HAVE THE SAME CIRCUMSTANCES.
11:28:28 >>Mayor Errington: IN OUR POSITION HERE TODAY IN THIS
11:28:30 HEARING, IT'S DIFFERENT FROM WHEN WE MEET REGULARLY AND
11:28:34 DISCUSS.
11:28:35 THE HEARING, WE ARE SUPPOSED TO SUPPORT -- OUR JOB IS TO
11:28:40 SUPPORT BUSINESSES.
11:28:44 >>Mary Gibbs: THERE ARE THINGS IN THE LAND DEVELOPMENT CODE,
11:28:46 YOUR JOB IS KIND OF BALANCING THE PROVISIONS IN THE CODE.
11:28:49 THERE IS A PROVISION IN THE CODE FOR SIGNAGE THAT SAYS THE
11:28:53 DESIGN SHALL BE COMPATIBLE WITH THE ARCHITECTURAL CHARACTER
11:28:58 OF THE DEVELOPMENT.
11:28:59 THERE'S ALSO THINGS IN THE LAND DEVELOPMENT CODE THAT SAY
11:29:05 BUSINESSES SHOULD HAVE WAYFINDING.
11:29:07 WE SHOULD SUPPORT AND ENCOURAGE BUSINESSES WITH PROPER
11:29:09 SIGNAGE.

11:29:10 SO YOU'VE GOT LOTS OF THINGS IN THE CODE THAT YOUR JOB IS
11:29:15 JUST BALANCING WHAT YOU THINK.
11:29:18 DOES IT MEET THE CODE OR NOT?
11:29:20 DOES IT MEET THESE FINDINGS OR NOT?
11:29:22 AND THAT'S WHY YOU GET THE BIG BOX BECAUSE WE JUST
11:29:26 RECOMMEND.
11:29:27 >>Mayor Errington: THANKS.
11:29:32 >>Vice-Mayor McLain: CARRYING ON THAT SAME LOGIC, IF WE WERE
11:29:35 TO APPROVE THIS TODAY AND XYZ COMPANY COMES IN THAT WILL DO
11:29:40 A BRAND-NEW CAR WASH AND THEY CONFORM WITH THE SIGNS THAT WE
11:29:44 HAVE AND IT SAYS JOE'S CAR WASH, BUT THEY WANT A LITTLE MORE
11:29:48 IDENTITY TO THAT SIGN BECAUSE OUR SIGNAGE LOOKS KIND OF LIKE
11:29:54 THE BUSINESS NEXT DOOR TO US, SO WE'D LIKE TO HAVE SOME BLUE
11:29:59 BUBBLES AND GREEN BUBBLES AROUND THAT SIGN TO INDICATE THAT
11:30:02 WE HAVE A CAR WASH HERE AND NOT JUST A SIGN.
11:30:07 HOW DO I JUSTIFY TURNING THEM DOWN WHEN, IN FACT, FOR
11:30:11 VISIBILITY REASONS WE APPROVED THIS SIGN?
11:30:14 >>Mary Gibbs: SO WE WANT TO REMEMBER THIS SIGN HAS THE OLD
11:30:18 APPROVALS FROM THE COUNTY THAT STILL CARRY THROUGH IN THAT
11:30:21 SIGN PLAN.

11:30:22 NOW, IF SOMEBODY COMES IN NOW WITH A CAR WASH, FOR EXAMPLE,
11:30:25 BECAUSE WE HAVE A COUPLE THAT ARE COMING IN, AND THEY ARE ON
11:30:28 A LOT AND THEY WANT A SIGN, THEY DON'T GET A BIG POLE SIGN
11:30:33 BECAUSE POLE SIGNS ARE PROHIBITED IN OUR CODE.
11:30:35 SO THEY HAVE TO DO A MONUMENT SIGN, WHICH WILL BE

11:30:39 ATTRACTIVE.
11:30:39 THEY ARE ONLY 10 TO 17 FEET TALL, DEPENDING ON THE SIZE OF
11:30:44 THE PROPERTY.
11:30:44 THEY'LL GET A MONUMENT SIGN.
11:30:46 THEY HAVE TO HAVE CERTAIN PERCENTAGE OF ARCHITECTURAL
11:30:49 FEATURES WHICH I THINK IS 25%.
11:30:51 THEY HAVE TO COMPLY WITH THAT.
11:30:54 YES, IF THEY HAVE A CORPORATE LOGO AND SOME COLORS, THEY CAN
11:30:57 WORK THAT IN.
11:30:58 SO IF THEY HAVE BUBBLES, MAYBE THEY COULD WORK THAT INTO
11:31:01 THEIR SIGN DESIGN, BUT YOU WON'T BE SEEING A POLE SIGN
11:31:06 BECAUSE IT'S JUST NOT ALLOWED ANYMORE UNDER THE NEW CODE FOR
11:31:08 ANYBODY NEW.
11:31:09 YOU'LL GET THAT ATTRACTIVE MONUMENT SIGN WITH THE 25%
11:31:12 ARCHITECTURAL FEATURES.
11:31:14 YOU WON'T GET -- IF SOMEBODY CAME IN AND SAID I WANT TO DO A
11:31:17 POLE SIGN, I WOULD SAY, NO, THEY ARE NOT ALLOWED.
11:31:20 SO YOU CAN'T DO IT.
11:31:21 AND WE HAVE HAD PEOPLE ASK.
11:31:23 YOU CAN'T DO THAT.
11:31:23 YOU CAN ONLY HAVE A MONUMENT SIGN.
11:31:26 >>Mayor Errington: THANK YOU.
11:31:27 ANY OTHER QUESTIONS, COMMENTS FROM COUNCIL?
11:31:35 >>Jim Ward: I UNDERSTAND JON'S POINT RELATIVE TO THE
11:31:37 DEVELOPMENT CODE AND THE LAND CODE.

11:31:41 I JUST, AS JON WOULD SAY, STRUGGLE WITH THE IDEA OF WHEN I
11:31:45 LOOK AT THE COCONUT POINT SIGN AND I LOOK AT THIS SIGN, THIS
11:31:49 SIGN TO ME IS MUCH MORE ATTRACTIVE, YET THE COCONUT POINT
11:31:53 SIGN IS MORE IN LINE WITH OUR DEVELOPMENT CODES.
11:31:57 WITH REGARD TO PRECEDENT, I MADE A COMMENT LAST MEETING THAT
11:32:01 WE AS A BOARD, COUNCIL HAVE A DUE DILIGENCE TO LOOK AT EVERY
11:32:06 PROJECT THAT COMES BEFORE US AND TO REVIEW THAT PROJECT IN
11:32:10 AND OF ITSELF AND NOT NECESSARILY LOOK AT IT VIS-A-VIS WHAT
11:32:15 SOMEBODY ELSE HAS DONE.
11:32:17 I THINK WHEN YOU LOOK AT PRECEDENT, YOU LOOK AT WHERE THE
11:32:20 PROJECT IS, WHAT THE IMPACT IT HAS ON THE COMMUNITY AND JUST
11:32:25 GO FORWARD FROM THERE.
11:32:26 SO I STEP AWAY FROM PRECEDENT.
11:32:29 I LOOK AT THE LAND DEVELOPMENT CODE AND I SAY, HOW DO WE
11:32:32 TRANSITION FROM WHAT USED TO BE TO WHAT IS TODAY?
11:32:37 AND THAT'S WHAT I THINK WE'RE DEALING WITH TODAY TO A LARGE

11:32:40 EXTENT.
11:32:41 SOME YEARS AGO SOMEBODY THAT I WORKED WITH SAID, LEARN TO
11:32:46 PICK THE RIGHT BATTLES.
11:32:48 LEARN TO MAKE THE RIGHT CHOICES.
11:32:50 AND THAT'S WHAT I THINK WE'RE CHARGED WITH DOING TODAY.
11:32:53 >>Mayor Errington: THANK YOU.
11:32:54 ANY OTHER COMMENTS, QUESTIONS?
11:32:58 >>Jim Wilson: MADAM MAYOR?
11:32:59 >>Mayor Errington: YES, COUNCIL MEMBER WILSON.

11:33:03 >>Jim Wilson: I'M READING THE DEVIATION STANDARDS FOR
11:33:06 COUNCIL DECISIONS, AND I FIND MOST COMPELLING NUMBER ONE,
11:33:11 WHICH SAYS TO IMPROVE THE QUALITY OF THE PROPOSED
11:33:14 DEVELOPMENT UNDER REVIEW.
11:33:17 YOU KNOW, I LOOK AT WHAT WAS THE MOTIVATION OF THE
11:33:21 PETITIONER TO BRING THIS FORWARD?
11:33:26 AND I THINK THEIR MOTIVATION WAS TO IMPROVE THE QUALITY AND
11:33:31 THE ACCESSIBILITY AND THE FINDABILITY OF THEIR DEVELOPMENT.
11:33:35 AND I THINK THAT'S WHERE THE VILLAGE GAINS THE BENEFIT.
11:33:40 PEOPLE CAN'T FIND MIROMAR OUTLETS DUE TO THE LACK OF
11:33:44 VISIBILITY, THEN THEY LOSE AND WE LOSE.
11:33:50 SO I THINK THAT WE'VE GOT A PATH HERE THAT WE CAN TAKE THAT
11:33:57 CAN HELP EVERYBODY.
11:33:59 IT CAN HELP ESTERO.
11:34:00 IT CAN HELP THE PETITIONER.
11:34:06 >>Mayor Errington: THANK YOU.
11:34:07 I HAVE A COMMENT TO MAKE, A COUPLE OF COMMENTS.
11:34:09 OVER THE PAST YEAR, I'VE HAD THE OPPORTUNITY TO PARTICIPATE
11:34:13 ON ZOOM WITH THE FLORIDA LEAGUE OF MAYORS.
11:34:16 AND I RECENTLY HAD, WHEN I WAS INTRODUCING MYSELF, SAYING
11:34:22 THAT I WAS IN ESTERO, AND SO A MAYOR FROM UP NORTH SAID,
11:34:27 WHERE IS ESTERO?
11:34:29 I SAID, WELL, IT'S BETWEEN FORT MYERS AND NAPLES.
11:34:33 OH, I KNOW WHERE YOU ARE, YOU'RE NEAR THAT WONDERFUL MIROMAR
11:34:39 OUTLETS.

11:34:40 TWICE I'VE HAD THAT HAPPEN.
11:34:41 SO I FEEL THAT -- I THINK ABOUT THE BUSINESSES IN THERE.
11:34:47 I'M NOT SURE HOW MANY BUSINESSES MIROMAR OUTLETS, WHAT YOU
11:34:51 HAVE.
11:34:51 I KNOW YOU HAVE OVER A HUNDRED SOME.
11:34:55 BUT THE PERSON WHO SELLS THE PRETZEL, THAT PERSON CAN'T --
11:35:01 BUSINESS CAN'T ADVERTISE OUT AND DO SOMETHING SEPARATELY.
11:35:05 IT NEEDS SOMETHING TO ATTRACT THE VISITORS TO COME IN AND
11:35:08 WANT TO PURCHASE.
11:35:11 THIS HAS BEEN A VERY TOUGH TIME THE LAST TWO YEARS FOR
11:35:14 BUSINESSES AND BRICK AND MORTAR STORES, AND I THINK THIS IS
11:35:18 AN OPPORTUNE TIME FOR ESTERO TO GET BEHIND THIS BUSINESS AND

11:35:24 LET THEM TRY TO SUCCEED.
11:35:27 IT'S REALLY NICE TO KNOW THAT THE SUCCESS DEPENDS ON PEOPLE
11:35:33 WHO HAVE FORWARD THINKING AND A VISION WITH WHAT CAN HAPPEN
11:35:38 WITH THE PROPER ADVERTISING.
11:35:41 AND THAT IS A UNIQUE PART OF THE VILLAGE OVER THERE WITH THE
11:35:45 HERTZ ARENA AND WITH MIROMAR OUTLETS.
11:35:47 AND SO I THINK, IF I WERE IN THE SHOES OF THE APPLICANT, I
11:35:56 WOULD TRY TO HELP MY BUSINESS PEOPLE WHO HAVE LEASES IN MY
11:36:00 SHOPS TO TRY TO HELP THEM GET THE BUSINESS IN THERE.
11:36:03 AND WHEN THEY COME IN THERE, THEN IT HELPS ESTERO.
11:36:08 ANY OTHER COMMENTS?
11:36:10 QUESTIONS?
11:36:12 >>Jim Boesch: CALL THE QUESTION.

11:36:15 >>Mayor Errington: WE NEED A MOTION FIRST.
11:36:19 >>Vice-Mayor McLain: I'LL MAKE A MOTION.
11:36:19 >>Mayor Errington: YOU'RE GOING TO MAKE THE MOTION.
11:36:23 >>Vice-Mayor McLain: I THINK AS PART OF MY LIAISON DUTIES
11:36:25 WITH THE PLANNING AND ZONING DESIGN BOARD, I MAY HAVE SOME
11:36:30 WORK TO DO IN THE FUTURE BECAUSE OF MY MOTION.
11:36:33 I THINK MY MOTION IS FOR US TO APPROVE THIS PROJECT FOR THE
11:36:39 ECONOMIC BENEFITS AND THE LIKE.
11:36:43 I MAKE A MOTION THAT WE APPROVE IT AS SUBMITTED.
11:36:45 >>Jim Boesch: I'LL SECOND THE MOTION.
11:36:47 >>Mayor Errington: MOTION MADE BY VICE-MAYOR JON McLAIN
11:36:50 AND SECONDED BY COUNCIL MEMBER JIM BOESCH.
11:36:53 PLEASE CALL THE ROLL.
11:36:56 >>Jim Wilson: AYE.
11:37:00 >>Jim Ward: AYE.
11:37:01 >>Jim Boesch: AYE.
11:37:02 >>Larry Fiesel: NAY.
11:37:06 >>Joanne Ribble: AYE.
11:37:08 >>Vice-Mayor McLain: AYE.
11:37:10 >>Mayor Errington: AYE.
11:37:10 IT PASSES.
11:37:13 >>Mary Gibbs: MAY I JUST --
11:37:16 >>Robert Pritt: CLOSE THE HEARING.
11:37:17 ON PAGE 3 OF 4 OF THE ORDINANCE ITSELF, THERE ARE SOME
11:37:23 SELECTIONS TO BE MADE.

11:37:27 I'M INTERPRETING THAT YOU BY VIRTUE OF THIS MOTION, THAT YOU
11:37:31 HAVE MADE THE SELECTIONS.
11:37:33 MAY I READ THEM?
11:37:36 ONE, DEVIATION AS REVISED WILL OR WILL NOT IMPROVE THE
11:37:40 QUALITY OF THE PROPOSED DEVELOPMENT UNDER REVIEW.
11:37:44 SO, THEREFORE, I SUGGEST THAT YOU SAID WILL.
11:37:49 >>Mayor Errington: YES.
11:37:49 >>Robert Pritt: TWO, WILL OR WILL NOT PRESERVE AND PROMOTE

11:37:53 THE GENERAL INTENT OF THE LDC TO PROTECT THE PUBLIC HEALTH,
11:37:58 SAFETY AND WELFARE.
11:37:59 AGAIN, I ASSUME THAT YOU MEAN WILL.
11:38:01 STOP ME IF I'M WRONG.
11:38:04 THREE, WILL OR WILL NOT BE COMPATIBLE WITH USES ON THE
11:38:08 SURROUNDING PROPERTY, AGAIN, PUTTING DOWN WILL OR SUGGESTING
11:38:14 WILL.
11:38:14 AND THEN, FOUR, WILL OR WILL NOT CREATE AN UNDUE BURDEN ON
11:38:20 ESSENTIAL PUBLIC FACILITIES.
11:38:22 AND ON THAT ONE, I THINK IT IS A WILL NOT.
11:38:24 AM I CORRECT ON ALL THAT?
11:38:27 MARY, DO YOU AGREE?
11:38:28 >>Mary Gibbs: CORRECT.
11:38:29 >>Robert Pritt: WAS THERE ANYTHING ELSE?
11:38:31 >>Mary Gibbs: WHEN YOU SAY APPROVE, YOU MEAN APPROVE WITH
11:38:33 THE CONDITIONS THAT ARE IN THE ORDINANCE, WHICH WILL LIMIT
11:38:36 TO MIROMAR THE NAME, THE THINGS WE TALKED ABOUT.

11:38:39 YES.
11:38:41 >>Mayor Errington: OKAY.
11:38:42 IS THAT IT?
11:38:43 >>Robert Pritt: YES.
11:38:43 IT'S APPROVED WITH THOSE CONDITIONS AND WITH THOSE
11:38:46 SELECTIONS.
11:38:47 >>Mayor Errington: OKAY.
11:38:48 THAT'S IT.
11:38:53 AS FAR AS THE HEARING.
11:38:56 BEFORE WE GO ON, LET'S TAKE A BREAK.
11:39:00 OKAY?
11:39:00 COME BACK IN TEN MINUTES.
11:39:04 [TEN-MINUTE BREAK]
11:50:07 >>Mayor Errington: WE'RE LOSING EVERYBODY.
11:50:09 ANYBODY LEFT?
11:50:10 WE HAVE TWO IN THE BACK.
11:50:11 ANTONIO AND MICHAEL.
11:50:15 WE DIDN'T GET THAT FAR.
11:50:21 JON DIDN'T BRING ENOUGH LUNCH FOR US.
11:50:25 HE'S EATING HIS LUNCH.
11:50:28 [LAUGHTER]
11:50:29 OKAY.
11:50:29 WE'RE ON ITEM NUMBER 9.
11:50:32 WE ARE LOOKING FOR ANY PUBLIC COMMENT ON NON-AGENDA ITEMS.
11:50:36 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT.

11:50:38 >>Mayor Errington: OKAY.
11:50:38 THANK YOU.
11:50:39 NOW, WE WILL GET TO COUNCIL COMMUNICATIONS AND ANY FUTURE
11:50:44 AGENDA ITEMS.

11:50:45 I AM GOING TO START WITH COUNCIL MEMBER JIM WILSON, DO YOU
11:50:50 HAVE ANYTHING TO REPORT TODAY, COUNCIL MEMBER JIM?
11:50:53 >>Jim Wilson: NO.
11:50:54 I THINK IT'S ALREADY NOON, SO I THINK I'LL PASS.
11:50:58 >>Mayor Errington: OKAY.
11:51:01 >>Jim Ward: I'LL PASS AS WELL.
11:51:02 >>Mayor Errington: OKAY.
11:51:03 COUNCIL MEMBER RIBBLE?
11:51:04 >>Joanne Ribble: I'LL PASS.
11:51:07 >>Mayor Errington: OKAY.
11:51:09 CAN'T GO YET, WE STILL HAVE A WORKSHOP TO GO THROUGH.
11:51:15 >>Larry Fiesel: I'VE GOT TO SAY SOMETHING SINCE NOBODY ELSE
11:51:18 HAS.
11:51:18 THE HORIZON COUNCIL, WHICH YOU KNOW I'VE BEEN APPOINTED TO,
11:51:21 THEY HAVE AN INDUSTRIAL APPRECIATION AWARDS EVERY YEAR, AND
11:51:25 SOME OF US WENT TO THAT LAST YEAR.
11:51:27 IT HAS NOW BEEN SCHEDULED THIS YEAR OCTOBER 27 AT THE CALUSA
11:51:32 SOUND CONVENTION CENTER.
11:51:34 IF YOU'RE INTERESTED, THERE WILL BE FURTHER INFORMATION, BUT
11:51:37 JUST PUT THAT ON YOUR CALENDAR FOR THAT INDUSTRY
11:51:41 APPRECIATION AWARDS.

11:51:42 >>Mayor Errington: WHAT MONTH WILL THAT BE?
11:51:44 >>Larry Fiesel: OCTOBER.
11:51:46 OCTOBER 27.
11:51:47 IT WILL BE HERE BEFORE YOU KNOW IT.
11:51:49 >>Mayor Errington: THAT'S RIGHT.
11:51:50 >>Larry Fiesel: AND THEN IT'S CHRISTMAS.
11:51:52 >>Mayor Errington: AND THEN IT'S CHRISTMAS.
11:51:55 OKAY.
11:51:55 WE'LL HAVE THE BUDGET APPROVED AND EVERYTHING BY THAT TIME.
11:51:58 WE HAVE TO.
11:51:58 IT'S LAW.
11:51:59 VICE-MAYOR.
11:52:01 >>Vice-Mayor McLain: I'LL PASS.
11:52:03 >>Mayor Errington: QUICKLY, I DID REPRESENT THE COUNCIL WITH
11:52:08 THE EVERBLADES CELEBRATION AT THE HERTZ ARENA ON MONDAY
11:52:13 EVENING.
11:52:14 I HAD A PHONE CALL IN LATE DAY IF I WOULD COME AND SAY A FEW
11:52:20 WORDS AS THE MAYOR.
11:52:21 SO I HAD TO REARRANGE SOME THINGS, BUT BY 5:00, I WAS MAKING
11:52:26 A COMMITMENT TO DO THAT AND GOT THERE ABOUT 6:30, SOMETHING
11:52:31 TO 7.
11:52:33 IT'S KIND OF HARD TO FOLLOW BEN ALLEN.
11:52:35 [LAUGHTER]
11:52:36 AND A WINNING TEAM, BUT I DID.
11:52:38 I HAVE NO IDEA WHAT I SAID, BUT THEY WERE VERY GRACIOUS AND

11:52:41 NICE, AND I APPRECIATE THAT.
11:52:43 THE CROWD WAS JUST SUPER, SUPER NICE.
11:52:46 AND I MET EVERYBODY THERE I COULD MEET.
11:52:49 I MET THE HOFFMANS AND ALL THESE GUYS YOU SAW HERE AND
11:52:55 OTHERS.
11:52:55 IT WAS A SUPER NICE EVENING.
11:52:59 AND I HAD CAROL SEND OUT A LITTLE VIDEO OF WHAT IT WAS LIKE
11:53:04 TO SEE ALL THE FIRE THINGS GOING OFF AND ALL THAT.
11:53:07 I WOULD REMIND THAT YOU WE HAVE A GREATER ESTERO CHAMBER OF
11:53:12 COMMERCE LUNCHEON THIS FRIDAY.
11:53:15 THOSE OF YOU WHO SIGNED UP.
11:53:18 DON'T FORGET THAT.
11:53:19 WE ARE HAVING THE FLORIDA LEAGUE OF MAYORS IS HAVING A
11:53:25 DINNER WHICH THEY ARE SAYING THAT THE VILLAGE IS HOSTING,
11:53:32 WHICH WE'RE NOT DOING ANYTHING.
11:53:33 CAROL HAS HELPED A LITTLE BIT, JUST HELPING FIND LOCATION,
11:53:36 BUT TOMORROW EVENING, DIFFERENT MAYORS FROM SOUTHWEST
11:53:40 FLORIDA, THE REGION, WILL BE COMING TO FGCU FOR DINNER AND A
11:53:46 TOUR OF THE WATER SCHOOL.
11:53:48 SO THAT SHOULD MAKE THE VILLAGE LOOK GOOD.
11:53:50 THE OTHER THING IS, I WANT TO THANK MARILYN EDWARDS.
11:53:57 SHE TOOK ON THE PROJECT, THE TASK OF WORKING WITH THE ESTERO
11:54:00 HIGH SCHOOL STUDENTS AND THE MPO AND TRYING TO GET THIS
11:54:04 PROJECT WHERE STUDENTS PUT SOMETHING ABOUT DRIVING AND
11:54:10 HAVING SAFE DRIVING.

11:54:12 AND I HAVE TO SAY FOR SIX MONTHS, IT WAS TENUOUS.
11:54:15 IT WAS KIND OF LIKE, WHAT DO WE DO?
11:54:17 AND I WAS TELLING DON SCOTT AT THE MPO MEETING LAST WEEK, I
11:54:22 SAID, IT WAS CONVOLUTED, BUT IT HAPPENED.
11:54:25 SO I UNDERSTAND IT WAS ON WINK NEWS.
11:54:27 YOU SENT US OUT A VIDEO, AND WHAT MPO IS GOING TO DO IS PUT
11:54:33 THOSE -- I THINK CAPE CORAL DID SOMETHING AND THEN WE DID
11:54:37 SOMETHING.
11:54:38 WE, BEING ESTERO HIGH SCHOOL, AND THAT WILL BE SOMEHOW, SOME
11:54:44 WAY THEY ARE GOING TO DISTRIBUTE THAT.
11:54:46 WINK NEWS WORKED WITH THEM, BUT THAT WAS A VERY INTERESTING
11:54:50 PROJECT, AND I'M GLAD WE DID IT, AND I'M GLAD IT'S OVER.
11:54:55 I HOPE IT'S DONE A LOT.
11:54:57 I'VE BEEN ASKED BY CAROL SACCO, OUR CLERK, ANYONE WHO HAS
11:55:06 NOT GOTTEN YOUR FINANCIAL DISCLOSURE TO HER, IT'S DUE JULY
11:55:10 1st.
11:55:10 SO THAT'S FOR COUNCIL.
11:55:12 AND THEN YOUR ETHICS TRAINING, OUR ETHICS TRAINING, JULY THE
11:55:16 13th.
11:55:17 YOU GO TO A WEBINAR, AND SHE CAN WORK WITH YOU ON THAT.
11:55:23 10:00 TO 3:30.
11:55:25 >>Carol Sacco: CORRECT.

11:55:26 EVERYONE HAS IT ON THEIR CALENDAR.
11:55:28 AND YOU CAN'T SHARE THE INVITATION.
11:55:31 IT IS EVERYBODY'S INDIVIDUAL ONE.

11:55:34 >>Mayor Errington: SO YOU'LL --
11:55:36 >>Carol Sacco: IF YOU NEED IT AGAIN, LET ME KNOW.
11:55:38 JULY 13.
11:55:40 >>Mayor Errington: NOW WE ARE TO --
11:55:43 >>Joanne Ribble: ARE YOU PROVIDING A LINK FOR THAT?
11:55:46 >>Carol Sacco: IT SHOULD BE ON YOUR COMPUTER ALREADY.
11:55:48 I REGISTERED EVERYONE INDIVIDUALLY, YES, I DID.
11:55:54 >>Mayor Errington: VILLAGE ATTORNEY'S REPORT.
11:55:57 >>Robert Pritt: NOTHING FURTHER.
11:55:59 >>Mayor Errington: I WANT TO THANK YOU TODAY FOR HOW YOU LED
11:56:01 US THROUGH THIS.
11:56:03 I APPRECIATE THAT.
11:56:04 THAT'S MY REPORT ON THE ATTORNEY'S REPORT.
11:56:06 STEVE?
11:56:14 >>Steven Sarkozy: EVEN THOUGH IT IS LATE, I'LL TAKE A MOMENT
11:56:17 JUST TO HIGHLIGHT THE FACT THAT YOU APPROVED AS A COUNCIL
11:56:20 THE PAYING OFF OF THE DEBT.
11:56:23 WE DID THAT LAST WEEK WITH A WIRE TRANSFER OF $16.2 MILLION,
11:56:28 AND YOU'RE ONE OF THE FEW COMMUNITIES IN THIS REGION AND ALL
11:56:32 OF SOUTH FLORIDA THAT IS OF SIGNIFICANT SIZE THAT HAS NO
11:56:36 DEBT.
11:56:37 MISSION ACCOMPLISHED.
11:56:41 >>Mayor Errington: THANK YOU.
11:56:45 >>Larry Fiesel: YOU SAID 16.2.
11:56:47 THAT WAS THE E-MAIL THAT YOU SENT TO US, BUT FOR SOME REASON

11:56:50 I THOUGHT IT WAS OVER 17 MILLION.
11:56:53 >>Steven Sarkozy: THERE WAS ANOTHER PAYMENT MADE PRIOR TO
11:56:56 THE PAYING OFF OF THE DEBT, AN ANNUAL PAYMENT.
11:57:00 SO THE ONLY WIRE TRANSFER THAT WAS NEEDED WAS THE 16.2.
11:57:04 >>Larry Fiesel: THAT WAS GOOD NEWS.
11:57:06 I WAS WONDERING WHERE THAT DIFFERENCE WENT.
11:57:08 THANK YOU FOR THE CLARIFICATION.
11:57:10 >>Mayor Errington: BEFORE I ADJOURN THIS SESSION TO GO TO
11:57:13 THE NEXT, OUR WORKSHOP, ON WEDNESDAY, JULY THE 6th, OUR
11:57:18 NEXT COUNCIL MEETING, SENATOR PASSIDOMO WILL BE OUR GUEST.
11:57:23 SO YOU MAY WANT TO MARK THAT DOWN.
11:57:27 SO WE WILL RECOGNIZE HER.
11:57:28 THAT'S ALSO THE TIME THAT DR. PAUL SIMONY FROM LEE HEALTH
11:57:34 WILL TALK ON MENTAL HEALTH ISSUES, AND WE ARE GIVING HIM 20
11:57:39 TO 25 MINUTES.
11:57:41 CAROL WAS READ THE RIOT ACT THAT WE NEED TO HAVE IT WRAPPED
11:57:45 UP WITH QUESTIONS AND EVERYTHING WITHIN 25 MINUTES.
11:57:48 I THINK YOU'LL FIND HIS COMMENTS VERY, VERY GOOD.

11:57:51 SO I LOOK FORWARD TO THAT.
11:57:52 THIS MEETING IS ADJOURNED AND NOW WE'LL START WITH THE
11:57:57 WORKSHOP.
11:57:58 THE FIRST WORKSHOP ITEM 13A IS 2022/2023 BUDGET
11:58:13 INTRODUCTION.
11:58:13 I WILL ASK STEVE TO INTRODUCE THIS.
11:58:15 >>Steven Sarkozy: THANK YOU, MAYOR, MEMBERS OF COUNCIL.

11:58:19 THIS IS OUR TIME WHEN WE INTRODUCE THE BUDGET PROCESS TO THE
11:58:27 VILLAGE COUNCIL AND OPEN UP THE WHOLE BUDGET DISCUSSION,
11:58:31 WHICH WILL HAVE A NUMBER OF SEPARATE MEETINGS AND I'LL GO
11:58:35 THROUGH THAT, BUT WILL CULMINATE IN THE ADOPTION OF A BUDGET
11:58:39 THE THIRD WEEK IN SEPTEMBER.
11:58:41 WE'RE ON A CALENDAR YEAR BASIS STARTING OCTOBER 1st.
11:58:47 THE DATES FOR THE APPROVAL OF THE BUDGET ARE FRAMED UP BY
11:58:50 THE STATE IN SEPTEMBER, AND WE COME AFTER THE SCHOOL
11:58:54 DISTRICT AND THE COUNTY AND SO FORTH.
11:58:58 YOU KNOW THAT ROUTINE.
11:58:59 WE'LL ALSO BE MEETING FOR THE COUNCIL MEETINGS IN SEPTEMBER
11:59:03 AT 5:30 P.M. TO ALLOW EVEN GREATER ACCESS BY THE PUBLIC.
11:59:08 AS WE GET INTO THE BUDGET, FIRST, I WOULD LIKE TO INTRODUCE
11:59:15 BRITT MARTIN, WHO IS OUR INTERIM FINANCE DIRECTOR.
11:59:19 BRITT HAS STEPPED IN AND HAS DONE A GREAT JOB BALANCING THE
11:59:23 BOOKS, COMPLETING THE COMPREHENSIVE FINANCIAL REPORT, THE
11:59:29 GFOA, ALSO HELPING US WITH THE BUDGET AND HELPING US WITH
11:59:33 THE AUDIT AND HAS PICKED UP ON THINGS AND JUST MOVED FORWARD
11:59:39 SEAMLESSLY.
11:59:40 SO WE'RE BEING WELL SERVED UNTIL WE CAN FIND A FULL-TIME
11:59:46 FINANCE DIRECTOR.
11:59:47 IN THE PAST, WHAT WE'VE DONE IS EMPHASIZE THE BUDGET NOT SO
11:59:55 MUCH AS A FINANCIAL TOOL, ALTHOUGH IT IS, BUT THE PRIMARY
11:59:59 PURPOSE OF OUR BUDGET, IT IS YOUR PRIMARY POLICY DOCUMENT.
12:00:05 AND ABOVE ALL, WE WANT TO MAKE SURE THAT THOSE POLICIES ARE

12:00:09 UNDERSTOOD AND EMBEDDED IN THE BUDGET.
12:00:18 IF COUNCIL MEMBERS HAVE SPECIFIC QUESTIONS ABOUT DETAILS ON
12:00:20 THE BUDGET, INVARIABLY THAT WILL HAPPEN, I WOULD STRONGLY
12:00:23 ENCOURAGE THAT TO OCCUR PRIVATELY SO THAT WE CAN GO THROUGH
12:00:27 ALL OF THOSE DETAILS, EITHER MYSELF OR BRITT OR OTHERS CAN
12:00:31 GET INTO SOME OF THE DETAILS, AND WE AVOID SOME OF THE
12:00:35 NIT-PICKING AT A PUBLIC MEETING, WHICH IS UNPRODUCTIVE AND
12:00:43 MAYBE PUTS US GOING BACKWARDS IN A WAY.
12:00:46 OUR BUDGET IS OUT THERE.
12:00:50 THE TARGET IS TO MAINTAIN THE PRINCIPLES THAT WE'VE HAD IN
12:00:55 THE PAST WITH A LOW MILLAGE RATE, A LOW STAFF RATIO TO THE
12:01:08 PUBLIC -- TO OUR POPULATION FIGURES.
12:01:11 AND OUTSOURCING MUCH OF WHAT WE DO TO OUTSIDE ORGANIZATIONS.
12:01:16 SO THAT WE INTEND TO STICK WITH THAT, AND THAT HAS RESULTED

12:01:23 IN OUR LOW MILLAGE RATE, LOW NUMBER OF STAFF, AND ALSO THE
12:01:27 ABILITY TO DROP OUR TAX RATE IN FIVE OF THE SEVEN YEARS THAT
12:01:32 YOU'VE BEEN IN EXISTENCE.
12:01:34 WE DON'T HAVE ALL OF THE NUMBERS YET FROM THE STATE AND ALL
12:01:38 OF OUR REVENUE NUMBERS, BUT WE'RE ANTICIPATING WE SHOULD BE
12:01:42 ABLE TO DROP OUR TAX RATE EVER SO SMALL AMOUNT, BUT IT'S
12:01:46 GOING IN THAT DIRECTION.
12:01:47 THE IDEA WITH THE BUDGET IS THAT THERE ARE VERY FEW
12:01:52 SURPRISES, AND IF THERE ARE ANY MAJOR MOVEMENTS IN THE
12:01:55 BUDGET AS WE BEGIN TO PULL THAT TOGETHER, I'LL REVIEW THAT
12:02:00 WITH YOU IN BRIEFINGS.

12:02:01 BUT WHAT WE'RE ANTICIPATING THIS YEAR IS THE NEED FOR A
12:02:07 COST-OF-LIVING ADJUSTMENT NOW THAT WE ARE NOT GOING TO HAVE
12:02:10 A DEBT PAYMENT, YOU'RE GOING TO HAVE SOME ADDITIONAL MONEY
12:02:13 ON AN ANNUAL BASIS THAT WE CAN APPLY TO OTHER CAPITAL
12:02:16 PROJECTS OR OPERATIONS.
12:02:21 AND THE QUESTION WILL BE, WE'VE TAKEN OUR GENERAL FUND
12:02:26 RESERVE FROM 12 MONTHS DOWN TO 3 MONTHS, DO YOU WANT TO
12:02:31 GRADUALLY BUILD THAT BACK UP AGAIN?
12:02:34 AND THERE IS MERIT IN DOING THAT, OF COURSE, NOT THAT WE'VE
12:02:36 HAD ANY EXPERIENCE THAT WOULD CAUSE US TO TAP OUR RESERVES,
12:02:40 BUT IT'S BETTER TO HAVE A BIGGER RESERVE THAN NOT.
12:02:43 WE'LL TALK MORE ABOUT THAT AS THE BUDGET PROCEEDS.
12:02:48 AGAIN, WE ENCOURAGE THE COUNCIL TO BE -- YOU KNOW, TO OPEN
12:02:57 UP THE BUDGET, BE INVOLVED WITH US, AND WE CAN CONNECT AND
12:03:01 MEET AT YOUR REQUEST.
12:03:04 THE BUDGET TIMETABLE IS FAIRLY STRAIGHTFORWARD.
12:03:11 WE HAVE THIS AS THE OPENING DISCUSSION.
12:03:15 WE'LL HAVE THE FIRST PUBLIC HEARING ON THE PROPOSED 2022-23
12:03:20 BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM ON JULY 6, AND
12:03:26 WE'LL HAVE THE SECOND PUBLIC HEARING ON JULY 20th.
12:03:31 THESE ARE REQUIRED PUBLIC HEARINGS UNDER STATE STATUTE.
12:03:35 WE'LL HAVE ANOTHER SET OF PUBLIC HEARINGS STARTING ON
12:03:39 SEPTEMBER 8 AT 5:30.
12:03:43 AND AT THAT TIME, THE BUDGET AND THE MILL RATE WILL BE THE
12:03:47 PRIME TOPICS.

12:03:48 AND AT THAT POINT, WE'LL KNOW WHAT -- HAVE A PRETTY GOOD
12:03:52 IDEA WHAT THE MILLAGE RATE WOULD BE, AND WE'LL FINALIZE THAT
12:03:55 AT THE SECOND PUBLIC HEARING ON SEPTEMBER 21st AND DO THE
12:04:00 FINAL ADOPTION OF THE BUDGET AT THAT TIME.
12:04:02 THAT'S BASICALLY IT FOR THE INTRODUCTION AND OVERVIEW.
12:04:11 WE TEND TO DO THINGS VERY DELIBERATELY AND ON A LONG-TERM
12:04:15 BASIS.
12:04:15 SO THE BUDGET PROCESS IS VERY PREDICTABLE AND RELATIVELY FEW
12:04:22 MAJOR SHIFTS IN OUR BUDGET.
12:04:26 WE'LL BE RESPONDING TO THE EXPECTED DOWNTURN AND WHAT THAT

12:04:32 MIGHT MEAN AND THE INCREASE IN COSTS FOR SOME OF OUR
12:04:35 PROJECTS, AND WE'LL GET INTO THAT A LITTLE BIT WITH THE NEXT
12:04:37 PRESENTATION ABOUT THE CAPITAL IMPROVEMENT PROGRAM.
12:04:42 >>Mayor Errington: THANK YOU.
12:04:42 WOULD IT BE APPROPRIATE RIGHT NOW TO ASK IF ANYONE ON
12:04:47 COUNCIL HAS QUESTIONS?
12:04:50 MAYBE LATER GET WITH YOU.
12:04:51 >>Steven Sarkozy: THAT WOULD BE GREAT.
12:04:53 >>Mayor Errington: IT'S LATE IN THE HOUR.
12:04:55 >>Steven Sarkozy: YES.
12:04:55 >>Mayor Errington: AND WE HAVE A LOT MORE THINGS TO DISCUSS.
12:04:59 WOULD THAT WORK?
12:05:00 >>Steven Sarkozy: THAT WOULD WORK PERFECT.
12:05:01 >>Mayor Errington: AND THEN YOU HAVE STEVE ONE ON ONE.
12:05:03 HOW ABOUT THAT?

12:05:06 >>Steven Sarkozy: OR A DEPARTMENT HEAD OR BRITT.
12:05:08 >>Mayor Errington: GOOD.
12:05:09 OKAY.
12:05:09 SO WE CAN GET THAT WORKED OUT.
12:05:11 >>Steven Sarkozy: ABSOLUTELY.
12:05:11 IT DOESN'T HAVE TO BE RIGHT AWAY.
12:05:14 WHENEVER IT'S EVENT FOR COUNCIL.
12:05:15 >>Mayor Errington: RIGHT.
12:05:16 WE HAVE PLENTY OF TIME RIGHT NOW.
12:05:18 SO OUR NEXT MEETING IS ACTUALLY ABOUT THREE WEEKS AWAY.
12:05:21 SO YOU HAVE TIME.
12:05:25 THANK YOU, STEVE.
12:05:26 I SUPPOSE WE DON'T HAVE ANYBODY HERE SIGNED UP.
12:05:29 >>Carol Sacco: NO, MAYOR, WE DO NOT.
12:05:30 >>Mayor Errington: NOW WE WILL MOVE ON TO 13B, AND THIS IS
12:05:41 2022-2023 FIVE-YEAR CAPITAL IMPROVEMENT PROJECT.
12:05:46 I'LL TURN THIS BACK OVER TO STEVE AGAIN.
12:05:49 >>Steven Sarkozy: THANK YOU, MAYOR.
12:05:50 AGAIN, THIS IS A KEY PART OF THE BUDGET PROCESS.
12:05:54 AGAIN, WE HAVE -- WE PERIODICALLY COME BACK TO THE COUNCIL
12:06:01 DURING THE YEAR TO LOOK AT EACH PROJECT.
12:06:02 EVERY PROJECT THAT IS TO BE APPROVED IN THE CAPITAL
12:06:05 IMPROVEMENT PROGRAM GOES THROUGH A STANDARD SET OF
12:06:09 INITIATION, IF YOU WILL, WHERE THERE IS A CONCEPT APPROVAL
12:06:13 REQUIRING COUNCIL APPROVAL, EVEN AFTER THE C.I.P. IS

12:06:16 APPROVED.
12:06:17 THEN PRELIMINARY DESIGN, THEN FINAL DESIGN, THEN BID, AND
12:06:22 THEN AWARD OF BID.
12:06:23 SO THE COUNCIL HAS A NUMBER OF KICKS OF THE CAN ON EACH AND
12:06:27 EVERY PROJECT.
12:06:29 ALL OF THE PROJECTS HERE ARE ON ABOUT A SEVEN-YEAR BASIS SO

12:06:35 WE KNOW WHAT'S IN THE PIPELINE.
12:06:37 AS A RESULT THEN WE DON'T SEE A WHOLE LOT OF ODDBALL
12:06:42 PROJECTS COMING IN FROM LEFT FIELD THAT YOU HAVEN'T SEEN
12:06:46 ALREADY.
12:06:46 SO VERY PREDICTABLE PROCESS.
12:06:48 I'D LIKE TO TURN IT OVER TO DAVID WILLEMS, OUR DIRECTOR OF
12:06:52 PUBLIC WORKS, WHO COORDINATES THE CONSTRUCTION PROJECTS THAT
12:06:55 ARE IN THIS PLAN.
12:06:56 DAVID?
12:06:57 >>David Willems: HELLO.
12:06:59 SO WHAT I WANTED TO DO AHEAD -- WE'LL HAVE TWO PUBLIC
12:07:03 HEARINGS IN JULY THAT ARE GOING TO GO OVER THE C.I.P., BUT
12:07:06 AHEAD OF THAT, STAFF JUST WANTED TO KIND OF GO OVER WHAT WE
12:07:09 HAVE PRELIMINARILY.
12:07:10 WE'LL HAVE A FEW WEEKS TO GET INPUT FROM COUNCIL OR THE
12:07:15 PUBLIC AND MAKE CHANGES BEFORE WE HIT THOSE FIRST PUBLIC
12:07:20 HEARING IN JULY.
12:07:21 WHAT I'LL GO OVER HERE, I'LL FOCUS ON THE PROJECTS IN THE
12:07:25 FIRST YEAR AND DO A BRIEF DESCRIPTION OF THE PROJECTS JUST

12:07:27 TO MAKE SURE EVERYBODY IS ON THE SAME PAGE.
12:07:30 AT THE END, I'LL PRESENT WHAT THE CURRENT DRAFT FIVE-YEAR
12:07:34 C.I.P. IS, WHICH IS ALSO IN THE PACKET THAT YOU GUYS HAVE,
12:07:37 THAT COUNCIL HAS.
12:07:38 WE'LL DO IT IN ORDER.
12:07:44 ROADWAY INTERSECTION, KIND OF THE WAY THE C.I.P. IS SET UP.
12:07:46 RIGHT NOW FOR NEXT YEAR, ROADWAY-TYPE PROJECTS, WE HAVE
12:07:50 THREE OF THEM IN PROCESS.
12:07:54 THE CORKSCREW ROAD ONE IS KIND OF A LONG LEAD ITEM BECAUSE
12:07:58 OF THE WORK THEY ARE DOING OUT THERE RIGHT NOW.
12:08:00 WE KIND OF HAVE TO WAIT TO DO ALL OF OUR WORK UNTIL THEY ARE
12:08:03 DONE, UNLESS WE CAN FIT IN SPOTS JUST LIKE WE DID FOR
12:08:07 STONEYBROOK.
12:08:07 WE'RE LOOKING AT DESIGNING AND PERMITTING THAT THIS YEAR AND
12:08:10 NEXT YEAR, AND THEN BE READY TO BUILD THE WHOLE THING ONCE
12:08:15 THE COUNTY IS OUT OF THERE AT THE END OF '23 BASICALLY IS
12:08:18 WHAT THEIR CURRENT SCHEDULE SHOWS.
12:08:19 SO NEXT YEAR WILL BE DESIGN AND PERMITTING OF THIS AND ANY
12:08:23 SMALL SECTIONS THAT WE COULD BUILD JUST BECAUSE IT WORKS OUT
12:08:26 FROM A TIMING STANDPOINT.
12:08:27 RIVER RANCH ROAD, WE'RE KIND OF INCLUDING RIVER RANCH ROAD
12:08:33 AND WILLIAMS KIND OF AS THE SAME PROJECT TO A CERTAIN DEGREE
12:08:37 RIGHT NOW JUST BECAUSE THEY ARE SO CLOSELY TIED TOGETHER.
12:08:40 AND JUST THE WAY THE TIMING WORKED OUT, IT LOOKS LIKE THEY
12:08:42 WILL OVERLAP A LITTLE BIT MORE.

12:08:44 SO THIS YEAR IS GOING TO BE DESIGN AND PERMITTING.
12:08:47 HOPEFULLY FINISH THAT UP BY THE END OF THIS YEAR.

12:08:49 AND NEXT YEAR, WE'LL BE ABLE TO START CONSTRUCTION.
12:08:53 LIKELY, WE WOULDN'T FINISH CONSTRUCTION NEXT CALENDAR YEAR,
12:08:56 BUT IT WOULD BE -- PART OF THAT WOULD BE IN THE C.I.P. FOR
12:09:00 THAT YEAR FOR THE CONSTRUCTION.
12:09:01 IF YOU HAVE ANY QUESTIONS ABOUT THE SCOPE OF THE PROJECTS OR
12:09:05 IF I'M GOING TOO FAST, FEEL FREE TO INTERRUPT ME.
12:09:14 >> [INAUDIBLE] PUBLIC HEARING.
12:09:18 >>David Willems: WE'VE BEEN COORDINATING WITH THE RESIDENTS
12:09:20 ALONG THERE SEVERAL TIMES.
12:09:23 ONCE WE HAVE THE DESIGN FINISHED, WE'LL MEET WITH THE
12:09:25 RESIDENTS AGAIN AND EXPLAIN WHAT WE'RE DOING.
12:09:27 WE'VE BEEN COORDINATING WITH THE SCHOOL DISTRICT PROBABLY
12:09:30 EVERY COUPLE OF MONTHS JUST TO MAKE SURE THAT THEY KNOW WHAT
12:09:33 WE'RE DOING.
12:09:33 WE KNOW WHAT THEY ARE DOING.
12:09:37 >>Jim Boesch: [INAUDIBLE]
12:09:42 >>David Willems: WE'VE BEEN IN CONVERSATION WITH THEM.
12:09:44 IT'S NOT THAT WE WAIT FOR THEM TO COME TO US.
12:09:48 WE'VE BEEN SENDING PLANS AND COORDINATING.
12:09:51 ABSOLUTELY, WE WILL BE COORDINATING WITH ALL THE RESIDENTS.
12:09:53 >>Jim Boesch: [INAUDIBLE]
12:09:55 >>David Willems: YES, ABSOLUTELY.
12:09:59 WILLIAMS ROAD, SO WHAT THIS IS, IT'S ACTUALLY A WIDENING

12:10:04 PROJECT, TRYING TO BE OUT AHEAD OF ONCE NORTH POINT
12:10:08 DEVELOPS, THIS SECTION OF ROADWAY WILL NEED TO BE
12:10:11 FOUR-LANED.
12:10:12 SO WE'LL PROBABLY TRY TO HIRE A FIRM THIS FISCAL YEAR AND
12:10:16 THEN GET INTO THE DESIGN AND PERMITTING NEXT FISCAL YEAR.
12:10:19 DON'T KNOW EXACTLY, DON'T HAVE A SCHEDULE FOR BUILDING THAT
12:10:22 BECAUSE IT REALLY WILL DEPEND ON WHEN NORTH POINT COMES IN.
12:10:28 >>Vice-Mayor McLain: WE WOULD GET REIMBURSED FOR THE COSTS
12:10:30 FROM IMPACT FEES?
12:10:33 >>David Willems: I'D HAVE TO GET WITH MARY.
12:10:34 I THINK THERE ARE SOME THINGS WITH NORTH POINT THAT WE MAY
12:10:37 NOT GET THEM THIS THEY MAY HAVE PREPAID, SOMETHING LIKE
12:10:42 THAT, SO I'M NOT EXACTLY SURE HOW THAT WORKS OUT.
12:10:45 SO THERE ARE THREE INTERSECTIONS THAT WE'RE KIND OF WORKING
12:10:48 ON RIGHT NOW.
12:10:49 THE FIRST ONE ISN'T REALLY THE VILLAGE'S, BUT IT IS AN
12:10:52 IMPORTANT ONE, AND I KNOW AT THE LAST COUNCIL MEETING,
12:10:58 COUNCIL MEMBER RIBBLE ASKED FOR THE SCHEDULE ON THAT.
12:11:01 WE'RE NOT HANDLING IT, BUT THE DEVELOPER THAT'S HANDLING IT
12:11:05 IS LOOKING TO FINISH THE PERMITTING SOMETIME THIS MONTH OR
12:11:08 NEXT MONTH, WHICH WOULD ALLOW THEM TO START CONSTRUCTION --
12:11:14 OR FINISH CONSTRUCTION PLANS IN JULY TO EARLY AUGUST.
12:11:21 THEY BID IT OUT IN SEPTEMBER AND THEY ARE HOPING TO BE ABLE
12:11:23 TO START CONSTRUCTION BY THE END OF THIS YEAR, AND THEN THEY

12:11:26 WOULD BE COMPLETED THE MIDDLE OF NEXT YEAR.

12:11:29 SO JULY OF '23 IS WHAT THEY ARE LOOKING FOR AS FAR AS
12:11:33 COMPLETING THAT.
12:11:37 >>Larry Fiesel: THOSE ARE DIFFERENT FROM WHAT IS ON THE
12:11:39 SLIDE.
12:11:40 >>David Willems: I JUST GOT THIS FROM THE CONTRACTOR, RIGHT?
12:11:46 THOSE WERE OLD DATES, AND I JUST TALKED TO THEM A COUPLE OF
12:11:53 DAYS AGO.
12:11:54 WILLIAMS AT ATLANTIC GULF, I THINK COUNCIL KNOWS THAT WE'LL
12:11:59 KEEP MOVING FORWARD WITH THE DESIGN AND PERMITTING, BUT WE
12:12:02 RAN INTO A LITTLE BIT OF AN ISSUE WITH THE LAND ON THE SOUTH
12:12:06 SIDE.
12:12:07 FOUNTAIN LAKES WE TALKED TO THEIR LEADERSHIP AND THEY SEEMED
12:12:11 TO BE THAT THEY WERE OPEN TO DONATING LAND FOR THE PROJECT.
12:12:13 THEY PUT IT TO A VOTE TO THE RESIDENTS AND THEY DIDN'T GET
12:12:15 THE NUMBER OF VOTES THEY NEEDED.
12:12:17 SO RIGHT NOW, OUR CONTRACTOR IS WORKING TO KIND OF EDUCATE
12:12:21 THE RESIDENTS ON WHAT WE'RE DOING, HOW IT'S A BENEFIT TO
12:12:25 THEM.
12:12:26 SOME OF THEIR MAIN CONCERNS WERE DRAINAGE AND WE JUST NEED
12:12:29 TO SHOW THEM THAT WE WILL ACTUALLY BE IMPROVING THE
12:12:32 DRAINAGE.
12:12:32 BUT WITH THAT, THAT PROBABLY DELAYS THE PROJECT BECAUSE THE
12:12:36 COMMUNITY IS LIKELY NOT GOING TO GO OUT TO A VOTE AGAIN
12:12:38 UNTIL ALL THE RESIDENTS ARE BACK.
12:12:41 SO THAT'S REALLY PUSHED THIS BACK A YEAR OR SO, BUT WE'RE

12:12:44 GOING TO STILL GO WITH THE DESIGN AND PERMITTING.
12:12:46 BIKE-PED PROJECTS, WILLIAMS ROAD, TALKED ABOUT A LITTLE BIT
12:12:53 WITH RIVER RANCH.
12:12:56 CAME UP -- WE HAVE THE CONCEPTS APPROVED BY COUNCIL.
12:12:58 WE HIRED CW3.
12:13:00 THEY ARE WORKING ON KIND OF REFINING THOSE CONCEPTS, AND
12:13:03 WE'VE ASKED THEM TO LOOK -- SOMETHING THEY COULD DO A LITTLE
12:13:06 BETTER, MAY MAKE IT SAFER FOR VEHICLES AND PEDESTRIANS, AND
12:13:10 WE WILL BE BRINGING THAT BACK TO COUNCIL HERE IN THE NEXT
12:13:13 COUPLE OF MONTHS.
12:13:14 THAT WILL KIND OF HANDLE IT, BE ALONG A SIMILAR TIME FRAME
12:13:18 TO RIVER RANCH ROAD.
12:13:19 TRY TO FINISH THE PERMITTING THIS YEAR AND GET INTO
12:13:22 CONSTRUCTION NEXT YEAR.
12:13:24 SO THIS IS SOMETHING THAT WAS RECOMMENDED IN THE BIKE-PED
12:13:29 MASTER PLAN.
12:13:31 WE HAVEN'T STARTED IT YET, BUT WHAT THEY IDENTIFIED WAS IS
12:13:36 THERE ARE SOME MAIN INTERSECTIONS WHERE THEY HAVE A LOT OF
12:13:38 PEDESTRIAN INJURIES OR ACCIDENTS, AND THEY RECOMMENDED THAT
12:13:42 WE STUDY ALL OF THOSE AND SEE IF THERE ARE WAYS TO MAKE

12:13:45 IMPROVEMENTS TO THOSE INTERSECTIONS THAT WOULD INCREASE THE
12:13:48 SAFETY FOR BOTH VEHICLES AND PEDESTRIANS.
12:13:51 SO THAT WOULD BE KIND OF A VILLAGE-WIDE STUDY.
12:13:55 MOST OF OUR UNSAFE INTERSECTIONS ARE ALONG 41, SO MOST OF
12:13:59 THESE WOULD BE ALONG 41 AND MAYBE A COUPLE ALONG CORKSCREW,

12:14:04 BUT THAT'S SOMETHING WE HOPE TO GET STARTED NEXT YEAR.
12:14:06 AND THEN THIS WAS BROADWAY AND SANDY LANE, AND THIS IS FOR
12:14:11 US TO PUT THE BIKE-PED IMPROVEMENTS.
12:14:13 THE CONSULTANT IS WORKING ON THAT RIGHT NOW.
12:14:15 I'M HOPEFUL TO GET CONCEPTUAL CROSS SECTIONS HERE WITHIN THE
12:14:19 NEXT WEEK OR SO THAT MAYBE IN JULY I'LL BE ABLE TO BRING
12:14:24 THAT TO COUNCIL TO SHOW WHAT THEY ARE THINKING AS FAR AS
12:14:26 PLANS.
12:14:27 THIS IS ONE THAT WE ARE REALLY FAST TRACKING, ESPECIALLY THE
12:14:30 SANDY LANE, DUE TO THE APPROPRIATIONS WE GOT FROM THE STATE
12:14:32 JUST TO MAKE SURE THAT WE'RE READY TO BUILD THAT AT THE END
12:14:35 OF THIS YEAR.
12:14:36 AND RIGHT NOW, JUST BECAUSE OF THE RIGHT-OF-WAY, IT LOOKS
12:14:40 LIKE IT IS GOING TO BE LIKELY A MULTIUSE PATH ON THE EAST
12:14:43 SIDE OF THE ROAD.
12:14:44 AND THEN THIS IS THE BROADWAY SECTION.
12:14:51 LANDSCAPING, THE BUDGET, OR THE C.I.P. IN FRONT OF YOU
12:14:57 INCLUDES SOME FUNDING TO INSTALL TREES AND THEN SUPPLEMENT
12:15:02 SOME OF THE VEGETATION THAT'S NOT DOING AS WELL ALONG U.S.
12:15:04 41.
12:15:06 I THINK I HAVE 5 -- OR WE HAVE $500,000 IN THE BUDGET.
12:15:11 THE CONTRACTOR SHOULD BE STARTING THE NORTHERN THREE OR FOUR
12:15:15 MEDIANS WITHIN THE NEXT WEEK.
12:15:17 THEY SAID MAYBE EVEN BY THURSDAY OR FRIDAY OF THIS WEEK.
12:15:21 SO WE'LL JUST KEEP DOING PIECES AS WE GO DOWN UNTIL WE'RE

12:15:25 ABLE TO FINISH ALL OF THE MEDIANS.
12:15:27 >>Mayor Errington: DAVID, ARE THEY WORKING ON THE IRRIGATION
12:15:29 AS THEY GO ALONG?
12:15:31 >>David Willems: YES.
12:15:32 SO THE IRRIGATION, BUT ALSO THE DRAINAGE.
12:15:36 I THINK WHEN I PRESENTED PREVIOUSLY, THERE'S ROCK UNDERNEATH
12:15:39 IT, SO THEY ARE GOING TO BE POKING HOLES IN THAT ROCK SO
12:15:42 THAT YOU DON'T GET JUST WATER STANDING THERE.
12:15:44 THE MONUMENT SIGNS, THE SCHEDULE HASN'T REALLY CHANGED FROM
12:15:51 LAST TIME THIS WAS PRESENTED.
12:15:53 THEY ARE GETTING REALLY CLOSE TO HAVING THE PERMITS
12:15:55 HOPEFULLY WITHIN THE NEXT MONTH OR SO ON BOTH OF THE
12:15:57 SOUTHERN SIGNS.
12:15:58 AND THEN WE'LL -- AFTER THAT, WE'LL BE BRINGING FORWARD THE
12:16:02 DESIGNS FOR THE NORTHERN ONES.
12:16:03 BEN HILL GRIFFIN, BRUCE IS WORKING ON THE DESIGN FOR THIS.

12:16:09 THESE ARE ACTUALLY THE CONSTRUCTION PLANS.
12:16:12 COUNCIL ALREADY APPROVED THE CONCEPT.
12:16:13 SO WE'LL BE DESIGNING THAT THIS YEAR AND BUILDING THAT NEXT
12:16:18 FISCAL YEAR.
12:16:19 HOPEFULLY WE'LL BE ABLE TO START CONSTRUCTION END OF THIS
12:16:22 YEAR, MAYBE EARLY NEXT YEAR.
12:16:24 I-75, THAT WAS THE OTHER ONE THAT I THINK COUNCIL MEMBER
12:16:29 RIBBLE ASKED ABOUT THE SCHEDULE.
12:16:32 THAT HAS SLIPPED A LITTLE BIT FOR D.O.T.

12:16:36 THEY ARE EXPECTING TO SIGN THE NOTICE TO PROCEED WITH THE
12:16:39 CONTRACTOR BEFORE JULY 1st.
12:16:43 SO WITHIN THE NEXT COUPLE OF WEEKS, THEY'LL HAVE THE NOTICE
12:16:45 TO PROCEED.
12:16:46 THE WAY THEIR CONTRACT IS WRITTEN, THE CONTRACTOR HAS 60
12:16:50 DAYS TO PURCHASE THEIR MATERIALS, AND THEN THEY HAVE 120
12:16:54 DAYS TO COMPLETE THE PROJECT.
12:16:57 SO WE'RE LOOKING PROBABLY IN THE JANUARY TIME FRAME OR SO
12:17:00 FOR THEM TO FINISH THAT CONSTRUCTION.
12:17:03 THAT'S D.O.T. DOING ALL OF THE WORK.
12:17:08 THEY ARE INSPECTING IT AND THEN THEY HAVE A YEAR OF
12:17:10 MAINTENANCE AFTER THAT.
12:17:11 AND THEN THE VILLAGE WOULD TAKE OVER MAINTENANCE AFTER THAT
12:17:14 YEAR.
12:17:17 >>Vice-Mayor McLain: THE VILLAGE HAS NO COST FOR THE
12:17:19 CONSTRUCTION.
12:17:20 THAT'S GOING TO BE JUST ALL WE HAVE TO DO IS BUDGET FOR THE
12:17:23 MAINTENANCE OR WHATEVER IS GOING TO PUT IN THERE.
12:17:26 >>David Willems: YES.
12:17:26 IF YOU LOOK AT THE FIVE-YEAR C.I.P., THERE IS A LITTLE BIT
12:17:30 OF MONEY IN THERE, AND WE CAN TAKE IT OUT, BUT IT'S JUST IN
12:17:34 THERE JUST IN CASE THERE'S SOMETHING THAT COMES UP THAT THE
12:17:37 VILLAGE COULD PAY MONEY TO MAKE IT A LOT BETTER.
12:17:40 IT'S THERE IF COUNCIL DECIDED THAT WAS SOMETHING WE WANTED
12:17:43 TO DO.

12:17:46 >>Joanne Ribble: RESPONSIBILITY FOR THE IRRIGATION, DO THEY
12:17:47 OR DO WE?
12:17:49 AS FAR AS INSTALLING IT.
12:17:50 >>David Willems: THEY WILL.
12:17:50 >>Joanne Ribble: THEY WILL INSTALL IT.
12:17:53 >>David Willems: YES.
12:17:56 >>Jim Ward: DAVID, SOME REASON I THOUGHT WE WERE DOING
12:17:59 SUPPLEMENTAL LANDSCAPING ALONG THAT AREA AT THE VILLAGE
12:18:02 EXPENSE, NO?
12:18:03 >>David Willems: ORIGINALLY, THAT'S THE WAY WE WANTED TO
12:18:06 PROCEED.
12:18:07 AFTER TALKING TO D.O.T., THE ORIGINAL BUDGET FOR THE PROJECT

12:18:11 WAS I THINK SEVEN OR EIGHT HUNDRED THOUSAND DOLLARS.
12:18:14 THEY BUMPED THAT UP TO LIKE A MILLION ONE IN ORDER TO
12:18:19 ENHANCE IT ABOVE WHAT THEY NORMALLY WOULD DO.
12:18:23 THE VILLAGE OFFERED TO PARTICIPATE, AND THAT'S WHY SOME OF
12:18:26 THOSE FUNDS ARE THERE, AND THEY WERE NOT TAKING IT.
12:18:31 >>Jim Ward: THAT'S A WIN-WIN.
12:18:35 >>David Willems: BUT THE VILLAGE WILL BE MAINTAINING IT.
12:18:37 SO THERE IS A COST ASSOCIATED WITH GETTING -- BECAUSE WE DID
12:18:40 HAVE A LOT OF INPUT.
12:18:41 THEY DIDN'T TAKE ALL OF OUR INPUT AND DO IT, BUT THERE WERE
12:18:44 SOME THINGS THAT WE'RE HAPPY THAT WE GOT.
12:18:48 NORMALLY THEY WOULD JUST PUT REGULAR SOD ALONG THE ROAD AND
12:18:51 THEN IT WOULD NEVER BE IRRIGATED.

12:18:54 WE ARE WORKED WITH THEM SO THAT ALONG THE SIDEWALKS, ALL OF
12:18:56 THAT SOD WILL BE IRRIGATED.
12:19:00 THE AREAS BETWEEN THE BRIDGES, THEY USUALLY JUST LEAVE THAT
12:19:04 WHOLE SLOPE AS WEEDS.
12:19:08 IT'S GOING TO BE ALL LANDSCAPED.
12:19:10 JUST LITTLE THINGS LIKE THAT THAT WILL BE A LITTLE
12:19:12 DIFFERENT.
12:19:13 >>Mayor Errington: ALSO TREES -- BEEN A LONG TIME SINCE I'VE
12:19:16 SEEN THE PLAN.
12:19:17 >>David Willems: A LOT OF TREES, YES.
12:19:19 EACH CORNER AS YOU APPROACH, THERE ARE SIX OR EIGHT LARGE
12:19:23 ROYAL PALMS.
12:19:24 THEY HAVE ROYAL POINCIANAS PROPOSED ALL OVER, SABAL PALMS,
12:19:29 BUNCH OF DIFFERENT TREES.
12:19:30 IT WILL BE A LOT OF DIFFERENT TREES AND PALMS.
12:19:32 >>Vice-Mayor McLain: I REMEMBER THE CONVERSATION FROM THEM,
12:19:34 THEY SAID THIS WILL BE THE BEST-LOOKING INTERSECTION ON
12:19:38 I-75.
12:19:39 SO LET'S HOLD THEM TO THAT PROMISE, RIGHT?
12:19:44 >>David Willems: WE'LL OBVIOUSLY KEEP AN EYE ON IT AS THEY
12:19:47 ARE BUILDING IT.
12:19:49 A LOT OF US DRIVE THROUGH THAT FOUR, FIVE TIMES A DAY.
12:19:53 WE'LL BE WATCHING IT AS IT'S GOING.
12:19:54 PARKS AND REC, THIS IS JUST DOING SOME MASTER PLANNING AND
12:20:00 KIND OF FIRST PHASE OF WORK ON POTENTIALLY THE ESTERO ON THE

12:20:03 RIVER.
12:20:03 WE HAVE THAT PHASE ONE WORK, THE FENCE, THE BRIDGE, LITTLE
12:20:07 PARKING AREA, AND A RESTROOM FACILITY THAT WE'LL BE LOOKING
12:20:12 TO DO END OF THIS YEAR, END OF NEXT YEAR.
12:20:14 AND THEN STARTING TO COME UP WITH SOME IDEAS OF WHAT WE DO
12:20:18 WITH THE COMMUNITY PARK, NOW THAT THE VILLAGE OWNS THE LAST
12:20:21 PRIVATELY HELD PROPERTY THAT WAS KIND OF IN THAT CORRIDOR,
12:20:24 NOW EVERYTHING IS PUBLICLY HELD.

12:20:27 >>Mayor Errington: WHEN WILL THE FENCE BE INSTALLED?
12:20:32 >>David Willems: LIKELY END OF THIS YEAR WOULD BE WHEN IT
12:20:34 STARTS, INTO NEXT YEAR.
12:20:41 THEY ARE WORKING ON THE DESIGN.
12:20:43 HOPEFULLY HAVE WITHIN THE NEXT -- JUST WITH EVERYTHING --
12:20:47 EVERYTHING IS A LITTLE BIT OF A SLOW-GO WITH THE
12:20:50 CONSULTANTS, BUT I'M PUSHING THEM TO GET THE PLANS FOR THE
12:20:52 SIGN HERE IN THE NEXT COUPLE OF WEEKS, SO THEN WE CAN PERMIT
12:20:55 IT AND GET GOING.
12:20:57 >>Mayor Errington: THE BRIDGE.
12:20:58 >>David Willems: THEY ARE DOING THE SAME THING ON THE
12:21:00 BRIDGE.
12:21:00 THE PERMITTING IS LIKELY TO BE A LITTLE BIT LONGER OF A LEAD
12:21:04 ITEM SINCE WE ARE CROSSING THE ESTERO RIVER.
12:21:06 >>Mayor Errington: BRIDGE FOR GOLF CARTS.
12:21:09 >>David Willems: IT WOULDN'T BE TRUCKS OR ANYTHING LIKE
12:21:11 THAT.

12:21:11 MAYBE MAINTENANCE, MAYBE A LIGHT TRUCK OR SOMETHING, BUT IT
12:21:14 WOULDN'T GENERALLY BE FOR THAT.
12:21:16 IT WOULD BE FOR PEDESTRIANS AND BICYCLE.
12:21:19 >>Mayor Errington: THANK YOU.
12:21:26 >>David Willems: LITTLE MORE DETAIL.
12:21:27 STORMWATER, THE TWO THINGS THAT WE'RE WORKING ON RIGHT NOW
12:21:29 IS THE NORTH BRANCH.
12:21:31 THAT IS SOME IMPROVEMENTS ALONG COUNTRY CREEK.
12:21:34 THE CONSULTANT FINISHED KIND OF A CONCEPT DESIGN.
12:21:37 I'M TRYING TO GET THEM TO GET SOMETHING A LITTLE MORE
12:21:39 DETAILED THAT I CAN BRING TO COUNCIL SO THAT YOU CAN SEE
12:21:42 EXACTLY HOW THE SYSTEM IS GOING TO FUNCTION.
12:21:45 AND BASICALLY, WHAT WE'RE LOOKING TO DO IS DIVERT MORE WATER
12:21:48 AROUND COUNTRY CREEK INSTEAD OF THROUGH THE NATURAL RIVER,
12:21:54 JUST SO IT HAS MORE CAPACITY AND WE DON'T HAVE SOME OF THE
12:21:56 FLOODING ISSUES THAT WE HAD IN 2017.
12:21:59 AND THIS IS DESIGNED AND PERMITTING THIS YEAR WITH
12:22:03 CONSTRUCTION NEXT YEAR, CALENDAR YEAR.
12:22:04 THIS WOULD BE NEXT FISCAL YEAR.
12:22:08 AND THEN STILL WORKING ON THE PERMITTING FOR THE SEDIMENT
12:22:11 REMOVAL.
12:22:13 OUR CONSULTANT KEEPS ANSWERING SOME OF THE QUESTIONS THEY
12:22:16 HAVE, BUT WITH THE FEDERAL AND STATE PERMITTING, ESPECIALLY
12:22:18 FOR AN AQUATIC PRESERVE, IT'S JUST A LONG ROAD.
12:22:21 SO WE'RE HOPING BY THE END OF THIS YEAR WE'LL HAVE A PERMIT

12:22:24 FOR THIS.
12:22:25 YOU'LL NOTICE IN THE FIVE-YEAR C.I.P., IT DOESN'T CURRENTLY
12:22:29 HAVE SEDIMENT REMOVAL WITHIN THE NEXT COUPLE OF YEARS.
12:22:33 I THINK IT'S THREE OR FOUR YEARS OUT.

12:22:35 THAT'S SOMETHING COUNCIL MAY HAVE SOME INPUT ON.
12:22:39 BUT KEEP IN MIND, IF WE MOVE THAT FORWARD, SOMETHING ELSE
12:22:42 WOULD HAVE TO MOVE BACK.
12:22:43 WHEN YOU LOOK AT THE FIVE-YEAR C.I.P., WE DON'T HAVE A LOT
12:22:46 OF EXTRA FUNDS AT THE END OF IT.
12:22:48 AND NOW THIS WILL REALLY BE OUR FIRST YEAR THAT WE ACTUALLY
12:22:54 HAVE UTILITIES IN OUR C.I.P., AND THAT'S REALLY THE
12:22:58 CONNECTING AND GETTING RID OF THE SEPTIC TANKS AND PACKAGE
12:23:02 WASTEWATER TREATMENT PLANTS.
12:23:05 THE NEXT PRESENTATION WILL REALLY FOCUS IN ON THE PACKAGE
12:23:08 WASTEWATER TREATMENT PLANT SO I WON'T GET INTO A WHOLE LOT
12:23:11 OF DETAIL HERE, BUT GENERALLY THE THREE THAT ARE STILL ON
12:23:15 PACKAGE WASTEWATER TREATMENT PLANTS.
12:23:17 AND THEN WE'RE WORKING ON GETTING STARTED ON THE EAST AND
12:23:21 WEST BROADWAY FOR UTILITY DESIGN.
12:23:26 IF YOU LOOK AT THE FIVE-YEAR C.I.P., THERE AREN'T FUNDS FOR
12:23:29 THESE PROJECTS YET.
12:23:31 THAT'S SOMETHING WE'LL BE WORKING FOR GRANTS AND THINGS LIKE
12:23:34 THAT TO HELP BE ABLE TO BUILD THOSE IN THE FUTURE, BECAUSE
12:23:37 THE COST OF THOSE ARE VERY HIGH.
12:23:46 >>Joanne Ribble: WHAT ABOUT THE ORIGINAL ARPA FUNDS THAT WE

12:23:51 GOT?
12:23:51 WAS ANY OF THAT SET ASIDE FOR ANY OF THESE FURTHER PROJECTS
12:23:54 OR ARE THEY ALL GOING TO THE FIRST THREE PACKAGE PLANT?
12:23:59 >>David Willems: MOST OF THE FUNDS WOULD GO TO THE PACKAGE,
12:24:00 BUT IT CAN ALSO BE USED FOR STORMWATER PROJECTS.
12:24:03 IT WOULD GO TO THE STORMWATER PROJECTS, TOO, AND THE WAY THE
12:24:09 FUNDING IS WRITTEN, THE FIRST TEN MILLION CAN BE USED FOR
12:24:14 ANYTHING AND THEN THE LAST SIX THAT WE HAVE TO MAKE SURE
12:24:18 THAT IT'S DEDICATED TO THOSE TYPE OF FACILITIES.
12:24:23 BUT THERE WILL NOT BE ENOUGH ARPA FUNDS TO DO ALL OF THAT.
12:24:28 IT'S MUCH MORE EXPENSIVE THAN THE FUNDING WE HAVE.
12:24:32 THOSE ARE REALLY THE PROJECTS THAT WE'RE DOING NEXT YEAR, AT
12:24:35 LEAST STARTING THEM.
12:24:36 AND THEN THIS IS THE DRAFT OF THE FIVE-YEAR C.I.P.
12:24:41 AND SO IF COUNCIL HAS ANY QUESTIONS OR COMMENTS, I DON'T
12:24:44 WANT TO NECESSARILY TAKE THE TIME TO GO THROUGH ALL OF THIS.
12:24:49 EVERYBODY HAS ALREADY HAD A LONG MEETING, BUT THIS IS WHAT
12:24:52 IT IS FOR ALL OF THE PROJECTS, AND LIKE I SAID, WHEN YOU GET
12:24:56 DOWN TO THE END, THERE AREN'T A LOT OF EXTRA FUNDS LEFT
12:24:58 OVER.
12:24:59 SO IF WE'RE MOVING THINGS UP, THAT MEANS SOMETHING ELSE
12:25:02 LIKELY HAS TO MOVE BACK.
12:25:03 IT'S JUST SOME GIVE AND TAKE.
12:25:05 >>Mayor Errington: IT'S OKAY FOR COUNCIL MEMBERS TO CONTACT
12:25:08 YOU AND MAKE AN APPOINTMENT IF THEY HAVE ANY QUESTIONS.

12:25:11 >>David Willems: ABSOLUTELY.
12:25:14 >>Mayor Errington: I THINK THAT WAY WE CAN MOVE IT ALONG.
12:25:16 >>David Willems: YES.
12:25:18 OKAY.
12:25:18 >>Mayor Errington: THANK YOU.
12:25:19 NEXT IS THE PACKAGE WASTEWATER TREATMENT PLANT UTILITY
12:25:30 EXTENSION PROJECT UPDATE.
12:25:31 I'LL TURN IT OVER TO STEVE.
12:25:33 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
12:25:36 AS PART OF OUR SEPTIC TO SEWER CONVERSION PROJECTS, YOU
12:25:42 IDENTIFIED THREE PRIMARY PROJECTS AS OUR FIRST PHASE.
12:25:47 THESE ARE TRAILER PARKS THAT HAVE THEIR OWN PACKAGE PLANT.
12:25:56 AND IN A COUPLE OF THESE CASES, THESE ARE TRAILER PARKS THAT
12:25:59 EXIST RIGHT ON THE EDGE OF THE ESTERO RIVER.
12:26:04 AND IMPROVING OR ELIMINATING ANY DISCHARGES INTO THE RIVER
12:26:09 OR EVEN CLOSE TO THE RIVER WILL HAVE A TREMENDOUS IMPACT ON
12:26:14 IMPROVING WATER QUALITY.
12:26:16 SO THESE ARE YOUR FIRST PHASE PROJECTS, AND WE'RE HERE TODAY
12:26:20 WITH A BRIEF UPDATE.
12:26:21 I'LL TURN IT BACK OVER TO DAVID TO TELL YOU WHERE WE'RE AT
12:26:26 WITH EACH.
12:26:27 >>David Willems: IT'S NOT GOING TO TAKE A WHOLE LOT OF TIME.
12:26:30 I JUST WANTED TO SHOW WHAT THE IMPROVEMENTS LOOK LIKE RIGHT
12:26:32 NOW, WHERE IT LOOKS LIKE WE'VE GOING TO BE PUTTING THE LIFT
12:26:36 STATION WITH FORCE MAINS.

12:26:37 AT THE END, THERE IS A COST, AN ESTIMATED COST OF WHAT THE
12:26:41 TOTAL PROJECT WOULD BE.
12:26:43 SO THE THREE COMMUNITIES ARE ESTERO BAY VILLAGE AND SUNNY
12:26:47 GROVE.
12:26:47 BOTH ARE DIRECTLY ON THE ESTERO RIVER.
12:26:49 CYPRESS BEND IS JUST SOUTH OF ESTERO PARKWAY, BETWEEN ESTERO
12:26:53 PARKWAY AND U.S. 41.
12:26:55 SO THIS IS JUST SOME STATISTICS ABOUT HOW MUCH WATER IS NOW
12:27:00 BEING DISPOSED OF IN THOSE PLANTS WHICH WOULD BE GOING TO
12:27:04 THE TREATMENT PLANT.
12:27:05 ONCE IT'S AT THE TREATMENT PLANT, THAT IS ABLE TO BE USED
12:27:07 FOR REUSE WATER SO IT WOULD CONTRIBUTE TO THE AVAILABILITY
12:27:11 OF IRRIGATION WATER THAT THE COUNTY IS ABLE TO PROVIDE.
12:27:15 THE MAIN REASON WE'RE DOING IT OBVIOUSLY IS TO IMPROVE THE
12:27:18 WATER QUALITY OF THE ESTERO RIVER.
12:27:20 FIRST ONE, ESTERO BAY VILLAGE, THAT PURPLE LINE THERE IS
12:27:23 REALLY -- THAT'S REALLY THE IMPROVEMENTS, WHAT WE'RE LOOKING
12:27:26 AT DOING IS THAT'S GOING TO BE A FORCE MAIN, I THINK A FOUR
12:27:30 OR SIX INCH PIPE THAT WE'RE GOING TO TIE INTO A PUMP.
12:27:34 THE GOOD THING ABOUT ALL OF THESE COMMUNITIES, THE GRAVITY
12:27:37 PART OF IT, THEY ALREADY BUILT.
12:27:40 THAT'S WHY THEY ARE A LOT CHEAPER THAN SOME OF THE OTHER

12:27:43 COMMUNITIES ARE.
12:27:43 WE ARE GOING TO BE DOING TESTING TO MAKE SURE THEIR GRAVITY
12:27:46 SYSTEM IS FUNCTIONING APPROPRIATELY.

12:27:48 IF IT'S NOT, THEN THERE MIGHT HAVE TO BE REMEDIAL ACTION WE
12:27:51 HAVE TO DO.
12:27:52 WHAT WE'LL BE LOOKING FOR IS TO MAKE SURE THAT WATER IS NOT
12:27:55 LEAKING INTO THE SYSTEM BECAUSE YOU DON'T WANT GROUNDWATER
12:27:57 GOING INTO THE SEWER SYSTEM AND THEN THE COUNTY HAS TO TREAT
12:28:01 THAT.
12:28:02 IT'S GOING TO CONNECT IN -- THERE IS ALREADY A FORCE MAIN UP
12:28:06 ON BROADWAY.
12:28:07 SO THIS IS RELATIVELY SIMPLE.
12:28:08 WE'RE ABLE TO KEEP ALL OF THE IMPROVEMENTS ON THEIR
12:28:12 PROPERTY, SO THERE'S NO EASEMENTS OR ADDITIONAL WORK THAT WE
12:28:17 REALLY NEED TO DO.
12:28:19 THIS IS ON THEIR SITE.
12:28:21 WE'RE GOING TO PUT A LIFT STATION RIGHT NEXT TO THEIR
12:28:24 PACKAGE WASTEWATER TREATMENT PLANT AND THEN CARRY THE WATER
12:28:28 UP TO BROADWAY.
12:28:29 THERE ARE A COUPLE OF AREAS REALLY TIGHT WITH THE HOMES.
12:28:35 TO MAKE SURE THAT WE'RE NOT IMPACTING THE RESIDENTS, MOST OF
12:28:39 THIS WILL BE DIRECTIONALLY DRILLED.
12:28:41 WE'RE NOT GOING TO BE LOOKING TO TEAR UP THEIR WHOLE
12:28:45 BACKYARD.
12:28:45 FIRST OF ALL, IT'S VERY TIGHT, AND WE'RE RIGHT NEXT TO A
12:28:48 PRESERVE.
12:28:49 SO WE'RE GOING TO DIRECTIONAL DRILL MOST OF THIS.
12:28:52 IT'S A LOT MORE EXPENSIVE, BUT IT'S A LOT EASIER.

12:28:55 IT'S NOT GOING TO DISRUPT PEOPLE AND WON'T HAVE IMPACT ON
12:28:58 THE ADJACENT PRESERVE.
12:29:00 >> HOW BIG OF A PIPE INVOLVED?
12:29:02 >>David Willems: LIKE A FOUR INCH.
12:29:04 WHEN IT IS A FORCE MAIN, IT'S PRETTY SMALL.
12:29:06 AND THEN THE DIRECTIONAL DRILL WILL GO UNDER BROADWAY AND
12:29:12 THEN WILL CONNECT INTO THE FORCE MAIN ON THE NORTH SIDE OF
12:29:15 THE ROAD.
12:29:16 SO THIS ONE IS A LITTLE BIT MORE COMPLICATED BECAUSE THERE
12:29:20 IS NOT ROOM ON THEIR PROPERTY.
12:29:22 THIS IS CYPRESS BEND.
12:29:23 IT'S LOCATED RIGHT ALONG U.S. 41.
12:29:26 SOUTH OF THERE IS KORESHAN STATE PARK.
12:29:30 THIS IS WHERE THEIR VOLUNTEERS STAY.
12:29:33 SO THEY HAVE A LITTLE CAMP FOR WHERE THEIR VOLUNTEERS STAY.
12:29:37 SHOW YOU WHAT THIS IS GOING TO LOOK LIKE.
12:29:42 THEY ARE NOT ABLE TO FIT IT ON THEIR PROPERTY.
12:29:45 WE'RE WORKING WITH THE STATE TO ACTUALLY GET A DRAINAGE

12:29:47 EASEMENT OR A UTILITY EASEMENT TO PUT IT ON THE STATE'S
12:29:51 PROPERTY.
12:29:51 SO FAR THE STATE HAS BEEN WILLING TO DO THAT.
12:29:55 I THINK PART OF THE REASON IS THIS INFRASTRUCTURE IS GOING
12:29:57 TO ALLOW THE STATE TO ACTUALLY CONNECT INTO A PUBLIC
12:30:03 WASTEWATER SYSTEM INSTEAD OF THEM HAVING TO USE SEPTIC OR
12:30:07 PACKAGE WASTEWATER TREATMENT PLANT.

12:30:08 GOING TO BE ON THEIR PROPERTY.
12:30:11 GO OVER TO U.S. 41 -- IT'S HARD TO SEE HERE, JUST BEFORE YOU
12:30:18 GET TO U.S. 41, WE'LL INSTALL A T SO IT'S EASY FOR THE STATE
12:30:21 TO CONNECT RIGHT IN WHENEVER THEY ARE READY.
12:30:24 THE PART THAT IS INTERESTING FOR THE VILLAGE IS A PORTION OF
12:30:28 THIS IS ACTUALLY LOCATED ALONG THE VILLAGE PROPERTY.
12:30:32 SO WE HAVE TO GET FROM THE SUNNY GROVE ALL THE WAY DOWN TO
12:30:37 CORKSCREW ROAD.
12:30:38 AND THE CHALLENGE THAT WE HAD WAS, ON ONE SIDE OF THE ROAD
12:30:42 YOU HAVE THE GENERAL STORE FROM KORESHAN STATE PARK, AND
12:30:46 THERE'S REALLY NOT ROOM TO GET A UTILITY LINE BETWEEN THE
12:30:49 ROAD AND THERE, AND THEN ON THE EAST SIDE OF THE ROAD, YOU
12:30:53 ACTUALLY HAVE ESTERO RIVER OUTFITTERS ALONG THE ROAD.
12:31:00 THE WAY IT IS PROPOSED RIGHT NOW IS A PORTION OF THIS PIPE
12:31:04 WILL BE ON THE VILLAGE-OWNED PROPERTY.
12:31:06 SO THE VILLAGE WOULD BE PROVIDING AN EASEMENT TO LEE COUNTY
12:31:09 UTILITIES.
12:31:12 WHERE IT'S ON THE VILLAGE'S PROPERTY, IT WOULD BE
12:31:14 DIRECTIONALLY DRILLED.
12:31:16 THE REASON BEING, ONE, IT DOESN'T INTERRUPT ANYTHING THAT
12:31:19 THE VILLAGE IS DOING ON THE PROPERTY.
12:31:21 THE OTHER IS, WE HAVE TO GET UNDER THE RIVER ANYWAYS, SO
12:31:26 THAT PART HAS TO BE DIRECTIONALLY DRILLED.
12:31:28 YOU CAN SEE WHERE IT TURNS KIND OF TOWARD THE TOP OF THE
12:31:31 PAGE, THAT'S WHERE IT'S COMING ON TO THE VILLAGE PROPERTY.

12:31:33 OVER ON THE RIGHT-HAND SIDE IS THE RIVER ITSELF.
12:31:37 >>Vice-Mayor McLain: WHEN YOU SAY DIRECTIONALLY DRILLED,
12:31:40 WHERE IT ENTERS THE PROPERTY, HOW DEEP WOULD THAT PIPE BE
12:31:43 APPROXIMATELY?
12:31:44 >>David Willems: WHERE IT'S STARTING AT THE NORTH, IT WILL
12:31:46 ONLY BE THREE FEET.
12:31:48 AS YOU GET TO THE RIVER, IT COULD BE 20, 30 FEET OR MORE
12:31:53 BECAUSE THERE'S A CERTAIN DISTANCE THEY HAVE TO BE
12:31:55 UNDERNEATH THE RIVER, AND THERE'S ONLY A CERTAIN ANGLE THAT
12:31:59 THEY CAN GO ON.
12:32:00 THAT'S WHY IT'S SET UP THIS WAY.
12:32:03 AS YOU GET TO THE RIVER, IT'S GOING TO BE VERY DEEP.
12:32:07 >>Vice-Mayor McLain: THE QUESTION IS, DEPENDING ON WHAT WE
12:32:09 DO WITH THAT NORTH PROPERTY, WILL THREE FEET BE DEEP ENOUGH

12:32:15 FOR, LET'S SAY, CONDOS OR HOUSES GO IN THERE?
12:32:19 >>David Willems: NO.
12:32:20 WE WOULD NOT WANT TO PUT A BUILDING OVER THAT LINE.
12:32:25 PARKING LOT, ANYTHING LIKE THAT, LANDSCAPING, ALL OF THAT
12:32:28 WOULD BE FINE.
12:32:30 AND THAT'S WHY, AS YOU CAN SEE, WE'RE AS CLOSE TO THE ESTERO
12:32:34 RIVER OUTFITTERS BUILDING AS WE CAN BE, SO WE TRIED TO KEEP
12:32:37 IT AS CLOSE TO THE U.S. 41 AS WE COULD.
12:32:46 >>Joanne Ribble: THE NORTH SECTION OF OUR PROPERTY OF THE
12:32:49 RIVER GETS DEVELOPED, WHERE WILL THAT CONNECTION GO FOR
12:32:52 SEWER?

12:32:54 >>David Willems: THEY WOULD CONNECT INTO THIS LINE.
12:32:56 >>Joanne Ribble: THIS LINE WOULD BE ABLE TO --
12:32:58 >>David Willems: ABSOLUTELY, ABSOLUTELY.
12:33:01 >>Joanne Ribble: -- TO ACCOMMODATE WHATEVER AMOUNT OF HOMES
12:33:03 WE PUT THERE.
12:33:04 >>David Willems: YES.
12:33:05 WE HAVEN'T GOT INTO THE DISTRIBUTING OF COSTS YET, BUT
12:33:09 LIKELY, THIS LINE HERE, SUNNY GROVE WILL NOT PAY FOR THE
12:33:13 FULL COST OF THIS LINE BECAUSE A BIG USER OF THAT EVENTUALLY
12:33:17 WILL LIKELY BE THE VILLAGE, AND ALSO ALL THE HOMES THAT ARE
12:33:20 ALONG HIGHLANDS, THEY'LL EVENTUALLY CONNECT INTO THIS LINE,
12:33:24 TOO.
12:33:24 SO THE PERCENTAGE OF THE COST THAT IS THE RESPONSIBILITY OF
12:33:27 SUNNY GROVE IS RELATIVELY SMALL FOR THIS SECTION.
12:33:31 SO THEY WOULDN'T BE PAYING FOR THIS WHOLE SECTION.
12:33:37 >>Mayor Errington: DOES THAT CONNECT WITH THE ESTERO CHURCH?
12:33:41 >>David Willems: YES.
12:33:42 THIS IS ALL PART OF THAT AREA, BASICALLY SOUTH OF BROADWAY
12:33:47 AND EAST OF U.S. 41.
12:33:51 >>Vice-Mayor McLain: IS THERE ANYTHING PREVENTING THEM FROM
12:33:54 WHERE IT ENTERS THE PROPERTY TO GO FURTHER EAST, TO MAYBE
12:33:57 THE EAST PROPERTY LINE AND THEN RUN IT ACROSS THE RIVER TO
12:34:00 GET IT OUT OF POTENTIAL CONSTRUCTION CONFLICTS?
12:34:04 >>David Willems: IT COULD GO FURTHER EAST.
12:34:06 >>Vice-Mayor McLain: JUST TALKING OFF THE TOP OF THE HEAD

12:34:09 BECAUSE WE DON'T KNOW WHAT WE'RE DOING THERE.
12:34:11 I'D HATE TO HAVE TO REDO THE WORK AGAIN.
12:34:16 >>David Willems: THE WAY THAT TETRA TECH AND I WERE TALKING
12:34:19 ABOUT IT WAS DOING THE LARGER BUILDINGS RIGHT NEXT TO 41
12:34:23 WOULD BE LESS LIKELY, AND I WOULD THINK YOU WOULD DO THE
12:34:27 BUILDINGS A LITTLE BIT FURTHER IN.
12:34:29 THAT'S WHY WE DIDN'T WANT TO CUT RIGHT THROUGH -- BECAUSE
12:34:32 THERE WAS A PLAN THAT IT ACTUALLY WENT RIGHT ALONG
12:34:34 HIGHLANDS, BUT THAT BASICALLY CUTS THE VILLAGE'S PROPERTY IN
12:34:39 HALF, AND THAT WOULD REALLY CONSTRAIN WHAT COULD BE DONE

12:34:43 THROUGH THAT AREA.
12:34:44 THIS IS JUST A DIFFERENT VIEW OF WHAT THAT WOULD LOOK LIKE.
12:34:53 THE BLUE LINE IS WHERE THE SEWER IS.
12:34:55 AND YOU'LL NOTICE ON THE RIGHT-HAND SIDE OF THE SCREEN, YOU
12:34:58 CAN SEE THE LINE ISN'T QUITE AS CLOSE TO THE ROAD, BUT IT'S
12:35:04 STILL IN THE RIGHT-OF-WAY.
12:35:05 AS YOU GET SOUTH OF THE RIVER, THERE'S A DETENTION AREA
12:35:08 THAT'S BETWEEN THE ROAD AND THE RIGHT-OF-WAY LINE, SO
12:35:10 THERE'S MORE ROOM TO FIT THE FORCE MAIN DOWN THERE.
12:35:14 THEN AS YOU GO FURTHER SOUTH, IT WILL CONNECT IN.
12:35:20 THE FORCE MAIN IS ON THE NORTH SIDE OF CORKSCREW ROAD.
12:35:23 AND THEN THE LAST ONE IS CYPRESS BEND.
12:35:27 IN SOME WAYS, THIS IS THE EASIEST ONE.
12:35:29 SOME WAYS THIS IS THE HARDEST ONE.
12:35:32 FROM AN INFRASTRUCTURE STANDPOINT, IT'S ACTUALLY VERY EASY

12:35:36 BECAUSE THERE IS A FORCE MAIN RIGHT ON THE NORTH SIDE OF
12:35:38 ESTERO PARKWAY.
12:35:39 IT'S JUST CONNECTING INTO AN EXISTING FORCE MAIN AND GETTING
12:35:42 THE WATER OVER THERE.
12:35:44 THE LIFT STATION THAT THEY HAVE, THEY ACTUALLY ALREADY HAVE
12:35:47 A LIFT STATION THAT TAKES THE WATER AND PUMPS IT TO THEIR
12:35:50 TREATMENT PLANT.
12:35:51 THAT'S ACTUALLY -- SIZE THAT WE PROBABLY CAN REUSE IT.
12:35:56 FOR THEM, WE DON'T HAVE TO REPLACE THAT.
12:35:59 THE PART THAT MAY BE THE MOST COMPLICATED IS IT CROSSES
12:36:03 SEMINOLE GULF RAIL LINE, SO THERE IS SOME COORDINATION AND
12:36:07 PERMITTING THAT WE'LL HAVE TO GO THROUGH THERE TO WORK WITH
12:36:10 THE RAILROAD ON GETTING SOME OF THOSE IMPROVEMENTS
12:36:12 INSTALLED.
12:36:15 >>Mayor Errington: THEY REQUEST TO BE FIRST?
12:36:17 >>David Willems: YES.
12:36:18 WE WOULD LOVE TO DO THAT, BUT THE FACT THAT WE HAVE ANOTHER
12:36:21 STEP TO GO THROUGH WITH SEMINOLE GULF.
12:36:23 THE ONE THING THAT WE'RE LOOKING AT IS THEY HAD ALSO
12:36:28 REQUESTED THAT WE NOT BRING THE TRUCKS THROUGH THEIR
12:36:31 COMMUNITY IF WE DON'T HAVE TO.
12:36:33 SO TETRA TECH IS LOOKING AT THE POSSIBILITY IF THERE'S ANY
12:36:36 WAY WE COULD BRING THE TRUCKS IN OFF OF ESTERO PARKWAY.
12:36:39 AND THEN IF IT IMPACTED ANY GRASS OR THAT, THAT WOULD BE
12:36:43 PART OF TO FIX IT BACK TO WHAT IT WAS BEFORE.

12:36:47 WE'RE LOOKING AT THAT AS A POSSIBILITY.
12:36:48 THAT MAY MAKE IT EASIER FOR EVERYBODY, THAT WE DON'T HAVE TO
12:36:51 GO THROUGH, BECAUSE THE TRUCKS DON'T WANT TO DRIVE ON THOSE
12:36:54 SMALL ROADS EITHER.
12:36:56 THIS IS THE LAST ONE AND THEN THESE ARE THE COSTS.
12:37:01 I HAVEN'T LOOKED AT A PER UNIT PARTLY BECAUSE I DON'T KNOW

12:37:05 HOW IT'S SPLIT UP YET, BUT THE WORST-CASE SCENARIO WOULD BE
12:37:08 THIS NUMBER DIVIDED BY THE NUMBER OF HOMES.
12:37:11 BUT IT WOULD BE LESS THAN THAT.
12:37:14 AND THEN THERE IS THE CONSTRUCTION TIMING, STARTED WITH
12:37:18 CONSTRUCTION AT THE END OF THIS YEAR.
12:37:24 >>Mayor Errington: YES.
12:37:25 >>Jim Boesch: [INAUDIBLE]
12:37:46 >>Steven Sarkozy: OUR TARGET FOR MAJOR FUNDING IS GOING TO
12:37:48 BE THE SECOND PHASE OF THESE, BECAUSE THAT'S WHERE WE GET
12:37:52 INTO THE REAL BIG EXPENSE.
12:37:54 WE MIGHT GET SOME FOR THESE PROJECTS BECAUSE THEY DO HAVE A
12:37:58 BIG IMPACT ON WATER QUALITY RIGHT UP FRONT.
12:38:02 BUT OUR BIG, BIG COSTS ARE GOING TO BE IN THE NEXT PHASE
12:38:06 THAT IS IN DESIGN WITH JOHNSON ENGINEERING AND TETRA TECH.
12:38:11 THOSE ARE THE PROJECTS THAT ARE HUGELY EXPENSIVE TO THOSE
12:38:21 HOMEOWNERS.
12:38:22 AND THE HOMEOWNERS ARE GOING TO COME BACK AND ASK YOU FOR
12:38:25 MONEY FROM OUR GENERAL FUND AND LIKELY WE WOULD SAY NO, BUT
12:38:30 TO FIND THEM RELIEF, IT WOULD BE GREAT IF WE COULD GET

12:38:33 FUNDING FOR THOSE.
12:38:34 SO THE TARGET THERE IS LATE IN '23 THAT WOULD COINCIDE WITH
12:38:40 THAT.
12:38:40 SO WE'VE GOT OUR SIGHTS ON THAT.
12:38:47 >>Jim Boesch: [INAUDIBLE]
12:38:51 >>Steven Sarkozy: YES, YES.
12:38:52 THAT'S THE WHOLE IDEA, TO HELP MITIGATE THESE COSTS.
12:38:55 IN SOME CASES, OUR COSTS, IF YOU RECALL FROM THE PHASE ONE
12:38:59 DESIGN, WERE 50,000, PLUS OR MINUS, PER HOME.
12:39:03 AND THAT DIDN'T INCLUDE THE INDIVIDUAL HOOKUPS FROM THE CURB
12:39:08 TO THE HOME, WHICH IS PROBABLY ANOTHER TEN GRAND.
12:39:12 WELL, IF YOU THINK ABOUT IT, IF YOU'VE GOT A $400,000 HOME,
12:39:17 JUST SAYING, YOU'VE GOT A $60,000 COST, EVEN IF WE SPREAD
12:39:21 THAT OUT OVER 20 YEARS, THAT IS A BIG HIT.
12:39:23 SO ANYTHING WE CAN DO THERE TO HELP OUT RESIDENTS WOULD BE
12:39:29 GREAT.
12:39:34 >>Jim Boesch: TAKE A WHILE FOR BIGGER --
12:39:38 >>Steven Sarkozy: WE HAVE TO GET IN FIRST.
12:39:41 >>Jim Boesch: [INAUDIBLE]
12:39:50 >>Steven Sarkozy: ABSOLUTELY.
12:39:54 >>Carol Sacco: CAN YOU PLEASE MOVE OVER.
12:39:55 THEY CAN'T HEAR.
12:39:56 MOVE CLOSER TO THE MIKE.
12:39:59 >>Mayor Errington: NEXT TIME YOU TALK.
12:40:00 NEXT TIME.

12:40:01 IS THAT IT?
12:40:06 >> THANK YOU, DAVID.

12:40:07 >>Mayor Errington: YES, THANK YOU VERY MUCH.
12:40:08 NOW WE ARE DOWN TO THE LAST ONE, THE COUNCIL RULES OF
12:40:14 PROCEDURE.
12:40:14 STEVE, I'LL LET YOU INTRODUCE THIS.
12:40:19 >>Steven Sarkozy: MAYOR THIS COMES TO YOU AT ACTUALLY YOUR
12:40:23 REQUEST.
12:40:24 BACK IN EARLY FEBRUARY, THE VILLAGE COUNCIL SUGGESTED THAT
12:40:26 WE UPDATE OUR RULES OF PROCEDURE, AND WE STARTED DOWN THAT
12:40:31 PATH.
12:40:32 WE'VE HAD A COUPLE OF BRIEFINGS ON THIS MOST RECENTLY
12:40:36 BETWEEN THE COUNCIL AND OUR INTERIM VILLAGE ATTORNEY, BOB
12:40:40 PRITT.
12:40:40 SO THE DRAFT THAT'S IN YOUR PACKET OF THE NEW RULES OF
12:40:46 PROCEDURE HAS BEEN PREPARED BY BOB, AND I'D ASK BOB TO
12:40:51 INTRODUCE IT AND KIND OF GUIDE THE COUNCIL THROUGH THIS
12:40:54 DISCUSSION.
12:40:55 BOB?
12:40:57 >>Mayor Errington: THANK YOU.
12:40:59 >>Robert Pritt: THANK YOU, MAYOR, MEMBERS OF COUNCIL.
12:41:01 I THINK I'LL DISPENSE WITH GOING OVER ALL 30 SOME PAGES AND
12:41:07 SEE IF I CAN CUT TO WHAT I THINK MIGHT BE THE CHASE ON MOST
12:41:10 OF THE ITEMS.
12:41:12 THE VILLAGE MANAGER ASKED ME SHORTLY AFTER YOUR LAST

12:41:19 MEETING, THAT MEETING IN FEBRUARY TO SEE IF I COULD COME UP
12:41:25 WITH SOME RULES, AND THERE WERE SEVERAL ISSUES THAT WERE OUT
12:41:29 THERE THAT SEEMED TO BE BIGGER ISSUES THAN OTHER ISSUES.
12:41:33 SO WHAT I DID IS I SAT DOWN AND TALKED TO -- AS A MATTER OF
12:41:39 FACT, YOU HAD ASKED THAT COUNCIL MEMBER RIBBLE KIND OF HEAD
12:41:45 THIS UP.
12:41:47 SO TALKED TO HER AND ALSO TALKED TO STEVE, THE VILLAGE
12:41:52 MANAGER, ABOUT SOME OF THE ISSUES.
12:41:54 AND SOME THINGS WERE REALLY QUESTIONS -- I'M SORRY.
12:41:59 AM I TOO FAR AWAY?
12:42:01 SOME WERE JUST QUESTIONS THAT I CAN GET ANSWERS TO THAT ARE
12:42:06 COVERED IN YOUR CHARTER OR MAYBE COVERED IN STATE LAW.
12:42:10 THIS DRAFT ONE IS A VERY, VERY ROUGH FIRST CUT AT SOMETHING
12:42:18 THAT YOU MAY WANT TO DO IF YOU WANT TO UPDATE YOUR RULES OF
12:42:25 PROCEDURE.
12:42:25 FRANKLY, THERE'S NOT MUCH WRONG WITH THEM AS FAR AS I'M
12:42:28 CONCERNED.
12:42:28 THEY ARE VERY WELL DONE WHEN THEY WERE DONE.
12:42:32 MAYBE THEY WERE A LITTLE MORE SPECIFIC AND WORDY THEREFORE
12:42:40 ON SOME THINGS.
12:42:40 BUT THAT'S SOMETHING THAT YOU CAN TELL ME WHAT YOU WANT TO
12:42:45 DO, IF YOU WANT TO DO ANYTHING ELSE.
12:42:47 REALLY, THE ONLY THING I CAN THINK OF THAT MAYBE IS
12:42:54 INCORRECT, I LATER FOUND OUT THAT ON PAGE ONE, IF YOU HAVE

12:42:57 THAT IN FRONT OF YOU, THE SECOND PARAGRAPH, YOUR RULES

12:43:03 CURRENTLY SAY THAT THEY APPLY TO YOUR BOARDS AND COMMISSIONS
12:43:07 AND SO ON AS WELL AS TO COUNCIL.
12:43:09 I FOUND OUT THAT YOUR PLANNING AND ZONING BOARD HAS ITS OWN
12:43:15 SET OF RULES.
12:43:16 APPARENTLY THOSE WERE APPROVED BY COUNCIL AT SOME TIME.
12:43:19 I WOULD PUT A LITTLE TWEAK IN THERE THAT SAYS UNLESS THEY
12:43:22 HAVE BEEN APPROVED BY COUNCIL AND THEN GO WITH THAT.
12:43:26 YOU DO HAVE A YELLOW HIGHLIGHTED COPY.
12:43:36 I THINK YOU ALL HAVE THE YELLOW HIGHLIGHTED COPY.
12:43:39 THE FIRST ONE THAT CAME OUT WASN'T VERY READABLE.
12:43:42 IF YOU DON'T MIND, I'LL KIND OF GO THROUGH THE YELLOW
12:43:47 HIGHLIGHTED PORTIONS.
12:43:50 AGAIN, THERE'S REALLY NOT MUCH.
12:43:52 BY THE WAY, SOMETIMES -- I JUST DID COMMENTS ON SOMETHING,
12:43:56 LIKE ON PAGE 4, UNDER B, I JUST COMMENTED THAT THE STATUTE
12:44:04 ALLOWS BUT DOES NOT REQUIRE NOT VOTING IN ESSENTIALLY TWO
12:44:12 AREAS -- APPEARANCE OF A POSSIBLE CONFLICT OF INTEREST OR A
12:44:13 QUASI-JUDICIAL PROCEEDING WHERE YOU ARE UNABLE TO BE FAIR.
12:44:17 B, WHEN IT WAS WRITTEN, WAS WRITTEN BEFORE THE STATE STATUTE
12:44:21 WAS ADOPTED TO THAT EFFECT.
12:44:22 SO I THOUGHT MAYBE THAT COULD BE CHANGED.
12:44:25 BUT WITH THAT -- ON PAGE 6, RECONSIDERATION, D, I DON'T KNOW
12:44:32 THAT YOU HAVE A RECONSIDERATION POLICY.
12:44:34 SO I PUT ONE IN.
12:44:38 IF YOU TURN SOMEBODY DOWN ON A QUASI-JUDICIAL MATTER, THEY

12:44:42 HAVE 30 DAYS TO FILE AN APPEAL WITH THE COURT, WITH THE
12:44:46 CIRCUIT COURT.
12:44:46 IT'S CALLED A PETITION FOR CERTIORARI, BUT IT'S LIKE AN
12:44:51 APPEAL.
12:44:52 MEANWHILE, IT'S PRETTY COMMON FOR A CITY OR A COUNTY TO WANT
12:44:59 TO ALLOW RECONSIDERATION OF A VOTE, ESPECIALLY ON A
12:45:05 QUASI-JUDICIAL MATTER, BUT CERTAINLY ON A QUASI-JUDICIAL
12:45:10 MATTER, POSSIBLY ON OTHER MATTERS, BUT A VOTE UNTIL THE NEXT
12:45:14 MEETING AND THEN IF SOMEBODY WANTS TO RECONSIDER IT, THEY
12:45:18 CAN ASK FOR IT AHEAD OF THE NEXT MEETING.
12:45:20 OFTEN BY THE TIME THAT'S DONE AND IT'S RECONSIDERED, THE 30
12:45:26 DAYS HAS ALREADY LAPSED.
12:45:29 SO I'D PUT SOMETHING IN THERE THAT SAID THAT RECONSIDERATION
12:45:35 DOES NOT -- SUSPEND THAT 30 DAY PERIOD UNLESS YOU SAY SO IN
12:45:39 YOUR RECONSIDERATION MOTION.
12:45:40 SO AT LEAST THERE WOULD BE SOMETHING THAT SOMEBODY COULD
12:45:44 RELY UPON AND NOT BE LATE ON THEIR FILING OF A CHALLENGE, IF
12:45:50 THEY WISH TO CHALLENGE THAT.
12:45:52 I WOULD RECOMMEND THAT YOU CONSIDER DOING THAT.
12:45:56 AND THEN GOING ALL THE WAY OVER, IF I SKIP ANYTHING THAT YOU

12:46:00 WANT TO TALK ABOUT, FINE.
12:46:04 REALLY WHERE I THINK MOST OF THE CONSIDERATION TODAY WOULD
12:46:08 BE IS I WOULD START ON -- REALLY START ON PAGE 24 -- WELL,
12:46:18 VERY QUICKLY GO THROUGH PAGE 22 AND 23.
12:46:24 YOUR CHARTER COVERS THESE THINGS.

12:46:27 SO IF NOTHING ELSE, THIS MIGHT BE A VALUABLE PAPER FOR YOU
12:46:31 TO TAKE A LOOK AT TO REMIND YOU WHAT THE CHARTER SAYS.
12:46:35 BUT THE CHARTER SETS OUT A SERIES ON PAGE 22, A SERIES OF
12:46:39 REASONS AND ELECTED MEMBERS OFFICE BECOMES VACANT AND SO ON.
12:46:44 THE GOVERNOR ALSO HAS THE POWER TO SUSPEND OR REMOVE.
12:46:48 AND THEN WHAT HAPPENS IF -- AND THIS IS OUT OF THE CHARTER
12:46:54 NOW WHERE IT SAYS VACANCIES, A VACANCY IN THE OFFICE OF THE
12:46:57 COUNCIL, MAYOR, OR VICE-MAYOR SHALL OCCUR UPON THE
12:47:00 INCUMBENT'S DEATH, INABILITY TO FULFILL THE DUTIES OF THE
12:47:04 OFFICE, MOVEMENT OF RESIDENTS OUTSIDE OF THE DISTRICT,
12:47:09 RESIGNATION, APPOINTMENT TO ANOTHER PUBLIC OFFICE OR
12:47:14 JUDICIALLY DETERMINED INCOMPETENCE, REMOVAL, OR FORFEITURE
12:47:20 OF OFFICE AS DESCRIBED IN THE SUBSECTION.
12:47:24 I'LL GO TO THE FORFEITURE SECTION IN A MINUTE.
12:47:28 SO THOSE -- SO I WENT THROUGH EACH ONE OF THOSE AND PUT IN A
12:47:36 POTENTIAL POLICY.
12:47:37 FRANKLY, I DON'T THINK YOU NEED ONE.
12:47:39 I THINK THE STATUTE, BETWEEN THE STATUTE AND YOUR CHARTER,
12:47:47 OTHER THAN THE DETAILS OF HOW SOMEBODY WOULD GO THROUGH A
12:47:49 RESIGNATION, FOR EXAMPLE, OR HOW YOU WOULD BE NOTIFIED OF
12:47:54 SOMETHING, THOSE ARE KIND OF IN HERE.
12:47:56 I PUT SOME IN, BUT I DON'T KNOW THAT YOU REALLY NEED THEM.
12:48:00 BUT ONE OF THE -- THE ONE THING THAT I HEARD THAT CAME UP
12:48:07 THE MOST WAS, WHAT HAPPENS IF SOMEBODY DOESN'T COME TO THE
12:48:11 MEETINGS?

12:48:12 TWO ISSUES, ONE, WHAT HAPPENS WHEN SOMEBODY ATTENDS THE
12:48:21 MEETINGS SUCH AS TODAY, WE HAVE A MEMBER WHO IS ATTENDING
12:48:24 THE MEETINGS -- BY THE WAY, I SEE HIM THERE, SO HE'S HERE --
12:48:29 BY ZOOM.
12:48:34 AND WHETHER OR NOT THAT SHOULD BE ALLOWED, WHAT STANDARDS IF
12:48:39 YOU WANT TO HAVE ANY STANDARDS WOULD YOU USE TO MAKE THAT
12:48:42 DETERMINATION AS TO WHETHER OR NOT THEY CAN APPEAR BY -- AND
12:48:47 I THINK YOU'RE USING ZOOM HERE, SO LET'S USE ZOOM.
12:48:52 SECONDLY, WHAT HAPPENS IF A MEMBER DOES NOT ATTEND THE
12:49:00 MEETINGS, IS NOT ON ZOOM AND DOES NOT ATTEND THE MEETINGS,
12:49:05 WELL, YOUR CHARTER SAYS SOMETHING ABOUT THAT.
12:49:07 IT SAYS THAT -- ONE OF THE REASONS, SEVERAL REASONS FOR
12:49:12 FORFEITING THE OFFICE IS MISSING THREE CONSECUTIVE REGULARLY
12:49:21 SCHEDULED COUNCIL MEETINGS UNLESS EXCUSED.
12:49:27 AND THEN THE UNLESS EXCUSED PART IS -- EXCUSED BY THE
12:49:35 COUNCIL.

12:49:35 WHAT IF ANY STANDARDS DO YOU HAVE OR WANT TO HAVE FOR GIVING
12:49:41 EXCUSES FROM ABSENCE.
12:49:45 NOW, NOTE THAT THERE IS AN OUTSIDE LIMITATION ANYHOW, EVEN
12:49:50 IF SOMEBODY IS -- IF SOMEBODY IS NOT EXCUSED, THEY COULD
12:49:53 STILL ATTEND TWO MEETINGS, MISS ONE, ATTEND ANOTHER MEETING,
12:49:56 MISS TWO.
12:49:59 SO THE CHARTER PROVIDES KIND OF WHAT I WOULD SAY AN OUTSIDE
12:50:03 BOUNDARY ON THIS, BUT THEN IT ALSO SAYS UNLESS EXCUSED BY
12:50:08 THE COUNCIL.

12:50:10 SO WHAT IS EXCUSED -- WHAT ARE THE REASONS FOR BEING
12:50:14 EXCUSED?
12:50:16 AND ON PAGE 24, I HAVE A ONE, TWO, AND THREE, AND MY -- AND
12:50:27 MY RECOMMENDATION IS -- WELL, I'LL GIVE YOU MY
12:50:29 RECOMMENDATION IN A MINUTE.
12:50:30 BUT I CAME UP WITH SOME POTENTIAL EXCUSES FOR ABSENCE.
12:50:36 LOOK AT NUMBER TWO, EXCUSES FOR ABSENCE, AND THEN IT'S
12:50:40 PRESUMPTIVELY, IT MEANS IT CAN BE OVERRIDDEN BY FUTURE FACTS
12:50:46 THAT ARE FOUND OUT, BUT EXCUSES FOR ABSENCES PRESUMPTIVELY
12:50:50 VALID EXCUSES, UNAVOIDABLE CONFLICT IN SCHEDULE OR OTHER
12:50:54 EXCUSES, ESPECIALLY WHERE COUNCIL IS NOTIFIED IN ADVANCE.
12:50:58 USUALLY AT A MEETING PRIOR TO THE PROPOSED ABSENCE.
12:51:01 ILLNESS, ESPECIALLY HOSPITALIZATION, MEDICAL APPOINTMENTS
12:51:04 THAT CANNOT EASILY BE RESCHEDULED, SERIOUS ILLNESS AND SO
12:51:08 ON.
12:51:09 THERE ARE A BUNCH OF THEM THERE.
12:51:10 AND THEN EXCUSES FOR ABSENCE, PRESUMPTIVELY NONVALID
12:51:14 EXCUSES, AGAIN, PRESUMPTIVELY ONLY.
12:51:19 AVOIDABLE CONFLICT OF SCHEDULE.
12:51:22 CONFLICT IN SCHEDULE WHERE COUNCIL IS NOT NOTIFIED IN
12:51:27 ADVANCE, INCONVENIENCE, VACATION, LONG-TERM OFF-SEASON
12:51:31 RESIDENTS ELSEWHERE, MERE PREFERENCE FOR NONATTENDANCE,
12:51:35 INCLUDING AVOIDANCE OF SUBJECT MATTER OR PERSONS INVOLVED IN
12:51:38 A MEETING, AVOIDANCE OF A VOTE, LAZINESS, ANGER, AND
12:51:42 PROBABLY WE COULD COME UP WITH MORE.

12:51:45 THOSE -- I TRIED TO COME UP WITH SOMETHING THAT AT LEAST
12:51:48 WOULD PROVIDE -- AND I'M NOT MARRIED TO ANY OF THIS, BY THE
12:51:52 WAY.
12:51:53 A COUPLE OF THINGS I WANT TO TELL YOU ABOUT, THOUGH, AT
12:51:58 LEAST YOU'D HAVE SOMETHING TO LOOK AT IN CERTAIN CATEGORIES
12:52:01 TO LOOK AT.
12:52:02 SO THOSE MIGHT BE REASONS FOR NOT GRANTING, OR GRANTING OR
12:52:14 NOT GRANTING AN EXCUSE.
12:52:18 IF EXCUSES ARE GIVEN, THEN -- LET'S SAY THEY ARE ALWAYS
12:52:23 GIVEN, AND I THINK THEY MORE OR LESS HAVE BEEN ROUTINELY
12:52:26 GIVEN HERE IN THE PAST, AT LEAST THAT'S WHAT I'M TOLD IN MY
12:52:30 INDIVIDUAL MEETINGS WITH EACH OF YOU.

12:52:34 IF THAT'S THE CASE, THEN THEORETICALLY YOU NEVER DO GET TO
12:52:38 THE THREE MEETING, THREE CONSECUTIVE MEETING REQUIREMENT IN
12:52:41 THE CHARTER.
12:52:44 OR IF A PERSON IS GIVEN THE ABILITY TO APPEAR BY ZOOM OR
12:52:51 ELECTRONICALLY, WHETHER IT'S TELEPHONE WHERE EVERYBODY CAN
12:52:54 HEAR THAT PERSON AND THEY CAN BE HEARD, WHATEVER THAT MAY
12:52:56 BE, THE ATTORNEY GENERAL HAS WRITTEN ON THAT, ON MORE THAN
12:53:01 ONE OCCASION, AND IN MY INDIVIDUAL CONFERENCES, I GAVE EACH
12:53:06 OF YOU A COPY OF ONE OF THE ATTORNEY GENERAL'S OPINION,
12:53:09 PROBABLY THE MOST RELEVANT BECAUSE IT DOES TALK ABOUT
12:53:12 PREVIOUS OPINIONS ON THAT.
12:53:15 THAT WAS ATTORNEY GENERAL'S OPINION IN 2003, I THINK IT WAS,
12:53:21 DASH 41.

12:53:23 AND IN JUST REALLY A SUMMARY OF THIS, WHETHER OR NOT
12:53:33 SOMEBODY SHOULD BE ABLE TO APPEAR BY SOME ELECTRONIC MEANS
12:53:44 IS -- THE ATTORNEY GENERAL HAS SAID OVER THE YEARS THAT CAN
12:53:49 BE ALLOWED IN EXCEPTIONAL, UNUSUAL CIRCUMSTANCES, BUT SHOULD
12:53:58 NOT BE ROUTINELY ALLOWED.
12:54:01 THE REASON BEING IS, CITIES AND COUNTIES, UNLIKE SOME OTHER
12:54:07 STATE AGENCIES EVEN, ARE SUPPOSED TO DO THEIR BUSINESS WITH
12:54:11 THE MEMBERS PRESENT.
12:54:14 THE STATUTE USES THE WORD PRESENT, AND THE ATTORNEY GENERAL
12:54:18 HAS DETERMINED OR HAS GIVEN THE OPINION THAT THAT MEANS
12:54:23 PRESENT IN PERSON, SO, THEREFORE, IF YOU'RE NOT GOING TO BE
12:54:26 THERE, IF SOMEBODY IS NOT GOING TO BE THERE, IT HAS TO BE AN
12:54:30 EXCEPTIONAL OR UNUSUAL CIRCUMSTANCE.
12:54:32 NOT JUST BECAUSE THE PERSON ASKS.
12:54:36 THE REASON FOR THAT THEORETICALLY, EVERYBODY ASK FOR IT.
12:54:41 NOW, YOU ALWAYS HAVE TO HAVE A QUORUM IN THE ROOM,
12:54:44 NOTWITHSTANDING COVID, IF YOU REMEMBER, COVID AND SOME
12:54:47 HURRICANES, THERE MIGHT BE AN EXCUSE FOR THAT IF IT'S A
12:54:51 GOVERNOR'S EMERGENCY, BUT WE'RE DONE WITH COVID AND THE --
12:54:54 WE'RE DONE WITH THE GOVERNOR'S EMERGENCY ON COVID SINCE
12:54:57 NOVEMBER OF '21.
12:55:00 SO WE'RE BACK TO THE WAY IT WAS PRIOR TO THE COVID
12:55:06 EXCEPTION.
12:55:07 I'M NOT SURE HOW MUCH SENSE ANY OF THIS MEANS, BUT IT'S
12:55:13 REALLY TWO THINGS BUT THEY ARE INTERRELATED.

12:55:15 ONE, SOMEBODY DOES NOT WANT TO ATTEND OR CANNOT ATTEND A
12:55:20 MEETING IN PERSON SHOULD THEY BE ALLOWED TO ATTEND REMOTELY.
12:55:28 AT LEAST THE ATTORNEY GENERAL SAYS AND HAS CONSISTENTLY SAID
12:55:34 CAN BE DONE IN EXCEPTIONAL OR UNUSUAL CIRCUMSTANCES.
12:55:38 AND ALSO, AT THE VERY END OF THE ATTORNEY GENERAL'S OPINION
12:55:43 IT SAID -- SORRY ABOUT THE PAPER NOISE -- WHETHER THE
12:55:54 ABSENCE OF A MEMBER DUE TO A SCHEDULING CONFLICT CONSTITUTES
12:55:59 SUCH A CIRCUMSTANCE AS A DETERMINATION MUST BE MADE IN THE

12:56:03 GOOD JUDGMENT OF THE BOARD.
12:56:04 SO IF THE PERSON -- FIRST OF ALL, IF THE MEMBER IS ALLOWED
12:56:12 TO APPEAR REMOTELY, THEN IT IS NOT AN ABSENCE AT ALL.
12:56:19 THEY ARE PRESENT FOR ALL PURPOSES.
12:56:21 WE SAW THAT TODAY, MEMBERS PRESENT FOR ALL PURPOSES, VOTES,
12:56:26 EXPECTED TO VOTE AND SO ON.
12:56:28 IF THE PERSON EITHER DOES NOT ASK TO OR IS NOT APPEARING
12:56:36 REMOTELY AND IS NOT HERE, THEN THE QUESTION IS WHETHER OR
12:56:41 NOT IT SHOULD BE EXCUSED, AND THAT IS THE EXTRAORDINARY
12:56:44 CIRCUMSTANCES.
12:56:45 SO IN BOTH CASES, IT IS A SIMILAR STANDARD, AND WITH THAT,
12:56:51 YOU CAN PUT THAT IN YOUR CHANGES IF YOU WANT TO MAKE
12:56:56 CHANGES.
12:56:56 YOU COULD PUT SOMETHING IN THERE, LOOK AT THE STANDARDS THAT
12:57:00 WE'VE DISCUSSED, THAT THE ATTORNEY GENERAL HAS SPOKEN ON, OR
12:57:06 YOU CAN CONTINUE TO DO WHAT YOU HAVE DONE, AND THAT IS BE
12:57:12 WHAT WE CALL AD HOC ABOUT IT, WHEN IT COMES UP, MAKE THE

12:57:16 DETERMINATION.
12:57:16 IF NOTHING ELSE, THOUGH, YOU MIGHT WANT TO LOOK AT SOME OF
12:57:20 THE STANDARDS I PUT IN THERE PRESUMPTIVELY AND WHETHER OR
12:57:24 NOT IT MAKES SENSE OR DOESN'T MAKE SENSE.
12:57:30 THAT WAS THE ISSUE.
12:57:31 I THINK THOSE ARE THE TWO ISSUES, ONE, WHEN ARE YOU GOING TO
12:57:35 LET SOMEBODY APPEAR REMOTELY?
12:57:37 TWO, IN WHICH CASE THEY ARE DEEMED TO BE PRESENT, TWO, WHICH
12:57:43 STANDARDS WOULD YOU APPLY IN GRANTING OR DENYING AN EXCUSED
12:57:49 ABSENCE?
12:57:53 >>Mayor Errington: IS THAT IT FOR NOW?
12:57:57 >>Robert Pritt: THAT'S IT.
12:57:59 >>Mayor Errington: WE ARE OPEN FOR DISCUSSION AND COMMENTS
12:58:01 FROM COUNCIL.
12:58:02 >>Robert Pritt: TAKE A LOOK AT ONE, TWO, THREE SUMMARIZES ON
12:58:06 PAGE 24.
12:58:07 ONE IS ABSENCE VERSUS ATTENDANCE.
12:58:12 THAT WOULD BE THE REMOTE ATTENDANCE IN WHICH CASE THEY ARE
12:58:19 DEEMED TO BE PRESENT.
12:58:20 AND THEN, TWO AND THREE, EXCUSES FOR ABSENCES, PRESUMPTIVELY
12:58:30 VALID OR PRESUMPTIVELY NONVALID.
12:58:32 BY THE WAY, THAT CAN EASILY BE CHANGED JUST TO SAY COUNCIL
12:58:38 WILL CONSIDER THE FOLLOWING, AND WE CAN JUST PUT ALL OF THEM
12:58:42 IN THERE IN ONE AND NOT SAY PRESUMPTIVELY.
12:58:46 PRESUMPTIVELY THIS OR PRESUMPTIVELY THAT.

12:58:50 >>Mayor Errington: OKAY.
12:58:52 COMMENTS.
12:58:53 JIM BOESCH.
12:58:54 >>Jim Boesch: I KNOW THIS IS A VERY SENSITIVE DISCUSSION

12:58:58 THAT WE HAVE.
12:59:00 WE'RE ALL ELECTED TO RESOLVE.
12:59:06 TWO POINTS I'D LIKE TO BRING UP IS THAT WE ARE NOT ONLY
12:59:11 ELECTED TO REPRESENT THE PEOPLE IN OUR DISTRICT, BUT WE'RE
12:59:16 ELECTED TO REPRESENT ALL THE PEOPLE IN ESTERO.
12:59:19 SO I THINK AS WE GO AND MAKE A DECISION ON ANY OF THIS HERE,
12:59:26 ONE TIME SOMEONE TOLD ME, IF YOU HAVE A BIG PROBLEM, SITTING
12:59:33 IN FRONT OF A BOARD, ALL THE PEOPLE IN ESTERO AND THE PEOPLE
12:59:38 -- AS WELL AS SOME OF THE PEOPLE THAT DO KNOW YOU.
12:59:40 NOW YOU HAVE TO PRESENT THEM WITH YOUR PETITION, YOU FIND
12:59:44 OUT WHAT DO THEY THINK, YES OR NO?
12:59:47 CAN IT HAPPEN OR CAN'T HAPPEN?
12:59:49 IT'S IMPORTANT FOR US TO KNOW THAT IN OUR CHARTER, ALTHOUGH
12:59:59 WHEN IT'S PUT TOGETHER, THOUGHT TO BE SPECIFIC AREAS, IT
01:00:05 DIDN'T TURN OUT -- SPECIFIC.
01:00:08 THE FIRST CONCEPT THAT IS IN MOST CHARTERS FOR COUNCILS THAT
01:00:16 OPERATE IS THE CONCEPT OF INABILITY TO -- [INAUDIBLE] IF
01:00:24 ANYTHING, THAT IS THE NUMBER ONE THING.
01:00:25 SO LET'S SAY -- AND I DON'T WANT TO BRING IN ANY
01:00:31 PERSONALITIES.
01:00:32 THAT'S NOT THE PURPOSE THAT I'M DISCUSSING HERE TODAY.

01:00:35 LET'S SAY I GOT COVID AND WAS OUT FOR SIX.
01:00:46 DOCTOR SAID YOU WOULD BE OUT FOR FOUR TO SIX MONTHS.
01:00:50 SO THEN I HAVE TO ASK THE QUESTION, WILL I HAVE THE
01:00:55 POTENTIAL TO PERFORM IN THOSE FOUR TO SIX MONTHS?
01:01:00 OBVIOUSLY, NO.
01:01:01 SO IT IS A PRETTY SIMPLE QUESTION TO BE ASKING, QUESTION OF
01:01:06 WHAT'S NEXT.
01:01:10 THE SITUATION AS DESCRIBED IN THE CHARTER, I DON'T HAVE THE
01:01:15 ABILITY TO PERFORM SO I SHOULD SAY I SHOULD RESIGN SO
01:01:20 SOMEBODY CAN SIT IN MY SEAT AND PERFORM AS SUPPOSED TO DO ON
01:01:28 THE COUNCIL.
01:01:28 I THINK SOMETIMES WE GET AWAY FROM THAT BASIC STUFF OF
01:01:35 LOOKING, BUT THE SIMPLE STUFF SAYS, AND THAT'S HOW WE HAVE
01:01:38 TO BE GUIDED.
01:01:39 IF YOU CAN'T PERFORM, AND EVEN IF YOU ARE SICK, I KNOW ALL
01:01:46 THE PEOPLE ON THE COUNCIL WOULD FEEL VERY BAD I WAS SICK, BY
01:01:49 THE SAME TOKEN, THE QUESTION COME UP, JIM, CAN YOU PERFORM
01:01:54 IN THE NEXT FOUR TO SIX MONTHS?
01:01:56 NO.
01:01:56 SO THE ANSWER IS, THEN STEP ASIDE AND LET SOMEBODY SIT IN
01:02:04 THE SEAT WHERE YOU CAN PERFORM AND, AGAIN, YOU'RE NOT JUST
01:02:09 PERFORMING FOR YOUR FRIENDS ON THAT BOARD.
01:02:12 YOU'RE PERFORMING FOR ALL THE PEOPLE FROM YOUR VILLAGE, YOUR
01:02:17 TOWN, AND THEY ARE GOING TO SAY, WELL, WAIT A MINUTE, LET ME
01:02:20 ASK THE QUESTION.

01:02:21 SO FOR SIX MONTHS YOU SAY THERE -- [INAUDIBLE] -- I'M NOT
01:02:28 GOING TO HAVE ANYBODY FROM MY DISTRICT, SO THAT'S WHAT YOU
01:02:32 HAVE TO THINK ABOUT IN THIS WHOLE CONCEPT OF WHAT WE'RE
01:02:36 TALKING ABOUT, THAT WE ARE ELECTED TO BE ELECTED OFFICIALS,
01:02:43 ESPECIALLY COMING TO THE COUNCIL MEETINGS.
01:02:47 EVERY TIME WE HAVE A COUNCIL MEETING AND BE THERE IN THE
01:02:50 SEAT TO REPRESENT THE PEOPLE OF ESTERO.
01:02:53 AND THAT GOES TO THE ABILITY TO PERFORM.
01:02:59 I THINK -- OF COURSE, WE'RE IN A WORKSHOP, BUT AS WE THINK
01:03:06 ABOUT THIS GOING FORWARD AND -- THAT IS THE CONCEPT THAT WE
01:03:13 HAVE TO DEVELOP.
01:03:14 AND THEN THE SECOND THING IS, ARE WE GOING TO ALLOW
01:03:25 PERFORMANCE BY ZOOM?
01:03:27 THE STATE NOW SAYS YOU CAN -- HAVEN'T MADE ANY DECISIONS
01:03:34 ABOUT IT ONE WAY OR ANOTHER.
01:03:36 THAT'S SOMETHING ELSE THAT I THINK WE HAVE TO DISCUSS.
01:03:38 [INAUDIBLE]
01:03:48 EXCUSES.
01:03:49 >>Mayor Errington: THANK YOU.
01:03:53 >>Vice-Mayor McLain: WANT TO TIE IN WITH WHAT YOU'RE SAYING.
01:03:58 IT CAN GET CONVOLUTED A LITTLE BIT.
01:04:01 I'M LOOKING AT WHAT WE HAVE WRITTEN HERE, IF A MEMBER MISSES
01:04:03 THREE CONSECUTIVE REGULARLY SCHEDULED MEETINGS, THERE COULD
01:04:07 BE ACTION TAKEN.
01:04:08 IF SOMEBODY IS SICK, WE MAY NOT EVEN WANT THEM HERE.

01:04:17 SO ONE OR TWO MEETINGS, I DON'T -- WHAT I WAS PUTTING IN
01:04:22 THERE WAS PHYSICAL APPEARANCE.
01:04:23 IF YOU MISS THREE CONSECUTIVE PHYSICAL APPEARANCES, I WOULD
01:04:29 LIKE TO SEE US SAY YOU COULD DO UP TO MAYBE THREE VIDEO
01:04:37 CONFERENCES AND THEN THAT'S THE END.
01:04:40 IF YOU CAN'T BE PHYSICALLY THERE OVER THAT -- PROBABLY THAT
01:04:45 IS A SIX-WEEK PERIOD, RIGHT?
01:04:47 BUT IN THAT SIX-WEEK PERIOD, IF YOU WANT TO ATTEND MEETINGS,
01:04:51 YOU CAN DO IT VIA ZOOM OR WHATEVER OTHER MEANS GOING TO BE
01:04:57 AVAILABLE.
01:04:57 AFTER THAT TIME, I THINK THE COUNCIL HAS TO MAKE A DECISION
01:05:00 IS THAT PERSON FULFILLING THEIR DUTIES THE WAY THEY WERE
01:05:06 DESIGNED?
01:05:06 EVERY CASE IS GOING TO BE SO DIFFERENT, I THINK THAT WE
01:05:12 SHOULD BE A LITTLE POTENTIALLY LAX.
01:05:16 MAYBE LAX IS NOT A GOOD WORD.
01:05:18 WE SHOULD HAVE THE POWER TO MAKE THOSE DECISIONS AT THAT
01:05:22 POINT.
01:05:22 IF YOU PUT THAT KIND OF LIMITATION IN THERE, PHYSICALLY
01:05:25 HERE, I DON'T KNOW IF THAT MAKES ANY SENSE FROM A LEGAL
01:05:28 STANDPOINT.
01:05:29 >>Robert Pritt: THAT'S WHAT PRESENT HAS BEEN DEFINED AS IS

01:05:33 PHYSICALLY PRESENT BY THE ATTORNEY GENERAL.
01:05:37 >>Vice-Mayor McLain: THEN THE QUESTION WOULD BE, DOES THAT
01:05:40 PERSON NEED COUNCIL APPROVAL TO NOT PHYSICALLY BE THERE BUT

01:05:49 JOIN THE MEETINGS VIA VIDEO OR PHONE OR WHATEVER?
01:05:56 >>Robert Pritt: I WOULD THINK THEY WOULD, JUST LIKE YOU DID
01:05:58 TODAY.
01:05:59 >>Vice-Mayor McLain: WE JUST SAY XYZ IS GOING TO BE ABSENT
01:06:02 TODAY FOR WHATEVER REASON.
01:06:04 WE'RE GOING TO ALLOW THEM TO JOIN.
01:06:06 AND I GUESS THE PRESUMPTION WE ALLOW THEM TO DO THAT FOR UP
01:06:10 TO THREE TIMES.
01:06:12 AND AT THAT POINT, WE HAVE TO MAKE A HARD DECISION, WHAT'S
01:06:16 THE FUTURE.
01:06:17 >>Jim Boesch: AT THAT TIME, IT SHOULD BE THE PERSON.
01:06:20 NOW THEY ARE GUIDED AND SAY, WELL, I'M GUIDED BY THIS THING.
01:06:25 I CAN OR CAN'T AND THEY RESIGN.
01:06:28 WE SHOULDN'T -- HOPEFULLY IT WON'T BE US SAYING, WAIT A
01:06:31 MINUTE, YOU'VE GOT TO RESIGN.
01:06:35 WE MADE THE SPECIFICS OF IT.
01:06:37 THEY KNOW.
01:06:37 AND THEY RESIGN.
01:06:39 >>Mayor Errington: ANY OTHER COMMENTS?
01:06:40 JOANNE.
01:06:40 >>Joanne Ribble: JIM, I AGREE WITH WHAT YOU SAID IF SOMEONE
01:06:44 IS INCAPACITATED, YOU FOLLOW WHAT THE RULES AND REGULATIONS
01:06:50 SAY, AND IT TAKES THE PRESSURE OFF OF THE COUNCIL TO MAKE A
01:06:54 DECISION.
01:06:55 YOU FOLLOW WHAT IS SAID HERE.

01:06:59 IF SOMEONE IS IN A SITUATION, YOU'RE GOING TO BE
01:07:04 HOSPITALIZED FOR SIX MONTHS, EVEN THOUGH EMOTIONALLY YOU
01:07:08 WOULD HATE TO HAVE TO MAKE THE DECISION, YOU DON'T HAVE TO
01:07:11 BECAUSE THE RULES TELL YOU WHAT TO DO.
01:07:15 I THINK WE SHOULD STICK TO THOSE.
01:07:17 AS FAR AS ZOOM GOES, LET ME ASK THE LONG-STANDING MEMBERS
01:07:22 HERE, PRIOR TO COVID, HAS ANYONE EVER ATTENDED THE COUNCIL
01:07:27 MEETING BY ZOOM?
01:07:30 >>Jim Wilson: YES.
01:07:33 >>Jim Boesch: I DON'T WANT TO GET INTO SPECIFICS.
01:07:37 THERE WAS A COUNCIL MEMBER THAT MISSED ALL THE MEETINGS ON
01:07:41 ZOOM BEING SICK AND WASN'T SICK.
01:07:51 >>Joanne Ribble: MY POINT IS, IF WE ALLOW ZOOM, THERE IS
01:07:55 ALWAYS GOING TO BE SOMETHING THAT WE WILL HAVE TO DECIDE
01:07:59 UPON.
01:08:01 IS IT?
01:08:02 ISN'T IT?
01:08:03 IS IT EXCUSED?

01:08:04 ISN'T IT EXCUSED?
01:08:06 WE HAVE TO DECIDE HOW WE WANT TO DEAL WITH THE ZOOM
01:08:12 QUESTION.
01:08:13 BECAUSE UNDER ANY CIRCUMSTANCE, WE CAN FIND A REASON TO
01:08:16 ALLOW IT, NOT TO ALLOW IT, AND THEN IT'S UP TO THE COUNCIL
01:08:20 TO MAKE A DETERMINATION EVERY SINGLE TIME.
01:08:23 AND AGAIN, I DON'T THINK THAT'S FAIR TO ALL OF US TO HAVE TO

01:08:27 MAKE THAT DECISION.
01:08:29 WE SHOULD LET OUR RULES AND REGULATIONS SPEAK FOR
01:08:33 THEMSELVES.
01:08:33 NOW, WHAT YOU WANT TO PUT IN THERE, YOU KNOW, THAT WE HAVE
01:08:38 TO DECIDE.
01:08:40 BUT I THINK THE BIG QUESTION IS, THE ZOOM QUESTION.
01:08:48 THAT'S THE BIG QUESTION.
01:08:49 WE EITHER ALLOW IT -- I THINK WE EITHER -- IF WE ALLOW IT,
01:08:53 WHAT I'M SAYING IS, WE WILL HAVE TO MAKE DETERMINATIONS ALL
01:08:58 THE TIME.
01:08:59 DO WE WANT TO DO THAT?
01:09:00 OR DO WE WANT TO SAY WE DON'T ALLOW ZOOM?
01:09:05 AND IF I'M SICK, YOU KNOW, I'M NOT GOING TO COME IN.
01:09:10 I'M GOING TO HAVE TO BE EXCUSED.
01:09:11 MAYBE THAT'S MY ONE MISSED MEETING.
01:09:14 IF I'M STILL SICK, TO MISS THREE CONSECUTIVE MEETINGS, IT'S
01:09:19 GOING TO TAKE ABOUT SIX WEEKS.
01:09:21 SIX WEEKS FROM THEN, IF I'M STILL MISSING A MEETING, I'M
01:09:25 OUT.
01:09:26 I MEAN, WE HAVE TO HAVE RULES THAT WE HAVE TO FOLLOW, NOT
01:09:29 RULES THAT WE HAVE TO INTERPRET EVERY SINGLE TIME.
01:09:32 AND THAT'S WHAT I DON'T WANT TO SEE US GOING DOWN.
01:09:38 STILL, A YEAR FROM NOW THEN HAVE TO DETERMINE SOMETHING IN A
01:09:42 CIRCUMSTANCE THAT MIGHT ARISE.
01:09:46 IT SHOULDN'T BE FAIR TO US TO HAVE TO MAKE THOSE DECISIONS

01:09:49 EVERY SINGLE TIME.
01:09:53 >>Mayor Errington: ANY OTHER COMMENTS?
01:09:57 >>Jim Ward: I HAVE TO ADDRESS THE CONCERN RELATIVE TO ZOOM
01:10:01 AND WHETHER IT'S MORE PRODUCTIVE FOR SOMEONE TO PARTICIPATE
01:10:06 IN A MEETING BY ZOOM OR NOT PARTICIPATE AT ALL.
01:10:10 SO THE QUESTION BECOMES, IF SOMEONE PARTICIPATES BY ZOOM AND
01:10:15 IS ABLE TO CONTRIBUTE TO THAT MEETING, MAKE DECISIONS,
01:10:19 LISTEN TO TESTIMONY, WHATEVER, AND IS ABLE TO PERFORM AS
01:10:24 PART OF THAT COUNCIL AND MAKE A DECISION, IS IT MORE
01:10:28 IMPORTANT FOR HIM TO PARTICIPATE BY ZOOM OR JUST MISS THE
01:10:32 MEETING IN ITS ENTIRETY?
01:10:35 IF SOMEONE CAN'T PHYSICALLY BE PRESENT HERE, I WOULD CONTEND
01:10:39 THAT IT'S A BETTER DECISION TO LET THEM ATTEND BY ZOOM,
01:10:43 PARTICIPATE IN THE MEETING, MAKE DECISIONS, BE A PRODUCTIVE

01:10:47 PART OF THAT MEETING AS OPPOSED TO MISSING THE MEETING IN
01:10:50 ITS ENTIRETY AND NOT BE ABLE TO PARTICIPATE IN THAT MEETING.
01:10:54 I FULLY AGREE WITH WHAT JIM BOESCH SAID EARLIER RELATIVE TO
01:11:01 LONG-TERM ISSUES, AND THAT'S ONE OF THE THINGS THAT I
01:11:04 ADDRESSED WITH BOB PRITT WHEN I ORIGINALLY READ THIS
01:11:08 DOCUMENT.
01:11:08 AND I SAID IT REALLY DOESN'T ADDRESS LONG-TERM VERSUS
01:11:11 SHORT-TERM ISSUES.
01:11:14 SO I'M GLAD THAT JIM BROUGHT IT UP BECAUSE THAT IS, I THINK,
01:11:18 THE MOST IMPORTANT ISSUE THAT WE NEED TO ADDRESS.
01:11:22 AGAIN, IT'S NOT -- OBVIOUSLY, EVERYBODY HERE RECOGNIZES THAT

01:11:26 I HAVE AN ISSUE RELATIVE TO THIS BECAUSE I DO LEAVE FOR A
01:11:30 COUPLE OF MONTHS DURING THE SUMMER, AS I DID LAST YEAR, BUT
01:11:35 I PARTICIPATED IN EVERY SINGLE MEETING AND WAS, I THINK, A
01:11:41 CONTRIBUTOR TO EVERY PART OF THAT DISCUSSION THAT WE HAD
01:11:45 RELATIVE TO WHETHER IT WAS ANYTHING THAT CAME BEFORE COUNCIL
01:11:48 OR WHETHER IT WAS A BUDGET DECISION OR ANYTHING ELSE THAT
01:11:52 CAME BEFORE THE BOARD.
01:11:55 I WOULD HOPE THAT THIS COUNCIL WOULD ALLOW A PERSON TO
01:12:01 ATTEND BY ZOOM.
01:12:02 NOW THE QUESTION THEN BECOMES PARTICIPATING BY ZOOM, IS THAT
01:12:07 -- ARE YOU THEN PRESENT AND ACCOUNTED FOR.
01:12:10 >>Robert Pritt: YES.
01:12:11 >>Jim Ward: YEAH.
01:12:12 SO THAT'S THE ISSUE I NEED TO -- I THINK WE NEED TO ADDRESS.
01:12:16 I'LL JUST FOLLOW UP ON WHAT JIM SAID EARLIER.
01:12:19 I WOULD CONTEND THAT SIX MONTHS IS CERTAINLY AN ISSUE
01:12:22 RELATIVE TO SOMEONE NOT BEING ABLE TO PERFORM.
01:12:26 IS TWO MONTHS?
01:12:29 IF SOMEONE IS IN AN AUTOMOBILE ACCIDENT, HAS COVID,
01:12:31 WHATEVER, AND IS TOLD THAT THEY CAN'T PARTICIPATE FOR TWO
01:12:35 MONTHS, IS THAT AN EXCUSED ABSENCE?
01:12:42 >>Jim Boesch:
01:12:44 [INDISCERNIBLE]
01:12:45 PRESUMABLY NOT VALID AND ONE IS VACATION.
01:12:49 >>Jim Ward: NO, NO.

01:12:50 I'M NOT ADDRESSING THAT.
01:12:52 I UNDERSTAND WHAT THAT SAYS.
01:12:54 I'M TALKING ABOUT THE ZOOM VALID REASONS TO BE ABSENT.
01:12:59 AND THAT COULD INCLUDE SOMEONE BEING ABSENT FOR MEETINGS.
01:13:08 IF SOMEONE WAS DEEMED TO BE ILL OR BECAUSE OF AN ACCIDENT
01:13:12 THEY COULD NOT ATTEND THE MEETING FOR TWO MONTHS, ARE WE
01:13:16 GOING TO TELL THAT COUNCIL PERSON THEY NEED TO RESIGN?
01:13:21 >>Jim Boesch: DOES HE HAVE THE ABILITY TO PERFORM IN THE
01:13:25 VILLAGE OF ESTERO?
01:13:27 AND IF HE'S SICK FOR TWO MONTHS AND CAN'T GO OUT AND PERFORM

01:13:30 IN THE VILLAGE OF ESTERO, THEN HE'S NOT COMPETENT OR SHE IS
01:13:34 NOT COMPETENT TO PERFORM THE DUTIES.
01:13:37 IT'S PRETTY SIMPLE.
01:13:39 THE THING IS, WE HAVE TO START THINKING, IF I HAVE TO SAY TO
01:13:43 A GROUP OF TEN PEOPLE --
01:13:49 [INDISCERNIBLE]
01:13:49 -- I CANNOT GO OUT INTO THE TERRITORY FOR TWO MONTHS BECAUSE
01:13:55 I'M SICK, I NEED TO GET YOUR PERMISSION TO DO THAT, I WOULD
01:14:02 SAY EIGHT OUT OF TEN WOULD SAY, HEY, YOU'RE NOT DOING YOUR
01:14:06 JOB, YOU'RE NOT PERFORMING THE WAY YOU'RE SUPPOSED TO BE AS
01:14:09 A COUNCIL PERSON.
01:14:13 MOST OF THE TIME I'VE COME ACROSS THIS, PEOPLE DO EXACTLY
01:14:17 WHAT JOANNE SAYS.
01:14:19 THE RULES ARE THERE.
01:14:24 TWO WEEKS, THREE WEEKS.

01:14:27 GET A RESIGNATION RIGHT AWAY FROM THEM.
01:14:29 >>Joanne Ribble: WELL, YOU KIND OF JUST PROVED MY POINT.
01:14:32 THERE WE GO AGAIN, IF IT'S ONLY TWO MONTHS, THEN WE HAVE TO
01:14:35 COME BACK.
01:14:36 WE HAVE TO MAKE A DETERMINATION.
01:14:38 WE WILL CONSTANTLY BE MAKING A DETERMINATION.
01:14:40 LET ME PUT THIS QUESTION BEFORE YOU, TOO.
01:14:42 WHAT IS THE DUTIES OF THE COUNCIL PERSON?
01:14:45 IS IT JUST TO ATTEND MEETINGS?
01:14:47 THIS IS A BIG ISSUE.
01:15:01 >>Jim Boesch: THIS IS A THINKING PERIOD OF TIME THAT WE
01:15:03 HAVE.
01:15:04 WE SHOULD THINK WITH WHAT WE HAVE GIVEN.
01:15:09 TAKEN THE TIME TO TALK TO EACH ONE OF US AND GIVEN US
01:15:16 THOUGHTS AND NOW WE HAVE TO SIT DOWN AND THINK, WE HAVE TO
01:15:20 MAKE OUR OWN THOUGHTS AND BRING THEM TO THE COUNCIL TO
01:15:23 DECIDE ON WHAT OUR FINAL ANSWER IS TO MAKE SURE THAT IT'S
01:15:27 CLEAR BY OUR RULES THAT IF THIS OCCURS, THIS WOULD BE YOU
01:15:37 HAVE TO RESIGN ON YOUR OWN BASIS, NOT OUR OWN BASIS.
01:15:40 I AGREE WITH YOU 100%.
01:15:44 >>Jim Ward: I WOULD AGREE WITH WHAT JOANNE SAID IN TERMS OF
01:15:49 RECOGNIZING WHAT THE DUTIES AND RESPONSIBILITIES OF A
01:15:52 COUNCIL PERSON ARE, AND I WOULD SUGGEST THAT MORE THAN JUST
01:15:57 ATTENDING COUNCIL MEETINGS.
01:15:58 AGAIN, THIS BECOMES VERY SUBJECTIVE.

01:16:03 IF YOU READ THIS DOCUMENT, IT IS SUBJECTIVE, EVEN IF YOU
01:16:07 COME TO THE CONCLUSION THAT SOMEONE IS NOT CAPABLE OF MAKING
01:16:12 OR PERFORMING THEIR DUTIES, THAT AGAIN IS SUBJECTIVE.
01:16:16 YOU COULD MAKE THAT DECISION FOR ONE PERSON AND SAY HE'S NOT
01:16:20 ABLE TO, AND THAT SAME DECISION COULD BE MADE FOR A
01:16:23 DIFFERENT PERSON WITH A DIFFERENT REASON AND A DIFFERENT

01:16:26 OUTCOME.
01:16:27 SO YOU GO THROUGH HERE AND YOU SAY THE SHALLS, THIS MAY, BUT
01:16:34 A LOT OF IT IS NOT THIS WILL HAPPEN.
01:16:37 SO A LOT OF IT THEN BECOMES SUBJECTIVE IN THE EYES OF THE
01:16:44 COUNCIL AS TO HOW TO APPLY IT AND TO WHOM TO APPLY IT.
01:16:50 >>Jim Boesch: THE ANSWER IS WHAT WOULD AN INDEPENDENT
01:16:57 RESIDENT SAY?
01:16:58 THAT'S THE ANSWER.
01:16:59 WE HAVE TO BE HONEST ABOUT IT.
01:17:00 IF I HAD TO APPEAR -- OR RESIDENTS DIDN'T KNOW ME, AND ASK
01:17:06 THAT QUESTION.
01:17:07 WHAT WOULD THEY SAY?
01:17:08 I THINK YOU WOULD GET A PRETTY CLEAR ANSWER IF YOU'RE HONEST
01:17:14 WITH YOURSELF.
01:17:14 >>Jim Ward: NOW THAT YOU BROUGHT THAT UP, I'LL MAKE THE
01:17:18 COMMENT THAT I MADE TO STEVE AND I'VE MADE TO BOB, THAT IS,
01:17:21 WHEN I MADE THE DECISION TO RUN FOR THIS COUNCIL, I WAS A
01:17:25 PERMANENT RESIDENT IN FLORIDA.
01:17:28 I VOTE AS A PERMANENT RESIDENT --

01:17:30 >>Jim Boesch: THIS IS NOT ABOUT YOU.
01:17:31 >>Jim Ward: I'M JUST -- WELL, OBVIOUSLY -- OBVIOUSLY, IT
01:17:38 DOES IMPACT ME.
01:17:39 WHEN I MADE THE DECISION TO RUN FOR COUNCIL, THE PEOPLE WHO
01:17:43 ASKED ME TO RUN FOR COUNCIL WHO I REPRESENT IN MY DISTRICT
01:17:46 AND YOU'RE CORRECT, I REPRESENT ALL OF ESTERO, BUT THE
01:17:50 PEOPLE WHO ASKED ME TO RUN IN THAT DISTRICT WERE FULLY AWARE
01:17:53 OF THE FACT THAT I WAS NOT HERE FOR A COUPLE OF MONTHS
01:17:56 DURING THE SUMMER.
01:17:57 I SPOKE TO STEVE SARKOZY ABOUT THAT PRIOR TO RUNNING, AND I
01:18:04 WAS TOLD IT WAS NOT AN ISSUE.
01:18:06 I SPOKE TO MY PREDECESSOR, NICK BATOS, AND HE WAS FULLY
01:18:11 AWARE OF THE FACT THAT I WAS NOT HERE FOR A COUPLE OF MONTHS
01:18:15 AND I WOULD PARTICIPATE BY ZOOM.
01:18:17 IT WAS NOT A DECISION THAT I MADE SUBSEQUENT BEING --
01:18:23 SUBSEQUENT TO BEING ELECTED TO COUNCIL.
01:18:26 THIS WAS A DECISION, THIS WAS A PRACTICE THAT I HAVE DONE
01:18:30 FOR THE LAST 20 YEARS AND, QUITE FRANKLY, A LOT OF IT IS
01:18:33 RELATED TO FAMILY ISSUES, BUT I THINK IN SOME RESPECTS
01:18:37 THAT'S IRRELEVANT.
01:18:39 I GUESS MY ONLY POINT -- MY BASIC POINT IS, SHOULD SOMEONE
01:18:44 BE ALLOWED TO PARTICIPATE BY ZOOM AND BE ALLOWED TO
01:18:47 PARTICIPATE AND CONTRIBUTE RATHER THAN TO BE TOLD, NO, YOU
01:18:52 CAN'T PARTICIPATE BY ZOOM, YOU HAVE TO MISS A MEETING IN ITS
01:18:56 ENTIRETY.

01:18:59 >>Mayor Errington: JON.
01:18:59 >>Vice-Mayor McLain: I REALLY THINK THAT ZOOM NEWER

01:19:03 TECHNOLOGY IS FOR A LIMITED TIME CAN BE ACCEPTABLE.
01:19:08 IF IT GOES ON PAST X NUMBER OF TIMES, THEN I THINK YOU'VE
01:19:13 GOT TO SAY YOU'RE NOT REALLY FULFILLING ALL YOUR DUTIES AS A
01:19:18 COUNCIL MEMBER IF, ONE, YOU'RE BEDRIDDEN BUT CAN STILL DO
01:19:23 ZOOM, OR IF YOU ARE A DISTANT LOCATION.
01:19:28 WE HAD JIM ON THE PHONE TODAY.
01:19:30 HE CONTRIBUTED WELL IN THE MEETING.
01:19:33 SO I HATE TO SEE SHORT-TERM ISSUES, WHATEVER THEY MIGHT BE,
01:19:41 CAUSE YOU TO BE THROWN OFF THE COUNCIL IF YOU'RE
01:19:45 CONTRIBUTING, OR IF YOU'RE NOT.
01:19:47 I GUESS THAT'S WHERE THE RULE BECOMES REALLY IMPORTANT IS IF
01:19:50 YOU'RE NOT CONTRIBUTING AND YOU'RE ABSENT, THAT'S PRETTY
01:19:55 EASY FOR US TO MAKE A DECISION.
01:19:57 DON'T WANT TO MAKE THE DECISIONS ON AN AD HOC BASIS, SO I DO
01:20:02 THINK -- THIS IS MY OPINION, I THINK ZOOM CAN BE A PART OF
01:20:06 -- SHOULD BE A PART OF THE ATTENDANCE.
01:20:09 IT'S THE ISSUE OF HOW MANY TIMES CAN YOU DO THAT IN A ROW OR
01:20:15 OVER A YEAR OR SOMETHING.
01:20:16 I'M NOT REALLY SURE HOW TO QUANTIFY THAT.
01:20:19 >>Joanne Ribble: THE THING IS, AGAIN, WE'RE MAKING THESE
01:20:25 RULES AND REGULATIONS FOR FUTURE COUNCILS, TOO.
01:20:28 >>Vice-Mayor McLain: SURE, ABSOLUTELY.
01:20:29 >>Joanne Ribble: WE DON'T KNOW IF WE'RE GETTING SOMEBODY IN

01:20:32 HERE WHO WOULD JUST PREFER TO ZOOM RATHER THAN GET UP AND
01:20:36 GET DRESSED, WHICH LEADS US TO THE QUESTION, WHAT ARE THE
01:20:40 EXCUSES FOR HAVING TO USE ZOOM?
01:20:44 AGAIN, THAT BECOMES VERY SUBJECTIVE, AS JIM SAYS, BUT THEN
01:20:49 IT'S A DETERMINATION THAT THE COUNCIL HAS TO MAKE OVER AND
01:20:51 OVER AGAIN.
01:20:52 AGAIN, WE'RE IN THE SAME DILEMMA.
01:20:59 >>Jim Wilson: MAYOR?
01:21:00 >>Mayor Errington: YOUR EDUCATION, BACKGROUND, IS YOUR
01:21:03 BACKGROUND, MINE IN EDUCATION, HOW MANY EXCUSED ABSENCES
01:21:08 BEFORE YOU WERE KICKED OUT OF SCHOOL, UNEXCUSED?
01:21:13 MAYBE WE JUST NEED SOMETHING THAT SAYS SO MANY UNEXCUSED AND
01:21:18 STATE WHATEVER, THEY ARE NOT EXCUSED --
01:21:24 >>Joanne Ribble: IT ALREADY STATES.
01:21:25 >>Mayor Errington: DOESN'T HAVE A NUMBER.
01:21:28 BUT IN SCHOOL, IT WOULD HAVE A NUMBER OR YOU DON'T GO ACROSS
01:21:32 THE GRADUATION LINE.
01:21:33 THERE ARE RULES.
01:21:39 >>Joanne Ribble: IT'S SOMETHING FOR US TO THINK ABOUT.
01:21:41 THIS IS A LOT MORE COMPLICATED THAN I THINK ANY OF US EVER
01:21:44 THOUGHT IT WOULD BE, JUST REVISING RULES AND REGULATIONS.
01:21:48 BUT THERE ARE CONSEQUENCES TO WHATEVER DECISION WE DECIDE TO
01:21:56 MAKE.
01:21:56 WE'VE GOT TO MAKE SURE WE UNDERSTAND ALL THE CONSEQUENCES.

01:22:01 >>Jim Wilson: MADAM MAYOR?

01:22:02 >>Mayor Errington: YES, JIM.
01:22:06 >>Jim Wilson: I'VE BEEN LISTENING TO ALL THE DISCUSSION,
01:22:09 FIRST OF ALL, I WANTED TO THANK THE COUNCIL FOR ALLOWING ME
01:22:13 TO PARTICIPATE IN THE FORMAL MEETING TODAY AS WELL AS THIS
01:22:19 WORKSHOP.
01:22:20 THE REASON THAT I REQUESTED VIA THE CLERK TO PARTICIPATE IS
01:22:24 THAT I'M SUFFERING FROM A REALLY BAD VERTIGO AND ONE OF THE
01:22:29 ASPECTS OF VERTIGO IS IT CAUSES ME TO BE NAUSEOUS.
01:22:33 SO I DON'T THINK THAT MY FELLOW COUNCIL MEMBERS WOULD WANT
01:22:36 ME TO BE THERE IN PERSON WITH YOU SHARING MY NAUSEOUSNESS
01:22:40 FROM THE PODIUM.
01:22:43 BUT I THINK IT'S IMPORTANT THAT WE MAINTAIN THE ABILITY TO
01:22:48 HEAR EVIDENCE.
01:22:50 I UNDERSTAND CLEARLY WHAT JOANNE, WHAT COUNCIL MEMBER RIBBLE
01:22:54 IS SAYING ABOUT TRYING TO HAVE RULES, BUT IF WE CREATE
01:22:59 HARD-AND-FAST RULES THERE MAY BE SITUATIONS WHERE A MEMBER
01:23:05 WOULD LIKE TO PRESENT EVIDENCE WHY THEY SHOULD BE ALLOWED
01:23:09 EITHER TO ZOOM OR BE EXCUSED AND THEN THE COUNCIL SITS THERE
01:23:16 NOT NECESSARILY AS A QUASI-JUDICIAL, BUT AT LEAST AS A BOARD
01:23:21 AND THEN WOULD STILL HAVE THE RIGHT TO EXCUSE THAT MEMBER
01:23:25 BECAUSE I DON'T THINK THAT WE CAN THINK OF EVERYTHING THAT
01:23:28 COULD GO WRONG SO THAT A PERSON WOULDN'T BE AT THE MEETING.
01:23:33 WHILE I'VE STILL GOT THE FLOOR, I WANT TO COMPLIMENT THE
01:23:38 COUNCIL ON SOMETHING THAT'S IN SECTION 14, WHICH I THINK IS
01:23:43 ONE OF THE MOST IMPORTANT RULES IN THE WHOLE THING,

01:23:46 SOMETHING THAT'S VERY IMPORTANT.
01:23:47 AND IT SAYS THAT COUNCIL MEMBERS SHALL PRACTICE CIVILITY,
01:23:51 PROFESSIONALISM, AND DECORUM IN DISCUSSIONS AND DEBATE.
01:23:56 AND I THINK ONE OF THE THINGS THAT HAS SEPARATED ESTERO FROM
01:24:01 THINGS THAT HAVE HAPPENED IN OTHER UNNAMED VILLAGES AND
01:24:05 CITIES IN LEE COUNTY, IS THAT BOTH THIS COUNCIL -- I'VE
01:24:09 SERVED SEVEN AND A HALF YEARS ON THIS COUNCIL AND I'M PROUD
01:24:13 OF IT AND HAVE NOT GOTTEN INTO AN UNPLEASANT -- I THINK THAT
01:24:20 IS THE RIGHT WORD -- PROBABLY UNPLEASANT DISCUSSION OVER ANY
01:24:24 ISSUE.
01:24:24 I THINK THAT I AND ALL THE OTHER MEMBERS THAT I'VE SERVED
01:24:27 WITH, BOTH CURRENTLY AND IN THE PAST HAVE ABIDED BY WHAT I
01:24:34 THINK WAS AN UNWRITTEN RULE THAT WE WOULD TRY TO TREAT EACH
01:24:37 OTHER WITH RESPECT.
01:24:38 SO THANK YOU VERY MUCH FOR THAT.
01:24:43 >>Mayor Errington: THANK YOU, JIM.
01:24:44 APPRECIATE THAT.
01:24:44 ANY OTHER COMMENTS?
01:24:47 HAVE WE MADE ANY PROGRESS?
01:24:54 >>Robert Pritt: WELL, AS I SAID, YOU DON'T HAVE TO DO

01:24:58 ANYTHING.
01:24:58 THERE'S NOTHING HERE THAT CRIES OUT FOR YOU TO MAKE CHANGES.
01:25:03 THE ONE THING THAT'S NO LONGER VALID I GUESS IS MAYBE THAT
01:25:09 SECOND PARAGRAPH ON PAGE ONE, BUT THAT'S NOT ENOUGH FOR YOU
01:25:13 TO GO OFF AND MAKE CHANGES.

01:25:14 SO YOUR OPTIONS WOULD BE TO TELL ME TO DO SOMETHING ELSE,
01:25:22 AND MY RESPONSE WOULD BE, OKAY, WHAT?
01:25:25 OR TO TABLE IT UNTIL YOU WANT TO BRING IT UP AGAIN, MAYBE
01:25:34 USE IT FOR GUIDELINES OR SOMETHING BECAUSE THERE'S A LOT, AS
01:25:37 I SAID, A LOT OF THIS IS REALLY IN THE CHARTER OR EITHER ACT
01:25:45 ON IT OR JUST NOT ACT ON IT.
01:25:48 >>Jim Boesch: THIS IS A WORKSHOP MEETING.
01:25:53 GENERALLY FROM WORKSHOP, IT GOES TO A COUNCIL MEETING, AND
01:25:57 THE DECISION IS MADE OR IT JUST LAYS THE WAY IT IS.
01:26:03 I THINK WHEN WE GET TO THE MEETING, DISCUSSION, THINK ABOUT
01:26:10 IT NOW, WHEN THIS COMES UP FOR ACCEPTANCE OF THE RULES,
01:26:16 THERE ARE GOING TO BE QUESTIONS ABOUT WHAT DO WE DO ABOUT
01:26:18 THIS AND THIS WHICH WILL HAVE TO RESOLVE AT A COUNCIL
01:26:22 MEETING.
01:26:22 >>Robert Pritt: WELL, IF YOU DON'T SCHEDULE IT FOR THE
01:26:24 REGULAR COUNCIL MEETING, THEN IT JUST SITS HERE.
01:26:27 IT'S DONE OR I GUESS YOU COULD TABLE SOMETHING.
01:26:33 THAT'S NOT A FORMAL VOTE.
01:26:34 I NEED SOME DIRECTION FROM THE COUNCIL AS TO WHAT, IF
01:26:42 ANYTHING, I SHOULD DO WITH REGARD TO A SECOND DRAFT.
01:26:45 IF NOT, THEN THAT WOULD PRETTY MUCH BE IT AT THIS POINT.
01:26:56 >>Vice-Mayor McLain: PERSONALLY SPEAKING, I DON'T THINK
01:26:57 WE'RE READY TO SAY LET'S PUT A STAMP ON THIS AND ADVANCE IT
01:27:01 FORWARD.
01:27:01 I THINK THERE'S BEEN SOME GOOD DISCUSSION TODAY THAT GIVES

01:27:04 ME SOME THOUGHTS ABOUT MAYBE HOW TO DRAFT SOMETHING A LITTLE
01:27:08 BIT DIFFERENTLY.
01:27:12 WHAT I'M TRYING TO AVOID IS SOMEBODY WHO IS GOING TO GAME
01:27:15 THE SYSTEM.
01:27:16 HOW DO WE IDENTIFY THAT?
01:27:18 THERE ARE SO MANY DIFFERENT WAYS YOU CAN GAME IT.
01:27:21 BUT I'D LIKE TO HAVE A LITTLE MORE TIME TO DO THAT.
01:27:23 EITHER WE COULD MEET WITH YOU DIRECTLY OR HAVE ANOTHER
01:27:26 WORKSHOP.
01:27:27 I DON'T KNOW WHICH IS MOST PRODUCTIVE.
01:27:31 BUT I DON'T FEEL COMFORTABLE SAYING -- WE CAN WORDSMITH THIS
01:27:37 A LITTLE BIT.
01:27:37 WE HAVEN'T GIVEN YOU ANY WORDSMITH GUIDANCE TODAY.
01:27:40 I DON'T THINK WE'RE READY TO MOVE IT FORWARD AT THIS POINT,
01:27:44 IN MY OPINION.
01:27:45 >>Mayor Errington: THIS COUNT AS A WORKSHOP IF LATER IN THE

01:27:49 YEAR WE JUST DECIDE THAT WE HAD ENOUGH INFORMATION, IT WAS
01:27:55 GENERAL CONSENSUS OF THE COUNCIL TO TAKE IT FORWARD?
01:28:00 >>Robert Pritt: I THINK MOST OF THE TIME IN THE PAST, AND
01:28:03 PLEASE CORRECT ME IF I'M WRONG, ONLY MY THIRD MEETING WITH
01:28:06 YOU, THAT MOST OF THE TIME IN THE PAST AFTER YOU WORKSHOP
01:28:10 SOMETHING, IT'S MOVED ON TO THE COUNCIL FOR THE HEARING OR
01:28:18 TO THE MEETING.
01:28:19 BUT THERE'S NOTHING THAT I KNOW OF THAT SAYS YOU ARE NOW
01:28:24 COMPELLED TO TAKE SOMETHING FORWARD.

01:28:27 THAT'S WHAT A WORKSHOP IS FOR, TALK ABOUT THINGS AND EITHER
01:28:31 TAKE IT FORWARD OR NOT TAKE IT FORWARD, I THINK.
01:28:34 >>Mayor Errington: THANK YOU.
01:28:38 >> MORE THAN ONE WORKSHOP.
01:28:39 >>Mayor Errington: YES.
01:28:40 ARE WE READY TO DO ANOTHER WORKSHOP ON THIS SOON?
01:28:45 IS THAT WHAT WE NEED TO DO?
01:28:51 >>Joanne Ribble: I DON'T KNOW.
01:28:52 WOULD IT BE EASIER TO DISCUSS DIFFERENT POINTS WITH BOB AND
01:28:55 HE CAN COMPILE THE POINTS THAT EVERYBODY OFFERS MAYBE?
01:28:58 AND SEE --
01:29:03 >>Jim Ward: ONE OF THE THINGS I DID DISCUSS ALSO WITH STEVE
01:29:05 AND POSSIBLE WAS RELATIVE TO THE FACT THAT WE HAVE THREE NEW
01:29:10 COUNCIL PEOPLE THAT WOULD BE COMING ON.
01:29:14 WE DON'T EXACTLY HAVE PEOPLE LINING UP AT THE DOOR TO RUN
01:29:17 FOR COUNCIL POSITIONS.
01:29:22 SO FOR ALL INTENTS AND PURPOSES, IF YOU PASSED WHAT'S HERE
01:29:26 TODAY, YOU BASICALLY WOULD BE SAYING YOU WANT SOMEBODY,
01:29:30 EVERYBODY ON THE COUNCIL TO BE FULL-TIME.
01:29:33 AND I THINK THAT MIGHT BE A HURDLE THAT YOU'RE GOING TO HAVE
01:29:36 TO DEAL WITH WHEN YOU'RE LOOKING FOR PEOPLE.
01:29:38 I KNOW WE HAVE GEORGE LINED UP OR HAS INDICATED HIS DESIRE
01:29:43 TO FILL ONE OF THE POSITIONS, BUT WE HAVE TWO OTHER
01:29:46 POSITIONS THAT WE NEED TO FILL.
01:29:49 I WILL TELL YOU THAT WHEN I RAN FOR COUNCIL, I MADE THE

01:29:55 DECISION TO RUN, WE COULD NOT FIND ANYONE IN THE BROOKS
01:29:59 COMMUNITY THAT WANTED TO RUN, NO LESS DISTRICT 6.
01:30:03 IT'S NOT AS IF WE HAVE THREE OR FOUR CANDIDATES RUNNING FOR
01:30:06 EVERY TIME WE PUT FORTH ELECTION.
01:30:10 I'LL LEAVE YOU WITH ONE OTHER THOUGHT, AND IT MAY OR MAY NOT
01:30:15 BE RELEVANT, DEPENDING UPON HOW YOU LOOK AT IT.
01:30:18 THIS IS A SEASONAL COMMUNITY.
01:30:21 I LIVE IN THE BROOKS WITH 3500 DOORS.
01:30:25 LITERALLY 70% OF THAT 3500 DOORS ARE UP NORTH RIGHT NOW.
01:30:29 ONLY 30% OF THE DOORS ARE CURRENTLY FILLED DURING THE MONTHS
01:30:33 OF MAY THROUGH OCTOBER.
01:30:35 I DON'T KNOW IF EVERYBODY BELIEVES THAT'S RELEVANT.

01:30:40 I THINK THERE IS SOME RELEVANCE TO THAT.
01:30:42 I THINK THE FACT THAT WE ARE A SEASONAL COMMUNITY THAT DOES
01:30:47 MOST OF OUR BUSINESS DURING THAT SEASONAL TIME, WHEN OUR
01:30:52 RESIDENTS ARE HERE, IS SOMETHING THAT WE MAY WANT TO
01:30:55 CONSIDER.
01:30:56 I'M NOT SAYING IT'S DEFINITIVELY SOMETHING WE SHOULD
01:30:59 CONSIDER.
01:31:00 IT'S SOMETHING THAT HAS POPPED INTO MY MIND AS SOMETHING
01:31:03 THAT I THINK IS RELATIVE TO THE COMMUNITY THAT WE LIVE IN.
01:31:08 SO I THINK I'LL JUST PUT THAT UP AS FOOD FOR THOUGHT.
01:31:14 >>Mayor Errington: THANK YOU.
01:31:15 FROM MY PERSPECTIVE, SITTING IN THE ROLE AS MAYOR, WHAT I
01:31:24 WOULD LIKE IS JUST TO KNOW THAT WE HAVE A COUNCIL TOGETHER.

01:31:28 THAT WE'RE ALL TOGETHER UNLESS THERE'S SOME EXTENUATING
01:31:33 CIRCUMSTANCES THAT IS KEEPING SOMEONE FROM NOT ATTENDING.
01:31:37 I ALSO THINK ABOUT IF WE HAVE AN EMERGENCY AND WE NEED A
01:31:44 QUORUM AND WE DO, THAT'S VERY IMPORTANT, AND I THINK -- IT'S
01:31:49 MY UNDERSTANDING NOW WE DON'T HAVE TO HAVE -- HAVE AT LEAST
01:31:56 FOUR, BUT THE NEW RULING ON THAT THAT CAME I GUESS FROM THE
01:32:01 ATTORNEY GENERAL'S OFFICE.
01:32:02 >>Robert Pritt: DURING COVID, THE GOVERNOR DECLARED A STATE
01:32:10 OF EMERGENCY DUE TO THE PANDEMIC.
01:32:11 THE QUESTION CAME UP FROM CITIES AND COUNTIES AND OTHER
01:32:16 AGENCIES ALL OVER THE STATE HOW ARE WE GOING TO GET A QUORUM
01:32:21 SHOULD WE EVEN BE TRYING TO GET A QUORUM DURING THIS TIME?
01:32:24 THE GOVERNOR'S OFFICE AND REALLY THE ATTORNEY GENERAL ISSUED
01:32:31 AN OPINION THAT SAID THAT DURING ONE OF THE EXCEPTIONS WOULD
01:32:35 BE -- ONE OF THE EXCEPTIONS WOULD BE DURING A DECLARED
01:32:38 EMERGENCY.
01:32:39 NOW, REMEMBER, LONG BEFORE COVID, WE HAD DECLARED
01:32:43 EMERGENCIES MANY TIMES OVER THE YEARS.
01:32:46 CHARLEY, WILMA, IRMA, THOSE AND MANY OTHERS WERE HURRICANE
01:32:51 EMERGENCIES.
01:32:52 SO PRESUMPTIVELY DURING SUCH AN EMERGENCY, WE WOULD NOT HAVE
01:32:59 TO HAVE A QUORUM.
01:33:00 IT USED TO BE WE THOUGHT WE HAD TO, BUT NOW AFTER THE
01:33:07 ATTORNEY GENERAL'S OPINION, WHICH WAS DONE DUE TO COVID,
01:33:13 DON'T THINK WE HAVE TO HAVE ONE IN THE ROOM.

01:33:15 OTHER THAN THAT, TIME LIKE NOW, QUORUM IN THE ROOM.
01:33:18 THERE MUST BE A QUORUM IN THE ROOM TO HAVE A MEETING.
01:33:21 A QUORUM BY YOUR CHARTER IS FOUR.
01:33:27 >>Mayor Errington: THE WAY I LOOK AT THIS TODAY AND
01:33:29 LISTENING TO EVERYONE TALK IS YOU WILL HAVE NEW MEMBERS ON
01:33:35 COUNCIL STARTING FIRST OF MARCH, AND YOU AS A NEW COUNCIL --
01:33:44 YOU'LL BE NEW -- YOU'RE GOING TO HAVE SOME VERY TOUGH ISSUES
01:33:47 COMING BEFORE YOU WITH THE SEPTIC TO SEWER.

01:33:51 SO YOU'RE GOING TO HAVE TO HAVE A STRONG COUNCIL.
01:33:58 SO THE NEW PEOPLE WHO ARE COMING ON BOARD, MAYBE THAT IS THE
01:34:04 TIME TO START SAYING TO THEM, GET YOUR RULES AND REGS IN
01:34:09 ORDER TO BE BETTER PREPARED FOR ANYBODY NEW COMING IN,
01:34:13 BECAUSE YOU WOULD NOT WANT TO BE HERE IF YOU HAVE -- IF IT
01:34:18 BRINGS OUT THE COMMUNITY WHERE THEY ARE NOT HAPPY WITH
01:34:20 WHAT'S HAPPENING, IT SHOULD BE EVERYBODY SUFFERS TOGETHER,
01:34:26 AND NOT JUST ONE OR TWO OR THREE OR FOUR.
01:34:28 SO I WOULD SAY IF YOU WANT, LET IT GO THE WAY IT IS NOW, YOU
01:34:36 HAVE ALL YOUR RULES AND REGS IN ORDER, WHEN THE NEW COUNCIL
01:34:41 STEPS ON BOARD, HAVE IT READY TO SAY EXCUSED OR UNEXCUSED OR
01:34:47 WHATEVER.
01:34:47 THAT'S MY PERSONAL FEELING.
01:34:50 AS LONG AS WE CAN HAVE ENOUGH HERE TO HANDLE, WE'RE GOING
01:34:57 INTO SUMMER BREAK IN ANOTHER MONTH, BUT WE HAVE SEPTEMBER,
01:35:03 OCTOBER, NOVEMBER ARE BUSY MONTHS.
01:35:06 DECEMBER IS NOT AS BUSY.

01:35:08 BUT JANUARY, FEBRUARY.
01:35:10 IF YOU HAD IN JANUARY OR FEBRUARY, WHATEVER, THAT'S MY
01:35:14 PERSONAL FEELING ON IT.
01:35:15 WE JUST NEED TO BE ABLE TO DISCUSS AND HANDLE ALL OF THESE
01:35:19 SITUATIONS.
01:35:19 >>Jim Boesch: I AM NOT A PERSON WHO BELIEVES IN PASSING THE
01:35:23 BUCK.
01:35:23 I'M NOT GOING TO BE HERE AFTER MARCH.
01:35:27 SO I SAID THIS HAS BEEN A PROBLEM -- [INAUDIBLE] -- RUN
01:35:36 AROUND AND SAY, WELL, YOU GUYS TAKE THE PROBLEM AND DO WHAT
01:35:42 YOU'RE GOING TO DO WITH IT.
01:35:43 IT'S ONLY MY FEELINGS AND I'M TRYING TO DO SOMETHING THAT
01:35:47 PUT YOU IN PLACE SO WHEN YOU GET YOUR NEXT COUNCIL TOGETHER,
01:35:51 IT'S ALL IN PLACE.
01:35:54 AS JOANNE SAYS, IT'S WRITTEN IN STONE SO IT'S NOT WHERE YOU
01:36:00 HAVE TO SAY TO A PERSON, YOU HAVE TO RESIGN.
01:36:03 IT'S THERE AND THEY KNOW WHAT THE SITUATION IS.
01:36:06 IF YOU DON'T WANT TO DO IT, FINE WITH ME, EXCEPT WANT PEOPLE
01:36:12 TO SAY, DID YOU EVER DO ANYTHING?
01:36:14 I TRIED TO, BUT -- THAT'S ALL I'M TRYING TO DO TODAY.
01:36:21 >>Larry Fiesel: AS A MEMBER WHO WILL STILL BE HERE WHEN
01:36:23 YOU'RE GONE, I APPRECIATE THAT YOU NOT WANT TO PASS THE BUCK
01:36:27 TO US.
01:36:27 I TEND TO AGREE WITH JOANNE.
01:36:30 I'M NOT A PERSON WHO LIKES TO BE GOVERNED BY A WHOLE LOT OF

01:36:33 RULES AND REGULATIONS.
01:36:35 I RESIST THAT.
01:36:36 BUT I THINK THERE ARE PLACES IN THIS COUNCIL WHERE RULES AND
01:36:40 REGULATIONS ARE APPROPRIATE.

01:36:42 WE HAVE THE LAND DEVELOPMENT CODE THAT TELLS US HOW WE'RE
01:36:45 GOING TO DO DEVELOPMENT WITHIN THIS COMMUNITY.
01:36:49 THE PLANNING, ZONING, DESIGN BOARD, THEY HAVE RULES SAYING
01:36:53 THAT WE HAVE TO FOLLOW.
01:36:57 I THINK WE SKIDDED AROUND THOSE A LITTLE BIT THIS MORNING IN
01:37:00 OUR MEETING.
01:37:00 NONETHELESS, WE DO HAVE THOSE RULES SET IN PLACE.
01:37:03 I THINK THAT I WOULD LIKE TO SEE THIS PUT IN PLACE BECAUSE
01:37:07 AS JOANNE INDICATED, WE'VE GOT COUNCILS THAT ARE GOING TO BE
01:37:10 FAR IN THE FUTURE FROM WHERE WE SIT HERE TODAY.
01:37:13 AND AS COUNCIL MEMBER WILSON SAID, WE'VE ALL BEEN COHESIVE
01:37:19 PRETTY MUCH IN OUR DISCUSSIONS OVER THE LAST SIX AND A HALF,
01:37:22 SEVEN YEARS THAT YOU ALL HAVE BEEN HERE, BUT I CAN FORESEE
01:37:26 SOMEDAY DOWN THE ROAD THAT THAT MAY NOT BE THE CASE.
01:37:29 WE MAY HAVE A COUNCIL LIKE SOME THAT WE SEE IN THE COMMUNITY
01:37:32 HERE THAT TEND TO LIKE TO CLASH MORE THAN THEY LIKE TO
01:37:36 ACCOMPLISH.
01:37:38 AND I THINK WE NEED TO SET SOME RULES INTO PLACE TO AVOID
01:37:45 THAT POSSIBILITY DOWN THE ROAD.
01:37:47 I THINK IT'S INCUMBENT UPON US BECAUSE IT'S BEFORE US NOW TO
01:37:53 MAKE THESE RULES AND GET THEM SET DOWN, SO WE CONTINUE ON

01:37:58 AND FUTURE COUNCILS HAVE SOME GUIDANCE.
01:38:00 I WAS CHAIR OF THE ARCHITECTURAL COMMITTEE IN MY COMMUNITY
01:38:03 FOR FOUR YEARS.
01:38:05 I WAS REALLY GLAD WE HAD 32 PAGES OF RULES AND REGULATIONS
01:38:08 BECAUSE THERE WERE A LOT OF PEOPLE IN THE COMMUNITY THAT
01:38:10 WANTED TO PUSH, AND I SAID I CAN'T PUSH.
01:38:14 SAYS RIGHT HERE, THIS IS WHAT I HAVE TO DO.
01:38:16 AND I WANT TO HAVE THAT SAME SET OF RULES THAT WE CAN LOOK
01:38:21 TO AND SAY, WELL, THIS IS WHAT IT SAYS.
01:38:23 THIS IS HOW I HAVE TO MAKE MY DECISION.
01:38:25 >>Mayor Errington: THAT'S A GOOD POINT.
01:38:26 BUT WHEN DO YOU WANT THEM TO START?
01:38:30 >>Larry Fiesel: I HADN'T GONE THERE YET.
01:38:32 [LAUGHTER]
01:38:37 >>Vice-Mayor McLain: I THINK WE HAVE THREE NEW COUNCIL
01:38:38 MEMBERS COMING ON.
01:38:39 I THINK IT'S FAIR TO THEM AS THEY ARE CONSIDERING RUNNING,
01:38:43 LIKE JIM WAS, THAT THEY KNOW THE RULES AND REGULATIONS.
01:38:45 SO I DON'T THINK WE CAN KICK IT THAT FAR OUT.
01:38:49 I REALLY WOULD LIKE -- I WANT TO REFLECT ON THIS, BASED ON
01:38:52 ALL THE COMMENTS IN HERE, MAYBE TALK TO BOB AND SEE IF WE
01:38:59 CAN MODIFY THIS A LITTLE BIT, MAYBE NOT, BUT I'D SURE LIKE
01:39:02 TO LOOK AT THAT, LITTLE TIME.
01:39:07 WE'RE NOT GOING TO DO IT BETWEEN NOW AND THE BREAK.
01:39:10 I DON'T THINK WE CAN.

01:39:11 IF WE CAN, WE'LL TRY IT.
01:39:15 OH, CAN'T HEAR ME.
01:39:19 I DON'T WANT TO PASS THE BUCK.
01:39:29 I DON'T WANT TO KICK THIS DOWN TOO FAR.
01:39:33 STEVE, YOU KNOW THE AGENDAS WE'VE GOT BETWEEN NOW AND WHAT'S
01:39:37 OUR LAST MEETING?
01:39:39 JULY 21st.
01:39:40 AND WE'RE THE 15th TODAY.
01:39:44 IF POSSIBLE, I WOULD LIKE TO FIT SOMETHING IN BETWEEN NOW
01:39:47 AND THEN.
01:39:49 I THINK THAT WOULD GIVE US SOME OPPORTUNITY TO COMPLETE THE
01:39:53 THOUGHTS ON THIS.
01:39:58 >>Steven Sarkozy: IF YOU'D LIKE, AND JUST OFFER THAT MAYBE
01:40:02 THERE'S A DECISION TREE THAT WE COULD PUT TOGETHER THAT
01:40:05 WOULD SPELL OUT STEP BY STEP WHAT ARE THE ISSUES THAT YOU'VE
01:40:09 TALKED ABOUT BECAUSE THEY ARE KIND OF FREE RANGING, AND IT'S
01:40:13 COMPLICATED.
01:40:13 WE COULD TRY TO DO THAT AND NOT FORCE A DECISION, BUT AT
01:40:20 LEAST STRUCTURE A CONVERSATION.
01:40:24 >>Mayor Errington: WHATEVER TO HAVE SOMETHING IN HAND BY THE
01:40:27 END OF THE YEAR.
01:40:29 >>Vice-Mayor McLain: YES.
01:40:29 >>Mayor Errington: BY THE END OF THIS YEAR.
01:40:31 >>Vice-Mayor McLain: BECAUSE THAT WOULD BE OCTOBER, RIGHT,
01:40:33 AS THE END OF THIS YEAR.

01:40:34 >>Mayor Errington: YOU'RE TALKING FISCAL.
01:40:41 >>Vice-Mayor McLain: I'M NOT SURE WHAT THE FILING PERIOD IS.
01:40:45 JANUARY 10.
01:40:47 >> DECEMBER.
01:40:47 >>Mayor Errington: THEY DON'T KNOW WHAT DISTRICT THEY ARE IN
01:40:49 YET.
01:40:50 >>Joanne Ribble: SHOULD KNOW BY OCTOBER.
01:40:53 SHOULD COINCIDE.
01:40:55 >>Larry Fiesel: IF IT'S ANY COMFORT, WE'RE NOT THE ONLY
01:40:58 COUNCIL THAT HAS STRUGGLED WITH THIS PARTICULAR ISSUE.
01:41:02 IT'S NOT AN EASY THING FOR A LOT OF -- I KNOW MY COUNCIL IN
01:41:08 INDIANAPOLIS -- I DIDN'T LIVE IN INDIANAPOLIS, BUT I WAS
01:41:10 BORN AND RAISED THERE, THEY STRUGGLED WITH THIS MIGHTILY
01:41:14 THIS PAST YEAR.
01:41:15 I SHOWED AN ARTICLE TO STEVE.
01:41:17 THEY COULDN'T COME TO A CONCLUSION IN A YEAR.
01:41:23 SO WE'VE GOT A CHALLENGE HERE, NOT GO FOR A YEAR.
01:41:27 >>Mayor Errington: JIM AND I, WE'RE TRYING TO HELP YOU.
01:41:35 BECAUSE IT'S GOING TO BE UP TO YOU WHO ARE THE ONES STILL
01:41:40 HERE.
01:41:44 >>Vice-Mayor McLain: WHAT I THINK WE SAID IS LET'S TRY AND
01:41:46 MOVE THIS BETWEEN NOW AND THE 21st WITH A WORKSHOP, WITH

01:41:49 MAYBE SOME KIND OF DECISION TREE THAT SAYS WE CAN MAYBE PUT
01:41:53 SOME BETTER WORDS IN THERE.
01:41:55 >>Mayor Errington: YOU HAVE TO HAVE THE WORKSHOP NEXT TIME

01:41:57 AND THEN VOTE ON IT.
01:42:05 >>Vice-Mayor McLain: WE HAVE TWO MORE WEEKS?
01:42:07 I CAN THINK PRETTY QUICK ON THIS?
01:42:09 >>Mayor Errington: WELL, WHERE HAVE YOU BEEN TODAY?
01:42:12 [LAUGHTER]
01:42:14 >> NOT QUICK.
01:42:16 >>Mayor Errington: I'M TO THE POINT WHERE I WOULD JUST AS
01:42:20 SOON LET IT GO UNTIL GO INTO THE FALL AND LET'S GET THIS
01:42:25 THING OVER WITH BY THE END OF NOVEMBER/DECEMBER.
01:42:31 TOO LATE.
01:42:32 OKAY.
01:42:32 WHAT'S YOUR DEADLINE THEN.
01:42:34 GIVE ME A DEADLINE.
01:42:35 I'M AGREEABLE TO A LOT OF THESE.
01:42:37 >>Joanne Ribble: LET'S DO ONE POINT.
01:42:41 DO WE WANT ONE ON ONE WITH BOB OR DO WE WANT TO WRITE JUST
01:42:45 STRAIGHT GO TO ANOTHER WORKSHOP?
01:42:47 THAT'S THE FIRST DECISION.
01:42:52 >>Vice-Mayor McLain: I THINK WE NEED ANOTHER WORKSHOP.
01:42:54 >>Mayor Errington: IF YOU ARE GOING TO VOTE ON IT BEFORE,
01:42:57 YOU HAVE TO HAVE THE WORKSHOP THE NEXT TIME WE MEET, JULY
01:42:59 6th.
01:43:00 THEN YOU HAVE TO VOTE ON IT ON THE 21st.
01:43:05 >>Joanne Ribble: WE'VE GOT TO MAKE A DECISION.
01:43:07 >>Carol Sacco: THAT'S THREE WEEKS.

01:43:09 JULY 6 IS THREE WEEKS.
01:43:11 >>Vice-Mayor McLain: WE MAKE A DECISION EITHER DO NOTHING.
01:43:14 >>Joanne Ribble: OR DO SOMETHING.
01:43:15 >>Vice-Mayor McLain: I THINK WE SHOULD AT LEAST EXERCISE.
01:43:18 >>Joanne Ribble: I THINK IF ANYONE WANTS TO TALK TO BOB, ASK
01:43:20 TO MEET WITH HIM.
01:43:24 >>Vice-Mayor McLain: HAVE A WORKSHOP NEXT MEETING ON THIS
01:43:25 WITH THE INTENT OF POTENTIALLY VOTING ON IT ON THE 21st.
01:43:31 >>Mayor Errington: ON THE 21st AS AN ACTION ITEM.
01:43:33 WHAT DOES OUR AGENDA LOOK LIKE ON THE 21st SINCE THAT WILL
01:43:38 BE OUR LAST MEETING?
01:43:40 IS IT HEAVY?
01:43:42 >>Steven Sarkozy: AT THIS POINT, YOU ACTUALLY HAVE A LIGHT
01:43:44 MEETING ON THE 21st.
01:43:47 >>Mayor Errington: --
01:43:48 >>Carol Sacco: 20th.
01:43:52 >>Steven Sarkozy: 20th.
01:43:52 THE POINT IS WELL TAKEN.

01:43:54 YOU CAN PUT IT ON THE AGENDA AND IF YOU CAN'T GET TO A
01:43:57 DECISION, YOU DEFER IT.
01:43:59 >>Joanne Ribble: WHAT DID YOU SAY, STEVE?
01:44:01 SORRY, DIDN'T HEAR YOU.
01:44:02 >>Steven Sarkozy: YOU CAN PUT IT ON THE AGENDA, AND IF YOU
01:44:04 DON'T HAVE TIME OR CAN'T MAKE A DECISION, YOU DEFER IT.
01:44:08 >>Mayor Errington: IS THAT AGREEABLE?

01:44:10 DO WE HAVE A CONSENSUS?
01:44:11 >>Vice-Mayor McLain: I'M GOOD.
01:44:13 >>Carol Sacco: A WORKSHOP ON THE 6th.
01:44:15 >>Mayor Errington: JIM, GOOD?
01:44:17 >>Jim Wilson: YES.
01:44:20 >>Mayor Errington: OKAY.
01:44:20 THANK YOU.
01:44:23 >>Robert Pritt: WOULD ANYBODY OBJECT TO US TRYING TO COME UP
01:44:27 WITH A SECOND DRAFT?
01:44:33 WE CAN TALK WITH ANYBODY, BUT HEARING EVERYBODY TODAY, I
01:44:36 HAVE A COUPLE OF IDEAS FOR A SECOND DRAFT.
01:44:38 >>Mayor Errington: I THINK THAT'S NEEDED.
01:44:39 I AGREE.
01:44:40 THAT'S NEEDED.
01:44:41 >>Robert Pritt: PART OF WHAT IS SO DAUNTING IS THAT THERE
01:44:44 ARE 30 SOME PAGES, BUT THE TASK THAT I WAS PUT TO ORIGINALLY
01:44:49 WAS TO LOOK AT THE RULES, ALL THE RULES, AND WITH EMPHASIS
01:44:55 ON THESE CERTAIN ONES.
01:44:57 AGAIN, MOST OF THE ACTION IS ON THOSE LAST THREE OR FOUR
01:45:01 PAGES.
01:45:08 >>Vice-Mayor McLain: IF YOU CAN GET THAT OUT HERE RELATIVELY
01:45:10 QUICKLY, THAT WILL BE HELPFUL.
01:45:13 >>Mayor Errington: SO WE HAVE CONSENSUS, THEN.
01:45:17 WE'RE OKAY.
01:45:18 IS THAT IT?

01:45:23 >>Jim Ward: BEFORE WE ADJOURN, RELATIVE TO THIS DISCUSSION,
01:45:27 I WILL BE OUT OF STATE FOR THE NEXT TWO MEETINGS.
01:45:30 I WOULD LIKE PERMISSION TO PARTICIPATE BY ZOOM.
01:45:34 IS THIS THE APPROPRIATE TIME TO ASK FOR THAT?
01:45:37 >>Mayor Errington: WE CAN'T VOTE NOW.
01:45:45 >>Robert Pritt: THAT IS A DECISION MADE AT THE TIME OF THE
01:45:47 ROLL CALL OF THE REGULAR MEETING.
01:45:52 >>Jim Ward: I THOUGHT IT WAS MORE APPROPRIATE TO GIVE
01:45:55 COUNCIL ADVANCE NOTICE AS OPPOSED TO CALLING IN THE DAY OF
01:45:59 THE MEETING.
01:46:00 >>Mayor Errington: WE'RE OPERATING UNDER THE SAME RULES.
01:46:04 OKAY.
01:46:05 >>Robert Pritt: HE'S TOLD YOU THAT.
01:46:07 ONE OF THE ELEMENTS THAT I HAD -- ONE OF THE STANDARDS HAD

01:46:11 BEEN NOTIFICATION AHEAD OF TIME BEING SOMETHING TO CONSIDER.
01:46:16 I THINK HE'S NOTIFIED YOU NOW AHEAD OF TIME.
01:46:21 >>Mayor Errington: THANK YOU.
01:46:23 OKAY?
01:46:25 >> SO MOVED.
01:46:27 [SOUNDING GAVEL]
01:46:27 [LAUGHTER]

DISCLAIMER:
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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

VILLAGE COUNCIL MEETING

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

June 1, 2022 9:30 a.m.

1. CALL TO ORDER

INVOCATION

Pastor John Roth Thrive Community Church and Councilmember Boesch.

PLEDGE OF ALLEGIANCE

Led by Councilmember Ribble

ROLL CALL

Present: Mayor Katy Errington - District 4, Vice Mayor Jon McLain - District 3, Councilmember Joanne Ribble - District 1, Councilmember Larry Fiesel - District 2, Councilmember Jim Boesch - District 5, Councilmember Jim Ward - District 6, and Councilmember Jim Wilson - District 7.

Also present
Village Manager Steve Sarkozy (via Zoom), Interim Village Attorney Robert Pritt, Public Works Director David Willems, Community Development Director Mary Gibbs, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda.

Motion by: Councilmember Fiesel
Seconded by: Councilmember Ribble

Action: Approved agenda.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS
None.

4. CONSENT AGENDA

(a) May 18, 2022, Council Meeting Minutes
(b) Financial Report for Month ended April 2022

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Wilson
Seconded by: Councilmember Ward

Action: Approved the Consent Agenda.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington

Nay:

Abstentions:

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA
None.

7. ACTION ITEMS

(a) Community Development Block Grant – Urban Cooperation Agreement Fiscal Years 2023-2025

Staff Presentation/Comments
Mary Gibbs, Community Development Director

Council Questions or Comments
None.

Public Comments
None.

Motion: Motion to approve a Joint Resolution with Lee County for participation in CDBG and related Programs, authorize Mayor to sign and forward to Lee County.

Motion by: Councilmember Boesch
Seconded by: Vice Mayor McLain

Action: Approved a Joint Resolution with Lee County for participation in CDBG and related Programs, authorize Mayor to sign and forward to Lee County.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

(b) Miscellaneous Professional Services CN 2022-06

Staff Presentation/Comments
David Willems, Public Works Director
Robert Pritt, Interim Village Attorney

Council Questions or Comments
Councilmembers Wilson, Boesch, Ribble, Vice Mayor McLain, and Mayor Errington.

Public Comments
None.

Motion: Motion to approve termination as of June 1, 2022, CN 2020-01 Miscellaneous Professional Services to allow for the immediate use of the firms approved under CN 2022-06.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Wilson

Action: Approved termination as of June 1, 2022, CN 2020-01 Miscellaneous Professional Services to allow for the immediate use of the firms approved under CN 2022-06.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington
Nay:
Abstentions:

Motion: Motion to approve the recommendation of the evaluation committee to select all 36 consulting firms that submitted Letters of Interest under CN 2022-06, for a contract period of three (3) years (with the option at Council's discretion to renew the agreements, in whole or in part, for a renewal term or terms not to exceed the initial agreement term of 3 years) commencing on June 1, 2022. The firms are listed on Attachment 1.

Motion by: Councilmember Ribble
Seconded by: Councilmember Fiesel

Action: Approved the recommendation of the evaluation committee to select all 36 consulting firms that submitted Letters of Interest under CN 2022-06, for a contract period of three (3) years (with the option at Council's discretion to renew the agreements, in whole or in part, for a renewal term or terms not to exceed the initial agreement term of 3 years) commencing on June 1, 2022. The firms are listed on Attachment 1.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstention:

Motion: Motion to authorize the Village Manager to execute agreements for individual projects as needed at or below $50,000 (contracts in excess of $50,000 will require Village Council approval).

Motion by: Councilmember Ribble
Seconded by: Vice Mayor McLain

Action: Authorized the Village Manager to execute agreements for individual projects as needed at or below $50,000 (contracts in excess of $50,000 will require Village Council approval).

.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

7. SECOND READING AND PUBLIC HEARING

(a) Ordinance No. 2022-03, amending Ordinance No. 2019-01, Reserves Policy.

An Ordinance of the Village Council of the Village of Estero, Florida, Amending Ordinance No. 2019-01 Titled: An Ordinance of The Village Council of the Village of Estero, Florida, Adopting a Reserve Policy; and Providing an Effective Date, By Revising Attachment A, Reserve Policy, to Reduce the Intended Reserve Level Period From Twelve Months to Three Months and to Revise the Plan for Replenishment of Funds; and Providing an Effective Date.

Staff Presentation/Comments
Steve Sarkozy, Village Manager

Council Questions or Comments
Councilmembers Wilson and Boesch.

Public Comment
None.

Motion: Motion to pass Ordinance 2022-03.

Motion by: Councilmember Ward
Seconded by: Councilmember Wilson

Action: Passed Ordinance 2022-03.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

8. PUBLIC COMMENT ON NON-AGENDA ITEMS
None.

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Fiesel, Ward, Ribble, Boesch, Vice Mayor McLain, and Mayor Errington.

A consensus was reached by Council to stay on the Resiliency Compact Committee.

10. VILLAGE ATTORNEY'S REPORT

Robert Pritt, Interim Village Attorney

11. VILLAGE MANAGER'S REPORT

None.

Adjourn Regular Session at 10:13 a.m. and Convene Workshop Items at 10:23 a.m.

12. WORKSHOP

(a) Redistricting

Staff Presentation/Comments
Steve Sarkozy, Village Manager

Presentation/Information by
Kurt Spitzer, KS&A Government Consultants

Council Questions or Comments
Councilmembers Wilson, Ward, Vice Mayor McLain, and Mayor Errington.

Public Comment
None.

(b) Corkscrew Grove

Staff Presentation/Comments
Mary Gibbs, Community Development Director

Council Questions or Comments
Councilmember Boesch and Mayor Errington.

Public Comment
None.

(c) Council Rules of Procedure

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Robert Pritt, Interim Village Attorney

Council Questions or Comments
Councilmembers Wilson, Ward, Boesch, Vice Mayor McLain, and Mayor Errington.

Public Comment
None.

A consensus was reached by Council to move this topic to the next Council meeting.

(d) Via Coconut Point Landscape Concept

Staff Presentation/Comments
David Willems, Public Works Director

Presentation/Information by
Bruce Howard, Bruce Howard & Associates

Council Questions or Comments
Councilmembers Boesch, Ward, Vice Mayor, and Mayor Errington.

Public Comment
None.

13. ADJOURNMENT at 11:54 am.

ATTEST: VILLAGE OF ESTERO, FLORIDA

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

(td/CS)
For an official copy of the signed minutes, please submit a Public Record Request.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

Community Development Software Contract

Motion to approve a contract with N. Harris Computer Corporation to provide "CityView"software to Community Development (RFI 2020-01). Authorize Village Manager to execute contract including revisions resulting from final negotiations, and related documents, including annual renewal (maintenance) fees on behalf of the Council.

Description:

The Village's budget includes the purchase of a new software package for Community Development.

The awarded vendor will provide a Community Development software solution including implementation, data conversion, training, maintenance, and future updates.

Description:

A request for information was sent out by Village Staff. On July 21, 2021, the Village Council approved the ranking of firms under RFI 2020-01 and authorized the negotiation of a contract with the ranked firms in descending order to initiate the work. Contract negotiations have been extensive due to the complexity and specialized nature of the subject. The contract has been reviewed by an outside attorney for the Village that specializes in information technology contracts. Negotiations are being finalized with the number one ranked firm. There may be some revisions prior to the Council meeting.

Staff has attached firm ownership disclosure of greater than 5% as recommended by the Village Attorney.

Contract Specifics –

- 5-year term with renewal clause
- Contract includes Master Services Agreement and Software Subscription Agreement
- Contract includes implementation of software and data conversion
- Contract includes annual maintenance fee

Contract costs include:

Total professional services (including implementation, data conversion and associated services and staff training)	$ 327,684
Total licensing and subscription (including annual software maintenance, licensing for Bluebeam, annual subscription fees)	69,695
Total	$ 397,379
*Plus contingency recommended at 15% of total project cost.....	$ 49,153

Action Requested:

Approve the contract with N. Harris Computer Corporation to provide "CityView" software for Community Development for an estimated cost of $397,379.

Also approve a contingency fund amount of $49,153 (an amount equal to 15% of the total project cost minus annual fees) to cover unforeseen circumstances which may occur.

Authorize the Village Manager to execute the contract including revisions resulting from final negotiations and related documents including annual renewal (maintenance) fee on behalf of the Council.

Process and Timeline:

Request for Information (RFI) issued with 13 responses received. Council approves staff recommended top 3 firms. Contract negotiated and presented to Council for approval.

Financial Impact:

Total project cost is estimated at $397,379.00. Funds have been budgeted in the current fiscal year 2021-2022 budget under Community Development. The acquisition and implementation of the software will be funded primarily by the Building Fee Fund, including excess revenues, with the remaining funded under General Fund.

The annual maintenance fee will be budgeted for each fiscal year going forward.

Prepared By: Mary Gibbs, Community Development Director

Attachments:

1. Sample Contract available to review at Clerk's office
2. Ownership Disclosure

VILLAGE OF ESTERO, FLORIDA
VENDOR DISCLOSURE FORM

Project No.: RFI 2020-01

Project Name: Community Development Software

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.

X_____ 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 Sean Higgins, EVP CityView

Company Name: CityView, a division of N. Harris Computer Corporation

Date: June 9, 2021

NAMES & ADDRESSES OF OWNERS

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

Not applicable. No owner has greater than 5% interest.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

Resolution No. 2022-11

A Resolution Approving a Memorandum of Understanding (MOU) Between the Village of Estero and the Coccoloba Chapter of the Florida Native Plant Society; Determining that the MOU is for a Public Purpose, Authorizing the Mayor to Execute the MOU; and Providing an Effective Date.

Motion to approve Resolution No. 2022-11

Background:

The Coccoloba Chapter of the Florida Native Plant Society (CC-FNPS) is a 501{C){3) organization formed in 2001. CC-FNPS members are volunteers - there are no employees or contractors. The parent organization, Florida Native Plant Society {FNPS), organized in 1980, is also a 501(c)(3). The mission of both organizations is to promote the preservation, conservation and restoration of native plants and native plant communities of Florida.

The Coccoloba Chapter has been active in and around Estero with a wide range of activities. CC- FNPS helps stakeholders earn NPDES credits through community outreach and by operating a native plant nursery. Outreach programs promote the use of native plants which reduce or eliminate the need for fertilizer, which can result in runoff into our waterways and leaching into our aquifers. Additionally, homeowners, homeowner associations, condo associations, community development districts can learn ways to reduce or eliminate the need for supplemental irrigation. All these practices lead to improved water quality while creating improved habitat for Florida's wildlife. The parties are Village of Estero {Estero) and The Coccoloba Chapter pf the Florida Native Plant Society {CC-FNPS).

Description:

Village of Estero owns the 10-acre vacant parcel, commonly known as "River Oaks Preserve" at the east end of Broadway Avenue. This property is listed as 9531 and 9541 Broadway East, Estero, FL 33928, plus the 5-acre parcel east.

The parcel is of interest to the Village for several reasons.

1. Residents want the property as a passive recreation area. Village of Estero would like to preserve the natural and native character of the parcel.

2. The 2021-22 Budget contains an approved CIP project for a new Storm Water Pond and Bypass going around Country Creek to prevent backups and flooding during major storm events. During the IRMA Hurricane and related storm event the community had the most significant flooding in this area. Water backed up in the North Branch of the Estero River due to a constriction in the flow way in Country Creek that caused flooding and closure of Three Oaks Parkway. Estero's Storm Water Master Plan identified the new pond and bypass as the least costly corrective measure. This property is needed as part of that project.

This partnership will support Village of Estero's vision of a community that embraces its historic heritage and protects the environment while allowing for future development. It includes relevant cornerstones to ensure success including varied parks, public spaces, recreational facilities, and unique natural environments. It shows how parks are successfully incorporated into development and how municipalities can partner with non-government organizations (NGOs) and non-profits to save money and gain expertise while operating efficiently as "government lite." It will help residents understand the importance of living with nature and protecting the real Florida.

Estero's River Oaks Preserve will be a passive recreational area with a strong focus on concepts of simplicity, natural/native care of the land, sustainability, and being "one with nature." This property will also expose visitors to a lesser-known side of Florida - one where threatened and endangered species reside safely in developed areas. It will be the standard for marrying conservation with development.

This partnership allows residents, FGCU students, and other organizations to participate in hands-on activities to learn about the Florida environment. The revenues generated from the nursery will help fund the continuation of the project.

Action Requested:

Motion to approve Resolution No. 2022-11

Process and Timeline:

Financial Impact:

The Village will pay CC-FNPS an amount of $3,000 per month for maintenance, plants for public areas, security and upgrades to the "Preserve". Funds of $150,000 were allocated by the Village Council for closing costs and initial maintenance of the parcel. In the future, the Village of Estero will need to expend additional funds for basic services such as utilities, exotics control, structures such as a building, a bridge, removal of septic systems, etc.

Prepared by: Steve Sarkozy

Attachments:

1. Resolution No. 2022-11
2. MOU FL Native Plant Society
3. COI

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022 - 11

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE VILLAGE OF ESTERO AND THE COCCOLOBA CHAPTER OF THE FLORIDA NATIVE PLANT SOCIETY, INC.; AUTHORIZING THE MAYOR TO EXECUTE THE MOU; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Charter of the Village of Estero, permits the Village to enter into agreements for public purposes and in the public interest; and

WHEREAS, the Coccoloba Chapter of the Florida Native Plant Society, Inc. (Chapter) is a Florida non-profit 501(c)(3) corporation that performs valuable conservation and aesthetic services; and

WHEREAS, the Chapter desires to perform exotic plant removal and native plantings, and to perform related services upon the recently-purchased River Oaks Preserve property and to use the property for its operations, which serve a public purpose and are in the public interest:

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

Section 1. The Village Council hereby approves the Memorandum of Understanding between the Village of Estero and the Coccoloba Chapter of the Florida Native Plant Society, Inc., a copy of which is on file with the Village Clerk and authorizes the Mayor to execute the agreement on behalf of the Village.

Section 2. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 15th day of June, 2022.

ATTEST: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Robert D. Pritt, Interim Village Attorney

MEMORANDUM OF UNDERSTANDING (Agreement)

THIS AGREEMENT, entered into by and between the Coccoloba Chapter of the Florida Native Plant Society, Inc., a Florida Non-Profit and 501(C)(3) corporation, the address of which is 4108 Dahoon Holly Court, Bonita Springs, FL 34134, (CC-FNPS), and the Village of Estero, a Florida Municipality, the address of which is 9401 Corkscrew Palms Circle, Estero, FL 33928 (the Village);

WITNESS:

1. Scope of the Agreement

This agreement lays the foundation for the parties to work together to fulfill mutual missions and goals. The desired result is a unique project that promotes the environmental goals of both organizations, while improving the habitat for endangered species.

2. The Property/Commitment

The Property is a 10+- acre vacant parcel commonly known as "River Oaks Preserve" at the east end of Broadway Avenue. This property is listed as 9531 and 9541 Broadway East, Estero, FL 33928, plus the 5-acre parcel east (see aerial sketch, attached). It was recently purchased by the Village. Additionally, the Village of Estero owned easement to the west is included. “River Oaks Preserve” shall include the recently acquired parcels and the easement to the west of the ten acres.

The Village maintains ownership of the property and CC-FNPS will manage it in a cost-effective manner. The CC-FNPS shall have no claim for any equipment, structure or plants on the property should they leave or are removed from the property, except for nursery plants and other removable items owned by CC-FNPS unless otherwise agreed upon in writing.

3. Exotics Control

The initial removal of exotics shall be paid for by the Village. The first phase of this effort shall focus on the west side to the river. It may include follow-up treatment as part of the first phase of treatment.

CC-FNPS will handle on going exotics control in a cost-efficient manner. Where possible, CC-FNPS will apply for grants and funding to assist. CC-FNPS will hire and oversee contractors for the job and monitor for any follow-up treatments. With a regular presence, CC-FNPS will monitor and remove invasives when they are small and easily pulled by hand or hand tools. Generally speaking, CC-FNPS does not use or handle invasive exotic plant control chemicals, but CC-FNPS understands the need for chemicals when managing large parcels of land.

4. Access

Equipment access east of the Estero River is limited today. CC-FNPS will handle improving access to the eastern side of the property by building an maintenance bridge over the Estero River. This

will include securing funding. All activities on the property will consider and protect the endangered species there.

5. Debris Removal

There is extensive debris on the property. CC-FNPS volunteers will clean and maintain the property including the removal of many old tires. An increased presence of CC-FNPS volunteers on the property will deter the current undesirable activities.

6. Flood Control

CC-FNPS will assist in recommending and developing a lower-cost, more environmentally friendly retention/detention system using existing ditches and terrain, expanding them to handle flood waters. This system will be more effective at cleaning the water than a stormwater pond. It should also be easier and less expensive to manage.

7. Non-Profit Nursery

a. A non-profit nursery, managed by CC-FNPS ~~or another entity approved by the Village,~~ will hold classes and distribute literature for visitors to help people learn how to live more sustainably in Florida. It will also satisfy future NPDES outreach requirements.

b. The non-profit nursery operation will maintain a quiet presence of people and activities on the property. It will include propagating plants with volunteers, including FGCU students earning service-learning hours.

c. Through the non-profit nursery, CC-FNPS nursery will propagate and provide plantings for portions of this property along with the 31-acre Estero-on-the-River Park. CC-FNPS will work closely with the Village of Estero to reduce costs and make the Estero-on-the-River project and other plantings successful. CC-FNPS will provide signage on native plants as needed and provide input to the Village as requested. All improvements to the Estero-on-the-River preserve shall be at no cost to the Village unless otherwise agreed upon in writing.

d. This agreement will, in no way, affect CC-FNPS' ability to provide or donate plant materials to other entities in fulfillment of their mission.

8. Demonstration Gardens

Demonstration gardens will be located at mutually agreed-upon locations. The remainder of the property will focus on preservation, conservation and restoration with the focus on improving habitat for endangered species. All plants in the ground, except for nursery and propagation areas (above), are property of the Village.

9. Grants and Donations

CC-FNPS and Estero will work together to secure funding for various aspects of this project including a maintenance bridge, exotics control, restoration plantings, shore restoration, permanent rest room facilities and support buildings.

10. Collaboration

This project is intended to be a community-based project. As such, it will be open to other organizations for activities. This is a non-exclusive agreement. Other parties may be permitted by the Village with input from CC-FNPS, and clearly-defined parameters that are understood by all parties.

11. Funding

a. CC-FNPS will perform research, secure quotes and vendors, and oversee the services they cannot perform with volunteers. The Village is responsible for providing funding for basic services such as utilities, initial exotics control, structures such as buildings and bridges, removal of septic systems, etc., to the extent budgeted and funded, at the discretion of the Village. At its discretion, the Village may pay for and handle all permitting. The Village may pay or reimburse for services that are necessary for operations, to the extent budgeted and funded, at the discretion of the Village. CC-FNPS will oversee any process and provide detailed plans for approval, at the request of the Village.

b. CC-FNPS will pay for materials and construction with the funds allocated by the Village each month. ~~through a purchase order and billing system~~. This will significantly reduce the cost to the Village because of volunteer contribution of time and expertise from CC-FNPS members and the non-profit standing.

c. CC-FNPS will pay for the initial start-up of operations, including but not limited to: porta-potty, storage facility, activating the well, establishing nursery operations.

d. The Village shall pay CC-FNPS a total of $3000 per month, which will begin upon the execution of this agreement. All funds shall go to cover the direct costs of the operations, including: electricity, storage costs, porta-potty, new plant purchases, etc. No funds or benefits will be paid to any individual or group.

e. It shall be the objective of the CC-FNPS to operate without Village subsidy, over time and as the facilities and infrastructure are provided.

12. Reporting

A regular reporting schedule will be determined between the parties.

13. Insurance and Indemnification

CC-FNPS shall, on a primary basis and at its sole expense, maintain in full force and effect, at all times during the life of this Agreement, insurance coverage. Insurance carriers providing coverage required herein must be licensed to conduct business in the State of Florida. No changes are to be made to these specifications without prior specific written approval by Estero.

A Certificate of Insurance must be provided to the Village prior to its execution of this Agreement. Further, the Certificate of Insurance shall name the Village - Village of Estero - as a certificate holder and as an additional insured.

14. Duration of Agreement, Amendments, and Modifications

This Memorandum of Understanding will become effective when signed by all parties. It will terminate 60 months later, but it may be amended and/or extended at any time by mutual consent of the parties for periods not to exceed 24 months each. The parties will review this agreement at least once every other year to determine whether it should be revised, renewed, or canceled.

Any party may terminate this agreement by providing 90 days' written notice to the other party. Upon termination, CC-FNPS will remove any tangible property purchased and/or owned by CC-FNPS from the property. If agreed upon in writing, CC-FNPS may donate the tangible property to Village of Estero.

15. Miscellaneous

This instrument constitutes the entire agreement between the parties, and no oral or other writings are to be construed as incorporated herein. This Agreement may be amended only upon mutual written consent of the Parties. This Agreement shall be interpreted and construed in accordance with the laws of Florida, and venue for any action hereon shall be in Lee County, Florida.

16. Revocable License.

This agreement is not a lease. Rather, it provides a non-exclusive license for the purposes set out above. It is revocable by either party for any reason, whether for cause or no cause, at either entity's sole discretion.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates set forth below.

_____
Katy Errington, Village Mayor
Village of Estero

Date_____

_____
Marlene Rodak, President
The Coccoloba Chapter of the
Florida Native Plant Society

Date_____

First year of operation:	
Budget	$150,000
Closing Costs	<15,000>
CC-FNPS	<36,000>
Exotics removal	<30,000> (est)
	<81,000>
Balance	<69,000>

Phase 1
invasisive removal
Rick Joyce

Porta-patty
Storage
Electricity
Activating well

Nursery operation
Bridge
Bank stabilization
Repair of weir

FLORNAT-01 MVERSHAY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 5/10/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0C36861 Chantilly-Alliant Ins Svc Inc. 4530 Walney Rd Ste 200 Chantilly, VA 20151-2285	CONTACT NAME: Edye Lewis PHONE (A/C, No, Ext): (703) 397-0977 FAX (A/C, No): E-MAIL ADDRESS: edye.lewis@alliant.com
	INSURER(S) AFFORDING COVERAGE — NAIC #
INSURED Florida Native Plant Society Inc PO Box 278 Melbourne, FL 32902-0278	INSURER A : Pacific Indemnity Company — 20346 INSURER B : Federal Insurance Company — 20281 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	X		35351841	11/30/2021	11/30/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ Included
A	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY			35351841	11/30/2021	11/30/2022	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		(22) 7177-12-69	10/3/2021	10/3/2022	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 100,000 $ 100,000 $ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Village of Estero is included as an additional insured on the General Liability policy as required by written contract.
Event: Coccoloba gardening classes
Dates: May-Nov 2022
For owner of land: 200 Fairmont Dr Sanford FL 32773

CERTIFICATE HOLDER

Village of Estero
9401 Corkscrew Palms Cir
Estero, FL 33928

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03)

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AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

Resolution No. 2022-17 appointing Scotty Wood as the Chairperson of the Planning, Zoning and Design Board in lieu of 2 Co-Chairs.

Motion to approve Resolution No. 2022-17

Background:

The Council established the Planning, Zoning and Design Board in conjunction with its new Land Development Code in January 2021. Ordinance No. 2021-04 later amended the LDC to establish that a Chairperson or Co-Chairpersons would be appointed by the Village Council.

Description:

Under Resolution No. 2021-03, the Planning, Zoning and Design Board has two Co-Chairs that were appointed by the Council on March 3, 2021. Co-Chair Howard Levitan resigned on March 8, 2022, leaving Scotty Wood as the sole Co-Chair.

Because of the Ordinance language, the Council will need to decide whether they want to fill the vacant Co-Chair position or, if not, the Council can appoint Scotty Wood as the Chair. The PZDB can then elect a Vice Chair.

Action Requested:

Motion to approve Resolution No. 2022-17

Process and Timeline:

- Ordinance No. 2021-04 amended the Land Development Code on June 2, 2021 to establish a chairperson or Co-Chairpersons appointed by Council to PZDB
- On March 3, 2021, two-Co-Chairs (Scotty Wood and Howard Levitan) were appointed by the Council to PZDB
- Co-Chair Levitan resigned on March 8, 2022

Financial Impact:

N/A (volunteer Board)

Prepared by: Mary Gibbs

Attachments:

1. Resolution No. 2022-17
2. Ordinance No. 2021-04
3. Resolution No. 2021-03

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022 - 17

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPOINTING LEONARD E. SCOTTY WOOD AS THE CHAIRPERSON OF THE VILLAGE OF ESTERO PLANNING ZONING AND DESIGN BOARD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the new Land Development Code adopted by the Council on January 27, 2021 established a Planning, Zoning and Design Board in lieu of two separate boards; and

WHEREAS, Ordinance No. 2021-04 later amended the Land Development Code to establish a Chairperson or Co-Chairpersons to be appointed by the Council; and

WHEREAS, the Village Council appointed Leonard E. Scotty Wood and Howard Levitan As Co-Chairs; and

WHEREAS, Howard Levitan resigned on March 8, 2022; and

WHEREAS, there is a need for a Co-Chair and Vice-Chair in case of absences.

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

SECTION ONE. The Council appoints Leonard E. Scotty Wood, III as the Chairperson of the Village of Estero Planning, Zoning and Design Board to complete his term as outlined in Resolution 2021-03.

SECTION TWO. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 15th day of June, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

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

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2021 - 04

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING THE VILLAGE LAND DEVELOPMENT CODE TO ESTABLISH AUTHORITY TO APPOINT CO-CHAIRPERSONS TO THE PLANNING ZONING AND DESIGN BOARD; PROVIDING A SEVERABILITY CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the Village Council adopted the Village Land Development Code on January 27, 2021 which, among other things, established the Planning Zoning and Design Board ("Board") in Section 2-302; and

WHEREAS, paragraph 2-302.A.4 provides that the Village Council shall appoint a Board chairperson; and

WHEREAS, the Village has determined it is in the interest of the health, safety and welfare of its citizens to provide an option to appoint co-chairpersons for the Board; and

WHEREAS, the Planning Zoning and Design Board, sitting as the Local Planning Agency, reviewed this Ordinance at a duly noticed public hearing and recommended approval.

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

Section 1. Amending Section 2-302.A.4.

The Village Land Development Code is hereby amended as follows:

2-302. Planning Zoning and Design Board

A. Generally

* * *

4. The Chairperson or Co-Chairpersons, as desired by the Village Council, of the PZDB shall be appointed by the Village Council. Members of the PZDB shall annually elect during the first regularly scheduled meeting of each calendar year, a Vice-Chairperson from among its members if Co-Chairpersons were not appointed, and may create and fill other officers as the Board deems needed.

Section 2. Severability.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 3. Repeal.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the Village or any of its officials and in conflict with this Ordinance are hereby repealed to the extent inconsistent herewith.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon adoption at second reading.

PASSED on first reading this 2nd day of June, 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 16th day of June, 2021.

Attest:

By: _____
Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: _____
Katy Errington, Mayor

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor Errington	X	
Vice Mayor McLain	X	
Councilmember Ribble	X	
Councilmember Fiesel	X	
Councilmember Boesch	X	
Councilmember Ward	X	
Councilmember Wilson	X	

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2021 - 03

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPOINTING MEMBERS TO THE VILLAGE OF ESTERO PLANNING ZONING AND DESIGN BOARD; ESTABLISHING TERMS OF THE MEMBERS; APPOINTING CO-CHAIRS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance 2015-01, which was subsequently amended in Ordinance 2015-04, the Village of Estero Planning and Zoning Board and Design Review Boards were established; and

WHEREAS, the new Land Development Code adopted by the Council on January 27, 2021 established a Planning, Zoning and Design Board in lieu of two separate boards; and

WHEREAS, the Village Council has received applications from individuals desiring to be appointed to the Planning, Zoning and Design Board, as well as from existing members of both boards.

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

SECTION ONE. The following individuals are hereby appointed to the Village of Estero Planning, Zoning and Design Board with staggered terms as indicated**:**

BOARD MEMBER	TERM
1. Michael K Sheeley	5/1/2021 - 4/30/2024
2. Leonard E Scotty Wood, III	5/1/2021 - 4/30/2024
3. Marlene Naratil	5/1/2021 - 4/30/2024
4. James Tatooles	5/1/2021 - 4/30/2024
5. Anthony Gargano	5/1/2021 - 4/30/2024
6. Barry Jones	5/1/2021 - 4/30/2023
7. Jim Wallace	5/1/2021 - 4/30/2023
8. Kristin Jeannin	5/1/2021 - 4/30/2023

9. Howard Levitan 5/1/2021 - 4/30/2023

SECTION TWO. The Council appoints Howard Levitan and Leonard E Scotty Wood, III as the Co-Chairs of the Village of Estero Planning, Zoning and Design Board.

SECTION THREE. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 3rd day of March, 2021.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Bill Ribble, Mayor

Reviewed for legal sufficiency:

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

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

First Reading of Ordinance No. 2022-04 establishing a Community Development District for the Corkscrew Crossing Property

Motion to pass first reading of Ordinance No. 2022-04 and set second reading for July 6, 2022.

Background:

Florida law has established "Special Districts" which are units of government created for a special purpose. They can operate within a limited geographic boundary and are created by law, special act, local ordinance, rule of the Governor, and Cabinet, depending on the type of Special District.

These districts have a governing body with policy-making powers and provide essential governmental services and facilities. Special Districts are differentiated from local governments because they do not have all the powers of a city or county government.

Description:

The request to establish a Community Development District (CDD) for Corkscrew Crossing was filed by Lee County Home Associates IV, LLLP, the property owner. The 395-acre site is located on Corkscrew Road between Wildcat Run and The Preserve and Bella Terra. The Village approved a development for a single-family home subdivision on the site which is now under construction by GL homes.

The Petitioner for the CDD has asked for the following powers:

- Water
- Sewer
- Stormwater/Drainage
- Preserves/ Conservation Areas

The petitioner has also requested "additional powers":

- Security, such as guardhouses, fences, gates, electronic intrusion-detection systems and patrol cars, as described in F.S. 190.012(2).

The total estimated costs of this infrastructure are $8,460,943, which is paid by the property owners (not the Village).

Staff Analysis of Application:

The applicant's petition is attached. The petition contains the following as required by Section 190.005(2), *Florida Statutes*:

- A metes and bounds description of the external boundaries of the District.
- The written consent by the landowners of all real property in the District.
- A designation of five persons to serve as the initial members of the board of supervisors.
- The proposed name of the District.
- A map showing current major trunk water mains and sewer interceptors and outfalls.
- The proposed timetable for construction of the District services and their estimated cost.
- The Future Land use Map of the Comprehensive Plan for the area within the boundaries of the District.
- A statement of estimated regulatory costs.

Review Factors-

According to the statute, the Village must conduct a public hearing and consider certain review factors in making its determination to grant or deny the petition to establish a Community Development District. A description of the factors from the Statute and staff analysis is below.

1. *"Whether all statements contained within the petition have been found to be true and correct."*

   Staff has reviewed the petition and believes the information is correct. A Florida licensed attorney signed and submitted the petition. The petition includes a statement by the attorney for the petition certifying that the petition is true and correct.

2. *"Whether the establishment of the District is inconsistent with any applicable element or portion of the state comprehensive plan or the effective local government comprehensive plan."*

   The petition's description of the uses of land proposed for the area in the Comprehensive Plan are correct. The establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive

plan. The state comprehensive plan provides a policy in Section 187.201(20(b) 2, *Florida Statutes*, regarding governmental efficiency that allows the creation of Districts such as this CDD.

3. *"Whether the area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community."*

   The site is under development and is zoned Residential Planned Development. The boundary defines a compact area. The District has contiguity throughout and does not create enclaves or separate parcels.

4. *"Whether the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District."*

   The proposed method of financing and management appears suitable for delivering community services.

5. *"Whether the community development services and facilities of the District will be incompatible with the capacity and uses of existing local and regional community development services and facilities."*

   The Village's approval of land development on this site includes requirements for adequate community facilities concurrent with the impacts of development.

6. *"Whether the area that will be served by the District is amenable to separate Special-District Government."*

   The area of the District is amenable to a separate Special- District Government.

Recommendation:

Staff recommends granting the petition establishing the Corkscrew Crossing Community Development District, and consenting to the "additional power" of security. Staff further recommends that any and all agreements for the sale of property within the boundaries of the 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 Corkscrew Crossing Community Development District.

Action Requested:

Pass first reading of Ordinance No. 2022-04 and set second reading for July 6, 2022.

Process and Timeline:

Process for establishment of a district less than 2,500 acres in size per Florida Statute Chapter 190.005 is by Village ordinance.

- Petition filed by applicant on May 11, 2022
- Planning, Zoning and Design Board review is not required because this is not a land development ordinance.
- First reading June 15, 2022.
- Second reading and public hearing July 6, 2022.

Financial Impact:

No financial impact to Village.

A CDD serves a governmental purpose by financing, providing and maintaining certain basic infrastructure systems, facilities and services. Only property owners within the District are assessed through the District for these improvements within its boundaries. The District uses the assessments to pay debt and expenses.

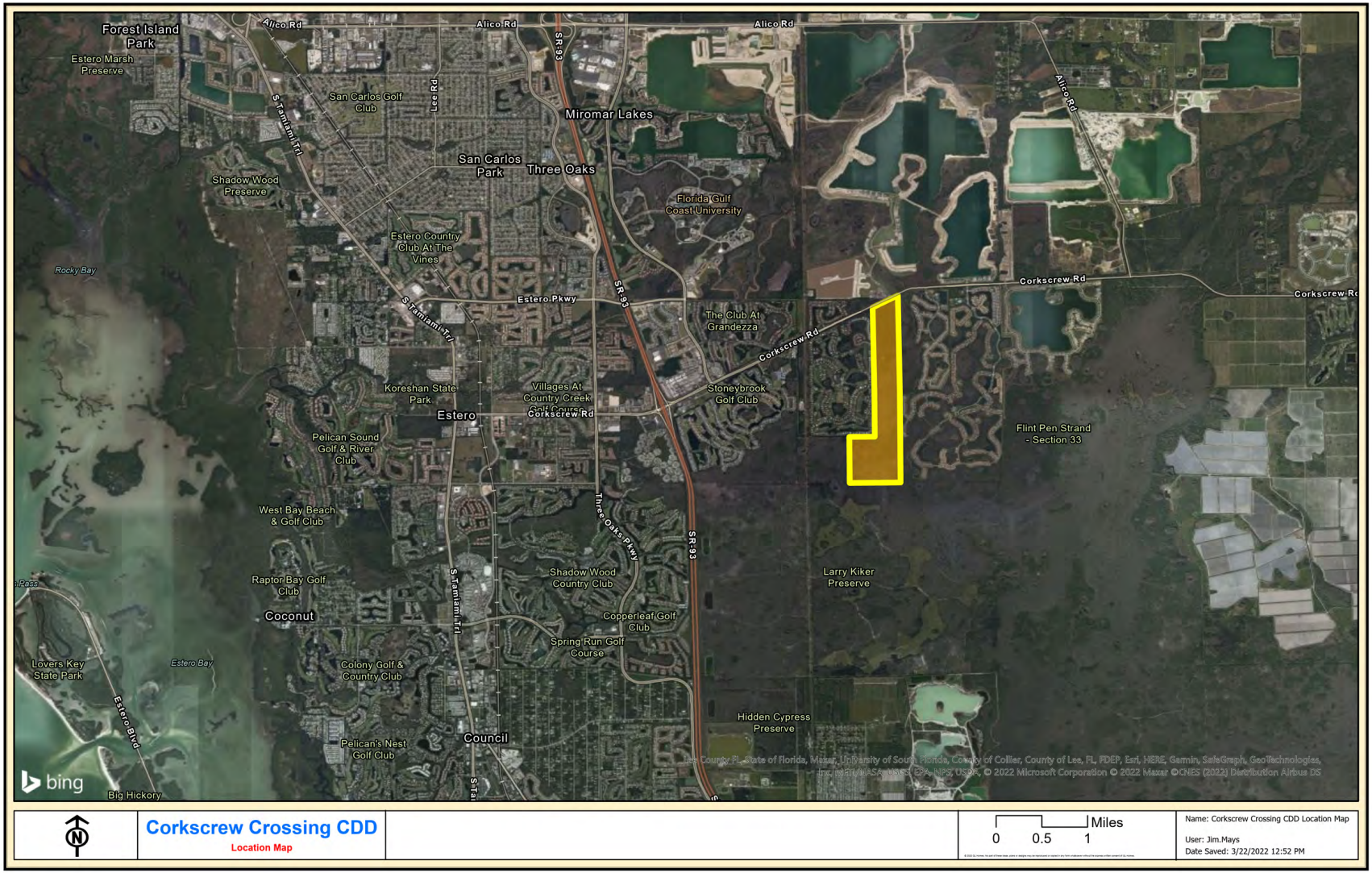
CDDs provide an alternative to an MTSU, property owners association, or city provided services. Estimated costs are $8 million for the infrastructure. The costs are paid by the property owners, not the Village.

Applicant is responsible for 4 weeks of newspaper advertisements required by statute and an application fee.

Prepared by: Mary Gibbs

Attachments:

1. Location Map
2. Ordinance No. 2022-04
3. Applicant's petition to Establish Corkscrew Crossing Community Development District


Forest Island Park
Estero Marsh Preserve
Alico Rd
Alico Rd
Alico Rd
SR-93
San Carlos Golf Club
Lee Rd
S Tamiami Trl
Miromar Lakes
San Carlos Park
Three Oaks
Shadow Wood Preserve
Florida Gulf Coast University
Estero Country Club At The Vines
Rocky Bay
Estero Pkwy
SR-93
Corkscrew Rd
The Club At Grandezza
Corkscrew Rd
Koreshan State Park
Villages At Country Creek Golf Course
Stoneybrook Golf Club
Estero
Corkscrew Rd
Flint Pen Strand - Section 33
Pelican Sound Golf & River Club
West Bay Beach & Golf Club
Three Oaks Pkwy
SR-93
Raptor Bay Golf Club
Shadow Wood Country Club
Larry Kiker Preserve
Coconut
Copperleaf Golf Club
Spring Run Golf Course
Lovers Key State Park
Estero Bay
Colony Golf & Country Club
Estero Blvd
Hidden Cypress Preserve
Pelican's Nest Golf Club
Council
Big Hickory
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Corkscrew Crossing CDD
Location Map
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Name: Corkscrew Crossing CDD Location Map
User: Jim.Mays
Date Saved: 3/22/2022 12:52 PM

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022-04

AN ORDINANCE ESTABLISHING CORKSCREW CROSSING COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190; PROVIDING FOR NOTICE TO SUBSEQUENT PURCHASERS; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Lee County Homes Associates IV, LLLP, a Florida limited liability limited partnership, has petitioned the Village Council of the Village of Estero, Florida to establish Corkscrew Crossing Community Development District; and

WHEREAS, the Village Council, 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 Section 190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.

2. The costs to the Village of Estero 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, Village of Estero 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, are 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.

3. Establishment of the proposed district, whose charter must be in accordance with the general law as set forth in Sections 190.006 -190.041, Florida Statutes, is not inconsistent with the local Comprehensive Plan of Village of Estero or the State Comprehensive Plan.

4. 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.

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

6. 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.

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

8. The proposed district, once established, may petition the Village Council for consent to exercise one or more of the powers granted by charter in Section 190.012(2), Florida Statutes.

9. Upon the effective date of this Ordinance, the proposed Corkscrew Crossing 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 Village of Estero 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.

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

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

Section One: District Name

The community development district herein established will be known as Corkscrew Crossing Community Development District.

Section Two: Authority For Ordinance

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing the Village of Estero ordinances.

Section Three: Establishment Of Community Development District

Corkscrew Crossing Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference.

Section Four: Designation Of Initial Board Members

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

1. N. Maria Menendez
   1600 Sawgrass Corporate Parkway, Suite 400
   Sunrise, Florida 33323

2. Larry Portnoy
   1600 Sawgrass Corporate Parkway, Suite 400
   Sunrise, Florida 33323

3. John Asher
   11809 Drake Lane
   Naples, Florida 34120

4. Richard Norwalk
   1600 Sawgrass Corporate Parkway, Suite 400
   Sunrise, Florida 33323

5. Craig Callis
   11809 Drake Lane
   Naples, Florida 34120

Section Five: Powers Of The District

The powers and functions of the Corkscrew Crossing Community Development District are described in Chapter 190, Florida Statutes. Consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for: (1) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, as authorized and described by Section 190.012(2)(d), Florida Statutes.

Section Six: Statutory Provisions Governing District

Corkscrew Crossing Community Development District will be governed by the provisions of Chapter 190, Florida Statutes.

Section Seven: Notice To Subsequent Purchasers

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

Section Eight: Modification

It is the intent of the Village Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Section Nine: 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 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 Ten: Effective Date

This Ordinance becomes effective upon adoption.

DULY PASSED ON FIRST READING this 15th day of June, 2022.

DULY PASSED AND ADOPTED BY THE VILLAGE COUNCIL ON SECOND READING AND PUBLIC HEARING this _____ day of _____, 2022.

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

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

Exhibit A: Legal Description

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTIONS 19, 30 AND 31, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID SECTION 31 SOUTH 89°16'01" WEST, A DISTANCE OF 2,632.34 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 31; THENCE ALONG SAID WEST LINE NORTH 00°33'14" WEST, A DISTANCE OF 2,654.44 FEET TO A POINT ON THE SOUTH LINE OF WILDCAT RUN, PLAT BOOK 36, PAGES 30 THROUGH 43, LEE COUNTY FLORIDA; THENCE ALONG SAID SOUTH LINE NORTH 89°25'55" EAST, A DISTANCE OF 1,316.52 FEET TO THE SOUTHEAST CORNER OF WILDCAT RUN, PLAT BOOK 36, PAGES 30 THROUGH 43, LEE COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF WILDCAT RUN, PLAT BOOK 36, PAGES 30 THROUGH 43, LEE COUNTY, FLORIDA FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES; NORTH 00°33'07" WEST, A DISTANCE OF 2,647.49 FEET; THENCE NORTH 01°12'26" WEST, A DISTANCE OF 4,789.01 FEET; THENCE NORTH 61°46'42" EAST, A DISTANCE OF 1,480.55 FEET TO THE NORTHWEST CORNER OF PRESERVE AT CORKSCREW, INSTRUMENT #2012000094503, LEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF PRESERVE AT CORKSCREW, INSTRUMENT #2012000094503, LEE COUNTY, FLORIDA SOUTH 01°10'12" EAST, A DISTANCE OF 190.04 FEET; THENCE CONTINUE ALONG SAID WEST LINE SOUTH 01°11'25" EAST, A DISTANCE OF 5284.15 FEET TO THE SOUTHWEST CORNER OF PRESERVE AT CORKSCREW, INSTRUMENT #2012000094503, LEE COUNTY, FLORIDA AND ALSO BEING THE NORTHWEST CORNER OF BELLA TERRA UNIT TWO, PLAT BOOK 81, PAGES 1 THROUGH 36, LEE COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE FOR THE REMAINING COURSES AND DISTANCES SOUTH 00°32'05" EAST, A DISTANCE OF 2,649.60 FEET; THENCE SOUTH 00°32'13" EAST, A DISTANCE OF 2,646.76 FEET TO THE POINT OF BEGINNING.

PROPERTY CONTAINING 395.6 ACRES, MORE OR LESS.

PETITION TO ESTABLISH CORKSCREW CROSSING COMMUNITY DEVELOPMENT DISTRICT

Submitted By: Jonathan T. Johnson
Florida Bar No. 986460
Jonathan.Johnson@Kutakrock.com
Alyssa Willson
Florida Bar No. 91352
Alysssa.Willson@Kutakrock.com
Kutak Rock LLP
107 West College Avenue
Tallahassee, Florida 32301
(850) 692-7300 (telephone)
(850) 692-7319 (facsimile)
Attorneys for Petitioner

BEFORE THE VILLAGE COUNCIL
VILLAGE OF ESTERO, FLORIDA

PETITION TO ESTABLISH CORKSCREW CROSSING COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Lee County Home Associates IV, LLLP (hereafter "Petitioner"), hereby petitions the Village Council of the Village of Estero pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, to establish a Community Development District with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within the Village of Estero, Florida. **Exhibit 1** depicts the general location of the proposed District. The proposed District covers approximately 395.6 acres of land, generally located south of Corkscrew Road, east of I-75, west of the Crew Wildlife and Environmental Area and north of the Larry Kiker Preserve. The metes and bounds description of the external boundaries of the proposed District is set forth in **Exhibit 2**.

2. Excluded Parcels. There is no land within the external boundaries of the proposed District, which is to be excluded from the District.

3. Landowner Consent. Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, *Florida Statutes*. Documentation of ownership and consent to the establishment of a community development district is contained in **Exhibit 3**.

4. Initial Board Members. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name: N. Maria Menendez
Address: 1600 Sawgrass Corporate Parkway, Suite 400
Sunrise, Florida 33323

Name: Larry Portnoy
Address: 1600 Sawgrass Corporate Parkway, Suite 400
Sunrise, Florida 33323

Name: John Asher
Address: 11809 Drake Lane
Naples, Florida 34120

Name: Richard Norwalk
Address: 1600 Sawgrass Corporate Parkway, Suite 400
Sunrise, Florida 33323

Name: Craig Callis
Address: 11809 Drake Lane
Naples, Florida 34120

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is Corkscrew Crossing Community Development District.

6. Future Land Uses. The existing land use map, as well as the future general distribution, location, and extent of the land uses proposed for the District by future land use plan element of the applicable Future Land Use Plan are attached at **Exhibit 4.** The proposed land uses for lands contained within the proposed District are consistent with the Village's approved Future Land Use Plan and approved for development pursuant to Village of Estero Ordinance Nos. 2019-24 and 2019-25.

7. Major Water and Wastewater Facilities and Outfalls. There are no existing major trunk water mains and wastewater interceptors within the currently undeveloped lands to be included within the proposed District. The major trunk water mains and sewer interceptors and

outfalls in the immediate vicinity of the District are depicted in **Exhibit 5. Exhibit 5** also shows the proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.

8. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and/or install, as well as the anticipated entity responsible for ownership and maintenance. The estimated costs of constructing the infrastructure serving land within the proposed District are also identified in **Exhibit 6**. At present, these improvements are estimated to be made, constructed and installed over the time period from 2022 through 2027. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, *Florida Statutes*. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agent. The Petitioner is authorized to do business in the State of Florida**.** The authorized agent for the Petitioner is Jonathan T. Johnson. **See Exhibit 8**. Copies of all correspondence and official notices should also be sent to:

Jonathan T. Johnson
Jonathan.johnson@kutakrock.com
Kutak Rock LLP
107 West College Avenue
Tallahassee, Florida 32301

11. This petition to establish Corkscrew Crossing Community Development District should be granted for the following reasons:

a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the local Comprehensive Plan.

b. The area of land within the proposed District is part of a planned community. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The establishment of the District will prevent the general body of taxpayers in the Village of Estero from bearing the burden for installation of the infrastructure and the maintenance of the above-described facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Village Council of the Village of Estero to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), *Florida Statutes*;

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes*;

c. consent to the District's exercise of certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Section 190.012(2), *Florida Statutes*, and

c. grant such other relief as appropriate.

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RESPECTFULLY SUBMITTED, this 10th day of May, 2022.

KUTAK ROCK LLP



Jonathan T. Johnson
Florida Bar No. 986460
Jonathan.Johnson@Kutakrock.com
Alyssa Willson
Florida Bar No. 91352
Alysssa.Willson@Kutakrock.com
107 West College Avenue
Tallahassee, Florida 32301
(850) 692-7300 (telephone)
(850) 692-7319 (facsimile)
Attorney for Petitioner

EXHIBIT 1

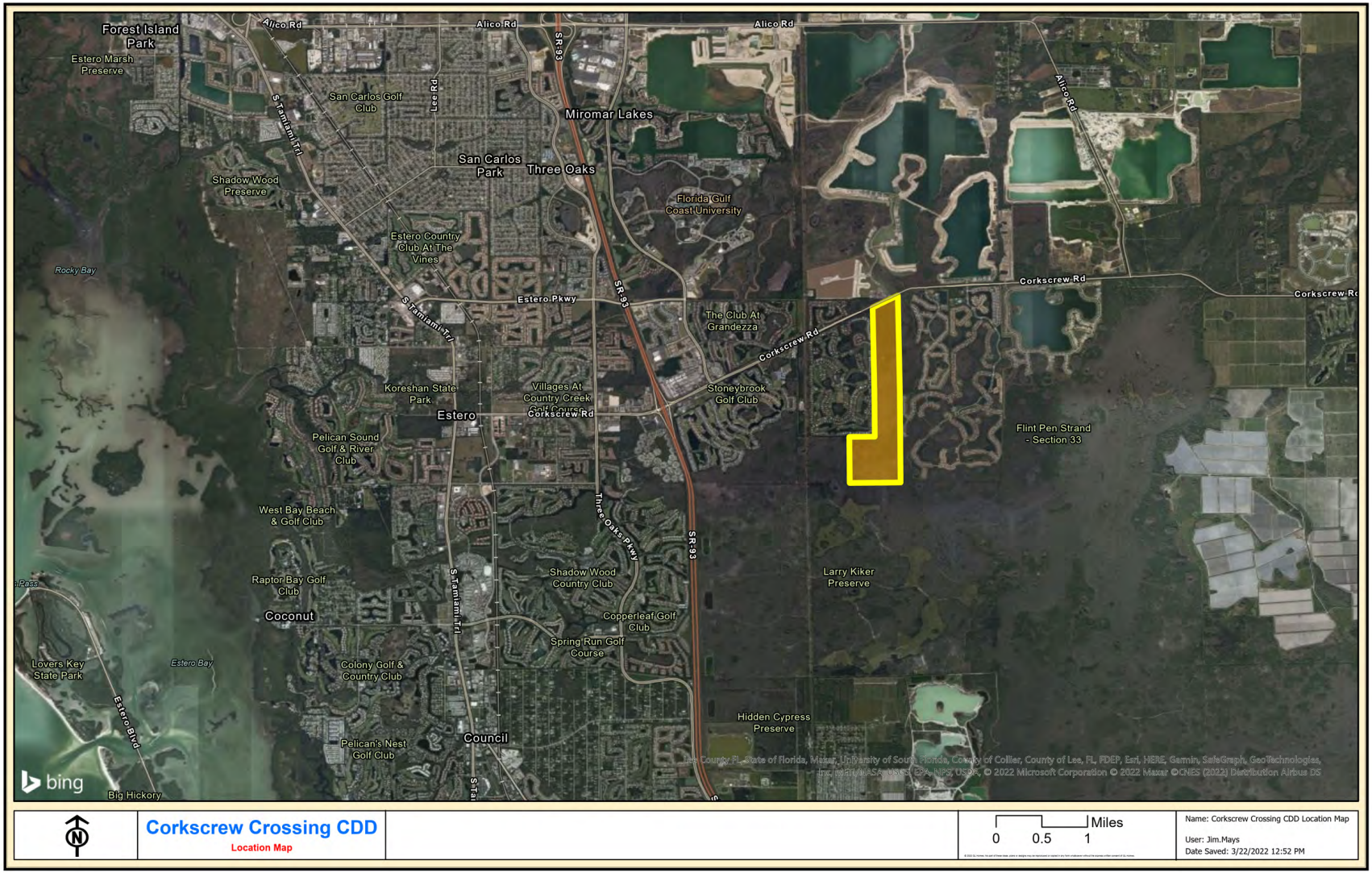

Forest Island Park
Estero Marsh Preserve
Alico Rd
Alico Rd
Alico Rd
SR-93
San Carlos Golf Club
Lee Rd
S Tamiami Trl
Miromar Lakes
San Carlos Park
Three Oaks
Shadow Wood Preserve
Florida Gulf Coast University
Estero Country Club At The Vines
Rocky Bay
Estero Pkwy
SR-93
Corkscrew Rd
The Club At Grandezza
Corkscrew Rd
Koreshan State Park
Villages At Country Creek Golf Course
Stoneybrook Golf Club
Estero
Corkscrew Rd
Flint Pen Strand - Section 33
Pelican Sound Golf & River Club
West Bay Beach & Golf Club
Three Oaks Pkwy
SR-93
Raptor Bay Golf Club
Shadow Wood Country Club
Larry Kiker Preserve
Coconut
S Tamiami Trl
Copperleaf Golf Club
Spring Run Golf Course
Lovers Key State Park
Estero Bay
Colony Golf & Country Club
Estero Blvd
Hidden Cypress Preserve
Pelican's Nest Golf Club
Council
Big Hickory
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Corkscrew Crossing CDD
Location Map
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Name: Corkscrew Crossing CDD Location Map
User: Jim.Mays
Date Saved: 3/22/2022 12:52 PM

EXHIBIT 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTIONS 19, 30 AND 31, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID SECTION 31 SOUTH 89°16'01" WEST, A DISTANCE OF 2,632.34 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 31; THENCE ALONG SAID WEST LINE NORTH 00°33'14" WEST, A DISTANCE OF 2,654.44 FEET TO A POINT ON THE SOUTH LINE OF WILDCAT RUN, PLAT BOOK 36, PAGES 30 THROUGH 43, LEE COUNTY FLORIDA; THENCE ALONG SAID SOUTH LINE NORTH 89°25'55" EAST, A DISTANCE OF 1,316.52 FEET TO THE SOUTHEAST CORNER OF WILDCAT RUN, PLAT BOOK 36, PAGES 30 THROUGH 43, LEE COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF WILDCAT RUN, PLAT BOOK 36, PAGES 30 THROUGH 43, LEE COUNTY, FLORIDA FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES; NORTH 00°33'07" WEST, A DISTANCE OF 2,647.49 FEET; THENCE NORTH 01°12'26" WEST, A DISTANCE OF 4,789.01 FEET; THENCE NORTH 61°46'42" EAST, A DISTANCE OF 1,480.55 FEET TO THE NORTHWEST CORNER OF PRESERVE AT CORKSCREW, INSTRUMENT #2012000094503, LEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF PRESERVE AT CORKSCREW, INSTRUMENT #2012000094503, LEE COUNTY, FLORIDA SOUTH 01°10'12" EAST, A DISTANCE OF 190.04 FEET; THENCE CONTINUE ALONG SAID WEST LINE SOUTH 01°11'25" EAST, A DISTANCE OF 5284.15 FEET TO THE SOUTHWEST CORNER OF PRESERVE AT CORKSCREW, INSTRUMENT #2012000094503, LEE COUNTY, FLORIDA AND ALSO BEING THE NORTHWEST CORNER OF BELLA TERRA UNIT TWO, PLAT BOOK 81, PAGES 1 THROUGH 36, LEE COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE FOR THE REMAINING COURSES AND DISTANCES SOUTH 00°32'05" EAST, A DISTANCE OF 2,649.60 FEET; THENCE SOUTH 00°32'13" EAST, A DISTANCE OF 2,646.76 FEET TO THE POINT OF BEGINNING.

PROPERTY CONTAINING 395.6 ACRES, MORE OR LESS.

EXHIBIT 3

CONSENT AND JOINDER TO ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("Property").

The undersigned understands and acknowledges that Lee County Home Associates IV, LLLP ("Petitioner") intends to submit an application to establish a community development district in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the community development district, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the community development district of one hundred percent (100%) of the owners of the lands to be included within the community development district.

The undersigned hereby consents to the establishment of the community development district which will include the Property within the lands to be a part of the community development district and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the community development district.

The undersigned acknowledges that the consent will remain in full force and effect until the community development district is established or a written revocation is issued, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to establishment of the community development district in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

[*signatures on following page*]

Executed this 23rd day of March, 2022.

WITNESSES:

Name: Clayton Ratliff

Name: Kandida Rinker Jollay

LEE COUNTY HOMES ASSOCIATES IV, LLLP,
a Florida limited liability limited partnership

By: Lee County Homes IV Corporation,
a Florida corporation, its general partner

By: _____
N. Maria Menendez, Vice President

STATE OF FLORIDA
COUNTY OF Broward

I hereby certify that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments, personally appeared N. Maria Menendez, as Vice President of Lee County Homes IV Corporation, general partner of Lee County Homes Associates IV, LLLP, who executed the foregoing instrument, acknowledged before me that she executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal this 23 day of March, 2022.

KANDIDA RINKER JOLLAY
Commission # GG 345725
Expires July 13, 2023
Bonded Thru Troy Fain Insurance 800-385-7019

Notary Public

Personally known: ✓
Produced Identification: _____
Type of Identification: _____

Exhibit A: Property Description

Exhibit A

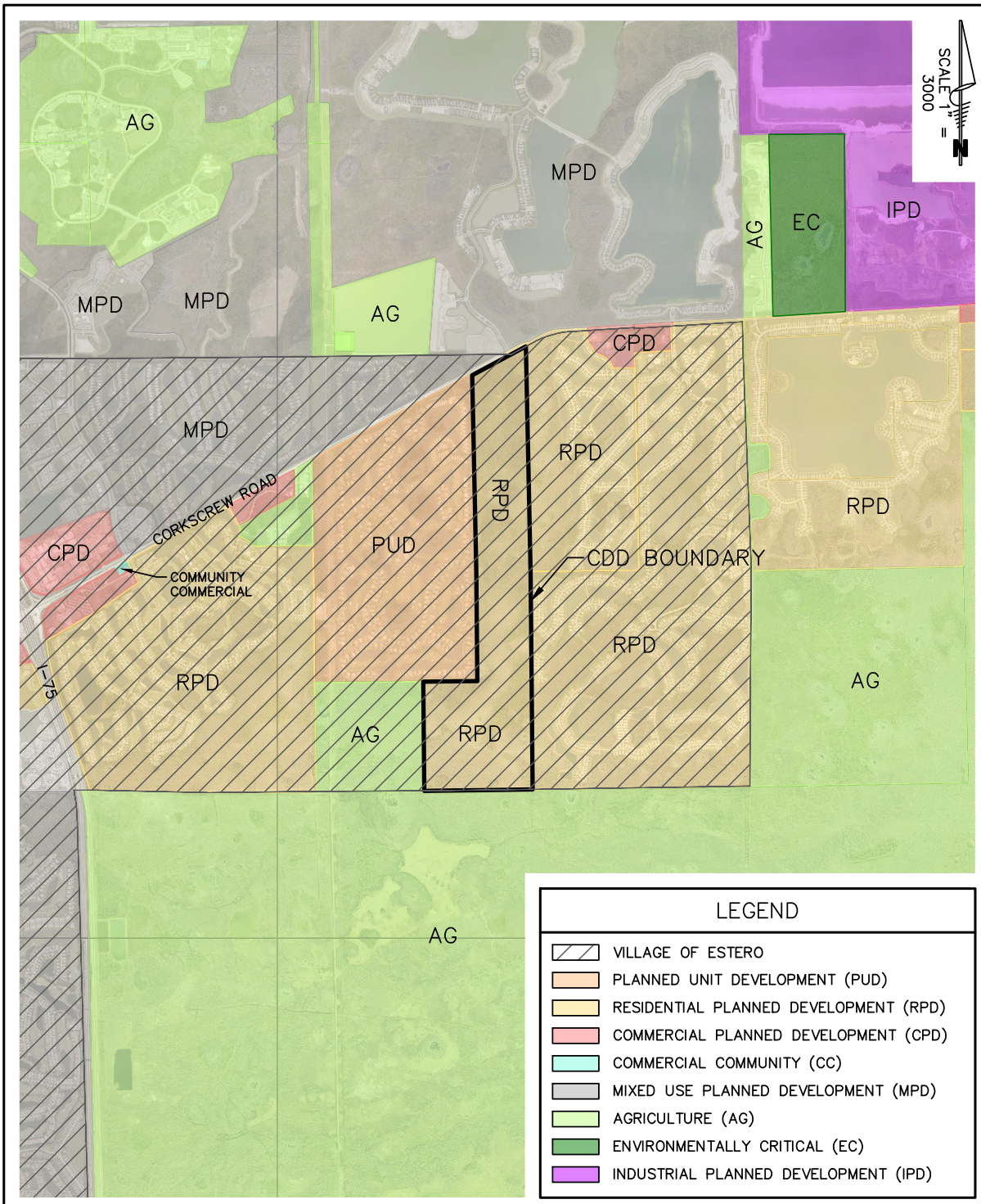
LEGAL DESCRIPTION

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PROPERTY CONTAINING 395.6 ACRES, MORE OR LESS.

EXHIBIT 4


SCALE 1" = 3000'
N
AG
MPD
MPD
MPD
AG
MPD
AG
EC
IPD
CPD
MPD
RPD
RPD
RPD
CORKSCREW ROAD
CPD
PUD
CDD BOUNDARY
COMMUNITY COMMERCIAL
RPD
RPD
I-75
AG
AG
RPD
AG
LEGEND
VILLAGE OF ESTERO
PLANNED UNIT DEVELOPMENT (PUD)
RESIDENTIAL PLANNED DEVELOPMENT (RPD)
COMMERCIAL PLANNED DEVELOPMENT (CPD)
COMMERCIAL COMMUNITY (CC)
MIXED USE PLANNED DEVELOPMENT (MPD)
AGRICULTURE (AG)
ENVIRONMENTALLY CRITICAL (EC)
INDUSTRIAL PLANNED DEVELOPMENT (IPD)
CORKSCREW CROSSING CDD
EXISTING LAND USE
2022/03/25
SHEET NO 1

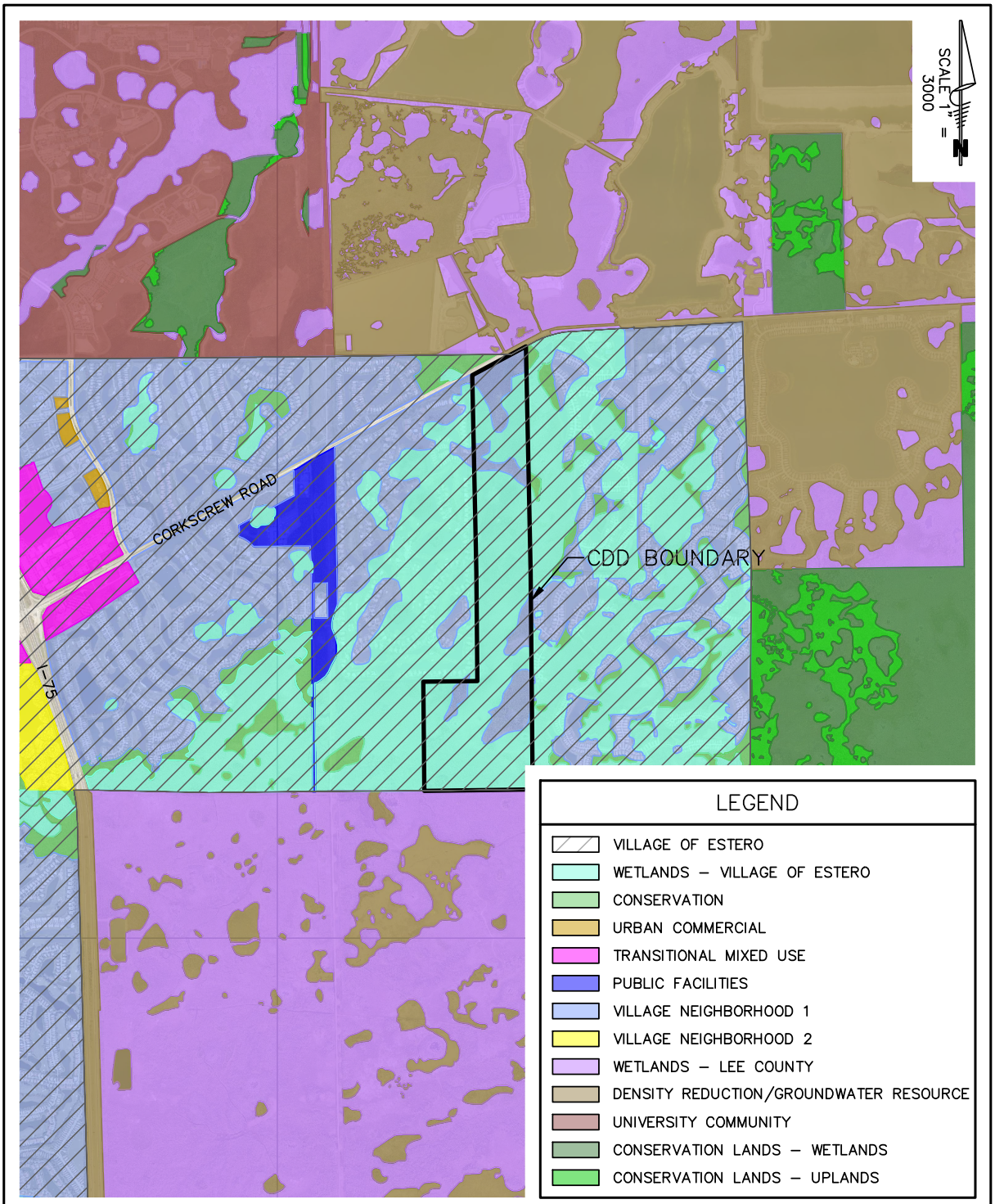
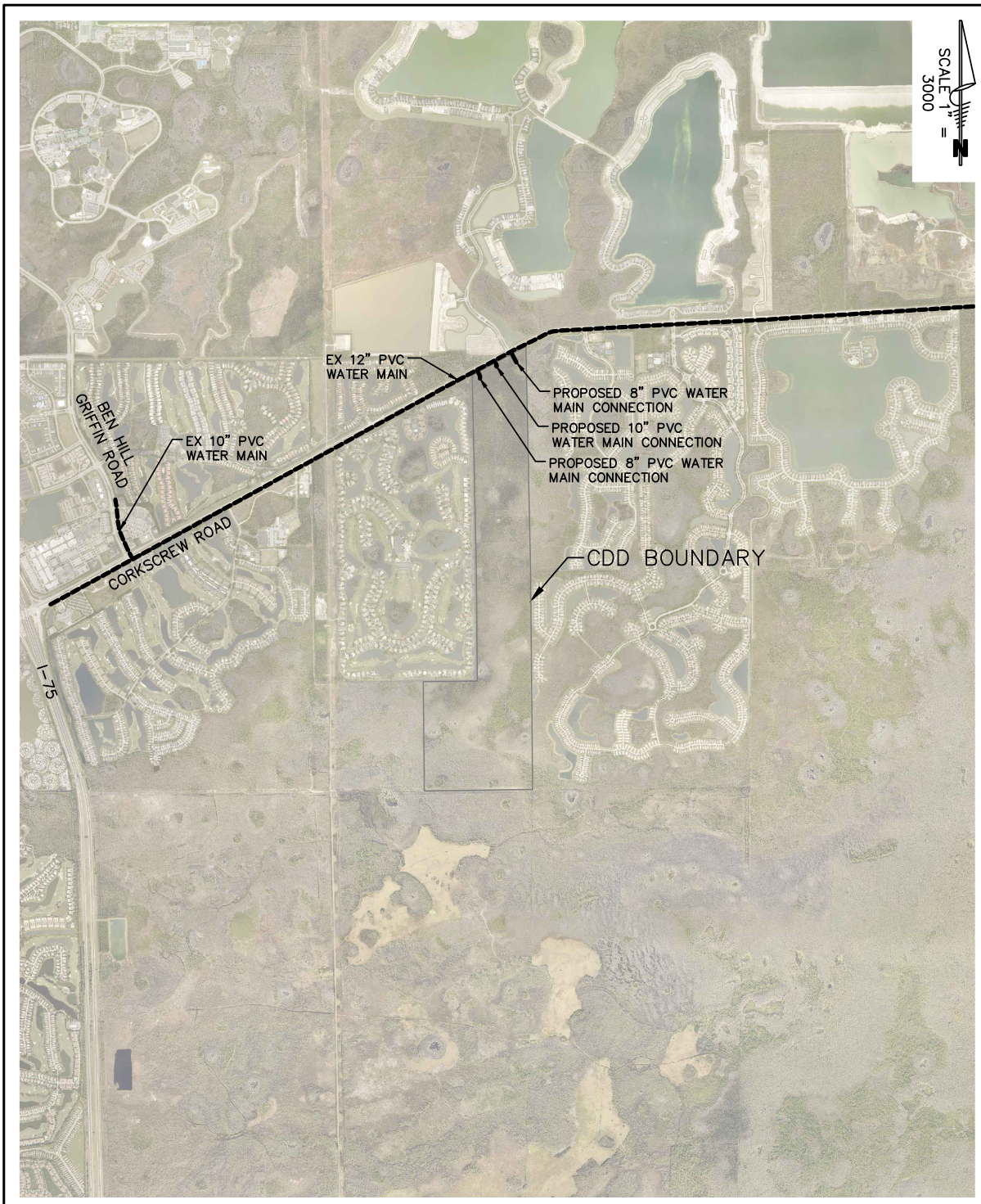
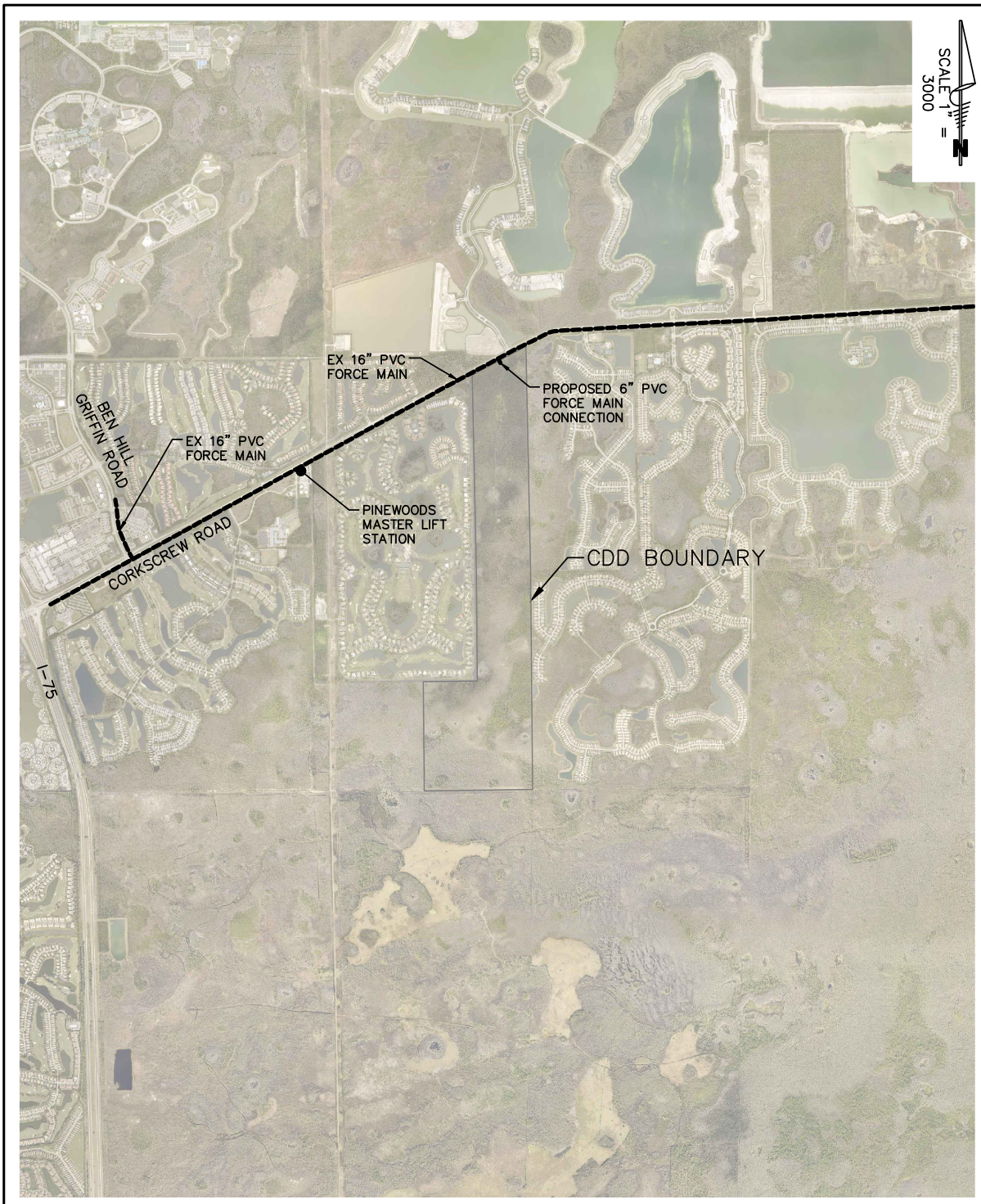

SCALE 1" = 3000
N
CORKSCREW ROAD
I-75
CDD BOUNDARY
LEGEND
VILLAGE OF ESTERO
WETLANDS – VILLAGE OF ESTERO
CONSERVATION
URBAN COMMERCIAL
TRANSITIONAL MIXED USE
PUBLIC FACILITIES
VILLAGE NEIGHBORHOOD 1
VILLAGE NEIGHBORHOOD 2
WETLANDS – LEE COUNTY
DENSITY REDUCTION/GROUNDWATER RESOURCE
UNIVERSITY COMMUNITY
CONSERVATION LANDS – WETLANDS
CONSERVATION LANDS – UPLANDS
CORKSCREW CROSSING CDD
FUTURE LAND USE MAP
2022/03/25
SHEET NO 1

EXHIBIT 5



CORKSCREW CROSSING CDD	MAJOR WATER MAINS	
	2022/04/18	SHEET NO 1



CORKSCREW CROSSING CDD	MAJOR SEWER MAINS	
	2022/04/18	SHEET NO 1

EXHIBIT 6

Corkscrew Crossing Community Development District

Proposed Facilities and Services

Improvement Category	Financing Entity	Ownership Entity	Maintenance Entity
Water Utilities	CDD	Lee County	Lee County
Sewer Utilities	CDD	Lee County	Lee County
Stormwater/Drainage	CDD	CDD	CDD
Preserves/Conservation Areas	CDD	CDD	CDD

Estimated Costs and Timeline

Improvement Category	Proposed CDD Cost
Water Utilities	$795,000
Sewer Utilities	$2,097,000
Stormwater/Drainage	$4,660,207
Preserves/Conservation Areas	$908,736
Total Estimated Costs	**$8,460,943**

Improvements are assumed to be made, acquired, constructed and/or installed from 2022 through 2027.

EXHIBIT 7

EXHIBIT 7

CORKSCREW CROSSING
COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

April 21, 2022

Prepared by

Special District Services, Inc.
2501A Burns Road
Palm Beach Gardens, Florida 33410
(561) 630-4922

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Corkscrew Crossing Community Development District ("District"). The District comprises approximately 395.6 acres of land located in the Village of Estero ("Village"), in Lee County, Florida ("County"). The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), F.S. (governing District establishment) as follows:

> "That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

1.2 Overview of Corkscrew Crossing Community Development District

The District is designed to provide district infrastructure, services, and facilities along with their operations and maintenance to a master planned development containing approximately 395.6 acres within the boundaries of the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (2022), defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of $1 million in the aggregate within 5 years after the implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of $1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any transactional costs, in excess of $1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

"Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2) (a), Florida Statutes."

2.0 An economic analysis of potential impacts on growth, business competitiveness or increased regulatory costs, in excess of $1 million within the next 5 years.

It is unlikely that the establishment of the District will meet any of the adverse triggers referenced in Section 120.541(2)(a), Florida Statutes. The basis for this determination is that this Petition to establish the District is for the sole purpose of providing public infrastructure for the development of the development project, which has already been vetted by the Village during the review process and subsequently approved by the Village Commission. Additional support of this determination is provided in the discussions in Section 3.0 through Section 6.0 herein.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

The District serves land that comprises a 395.6-acre residential development to be made up of an estimated 554 residential dwelling units. The estimated population of the District is 1,662 (3 per household). The property owners in the District will be individuals that may operate industrial, manufacturing and other retail and non-retail related businesses outside the boundaries of the District.

4.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

There is no state agency promulgating any rule relating to this project that is anticipated to affect state or local revenues.

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

Because the results of adopting the ordinance is establishment of a local special purpose government, there will be no enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

State Governmental Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District. The District as established on the proposed land, will encompass under 2,500 acres, therefore, the Village is the establishing entity under 190.005(2), F.S. The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.412, F.S., the District must pay an annual fee to the State of Florida Department of Economic Development, which offsets such costs.

Village of Estero

There will be only modest costs to the Village for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, the Village already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, the Village routinely process similar petitions though for entirely different subjects, for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to the Village because of the establishment of the District are also very small. The District is an independent unit of local government. The only annual costs the Village faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the Village, or any monitoring expenses the Village may incur if it establishes a monitoring program for this District.

4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any other units of local government. In accordance with State law, debts of the District are strictly its own responsibility.

5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

The Petitioner has estimated the costs for providing the capital facilities to be approximately $8,460,943. The District may issue special assessment bonds to fund all or a portion of the costs of these facilities. These bonds would be repaid through the levy of non-ad valorem special assessments.

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

Furthermore, locating in the District by new property owners is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non-ad valorem special assessments by various names and user fees as a tradeoff for the benefits and facilities that the District provides.

A Community Development District ("CDD") provides property owners with the option of having higher levels of facilities and services financed through self-imposed assessments. The District is an alternative means to manage necessary development services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a property association, Village provision, or through developer equity and/or bank loans.

In considering these costs, it shall be noted that owners of the lands to be included within the District will receive three major classes of benefits. First, landowners in the District will receive a higher long-term sustained level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, and it assures that growth pays for

itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting, to determine the type, quality and expense of District services they receive, provided they meet the Village's overall requirements.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative management mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high-quality infrastructure provided by the District is likely to be fairly low.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

Approval of the District will have positive impacts on small business as defined in Chapter 288.703 (1), F. S. These positive impacts will result because the additional population in the District will require goods and services from small businesses. These services can be provided by the small businesses that currently serve the general area. Additional opportunities will also be created for new businesses to be formed or relocate to the area. No negative impacts have been identified for small businesses as defined.

The Village has an estimated population in 2020 that is greater than 10,000; therefore the Village is not defined as a *"small" City* according to Section 120.52, F.S, and there will accordingly be no impact on a small City because of the formation of the District.

7.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

APPENDIX A
LIST OF REPORTING REQUIREMENTS

REPORT	FL. STATUTE CITATION	DUE DATE
Annual Financial Audit	190.008/218.32	within 45 days of audit completion, but no later than 9 months after end of fiscal year
Annual Financial Report	190.008/218.32	within 45 days of financial audit completion, but no later than 12 months after end of fiscal year; if no audit required, no later than 9 months after the end of the fiscal year
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1: Statement of Financial	112.3145	within 30 days of accepting interest the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.08	within one year of special district's creation; then annual notice of any changes; and updated report every 7 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.015	quarterly, semiannually, or annually
Bond Report	218.38	within 120 days after the sale of bonds
Registered Agent	189.014	within 30 days after first meeting of governing board
Proposed Budget	190.008	annually by 6/15
Adopted Budget	190.008	annually by 10/1
Public Depositor Report	280.17	annually by 11/30

Notice of Establishment	190.0485	within 30 days of the effective date of an ordinance establishing the CDD
Notice/Disclosure of Public Financing	190.009	after the sale of bonds

EXHIBIT 8

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jonathan T. Johnson and Alyssa C. Willson of Kutak Rock LLP, to act as agent for Lee County Home Associates IV, LLLP with regard to any and all matters pertaining to the petition to the Village of Estero to establish a Community Development District pursuant to Chapter 190, *Florida Statutes*. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

WITNESSES:

Name: Clayton Ratliff

Name: Kandida Rinker Jollay

LEE COUNTY HOMES ASSOCIATES IV, LLLP,
a Florida limited liability limited partnership

By: Lee County Homes IV Corporation,
a Florida corporation, its general partner

By: N. Maria Menendez, Vice President

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23rd day of March, 2022, N. Maria Menendez, as Vice President of Lee County Homes IV Corporation, general partner of Lee County Homes Associates IV, LLLP, who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Name: Kandida Rinker Jollay
(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

KANDIDA RINKER JOLLAY
Commission # GG 345725
Expires July 13, 2023
Bonded Thru Troy Fain Insurance 800-365-7019

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

Second Reading of Ordinance 2022-02 for Miromar Outlets Signage

Motion to adopt Ordinance 2022-02

Background:

Miromar Outlets filed an amendment to its zoning (Case No. DCI2021-E002) to amend a "deviation" to replace four project identification signs with four new signs. Miromar Outlets is located at the northeast corner of Corkscrew Road and I-75.

At the first reading on May 4th, the Council asked that the applicant clarify several items at the second reading. These items include:

- Explain how the sign design ties into the architecture and colors of the buildings in the Center.
- Explain the artistic elements of the sign.
- Explain if other design options were considered and can these options be shown to Council.
- Will this create a precedent for future applicants?

Description:

See attached staff report for detail.

Action Requested:

Motion to adopt Ordinance 2022-02

Process and Timeline:

- 1st Reading May 4, 2022
- 2nd Reading scheduled for May 18, 2022 was continued to June 15, 2022 at the applicant's request.

Financial Impact:

N/A

Prepared by: Mary Gibbs

Attachments:

1. Ordinance 2022-02
2. Zoning Staff Report
3. Power Point

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022-02

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, CONSIDERING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT, SPECIFICALLY DEVIATION 3, FOR REPLACEMENT SIGNAGE FOR MIROMAR OUTLETS PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF I-75 AND CORKSCREW ROAD, CONSISTING OF APPROXIMATELY 75 ACRES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, MIROMAR OUTLETS WEST LLC represented by Paula McMichael, Hole Montes, Inc. (the "Applicant"), filed an application for an amendment to the Commercial Planned Development (CPD) for a property located at 10801 Corkscrew Road, and known as **Miromar Outlets**, Estero, FL, consisting of approximately 75 acres (the "Property"); and

WHEREAS, the Property STRAP numbers are 25-46-25-E4-270M6.0010; 26-46-25-E3-2700A.0000; 26-46-25-E3-270M1.0000; and

WHEREAS, the legal description is:

> Miromar Factory Outlet, located in a portion of Sections 25, 26 and 35, Township 46 South, Range 25 East, Lee County, Florida, according to the plat thereof on file and recorded in Plat Book 72, Pages 41 to 50, of the public records of Lee County, Florida.

WHEREAS, the property was rezoned to CPD in Lee County Resolution Z-95-094 which approved a deviation to project signage; and

WHEREAS, the Applicant requested an amendment to the Commercial Planned Development District (CPD) Deviation 3, (Case number DCI2021-E002); and

WHEREAS, the Applicant is requesting to replace four project identification signs with four new signs; and

WHEREAS, the applicant requests modifications to the deviation for four replacement signs; and

WHEREAS, a noticed public information meeting was held on July 13, 2021 at the Planning, Zoning and Design Board; and

WHEREAS, at a duly noticed public hearing held on April 12, 2022, the Planning, Zoning and Design Board vote resulted in a 4-4 tie on a motion to approve, resulting in no recommendation for approval; and

WHEREAS, a duly noticed first reading was held before the Village Council on May 4, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on June 15, 2022, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the action of the Planning, Zoning and Design Board and the comments of the public.

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

Section 1. Rezoning.

The Village Council approves with conditions/disapproves the rezoning amendment to revise Deviation 3 of Resolution Z-95-094 for four project identification signs subject to the following conditions.

Section 2. Conditions.

1. This Amendment applies only to the deviation for the four project identification signs. All other conditions of Resolution Z-95-094 and prior zoning resolutions applicable to the property remain in full force and effect.

2. Development of this project must be consistent with the Miromar Outlet Sign Package Pattern Book dated April 25, 2022.

3. Deviation 3 of Zoning Resolution Z-05-094, Relief from LDC Section 30-153(2)a, Identification Sign, is amended to allow the following: (The language below replaces Deviation 3 language in Resolution Z-95-094 and the Deviation 3 language on the Master Concept Plan.)

    a. Three on-site identification signs, 26 feet in height, copy area not to exceed 200 square feet per sign. Minimum setback from road right-of-way is 15 feet on Ben Hill Griffin Parkway and 0 feet from Corkscrew Road.

    b. One on-site identification sign, 78 feet in height, located a minimum of 15 feet from the road right-of-way. Copy area not to exceed 500 square feet and minimum setback from I-75 is 15 feet.

c. Signs must be consistent with the Pattern Book and compatible with the outlet mall's architecture.

d. This deviation is approved with the condition that the signs are restricted to the display of the name of the outlet mall.

Section 4. Findings and Conclusions.

Based upon an analysis of the application and the standards for approval in the Land Development Code, and the conditions of approval, the Council finds and concludes as follows:

The Deviation as revised:

1. Will/will not improve the quality of the proposed development under review;
2. Will/will not preserve and promote the general intent of the LDC to protect the public health, safety and welfare;
3. Will/will not be compatible with uses on surrounding property; and
4. Will/will not create an undue burden on essential public facilities.

Section 5. Exhibit.

The following exhibit is attached to this Ordinance and incorporated by reference:

Exhibit A: Sign Package Pattern Book titled "Miromar Outlet Sign Amendment" dated April 25, 2022.

Section 6. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance after its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 4th day of May, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this 15th day of June, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

Miromar Outlets Sign Amendment

Zoning Staff Report

for

Village Council

2nd Reading June 15, 2022

PROJECT NAME:	**Miromar Outlets Sign Amendment**
CASE TYPE:	**Amendment to Commercial Planned Development**
CASE NUMBER:	**DCI2021-E002**
PLANNING, ZONING AND DESIGN BOARD MEETING:	**April 12, 2022**
VILLAGE COUNCIL:	**1st Reading May 4, 2022; 2nd Reading June 15, 2022**

SUMMARY OF REQUEST

Miromar Outlets is requesting an amendment to a deviation approved in its Commercial Planned Development zoning to replace four project identification signs. The signs are located on Corkscrew Road, I-75 and Ben Hill Griffin Parkway. The replacement signs will change the signs' style and color, height, setbacks, and locations. Miromar Outlets is located at the northeast quadrant of I-75 and Corkscrew Road.

STAFF RECOMMENDATION

The Planning, Zoning and Design Board reviewed the request at its meeting on April 12, 2022 which resulted in two tie votes (4-4) on motions to approve. As a result, the Board did not make a recommendation to approve the amendments. Staff had not recommended approval, as the sign design is dissimilar to the center's architecture and not consistent with the Land Development Code. Staff did not object to the height and setback requests. If the Council wishes to approve the request, staff has included conditions of approval in Ordinance 2022-02.

GENERAL INFORMATION

Applicant
Miromar Outlet West, LLC

Authorized Agent
Hole Montes, Inc, Paula McMichael, AICP

Location
10801 Corkscrew Road, Northeast Quadrant of I-75 and Corkscrew Road

STRAP Numbers
25-46-25-E4-270M6.0010; 26-46-25-E3-2700A.0000; 26-46-25-E3-270M1.0000

Size of Property
75 acres

Surrounding Zoning and Land Use
North MPD/Transitional Mixed Use – Stormwater Management Lake; multi-family residential; commercial (Hertz Arena)

East MPD/Village Neighborhood 1 – Ben Hill Griffin Parkway and Commercial (Publix Shopping Plaza)

South CPD/Transitional Mixed Use – Corkscrew Road then Commercial (Miromar Design Center)

West CPD/Transitional Mixed Use – I-75; then Estero Interstate Commerce Park commercial subdivision.

Public Information Meeting
A Public Information Meeting was held at the Planning, Zoning, and Design Board on July 13, 2021.

Zoning
Commercial Planned Development (CPD)

The property is part of the Timberland and Tiburon Development of Regional Impact (DRI), a 921-acre mixed use project that includes the Miromar Outlets as well as the Hertz Arena, Grande Oak Shoppes, University Highlands, Tidewater, and Grandezza neighborhoods. The DRI was approved in 1985. The rezoning for the shopping area was not approved at that time because it was considered premature.

Lee County Resolution Z-95-094 approved the CPD in 1996, allowing a maximum of 700,000 square feet of commercial uses for a regional open-air shopping mall. The zoning also approved a deviation for signage at the shopping mall, or what is referred to as the “Sign Package”.

Comprehensive Plan Land Use Category
Transitional Mixed Use

STAFF ANALYSIS

Request
Amendment to Deviation 3 of Resolution Z-95-094 approved by Lee County to allow for replacement of four project identification signs at Miromar Outlets with more modern signage design. The existing signs are approximately 20 years old. The amendment includes changes to

increase sign height, reduce sign setbacks, and minor changes to sign locations. The replacement signs are a new design with colorful “ribbons” and internal illumination.

When Lee County approved the zoning for the shopping center, there were several deviations, including Deviation 3 which allowed four project identification signs at the project entrances and along I-75:

- Interstate I-75 – 75-foot-tall sign;
- Corkscrew Road – 25-foot-tall sign; and
- Ben Hill Griffin Parkway – two 25-foot-tall signs.

The deviation specified sign height and setbacks, and the associated Master Concept Plan included details such as:

- Copy area and dimensions.
- A statement that “Sign colors, textures and finishes to compliment the centers’ architecture.”
- A statement that “Signs shall be tastefully designed and compatible with centers’ architecture so as to be aesthetically pleasing. Signs shall be designed and located in a manner that facilitates easy legibility by the traveler. All outparcel signs shall be coordinated so as to give the center a fully integrated and well-designed look. Sign maintenance by the respective property or facility owner(s) is mandatory. “

The location of the proposed 4 signs is shown on Attachment A. Proposed changes to the signs are shown in the table below which compares the height, setbacks, sign copy area, and dimensions:

Sign Number Location	Existing / Proposed Sign Height	Existing / Proposed Setback	Existing / Proposed Copy Area	Existing / Proposed Copy Dimensions
#1 - I-75	75 ft / 78 ft	15 ft / 15 ft	500 sq ft / 500 sq ft	22’ x 22’ / 37’10” x 11’7.75”
#2 Ben Hill Griffin North	25 ft /26 ft	20 ft / 15 ft	200 sq ft / 200 sq ft	14’ x 14’ / 13’9” x 4’3”
#3 Ben Hill Griffin South	25 ft / 26 ft	20 ft / 15 ft	200 sq ft / 200 sq ft	14’ x 14’ / 13’9” x 4’3”
#4 Corkscrew Rd	25 ft / 26 ft	20 ft / 0 ft	200 sq ft / 200 sq ft	14’ x 14’ / 13’9” x 4’3”

The replacement of the project identification signs includes a redesign from the current earth-tone color and Mediterranean style, which is consistent with the architecture of the center, to a more modern style with multicolored “ribbons” as part of the structure. The current signs are considered pylon signs which are freestanding signs usually supported by either one or two poles. The sign face and pylon (support arm or ‘ribbons’ in the proposed design) are proposed to be internally lit with LED lights, similar to the sign face.

The applicant requests the proposed changes due to the age of the existing signs, growth of vegetation which obscures the view of the signs, and a desire for a ‘more modern, artistic design that will enhance the streetscape.’ According to the applicant, the redesign necessitates the additional height to accommodate the ornamentation and, together with the relocation and reduction of the setbacks, will make the signs more visible for travelers along I-75, Corkscrew Road, and Ben Hill Griffin Parkway.

Sign Package Pattern Book
The application includes a Sign Package Pattern Book that provides sign locations, visibility triangle information, as well as graphics to depict the proposed appearance of the signs. The sign face and pylon (support arm or 'ribbons') are proposed to be lit internally with LED bulbs.

Sign #1, along I-75, is proposed to be moved slightly north of the current location with a minor increase in height from 75 to 78 feet. The setback from I-75 would not change.

The two signs (#2 and #3) on Ben Hill Griffin Parkway are proposed to be relocated to increase visibility at the entrances. Signs #2 and #3 would move from the south side of the entry to the north side. The height is proposed to increase from 25 to 26 feet and the setbacks would decrease from 20 feet to 15 feet.

Sign #4, on Corkscrew Road, would increase height of the sign from 25 to 26 feet and decrease the setback to 0 feet from the right-of-way. The reduction in the setback would increase visibility of the sign.

The changes, including relocation and setback reductions, will allow better visibility of the signage according to the applicant. Some of the signs are partially obscured by vegetation. The proposed increase in height for the four signs is requested to accommodate the new design.

Land Development Code and Comprehensive Plan Considerations
Chapter 6, Signage, of the Land Development Code (LDC) includes regulations for allowed signs, signs requiring a permit, and signs that are prohibited. The LDC also regulates aesthetics of signs to promote the general welfare, enhance property values, and create a more attractive business climate in the Village.

Section 6-104.B.21 of the LDC generally prohibits pylon signs (freestanding signs usually supported by either one or two poles) as stated below:

> **Prohibited Signs -**
> *"Pylon signs, except as approved within a DRI by planned development zoning resolution adopted by Lee County prior to June 24, 2003."*

As stated earlier, the CPD was approved in 1996 and is part of the Timberland and Tiburon DRI which was approved in 1985 as part of the zoning, Deviation 3.

Current sign regulations also include minimum setbacks (15 feet from right-of-way) and maximum height (17 feet for monument signs). The regulations also include aesthetics, Table 6-301.C.1, Permanent Signs in Commercial and Mixed-Use Development, states in general the requirement that "All signs shall match the architectural style of the building or development to which they relate." Staff does not recommend approval as they believe that the new sign design does not match the architectural style of the development and is not consistent with the LDC.

The relocation and reduction in the setbacks could allow better visibility of the signs. Staff does not object to these modifications.

Miromar Outlets is in the Transitional Mixed Use Future Land Use category of the Comprehensive Plan. Regional scale commercial uses are appropriate within this category. Other relevant standards include Commercial Development Standards in FLU-1.10.2. such as providing visual harmony and limiting the number and size of signs.

Visual Harmony can be a somewhat subjective determination. The applicant believes that the updated signs are consistent with the color scheme found throughout the center and that the signs have an artistic element. The applicant has also pointed out that the nearby developments' signage (many approved by Lee County) are less attractive or more intensive than what Miromar is requesting (Hertz Arena for example).

DEVIATION STANDARDS FOR VILLAGE COUNCIL DECISION

In reaching a decision, the Village Council shall consider whether the proposed deviation will or will not:

1. Improve the quality of the proposed development under review;
2. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare;
3. Be compatible with uses on surrounding property; and
4. Create an undue burden on essential public facilities.

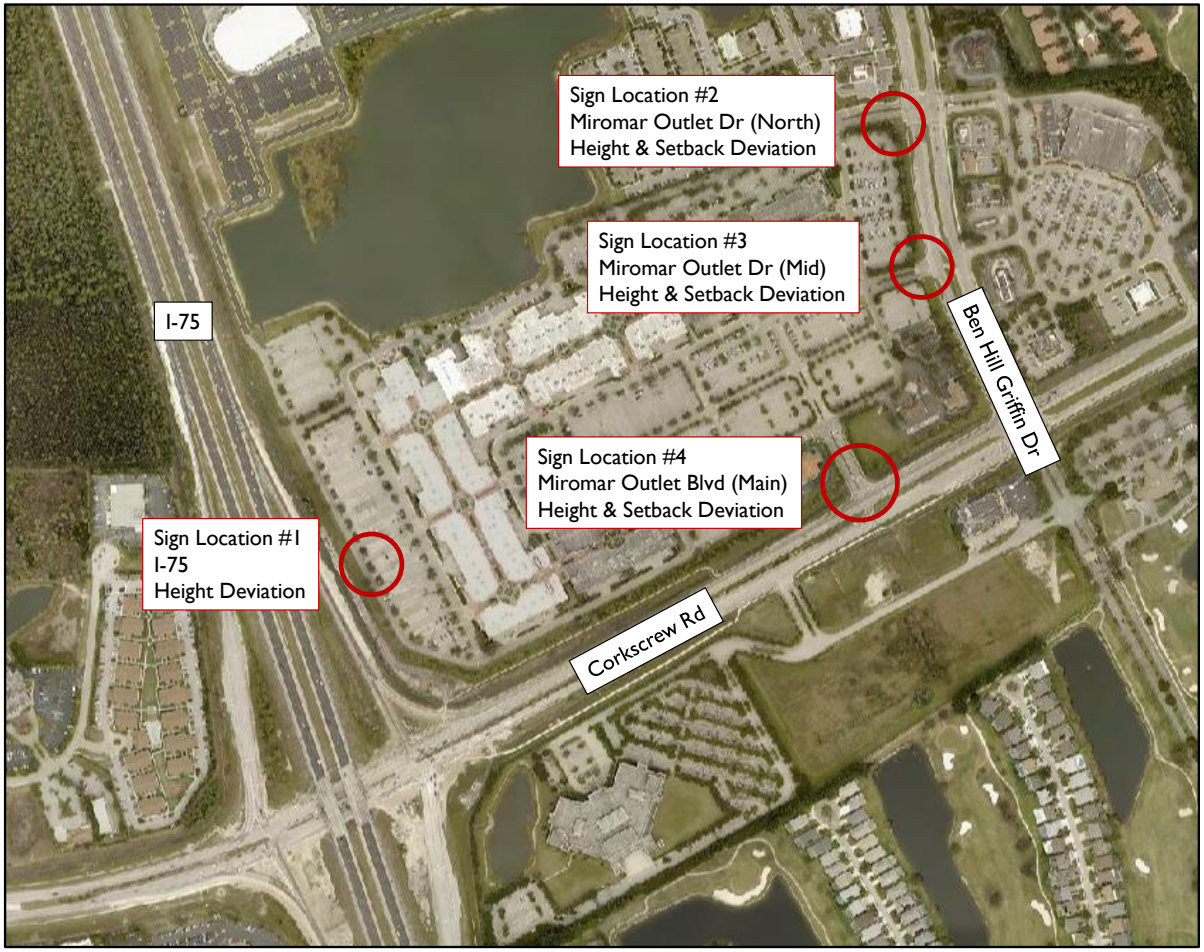
If Council wishes to approve the signs, staff recommends the conditions in Ordinance 2022-02. Depending on the Council's motion, the Ordinance language may need to be revised.

ATTACHMENTS:

A. Sign Location Map
B. Sign Comparison
C. Applicant Project Description
D. Master Concept Plan
E. Sign Package Pattern Book
F. Applicant's "8-Day Letter"

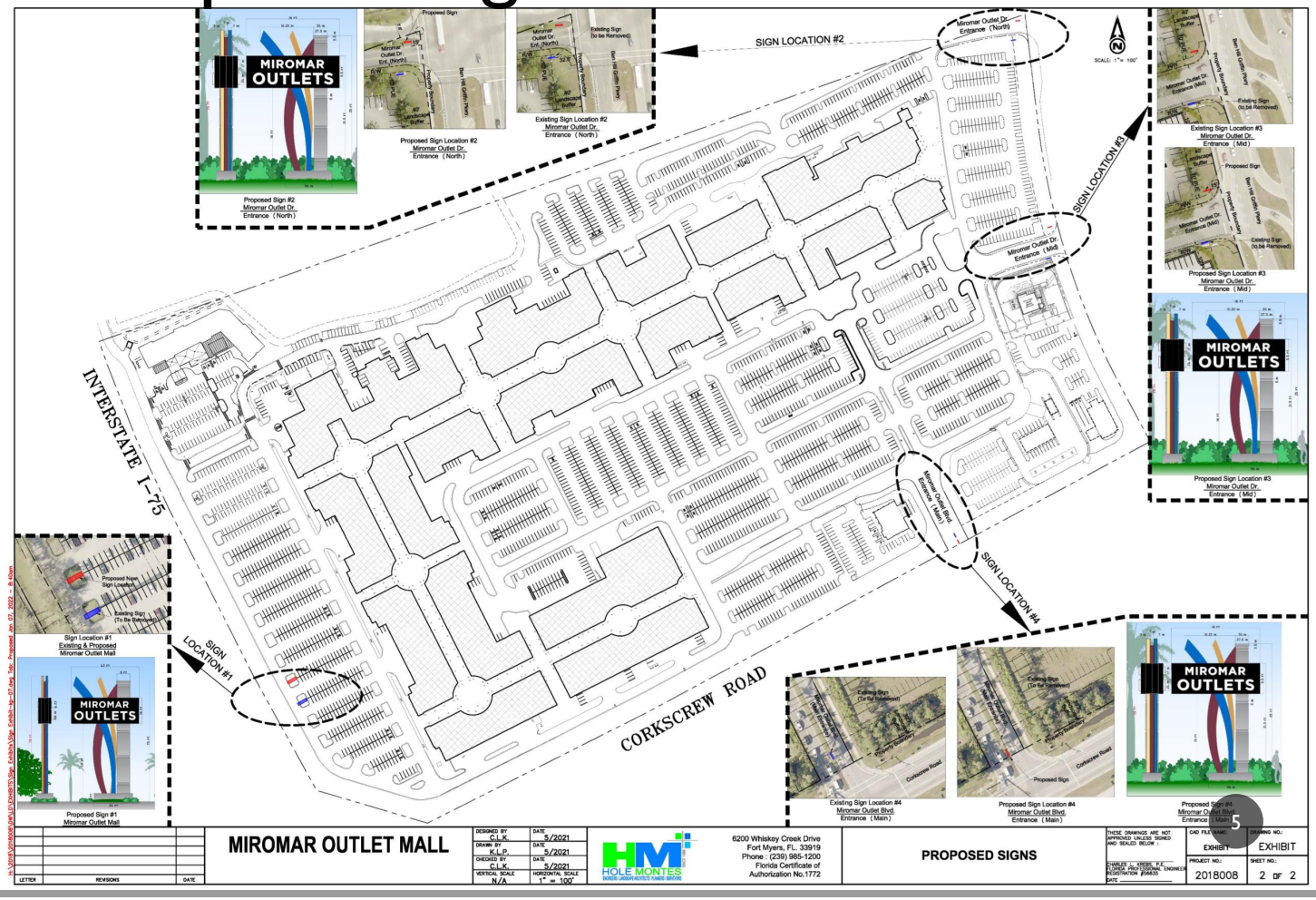
Attachment A - Sign Location Map

Aerial Location



3

Proposed Signs - Location



Attachment B. Sign Comparison



Miromar Outlets Mall
Existing Signs



Miromar Outlets Mall
Proposed Signs

Attachment C. Project Description - Received January 11, 2022

Timberland and Tiburon CPD Amendment
Request Statement

Request

The applicant seeks to amend the Timberland and Tiburon CPD (n/k/a Miromar Outlets) to amend the approved sign package permitted as Deviation (3), specifically (3)(a) and (3)(b), which provides development regulations for identification signs within the CPD.

Deviation (3)(a) allows for three identification signs 25 ft. in height located a minimum of 20 ft. from the road. The proposed amendment to (3)(a) allows for three identification signs 26 ft. in height located a minimum of 15 ft. from the Ben Hill Griffin Parkway right-of-way and 0 ft. from the Corkscrew Road right-of-way.

Deviation (3)(b) allows for one identification sign 75 ft. in height, with the proposed amendment increasing the maximum height to 78 ft.

The applicant also seeks to amend the Master Concept Plan to allow for the relocation of the signs. The sign at the northern entrance will be moved to the median within Miromar Outlet Drive and the setback reduced from 20 ft. to 15 ft. from the Ben Hill Griffin Parkway right-of-way. The signs at the southern entrance will be moved to the northern side of Miromar Outlet Drive and the setback reduced from 20 ft. to 15 ft. from the Ben Hill Griffin Parkway right-of-way. The entry sign adjacent to Corkscrew Road will stay in the Miromar Outlet Drive median, with the setback reduced from 20 ft. to 0 ft. from the Corkscrew Road right-of-way. The sign adjacent to I-75 will be moved to the median to the north and the setback will not change. There are no changes proposed to open space, access, native vegetation requirements, or the permitted development intensity.

Background Information

Miromar Outlets is located in a CPD zoning district located north of Corkscrew Road between the intersections of Corkscrew Road and I-75, and Corkscrew Road and Ben Hill Griffin Parkway. designated Transitional Mixed Use on the Future Land Use Map. Please see the table below for the surrounding zoning and land uses.

	FLU Designation	Zoning	Land Use
North	Transitional Mixed Use	MPD	Stormwater management lake; multi-family residential; commercial
South	Transitional Mixed Use	CPD	Corkscrew Rd; Commercial; vacant/undeveloped
East	Village Neighborhood	MPD	Ben Hill Griffin Pkwy.; Commercial
West	Transitional Mixed Use	CPD	I-75; multi-family residential

Sign Dimensions: Approved and Proposed

The table below provides a comparison of the dimensions, area, setbacks, and height of the approved and proposed signs.

	Approved	Proposed
Sign Copy Area	**BHG/CS**: 200 Sq. Ft. **I-75**: 500 Sq. Ft	**BHG/CS**: 200 Sq. Ft. **I-75**: 500 Sq. Ft.
Maximum Sign Height	**BHG/CS**: 25' **I-75**: 75'	**BHG/CS**: 26' **I-75**: 78'
Approx. Dimensions of Copy Area	**BHG/CS**: 14' x 14' **I-75**: 22' x 22'	**BHG/CS**: 13' 9" x 4' 3" **I-75**: 37' 10" x 11' 7.75"
Min. Setback from R-O-W	**BHG/CS**: 20' **I-75**: 15'	**BHG**: 15' **CS**: 0' **I-75**: 15'

Deviations

The proposed amendments to Deviation (3)(a) and (b) are as follows (~~struck-through~~ language to be deleted and underlined language added):

3. A deviation from Section 30-153 (2)a., *Identification Signs*, of the Lee County Land Development Code, to:
    a) Permit three ~~25~~26 ft. tall permanent identification signs with the following standards (LDC 30-153 (2)a.1.i, ii, &iv):
        1. Signs shall be tastefully designed and compatible with the centers' architecture, so as to be aesthetically pleasing. Signs shall be designed and located in a manner that facilitates easy legibility by the traveler. All outparcel signs shall be coordinated so as to give the center a fully integrated and well designed look. Sign maintenance by the respective property or facility owners(s) is mandatory.
        2. Total sign copy area shall not exceed 200 sq. ft. per sign.
        3. Total number of signs – 3.
        4. Maximum sign height – ~~25~~26 ft.
        5. Approximate sign copy area – 14 ft. x 14 ft. (±).
        6. The Master Concept Plan illustrates approximate sign locations; final sign location determination to be at the Development Order project phase. The signs will be placed a minimum of 15 ft. from Ben Hill Griffin Parkway and 0 ft. from Corkscrew Road~~20 ft. from the Corkscrew Road, I-75 and Treeline Blvd. right-of-way~~.
        7. Sign colors, textures and finishes to compliment the center's architecture.

    b) Permit one ~~75~~78 ft. tall permanent identification sign with the following standards (LDC 30-153 (2)a.1.i, ii, &iv):

1. The sign shall be tastefully designed and compatible with center's architecture so as to be aesthetically pleasing. The sign shall be designed and located in a manner that facilitates easy legibility by the traveler. Sign maintenance by the respective property or facility owner(s) is mandatory.
2. Total sign copy area shall not exceed 500 sq. ft.
3. Total number of signs – 1.
4. Maximum sign height – ~~75~~78 ft.
5. Approximate sign copy area – 22 ft. x 22 ft. (±).
6. The Master Concept Plan illustrates approximate sign locations; final sign location determination to be at the Development Order project phase. The signs will be placed a minimum of 15 ft. from the I-75 right-of-way.
7. Sign colors, textures and finishes to compliment the center's architecture.

No other amendments are proposed to the permitted deviations.

Justification

The current signage located at Miromar Outlets was installed approximately 23 years ago. The applicant is redesigning the center's signage to incorporate an artistic design that will enhance the streetscape. The additional height is necessary to accommodate architectural embellishments.

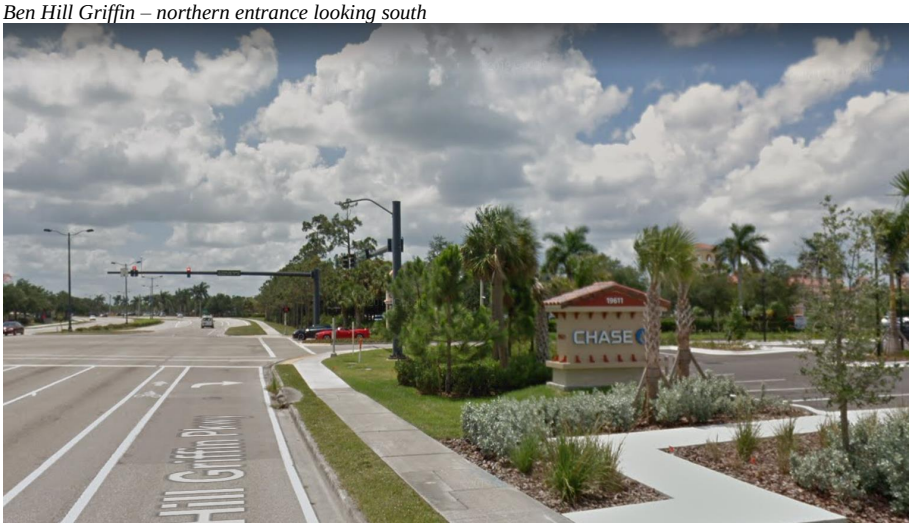
There are two entrances into Miromar Outlets from Ben Hill Griffin Parkway with one sign located at each entrance. As adjacent properties have developed and installed new landscaping, and existing landscaping within the center has matured, the landscaping now visually obstructs the existing entrance signs.

Relocating the signs and moving them closer to the right-of-way will increase the visibility of the signs giving direction to vehicles traveling along Ben Hill Griffin Parkway. The sign located at the northern entrance will be moved to the median within Miromar Outlet Dr. and the sign at the southern entrance will be moved to the north side of Miromar Outlet Dr. The relocated signs will not obstruct visibility for vehicles entering and exiting Miromar Outlets or for the general public traveling south on Ben Hill Griffin Parkway.

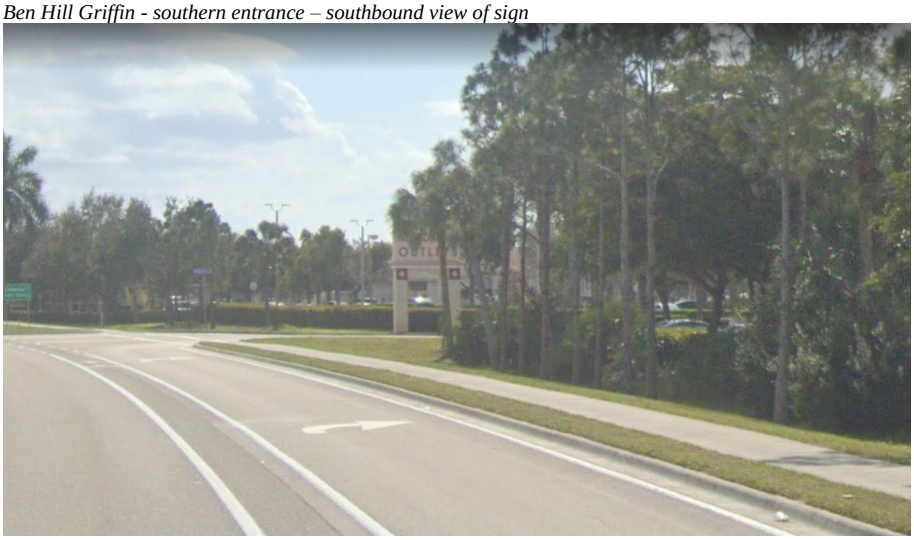
The existing entry sign on Corkscrew Road is visually obscured to the traveling public by the mature landscaping for the center. The sign cannot be seen easily by vehicles traveling eastbound and only becomes visible to westbound traffic as you approach the intersection for the Corkscrew Road entrance to the center.

Relocating this sign to 0 ft. from the right-of-way line will move the sign to the edge of the existing buffer and increase the visibility to westbound traffic entering Miromar Outlet. The proposed setback will not affect visibility of vehicles exiting Miromar Outlet via the center's Corkscrew Road intersection because there are no left or right-turning movements allowed at this entrance to the center. The new sign location is located more than 50 ft from the existing Corkscrew Road travel lane and will be located outside of the site visibility triangles for the intersection.

Ben Hill Griffin – northern entrance looking south



Ben Hill Griffin - southern entrance – southbound view of sign



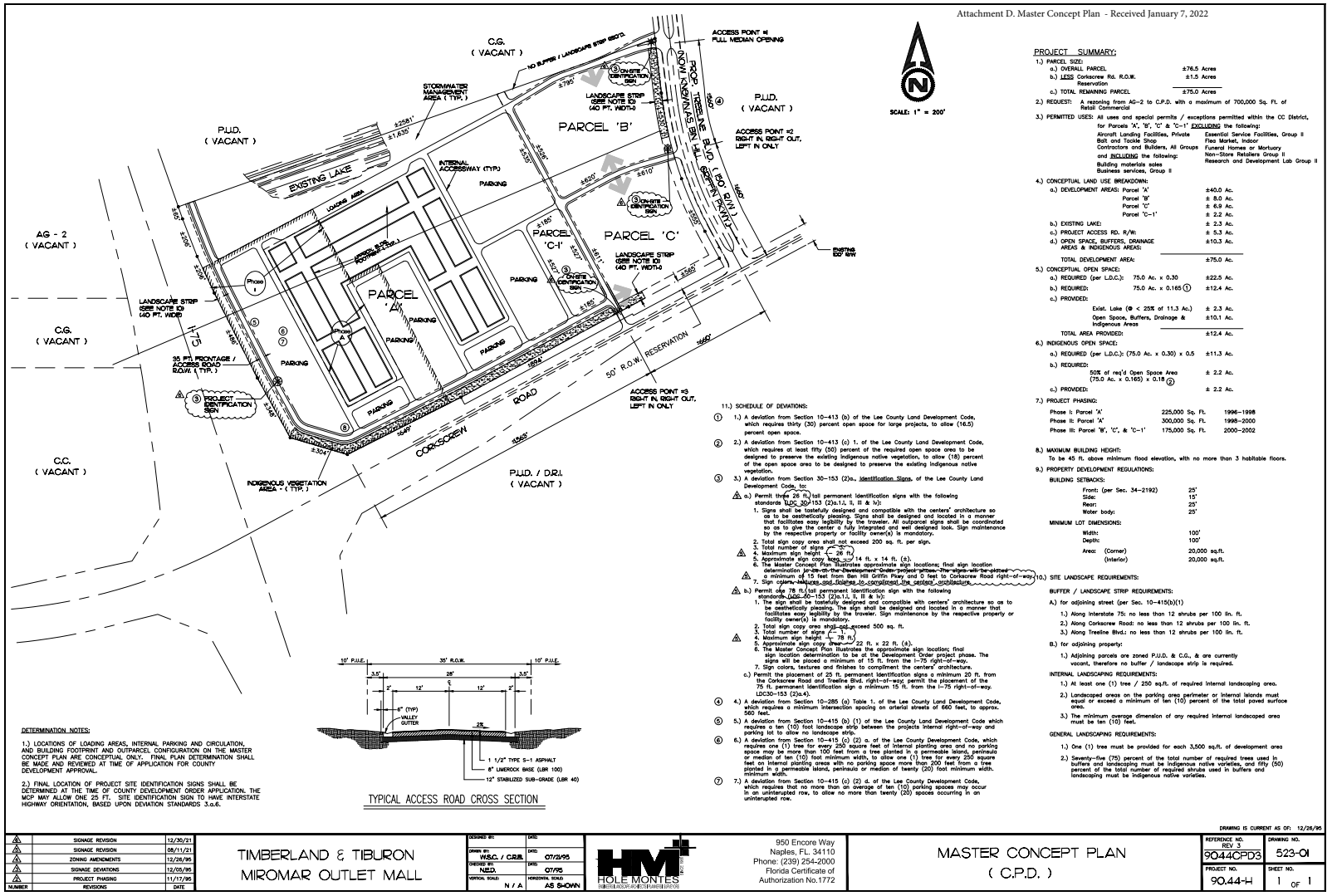
Corkscrew Road – eastbound view of sign



Conclusion

The proposed amendments are consistent with the Transitional Mixed Use category in the Comprehensive Plan. The proposed signage will improve the quality and appearance of the existing development with the redesign of the signs. The reduced setbacks will have a positive impact on the public health, safety, and welfare of the village by making the signs more visible from the right-of-way.

Attachment D. Master Concept Plan - Received January 7, 2022



TYPICAL ACCESS ROAD CROSS SECTION

DETERMINATION NOTES:

1.) LOCATIONS OF LOADING AREAS, INTERNAL PARKING AND CIRCULATION, AND BUILDING FOOTPRINT AND OUTPARCEL CONFIGURATION ON THE MASTER CONCEPT PLAN ARE CONCEPTUAL ONLY. FINAL PLAN DETERMINATION SHALL BE MADE AND REVIEWED AT TIME OF APPLICATION FOR COUNTY DEVELOPMENT APPROVAL.

2.) FINAL LOCATION OF PROJECT SITE IDENTIFICATION SIGNS SHALL BE DETERMINED AT THE TIME OF COUNTY DEVELOPMENT ORDER APPLICATION. THE MCP MAY ALLOW ONE 25 FT. SITE IDENTIFICATION SIGN TO HAVE INTERSTATE HIGHWAY ORIENTATION, BASED UPON DEVIATION STANDARDS 3.a.&.

11.) SCHEDULE OF DEVIATIONS:

① 1.) A deviation from Section 10-413 (b) of the Lee County Land Development Code, which requires thirty (30) percent open space for large projects, to allow (16.5) percent open space.

② 2.) A deviation from Section 10-413 (c) 1. of the Lee County Land Development Code, which requires at least fifty (50) percent of the required open space area to be designed to preserve the existing indigenous native vegetation, to allow (18) percent of the open space area to be designed to preserve the existing indigenous native vegetation.

③ 3.) A deviation from Section 30-153 (2)a., Identification Signs, of the Lee County Land Development Code, to:

⚠ a.) Permit three 26 ft.) tall permanent identification signs with the following standards (LDC 30-153 (2)a.1.i, ii, iii & iv):
1. Signs shall be tastefully designed and compatible with the centers' architecture so as to be aesthetically pleasing. Signs shall be designed and located in a manner that facilitates easy legibility by the traveler. All outparcel signs shall be coordinated so as to give the center a fully integrated and well designed look. Sign maintenance by the respective property or facility owner(s) is mandatory.
2. Total sign copy area shall not exceed 200 sq. ft. per sign.
3. Total number of signs (= 3).
4. Maximum sign height (= 26 ft.).
5. Approximate sign copy area (= 14 ft. x 14 ft. (±).
6. The Master Concept Plan illustrates approximate sign locations; final sign location determination for on-the-ground development under project phase. The signs will be placed a minimum of 15 feet from Ben Hill Griffin Pkwy and 0 feet to Corkscrew Road right-of-way.
7. Sign colors, textures and finishes to compliment the centers' architecture.

⚠ b.) Permit one 78 ft.) tall permanent identification sign with the following standards (LDC 30-153 (2)a.1.i, ii, iii & iv):
1. The sign shall be tastefully designed and compatible with centers' architecture so as to be aesthetically pleasing. The sign shall be designed and located in a manner that facilitates easy legibility by the traveler. Sign maintenance by the respective property or facility owner(s) is mandatory.
2. Total sign copy area shall not exceed 500 sq. ft.
3. Total number of signs (= 1).
4. Maximum sign height (= 78 ft.).
5. Approximate sign copy area (= 22 ft. x 22 ft. (±).
6. The Master Concept Plan illustrates the approximate sign location; final sign location determination to be at the Development Order project phase. The signs will be placed a minimum of 15 ft. from the I-75 right-of-way.
7. Sign colors, textures and finishes to compliment the centers' architecture.

c.) Permit the placement of 25 ft. permanent identification signs a minimum 20 ft. from the Corkscrew Road and Treeline Blvd. right-of-way; permit the placement of the 75 ft. permanent identification sign a minimum 15 ft. from the I-75 right-of-way. LDC30-153 (2)a.4).

④ 4.) A deviation from Section 10-285 (a) Table 1, of the Lee County Land Development Code, which requires a minimum intersection spacing on arterial streets of 660 feet, to approx. 580 feet.

⑤ 5.) A deviation from Section 10-415 (b) (1) of the Lee County Land Development Code which requires a ten (10) foot landscape strip between the projects internal right-of-way and parking lot to allow no landscape strip.

⑥ 6.) A deviation from Section 10-415 (c) (2) a. of the Lee County Development Code, which requires one (1) tree for every 250 square feet of internal planting area and no parking space may be more than 100 feet from a tree planted in a permeable island, peninsula or median of ten (10) foot minimum width, to allow one (1) tree for every 250 square feet on internal planting areas with no parking space more than 200 feet from a tree planted in a permeable island, peninsula or median of twenty (20) foot minimum width. minimum width.

⑦ 7.) A deviation from Section 10-415 (c) (2) d. of the Lee County Development Code, which requires that no more than an average of ten (10) parking spaces may occur in an uninterrupted row, to allow no more than twenty (20) spaces occurring in an uninterupted row.

PROJECT SUMMARY:

1.) PARCEL SIZE:
a.) OVERALL PARCEL ±76.5 Acres
b.) LESS Corkscrew Rd. R.O.W. Reservation ±1.5 Acres
c.) TOTAL REMAINING PARCEL ±75.0 Acres

2.) REQUEST: A rezoning from AG-2 to C.P.D. with a maximum of 700,000 Sq. Ft. of Retail Commercial

3.) PERMITTED USES: All uses and special permits / exceptions permitted within the CC District, for Parcels 'A', 'B', 'C' & 'C-1' EXCLUDING the following:
Aircraft Landing Facilities, Private
Bait and Tackle Shop
Contractors and Builders, All Groups
and INCLUDING the following:
Building materials sales
Business services, Group II
Essential Service Facilities, Group II
Flea Market, Indoor
Funeral Homes or Mortuary
Non-Store Retailers Group II
Research and Development Lab Group II

4.) CONCEPTUAL LAND USE BREAKDOWN:
a.) DEVELOPMENT AREAS: Parcel 'A' ±40.0 Ac.
Parcel 'B' ± 8.0 Ac.
Parcel 'C' ± 6.9 Ac.
Parcel 'C-1' ± 2.2 Ac.
b.) EXISTING LAKE: ± 2.3 Ac.
c.) PROJECT ACCESS RD. R/W: ± 5.3 Ac.
d.) OPEN SPACE, BUFFERS, DRAINAGE AREAS & INDIGENOUS AREAS: ±10.3 Ac.
TOTAL DEVELOPMENT AREA: ±75.0 Ac.

5.) CONCEPTUAL OPEN SPACE:
a.) REQUIRED (per L.D.C.): 75.0 Ac. x 0.30 ±22.5 Ac.
b.) REQUIRED: 75.0 Ac. x 0.165 ① ±12.4 Ac.
c.) PROVIDED:
Exist. Lake (@ < 25% of 11.3 Ac.) ± 2.3 Ac.
Open Space, Buffers, Drainage & Indigenous Areas ±10.1 Ac.
TOTAL AREA PROVIDED: ±12.4 Ac.

6.) INDIGENOUS OPEN SPACE:
a.) REQUIRED (per L.D.C.): (75.0 Ac. x 0.30) x 0.5 ±11.3 Ac.
b.) REQUIRED: 50% of req'd Open Space Area (75.0 Ac. x 0.165) x 0.18 ② ± 2.2 Ac.
c.) PROVIDED: ± 2.2 Ac.

7.) PROJECT PHASING:
Phase I: Parcel 'A' 225,000 Sq. Ft. 1996-1998
Phase II: Parcel 'A' 300,000 Sq. Ft. 1998-2000
Phase III: Parcel 'B', 'C', & 'C-1' 175,000 Sq. Ft. 2000-2002

8.) MAXIMUM BUILDING HEIGHT:
To be 45 ft. above minimum flood elevation, with no more than 3 habitable floors.

9.) PROPERTY DEVELOPMENT REGULATIONS:
BUILDING SETBACKS:
Front: (per Sec. 34-2192) 25'
Side: 15'
Rear: 25'
Water body: 25'
MINIMUM LOT DIMENSIONS:
Width: 100'
Depth: 100'
Area: (Corner) 20,000 sq.ft.
(Interior) 20,000 sq.ft.

10.) SITE LANDSCAPE REQUIREMENTS:
BUFFER / LANDSCAPE STRIP REQUIREMENTS:
A.) for adjoining street (per Sec. 10-415(b)(1)
1.) Along Interstate 75: no less than 12 shrubs per 100 lin. ft.
2.) Along Corkscrew Road: no less than 12 shrubs per 100 lin. ft.
3.) Along Treeline Blvd.: no less than 12 shrubs per 100 lin. ft.
B.) for adjoining property:
1.) Adjoining parcels are zoned P.U.D. & C.G., & are currently vacant, therefore no buffer / landscape strip is required.
INTERNAL LANDSCAPING REQUIREMENTS:
1.) At least one (1) tree / 250 sq.ft. of required internal landscaping area.
2.) Landscaped areas on the parking area perimeter or internal islands must equal or exceed a minimum of ten (10) percent of the total paved surface area.
3.) The minimum average dimension of any required internal landscaped area must be ten (10) feet.
GENERAL LANDSCAPING REQUIREMENTS:
1.) One (1) tree must be provided for each 3,500 sq.ft. of development area
2.) Seventy-five (75) percent of the total number of required trees used in buffers and landscaping must be indigenous native varieties, and fifty (50) percent of the total number of required shrubs used in buffers and landscaping must be indigenous native varieties.

DRAWING IS CURRENT AS OF: 12/28/95

NUMBER	REVISIONS	DATE
5	SIGNAGE REVISION	12/30/21
4	SIGNAGE REVISION	08/11/21
3	ZONING AMENDMENTS	12/28/95
2	SIGNAGE DEVIATIONS	12/05/95
1	PROJECT PHASING	11/17/95

TIMBERLAND & TIBURON
MIROMAR OUTLET MALL

DESIGNED BY: W.S.C. / C.R.B. DATE: 07/21/95
DRAWN BY: N.E.D. DATE: 07/95
CHECKED BY: N/A HORIZONTAL SCALE: AS SHOWN

HOLE MONTES
950 Encore Way
Naples, FL 34110
Phone: (239) 254-2000
Florida Certificate of Authorization No.1772

MASTER CONCEPT PLAN
(C.P.D.)

REFERENCE NO. REV 3 9044CPD3
DRAWING NO. 523-01
PROJECT NO. 90.44-H
SHEET NO. 1 OF 1

SIGN PACKAGE PATTERN BOOK

Miromar Outlet Sign Amendment

DCI2021-E002

April 25, 2022

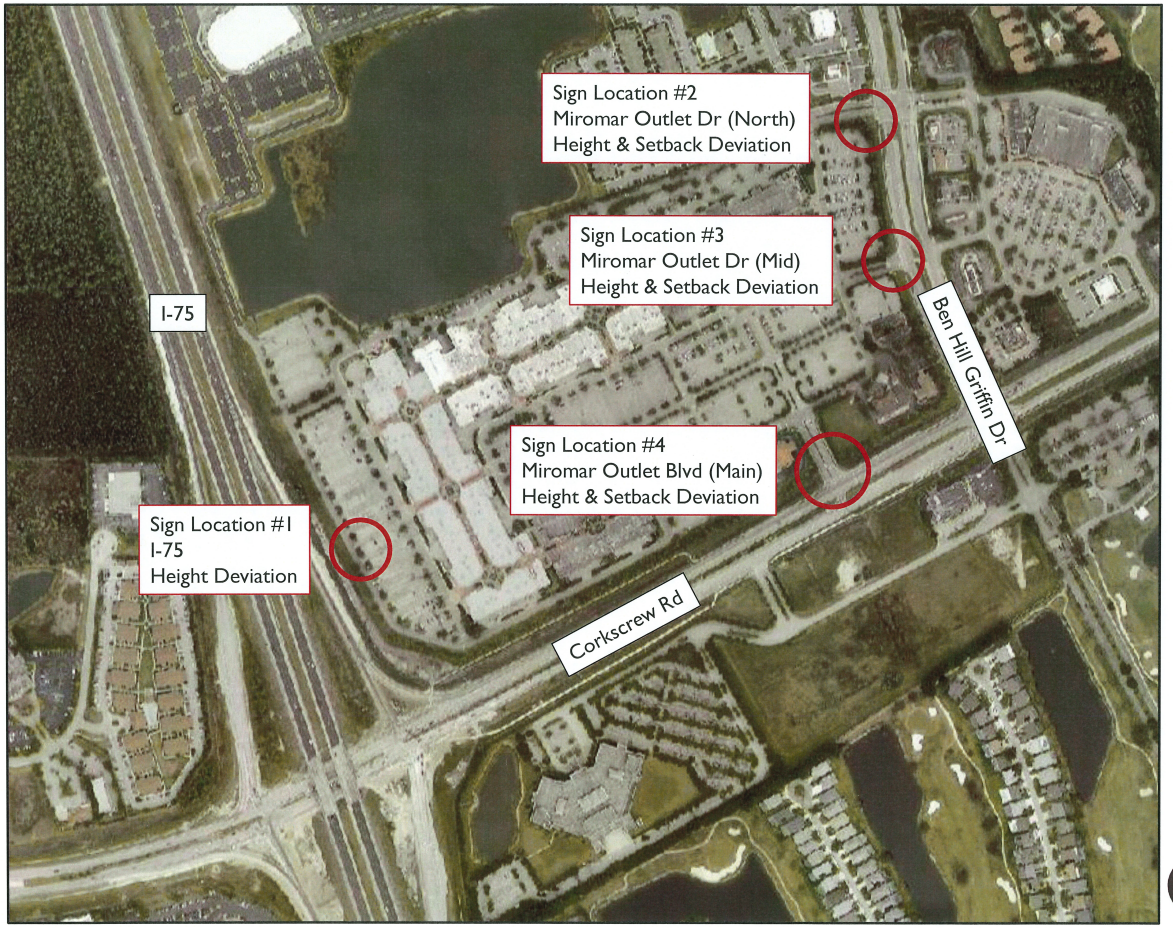
RECEIVED
MAY 12 2022
By:

REQUEST

The applicant seeks to amend the Timberland and Tiburon CPD (n/k/a Miromar Outlets) to amend the approved sign package permitted as Deviation (3), specifically (3)(a) and (3)(b), which provides development regulations for identification signs within the CPD. Deviation (3)(a) allows for three identification signs 25 ft. in height located a minimum of 20 ft. from the road. The proposed amendment to (3)(a) allows for three identification signs 26 ft. in height located a minimum of 15 ft. from the Ben Hill Griffin Pkwy. right-of-way and 0 ft. from the Corkscrew Rd. right-of-way. Deviation (3)(b) allows for one identification sign 75 ft. in height, with the proposed amendment increasing the maximum height to 78 ft. The applicant also seeks to amend the Master Concept Plan to allow for the relocation of the signs. The sign at the northern entrance will be moved to the median within Miromar Outlet Drive and the setback reduced from 20 ft. to 15 ft. from the Ben Hill Griffin right-of-way. The signs at the southern entrance will be moved to the northern side of Miromar Outlet Drive and the setback reduced from 20 ft. to 15 ft. from the Ben Hill Griffin right-of-way. The entry sign adjacent to Corkscrew Rd. will stay in the Miromar Outlet Dr. median, with the setback reduced from 20 ft. to 0 ft. from the Corkscrew Rd. right-of-way. The sign adjacent to I-75 will be moved to the median to the north and the setback will not change. There are no changes proposed to open space, access, native vegetation requirements, or the permitted development intensity.

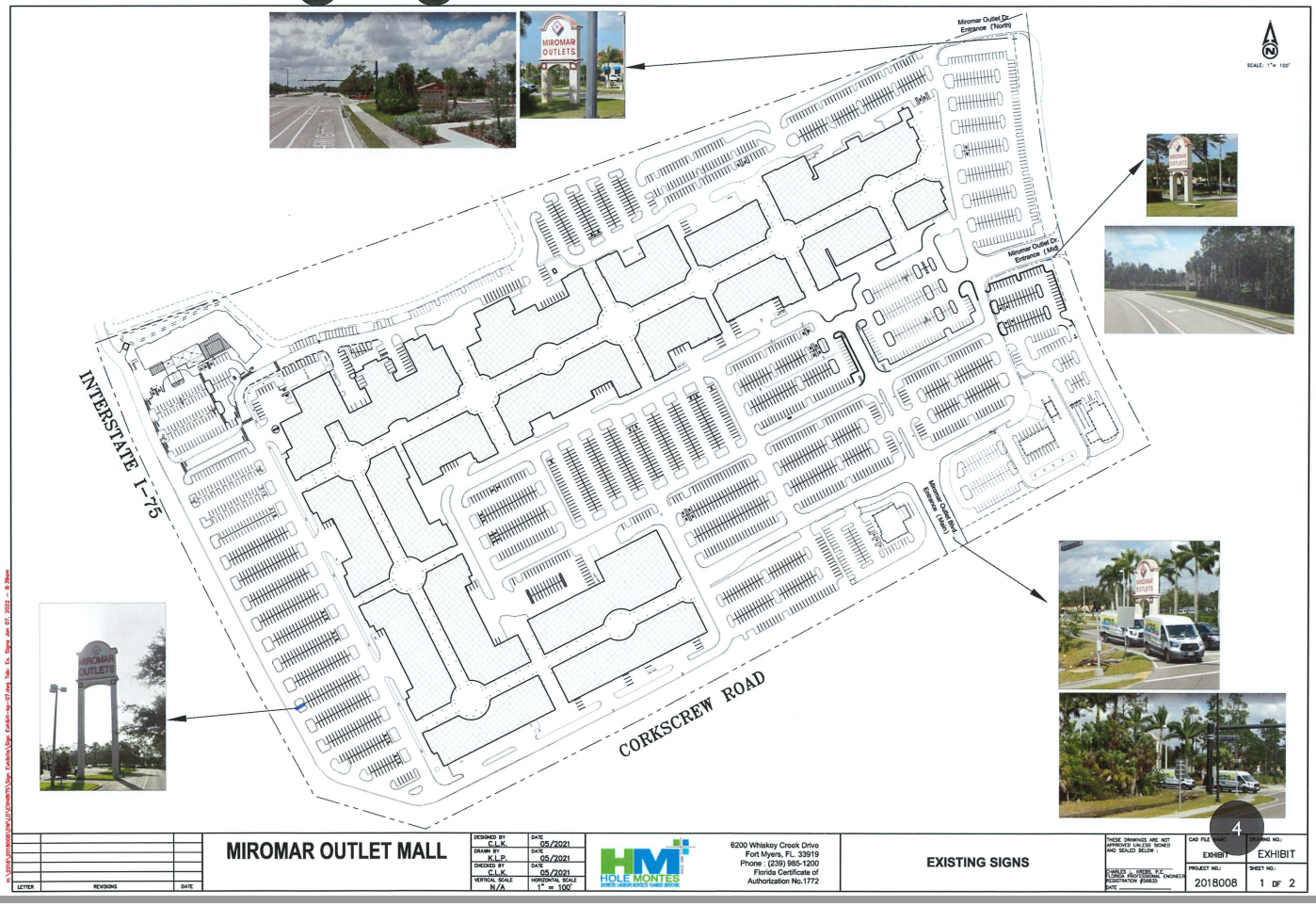
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Aerial Location

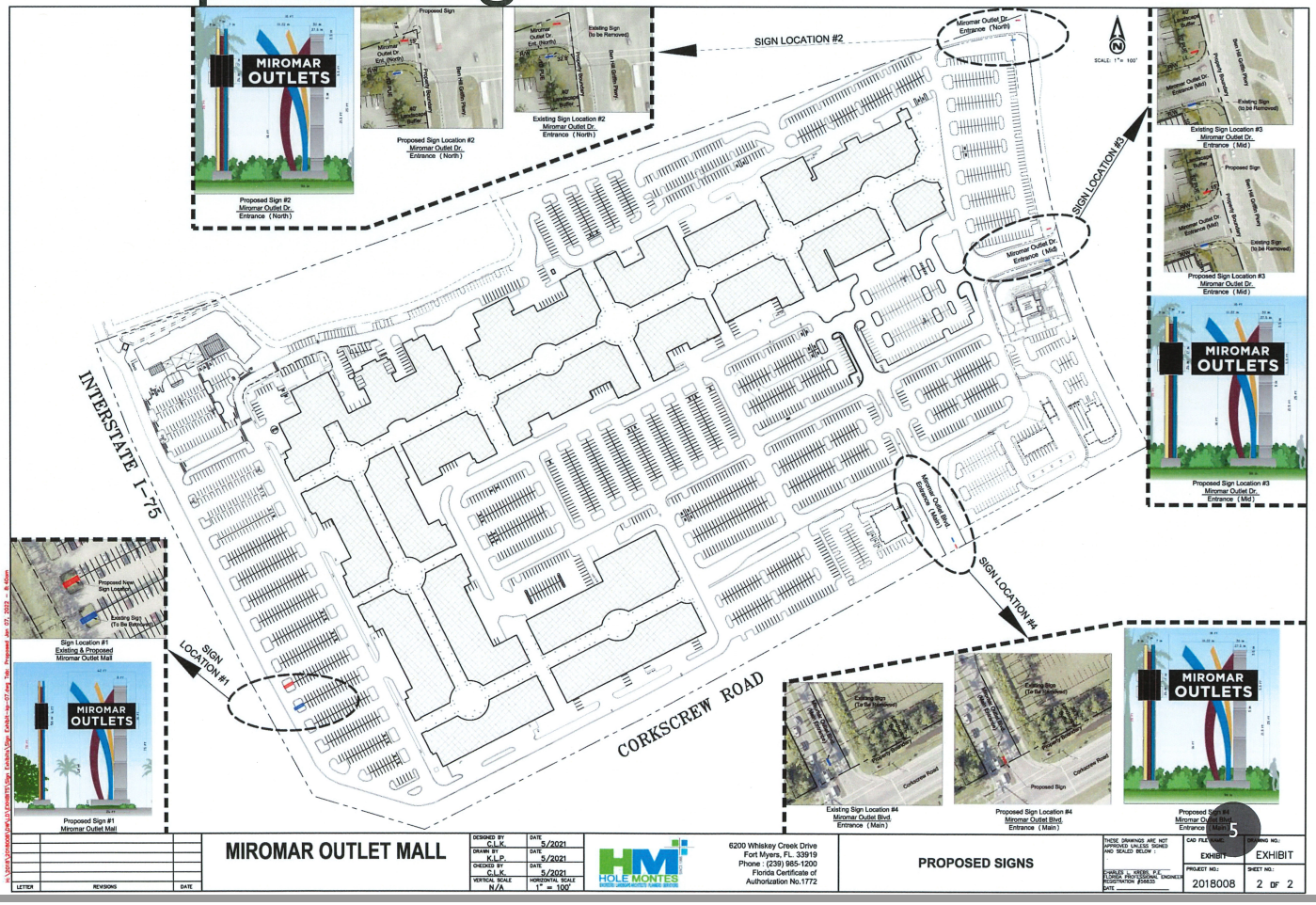


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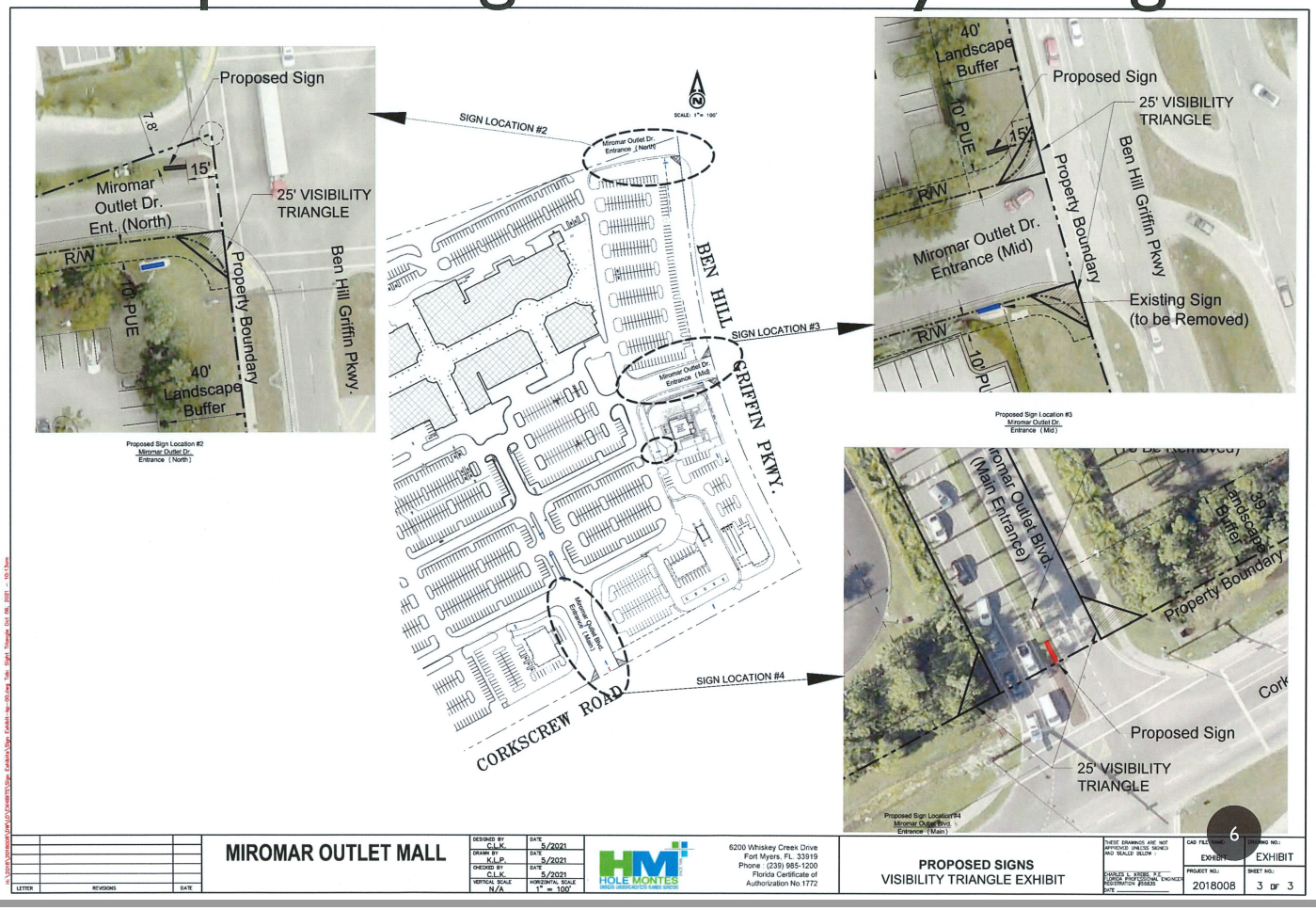
Existing Signs - Location



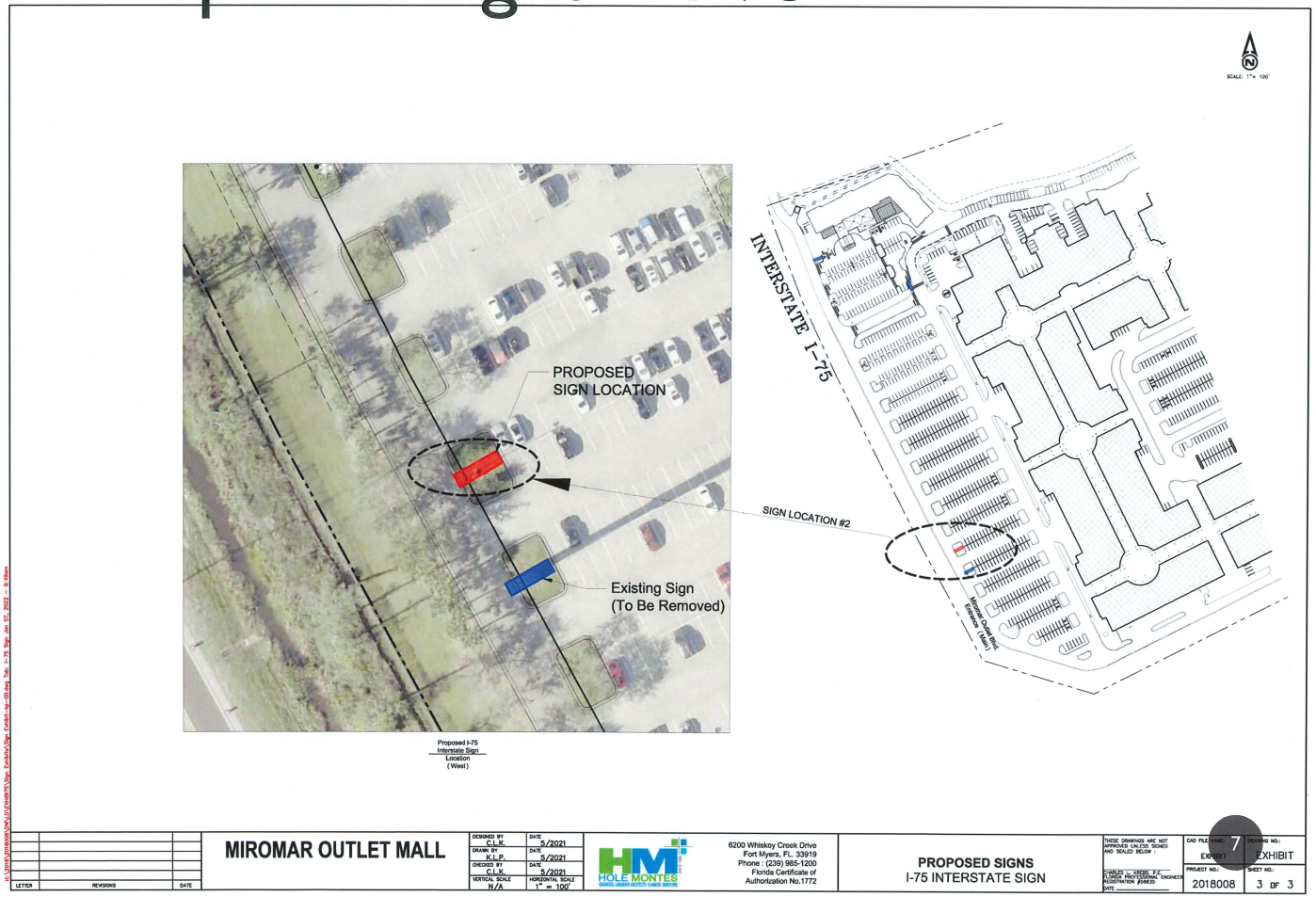
Proposed Signs - Location



Proposed Signs – Visibility Triangle



Proposed Signs – I-75



Sign #1

Southwest Portion of Miromar Outlets

Adjacent to I-75, looking north.



8

Sign #1

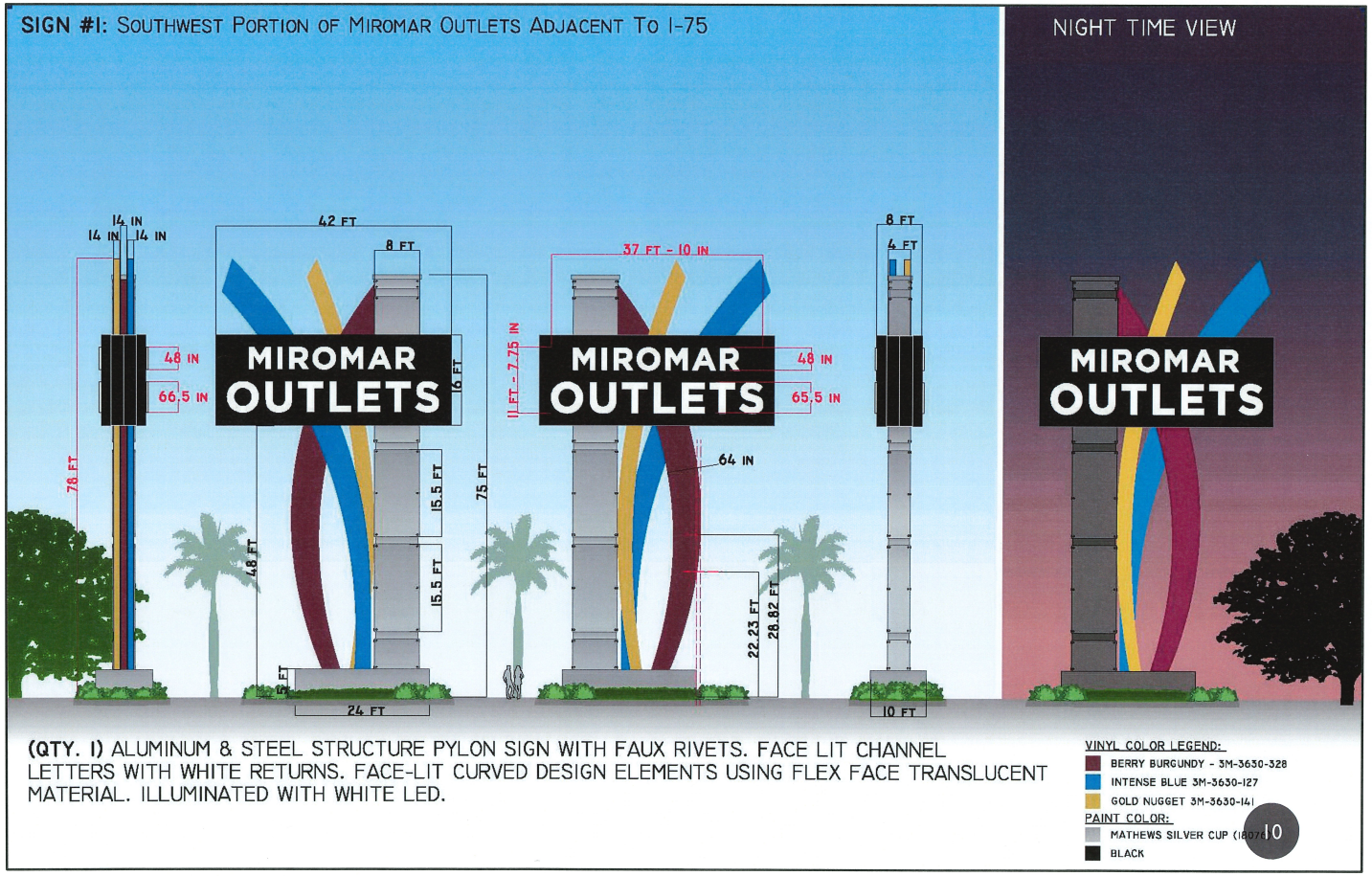
Southwest Portion of Miromar Outlets

Adjacent to I-75, looking south.



9

Sign #1 Elevations



Sign #2

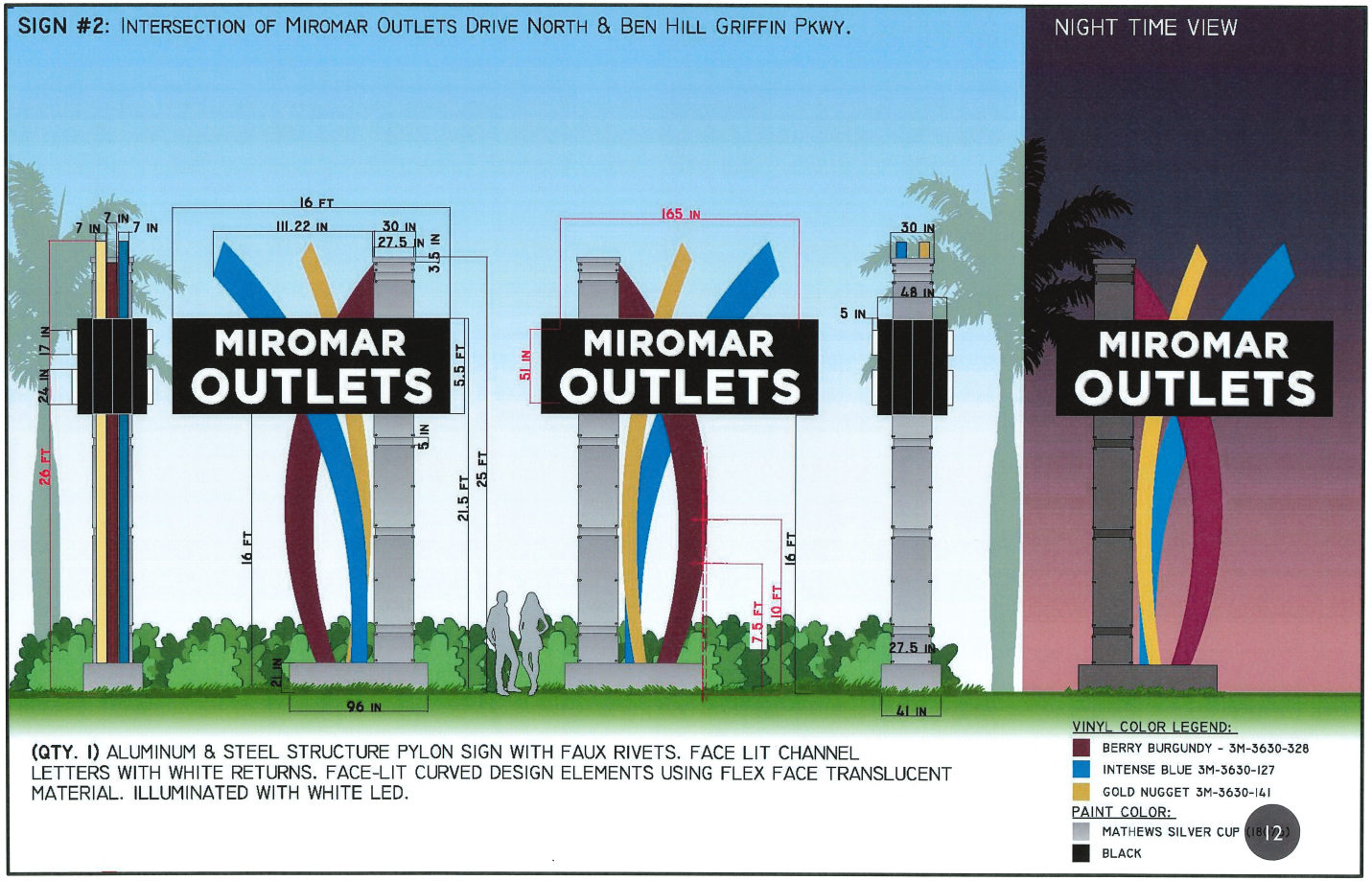
Miromar Outlet Drive (North)

Adjacent to Adjacent to Ben Hill Griffin, looking south.



11

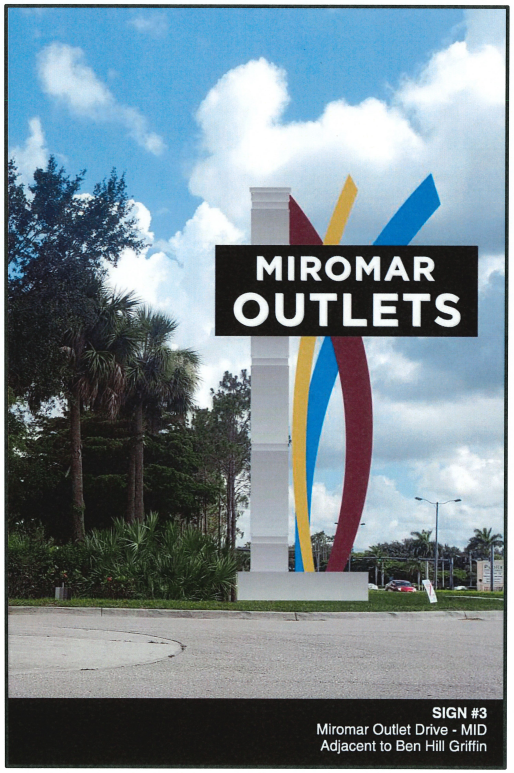
Sign #2 Elevations



Sign #3

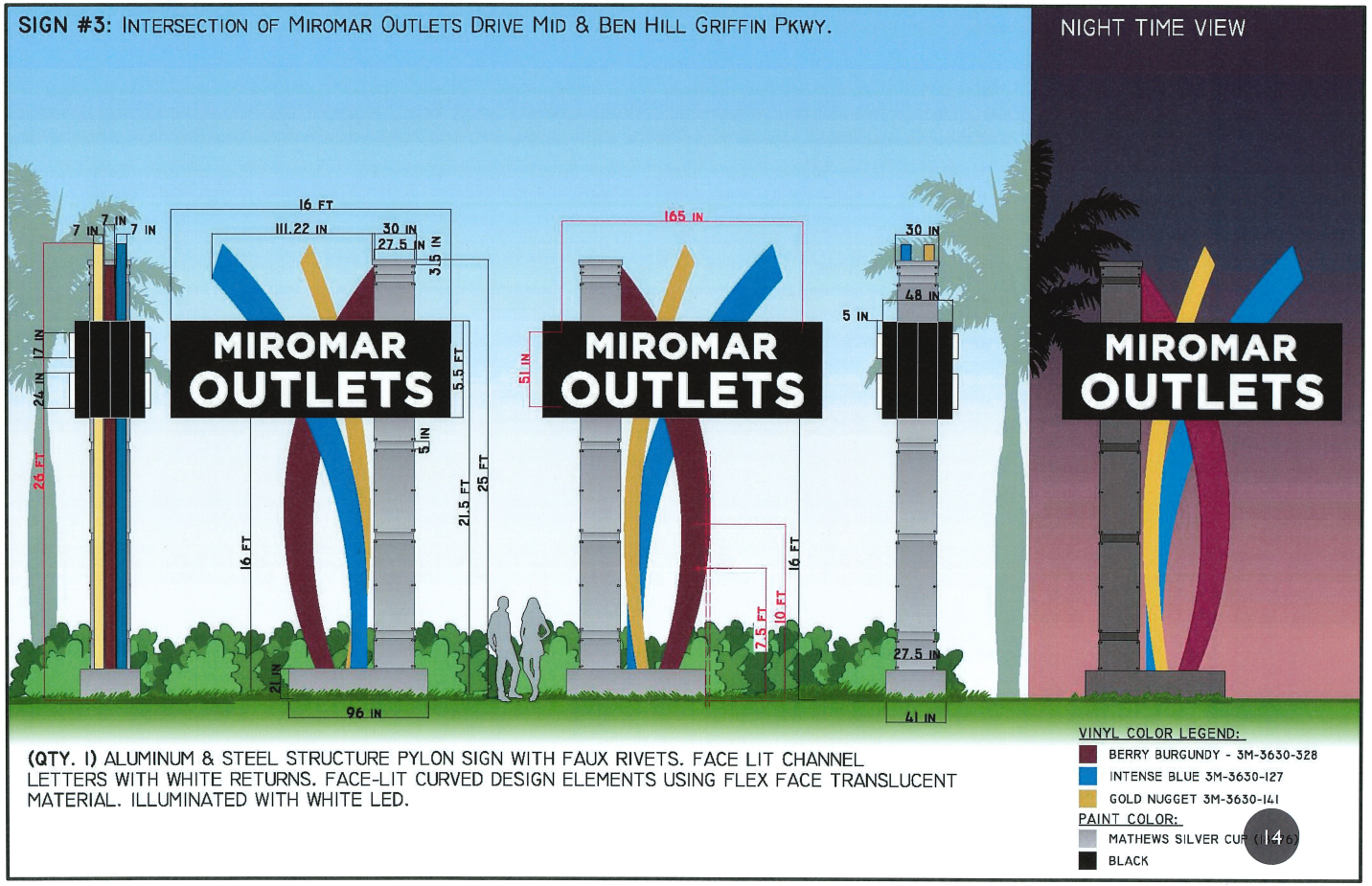
Miromar Outlet Drive (Mid)

Adjacent to Adjacent to Ben Hill Griffin, looking north.



13

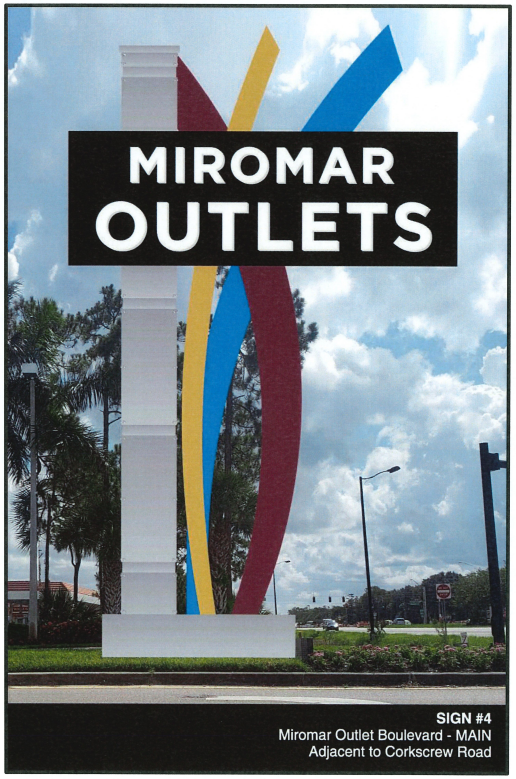
Sign #3 Elevations



Sign #4

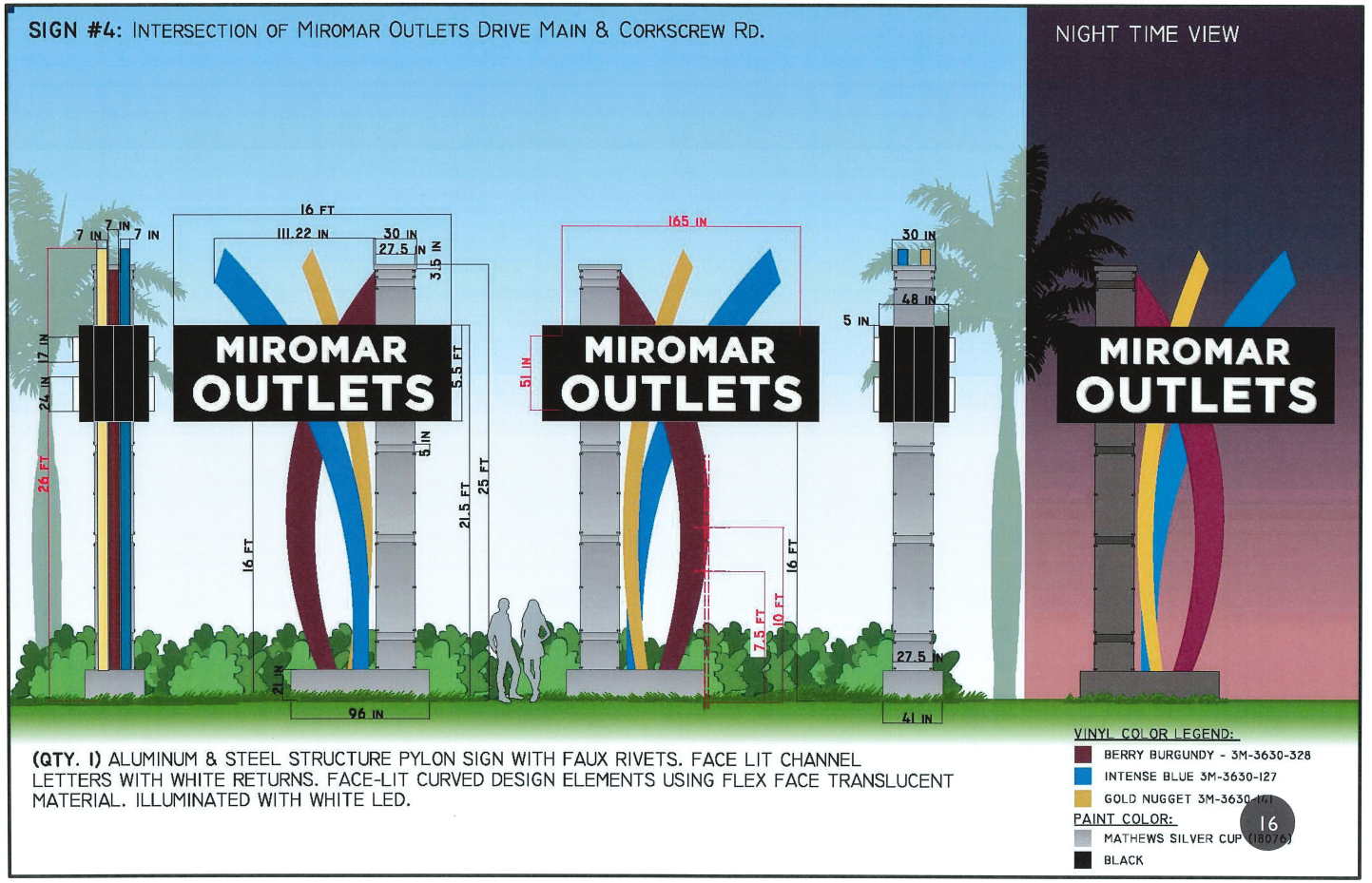
Miromar Outlet Boulevard Median (Main)

Adjacent to Adjacent to Corkscrew Road, looking east.



15

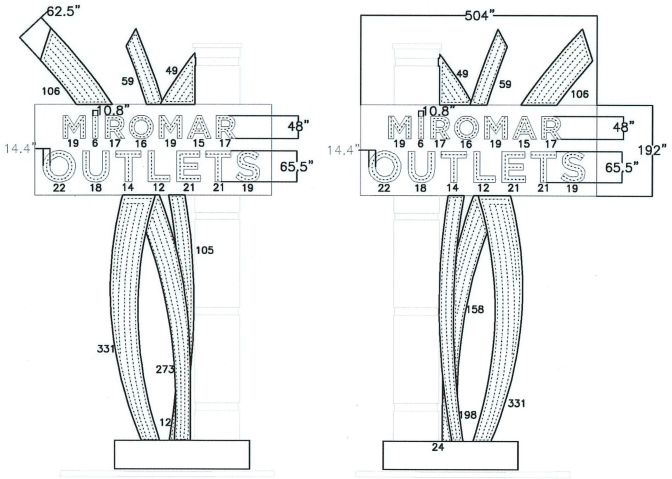
Sign #4 Elevations



Lighting – Sign 1

1) ACTUAL CHANNEL LETTER POPULATION AND PRODUCT PLACEMENT MAY VARY FROM THIS LAYOUT
2) PRISM WHITE 6500K LAID OUT AT 1.5 MODULES PER FOOT, 12.0" ON CENTER
3) EACH 60W3 POWER SUPPLY CAN RUN UP TO 48 PRISM WHITE 6500K MODULES
4) LAYOUT BASED ON A 5" CAN DEPTH (CHANNEL LETTERS); 5"–8" FROM FACE (CURVED SECTIONS)
5) DIMENSIONS ARE IN INCHES UNLESS STATED OTHERWISE
6) 701269–6WSJ1–MB WATTS PER MODULE: 1.12
7) PRIMARY SYSTEM POWER: 3264.80 WATTS
8) LED MODULE POWER USAGE (secondary): 2611.84 WATTS

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Toll-free 888.747.4LED Fax 805.676.3206



ESTIMATED PRODUCT B.O.M. PER SIGN:
2332 Each Prism White 6500K Modules – 1555'
PN: 701269–6WSJ1–MB
49 Each 60C3 (Damp/Dry locations) or 60W3 (Wet location) 60W Power Supplies 12VDC
1 Each 100' Roll of Jacketed Cable

DRAWN	DATE	JOB NUMBER	US SIGN & MILL
CC/KL	1/4/2022	80904	MIROMAR OUTLETS

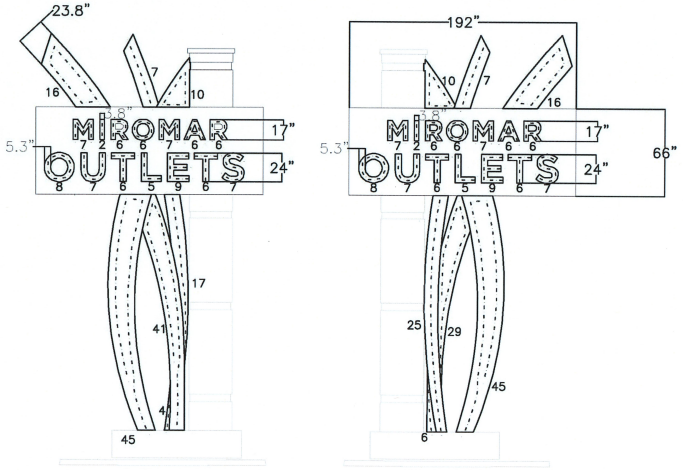
1) This design and drawing are proprietary and the property of SloanLED. Any reproduction or use without prior written approval is prohibited.
2) ChanneLED modules and power supply quantities are ESTIMATES ONLY and are based on the supplied information and drawings. Channel letter depth, lens color, material and thickness can vary, which may lead to an increase or decrease in product at the time of installation. To ensure accurate product requirements, it is recommended that product is tested using customer's specific lens material and letter configuration.
3) SloanLED (LEP) or Light Enhancement Film (LEF) inside channel
4) Jacketed per leg of the power supply.

17

Lighting – Signs 2, 3, & 4

1) ACTUAL CHANNEL LETTER POPULATION AND PRODUCT PLACEMENT MAY VARY FROM THIS LAYOUT
2) PRISM WHITE 6500K LAID OUT AT 1.5 MODULES PER FOOT, 12.0" ON CENTER
3) EACH 60W3 POWER SUPPLY CAN RUN UP TO 48 PRISM WHITE 6500K MODULES
4) LAYOUT BASED ON A 5" CAN DEPTH (CHANNEL LETTERS); 7" FROM FACE (CURVED SECTIONS)
5) DIMENSIONS ARE IN INCHES UNLESS STATED OTHERWISE
6) 701269-6WSJ1-MB WATTS PER MODULE: 1.12
7) PRIMARY SYSTEM POWER: 635.60 WATTS
8) LED MODULE POWER USAGE (secondary): 508.48 WATTS

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Leaders in LED Technology
SloanLED.com Tel 805.676.3200
Toll-free 888.747.4LED Fax 805.676.3206



ESTIMATED PRODUCT B.O.M. PER SIGN:
454 Each Prism White 6500K Modules – 303'
PN: 701269-6WSJ1-MB
10 Each 60C3 (Damp/Dry locations) or 60W3 (Wet location) 60W Power Supplies 12VDC
1 Each 100' Roll of Jacketed Cable

DRAWN	DATE	JOB NUMBER	US SIGN & MILL
CC/KL	1/4/2022	80904	MIROMAR OUTLETS

1) This design and drawing are proprietary and the property of SloanLED. Any reproduction or use without prior written approval is prohibited.
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3) SloanLED channel (LEP) or Light Enhancement Film (LEF) inside
4) Jacketed per leg of the power supply.

18

PAVESE LAW FIRM
est. 1949

NEALE MONTGOMERY
Partner
Direct dial: (239) 336-6235
Email: NealeMontgomery@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Box 1507, Fort Myers, Florida 33902 | (239) 334-2195 | Fax (239) 332-2243

April 4, 2022

Village of Estero
Mary Gibbs
9401 Corkscrew Palms Circle
Estero, FL 33928

Via Email: gibbs@estero-fl.gov

RE: Miromar Outlets Sign Amendment
DCI2021-E002

Dear Mary,

Rule 5.4.2. of the Village of Estero Planning, Zoning and Design Board Rules of Procedure requires an applicant to provide a letter eight (8) days prior to the hearing. The letter is required to summarize any issues that remain unresolved between the Applicant and the Village Staff.

The staff report contends that the sign design is not similar to the architecture of the Miromar Outlet Center ("Center") and increases the non-conformity of the signs.

1. The applicant believes that the signs are compatible with the architecture and the development plan of the Center.

   Section 6-101, LDC provides that "The aesthetic impact of signs is an economic fact which may bear heavily upon the enjoyment and value of property." This section of the code also states that the purpose of the sign regulations is to promote "property values" and "make it easier for the public and business delivery systems to locate and identify their destinations."

   Much has been written about the negative impact of ecommerce and Covid-19 on bricks and mortar retail. In addition to the negative nationwide challenges facing retail, Miromar Outlets has been confronted with the additional headwind of a long on-going construction project on Corkscrew. In order to remain successful, commercial centers in general and regional malls in particular need to continue to revitalize their branding. Miromar recognizes the fact that signage can bear heavily on the enjoyment and value of the property. The current signage is dated.

   Staff contends that the signage must be consistent with the architecture of the buildings. Miromar has been unable to locate this requirement in the LDC. In reviewing the signage located along Corkscrew Road and Ben Hill Griffin Parkway it does not appear that there is any nexus between building architecture and sign design. The developer of the proposed Miromar signs created and designed the signs after examining the existing architecture and design of the Center.

   The LDC provides that the sign regulations are to be fair to each property owner so as to enable

developments to receive equal and adequate exposure to the public. The Hertz arena signage, color, and lack of landscaping allows the arena to dominate the Center which is specifically not permitted under the LDC, Section 6-101.D.

The applicant will introduce expert testimony that supports the architectural compatibility of the signs with the Center.

2. The staff report contends that the signs are non-conforming. Miromar disagrees with Staff's conclusion that the signs are non-conforming signs for the reasons set forth below.

A deviation for the Center's signage was approved in Resolution Z-95-094. The deviations were approved as part of a unified sign package. The signs are legal signs under the approved zoning because the existing signage is consistent with the approved sign package and the approved deviations.

Section 1-805, LDC, provides that any approval that was granted prior to incorporation remains valid, thus the sign deviations and unified sign package remain in full force and effect and the signs are consistent with those approvals and are not non-conforming.

The 75-foot-tall sign was approved due to the location of the center in the northeast quadrant of the interchange. Interchange signs are and were permitted. The overpass and the walls along I-75 combined with the permissible speed on the interstate presents a visibility challenge. If a motorist is traveling north on I-75, the existing pole sign gives notice to the traveling public of the location of the Center. The deviation approved in Resolution Z-95-094 limited the text on the sign to the name of the Center. If the height of the sign is reduced, it will not provide the necessary notice to the traveling public.

3. The Staff Report compares the proposed signage to the existing sign restrictions. The right of way setbacks in the current LDC, by way of example are 15 feet. The applicant is seeking to move sign 2 and sign 3 closer to the right of way, but the proposed setback is consistent with the current requirements. The Miromar Outlets landscaping has grown over time and severely restricts and obscures the visibility of the existing signs.

4. Section 6-101.E. It is the intent of the LDC that each commercial property owner receives equal and adequate exposure to the public. Signage is "[a]n expression of the identity of the individual proprietors" and the signs should be large enough to sufficiently convey a message about the occupants of a particular property or the business activities conducted on the property.

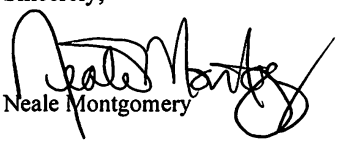
The proposed signage is an expression of the identity of the Center, and it is necessary to convey a message about the business activities conducted on the property.

Section 6-104. B.21. referenced by the staff on page 4 provides that pylon signs are prohibited, except for signs approved within a DRI by planned development zoning adopted by the county prior to June 24, 2003. The signage was approved within a DRI by planned development zoning prior to June 24, 2003, and as such a pylon sign is permitted under the LDC. The 75-foot-tall pylon sign was approved due to the location of the Center in the northeast quadrant of the I-75 interchange. Interchange signs are and were permitted. The overpass and the walls along I-75 combined with the permissible speed on the interstate presents a visibility challenge. If a motorist is traveling north on I-75, the pylon sign gives notice to the traveling public of the location of the Center. The deviation

limited the text to the name of the Center. If the height of the sign is reduced, it will not provide the necessary notice to the traveling public as to the location of the Center.

Your consideration of this matter is greatly appreciated.

Sincerely,



Neale Montgomery

NM/olr

Miromar Outlet Minor Amendment

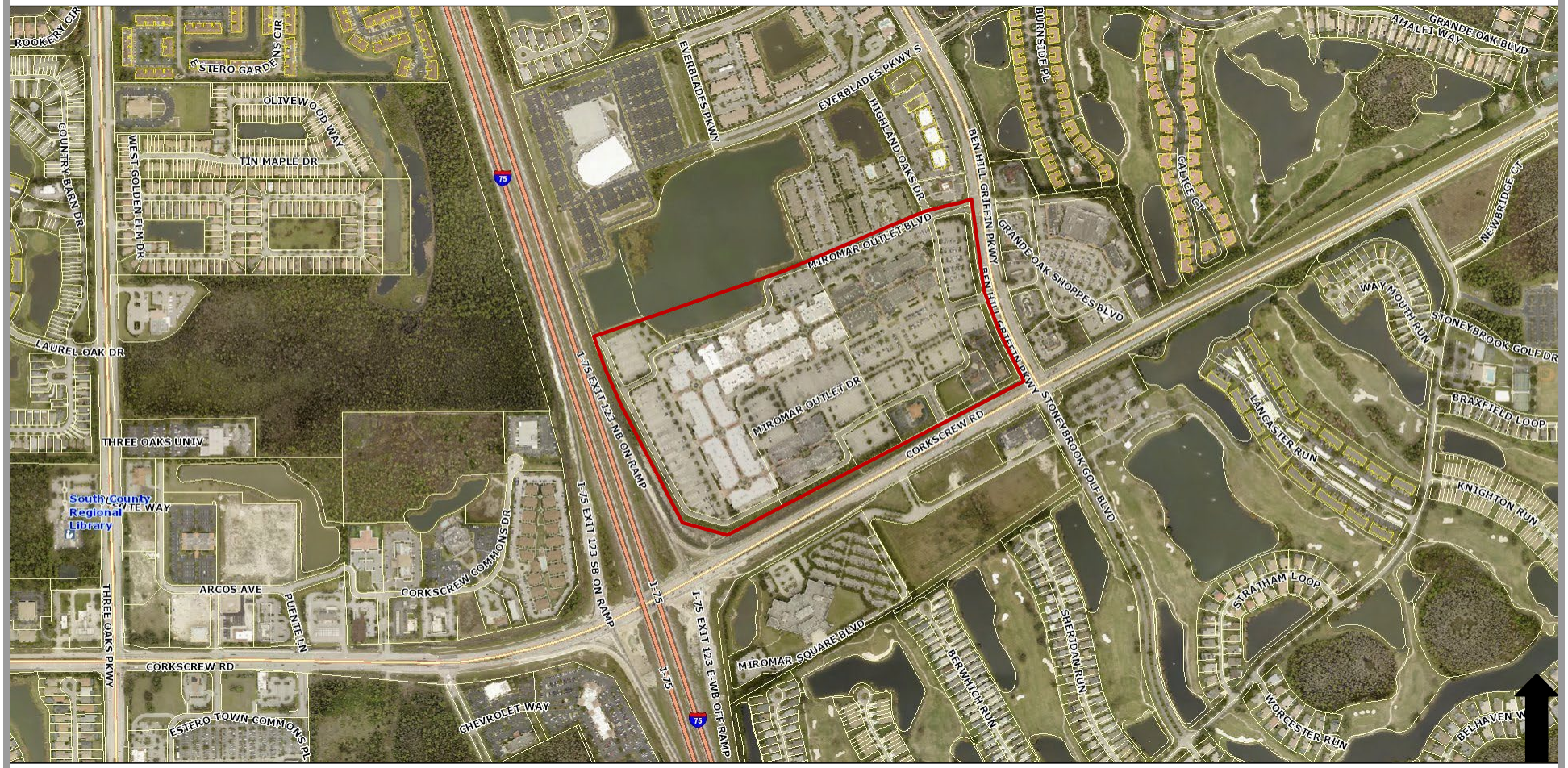
City Council Meeting
Wednesday, June 15, 2022
DCI2021-E002

HOLEMONTES
ENGINEERS | LANDSCAPE ARCHITECTS | PLANNERS | SURVEYORS
SINCE 1986

Project Team

- Miromar Outlet West, LLC / University Square CDD
- Neale Montgomery, Pavese Law Firm
- John Konopka, US Sign & Mill Corporation
- Paula McMichael, AICP, Hole Montes, Inc.
- Charlie Krebs, PE, Hole Montes, Inc.

3


ROOKERY CIR
ESTERO GARDENS CIR
OLIVEWOOD WAY
TIN MAPLE DR
WEST GOLDEN ELM DR
COUNTRY BARN DR
LAUREL OAK DR
THREE OAKS UNIV
South County Regional Library
CYPRESS WAY
THREE OAKS PKWY
ARCOS AVE
PUENTE LN
CORKSCREW COMMONS DR
CORKSCREW RD
ESTERO TOWN COMMONS PL
CHEVROLET WAY
I-75 EXIT 123 NB ON RAMP
I-75 EXIT 123 SB ON RAMP
I-75
I-75 EXIT 123 E-WB OFF RAMP
EVERBLADES PKWY
EVERBLADES PKWY S
HIGHLAND OAKS DR
BURNSIDE PL
BEN HILL GRIFFIN PKWY
MIROMAR OUTLET BLVD
MIROMAR OUTLET DR
CORKSCREW RD
GRANDE OAK SHOPPES BLVD
CALICE CT
AMALFI WAY
GRANDE OAK BLVD
NEWBRIDGE CT
WAYMOUTH RUN
STONEYBROOK GOLF DR
BRAXFIELD LOOP
LANCASTER RUN
KNIGHTON RUN
STRATHAM LOOP
STONEYBROOK GOLF BLVD
MIROMAR SQUARE BLVD
SHERIDAN RUN
BERWICK RUN
WORCESTER RUN
BELHAVEN W

Project Overview

- Miromar Outlets, part of the Timberland & Tiburon Development of Regional Impact (DRI), is zoned Commercial Planned Development (CPD).
- The property is located north of Corkscrew Road between the intersections of Corkscrew Road and I-75, and Corkscrew Road and Ben Hill Griffin Parkway.
- It is designated Transitional Mixed Use on the Future Land Use Map.

Request

- The applicant seeks to amend the Timberland and Tiburon CPD to amend the approved sign package.
- Approval of a unified sign plan is permitted under the General Requirements of Table 6-301.C-1:
  - All signs in a development subject to a unified sign plan shall be designed and constructed in accordance with the approved unified sign plan.

6

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CBC 1263730

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DIRECTORY



9



Property Adjacent to Miromar Outlets

6

10



Property Adjacent to Miromar Outlets

11





Artistic Endeavors of Nearby Properties

12





13

Property Adjacent to Miromar Outlets





Nearby Properties

14





Nearby Properties

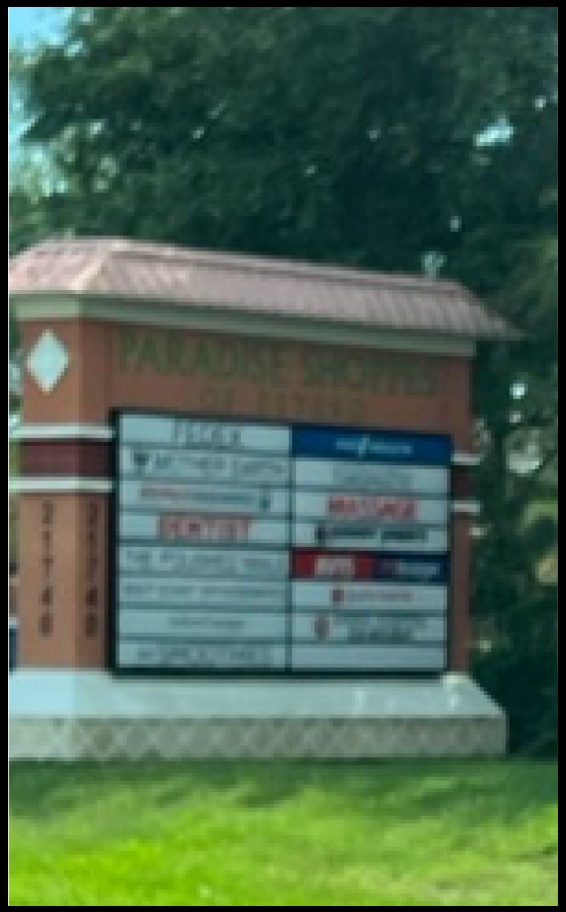
15





Nearby Properties

16





Nearby Properties

17





18

Nearby Properties



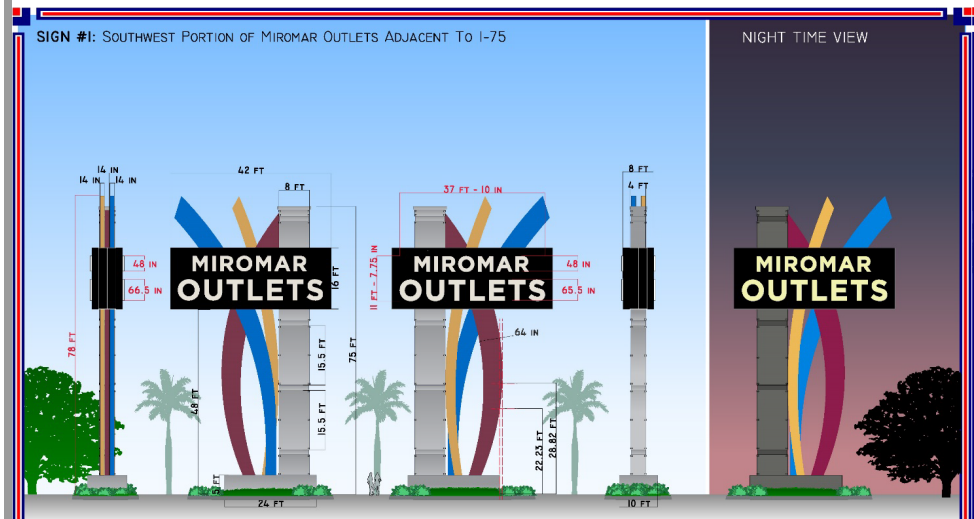


19

Nearby Properties

SIGN #1: SOUTHWEST PORTION OF MIROMAR OUTLETS ADJACENT TO I-75

NIGHT TIME VIEW



(QTY. 1) ALUMINUM & STEEL STRUCTURE PYLON SIGN WITH FAUX RIVETS. FACE LIT CHANNEL LETTERS WITH WHITE RETURNS. FACE-LIT CURVED DESIGN ELEMENTS USING FLEX FACE TRANSLUCENT MATERIAL. ILLUMINATED WITH WHITE LED.

VINYL COLOR LEGEND:
- BERRY BURGUNDY - 3M-3630-328
- INTENSE BLUE 3M-3630-127
- GOLD NUGGET 3M-3630-141

PAINT COLOR:
- MATHEWS SILVER CUP (18076)
- BLACK

	HEIGHT	AREA
PROPOSED	78'	440.6 [/]
ALLOWED	50''	400 [/]

US SIGN MILL CORPORATION
CBC 1263730
7981 MAINLINE PKWY
FT. MYERS FL, 33912
PH: 239-936-9154 FAX: 239-936-2899

PROJECT: 20-**** | **DRAWING#:** D006-S1 | **INITIAL DRAWING DATE:** 06/8/22

SITE LOCATION: 10801 CORKSCREW RD - ESTERO, FL

CUSTOMER: MIROMAR OUTLETS | **PROJECT MANAGER:** RYAN DINKEL | **DESIGNER:** DANIEL LI

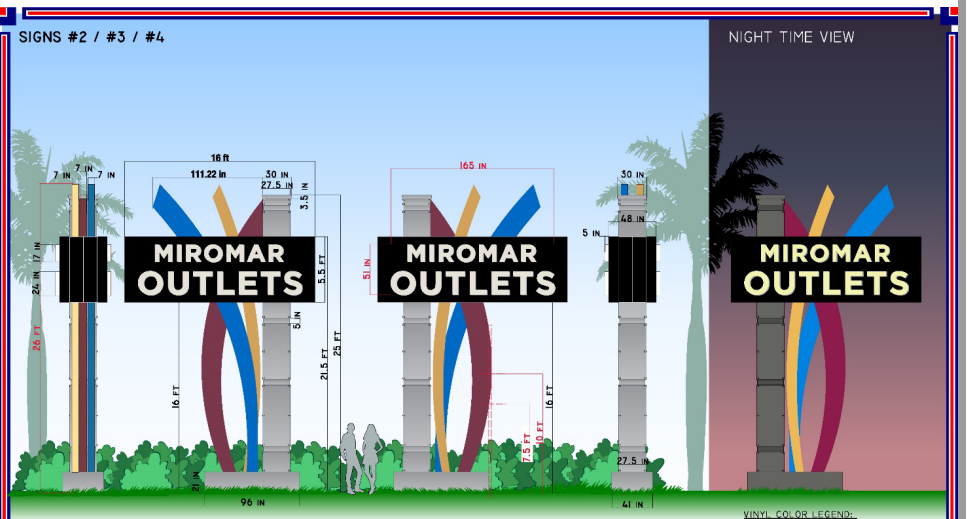
I HAVE REVIEWED THE ABOVE SPECIFICATIONS & HEREBY FULLY UNDERSTAND THE CONTENT OF WORK TO BE PERFORMED AND I APPROVE THIS PROJECT TO BEGIN: SIGNATURE:_____ DATE:____/____/____

THIS DRAWING IS PROPERTY OF US SIGN & MILL CORP. ANY ALTERATIONS OR REPRODUCTIONS IN WHOLE OR IN PART ARE PROHIBITED WITHOUT WRITTEN CONSENT OF US SIGN & MILL. THIS DRAWING HAS BEEN MADE AVAILABLE TO THE CLIENT TO ILLUSTRATE DESIGN OR MANUFACTURING DETAILS AND ARE NOT TO BE DISTRIBUTED FOR BID WITHOUT THE WRITTEN CONSENT OF US SIGN & MILL.

FILE PATH: \\USSIGN-SERVER\SHOPVOX PROJECTS\MIROMAR OUTLETS\2021\QT 2867 - ESTERO ,FL - PACKAGE PRICING MIROMAR OUTLETS PYLON SIGNS 25FT AND 75FT

SIGNS #2 / #3 / #4

NIGHT TIME VIEW



ALUMINUM & STEEL STRUCTURE PYLON SIGN WITH FAUX RIVETS. FACE LIT CHANNEL LETTERS WITH WHITE RETURNS. FACE-LIT CURVED DESIGN ELEMENTS USING FLEX FACE TRANSLUCENT MATERIAL. ILLUMINATED WITH WHITE LED.

VINYL COLOR LEGEND:
- BERRY BURGUNDY - 3M-3630-328
- INTENSE BLUE 3M-3630-127
- GOLD NUGGET 3M-3630-141

PAINT COLOR:
- MATHEWS SILVER CUP (18076)
- BLACK

	HEIGHT	AREA
PROPOSED	26'	58.43 [/]
ALLOWED	17''	96 [/]

US SIGN MILL CORPORATION
CBC 1263730
7981 MAINLINE PKWY
FT. MYERS FL, 33912
PH: 239-936-9154 FAX: 239-936-2899

PROJECT: 21-**** | **DRAWING#:** D005-S2 | **INITIAL DRAWING DATE:** 06/8/22

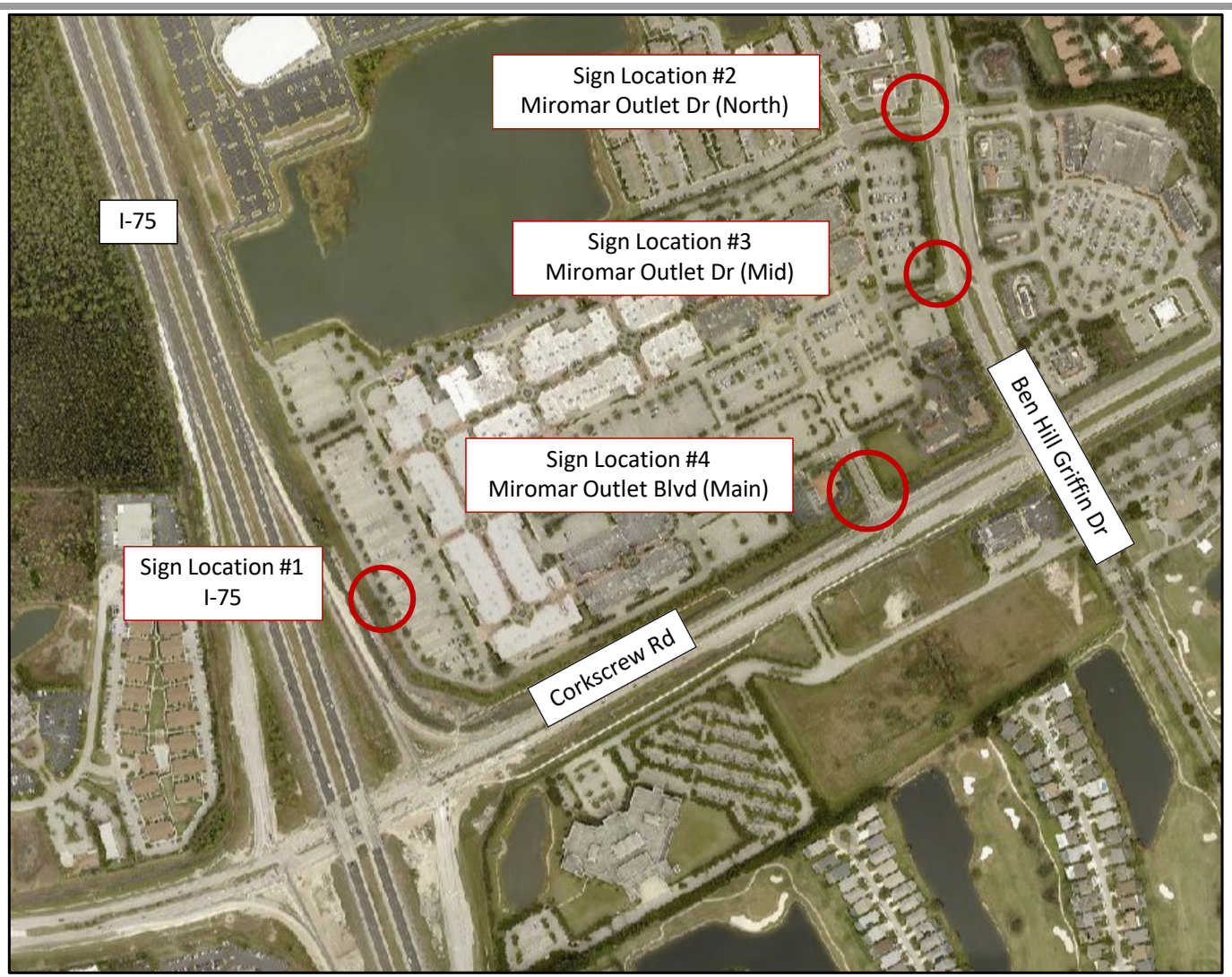
SITE LOCATION: 10801 CORKSCREW RD - ESTERO, FL

CUSTOMER: MIROMAR OUTLETS | **PROJECT MANAGER:** RYAN DINKEL | **DESIGNER:** DANIEL LI

I HAVE REVIEWED THE ABOVE SPECIFICATIONS & HEREBY FULLY UNDERSTAND THE CONTENT OF WORK TO BE PERFORMED AND I APPROVE THIS PROJECT TO BEGIN: SIGNATURE:_____ DATE:____/____/____

THIS DRAWING IS PROPERTY OF US SIGN & MILL CORP. ANY ALTERATIONS OR REPRODUCTIONS IN WHOLE OR IN PART ARE PROHIBITED WITHOUT WRITTEN CONSENT OF US SIGN & MILL. THIS DRAWING HAS BEEN MADE AVAILABLE TO THE CLIENT TO ILLUSTRATE DESIGN OR MANUFACTURING DETAILS AND ARE NOT TO BE DISTRIBUTED FOR BID WITHOUT THE WRITTEN CONSENT OF US SIGN & MILL.

FILE PATH: \\USSIGN-SERVER\SHOPVOX PROJECTS\MIROMAR OUTLETS\2021\QT 2867 - ESTERO ,FL - PACKAGE PRICING MIROMAR OUTLETS PYLON SIGNS 25FT AND 75FT

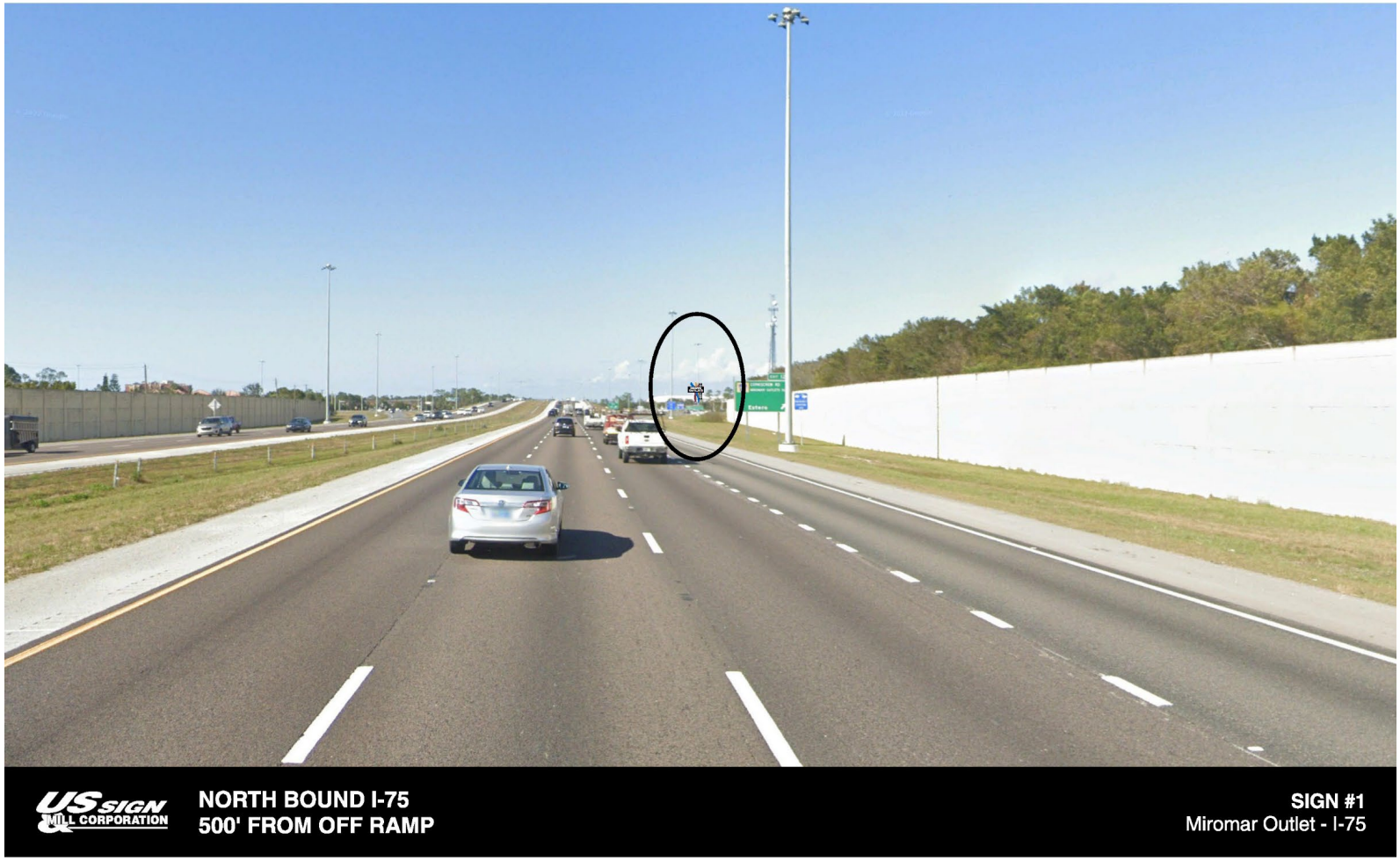

Sign Location #2
Miromar Outlet Dr (North)
I-75
Sign Location #3
Miromar Outlet Dr (Mid)
Ben Hill Griffin Dr
Sign Location #4
Miromar Outlet Blvd (Main)
Sign Location #1
I-75
Corkscrew Rd

11


EXIT 123
Estero
SOUTHBOUND I-75
3140' FROM START OF CORKSCREW OFF RAMP
SIGN #1
Miromar Outlet - I-75

17

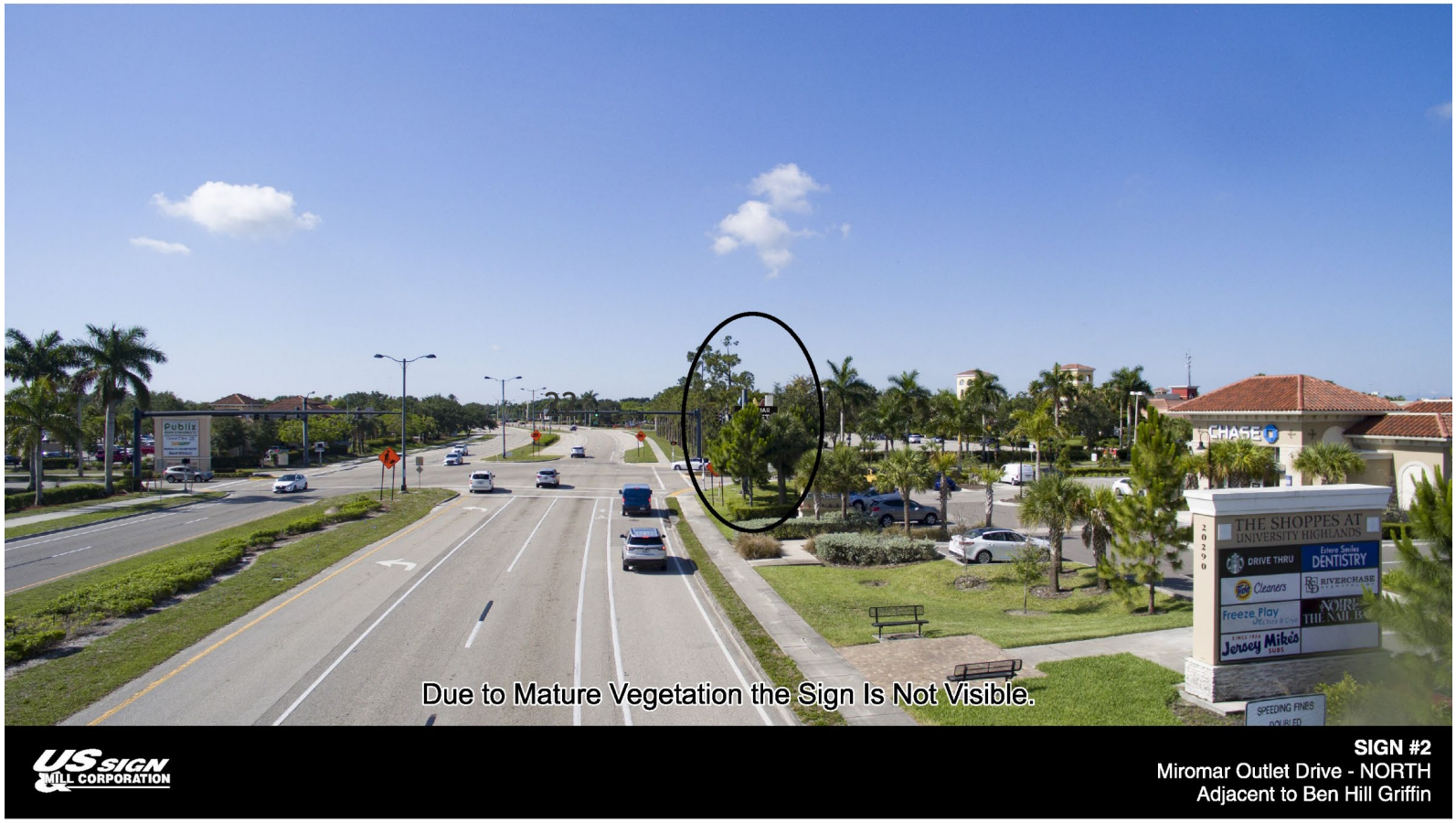

MIROMAR OUTLETS
Estero
US SIGN MILL CORPORATION
SOUTHBOUND I-75
500' FROM START OF CORKSCREW OFF RAMP
SIGN #1
Miromar Outlet - I-75


US SIGN MILL CORPORATION
NORTH BOUND I-75
500' FROM OFF RAMP
SIGN #1
Miromar Outlet - I-75

19


MIROMAR
OUTLETS
US SIGN
SOUTH FACE
SIGN #1
Miromar Outlet - I-75

16


Publix
CHASE
THE SHOPPES AT
UNIVERSITY HIGHLANDS
DRIVE THRU
DENTISTRY
Cleaners
Freeze Play
Jersey Mike's
SPEEDING FINES
Due to Mature Vegetation the Sign Is Not Visible.
US SIGN
MILL CORPORATION
SIGN #2
Miromar Outlet Drive - NORTH
Adjacent to Ben Hill Griffin


MIROMAR
OUTLETS
CHASE
SOUTH BOUND
300' FROM INTERSECTION
BEN HILL NORTH
SIGN #2
Miromar Outlet Drive - NORTH
Adjacent to Ben Hill Griffin

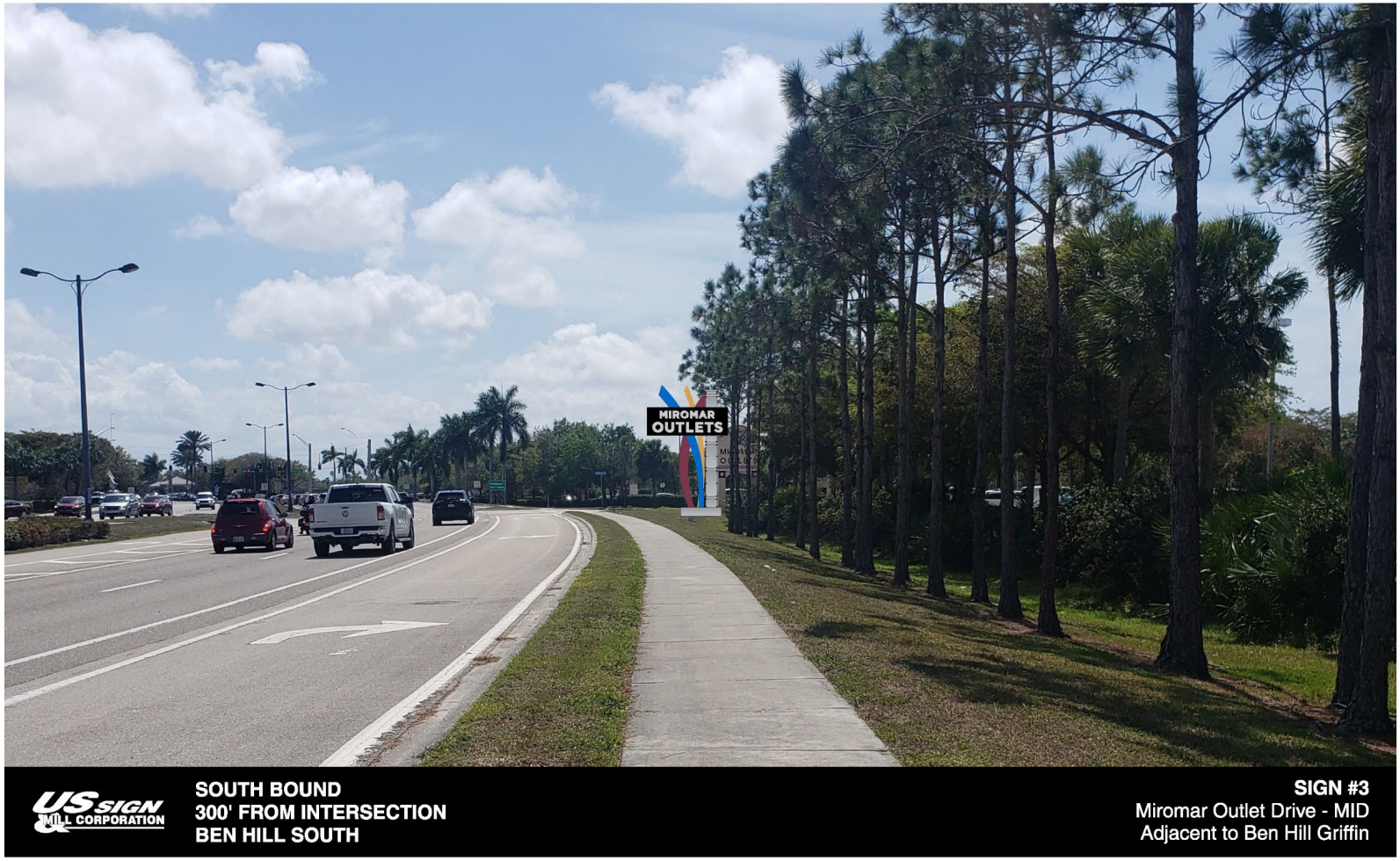
23


MIROMAR OUTLETS
MIROMAR OUTLETS
US SIGN MILL CORPORATION
NORTH BOUND
300' FROM INTERSECTION
BEN HILL NORTH
SIGN #2
Miromar Outlet Drive - NORTH
Adjacent to Ben Hill Griffin

24


MIROMAR
OUTLETS
US SIGN
WILL CORPORATION
SIGN #2
Miromar Outlet Drive - NORTH
Adjacent to Ben Hill Griffin

21


MIROMAR
OUTLETS
US SIGN
MILL CORPORATION
SOUTH BOUND
300' FROM INTERSECTION
BEN HILL SOUTH
SIGN #3
Miromar Outlet Drive - MID
Adjacent to Ben Hill Griffin


OUTLET
MALL
MIROMAR
OUTLETS
MIROMAR
OUTLETS
US SIGN
MILL CORPORATION
NORTH BOUND
300' FROM INTERSECTION
BEN HILL SOUTH
SIGN #3
Miromar Outlet Drive - MID
Adjacent to Ben Hill Griffin

27


END
STATE MAINT.
DEPT. OF TRANS.
SPEED
LIMIT
45
Due to Mature Vegetation the Sign Is Not Visible.
US SIGN MILL CORPORATION
EAST BOUND
950' FROM INTERSECTION (BEGINNING OF LEFT TURN LANE)
CORKSCREW RD.
SIGN #4
Miromar Outlet Boulevard - MAIN
Adjacent to Corkscrew Road

29


MIROMAR OUTLETS
DOG'S BARRICADES
US SIGN MILL CORPORATION
EAST BOUND
300' FROM INTERSECTION
CORKSCREW RD.
SIGN #4
Miromar Outlet Boulevard - MAIN
Adjacent to Corkscrew Road

30


MIROMAR
OUTLETS
US SIGN MILL CORPORATION
WEST BOUND
300' FROM INTERSECTION
CORKSCREW RD.
SIGN #4
Miromar Outlet Boulevard - MAIN
Adjacent to Corkscrew Road

31

Conclusion

- The proposed amendments are consistent with the Transitional Mixed-Use category in the Comprehensive Plan. The proposed signage will improve the quality and appearance of the existing development with the redesign of the signs. The reduced setback will have a positive impact on the public health, safety, and welfare of the village by making the signs more visible from the right-of-way.

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

FY 22-23 Budget Introduction

Description:

This workshop will serve as an initial foray into the FY 22-23 Village budgeting season. Paired with the ongoing work of the CIP, the budget will further pare down Village priorities and allocate funds to advance these efforts.

The topics to be covered in this workshop are as follows:

1. Budget Purpose
2. Budgeting Principles
3. Budget Calendar

Financial Impact:

Development of the Village FY 22-23 budget

Attachments:

1. FY 22-23 Budget Introduction Presentation
2. Budget Timetable

Village of ESTERO

FY 2022/2023 Budget Introduction

Village Staff

1

Village of ESTERO

Agenda

Purpose of the Annual Budget

Standards and Guidelines used

Budget Calendar

2

Village of ESTERO

Purpose of the Annual Budget

To recognize estimated revenue sources

To appropriate the revenues into expenditure categories that reflect the will and direction of Village Council

To recognize and plan for deficiencies or surpluses in funding sources and determine how to best manage it

3

Village of ESTERO

Standards and Guidelines

Florida statue 166.241 requires all municipalities to adopt an annual balanced budget by October 1.

Revenue estimates must be reasonable and expected

Village Resolutions and Ordinances must not be violated within the formulation of the budget

It is Management's responsibility to present a budget that focuses on the goals of Council's directives

4

Village of ESTERO

Budget Timeline

2022-2023 Budget Timetable	
June 15, 2022	Village Council Workshop Review of Proposed 2022-23 Operating Budget and Introduction of Proposed Capital Improvement Plan
July 6, 2022	Village Council – 1st Public Hearing Proposed 2022-23 Budget and Capital Improvement Plan
July 20, 2022	Village Council – 2nd Public Hearing Proposed 2022-23 Budget and Capital Improvement Plan
September 8, 2022 (5:30pm)	Village Council – 1st Public Hearing Budget and Millage Rate
September 21, 2022 (5:30pm)	Village Council – 2nd Public Hearing Budget and Millage Rate
October 1, 2022	Information ONLY New Fiscal Year Begins

5

Village of ESTERO

QUESTIONS?

6

2022-2023 Budget Timetable	
June 15, 2022	Village Council Workshop Review of Proposed 2022-23 Operating Budget and Introduction of Proposed Capital Improvement Plan
July 6, 2022	Village Council – 1st Public Hearing Proposed 2022-23 Budget and Capital Improvement Plan
July 20, 2022	Village Council – 2nd Public Hearing Proposed 2022-23 Budget and Capital Improvement Plan
September 8, 2022 (5:30pm)	Village Council – 1st Public Hearing Budget and Millage Rate
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October 1, 2022	Information ONLY New Fiscal Year Begins

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

Fiscal Year 2022-2023 5-year Capital Improvement Projects

Description:

Ahead of the two Capital Improvement Project public hearings in July, Village Staff will present to Village Council a first draft of the Village's Fiscal Year 2022-2023 5-year Capital Improvement Project plan.

Staff will provide a brief description of key projects and summarize the draft plan.

Financial Impact:

The Village's Capital Improvement Project Plan outlines how the Village plans on spending capital improvement funds over the next 5-years.

Village Council will review and approve the CIP at future Council Meetings.

Prepared by: David Willems, P.E.

Attachments:

1. Presentation
2. Capital Improvement Projects 5-year Plan

Village of ESTERO

Village 5-year CIP Plan

Fiscal Year 2022-2023

David Willems

Slide 1

Village of ESTERO

Outline

- Fiscal Year 2022-2023 Project
  - Project descriptions
- 5-year CIP Summary
- Questions

Slide 2

Village of ESTERO

2022-2023 Roadway

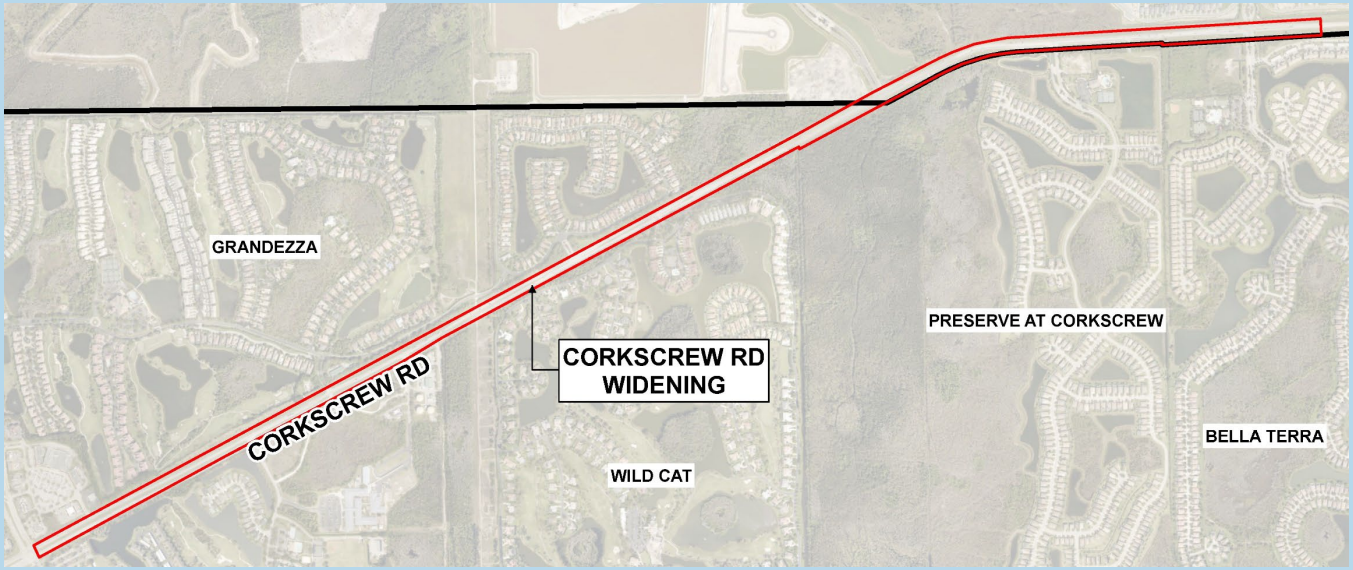
- Corkscrew Road
- River Ranch Road
- Williams Rd (US 41 to Via Coconut Pt)

Slide 3

Village of ESTERO

Corkscrew Road

- Design & Permitting

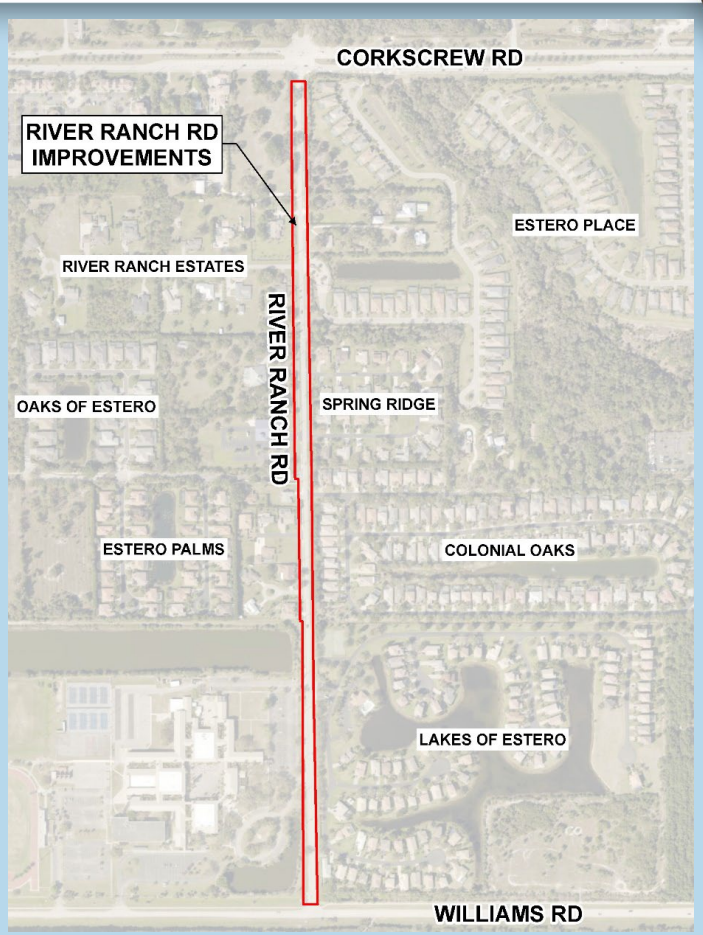


Slide 4

Village of ESTERO

River Ranch Road

- Design & Permitting
- Construction

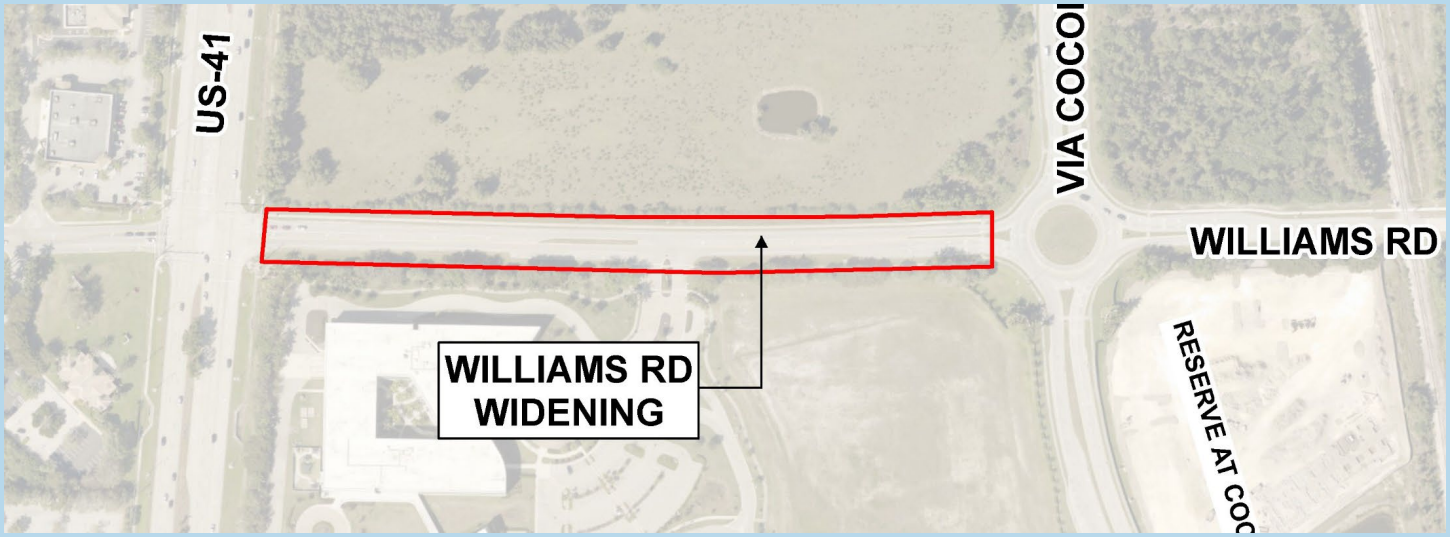


Slide 5

Village of ESTERO

Williams Road

- Design & Permitting



Slide 6

Village of ESTERO

2022-2023 Intersection

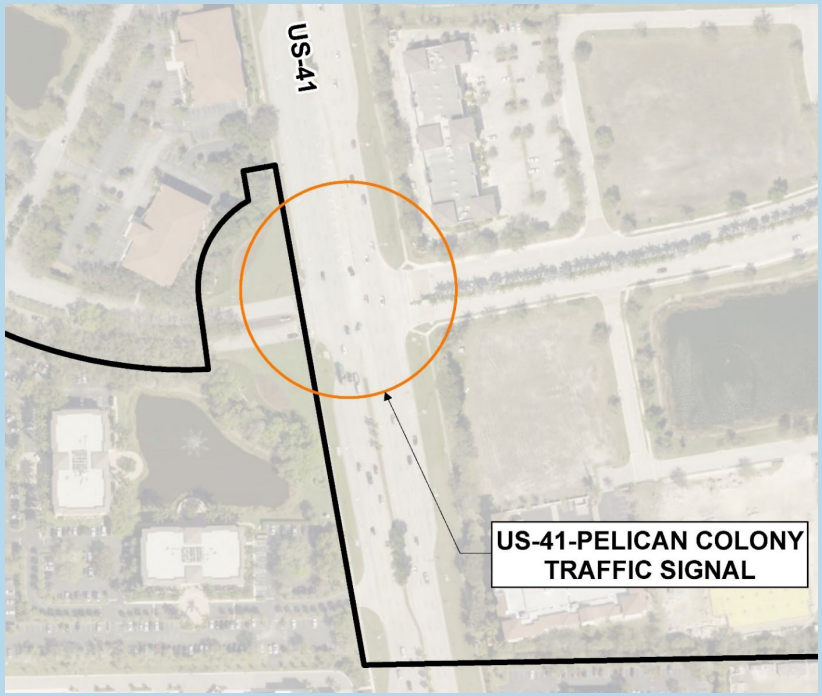
- US 41 – Pelican Colony Traffic Signal
- Williams Rd - Atlantic Gulf Drive

Slide 7

Village of ESTERO

US 41 – Pelican Colony

- Permitting
  - July 2022
- Bidding
  - Feb 2023
- Construction
  - Sept 2023

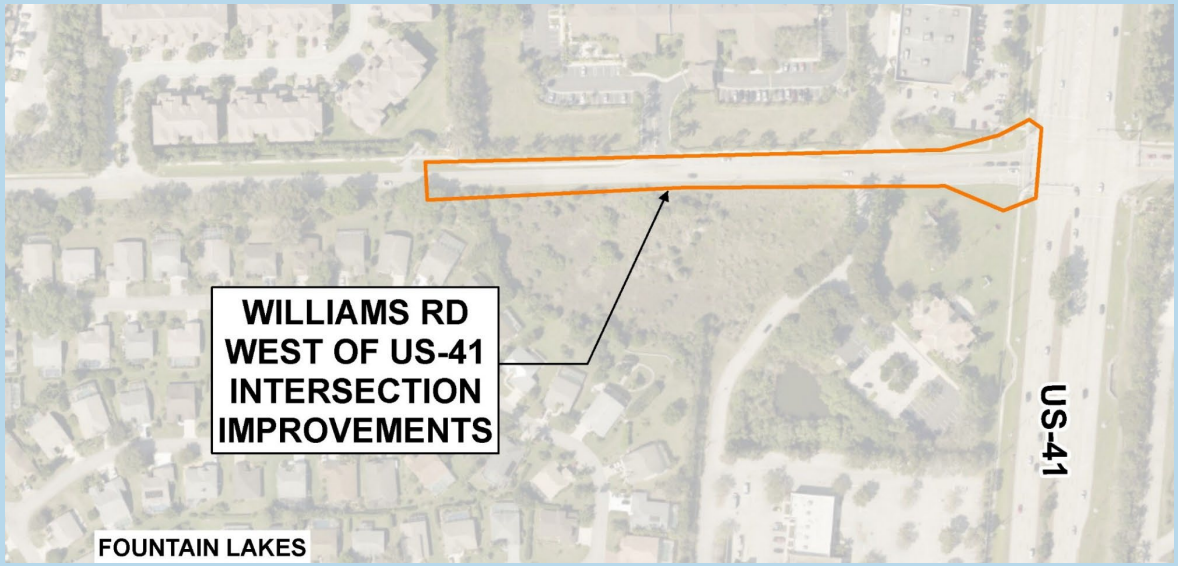


Slide 8

Village of ESTERO

Williams-Atlantic Gulf Drive

- Design & Permitting



Slide 9

Village of ESTERO

2022-2023 Bike/Ped

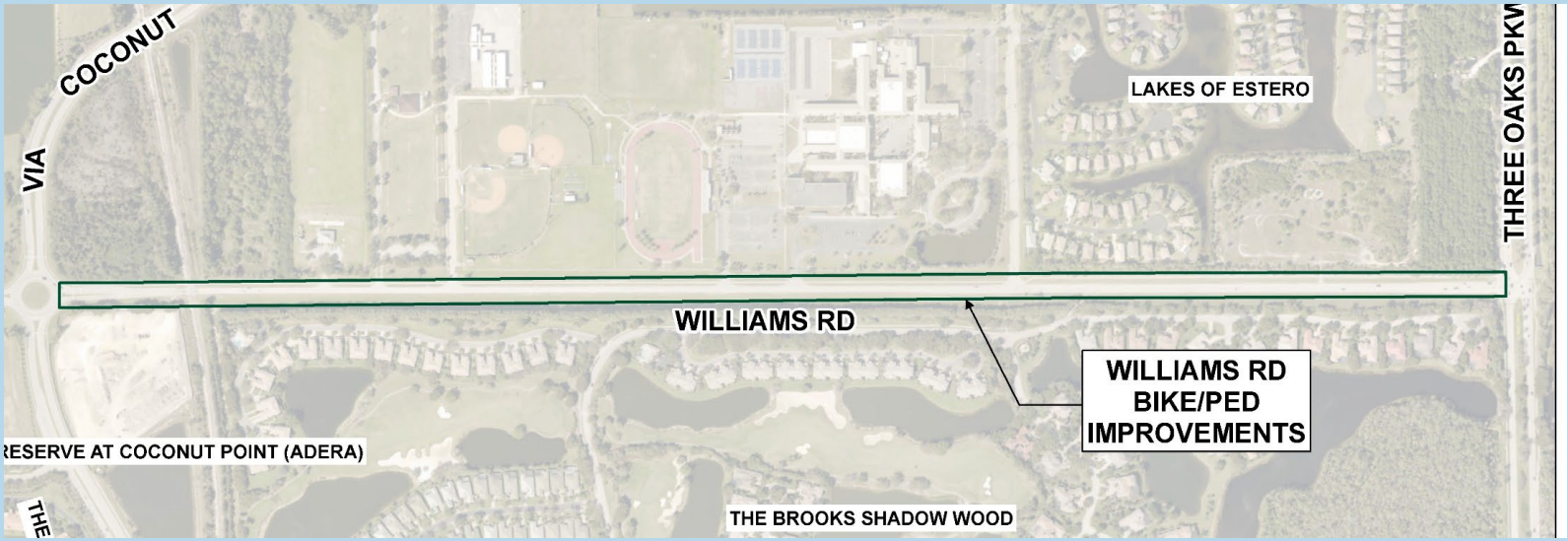
- Williams Road (Via Coconut Pt to Three Oaks)
- Intersection Safety Study
- Sandy Lane & Broadway East

Slide 10

Village of ESTERO

Williams Road

- Design & Permitting; Start Construction



Slide 11

Village of ESTERO

Intersection Safety Study

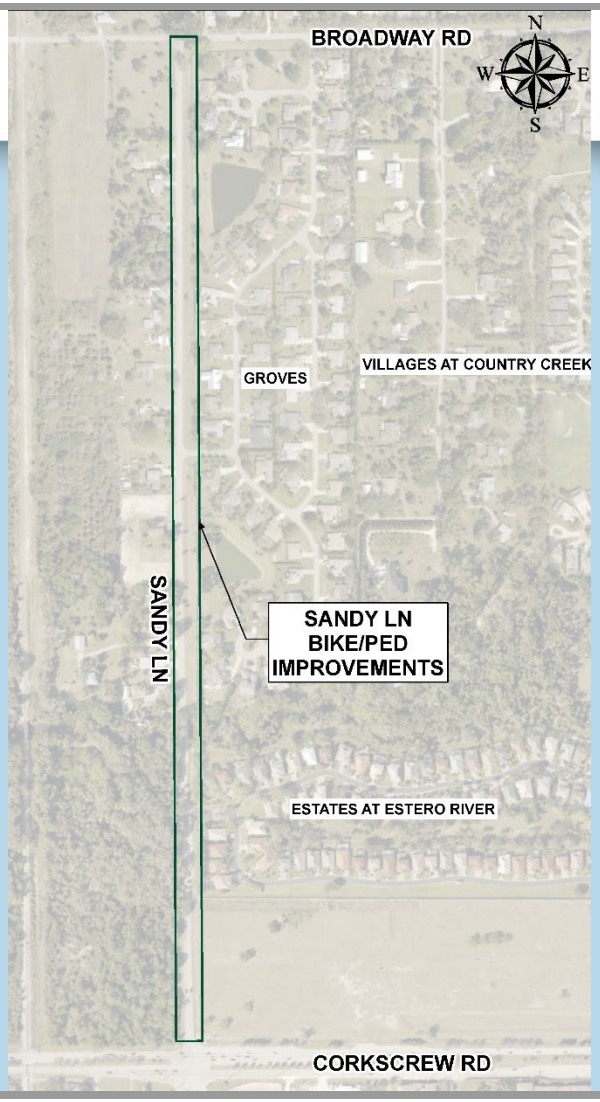
- Various intersection throughout Estero

Slide 12

Village of ESTERO

Sandy Lane- Broadway E

- Design & Permitting
- Construction - Sandy Lane

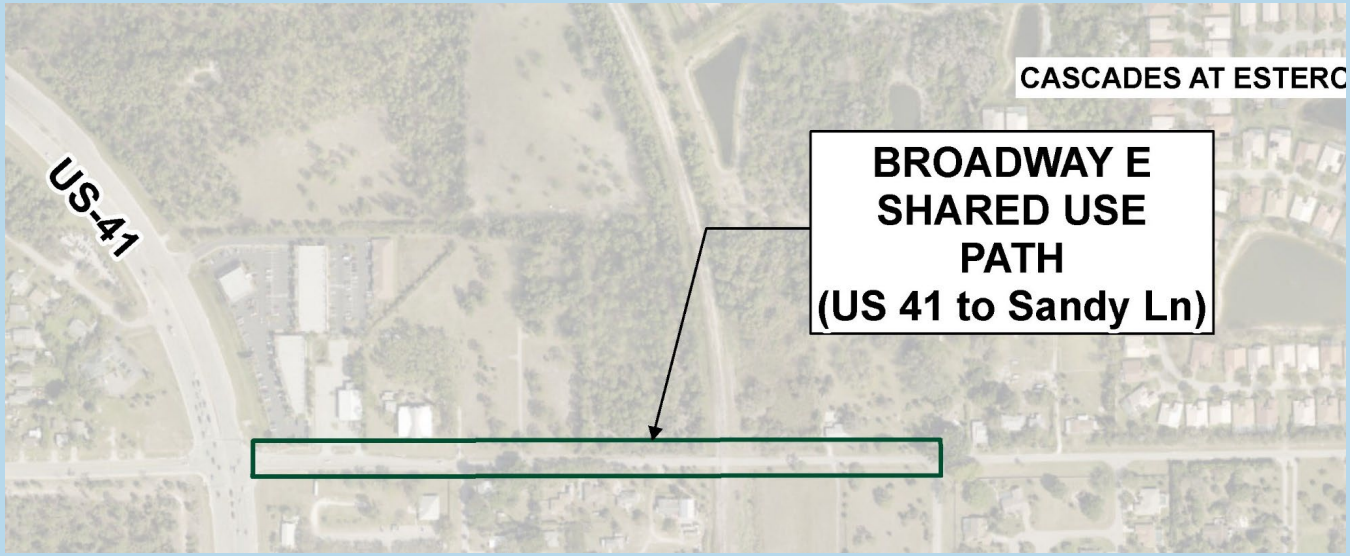


Slide 13

Village of ESTERO

Sandy Lane-Broadway E

- Design & Permitting



Slide 14

Village of ESTERO

2022-2023 Landscaping

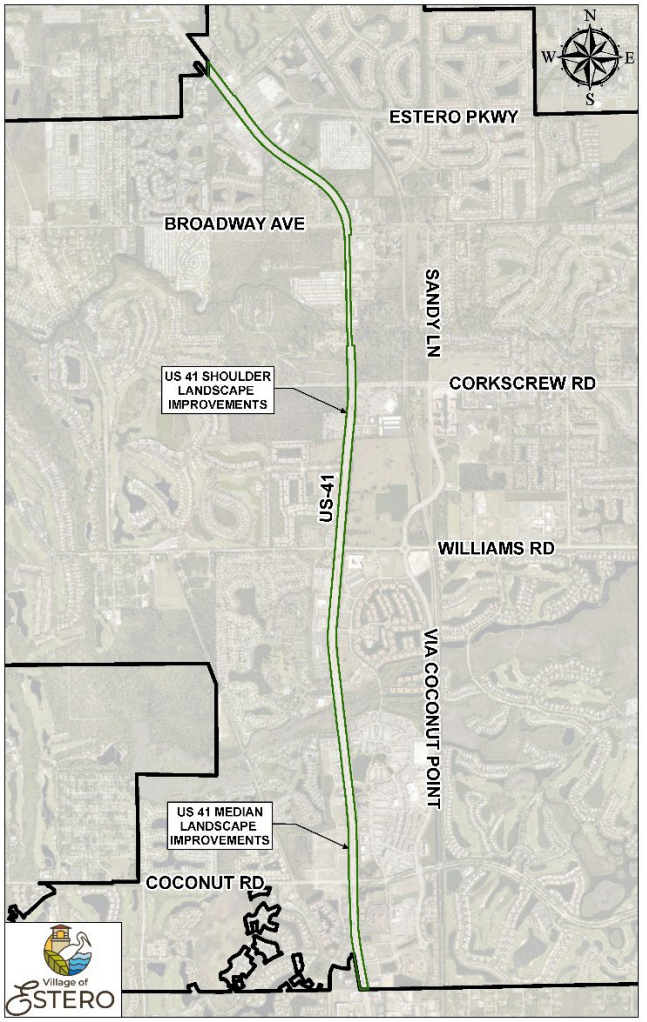
- US 41 Medians
- Monument Signs (US 41 & Three Oaks Pkwy)
- Ben Hill Griffin Parkway
- I-75

Slide 15

Village of ESTERO

US 41 Medians

- Design & Construction



Slide 16

Village of ESTERO

Monument Signs

- US 41 South – Construction Nov. 2022
- Three Oaks Parkway South – Construction Oct. 2022
- US 41 North – Construction July 2023
- Three Oaks Parkway North – Construction May 2023

Slide 17

Village of ESTERO

Ben Hill Griffin Pkwy

- Design, Permitting & Construction

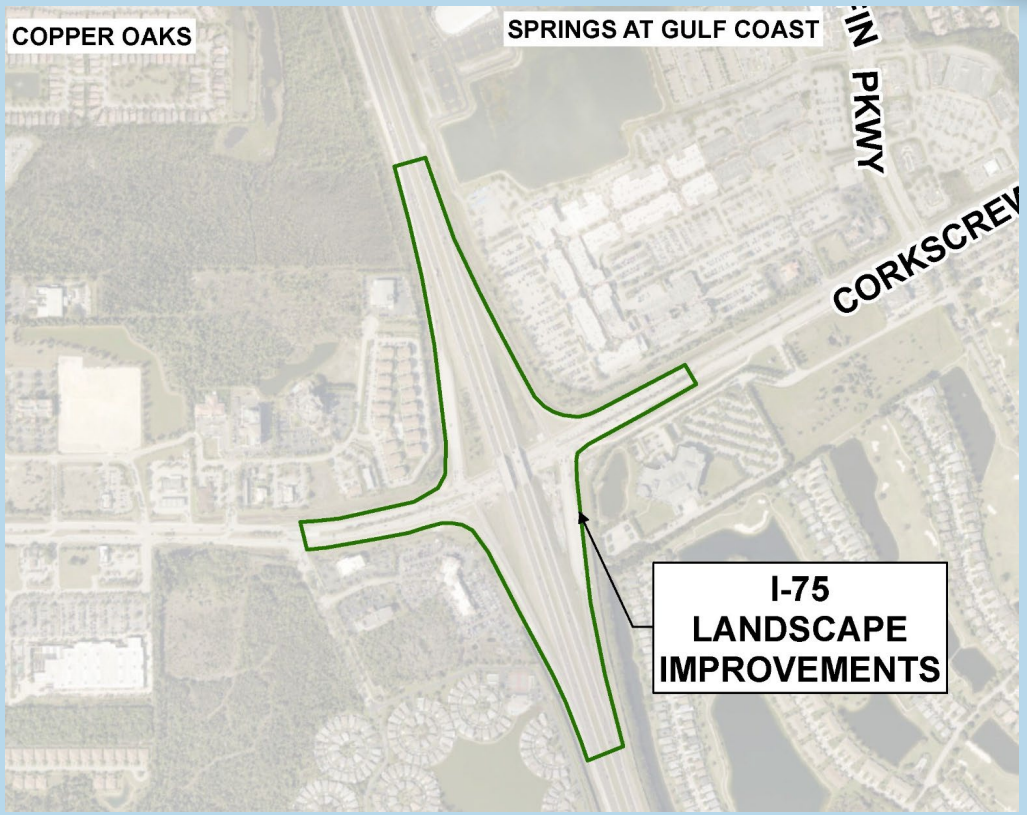


Slide 18

Village of ESTERO

I-75

- Construction
- Maintenance



Slide 19

Village of ESTERO

2022-2023 Parks & Rec.

- Estero on the River Master Plan
- Estero Community Park Master Plan
- Estero Community Park Improvements
- Estero on the River Improvements

Slide 20

Village of ESTERO

Estero Community Park

- Master Plan
- Phase 1 – Design, permit, construction

Slide 21

Village of ESTERO

Estero on the River

- Master Plan
- Phase 1 – Design, permit, construction

Slide 22

Village of ESTERO

2022-2023 Stormwater

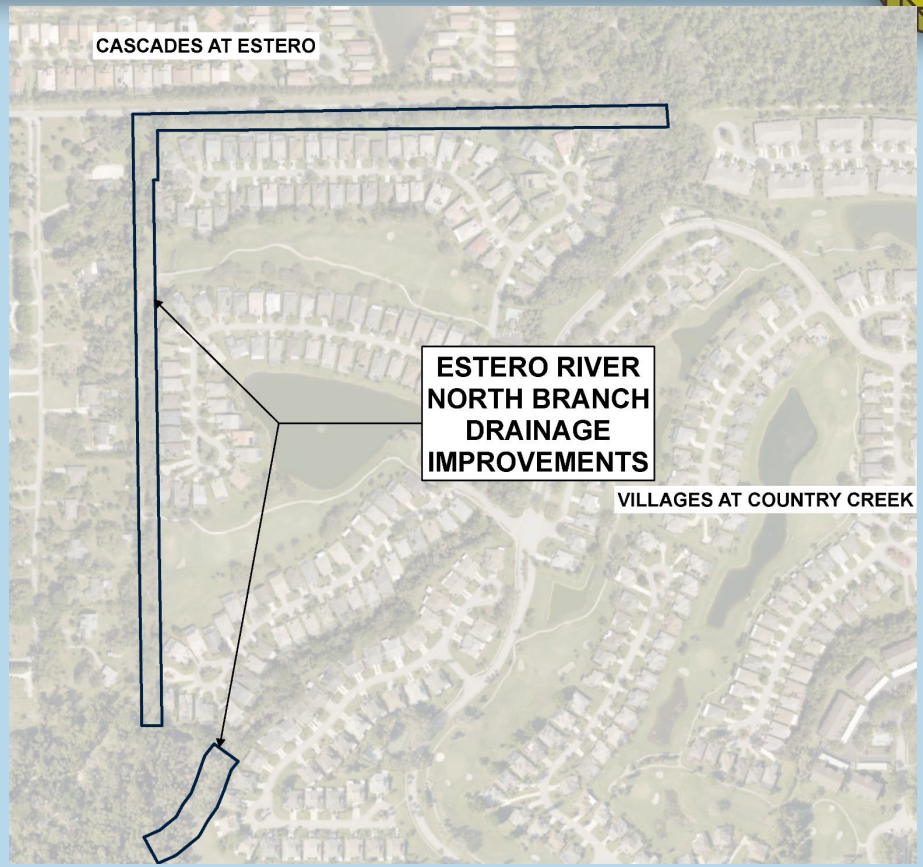
- Estero River North Branch
- Estero River Sediment Removal

Slide 23

Village of ESTERO

Estero River North Branch

- Design & Permitting
- Construction to Start, may extend subsequent years



Slide 24

Village of ESTERO

Estero River Sediment

- Permitting



Slide 25

Village of ESTERO

2022-2023 Utility

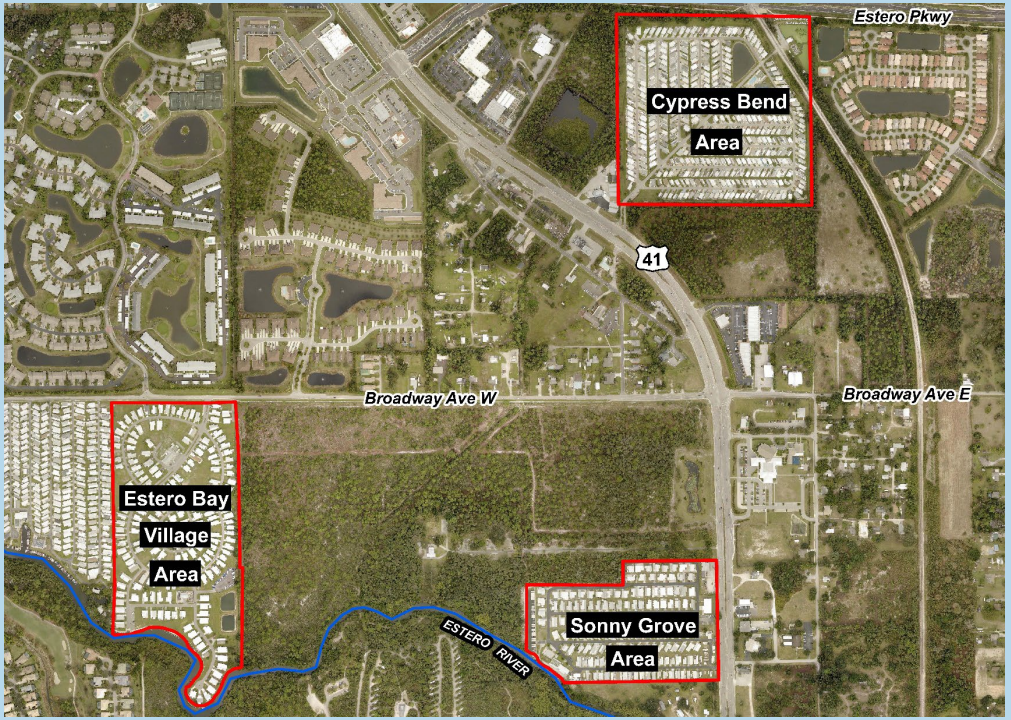
- Package Waste Water Treatment Plants
- Broadway Ave. West
- Broadway Ave. East

Slide 26

Village of ESTERO

Package Water Plants

- Construction Start
  - End 2022



Slide 27

Village of ESTERO

Broadway Ave. West

- Design and permitting
  - Concept – 10/2022
  - 60% Plans – 2/2023
  - Plans – 7/2023

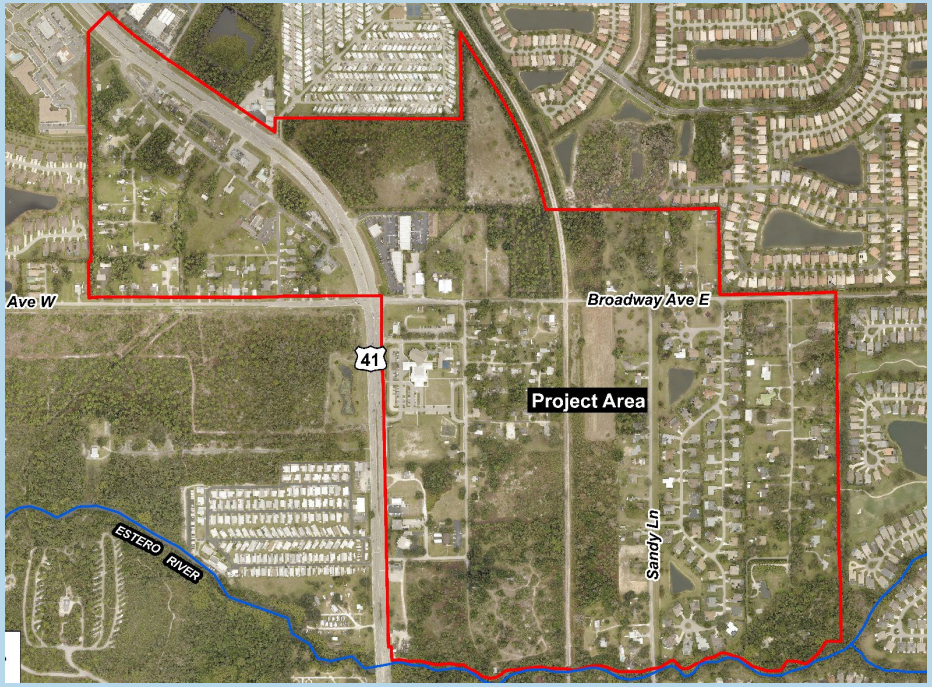


Slide 28

Village of ESTERO

Broadway Ave. East

- Design & Permitting
  - Concept – 10/2022
  - 60% Plans – 2/2023
  - Plans – 7/2023



Slide 29

Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
Roadway Improvements									
1	Corkscrew Rd Paths, Landscaping & Street Lighting	$ 13,663,100	RIF	$ -	$ -	$ -	$ -	$ -	$ -
1			GF	$ 5,441,000	$ 4,485,900	$ -	$ -	$ -	$ 9,926,900
1			LDOT		$ 3,046,200	$ -	$ -	$ -	$ 3,046,200
2	River Ranch Road Improvements	$ 5,827,100	RIF	$ 2,948,350	$ -	$ -	$ -	$ -	$ 2,948,350
2	(Drainage, Road, Bike/Ped)		GF	$ 1,500,000	$ -	$ -	$ -	$ -	$ 1,500,000
2			GT	$ 1,227,000	$ -	$ -	$ -	$ -	$ 1,227,000
3	Broadway W. Phase 1 Improvements (US41-Breckenridge)	$ 2,615,000	GT	$ -	$ -	$ -	$ 900,000	$ -	$ 900,000
3	(Road, Bike/Ped, Drainage)		RIF	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ -	$ 972,900	$ -	$ 742,100	$ -	$ 1,715,000
4	Broadway W. Phase 2 Improvements	$ 2,463,200	GT	$ -	$ -	$ -	$ -	$ -	$ -
4	(Breckenridge-Pine Tree Ln.)(Road, Bike/Ped, Drainage)		RIF	$ -	$ -	$ -	$ -	$ -	$ -
4			GF	$ -	$ -	$ -	$ -	$ -	$ -
5	Williams Road Widening (US41 - Via Coconut)	$ 4,429,300	RIF	$ 600,000	$ -	$ -	$ -	$ -	$ 600,000
5			GT	$ 267,500	$ -	$ -	$ -	$ -	$ 267,500
6	Via Coconut Point Extension (South)	$ 2,784,600	RIF	$ -	$ -	$ -	$ -	$ -	$ -

Slide 30

Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Intersection Improvements								
1	US-41 - Pelican Colony Traffic Signal	$ 960,000	Developer	$ 828,000	$ -	$ -	$ -	$ -	$ 828,000
2	Williams Road-Atlantic Gulf Drive Intersection	$ 3,757,800	RIF	$ -	$ -	$ 600,000	$ -	$ -	$ 600,000
2			GT	$ 460,000	$ -	$ 2,389,600	$ -	$ -	$ 2,849,600
2			GF	$ -	$ -	$ -	$ -	$ -	$ -
3	Corkscrew Rd-Three Oaks Pkwy. Intersection Improvements	$ 428,000	LDOT	$ -	$ 428,000	$ -	$ -	$ -	$ 428,000
4	US41-Coconut Road Intersection Improvements	$ 746,400	Other	$ -	$ -	$ -	$ -	$ -	$ -
5	US41-Williams Rd Intersection Improvements	$ 288,500	RIF	$ -	$ -	$ -	$ -	$ -	$ -
5			GT	$ -	$ -	$ -	$ -	$ -	$ -
5			GF	$ -	$ -	$ -	$ -	$ -	$ -
6	Coconut Road - Coconut Shores Roundabout	$ 879,400	Other	$ -	$ -	$ -	$ -	$ -	$ -
6			RIF	$ -	$ 144,300	$ -	$ -	$ -	$ 144,300
6			GT	$ -	$ -	$ -	$ -	$ -	$ -
6			GF	$ -	$ -	$ -	$ -	$ -	$ -
7	US41-Pelican Sound Intersection Improvements	$ 1,257,900	Developer	$ -	$ -	$ -	$ -	$ -	$ -
8	US41-Corkscrew Rd Intersection Improvements	$ 510,300	Other	$ -	$ -	$ -	$ -	$ -	$ -
9	Coconut Road - Meadowbrook Roundabout	$ 960,500	Other	$ -	$ -	$ -	$ -	$ -	$ -
9			RIF	$ -	$ -	$ -	$ 155,900	$ -	$ 155,900
9			GT	$ -	$ -	$ -	$ -	$ -	$ -
9			GF	$ -	$ -	$ -	$ -	$ -	$ -
10	North Point Railroad Crossing	$ 250,000	RIF	$ -	$ -	$ -	$ -	$ -	$ -
11	Coconut Road - El Dorado Roundabout	$ 1,022,400	Other	$ -	$ -	$ -	$ -	$ -	$ -
11			RIF	$ -	$ -	$ -	$ -	$ -	$ -
11			GT	$ -	$ -	$ -	$ -	$ -	$ -
11			GF	$ -	$ -	$ -	$ -	$ -	$ -

Slide 31

Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
Bike-Pedestrian Improvements									
1	Coconut Road Crosswalks	$ 252,800	GF	$ 177,800	$ -	$ -	$ -	$ -	$ 177,800
2	Williams Road Bike-Ped Improvements (East of Via Coconut)	$ 5,348,300	GF		$ 2,384,150	$ -	$ -	$ -	$ 2,384,150
2			RIF	$ 2,914,150	$ 290,000	$ -	$ -	$ -	$ 3,204,150
3	Intersection Safety Improvement Study	$ 110,000	GF	$ 110,000	$ -	$ -	$ -	$ -	$ 110,000
4	Sandy Lane & Broadway E Bike-Ped Improvements	$ 3,951,510	GF	$ 483,480	$ -	$ -	$ -	$ -	$ 483,480
4			RIF	$ 1,572,900	$ 1,572,900	$ -	$ -	$ -	$ 3,145,800
5	Corkscrew Road Shared Use Path (3Oaks-Sandy)	$ 7,175,600	GF	$ -	$ -	$ -	$ -	$ -	$ -
5			RIF	$ -	$ -	$ -	$ -	$ -	$ -
6	Coconut Rd Sidewalk (Oakwild to Via Coconut)	$ 833,600	GF	$ -	$ -	$ -	$ -	$ 150,000	$ 150,000
6			RIF	$ -	$ -	$ -	$ -	$ -	$ -
6			FDOT	$ -	$ -	$ 330,000	$ -	$ 353,600	$ 683,600
7	Coconut Sidewalk (Via Coconut to U S41)	$ 570,600	GF	$ -	$ -	$ -	$ -	$ -	$ -
7			RIF	$ -	$ -	$ -	$ -	$ -	$ -
7			FDOT	$ -	$ -	$ -	$ 190,000	$ -	$ 190,000
8	Corkscrew Shared Use Path (Koreshan to U S 41)	$ 624,600	GF	$ -	$ -	$ -	$ -	$ -	$ -
8			RIF	$ -	$ -	$ -	$ -	$ -	$ -
8			FDOT	$ -	$ -	$ -	$ 190,000	$ -	$ 190,000
9	Corkscrew Palms Blvd. Sidewalks	$ 109,800	County	$ -	$ -	$ -	$ -	$ -	$ -

Slide 32

Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
10	Via Coconut Point Roundabouts Improvements	$ 1,278,200	GF	$ -	$ -	$ -	$ -	$ -	$ -
10			RIF	$ -	$ -	$ -	$ -	$ -	$ -
10			FDOT	$ -	$ -	$ 524,000	$ -	$ 754,200	$ 1,278,200
11	Corkscrew Rd Bike-Ped Improvements (E of US41)	$ 14,682,500	GF	$ -	$ -	$ -	$ -	$ -	$ -
11			RIF	$ -	$ -	$ -	$ -	$ -	$ -
11			Lee County	$ -	$ -	$ -	$ -	$ -	$ -
12	Coconut Rd Shared Use Path	$ 2,175,800	GF	$ -	$ -	$ 313,300	$ -	$ 1,862,500	$ 2,175,800
12			RIF	$ -	$ -	$ -	$ -	$ -	$ -
13	Williams Rd West Bike-Ped Improvements (West of US41)	$ 1,920,600	GF	$ -	$ -	$ -	$ -	$ 303,600	$ 303,600
13			RIF	$ -	$ -	$ -	$ -	$ -	$ -
14	Broadway E. Shared Use Path (Sandy Ln to Three Oaks & Estero Pkwy)	$ 3,292,700	GF	$ -	$ -	$ -	$ -	$ -	$ -
14			RIF	$ -	$ -	$ -	$ -	$ -	$ -
15	SUN Trail Estero Parkway South	$ 7,139,500	GF	$ -	$ -	$ -	$ -	$ -	$ -
15			RIF	$ -	$ -	$ -	$ -	$ -	$ -
16	SUN Trail Estero Parkway North	$ 5,773,800	GF	$ -	$ -	$ -	$ -	$ -	$ -
16			RIF	$ -	$ -	$ -	$ -	$ -	$ -
17	FPL Shared Use Path (East I-75)	$ 2,396,300	GF	$ -	$ -	$ -	$ -	$ -	$ -
18	Utility Shared Use Path (West US 41)	$ 5,221,700	GF	$ -	$ -	$ -	$ -	$ -	$ -
18			RIF	$ -	$ -	$ -	$ -	$ -	$ -

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Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
Landscaping Improvements									
1	US41 Median Landscaping	$ 540,000	FDOT	$ -	$ -	$ -	$ -	$ -	$ -
1			GF	$ 540,000	$ -	$ -	$ -	$ -	$ 540,000
2	US-41 Monument Signs	$ 552,000	GF	$ 480,000	$ -	$ -	$ -	$ -	$ 480,000
3	I-75 Monument Signs	$ 816,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
4	Three Oaks Parkway Monument Signs	$ 492,000	GF	$ 420,000	$ -	$ -	$ -	$ -	$ 420,000
5	Ben Hill Griffin Monument Sign	$ 276,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
6	Corkscrew Road Monument Sign	$ 276,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
7	Via Coconut Point Landscape Improvements (Williams - Coconut)	$ 5,624,300	GF	$ -	$ -	$ -	$ -	$ -	$ -
8	Ben Hill Griffin Pkwy Landscape Improvements	$ 2,274,000	GF	$ 2,094,000	$ -	$ -	$ -	$ -	$ 2,094,000
9	I-75 Landscaping	$ 1,680,000	FDOT	$ 825,000	$ -	$ -	$ -	$ -	$ 825,000
9			GF	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000
10	US41 Shoulder Landscape Improvements	$ 4,448,800	GF	$ -	$ -	$ -	$ -	$ -	$ -
11	Three Oaks Parkway Landscape Improvements (Excluding Brooks)	$ 4,009,400	GF	$ -	$ -	$ -	$ -	$ -	$ -
12	Corkscrew Road Landscape Improvements West (US-41 to I-75)	$ 4,208,000	GF	$ -	$ -	$ -	$ -	$ -	$ -

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Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
Parks & Recreation									
1	Estero on the River Master Plan	$ 252,000	GF	$ 252,000	$ -	$ -	$ -	$ -	$ 252,000
2	Estero Community Park Expansion Master Plan	$ 150,000	GF	$ 150,000	$ -	$ -	$ -	$ -	$ 150,000
3	Estero Community Park Expansion	$ 24,725,900	Partner	$ -	$ -	$ -	$ -	$ -	$ -
3			PIF	$ 600,000	$ -	$ 300,000	$ -	$ -	$ 900,000
3			RIF	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ 4,950,000	$ 1,600,000	$ 2,800,000	$ -	$ -	$ 9,350,000
4	Estero on the River Improvements	$ 4,700,000	GF	$ 2,250,000	$ -	$ 2,200,000	$ -	$ -	$ 4,450,000
4			PIF	$ -	$ -	$ -	$ -	$ -	$ -

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Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
Stormwater Improvements									
1	Estero River North Branch Drainage Improvements	$ 2,072,300	GF	$ 1,964,250	$ -	$ -	$ -	$ -	$ 1,964,250
3	Estero River Sediment Removal (West of US 41)	$ 2,705,500	GF	$ 30,000	$ -	$ -	$ 2,556,400	$ -	$ 2,586,400
4	Estero River Sediment Removal (Railroad to Sandy Ln)	$ 766,800	GF	$ -	$ -	$ -	$ -	$ -	$ -
5	Villagio-Estero Pkwy Drainage	$ 2,050,500	Estero/Lee	$ -	$ -	$ -	$ -	$ -	$ -
6	US-41 Drainage Improvements Design (Williams-Corkscrew)	$ 72,000	FDOT	$ -	$ -	$ -	$ -	$ -	$ -

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Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
Utility Improvements									
1	Package WWTP UEP Design & Permitting	$ 420,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
1			PA	$ -	$ -	$ -	$ -	$ -	$ -
1			GF	$ 105,000	$ -	$ -	$ -	$ -	$ 105,000
2	Broadway W UEP Design & Permitting	$ 1,475,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
2			PA	$ -	$ -	$ -	$ -	$ -	$ -
2			GF	$ 885,000	$ -	$ -	$ -	$ -	$ 885,000
2	Broadway E UEP Design & Permitting	$ 1,550,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
2			PA	$ -	$ -	$ -	$ -	$ -	$ -
2			GF	$ 930,000	$ -	$ -	$ -	$ -	$ 930,000
3	Estero Bay Village UEP	$ 1,920,000	Grants	$ -	$ 480,000	$ -	$ -	$ -	$ 480,000
3			PA	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ -	$ 1,440,000	$ -	$ -	$ -	$ 1,440,000
3	Sunny Groves UEP	$ 2,160,000	Grants	$ -	$ 540,000	$ -	$ -	$ -	$ 540,000
3			PA	$ -		$ -	$ -	$ -	$ -
3			GF	$ -	$ 1,620,000	$ -	$ -	$ -	$ 1,620,000
3	Cypress Bend UEP	$ 1,118,160	Grants	$ -	$ 279,540	$ -	$ -	$ -	$ 279,540
3			PA	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ -	$ 838,620	$ -	$ -	$ -	$ 838,620

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Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Estero River Heights UEP	$ 7,560,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Charring Cross UEP	$ 2,880,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Sherrill & Luetich UEP	$ 6,120,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Trailside UEP	$ 6,840,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Broadway E-Highlands UEP	$ 4,200,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Sandy Ln-Groves UEP	$ 5,160,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Tanglewood UEP	$ 1,440,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -

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Village of ESTERO

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
Building Facilities									
1	Public Works Storage Facility	$ 354,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
2	Village Hall	$ 4,914,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
3	Performing Arts Center	$ 20,000,000	Private	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ -	$ -	$ -	$ -	$ -	$ -

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
Land Acquisition									
1	SUN Trail	$ 30,000,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
1			RIF	$ -	$ -	$ -	$ -	$ -	$ -
1			Debt	$ -	$ -	$ -	$ -	$ -	$ -

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Village of ESTERO

QUESTIONS?

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Capital Improvement Program - FY 2022-2023

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Roadway Improvements								
1	Corkscrew Rd Paths, Landscaping & Street Lighting	$ 13,663,100	RIF	$ -	$ -	$ -	$ -	$ -	$ -
1			GF	$ 5,441,000	$ 4,485,900	$ -	$ -	$ -	$ 9,926,900
1			LDOT		$ 3,046,200	$ -	$ -	$ -	$ 3,046,200
2	River Ranch Road Improvements	$ 5,827,100	RIF	$ 2,948,350	$ -	$ -	$ -	$ -	$ 2,948,350
2	(Drainage, Road, Bike/Ped)		GF	$ 1,500,000	$ -	$ -	$ -	$ -	$ 1,500,000
2			GT	$ 1,227,000	$ -	$ -	$ -	$ -	$ 1,227,000
3	Broadway W. Phase 1 Improvements (US41-Breckenridge)	$ 2,615,000	GT	$ -	$ -	$ -	$ 900,000	$ -	$ 900,000
3	(Road, Bike/Ped, Drainage)		RIF	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ -	$ 972,900	$ -	$ 742,100	$ -	$ 1,715,000
4	Broadway W. Phase 2 Improvements	$ 2,463,200	GT	$ -	$ -	$ -	$ -	$ -	$ -
4	(Breckenridge-Pine Tree Ln.)(Road, Bike/Ped, Drainage)		RIF	$ -	$ -	$ -	$ -	$ -	$ -
4			GF	$ -	$ -	$ -	$ -	$ -	$ -
5	Williams Road Widening (US41 - Via Coconut)	$ 4,429,300	RIF	$ 600,000	$ -	$ -	$ -	$ -	$ 600,000
5			GT	$ 267,500	$ -	$ -	$ -	$ -	$ 267,500
6	Via Coconut Point Extension (South)	$ 2,784,600	RIF	$ -	$ -	$ -	$ -	$ -	$ -
	Village of Estero Sub-total (all funding sources)			$ 11,983,850	$ 5,458,800	$ -	$ 1,642,100	$ -	$ 19,084,750

Capital Improvement Program - FY 2022-2023

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Intersection Improvements								
1	US-41 - Pelican Colony Traffic Signal	$ 960,000	Developer	$ 828,000	$ -	$ -	$ -	$ -	$ 828,000
2	Williams Road-Atlantic Gulf Drive Intersection	$ 3,757,800	RIF	$ -	$ -	$ 600,000	$ -	$ -	$ 600,000
2			GT	$ 460,000	$ -	$ 2,389,600	$ -	$ -	$ 2,849,600
2			GF	$ -	$ -	$ -	$ -	$ -	$ -
3	Corkscrew Rd-Three Oaks Pkwy. Intersection Improvements	$ 428,000	LDOT	$ -	$ 428,000	$ -	$ -	$ -	$ 428,000
4	US41-Coconut Road Intersection Improvements	$ 746,400	Other	$ -	$ -	$ -	$ -	$ -	$ -
5	US41-Williams Rd Intersection Improvements	$ 288,500	RIF	$ -	$ -	$ -	$ -	$ -	$ -
5			GT	$ -	$ -	$ -	$ -	$ -	$ -
5			GF	$ -	$ -	$ -	$ -	$ -	$ -
6	Coconut Road - Coconut Shores Roundabout	$ 879,400	Other	$ -	$ -	$ -	$ -	$ -	$ -
6			RIF	$ -	$ 144,300	$ -	$ -	$ -	$ 144,300
6			GT	$ -	$ -	$ -	$ -	$ -	$ -
6			GF	$ -	$ -	$ -	$ -	$ -	$ -
7	US41-Pelican Sound Intersection Improvements	$ 1,257,900	Developer	$ -	$ -	$ -	$ -	$ -	$ -
8	US41-Corkscrew Rd Intersection Improvements	$ 510,300	Other	$ -	$ -	$ -	$ -	$ -	$ -
9	Coconut Road - Meadowbrook Roundabout	$ 960,500	Other	$ -	$ -	$ -	$ -	$ -	$ -
9			RIF	$ -	$ -	$ -	$ 155,900	$ -	$ 155,900
9			GT	$ -	$ -	$ -	$ -	$ -	$ -
9			GF	$ -	$ -	$ -	$ -	$ -	$ -
10	North Point Railroad Crossing	$ 250,000	RIF	$ -	$ -	$ -	$ -	$ -	$ -
11	Coconut Road - El Dorado Roundabout	$ 1,022,400	Other	$ -	$ -	$ -	$ -	$ -	$ -
11			RIF	$ -	$ -	$ -	$ -	$ -	$ -
11			GT	$ -	$ -	$ -	$ -	$ -	$ -
11			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Village of Estero Sub-total (all funding sources)			$ 460,000	$ 144,300	$ 2,989,600	$ 155,900	$ -	$ 3,749,800

Capital Improvement Program - FY 2022-2023

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Bike-Pedestrian Improvements								
1	Coconut Road Crosswalks	$ 252,800	GF	$ 177,800	$ -	$ -	$ -	$ -	$ 177,800
2	Williams Road Bike-Ped Improvements (East of Via Coconut)	$ 5,348,300	GF		$ 2,384,150	$ -	$ -	$ -	$ 2,384,150
2			RIF	$ 2,914,150	$ 290,000	$ -	$ -	$ -	$ 3,204,150
3	Intersection Safety Improvement Study	$ 110,000	GF	$ 110,000	$ -	$ -	$ -	$ -	$ 110,000
4	Sandy Lane & Broadway E Bike-Ped Improvements	$ 3,951,510	GF	$ 483,480	$ -	$ -	$ -	$ -	$ 483,480
4			RIF	$ 1,572,900	$ 1,572,900	$ -	$ -	$ -	$ 3,145,800
5	Corkscrew Road Shared Use Path (3Oaks-Sandy)	$ 7,175,600	GF	$ -	$ -	$ -	$ -	$ -	$ -
5			RIF	$ -	$ -	$ -	$ -	$ -	$ -
6	Coconut Rd Sidewalk (Oakwild to Via Coconut)	$ 833,600	GF	$ -	$ -	$ -	$ -	$ 150,000	$ 150,000
6			RIF	$ -	$ -	$ -	$ -	$ -	$ -
6			FDOT	$ -	$ -	$ 330,000	$ -	$ 353,600	$ 683,600
7	Coconut Sidewalk (Via Coconut to U S41)	$ 570,600	GF	$ -	$ -	$ -	$ -	$ -	$ -
7			RIF	$ -	$ -	$ -	$ -	$ -	$ -
7			FDOT	$ -	$ -	$ -	$ 190,000	$ -	$ 190,000
8	Corkscrew Shared Use Path (Koreshan to U S 41)	$ 624,600	GF	$ -	$ -	$ -	$ -	$ -	$ -
8			RIF	$ -	$ -	$ -	$ -	$ -	$ -
8			FDOT	$ -	$ -	$ -	$ 190,000	$ -	$ 190,000
9	Corkscrew Palms Blvd. Sidewalks	$ 109,800	County	$ -	$ -	$ -	$ -	$ -	$ -

Capital Improvement Program - FY 2022-2023

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
10	Via Coconut Point Roundabouts Improvements	$ 1,278,200	GF	$ -	$ -	$ -	$ -	$ -	$ -
10			RIF	$ -	$ -	$ -	$ -	$ -	$ -
10			FDOT	$ -	$ -	$ 524,000	$ -	$ 754,200	$ 1,278,200
11	Corkscrew Rd Bike-Ped Improvements (E of US41)	$ 14,682,500	GF	$ -	$ -	$ -	$ -	$ -	$ -
11			RIF	$ -	$ -	$ -	$ -	$ -	$ -
11			Lee County	$ -	$ -	$ -	$ -	$ -	$ -
12	Coconut Rd Shared Use Path	$ 2,175,800	GF	$ -	$ -	$ 313,300	$ -	$ 1,862,500	$ 2,175,800
12			RIF	$ -	$ -	$ -	$ -	$ -	$ -
13	Williams Rd West Bike-Ped Improvements (West of US41)	$ 1,920,600	GF	$ -	$ -	$ -	$ -	$ 303,600	$ 303,600
13			RIF	$ -	$ -	$ -	$ -	$ -	$ -
14	Broadway E. Shared Use Path (Sandy Ln to Three Oaks & Estero Pkwy)	$ 3,292,700	GF	$ -	$ -	$ -	$ -	$ -	$ -
14			RIF	$ -	$ -	$ -	$ -	$ -	$ -
15	SUN Trail Estero Parkway South	$ 7,139,500	GF	$ -	$ -	$ -	$ -	$ -	$ -
15			RIF	$ -	$ -	$ -	$ -	$ -	$ -
16	SUN Trail Estero Parkway North	$ 5,773,800	GF	$ -	$ -	$ -	$ -	$ -	$ -
16			RIF	$ -	$ -	$ -	$ -	$ -	$ -
17	FPL Shared Use Path (East I-75)	$ 2,396,300	GF	$ -	$ -	$ -	$ -	$ -	$ -
18	Utility Shared Use Path (West US 41)	$ 5,221,700	GF	$ -	$ -	$ -	$ -	$ -	$ -
18			RIF	$ -	$ -	$ -	$ -	$ -	$ -
	Village of Estero Sub-total (all funding sources)			$ 5,258,330	$ 4,247,050	$ 313,300	$ -	$ 2,316,100	$ 12,134,780

Capital Improvement Program - FY 2022-2023

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Landscaping Improvements								
1	US41 Median Landscaping	$ 540,000	FDOT	$ -	$ -	$ -	$ -	$ -	$ -
1			GF	$ 540,000	$ -	$ -	$ -	$ -	$ 540,000
2	US-41 Monument Signs	$ 552,000	GF	$ 480,000	$ -	$ -	$ -	$ -	$ 480,000
3	I-75 Monument Signs	$ 816,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
4	Three Oaks Parkway Monument Signs	$ 492,000	GF	$ 420,000	$ -	$ -	$ -	$ -	$ 420,000
5	Ben Hill Griffin Monument Sign	$ 276,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
6	Corkscrew Road Monument Sign	$ 276,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
7	Via Coconut Point Landscape Improvements (Williams - Coconut)	$ 5,624,300	GF	$ -	$ -	$ -	$ -	$ -	$ -
8	Ben Hill Griffin Pkwy Landscape Improvements	$ 2,274,000	GF	$ 2,094,000	$ -	$ -	$ -	$ -	$ 2,094,000
9	I-75 Landscaping	$ 1,680,000	FDOT	$ 825,000	$ -	$ -	$ -	$ -	$ 825,000
9			GF	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000
10	US41 Shoulder Landscape Improvements	$ 4,448,800	GF	$ -	$ -	$ -	$ -	$ -	$ -
11	Three Oaks Parkway Landscape Improvements (Excluding Brooks)	$ 4,009,400	GF	$ -	$ -	$ -	$ -	$ -	$ -
12	Corkscrew Road Landscape Improvements West (US-41 to I-75)	$ 4,208,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
	Village of Estero Sub-total (all funding sources)			$ 3,634,000	$ -	$ -	$ -	$ -	$ 3,634,000

Capital Improvement Program - FY 2022-2023

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Parks & Recreation								
1	Estero on the River Master Plan	$ 252,000	GF	$ 252,000	$ -	$ -	$ -	$ -	$ 252,000
2	Estero Community Park Expansion Master Plan	$ 150,000	GF	$ 150,000	$ -	$ -	$ -	$ -	$ 150,000
3	Estero Community Park Improvements	$ 24,725,900	Partner	$ -	$ -	$ -	$ -	$ -	$ -
3			PIF	$ 600,000	$ -	$ 300,000	$ -	$ -	$ 900,000
3			RIF	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ 4,950,000	$ 1,600,000	$ 2,800,000	$ -	$ -	$ 9,350,000
4	Estero on the River Improvements	$ 4,700,000	GF	$ 2,250,000	$ -	$ 2,200,000	$ -	$ -	$ 4,450,000
4			PIF	$ -	$ -	$ -	$ -	$ -	$ -
	Village of Estero Sub-total (all funding sources)			$ 8,202,000	$ 1,600,000	$ 5,300,000	$ -	$ -	$ 15,102,000

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Stormwater Improvements								
1	Estero River North Branch Drainage Improvements	$ 2,072,300	GF	$ 1,964,250	$ -	$ -	$ -	$ -	$ 1,964,250
3	Estero River Sediment Removal (West of US 41)	$ 2,705,500	GF	$ 30,000	$ -	$ -	$ 2,556,400	$ -	$ 2,586,400
4	Estero River Sediment Removal (Railroad to Sandy Ln)	$ 766,800	GF	$ -	$ -	$ -	$ -	$ -	$ -
5	Villagio-Estero Pkwy Drainage Improvements	$ 2,050,500	Estero/Lee	$ -	$ -	$ -	$ -	$ -	$ -
6	US-41 Drainage Improvements Design (Williams-Corkscrew)	$ 72,000	FDOT	$ -	$ -	$ -	$ -	$ -	$ -
	Village of Estero Sub-total (all funding sources)			$ 1,994,250	$ -	$ -	$ 2,556,400	$ -	$ 4,550,650

Capital Improvement Program - FY 2022-2023

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Utility Improvements								
1	Package WWTP UEP Design & Permitting	$ 420,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
1			PA	$ -	$ -	$ -	$ -	$ -	$ -
1			GF	$ 105,000	$ -	$ -	$ -	$ -	$ 105,000
2	Broadway W UEP Design & Permitting	$ 1,475,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
2			PA	$ -	$ -	$ -	$ -	$ -	$ -
2			GF	$ 885,000	$ -	$ -	$ -	$ -	$ 885,000
2	Broadway E UEP Design & Permitting	$ 1,550,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
2			PA	$ -	$ -	$ -	$ -	$ -	$ -
2			GF	$ 930,000	$ -	$ -	$ -	$ -	$ 930,000
3	Estero Bay Village UEP	$ 1,920,000	Grants	$ -	$ 480,000	$ -	$ -	$ -	$ 480,000
3			PA	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ -	$ 1,440,000	$ -	$ -	$ -	$ 1,440,000
3	Sunny Groves UEP	$ 2,160,000	Grants	$ -	$ 540,000	$ -	$ -	$ -	$ 540,000
3			PA	$ -		$ -	$ -	$ -	$ -
3			GF	$ -	$ 1,620,000	$ -	$ -	$ -	$ 1,620,000
3	Cypress Bend UEP	$ 1,118,160	Grants	$ -	$ 279,540	$ -	$ -	$ -	$ 279,540
3			PA	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ -	$ 838,620	$ -	$ -	$ -	$ 838,620

Capital Improvement Program - FY 2022-2023

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Estero River Heights UEP	$ 7,560,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Charring Cross UEP	$ 2,880,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Sherrill & Luetich UEP	$ 6,120,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Trailside UEP	$ 6,840,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Broadway E-Highlands UEP	$ 4,200,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Sandy Ln-Groves UEP	$ 5,160,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Tanglewood UEP	$ 1,440,000	Grants	$ -	$ -	$ -	$ -	$ -	$ -
			PA	$ -	$ -	$ -	$ -	$ -	$ -
			GF	$ -	$ -	$ -	$ -	$ -	$ -
	GF			$ 1,920,000	$ 3,898,620	$ -	$ -	$ -	$ 5,818,620

Capital Improvement Program - FY 2022-2023

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Building Facilities								
1	Public Works Storage Facility	$ 354,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
2	Village Hall	$ 4,914,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
3	Performing Arts Center	$ 20,000,000	Private	$ -	$ -	$ -	$ -	$ -	$ -
3			GF	$ -	$ -	$ -	$ -	$ -	$ -
	Village of Estero Sub-total (all funding sources)			$ -	$ -	$ -	$ -	$ -	$ -

	Project Name	Estimated Project Cost	Funding Source	Budget FY 22-23	Budget FY 23-24	Budget FY 24-25	Budget FY 25-26	Budget FY 26-27	Total Cost
	Land Acquisition								
1	SUN Trail	$ 30,000,000	GF	$ -	$ -	$ -	$ -	$ -	$ -
1			RIF	$ -	$ -	$ -	$ -	$ -	$ -
1			Debt	$ -	$ -	$ -	$ -	$ -	$ -
	Village of Estero Sub-total (all funding sources)			$ -	$ -	$ -	$ -	$ -	$ -
	Total	$ 223,660,910		$ 33,185,430	$ 20,122,510	$ 9,456,900	$ 4,734,400	$ 3,423,900	$ 65,724,980
	Village total			$ 33,452,430	$ 15,348,770	$ 8,602,900	$ 4,354,400	$ 2,316,100	$ 58,255,980

Estero Road Impacts Fees
Estero Gas Tax
Estero General Fund
Park Impact Fee (include public land aqcu
Non-Estero Funding Source

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

Package Waste Water Treatment Plant Utility Extension Project Update

Description:

The Village Consultant Tetra Tech will provide an update on the extension of utilities to the three communities currently using package waste water treatment plants, Estero Bay Village, Sunny Grove, and Cypress Bend.

The update will include current utility layouts, expect project costs and project schedules.

Financial Impact:

Following is a summary of the expected project costs.

Estero Bay Village:	$1,707,500
Sunny Grove:	$1,983,700
Cypress Bend:	$1,022,000

Funding sources have not yet been determined but could include property assessments, state funding, federal funding, grants and/or Village of Estero funds.

Prepared by: David Willems, P.E.

Attachments:

1. Presentation

Package WWTP Utility Expansion

Estero Bay Village, Sunny Grove & Cypress Bend

Design & Permitting Services | Village of Estero Contract No. EC2020-37 | June 15th, 2022



TETRA TECH

PROJECT BACKGROUND & HISTORY



Estero Bay Village – Sewer Conversion

35 Acres, 204 Lots, Single Family

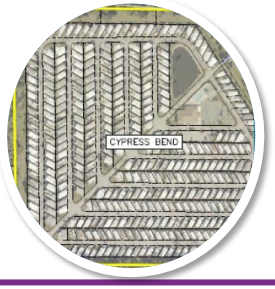
Private Package Plant- No Sewer



Sunny Grove – Sewer Conversion

40 Acres, 205 Lots, Single Family

Private Package Plant-No Sewer



Cypress Bend- Sewer Conversion

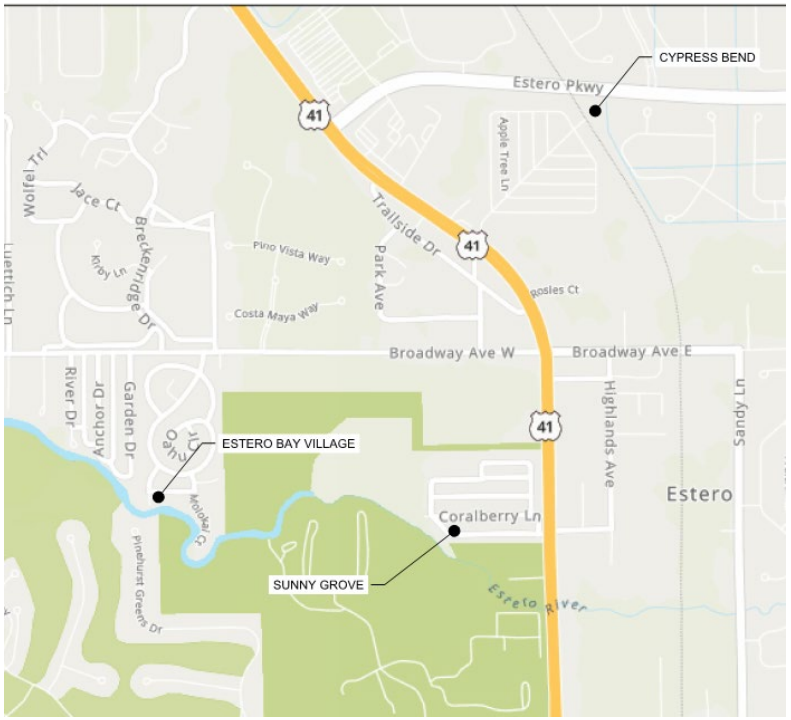
40 Acres, 411 Lots, Single Family

Private Package Plant-No Sewer

Village of Estero- Package WWTP Utility Expansion

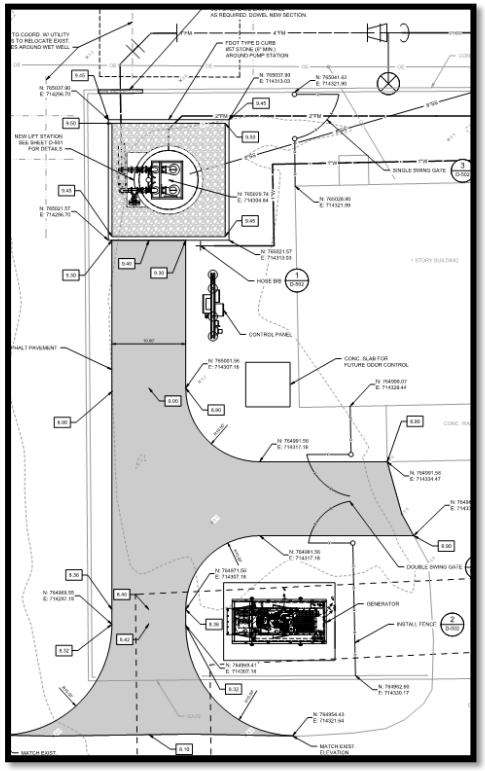
- Project Highlights:
  - 44 MG of wastewater per year to Centralized Wastewater Treatment System
  - Improved Water Quality
  - Increases Available Land Use
    - 0.91 acres (Cypress Bend)
    - 0.90 acres (Estero Bay Village)
    - 0.25 acers (Sunny Grove)

VICINITY MAP:



ESTERO BAY VILLAGE

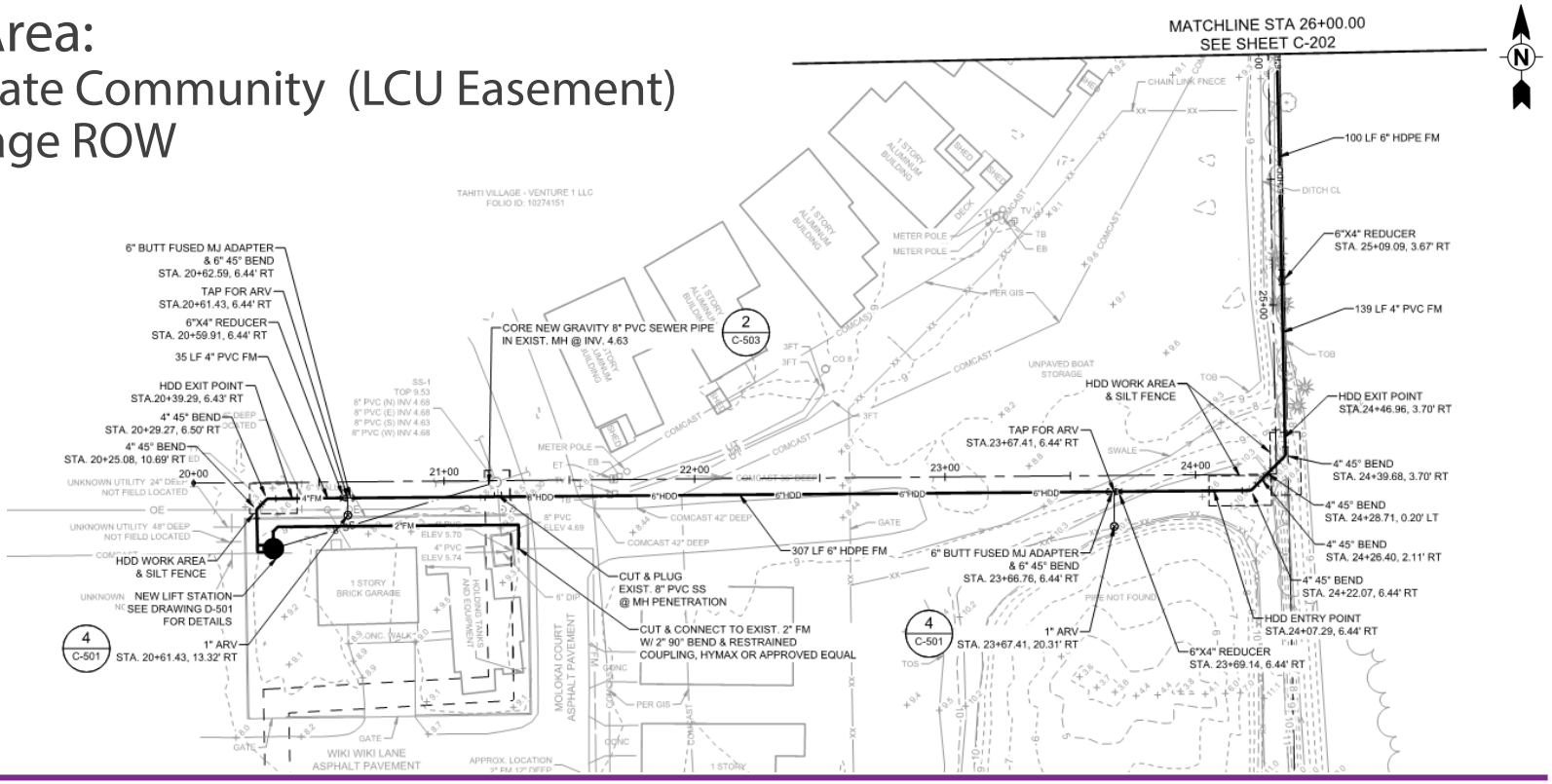
- 1,400 ft. Force Main
- New Pump Station & Wet Well
- Decommission Existing Waste Water Treatment Plant





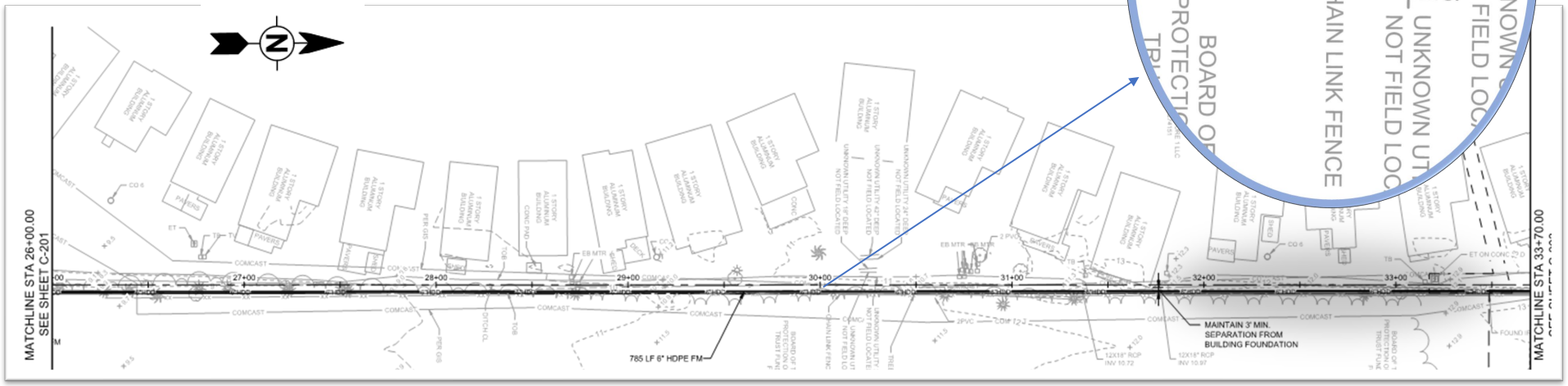
ESTERO BAY VILLAGE- Alignment

- Work Area:
  - Private Community (LCU Easement)
  - Village ROW



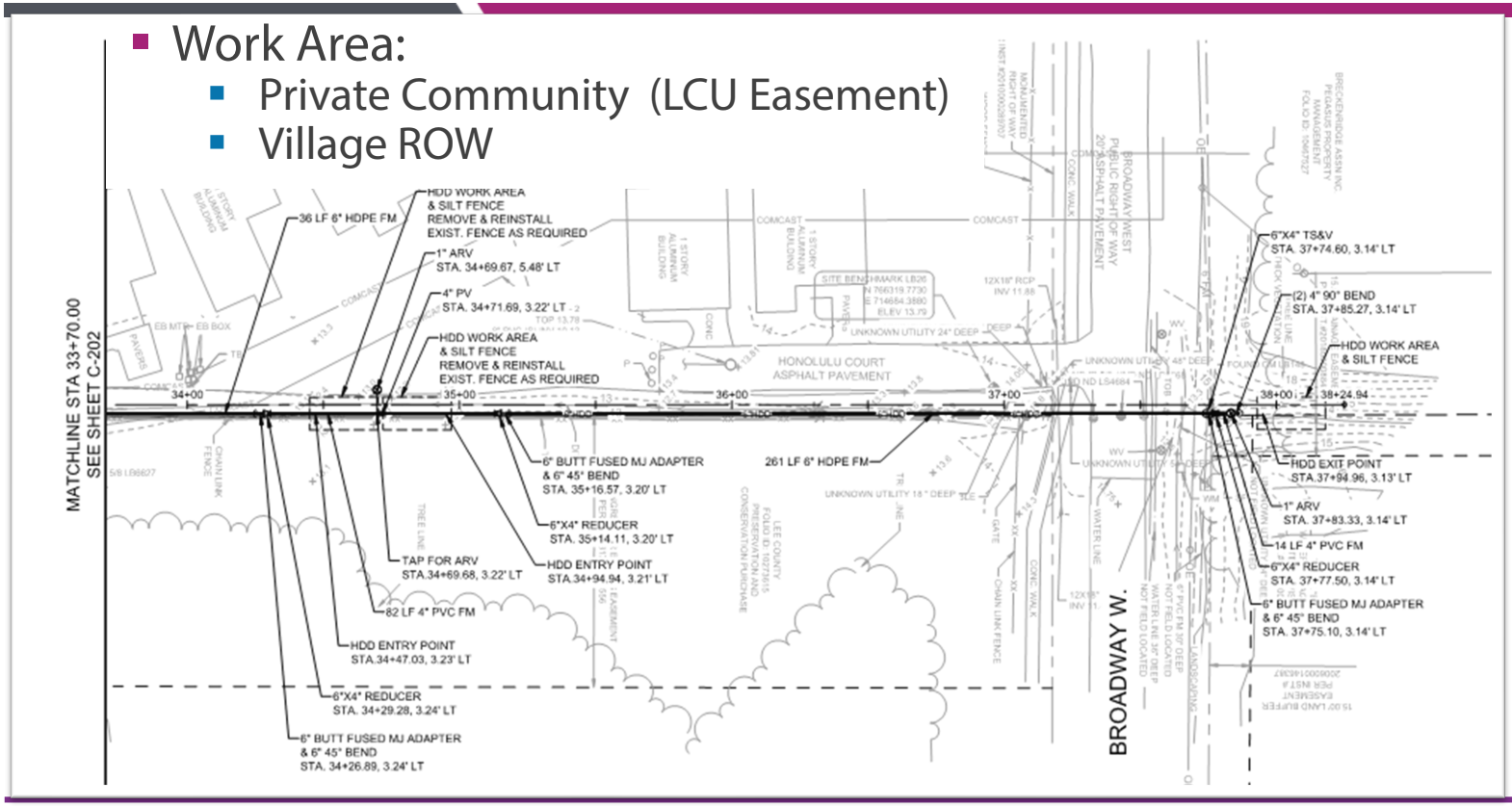
ESTERO BAY VILLAGE- Alignment

- Work Area:
  - Private Community (LCU Easement)
  - Village ROW



ESTERO BAY VILLAGE- Alignment

- Work Area:
  - Private Community (LCU Easement)
  - Village ROW

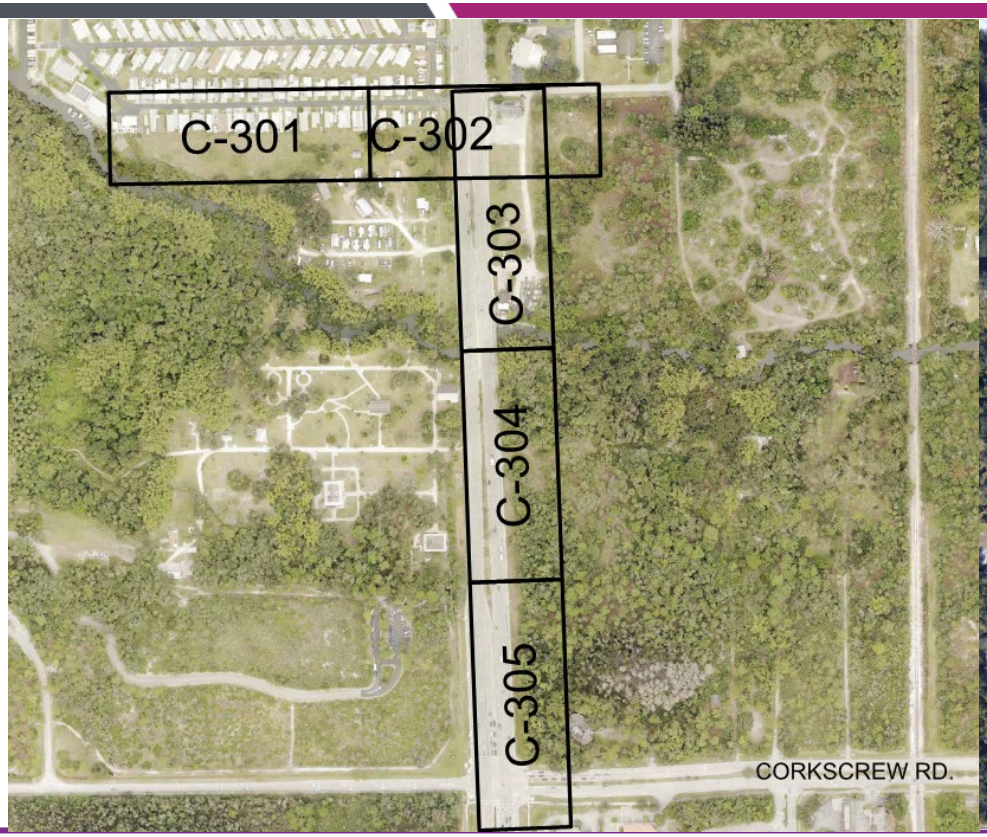


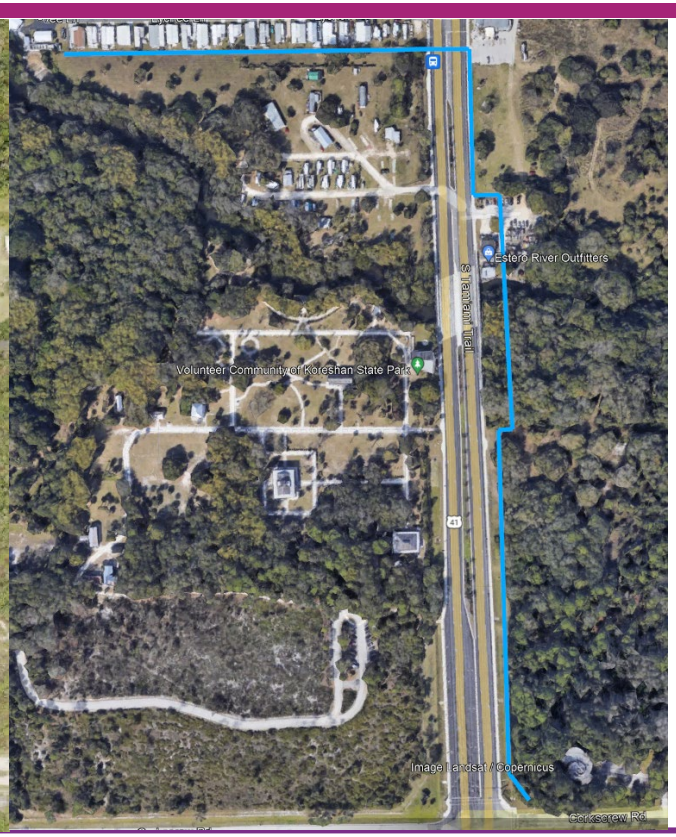
SUNNY GROVE-IMPROVEMENTS

- 3,300 ft. of Force Main
- New Pump Station & Wet Well
- Decommission Existing Waste Water Treatment Plant



SUNNY GROVE – Alignment

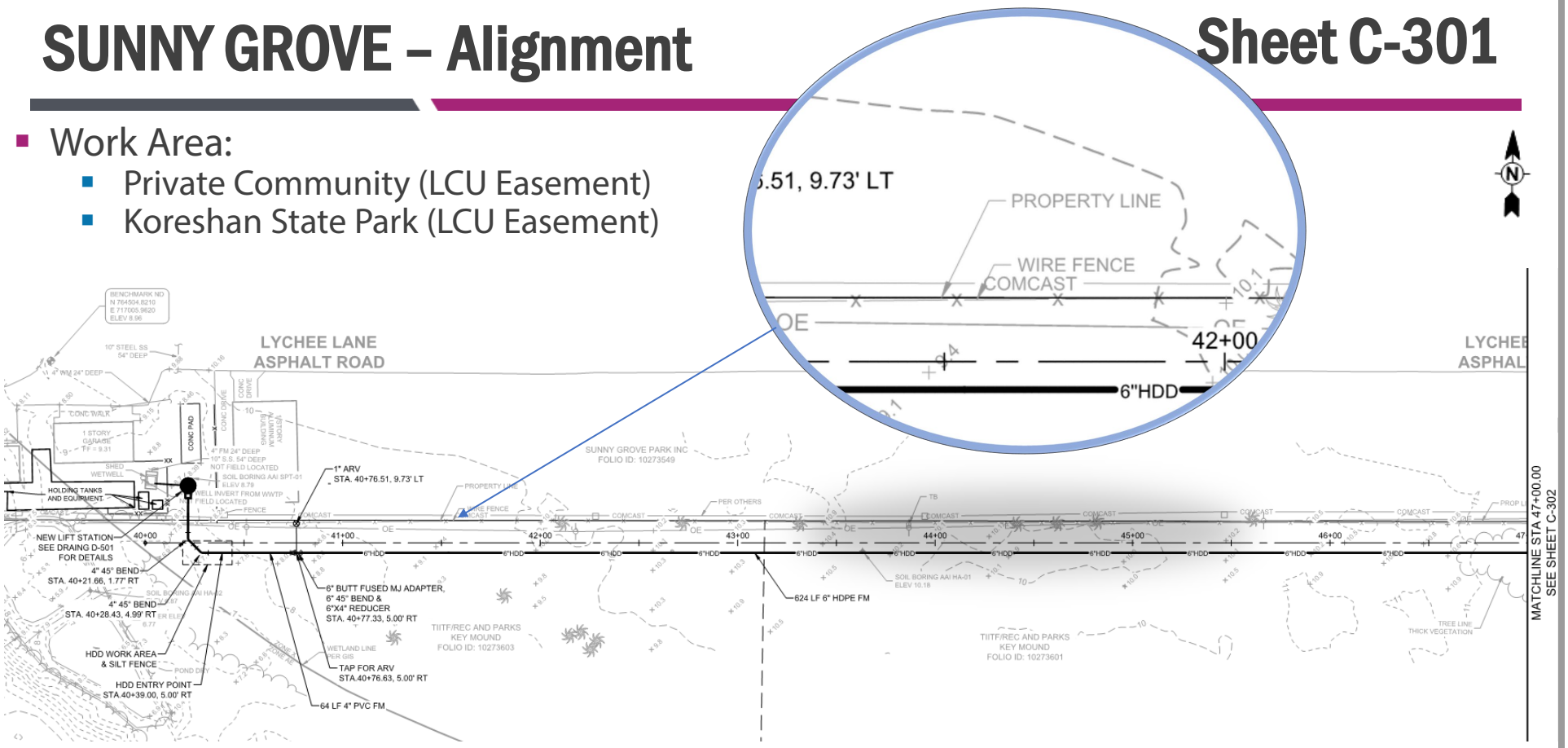




SUNNY GROVE – Alignment

Sheet C-301

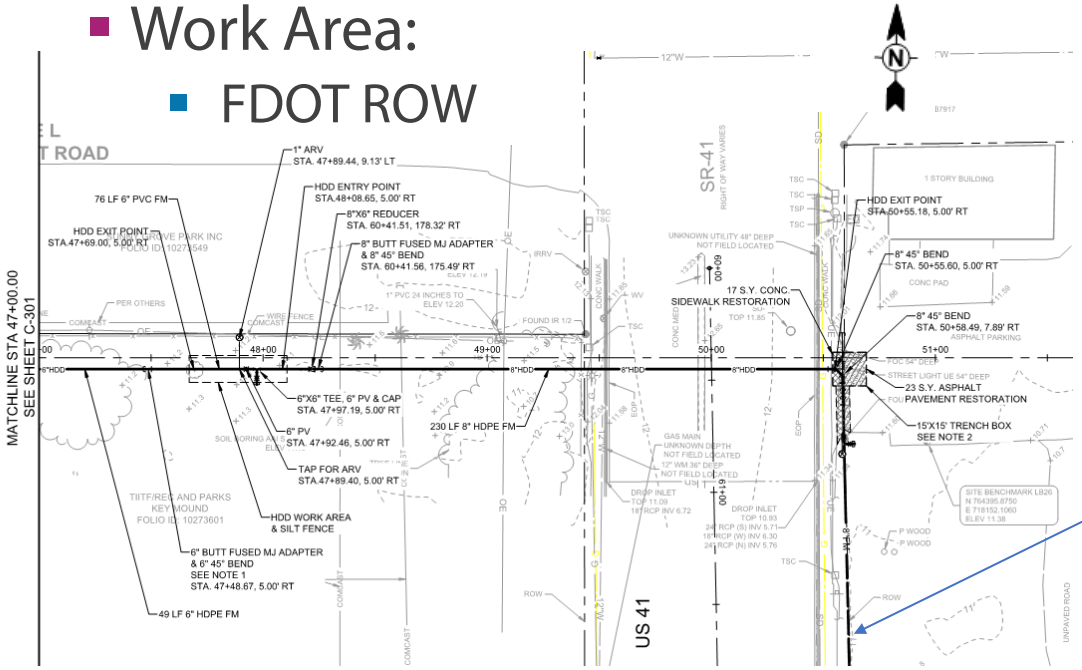
- Work Area:
  - Private Community (LCU Easement)
  - Koreshan State Park (LCU Easement)

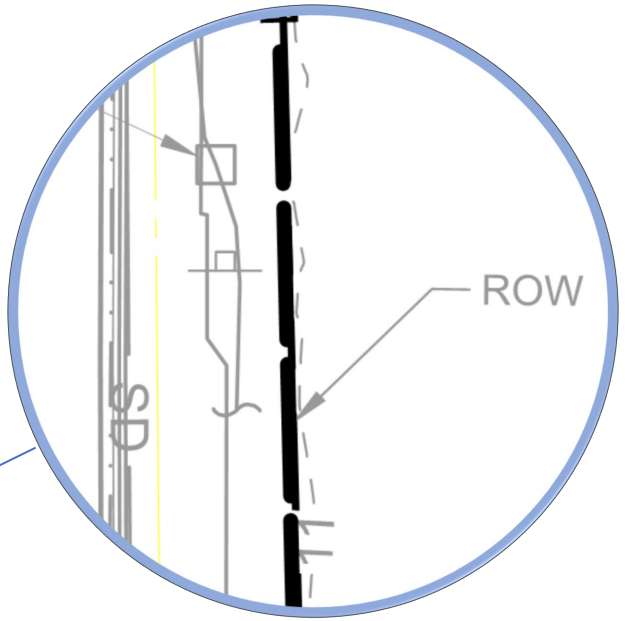


SUNNY GROVE – Alignment

Sheet C-302

- Work Area:
  - FDOT ROW





SUNNY GROVE – Alignment

Sheet C-303

- Force Main Installed on Village Property



SUNNY GROVE – Alignment

Sheet C-304

- Force Main Installed on Village Property



SUNNY GROVE – Alignment

Sheet C-305

- FM installed within FDOT Right of way

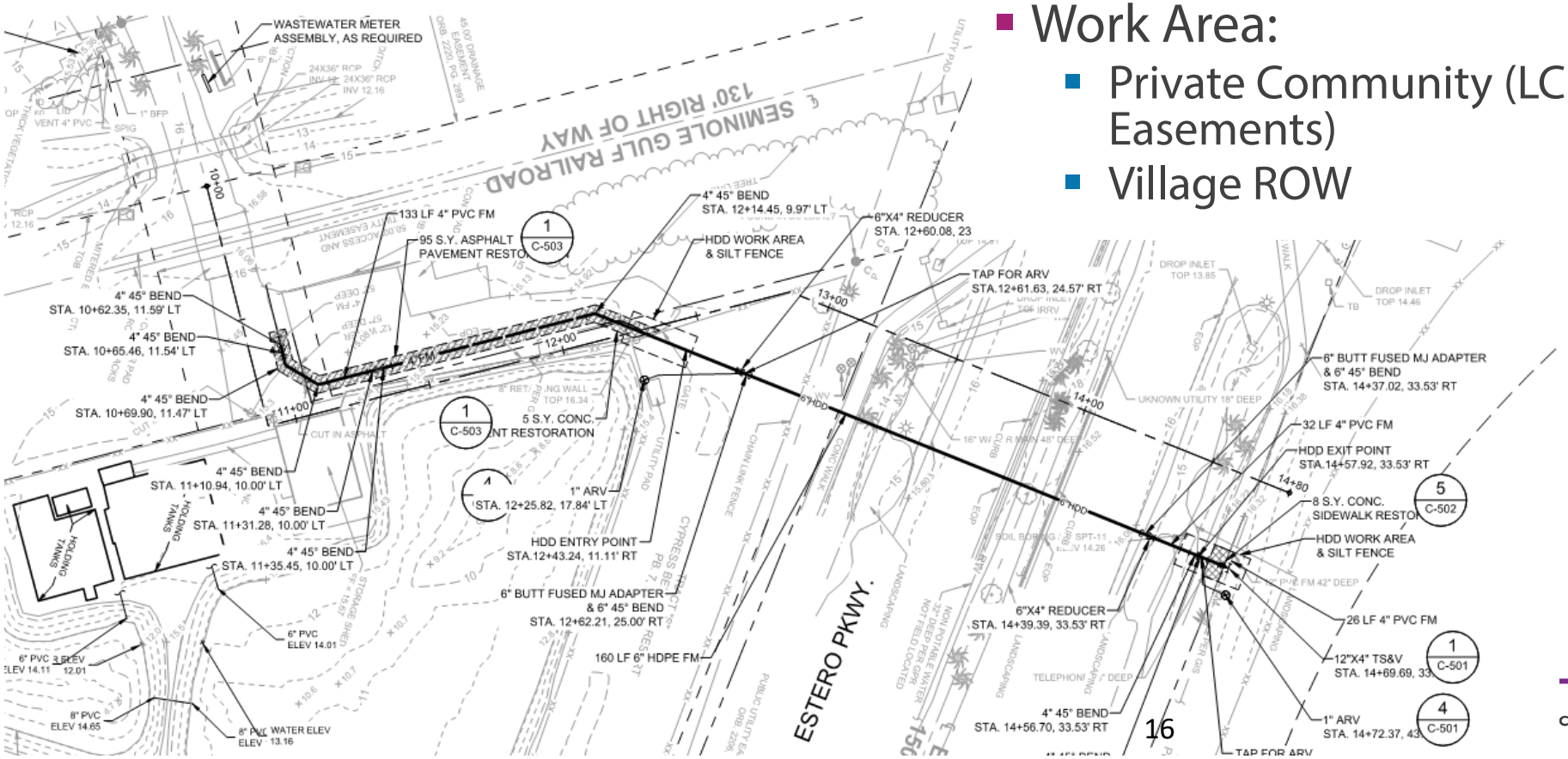


CYPRESS BEND Improvements

- 500 ft. of Force Main
- Improve Existing Pump Station
- Decommission Existing Waste Water Treatment Plant
- Fill Disposal Pond



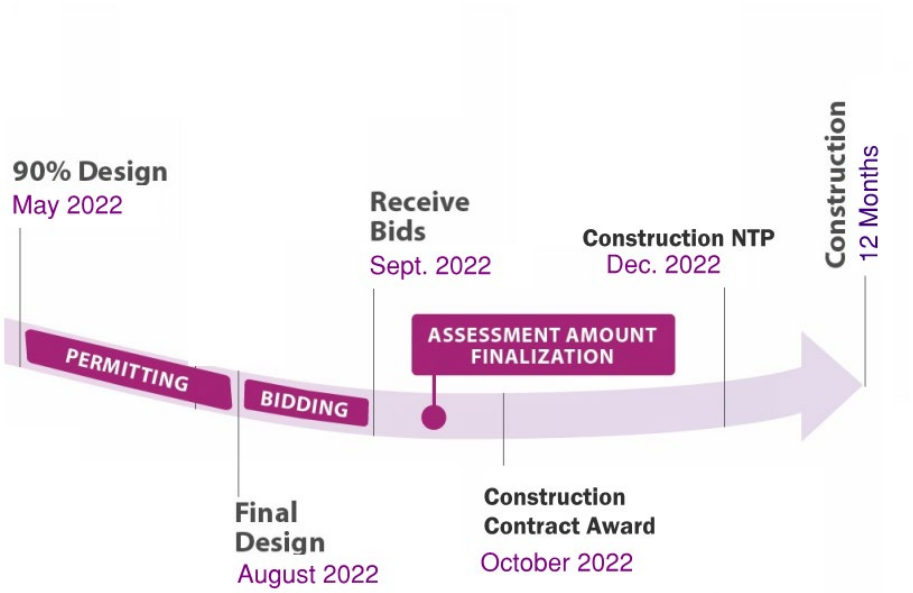
CYPRESS BEND- Force Main Alignment



- Work Area:
  - Private Community (LCU Easements)
  - Village ROW

16

Schedule & Construction Cost Estimate



Community	Cost
Estero Bay Village	$ 1,707,500.00
Sunny Grove	$ 1,983,700.00
Cypress Bend	$ 1,022,000.00

Includes: estimated Construction Cost, Engineering and Inspection, Sewer Evaluation.
Does not include: any potential sewer improvements determined by Sewer Inspection

Village of ESTERO

Questions?

Package Waste Water Treatment Plan UEP



TETRA TECH

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

Council Rules of Procedure

Description:

At the Village Council meeting of Wednesday, February 16, 2022, staff was asked to provide modifications to the adopted Rules of Procedure. A draft of the proposed new Rules is the topic of this Workshop item. At the workshop on June 1, 2022 it was suggested that this agenda item be tabled until June 15, 2022.

The purpose of the rules of procedure is to ensure that the public's business is managed 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 and they are designed to protect the rights of the public, as well as the individual Members of the Council.

Interim Village Attorney, Bob Pritt will present the new Rules and receive feedback from the Council. The Village Council should at some point direct the new Rules to be placed on a future Council Agenda as an Action Item.

Financial Impact:

None

Prepared by: Steve Sarkozy and Bob Pritt

Attachments:

1. Council Rules of Procedure

RULES OF PROCEDURE
VILLAGE COUNCIL
VILLAGE OF ESTERO

DRAFT 1

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 ~~shall~~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, ~~or~~ 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

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Commented [RP1]: The more recent state convention in statute etc. drafting is to avoid using "shall" because it has two different meanings ("must" and "will"). It shows up in so many places in the current Rules of Procedure, that it will not be changed throughout this document. However, it will be replaced where it is best to indicate that the Council "will" do something.
Council should avoid heaping upon itself mandatory requirements in its Procedures. Although the Procedures state that the failure to follow procedures is not a basis for an appeal, it is likely that a disappointed person may still challenge that due to a plethora of "shalls".

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Commented [RP2]: Clarifies that Rules apply to Boards

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Commented [RP3]: The Charter contains some procedures.

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Commented [RP4]: Robert's Rules of Order does not fit all governmental situations. For example, since all members are equal (especially elected officials), it would be incongruous for the Chair to be prohibited from Making or Seconding a Motion. There are other areas where RRO might not apply.

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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.

Commented [RP5]: State law treats all members as equals when it comes to voting, so unless there is a recognized conflict all members present vote on all matters. See 286.011 F.S

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(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.

Commented [RP6]: It is now more common to have an electronic device for this purpose

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(c) The Chair ~~shall~~ 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.

Commented [RP7]: Is this one each motion? Another way is to have speakers fill out a card indicating which agenda item upon which they intend to speak at the beginning of the meeting, not at the time of each motion. Much more streamlined. Of course, for ordinance hearings and quasi-judicial hearings, they must speak at that hearing.

(d) When a motion is proposed and seconded, the Chair will repeat the

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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.")

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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) ~~In all cases~~ When~~where~~ an amendment is~~shall be~~ offered, the amendment ~~shall~~ 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

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(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.

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(i) If a vote of the Council is equally divided, the vote ~~shall~~will be considered to be in the negative and will~~shall~~ not pass.

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Section 3. Voting Requirements.

(a) ~~All 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 meants) shall vote on every question except when required or permitted to abstain~~refrain~~ 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 ~~shall~~ be by district number, Vice Chair, with the Chair to cast the last vote. The Clerk will~~shall~~ reverse the roll call by district number for each alternate vote.

(e) The vote on every question for each Member will~~shall~~ be recorded in minutes.

(f) ~~All v~~Votes on ordinances will ~~shall~~ 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

Commented [RP8]: 286.012 ALLOWS, but does not require not voting in essentially two areas. 1. Appearance of a possible Conflict of Interest. 2. Quasi-judicial hearing where unable to be fair. But, Due Process requires fairness, so member should not vote.

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Commented [RP9]: OK, but not required by law

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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 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 ~~48 hours~~ 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:

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Commented [RP10]: The City of Naples has a 48 hour deadline. The current language makes it early on Monday. As a practical matter this type of thing often shows up on Monday, but not at 8:30.

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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 complete reconsideration of a matter by the Council.

~~c~~)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. ~~Several rules should be remembered.~~

~~a~~) A secondary motion can be introduced while the main motion is being debated. The secondary motion shall be considered first.

~~b~~)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.

~~c~~)b) Some secondary motions are not debatable. These include the following: "move to the previous question"; "call the

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Commented [RP11]: Usually reconsideration does not toll appeal or certiorari deadlines. Council could determine otherwise. Most deadlines are 30 days after the decision or action. A person wishing to challenge in court would still have to file the action while the Reconsideration process is ongoing.

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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.

~~d)~~c) Debatable secondary motions include: "to amend"; "to refer to committee"; or "to postpone to a time certain".

Section 6. Agenda.

(a) The Village Manager is~~shall be~~ solely responsible for the preparation of the agenda for meetings of the Council.

(b) The Village Clerk will~~shall~~ post or otherwise provide notice containing date, time, and location~~, and date~~ of Council meetings as required by law.

(c) ~~All i~~Items on the agenda will ~~shall~~ be accompanied by relevant ~~all supporting~~ documentation. The agenda, agenda memorandum, and supporting information ~~shall~~will, whenever reasonably possible, be provided to the Council by ~~at~~ noon on the Wednesday preceding ~~a~~ regular Council meeting, and at least ~~48 hours~~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) ~~All e~~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.

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Commented [RP12]: "All" is an unforgiving word. As a practical matter documentation comes in at various times, sometimes from the public. "Supporting" documentation may be misconstrued to mean that it takes a position supporting the matter.

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(e) The agenda for regular and workshop meetings shall include provisions for a public comment period. ~~Nothing should impede the rights of t~~The public has a right to speak before the Council.

(f) The agenda will~~shall~~ 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 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~~shall~~ 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 ~~shall~~ 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

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from the consent agenda. The Council will~~shall~~ 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.

(h) The agenda packet will ~~shall~~ be in electronic format. The Council agenda and packet will ~~shall~~ be posted on the Village's website for public review at least seven ~~(7)~~ 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.

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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.

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(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 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 ~~(3)~~ 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.

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 designee, ~~shall~~will summarize the issue before the Council rather than read the entire staff 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 Public Hearing will open. Speaker's cards shall be required. Failure to fill out and submit 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 shall be limited to three minutes and one time, unless otherwise determined by the Chair or a majority of the Council.

(d) When the public comments have concluded, the Chair will close the Public Hearing. Debate may continue until the question is called.

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Commented [RP17]: Question: Does Council review and approve minutes of ALL boards, commissions and committees, or only minutes of Council? Keeping of minutes is ministerial (but required), so technically, Council has a right to review minutes of advisory boards, etc., but not approve or disapprove.

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Section 10. Quasi-Judicial Proceedings and Public Hearing.

(a) Unless otherwise designated by the Chair, ~~T~~the Chair will ~~shall~~ 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 ~~participate in~~at the hearing. At this time all Members shall disclose any ex-parte communications they have had or conflicts of interest~~s~~ that they may have regarding the petition.

(b) After the introduction of the petition by staff, the ~~P~~petitioner's presentation ~~shall~~will occur first. The Council, or the appropriate advisory board, may impose time limits on the petitioner based on staff recommendation. ~~For purposes of these Rules, t~~The petitioner's presentation may not exceed one ~~two~~ ~~(2)~~ hours 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 ~~shall~~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~~shall~~ call for public comment by those who have filled out speaker's cards. Each speaker shall have up to three ~~(3)~~ 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 ~~Council~~.

(g) ~~The~~ 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~~shall~~ 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

Commented [RP18]: Two hours is long. Even the U.S. Supreme Court normally allows a half-hour per side. Parkinson's Law says work will fill the time available. Council can and should grant additional time where reasonably needed (to satisfy Due Process)

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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 ~~shall be~~ in electronic format. The Council agenda and packet shall be posted on the Village's website for public review at least seven ~~(7)~~ days prior to the meeting whenever reasonably possible. 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 meetings.

(j) The petitioner ~~shall~~ must provide electronic copies of ~~his or her~~ petitioner's presentation materials and any new evidence to the Village Manager or staff at least seven ~~(7)~~ 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 ~~P~~petitioner's responsibility to ensure that all exhibits that ~~he or she~~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 ~~thirteen (~~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

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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, ~~shall~~ speaks to the news media or the public with respect to any matter for which ~~that he or she~~the member is not designated by the Council as the spokesperson or liaison for the Village, ~~he or she shall~~ the member must make it known that ~~preface any remarks with the statement that~~ the member ~~or she~~ does not speak for the Village with respect to the matter

~~thereto~~, and that any comments are the member's ~~his or her~~ own in the member's ~~his or her~~ 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

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(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 provided herein~~) 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, ~~such as the Estero Chamber of Commerce~~, and other similar social or business sponsored events, ~~shall~~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~~shall~~ be accomplished on a rotational basis, as determined by the Council. Council Members would generally not serve in either such position

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more than once during the limit of their terms in office as set forth in the Charter.

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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.

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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 shouldshall 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 shoulds~~hall~~:

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) ~~3)~~ Allow persons not on the Council to speak only at designated times. Apply time limits uniformly.

4)

4) 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 before the Council.

5) Reject frivolous motions and motions not permitted by the Rules. Require motions to be stated affirmatively and to the point.

6) Restate the motion and allow the maker of the motion to speak first. Call for a second for a motion rquiring a second, before debate begins.

7) Allow a Member additional opportunities to speak on a matter only after all other Members have had an opportunity to speak.

8) Allow interruption of a speaker only by consent of the speaker or for permitted reasons (e.g. "Point of order", "point of information, please").

9) Recognize citizens wishing to address the Council on the issues before the Council ~~following the debate, but~~ prior to the vote.

10) Reject discussion of motions which are not debatable (e.g. adjourn,

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Commented [RP34]: Public comment does must be allowed prior to action, but does not have to be taken on each matter AFTER Council debate. Normally, it is taken at the beginning of the meeting, or on a matter before debate, not after.

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call for the question, continuance, recess, or table).

11) Recognize that all Members have equal rights, privileges, and obligations. Remain impartial in the use of authority.

12) 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.

13) 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.

14) During workshops and informal sessions these rules may not be strictly applied. The Chair shall encourage a free exchange of ideas.

(b) Council Members shouldshall:

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 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 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 ~~wish~~all:

1) Be permitted to address the Council during the public comment period on any subject, and on any matter scheduled on the agenda ~~prior to a call for the question.~~

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Commented [RP36]: Again, not necessary to allow public comment on all agenda items. Other local governments have Public comment at the beginning of the meeting. Of course if it is a hearing on an ordinance or a quasi-judicial hearing, the public has a right to speak, but not just prior to a call for the question or the vote.

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a) Citizens who wish to address the Council on business matters scheduled on the agenda mustshall 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 (3) 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.

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 his or her name and address.

c) The Chair shallwill allow the person a period of three (3) minutes to present matters of the public interest before the Council unless otherwise waived by the Chair or a majority of the Council Members. Speaker time limits will be extended to approximate time involved with Council dialogue. The Chair or a majority of the Council may waive the time limitation.

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d) Public comment is intended to encourage citizens to speak about issues. The answering of questions will only occur when directed by the Chair. Otherwise, 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 question public speakers.

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 personaln 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.

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 prevail.

Section 17. Liaisons.

There are many governmental bodies, organizations and entities, ~~such as the Metropolitan Planning Organization and Florida Gulf Coast University,~~ 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.

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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 ~~his or her~~ 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 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.

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In situations where a liaison is to vote on behalf of the Village at a meeting of an entity to which ~~he or she is~~ it the liaison, the Council Liaison shall use ~~his or her~~ a reasonable~~best~~ 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~~his or her~~ best effort to vote in a manner consistent with the wishes of the Village Council.

Section 18. Policies for vacancies, forfeiture of office and related Charter provisions are incorporated to these rules by reference as Attachment A and Attchment B.

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

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and give the Member the opportunity to rebut the notification as rquired in the 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;. Incompetence;6. Permanent inability to perform official duties; and 7. Conviction of a felony involving moral turpitude.

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Absence from Meetings. The 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 upon what constitutes an excusable absence. State law leaves it up to the Council. Following are Council's general guidelines.

1. **Absence vs. attendance.** In general, elected officials are required to attend meetings physically, in person. Over the years, 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) that officials can fully participate remotely, if they cannot attend a meeting for an excusable reason. **If members are allowed to attend remotely, they are considered present for all purposes, and thus, it is not an absence.**

2. **Excuses for Absence. Presumptively Valid Excuses.** Unavoidable conflict in schedule, or other excuses, especially where Council is notified in advance(usually at a meeting prior to the proposed absence); illness, especially hospitalization; medical appointments that cannot easily be rescheduled; serious illness or death in family; physical inability to attend, such as involvement in accident or injury; severe weather, such as hurricane, tropical storm, wildfire; riot; unexpected traffic delay, such as for a major accident; unavoidable or sudden conflict in schedule dealing with job or with an organization with which the Member is liaison; other emergency; declared state of emerency applying to Member.

3. **Excuses for Absence. Presumptively Non-valid Excuses.** Avoidable conflict in schedule; conflict in schedule where Council is not notified in advance (normally at previous meeting); inconvenience, vacation; long-term off-season residence elsewhere; mere preference for non-attendance, including avoidance of subject matter or persons involved in a meeting; avoidance of a vote; laziness; anger.

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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

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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.

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