

VILLAGE OF ESTERO
VILLAGE COUNCIL MEETING
PACKET
JULY 6, 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

July 6, 2022, 09:30 am

1. CALL TO ORDER

INVOCATION

Pastor Phil McMillan Ocean Church

PLEDGE OF ALLEGIANCE

ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PROCLAMATION

a. The Honorable Senator Kathleen C. Passidomo Florida Senate President-Designate

Attachment: Senator Kathleen Passidomo Proclamation.pdf

4. RECOGNITIONS

The Honorable Senator Kathleen C. Passidomo Florida Senate President-Designate

The Honorable Senator Ray Rodrigues The Florida Senate

The Honorable Representative Adam Botana The Florida House of Representatives

Lobbyist
Ron Book/Ronald L. Book, P.A.

Rana Brown/ Ronald L. Book, P.A.

Lena Juarez/JEJ & Associates

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

6. CONSENT AGENDA

a. June 15, 2022, Council Meeting Minutes

Attachment: 060152022 minutes.pdf

b. Financial Report for Month ended May 2022

Attachment: Agenda Item Summary Sheet Monthly Financial Report 05312022.pdf
Attachment: Council Report 2022-05.pdf

7. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

8. ACTION ITEMS

a. Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2021, by Jeff Tuscan, CPA, Tuscan &. Company, PA.

Recommended Action
Approve Comprehensive Annual Financial Report.

Financial Impact
There is no financial impact of this report.

Attachment: Agenda Item Summary Sheet _004_.pdf
Attachment: Findings.pdf
Attachment: 2021 Village of Estero ACFR.pdf
Attachment: Village of Estero Graphs FY 21 _003_.pdf

b. First Amendment to Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax.

Recommended Action
Motion to approve First Amendment to Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax among Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, City of Sanibel, Town of Fort Myers Beach and the Village of Estero.

Financial Impact
Current distribution levels of Local Option Fuel Taxes will continue through December 31, 2022 with new proposed levels effective January 1, 2023 as provided by the Florida Department of Revenue procedures.

Attachment: Interlocal Agreement Local fuel tax Summary sheet .pdf
Attachment: Attachment A.pdf
Attachment: Gas Tax Interlocal Final.pdf
Attachment: Estero _002_.pdf

c. Resolution No. 2022-20 Joint Local Mitigation Strategy Plan

A Resolution of the Village of Estero, Florida; Providing for the Adoption of the 2022 Joint Local Mitigation Strategy Plan, prepared by the Local Mitigation Strategy Planning Team of Lee County, as the Formal Guide for the Village of Estero's Hazard Mitigation Activities; and Providing an Effective Date.

Recommended Action
Adopt Resolution No. 2022-20

Financial Impact
Adoption of the LMS will allow the Village to apply for Flood Mitigation Assistance and Hazard Grants, if required in the future.

Attachment: 2022 Agenda Item Summary Sheet - Template.pdf
Attachment: Resolution 2022-20 Local Migation.pdf
Attachment: Joint Local Mitigation Strategy v2022.02.pdf

d. Resolution No. 2022-18 Village Council Rules of Procedure

A Resolution of the Village Council of the Village of Estero, Florida, Amending Village Council and Advisory Board Rules of Procedure; and Providing an Effective Date.

Recommended Action
Motion to approve Resolution No. 2022-18

Financial Impact
None

Attachment: Resolution No. 2022-18 Summary Sheet Village Council Rules of Procedure1.pdf
Attachment: Resolution 2022-18 Rules of Procedure _002_.pdf
Attachment: Attachment A Estero-Rules of Procedure-Remote Absence1.pdf
Attachment: B Pritt_Rules of Procedure edit 06012022.pdf

9. FIRST READING

a. First Reading of Ordinance No. 2022-05 Redistricting of the Village District Boundaries

An Ordinance of the Village Council of The Village of Estero, Florida; Updating and Revising the District Boundaries Described in the Village Charter for the Election of Council Members in Accordance with the 2020 U.S. Census Data, the Village Charter, State Law and Federal Law; Adopting the Map Indicating the Revised Boundaries; Providing for Creation of Legal Descriptions; Providing for Codification; and Providing an Effective Date.

Recommended Action
Motion to Pass First Reading of Ordinance 2022-05 and Set Public Hearing and Second Reading for July 20, 2022.

Financial Impact
None

Attachment: Summary Sheet Ordinance 2022-05-1.pdf
Attachment: Ordinance 2022-05-Redistricting Map.pdf
Attachment: VOE_KSA_Memo_Draft_Redistricting_Plans_6-30-22.pdf
Attachment: VOE_Alternative2A-1.pdf
Attachment: VOE_Alternative2A-2.pdf
Attachment: CouncilDist_Communities.pdf

10.PUBLIC HEARINGS

a. Ordinance No. 2022-06 Comprehensive Plan Text Amendment - Property Rights Element

An Ordinance of the Village Council of the Village of Estero, Florida, Adopting an Amendment to the Village of Estero Comprehensive Plan to Add a Property Rights Element to the Text as Provided in Exhibit "A" and Made a Part Hereof; Providing for Transmittal to the State Land Planning Agency and Others as Required by State Statute; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Recommended Action
Motion to transmit Comprehensive Plan Amendment and Ordinance No. 2022-06 to state review agency.

Financial Impact
Cost of newspaper advertisements.

Attachment: Summary Sheet Ordinance 2022-06Comp Plan Text Amend Property Rights Element.pdf
Attachment: Ordinance 2022-06.pdf
Attachment: Staff Report.pdf
Attachment: Attachment A. Florida Statute.pdf

b. Ordinance No. 2022-07 Comprehensive Plan Amendment -- Village Owned Property at Northeast Corner of US 41 and Corkscrew Road

An Ordinance of the Village Council of the Village of Estero, Florida, Adopting an Amendment to the Village of Estero Comprehensive Plan to Amend the Future Land Use Map for a 31.5 Acre Property at the Northeast Corner of US 41 and Corkscrew Road from Village Center to Public Parks and Recreation; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Recommended Action
Motion to transmit Comprehensive Plan Amendment and Ordinance No. 2022-07 to State review agencies.

Financial Impact
N/A

Attachment: Agenda Item Summary Sheet 7.6.2022 CPA docx.pdf
Attachment: Ordinance 2022-07.pdf
Attachment: FLUM CPA2022-E002 Staff Report. for Council 7-6-2022docx.pdf
Attachment: Attachment A. Existing and Proposed FLUM CPA2022-E002 .pdf
Attachment: Attachment B. Application and Proj SummCPA2022-E002 .pdf
Attachment: Attachment C. Cultural Resource AssessmentCPA2022-E002 .pdf
Attachment: Attachment D. Tree Location SurveyCPA2022-E002 .pdf

c. Ordinance No. 2022-08 Rezoning 31.5 acres of Village-owned property at the northeast corner of Corkscrew Road and US 41.

An Ordinance of the Village Council of the Village of Estero, Florida, Considering a Rezoning from Mixed-Use Planned Development (MPD) and Agriculture (AG2) to Parks and Community Facilities (PCF) for a 31.5 Acre Property at the Northeast Corner of US 41 and Corkscrew Road; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action
Pass first reading of Ordinance No. 2022-08.

Financial Impact
Minor cost of newspaper advertisements.

Attachment: Agenda Item Summary Sheet 7-6-22 for Ordinance 2022.pdf
Attachment: Ordinance 2022-08.pdf
Attachment: 1. Staff Report.pdf
Attachment: 2. Attachment A. ExistingProposed Zoning.pdf
Attachment: 3. Estero on the River Attachment B. PIM Summary.pdf
Attachment: 4. Attachment C. Application and Proj Desc.pdf

d. Resolution No. 2022-19 Capital Improvement Program for Fiscal Year 2022-2023

A Resolution of the Village Council of the Village of Estero, Florida, Adopting the Capital Improvement Program for Fiscal Year 2022-2023; and Providing an Effective Date.

Recommended Action
Motion to move Capital Improvement Hearing and Resolution 2022-19 on to second public hearing on July 20, 2022

Financial Impact
The Capital Improvement Program will set the funding for the Village Capital Improvement project for Fiscal Year 2022-2023 and provide a plan of priorities for the next 5-years.

Attachment: 2022 Agenda Item Summary Sheet - Template.pdf
Attachment: CIP 5-yr Plan.pdf
Attachment: Resolution 2022-19 CIP FY 2022-2023 - for merge.pdf

11.SECOND READING AND PUBLIC HEARING

a. Second Reading and Public Hearing for Ordinance No. 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 approve Ordinance No. 2022-04

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 Second Reading 7-6-22 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 a _Estero_.pdf

12.PUBLIC COMMENT ON NON-AGENDA ITEMS

13.COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

14.VILLAGE ATTORNEY'S REPORT

15.VILLAGE MANAGER'S REPORT

16.WORKSHOP

a. FY 2022-2023 Proposed Budget

Attachment: 2022 Agenda Item Summary Sheet - Workshop - Template.pdf
Attachment: FY 23 Proposed Budget for Council Packet.pdf

17.ADJOURNMENT

General Attachments

- Transcript.pdf

VILLAGE OF ESTERO COUNCIL MEETING
WEDNESDAY, JULY 6, 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.

09:30:53AM >>Mayor Errington: GOOD MORNING.
09:30:56AM >> MORNING.
09:30:57AM >>Mayor Errington: WELCOME.
09:30:58AM WE'LL INTRODUCE YOU LATER ON ZOOM.
09:31:01AM AS CHAIR, I'D LIKE TO CALL THE VILLAGE OF ESTERO COUNCIL
09:31:05AM MEETING TO ORDER.
09:31:07AM TODAY IS JULY THE 6th, 2022, AND THE TIME IS 9:30 A.M.
09:31:13AM AS A PLEASANT REMINDER PLEASE SILENCE ALL YOUR CELL
09:31:17AM PHONES OR ANYTHING THAT WOULD MAKE A DISTRACTING NOISE
09:31:21AM DURING THE MEETING.
09:31:25AM AT THIS TIME I'D LIKE TO CALL PASTOR PHIL MCMILLAN UP
09:31:29AM FROM OCEAN CHURCH.
09:31:32AM BEFORE HE GIVES OUR INVOCATION, I WOULD LIKE TO HAVE THE
09:31:36AM PRIVILEGE OF -- OUT OF RESPECT AND HONOR, I'D LIKE FOR US
09:31:41AM TO TAKE A MOMENT OF SILENCE FOR THE RECENT PASSING OF LEE
09:31:45AM COUNTY COMMISSIONER FRANK MANN.
09:31:48AM I HAD THE OPPORTUNITY TO WORK WITH COMMISSIONER MANN ON
09:31:51AM THE MPO, AND HE WAS A JOY TO BE WITH, AND TO LISTEN TO
09:31:56AM HIM TALK, SO IF WE COULD JUST TAKE A MOMENT FOR
09:32:01AM COMMISSIONER FRANK MANN.
09:32:13AM THANK YOU.
09:32:14AM AND NOW LEADING US IN OUR INVOCATION IS PASTOR PHIL.
09:32:18AM THANK YOU.
09:32:19AM GOOD MORNING.
09:32:19AM >> GOOD MORNING, THANK YOU.
09:32:21AM LET'S BOW OUR HEADS.
09:32:22AM HEAVENLY FATHER, WE THANK YOU.
09:32:24AM LORD EVEN COMING OFF THE HEELS OF THE FOURTH OF JULY
09:32:28AM WEEKEND WE'RE THANKFUL FOR THE FREEDOM WE HAVE IN THIS
09:32:32AM COUNTRY AND THANK YOU FOR THE GRACE YOU GRANTED THIS
09:32:34AM MORNING TO GATHER.
09:32:35AM SO I PRAY LIKE I DO OFTEN WHEN I COME HERE, LORD, I PRAY
09:32:39AM FOR WISDOM AND THESE INDIVIDUALS COMING AND BRINGING
09:32:42AM DIFFERENT THINGS FORWARD.
09:32:43AM GOD, I JUST PRAY FOR YOUR PURPOSES TO CONTINUE TO BE
09:32:45AM ESTABLISHED HERE IN ESTERO.
09:32:49AM THANK YOU, LORD, THIS IS A SAFE HAVEN.

09:32:51AM THIS CITY IS FULL OF LIFE AND LOVE, GOD, AND IT'S FULL OF
09:32:55AM OPPORTUNITY, SO LORD, WE JUST THANK YOU AND PRAY YOUR
09:32:58AM WISDOM OVER THESE GREAT COUNCIL MEMBERS, LORD, AND OVER
09:33:01AM OUR MAYOR.
09:33:02AM WE THANK YOU IN JESUS'S NAME, AMEN.
09:33:05AM >>Mayor Errington: THANK YOU VERY MUCH.
09:33:07AM AND NOW WE WILL HAVE THE PLEDGE OF ALLEGIANCE AND IF YOU
09:33:10AM WOULD PLEASE STAND, IF YOU'RE ABLE.
09:33:12AM IF NOT, AND I'LL ASK VICE MAYOR McLAIN TO LEAD US.
09:33:20AM (PLEDGE OF ALLEGIANCE)
09:33:34AM >>Mayor Errington: WE HAVE -- WE NEED THE ROLL CALL BUT
09:33:37AM WE NEED TO RECOGNIZE TWO COUNCIL MEMBERS ON ZOOM.
09:33:42AM WE CAN VOTE TOGETHER.
09:33:45AM IS THAT PROPER?
09:33:46AM OKAY.
09:33:46AM WE'LL VOTE AND -- TO ACCEPT THE TWO MEMBERS ON ZOOM AND
09:33:49AM THEY ARE COUNCILMEMBER JIM WARD AND COUNCILMEMBER JIM
09:33:56AM WILSON.
09:33:56AM I NEED A MOTION.
09:33:57AM >> SO MOVED.
09:33:58AM >>Mayor Errington: MOTION MADE BY COUNCILMEMBER FIESEL
09:34:02AM AND SECONDED BY COUNCILMEMBER RIBBLE.
09:34:07AM PLEASE CALL THE ROLL.
09:34:10AM >>Joanne Ribble: AYE.
09:34:12AM >>Larry Fiesel: AYE.
09:34:14AM >>Jim Boesch: AYE.
09:34:15AM >>Jim Ward: AYE.
09:34:18AM >>Jim Wilson: AYE.
09:34:19AM >>Vice-Mayor McLain: AYE.
09:34:21AM >>Mayor Errington: AYE.
09:34:22AM >> I'LL NOW CALL ROLL.
09:34:25AM >>Joanne Ribble: HERE.
09:34:27AM >>Larry Fiesel: HERE.
09:34:29AM >>Jim Boesch: AYE.
09:34:31AM >>Jim Ward: HERE.
09:34:33AM >>Jim Wilson: HERE.
09:34:35AM >>Vice-Mayor McLain: HERE.
09:34:36AM >>Mayor Errington: HERE.
09:34:38AM ITEM NUMBER 2, APPROVAL OF AGENDA ADDITIONS AND
09:34:42AM DELETIONS.
09:34:49AM JUST A MOMENT.
09:34:52AM >> I'D LIKE TO RECOMMEND THAT WE TABLE ITEM -- HOLD ON.
09:35:10AM >> IS IT THE FUEL TAX?
09:35:12AM IT'S 8B.
09:35:14AM >> THANK YOU.
09:35:15AM YES.
09:35:16AM 8B.
09:35:16AM THE FIRST AMENDMENT FOR THE MASTER INTERLOCAL REGARDING

09:35:19AM THE LOCAL OPTION FUEL TAX.
09:35:22AM THE REASON IS, IS THAT THE LATE LAST MINUTE, THERE HAVE
09:35:28AM BEEN A LOT OF CITIES THAT HAVE RAISED QUESTIONS ABOUT
09:35:31AM THEIR ALLOCATION, AND RATHER THAN US LOCK IN AT AN EARLY
09:35:35AM DATE, I THINK WE SHOULD LEAVE IT FOR CONTINUED
09:35:39AM DISCUSSIONS AMONG THE CITIES.
09:35:41AM >>Mayor Errington: THANK YOU.
09:35:42AM SO WITH THAT IN CONSIDERATION, DO I HAVE A MOTION TO MOVE
09:35:46AM FORWARD AND PASS THE AGENDA -- APPROVE THE AGENDA?
09:35:51AM MOTION MADE BY VICE-MAYOR McLAIN AND SECONDED BY
09:35:56AM COUNCILMEMBER BOESCH.
09:35:57AM PLEASE CALL THE ROLL.
09:36:00AM >>Jim Wilson: AYE.
09:36:01AM >>Jim Ward: AYE.
09:36:02AM >>Jim Boesch: AYE.
09:36:05AM >>Larry Fiesel: AYE.
09:36:06AM >>Joanne Ribble: AYE.
09:36:08AM >>Vice-Mayor McLain: AYE.
09:36:09AM >>Mayor Errington: AYE.
09:36:12AM MOVING TO ITEM NUMBER 3, PROCLAMATION.
09:36:16AM THE BOARD PRESENTING THE PROCLAMATION, I WOULD -- BEFORE
09:36:19AM PRESENTING THE PROCLAMATION, I'D LIKE TO INTRODUCE OUR
09:36:22AM DISTINGUISHED GUEST HERE WITH US TODAY.
09:36:24AM THE HONORABLE SENATOR AND PRESIDENT-DESIGNATE KATHLEEN
09:36:33AM PASSIDOMO AND THE HONORABLE RODRIGUES AND ADAM BOTANA.
09:36:38AM THANK YOU, ALL OF YOU FOR BEING HERE TODAY.
09:36:41AM WE APPRECIATE IT GREATLY.
09:36:43AM BEFORE THE PROCLAMATION, I WANT TO READ SOMETHING TO YOU.
09:36:49AM AB SIMPSON, A CANADIAN PRESBYTERIAN MINISTER WHO LIVED IN
09:36:55AM THE 1800s ONCE SAID "GOD IS PREPARING HIS HERO AND WHEN
09:37:00AM THE MOMENT, THE OPPORTUNITY COMES, HE CAN FIT THEM INTO
09:37:04AM THEIR PLACES IN A MOMENT, AND THE WORLD WILL WONDER WHERE
09:37:09AM THEY CAME FROM".
09:37:12AM THE STATE OF FLORIDA HAS ONE OF THESE HEROES.
09:37:16AM HER NAME IS KATHLEEN PASSIDOMO.
09:37:18AM ALSO KNOWN AS SENATOR KATHLEEN PASSIDOMO, ALSO KNOWN AS
09:37:24AM FLORIDA SENATE PRESIDENT-DESIGNATE.
09:37:27AM ALSO KNOWN AS A LOVING DAUGHTER, WIFE, MOTHER,
09:37:32AM GRANDMOTHER, ADVOCATE FOR FLORIDA'S QUALITY OF LIFE, AND
09:37:36AM ALSO KNOWN AS A LOYAL SUPPORTER OF SOUTHWEST FLORIDA.
09:37:41AM THANK YOU.
09:37:43AM [APPLAUSE]
09:37:51AM NOW WE'LL TRY TO WORK THIS OUT ACCORDING TO PLAN IF YOU'D
09:37:54AM COME FORWARD, I'LL READ THE PROCLAMATION AND SENATOR
09:37:58AM PASSIDOMO WILL STAND HERE AS I READ THE PROCLAMATION.
09:38:02AM AND THEN WE'LL PRESENT THE REAL THING TO YOU AFTERWARD.
09:38:06AM THE VILLAGE OF ESTERO PROCLAMATION.
09:38:08AM WHEREAS SENATOR KATHLEEN PASSIDOMO IS PRESIDENT-DESIGNATE

09:38:13AM OF FLORIDA SENATE, SHE WAS OFFICIALLY ELECTED BY HER
09:38:17AM COLLEAGUES IN 2021 TO ASSUME THE ROLE DURING THE 2023-24
09:38:22AM LEGISLATIVE TERM, AND WHEREAS SENATE PRESIDENT DESIGNATE
09:38:25AM PASSIDOMO WAS ELECTED TO THE FLORIDA SENATE IN NOVEMBER
09:38:28AM 2016 AFTER HAVING SERVED IN THE FLORIDA HOUSE OF
09:38:31AM REPRESENTATIVES SINCE 2010.
09:38:33AM AND WHEREAS SENATE PRESIDENT-DESIGNATE PASSIDOMO SERVES
09:38:38AM AS CHAIR OF THE SENATE RULES COMMITTEE AND IS A MEMBER OF
09:38:40AM THE FOLLOWING COMMITTEES, APPROPRIATION, APPROPRIATION
09:38:44AM SUBCOMMITTEE ON EDUCATION, BANKING AND INSURANCE
09:38:47AM EDUCATION, REGULATED INDUSTRIES IN THE JOINT LEGISLATIVE
09:38:50AM BUDGET COMMISSION, AND WHEREAS SENATE PRESIDENT DESIGNATE
09:38:55AM PASSIDOMO'S TALENT AND SKILLS SHARED IN HER DISTRICTS OF
09:39:01AM COLLIER AND LEE COUNTY WILL BE EXTENDED THROUGHOUT THE
09:39:03AM STATE OF FLORIDA.
09:39:04AM NOW, THEREFORE, I, KATY ERRINGTON, MAYOR OF THE VILLAGE
09:39:12AM OF ESTERO COUNTY, FLORIDA, DO PROCLAIM THE VILLAGE
09:39:15AM RECOGNIZE KATHLEEN C. PASSIDOMO FOR HER COMMITMENT AND
09:39:20AM INUBEERABLE CONTRIBUTIONS TO SOUTHWEST FLORIDA AND THE
09:39:23AM ENTIRE STATE OF FLORIDA.
09:39:25AM [APPLAUSE]
09:40:17AM >> I HAD NO IDEA THIS WAS, LIKE -- I THOUGHT WE WERE
09:40:20AM GOING TO TALK ABOUT BUDGETS.
09:40:23AM AND -- FIRST OF ALL, THANK YOU FOR THE HONOR.
09:40:27AM YOU KNOW, I GIVE OUT PROCLAMATIONS ALL THE TIME, AND
09:40:30AM PEOPLE ARE REALLY, YOU KNOW, SPEECHLESS AND NOW I KNOW
09:40:34AM WHY BECAUSE IT'S SUCH AN HONOR TO RECEIVE THIS FROM YOU
09:40:39AM ALL.
09:40:40AM EVERYTHING THAT WE DO IN THE LEGISLATURE CAN'T BE DONE BY
09:40:47AM AN INDIVIDUAL, AND WE'RE VERY FORTUNATE IN SOUTHWEST
09:40:50AM FLORIDA THAT WE HAVE A DELEGATION THAT IS BY FAR THE MOST
09:40:54AM PRODUCTIVE DELEGATION IN THE STATE.
09:40:58AM WE ALL GET ALONG.
09:40:59AM WE WORK TOGETHER AND TWO OF THE MOST IMPORTANT MEMBERS OF
09:41:03AM THE DELEGATION ARE HERE TODAY.
09:41:07AM REPRESENTATIVE BOTANA WHO, YOU KNOW, I GOT TO TELL YOU,
09:41:10AM THE BUDGET ITEMS THAT WE GOT WERE -- I'D SAY 99% HIS HARD
09:41:15AM WORK BECAUSE HE WAS RELENTLESS, AND SENATOR RODRIGUES HAS
09:41:22AM BEEN SUCH A HELPER TO ME AND MY FELLOW SENATORS OVER THE
09:41:27AM LAST COUPLE YEARS.
09:41:28AM AND BECAUSE HE WAS THE CHAIR OF REDISTRICTING, HE HAD TO
09:41:32AM DO A LOT OF HIS WORK BEHIND THE SCENES BECAUSE OF THE
09:41:35AM FACT THAT THE REDISTRICTING COMMITTEE WAS SO INVOLVED.
09:41:41AM AND YOU KNOW, I HAD TO HELP HIM CARRY HIS BUDGET ITEMS
09:41:46AM ACROSS THE FINISH LINE.
09:41:47AM YOU COULDN'T FIND A BETTER CHAMPION, AND WE'RE GOING TO
09:41:50AM MISS HIM AS HE LEAVES TO MOVE TO A -- PROBABLY A HIGHER
09:41:53AM POSITION AND SOMETHING THAT WILL AFFECT THE WHOLE STATE,

09:41:58AM AND SO, YOU KNOW, JONATHAN MARTIN AS YOU KNOW IS GOING TO
09:42:03AM TAKE THE REINS AND COME UP TO TALLAHASSEE AND HELP SERVE
09:42:08AM THE SENATE, BUT I WILL MISS RAY ROD AS WE CALL HIM
09:42:13AM BECAUSE HE WAS SUCH A STALWART MEMBER OF THE SENATE.
09:42:17AM SO I ACCEPT THE PROCLAMATION, BUT IT'S REALLY NOT ME SO
09:42:21AM MUCH AS ALL MY COLLEAGUES, THAT WE WORK SO WELL TOGETHER,
09:42:25AM AND LOOK FORWARD TO MORE THAT WE CAN DO FOR YOU AND FOR
09:42:28AM OUR CONSTITUENTS IN SOUTHWEST FLORIDA.
09:42:32AM THANK YOU.
09:42:32AM [APPLAUSE]
09:42:40AM >>Mayor Errington: NOW IF I MAY HAVE THE SENATOR AND
09:42:44AM REPRESENTATIVE COME UP, WE'LL GET PICTURES AGAIN.
09:42:49AM WILL YOU DIRECT US?
09:43:37AM [APPLAUSE]
09:44:02AM >>Mayor Errington: THIS IS A PERFECT SEGWAY INTO OUR
09:44:05AM LOBBYISTS.
09:44:09AM THANK YOU.
09:44:15AM LET'S HAVE INTRODUCTIONS HERE.
09:44:17AM I'M TRYING TO FIND YOU ON ZOOM.
09:44:21AM THERE IS LENA AND ROBERT MILLER.
09:44:27AM CAN'T HEAR YOU.
09:44:31AM >> AND RANA AND RON FROM THE BROOKS FIRM.
09:44:35AM >>Mayor Errington: I DON'T SEE HIM.
09:44:36AM >> HERE I AM.
09:44:39AM >>Mayor Errington: OKAY, LENA.
09:44:40AM OKAY, THANK YOU.
09:44:40AM SO THIS IS OUR SEGWAY INTO THE VILLAGE OF ESTERO AND WHAT
09:44:46AM THESE FOLKS HAVE BEEN DOING FOR US OVER THE PAST FEW
09:44:49AM MONTHS.
09:44:50AM SEVERAL MONTHS.
09:44:51AM SO --
09:44:53AM >> I MUTED IT BUT NOT UNTIL --
09:44:56AM >>Mayor Errington: HOLD ON.
09:44:59AM JIM, YOU MAY WANT TO MUTE.
09:45:03AM JIM WILSON.
09:45:04AM OKAY.
09:45:05AM LENA, WHO IS GOING TO LEAD THIS?
09:45:08AM >> I'LL START AND, RANA, PLEASE CHIME IN.
09:45:12AM THANK YOU, MADAM MAYOR, FOR INTRODUCING ALL OF US, AND IF
09:45:16AM SENATE PRESIDENT PASSIDOMO, REPRESENTATIVE BOTANA AND
09:45:20AM SENATOR RODRIGUES ARE STILL THERE, WE WANT TO THANK YOU
09:45:23AM FOR YOUR LEADERSHIP IN SPONSORING THE VILLAGE'S
09:45:28AM APPROPRIATIONS REQUEST THIS SESSION.
09:45:30AM I'LL LET RON ROBERTS INTRODUCE HIMSELF.
09:45:33AM WE HAVE A VERY, VERY SHORT PRESENTATION SO YOU CAN TAKE A
09:45:37AM LAP AROUND THE TRACK AND CELEBRATE YOUR SUCCESSES FOR
09:45:40AM THIS FIRST YEAR OF APPROPRIATIONS REQUEST BY THE VILLAGE.
09:45:44AM >>Mayor Errington: THANK YOU.

09:45:53AM >> RANA?
09:45:54AM >> YES, GOOD MORNING, EVERYONE.
09:45:54AM MY NAME IS RANA BROWN.
09:45:56AM I WORK WITH RON BOOK.
09:45:57AM WE REPRESENT WITH LENA AND ROBERT.
09:45:58AM FIRST OF ALL, I WANT TO LET YOU KNOW, I THINK YOU KNOW
09:46:01AM RON IS UNDERGOING TREATMENT AND APOLOGIZES HE CAN'T BE
09:46:04AM HERE THIS MORNING.
09:46:05AM HE ASKED ME TO LET YOU KNOW THAT.
09:46:07AM AGAIN, I WANT TO ECHO THANKS TO SENATE PRESIDENT-ELECT
09:46:11AM PASSIDOMO, SENATOR RODRIGUES AND REPRESENTATIVE BOTANA.
09:46:16AM WITHOUT THEIR HELP, IT WOULD HAVE GONE A DIFFERENT WAY,
09:46:20AM AND WE REALLY LOOK FORWARD TO ALL WORKING AGAIN NEXT
09:46:24AM SESSION.
09:46:24AM >>Mayor Errington: THANK YOU.
09:46:25AM AND NEXT?
09:46:30AM TURN IT BACK OVER TO YOU, LENA.
09:46:32AM >> GREAT.
09:46:33AM MY COLLEAGUE ROBERT MILLER IS HERE AS WELL.
09:46:37AM IF CAROL WANTS TO QUEUE THE SLIDES, THAT WOULD BE
09:46:42AM WONDERFUL.
09:46:44AM ACTUALLY, WE'LL START REAL BRIEFLY WITH SLIDE NUMBER TWO.
09:46:49AM THERE WE GO.
09:46:50AM JUST -- I'M SURE MANY OF YOU ARE AWARE OF OUR CHALLENGING
09:46:58AM SESSION THAT STARTED IN JANUARY AND WENT FOR 60 DAYS.
09:47:01AM 3600 BILLS WERE INTRODUCED INCLUDING THE HOUSE BILL
09:47:07AM NUMBERS AND A HIGHER NUMBER OF BILLS PASSED THAN NORMAL
09:47:11AM WHICH WAS 285.
09:47:12AM OF THOSE THE GOVERNOR SIGNED 264 AND HE VETOED 11.
09:47:17AM SOME OF -- ONE OF THE ONES I KNOW THE VILLAGE IS VERY
09:47:22AM HAPPY HE VETOED WAS SENATE BILL 620.
09:47:28AM I THINK MOST ARE HAPPY BECAUSE THAT AFFECTED POTENTIAL
09:47:31AM LAWSUITS FROM BUSINESSES.
09:47:35AM THE FINAL BUDGET UP FOR THE UPCOMING YEAR WAS 101.9
09:47:43AM BILLION DOLLARS AND WE JUST GAVE YOU THE STATISTICS ON
09:47:47AM THE HOUSE PROPOSALS AND INTERESTINGLY, THE FINAL NUMBER
09:47:49AM THEY PASSED WAS MUCH HIGHER, $112 BILLION AND THEN THE
09:47:52AM GOVERNOR VETOED 3.3, SO AS I MENTIONED PREVIOUSLY, WE HAD
09:47:57AM ABOUT $110 BILLION BUDGET WHICH IS THE LARGEST BUDGET
09:48:00AM EVER IN FLORIDA'S HISTORY AND IS ACTUALLY A 10% INCREASE
09:48:04AM FROM THE CURRENT YEAR'S BUDGET.
09:48:06AM SO ALL THAT BODED VERY WELL FOR THE NEXT THREE SLIDES,
09:48:10AM CAROL, WHICH WAS THE SUCCESS OF THE VILLAGE'S
09:48:14AM APPROPRIATIONS REQUEST.
09:48:16AM AND THIS IS A SUMMARY.
09:48:18AM I KNOW YOU ALL ARE FAMILIAR WITH ALL OF THESE.
09:48:21AM SENATOR PASSIDOMO, REPRESENTATIVE BOTANA SPONSORED THE
09:48:25AM BICYCLE AND PEDESTRIAN IMPROVEMENT REQUEST AT 450.

09:48:30AM THE NEXT ONE WAS THE UTILITY EXPANSION, THE FIRST PHASE
09:48:35AM OF IT, FOR 530,000 AND SPONSORED BY SENATOR PASSIDOMO AND
09:48:42AM REPRESENTATIVE BOTANA.
09:48:43AM AND THEN THE LAST ONE WAS $750,000 FOR THE TRAIL PROJECT,
09:48:49AM WHICH WAS SPONSORED BY -- OH, THAT'S RIGHT.
09:48:52AM I'M SO SORRY.
09:48:54AM SENATOR PASSIDOMO HAD ALL THEM.
09:48:56AM RAY RODRIGUES WAS VERY INSTRUMENTAL IN SUPPORTING ALL
09:48:58AM THESE, AND REPRESENTATIVE BOTANA.
09:49:00AM SO IF YOU HAVE ANY QUESTIONS FOR US, RANA, IF YOU WANT TO
09:49:06AM ADD ANYTHING.
09:49:06AM WE THINK IT'S ABSOLUTELY TREMENDOUS THAT THE VILLAGE
09:49:09AM RECEIVED FUNDING, 100% FUNDING FOR ALL THREE OF THEIR
09:49:13AM REQUESTS, AND AGAIN, IT HAS A LOT TO DO WITH THE
09:49:16AM LEADERSHIP OF YOUR DELEGATION SO IT WAS AN EXCELLENT
09:49:19AM TRIBUTE TO RECOGNIZE THEM TODAY.
09:49:22AM >>Mayor Errington: THANK YOU.
09:49:26AM I THINK SOMEONE MAY HAVE A QUESTION.
09:49:27AM DO YOU HAVE A QUESTION?
09:49:28AM NO QUESTION.
09:49:28AM OKAY.
09:49:30AM ANYONE ELSE ON YOUR TEAM HAVE A COMMENT?
09:49:35AM NO?
09:49:36AM OKAY.
09:49:37AM THANK YOU SO MUCH.
09:49:38AM >> YOU'RE WELCOME.
09:49:39AM >>Mayor Errington: YOU KNOW WHAT?
09:49:40AM LET'S GIVE THEM A ROUND OF APPLAUSE.
09:49:42AM [APPLAUSE]
09:49:46AM THANK YOU FOR YOUR DILIGENCE AND VERY, VERY HARD WORK,
09:49:49AM AND THANK YOU FOR STAYING IN TOUCH WITH US DURING THE
09:49:51AM WHOLE PROCESS.
09:49:52AM THAT WAS VERY ENJOYABLE AT TIMES.
09:49:56AM SO THANK YOU.
09:49:57AM >> THANK YOU.
09:49:58AM >>Mayor Errington: OKAY.
09:49:59AM BYE, BYE.
09:50:00AM >> BYE, BYE.
09:50:02AM THANK YOU ALL.
09:50:03AM >>Mayor Errington: YOU'RE WELCOME TO STAY, BUT.
09:50:06AM >> I THINK ROBERT MAY STAY A BIT.
09:50:08AM THANK YOU ALL.
09:50:09AM >>Mayor Errington: THANK YOU.
09:50:11AM MOVING RIGHT ALONG.
09:50:14AM THE NEXT ITEM ON THE AGENDA IS ITEM NUMBER 5, PUBLIC
09:50:19AM COMMENT ON NON-AGENDA ITEMS.
09:50:22AM >> WE HAVE TWO AND ONE E-COMMENT YESTERDAY E-MAILED TO
09:50:24AM EVERYONE YESTERDAY.

09:50:25AM THE FIRST ONE IS MARIE TORRES FROM MARSH LANDING
09:50:34AM REPRESENTING HERSELF.
09:50:40AM >>Mayor Errington: SOMEONE LEFT EARLIER.
09:50:42AM >> I THINK MAYBE SHE WALKED OUT.
09:50:44AM NEXT IS MARK LEVITSKY REPRESENTING HIMSELF.
09:50:47AM >> GOOD MORNING, ALL.
09:50:48AM >>Mayor Errington: GOOD MORNING, MARK.
09:50:49AM >> HOW WE DOING?
09:50:52AM CAROL AND I TRY TO GIVE A LITTLE COLOR THIS MORNING.
09:50:56AM OTHER THAN JOANNE.
09:50:59AM AS SOME OF YOU KNOW, MY ROLE IN ECCL IS GOING DOWN QUITE
09:51:02AM A BIT.
09:51:03AM THERE IS NO LONGER A COO ROLE SO I'M KIND OF BACKING INTO
09:51:07AM OTHER THINGS.
09:51:07AM THIS MORNING I'M SPEAKING FOR ME.
09:51:10AM I KNOW THAT'S A FINE LINE SOMETIMES, BUT I REALLY AM.
09:51:12AM SO FROM THE ESTERO HISTORICAL SOCIETY, WE HAD A GREAT
09:51:16AM FOURTH OF JULY CEREMONY.
09:51:18AM WE HOPED SOME OF YOU COULD ATTEND BUT A LOT
09:51:22AM WERE -- COMMISSIONER MANN UNDERSTANDS THAT.
09:51:25AM WE ARE CLOSED FOR THE NEXT SIX WEEKS AND HAVE REAL BIG
09:51:28AM ROCK PROBLEMS AND THE RAMP'S NO LONGER SAFE SO WE'RE
09:51:32AM TEARING IT APART.
09:51:33AM ON A GOOD NEWS SIDE, WE HAVE A LOCAL EAGLE SCOUT PROJECT
09:51:36AM WHERE HE IS GOING TO CONSTRUCT A TWO-HOLE OUTHOUSE FOR
09:51:40AM US.
09:51:40AM WE CALL IT A TWO-HOLER.
09:51:42AM TO BRING THE KIDS THROUGH THE -- FROM THE REC CENTER
09:51:46AM ANYWHERE ELSE AND LOOK AT THE ONE-ROOM SCHOOLHOUSE AND
09:51:50AM ALL OF A SUDDEN WHERE IS THE BATHROOM?
09:51:51AM I WANT TO BE ABLE TO GO OVER THERE.
09:51:54AM YOU HAVE TO GO OUTSIDE, THERE MIGHT BE SNAKES.
09:51:57AM IT'S NOT GOING TO BE OPERATIONAL.
09:52:02AM IT WON'T EVEN BE A HOLE.
09:52:04AM IT WILL BE A CIRCLE PAINTED BLACK WITH A TOILET SEAT ON
09:52:06AM IT.
09:52:07AM WE LEARNED THE HARD WAY THAT -- YEAH.
09:52:09AM WE ALL KNOW WHAT HAPPENS AT BIG BOX STORES.
09:52:13AM OKAY.
09:52:14AM KIDS IN THE COMMUNITY, YOU KNOW, WE'RE A BUNCH OF LONG IN
09:52:21AM THE TOOTH PEOPLE HERE, MOST OF US HERE.
09:52:22AM CAROL AND I ARE THE YOUNGINS.
09:52:24AM NOT THAT THE REST OF YOU ARE OLD OR ANYTHING BUT
09:52:28AM WE -- JOANNA TOO, SORRY.
09:52:29AM WE NEED TO GET THE KIDS INVOLVED IN THE COMMUNITY.
09:52:31AM IF WE GET THE KIDS INVOLVED, THEN WE GET THE PARENTS
09:52:34AM INVOLVED.
09:52:34AM ONE OF THE THINGS I BROUGHT UP TO A COUPLE OF YOU IS

09:52:39AM LET'S GET THE HIGH SCHOOL DESIGN TEAM TO DESIGN A FLAG
09:52:43AM FOR THE VILLAGE OF ESTERO.
09:52:45AM I'M SURE BETWEEN THE ESTERO FOREVER FOUNDATION WE COULD
09:52:50AM COUGH UP A FEW BUCKS FOR A PRIZE FOR THE FIRST ONE.
09:52:54AM ACTUALLY THE MIDDLE SCHOOLS TOO.
09:52:57AM SOMETHING WE NEED TO DO.
09:52:57AM THE LEE COUNTY WATER UTILITIES HAS THE UGLY WHITE
09:53:00AM BUILDING BETWEEN THE DERMATOLOGY AND THE CAR WASH.
09:53:04AM IT'S FOUR BLANK WHITE WALLS.
09:53:06AM LET'S LET THE STUDENTS PUT SOME MURALS ON THAT.
09:53:09AM IT'S NOT GOING TO COST US ANYTHING.
09:53:11AM SO SOMETHING TO THINK ABOUT.
09:53:13AM AND MAYOR ERRINGTON, LET'S WORK ON A MOCK GOVERNMENT, SO
09:53:17AM I SENT THAT OVER TO THE ECCL EDUCATION COUNCIL FIRST TO
09:53:21AM DO THAT.
09:53:22AM WE'LL SEE WHAT COMES OUT OF THAT.
09:53:25AM AND LASTLY, SINCE WE'RE GETTING MORE AND MORE ACTION
09:53:31AM FROM -- IN THE VILLAGE ON PARKS AND REC, MAYBE IT'S TIME
09:53:34AM TO HAVE A FULL-TIME PARKS AND RECS PERSON.
09:53:40AM MY OPINION.
09:53:41AM THANKS.
09:53:41AM >>Mayor Errington: MARK, ALWAYS REMEMBER IN YOUR COMMENTS
09:53:45AM YOU MADE EARLIER, IT TAKES ONE TO KNOW ONE.
09:53:47AM >> YES, MA'AM.
09:53:50AM >>Mayor Errington: OKAY.
09:53:56AM >> CAROL, SHE'S HERE.
09:53:59AM >>Carol Sacco: YES.
09:54:01AM MARIE TORRES REPRESENTING HERSELF FROM MARSH LANDING.
09:54:07AM >>Mayor Errington: GOOD MORNING AND WELCOME.
09:54:08AM >> GOOD MORNING.
09:54:09AM >>Mayor Errington: STATE YOUR NAME AND ADDRESS.
09:54:10AM >> YES.
09:54:12AM MARIE TORRES.
09:54:13AM 22931 WHITE OAK LANE IN MARSH LANDING.
09:54:18AM I AM COMING HERE TODAY TO ASK FOR YOUR HELP REFERENCING
09:54:26AM THE TRAFFIC LIGHT THAT IS IN FOUNTAIN LAKES ON 41.
09:54:35AM I HAVE WRITTEN TO OUR COUNCIL MEMBER IN OUR DISTRICT.
09:54:39AM I HAVE BEEN FORWARDED E-MAILS TO THE PUBLIC WORKS
09:54:46AM DEPARTMENT.
09:54:46AM THE LAST PERSON THAT I E-MAILED WITH WAS -- CORRESPONDED
09:54:50AM WITH DAVID WILLEMS FROM PUBLIC WORKS.
09:54:54AM I BELIEVE HE IS DOWN HERE SOMEWHERE.
09:54:55AM OKAY.
09:55:02AM BASICALLY, I HAVE GOTTEN A LITTLE BLOWN OFF IN THE
09:55:04AM PROCESS, AND WE MOVED HERE FROM MIAMI FROM DURAL, THE
09:55:09AM CITY OF DURAL, AFTER LIVING IN MIAMI FOR 54 YEARS.
09:55:14AM SO WE SAW MIAMI GROW, AND WE SAW IT BECOME THE CITY IT IS
09:55:18AM TODAY, AND YOU HAVE TO GO ADJUSTING WITH THE GROWTH OF

09:55:24AM THE AREA, AND SOUTHWEST FLORIDA HAS DEFINITELY GROWN A
09:55:28AM LOT.
09:55:28AM I REMEMBER GOING TO SARASOTA AND ON 41 THERE WAS NOTHING.
09:55:32AM THERE WAS ABSOLUTELY NOTHING.
09:55:33AM SO TRAFFIC, THE SPEED LIMITS HERE AND IN THE NEWS, IT
09:55:39AM SEEMS LIKE THEY ACKNOWLEDGE THAT WE HAVE AN ISSUE.
09:55:43AM WE HAVE AN ISSUE WITH PEOPLE BEING RUN OVER.
09:55:47AM WE HAVE AN ISSUE WITH PEOPLE JUST GETTING KILLED, T-BONED
09:55:52AM ON 41, SO THAT'S WHAT I WROTE BACK TO THE PUBLIC WORKS
09:55:56AM DEPARTMENT, WAS THAT BASICALLY IT CAME BACK SAYING
09:56:02AM SOMETHING LIKE, WELL, IT'S A FENDER BENDER.
09:56:04AM IF WE PUT A TRAFFIC LIGHT TO WORK -- THE TRAFFIC LIGHT IS
09:56:08AM THERE.
09:56:08AM I'M NOT FROM FOUNTAIN LAKES.
09:56:10AM I'M FROM MARSH LANDINGS.
09:56:13AM THIS MORNING I LEFT AT 7:00 A.M. IN THE MORNING TO GO
09:56:15AM WITH MY HUSBAND TO A DOCTOR'S APPOINTMENT UP NORTH, AND
09:56:21AM IT WAS -- I MEAN, I WAS TERRIFIED OF MAKING A LEFT TO GO
09:56:27AM TO COCOANUT POINT MALL.
09:56:29AM I COULDN'T MAKE IT TO MAKE A U-TURN TO GO BACK.
09:56:34AM AND I DID, AND YOU KNOW, THE CARS WERE JUST COMING SO
09:56:39AM FAST THAT YOU DON'T IMAGINE THEM COMING THAT FAST,
09:56:42AM BECAUSE IT'S 50 MILES AN HOUR.
09:56:45AM THEY'RE GOING 60, 70, SOMETIMES 80.
09:56:47AM SO WHAT HAPPENS IS THEY JUST TEND TO SPEED MORE WHEN
09:56:51AM THERE IS NO TRAFFIC LIGHT TO STOP THEM.
09:56:54AM I DON'T AGREE WITH THE FACT THAT, YOU KNOW, IF THE
09:56:57AM TRAFFIC LIGHT BECOMES OPERATIONAL DURING (INAUDIBLE)
09:57:05AM PEOPLE COMING OUT OF THE DEVELOPMENTS AND MALL AND
09:57:07AM WHATEVER.
09:57:08AM I DON'T AGREE THAT IT'S GOING TO BE A FENDER BENDER.
09:57:14AM YOU GREE SOMEONE WILL BE T-BONED LIKE THE WOMAN T-BONED
09:57:19AM ON WILLIAMS ROAD NOT TOO LONG AGO.
09:57:22AM >>Mayor Errington: SORRY, YOUR TIME IS UP.
09:57:23AM >> SO BASICALLY WE NEED YOUR HELP.
09:57:26AM WE NEED YOU TO TELL US WHAT YOU NEED FROM US.
09:57:29AM IF IT'S SIGNATURES, WHATEVER IT IS THAT WE CAN GET THEM
09:57:33AM BECAUSE WE ARE AFRAID FOR OUR FAMILIES AND OURSELVES.
09:57:36AM >>Mayor Errington: THANK YOU.
09:57:37AM >> OKAY?
09:57:38AM >>Mayor Errington: THANK YOU VERY MUCH.
09:57:39AM >> YOU'RE WELCOME.
09:57:40AM
09:57:40AM >>Mayor Errington: THANK YOU FOR TAKING THE TIME TO COME
09:57:42AM HERE TODAY.
09:57:43AM >> YOU'RE WELCOME.
09:57:44AM THANK YOU.
09:57:46AM >>Mayor Errington: IS THAT IT?

09:57:47AM >>Carol Sacco: THAT'S IT, MAYOR.
09:57:49AM >>Mayor Errington: OKAY.
09:57:49AM SO WE ARE MOVING ALONG TO 6A.
09:58:03AM THE CONSENT AGENDA.
09:58:07AM DO WE HAVE ANY COMMENTS OR ANYTHING ON THE CONSENT
09:58:12AM AGENDA?
09:58:12AM IF NOT, NEED A MOTION.
09:58:14AM >> SO MOVED.
09:58:15AM >>Mayor Errington: MOTION MADE BY COUNCILMEMBER RIBBLE
09:58:19AM AND SECONDED BY VICE-MAYOR McLAIN.
09:58:27AM CALL THE ROLL PLEASE.
09:58:29AM >>Joanne Ribble: AYE.
09:58:31AM >>Larry Fiesel: AYE.
09:58:33AM >>Jim Boesch: AYE.
09:58:35AM >>Jim Ward: AYE.
09:58:36AM >>Jim Wilson: AYE.
09:58:37AM >>Vice-Mayor McLain: AYE.
09:58:39AM >>Mayor Errington: AYE.
09:58:41AM ITEM NUMBER 7.
09:58:43AM CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA.
09:58:48AM THE ITEM THAT WE DEFERRED WAS FROM THE MAIN AGENDA, SO
09:58:53AM THAT WAS 8B, SO THAT WAS PULLED FOR A FUTURE DATE.
09:58:59AM ITEM NUMBER 8A IS THE COMPREHENSIVE ANNUAL FINANCIAL
09:59:06AM REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2021, BY
09:59:11AM JEFF TUSCAN, CPA, TUSCAN AND COMPANY, PA.
09:59:20AM >> EACH YEAR WE GO THROUGH AN AUDIT OF ALL OUR OPERATIONS
09:59:26AM AND WE DO SELECT THE AUDITOR FOR A MULTI-YEAR SERVICE TO
09:59:30AM THE VILLAGE, AND TUSCAN AND ASSOCIATES HAS BEEN THE
09:59:35AM AUDITOR OF RECORD FOR I THINK A NUMBER OF YEARS SINCE WE
09:59:40AM INCORPORATED.
09:59:41AM THEY DO EXCELLENT WORK.
09:59:43AM THE STANDARDS THAT WE LOOK FOR HERE IS TOTAL
09:59:46AM TRANSPARENCY.
09:59:50AM THE TUSCAN COMPANY AND THEIR STAFF HAVE ACCESS TO ALL OUR
09:59:54AM RECORDS AND ALL OUR STAFF WHEN THEY COME IN AND DO A
09:59:58AM REVIEW, AND THEY'RE VERY THOROUGH.
10:00:01AM SO WE APPRECIATE THEIR WORK AND EACH YEAR BRING THE FINAL
10:00:05AM AUDIT AND COMPREHENSIVE ANNUAL FINANCIAL REPORT TO THE
10:00:08AM VILLAGE COUNCIL FOR PUBLIC REVIEW, AND THE ACTION THAT
10:00:14AM WE'RE SEEKING FROM THE COUNCIL IS SIMPLY TO ACCEPT THE
10:00:18AM AUDIT.
10:00:19AM I'LL TURN IT OVER TO THE PRINCIPAL OF THE FIRM, JEFF
10:00:23AM TUSCAN, TO DESCRIBE THEIR WORK HERE FOR THE VILLAGE.
10:00:27AM >>Mayor Errington: THANK YOU.
10:00:27AM WELCOME, JEFF.
10:00:28AM >>Jeff Tuscan: GOOD MORNING.
10:00:34AM CAROL SACCO PUT THE COPY OF THE AUDIT IN YOUR PACKET.
10:00:36AM IT'S ABOUT A 100-PAGE DOCUMENT THERE.

10:00:38AM THERE IS ALSO A SET OF GRAPHS THERE.
10:00:40AM I JUST WANTED TO TOUCH ON A COUPLE HIGHLIGHTS FOR YOU.
10:00:47AM MR. SARKOZY MENTIONED IT'S REQUIRED.
10:00:51AM THERE IS A STATUTE IN FLORIDA, ALL GOVERNMENTS HAVE TO BE
10:00:55AM AUDITED ANNUALLY AND SUBMITTED BY JUNE 30 TO THE AUDITOR
10:00:58AM GENERAL, AND IT WAS.
10:00:59AM YOU ALSO APPLY FOR WHAT'S CALLED THE CERTIFICATE OF
10:01:02AM FINANCIAL EXCELLENCE FROM GFOA, GOVERNMENT FINANCE
10:01:06AM OFFICERS ASSOCIATION.
10:01:08AM IT WAS ALREADY SUBMITTED THERE AS WELL.
10:01:10AM SO YOU'RE TIMELY IN FILING.
10:01:13AM SO THE AUDIT REPORT IS IN THERE.
10:01:18AM IT'S ON PAGE THREE, WHAT'S CALLED AN UNMODIFIED OPINION.
10:01:22AM IF YOU'D LIKE TO LOOK AT IT, DOWN AT THE BOTTOM
10:01:26AM RIGHT-HAND CORNER YOU'LL SEE PAGE THREE.
10:01:29AM THERE IS SOME ROMAN NUMERAL STATEMENTS IN FRONT OF IT.
10:01:33AM GO BACK TO THE REGULAR PAGE THREE AT THE TOP OF THE PAGE,
10:01:37AM IF YOU'D LIKE TO LOOK.
10:01:53AM RIGHT AT THE TOP OF THE PAGE, THERE IS A PARAGRAPH
10:01:55AM TITLED "OPINIONS", AND OVER TO THE RIGHT-HAND SIDE YOU'LL
10:01:58AM SEE SOME WORDS THAT BASICALLY SAY PRESENT BARELY IN ALL
10:02:04AM MATERIAL RESPECTS SO EVEN -- FAIRLY IN ALL MATERIAL
10:02:08AM RESPECTS.
10:02:08AM EVEN THOUGH IT'S FOUR PAGES WORDS, THOSE ARE THE KEY
10:02:11AM WORDS AND UNMODIFIED OPINION, SOMETIMES CALLED CLEAN
10:02:13AM OPINION, THE HIGH EST LEVEL OF OPINION YOU CAN ACHIEVE SO
10:02:17AM VERY POSITIVE THERE.
10:02:18AM WITHIN THAT REPORT, WE HAVE TO TEST INTERNAL CONTROL AND
10:02:22AM COMPLIANCE AND WE DID, AND NOTED NO ISSUES.
10:02:26AM WE HAVE TO TEST THAT YOU HOLD YOUR CASH AND INVESTMENTS
10:02:30AM ACCORDING TO STATUTES AND PUT A REPORT IN THERE AND ALSO
10:02:35AM IN ACCORDANCE WITH YOUR OWN POLICY, AND WE TESTED THAT,
10:02:38AM AND THERE WERE NO ISSUES.
10:02:40AM LASTLY, THERE IS A MANAGEMENT LETTER IN THERE, AND THAT'S
10:02:47AM WHERE WE HAVE TO REPORT ON ANY MINOR THINGS WE NOTED.
10:02:49AM WE DID NOTE ONE FINANCIAL REPORT TO THE STATE WAS LATE,
10:02:53AM AND IT WAS REALLY DUE TO THE TURNOVER AND FINANCE STUFF
10:02:57AM THIS YEAR.
10:02:58AM YOU SUBSEQUENTLY SUBMITTED THAT, SO IT'S BEEN CORRECTED.
10:03:06AM AS I MENTIONED, THAT'S 100 PAGES LONG.
10:03:08AM THERE IS ABOUT SIX PAGES OF GRAPHS THAT WE PUT IN THERE
10:03:13AM FOR YOU, AND IT'S NOT REQUIRED.
10:03:15AM IT'S SOMETHING OUR FIRM DOES.
10:03:16AM WE FEEL LIKE IT LETS YOU GRASP THE NUMBERS IN A SHORT
10:03:22AM PERIOD OF TIME AND ALSO GIVES YOU A NICE TREND ANALYSIS.
10:03:25AM I KNOW YOU HAVE A FULL AGENDA TODAY, SO I WAS JUST GOING
10:03:29AM TO HIGHLIGHT A COUPLE THINGS, AND THAT IS THIS YEAR YOU
10:03:31AM HAD REVENUES GREATER THAN EXPENSES OF ABOUT $5 MILLION,

10:03:36AM WHICH WAS POSITIVE.
10:03:37AM ABOUT $4 MILLION OF THAT AT THE END OF THE YEAR CASH WAS
10:03:41AM UP, AND YOU HAD PAID OFF PAYABLES FROM THE PRIOR YEAR OF
10:03:47AM ABOUT A MILLION, SO THAT EXPLAINS $5 MILLION IN THAT
10:03:52AM INCOME.
10:03:53AM 4 MILLION ENDED UP IN CASH.
10:03:55AM ONE WAS USED TO PAY PRIOR PAYABLES WHICH WERE REALLY
10:03:59AM RELATED TO YOUR CONSTRUCTION PROJECTS.
10:04:00AM YOU TALKED ABOUT SOME OF THE THINGS THAT THE STATE
10:04:04AM AWARDED THIS YEAR.
10:04:05AM THIS YEAR YOURSELVES, THE GOVERNMENT PUT ABOUT $4 MILLION
10:04:08AM INTO CAPITAL PROJECTS WHICH WAS POSITIVE, AND THEN YOU
10:04:14AM HAD TWO SIGNIFICANT EVENTS THAT HAPPENED SINCE SEPTEMBER
10:04:17AM 30 UNTIL NOW WHICH WE HAVE TO REPORT ON.
10:04:20AM THAT IS, YOU GOT ABOUT $17 MILLION OF THE STIMULUS.
10:04:25AM ONE OF THE COVID BILLS.
10:04:28AM SUBSEQUENT TO THE YEAR, AND JUST RECENTLY YOU PAID OFF
10:04:32AM YOUR OUTSTANDING DEBT, SO EVEN THOUGH IT DIDN'T HAPPEN IN
10:04:36AM THE YEAR WE AUDITED, WE HAVE TO LOOK AT EVENTS THAT
10:04:40AM FINANCIALLY ARE SIGNIFICANT UNTIL WE REPORT.
10:04:43AM SO THOSE TWO THINGS HAVE HAPPENED, SO YOU'RE CURRENTLY IN
10:04:49AM YOUR '22 BUDGET DEBT FREE WHICH IS POSITIVE.
10:04:53AM CERTAINLY THE AUDIT TAKES LONGER THAN FIVE MINUTES TO
10:04:57AM PRESENT, AND I WANT TO THANK YOUR STAFF AND THE DIFFERENT
10:05:02AM CONTRACTORS YOU HIRED TO FILL IN FOR THE STAFF THAT LEFT
10:05:05AM TO GET THIS AUDIT OUT, BECAUSE AS YOU LOOK THROUGH THERE,
10:05:08AM YOU SEE IT'S PRETTY COMPREHENSIVE.
10:05:11AM WE DO APPRECIATE IT, AND I'M HAPPY TO ANSWER ANY
10:05:13AM QUESTIONS THAT YOU HAVE.
10:05:17AM >>Mayor Errington: ANY QUESTIONS FROM COUNCIL?
10:05:21AM ONLINE?
10:05:23AM OKAY.
10:05:24AM THANK YOU.
10:05:26AM VERY, VERY THOROUGH JOB IN FIVE MINUTES.
10:05:30AM THANK YOU.
10:05:36AM ANY PUBLIC COMMENT?
10:05:37AM E-COMMENTS?
10:05:38AM >>Carol Sacco: NONE.
10:05:39AM >>Mayor Errington: SO NOW WE'D LIKE TO ENTERTAIN A MOTION
10:05:42AM TO ACCEPT THE COMPREHENSIVE ANNUAL FINANCIAL REPORT.
10:05:48AM >> MAKE A MOTION.
10:05:49AM >>Mayor Errington: MOTION MADE BY COUNCILMEMBER JIM
10:05:53AM BOESCH AND SECONDED BY --
10:05:55AM >> SECOND.
10:05:55AM >>Mayor Errington: SECONDED BY COUNCILMEMBER RIBBLE.
10:05:58AM PLEASE CALL THE ROLL -- NO, FIESEL.
10:06:02AM SORRY.
10:06:04AM I'M SORRY.

10:06:05AM I WAS LOOKING RIGHT AT YOU AND CALLED YOU SOMETHING ELSE,
10:06:08AM DIDN'T I?
10:06:10AM IT'S BEEN A LONG DAY AND NIGHT.
10:06:11AM THANK YOU.
10:06:12AM >>Carol Sacco: COUNCILMEMBER WILSON?
10:06:15AM >>Jim Wilson: AYE.
10:06:16AM >>Jim Ward: AYE.
10:06:18AM >>Jim Boesch: AYE.
10:06:20AM >>Larry Fiesel: AYE.
10:06:22AM >>Joanne Ribble: AYE.
10:06:23AM >>Vice-Mayor McLain: AYE.
10:06:24AM >>Mayor Errington: AYE.
10:06:29AM NEXT ON THE AGENDA IS ITEM NUMBER 8B --
10:06:35AM >> WE TABLED THAT.
10:06:38AM >>Mayor Errington: THAT WAS THE ONE THAT WAS MOVED.
10:06:39AM OKAY.
10:06:40AM SCRATCH THAT ONE.
10:06:42AM OKAY.
10:06:42AM NEXT ON THE AGENDA IS NUMBER 8C.
10:06:46AM IT'S THE RESOLUTION NUMBER 2022-20.
10:06:52AM MADAM CLERK, WILL YOU PLEASE READ THE RESOLUTION?
10:06:55AM >>Carol Sacco: RESOLUTION 2022-20.
10:06:57AM A RESOLUTION OF THE VILLAGE OF ESTERO, FLORIDA, PROVIDING
10:07:00AM FOR THE ADOPTION OF THE 2022 JOINT LOCAL MITIGATION
10:07:04AM STRATEGY PLAN, PREPARED BY THE LOCAL MITIGATION STRATEGY
10:07:08AM PLANNING TEAM OF LEE COUNTY, AS A FORMAL GUIDE FOR THE
10:07:11AM VILLAGE OF ESTERO'S HAZARD MITIGATION ACTIVITIES AND
10:07:15AM PROVIDING AN EFFECTIVE DATE.
10:07:17AM >>Mayor Errington: STEVE, WILL YOU INTRODUCE THIS
10:07:19AM RESOLUTION PLEASE?
10:07:20AM >>Steven Sarkozy: YES, THANK YOU, MAYOR, MEMBERS OF
10:07:23AM COUNCIL.
10:07:23AM THIS MITIGATION STRATEGY PLAN WAS DEVELOPED BY LEE COUNTY
10:07:27AM EMERGENCY SERVICES.
10:07:29AM IT REALLY TAKES CONTROL DURING A MAJOR EVENT OR TYPICALLY
10:07:35AM A HURRICANE, AND IT APPLIES HOW ALL THE COUNTY WILL
10:07:41AM RESPOND IN THE EVENT OF A HURRICANE PRIMARILY.
10:07:47AM THE REASON FOR DOING THIS IS THAT IT SETS US UP FOR A
10:07:52AM STANDARD SET OF PROCEDURES THAT WILL BE FOLLOWED BY ALL
10:07:55AM THE CITIES IN CONFORMANCE WITH THE REQUIREMENTS OF FEMA.
10:08:02AM AS WE TRY TO RECOVER AFTER A MAJOR HURRICANE, THIS WILL
10:08:05AM OUTLINE WHAT WE DO, HOW WE DO IT IN ACCORDANCE WITH THE
10:08:09AM FEMA GUIDELINES.
10:08:10AM SO IT'S NOT SOMETHING THAT IS NEEDED IN -- AT THIS
10:08:15AM MOMENT, BUT SHOULD WE HAVE AN EVENT, WE'D BRING THIS
10:08:20AM FORWARD AND EVERYONE WILL FOLLOW THROUGH AS GUIDED HERE.
10:08:24AM HOPEFULLY WE'LL NEVER NEED TO USE THIS.
10:08:27AM IT CAME INTO PLAY OF COURSE DURING HURRICANE IRMA, AND

10:08:32AM HELPED US THROUGH THE PROCESS WHERE WE GOT FULL RECOVERY
10:08:37AM OF ALL OUR EXPENSES AS A RESULT OF IRMA.
10:08:41AM >>Mayor Errington: THANK YOU.
10:08:42AM COUNCIL, QUESTIONS?
10:08:44AM DISCUSSIONS?
10:08:45AM >> JUST A SMALL HOUSEKEEPING.
10:08:48AM NOTICED LINE 12 OF THE RESOLUTION, IF WE COULD STRIKE THE
10:08:51AM WORD "SPRINGS" AFTER ESTERO.
10:08:56AM >>Mayor Errington: WHERE ARE YOU?
10:08:57AM >> LINE 12.
10:09:01AM ESTERO SPRINGS.
10:09:06AM >>Mayor Errington: DID YOU GET THAT?
10:09:08AM OKAY.
10:09:09AM THANK YOU.
10:09:10AM IT'S NICE TO HAVE GOOD PROOFREADER HERE.
10:09:12AM THANK YOU.
10:09:13AM APPRECIATE THAT.
10:09:17AM NO MORE QUESTIONS OR COMMENTS?
10:09:22AM ONLINE?
10:09:23AM OKAY.
10:09:24AM I'LL TAKE PUBLIC COMMENT.
10:09:25AM >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO
10:09:28AM E-COMMENTS, MAYOR.
10:09:28AM >>Mayor Errington: OKAY.
10:09:29AM NEED A MOTION.
10:09:31AM THIS TIME I'LL GET IT RIGHT.
10:09:34AM MOTION MADE BY COUNCILMEMBER RIBBLE AND SECONDED BY
10:09:41AM VICE-MAYOR McLAIN.
10:09:42AM WILL YOU CALL THE ROLL PLEASE?
10:09:45AM >>Jim Wilson: AYE.
10:09:46AM >>Jim Ward: AYE.
10:09:48AM >>Jim Boesch: AYE.
10:09:50AM >>Larry Fiesel: AYE.
10:09:52AM >>Joanne Ribble: AYE.
10:09:53AM >>Vice-Mayor McLain: AYE.
10:09:54AM >>Mayor Errington: AYE.
10:09:56AM ITEM NUMBER 8D IS RESOLUTION NUMBER 2022-18.
10:10:07AM >>Carol Sacco: RESOLUTION 2022-18.
10:10:10AM A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF
10:10:14AM ESTERO, FLORIDA, AMENDING VILLAGE COUNCIL AND ADVISORY
10:10:16AM BOARD RULES OF PROCEDURE AND PROVIDING AN EFFECTIVE DATE.
10:10:20AM >>Mayor Errington: THANK YOU.
10:10:20AM STEVE?
10:10:21AM >>Steven Sarkozy: YES, MAYOR, MEMBERS OF COUNCIL.
10:10:25AM THIS MODIFICATION TO YOUR RULES AND PROCEDURE WAS
10:10:28AM ORIGINALLY BY THE VILLAGE COUNCIL IN FEBRUARY AND WE HAVE
10:10:31AM BEEN WORKING SLOWLY ON -- YOU KNOW, TO REVISE THIS IN
10:10:37AM ACCORDANCE WITH YOUR DIRECTION.

10:10:40AM THIS IS SOMETHING THAT IS A SUGGESTED APPROACH HERE.
10:10:45AM DOES NOT REQUIRE THE COUNCIL TO TAKE ACTION.
10:10:48AM THIS COMES TO YOU AGAIN AS YOUR REQUEST, AND I'D LIKE TO
10:10:53AM TURN IT OVER TO OUR INTERIM VILLAGE ATTORNEY, ROBERT
10:10:59AM PRITT, TO GUIDE US THROUGH THE PROCESS.
10:11:00AM VILLAGE ATTORNEY PRITT HAS DEVELOPED THE DRAFT LANGUAGE
10:11:06AM AND BRIEFED THE COUNCIL ON SOME OF THESE ISSUES AS WE
10:11:09AM MOVE FORWARD.
10:11:12AM >>Mayor Errington: THANK YOU.
10:11:15AM >>Robert Pritt: THANK YOU, MAYOR AND VILLAGE COUNCIL.
10:11:17AM THE ATTACHMENTS TO THE RESOLUTION YOU'LL SEE A
10:11:32AM RECOMMENDED APPROACH IS ON THE PAGES.
10:11:39AM YOU'LL SEE THE DRAFT THAT HAD ORIGINALLY BEEN DONE FOR
10:11:41AM YOUR REFERENCE, AND THAT WAS PRESENTED AFTER THE
10:11:45AM WORKSHOP, SO YOU CAN SEE THAT IT'S REALLY DOWN TO TWO
10:11:56AM ISSUES.
10:11:56AM PROBABLY THE BIGGEST ISSUES THAT WOULD FACE THE COUNCIL.
10:11:58AM SO IF YOU RECALL, I THINK I ASKED COUNCIL FOR THE
10:12:06AM PERMISSION TO TRY TO KEEP ANOTHER STAB AT IT OR KEEP IT
10:12:09AM SIMPLER OR SHORTER AND WITH ALL THE COMMENTS I HAD
10:12:13AM PREVIOUSLY.
10:12:13AM THE TWO ISSUES REALLY THAT CAME TO US THE MOST WERE
10:12:19AM POLICY CONCERNING WHETHER AND WHEN AND WHAT CIRCUMSTANCES
10:12:27AM YOU'D ALLOW REMOTE ATTENDANCE THROUGH ZOOM.
10:12:29AM WE HAVE TWO MEMBERS ON ZOOM TODAY, FOR EXAMPLE.
10:12:34AM EXCUSE ME.
10:12:35AM SECONDLY, VERY MUCH RELATED TO THAT ISSUE IS WHETHER WHEN
10:12:44AM AND UNDER WHAT CIRCUMSTANCES WOULD ABSENCES FROM THE
10:12:48AM MEETING BE ALLOWED.
10:12:53AM SO EXCUSED ABSENCES AND REMOTE ATTENDANCE.
10:12:55AM THE -- WITH REMOTE ATTENDANCE, I'LL GO TO THAT FIRST.
10:12:59AM WITH REMOTE ATTENDANCE, THE PERSON WHO IS ALLOWED TO
10:13:03AM ATTEND IS DEEMED TO BE PRESENT FOR ALL PURPOSES AND FOR
10:13:08AM ALL VOTES, EVEN AS TO WHETHER OR NOT THEY SHOULD BE
10:13:12AM ALLOWED TO ATTEND REMOTELY, IF THEY'RE ON, THEN THEY
10:13:18AM WOULD BE ABLE TO -- SAME THING WITH EXCUSED ABSENCES.
10:13:21AM SO IT'S SOMETIMES A TOUCHY SUBJECT, BUT THE
10:13:26AM QUESTION -- THERE IS SOME GUIDANCE.
10:13:28AM I MENTIONED THAT.
10:13:30AM SOME GUIDANCE IN STATE LAW BUT MOSTLY GUIDANCE IN STATE
10:13:34AM LAW SAYS IT'S UP TO YOU AS TO WHEN -- WHAT YOU WANT TO
10:13:41AM ALLOW, ESPECIALLY THE EXCUSED ABSENCES, AND THERE IS A
10:13:47AM COUPLE ATTORNEY GENERALS' OPINIONS INCLUDING ONE IN 2003
10:13:54AM WHICH IS PROBABLY THE BEST SUMMARY TO ALL OF THAT, AS TO
10:13:57AM WHEN SOMEBODY CAN BE HERE REMOTELY.
10:14:02AM THE -- IF YOU LOOK AT THE DOCUMENTS THAT I'M SURE YOU'VE
10:14:05AM ALL READ THEM, BUT THERE IS A POLICY ON ATTENDANCE.
10:14:13AM THERE IS SOME SUMMARIES LEADING UP TO THAT, JUST FOR YOUR

10:14:16AM BENEFIT AS TO WHAT THE STATE HAS SAID ABOUT THAT AND WHAT
10:14:27AM YOUR TERM SAYS.
10:14:28AM SO FIRST, BY THE WAY, MY RECOMMENDATION, IF YOU'RE GOING
10:14:32AM TO DO ANYTHING, IS TO CONSIDER THE FACT THAT IT'S LAID
10:14:39AM OUT IN A SIMILAR MATTER WITH REMOTE ATTENDANCE AT THE
10:14:43AM BOTTOM, WHEN A MEMBER WISHES TO ATTEND A MEETING
10:14:49AM REMOTELY, RECOGNIZING THAT REMOTE ATTENDANCE IS
10:14:52AM DISFAVORED, AND BY THE WAY, THAT'S BEEN SAID BY THE
10:14:54AM ATTORNEY GENERAL'S OFFICE.
10:14:58AM SORRY.
10:15:00AM THE COUNCIL WILL APPLY THE FOLLOWING CONSIDERATIONS AND
10:15:06AM THERE ARE ABOUT THREE OR FOUR CONSIDERATIONS WHERE THE
10:15:10AM REMOTE MEETING ALLOWS TO HEAR AND BE HEARD.
10:15:13AM NOWADAYS WITH ZOOM AND OTHER MODERN FUNCTIONS,
10:15:16AM IT'S -- THAT'S USUALLY NOT MUCH OF AN ISSUE UNLESS THE
10:15:20AM LIGHTS GO OUT, THEN WE HAVE A DIFFERENT PROBLEM.
10:15:24AM BUT HISTORICALLY THAT'S ALWAYS BEEN A BIG PROBLEM.
10:15:28AM SOMEONE WOULD STICK A PHONE OUT IN THE TABLE AND HEAR
10:15:31AM THEM REMOTELY.
10:15:34AM WHETHER THE REQUEST WAS MADE AT A REASONABLE TIME PRIOR
10:15:37AM TO THE MEETING, A PREVIOUS MEETING, IN THE SHORT TIME
10:15:41AM I'VE BEEN WITH YOU, I THINK ON EVERY OCCASION WE HAD
10:15:45AM THAT -- ALMOST EVERY OCCASION THAT IT'S HAPPENED.
10:15:48AM WHETHER THE REASON STATED IS IN, QUOTE UNQUOTE, UNUSUAL
10:15:55AM OR QUOTE UNQUOTE, SPECIAL CIRCUMSTANCE THAT COMES RIGHT
10:15:59AM OUT OF THE ATTORNEY GENERAL'S OPINION.
10:16:01AM UNUSUAL OR SPECIAL CIRCUMSTANCE.
10:16:06AM CONVENIENCE OR PREFERENCE TO ATTEND REMOTELY OR NOT,
10:16:07AM UNUSUAL OR SPECIAL CIRCUMSTANCES.
10:16:10AM OTHER FACTORS CONSIDER ARE SPECIAL OR CONTAGIOUS.
10:16:19AM USED TO BE THAT SOMEONE HAD A COLD OR THEY WERE TOLD
10:16:24AM DON'T OR DO COME TO WORK BECAUSE YOU'RE SUPPOSED TO COME
10:16:26AM TO WORK.
10:16:27AM WE HAVE TO CHANGE THAT, ESPECIALLY SINCE COVID.
10:16:29AM SO THAT MAY BE AN UNUSUAL OR SPECIAL CIRCUMSTANCE THAT'S
10:16:35AM ON PAGE TWO.
10:16:36AM AND THERE IS A LITTLE CAUTION IN THERE BECAUSE IF IT'S
10:16:41AM SUCH THAT IT'S LIKELY TO BE LONG-TERM OR IS REPETITIOUS,
10:16:44AM IT MAY NO LONGER BE UNUSUAL.
10:16:47AM IT MAY BE GROUNDS FOR REMOVAL FOR INABILITY TO PERFORM
10:16:51AM THE DUTIES OF THE OFFICE.
10:16:52AM AGAIN, THAT'S IN YOUR CHART, THE INABILITY TO PERFORM THE
10:16:59AM DUTIES OF OFFICE IS A REASON FOR SOMEONE TO BE NO LONGER
10:17:02AM IN OFFICE.
10:17:03AM A PERSONAL OR FAMILY EMERGENCY MAY QUALIFY.
10:17:07AM UNAVOIDABLE CONFLICT IN SCHEDULE THAT KEEPS THE MEMBER AT
10:17:12AM A REMOTE LOCATION SUCH THAT IT'S WORK RELATED OR OFFICIAL
10:17:16AM DUTY RELATED.

10:17:18AM THAT WAS ACTUALLY THE SUBJECT OF THAT ATTORNEY GENERAL'S
10:17:21AM OPINION ON REMOTE ATTENDANCE, IF SOMEONE HAD A SCHEDULE
10:17:25AM ISSUE.
10:17:26AM AND THEN THIS CAME UP AT THE LAST MEETING AND I THOUGHT
10:17:32AM IT WAS USEFUL, AND THAT IS THE RULE OF THUMB.
10:17:36AM THAT'S NOT HARD AND FAST BUT A RULE OF THUMB IS THAT A
10:17:39AM REQUEST TO ATTEND REMOTELY WILL NOT BE GRANT ED FOR MORE
10:17:42AM THAN THREE MEETINGS IN A CALENDAR YEAR.
10:17:44AM I'M NOT MARRIED TO THAT NUMBER OR ANYTHING LIKE THAT.
10:17:47AM I THOUGHT I HEARD THAT COME UP, AND I THOUGHT THAT MIGHT
10:17:49AM BE A GOOD WAY OF HAVING THE LIMIT.
10:17:56AM ABSENCE, EXCUSES FOR ABSENCE, AGAIN, THEY'RE PRESENT IF
10:18:04AM THEY'RE UNDER THE FIRST ONE, IF THEY'RE ALLOWED TO APPEAR
10:18:08AM REMOTELY AND THEY CAN HEAR AND BE HEARD, THEY'RE PRESENT.
10:18:11AM SO IT'S NOT EVEN AN ABSENCE.
10:18:13AM THEY HAD EXCUSES FOR THE ABSENCE, ABSENCE POLICY, AGAIN,
10:18:18AM THAT'S DISFAVORED.
10:18:20AM THE STATUTE INDICATES YOU'RE SUPPOSED TO BE PRESENT, AND
10:18:23AM THAT'S BEEN INTERPRETED BY THE ATTORNEY GENERAL TO MEAN
10:18:26AM IN PERSON.
10:18:30AM THERE ARE PROVISIONS FOR EXCUSABLE ABSENCES AND IT'S LEFT
10:18:35AM TO THE, QUOTE, SOUND DISCRETION OF THE COUNCIL.
10:18:40AM THEN GOING DOWN TO THE PROCEDURES OF THE PROCEDURES,
10:18:46AM WHETHER OR NOT EXCUSED COULD APPLY IF A MEMBER LEAVES THE
10:18:51AM CHAMBER DURING THE MEETING.
10:18:53AM LITTLE SOMETHING ON THAT THAT YOU MAY OR MAY NOT HAVE
10:18:57AM EVER HAD, I DON'T KNOW, BUT IT HAS HAPPENED WHERE
10:19:01AM SOMEBODY HAS A CONFLICT SO THEY THINK I DON'T WANT TO
10:19:06AM DISCLOSE THE CONFLICT.
10:19:06AM I DON'T WANT TO BE INVOLVED SO THEY JUST GET UP AND
10:19:09AM LEAVE.
10:19:10AM THAT ITSELF HAS BEEN DEEMED BY THE ETHICS COMMISSION TO
10:19:15AM BE A VIOLATION OF ETHICS, SO YOU MIGHT WANT TO HAVE -- I
10:19:21AM THINK IT'S GOOD TO HAVE SOMETHING IN YOUR POLICY THAT
10:19:24AM INDICATES YOU DON'T GET UP AND LEAVE TO AVOID A VOTE OR
10:19:28AM CONFLICT.
10:19:34AM AGAIN, YOU HAVE TO HAVE THAT IN THE POLICY.
10:19:36AM THAT'S THE LAW ANYHOW.
10:19:39AM AND WHETHER OR NOT IT'S EXCUSED, THAT'S NORMALLY AT YOUR
10:19:43AM WILL CALL AND MAKING THE DETERMINATION AS TO WHETHER OR
10:19:46AM NOT THE ABSENCE MAY BE EXCUSED, COUNCIL WILL CONSIDER BY
10:19:49AM VOTE THE FOLLOWING.
10:19:54AM INCONVENIENCE OR NOT TO ATTEND OR NOT EXCUSABLE REASONS.
10:19:58AM ILLNESS, ESPECIALLY CONTAGIOUS MAY BE AN EXCUSABLE REASON
10:20:02AM AND AGAIN THE SAME THAT IF IT'S LIKELY LONG-TERM, THAT
10:20:06AM COULD GET INTO THE OTHER ASPECT OF AS TO WHETHER OR NOT
10:20:11AM SOMEONE IS ABLE TO REMAIN ON COUNCIL.
10:20:13AM A PERSONAL OR FAMILY EMERGENCY MAY BE AN UNAVOIDABLE

10:20:17AM CONFLICT IN SCHEDULE AGAIN AND AGAIN THE RULE OF THUMB IS
10:20:20AM REQUEST TO BE EXCUSED WILL NOT BE GRANTED FOR MORE THAN
10:20:23AM THREE MEETINGS OF A CALENDAR YEAR.
10:20:25AM NOW LAST ON THAT, REMEMBER, YOUR CHARGE SAYS THAT A
10:20:30AM MEMBER IS SUBJECT TO FORFEITER OF OFFICE IF THEY MISS
10:20:38AM THREE CONSECUTIVE REGULAR COUNCIL MEETINGS.
10:20:41AM AND WE HAVE TO LOOK AT THAT -- THOSE WORDS AND -- I'M
10:20:46AM SORRY.
10:20:46AM WITHOUT BEING EXCUSED.
10:20:48AM THAT'S THE BIG PART.
10:20:49AM FIRST OF ALL, THREE CONSECUTIVE REGULARLY SCHEDULED
10:20:54AM COUNCIL MEETINGS.
10:20:57AM PURPOSE FOR THAT AT THE REGULARLY SCHEDULED OF COURSE IS
10:21:01AM COULD BE SPECIAL MEETINGS, BUT THAT COULD ACTUALLY BE
10:21:06AM ABUSED BY SEVERAL SPECIAL MEETINGS AND THEN THE PERSON
10:21:12AM NOT BEING AVAILABLE AND BEING -- A MEANS OF RUNNING
10:21:15AM SOMEBODY OFF THE COUNCIL.
10:21:20AM NOT THAT IT WILL HAPPEN, BUT THESE THINGS HAVE HAPPENED
10:21:23AM IN THE PAST.
10:21:25AM WE HAVE DYSFUNCTIONAL LOCAL GOVERNMENTS AND STATE
10:21:28AM GOVERNMENTS AND SO ON.
10:21:29AM SO IF THEY'RE EXCUSED, THEN THAT IS THE THREE MEETING
10:21:42AM LIMITATION AND THE CHARTER DOESN'T FLY BECAUSE IT SAYS
10:21:48AM THEY'RE EXCUSED.
10:21:49AM TECHNICALLY THEY COULD BE EXCUSED EVERY MEETING.
10:21:51AM EVERY MEETING, EVERY MEETING, EVERY MEETING, EVERY
10:21:54AM MEETING, AND THAT CHART PROVISION DOES NOT COME INTO
10:21:57AM PLAY.
10:21:58AM IT ONLY COMES INTO PLAY IF THEY HAVE NOT BEEN EXCUSED.
10:22:01AM SO WITH THAT, I WILL LEAVE IT UP TO THE COUNCIL BEARING
10:22:05AM IN MIND THAT ANY TIME YOU'RE TALKING ABOUT ANY COLLEGIATE
10:22:11AM BODY TALKING ABOUT HOW (INAUDIBLE) ITSELF IT CAN BE
10:22:17AM SOMEWHAT TOUCHY, SO IT WOULD NOT BE UNREASONABLE OR
10:22:23AM UNAFFECTED THAT THERE MAY BE DIFFERENT OPINIONS AS TO
10:22:26AM WHAT TO DO.
10:22:27AM SO THIS IS SOMETHING YOU CAN LOOK AT.
10:22:28AM IT'S SOMETHING YOU CHANGE.
10:22:30AM IT'S SOMETHING YOU CAN TABLE AND LOOK AT LATER.
10:22:32AM IT'S SOMETHING THAT YOU JUST MAY NOT -- MAY DECIDE NOT TO
10:22:37AM DO ANYTHING AND KEEP DOING WHAT YOU HAVE BEEN DOING.
10:22:40AM YOU DO HAVE A TIME WHEN YOU DETERMINE WHETHER OR NOT
10:22:45AM SOMEBODY CAN, A, APPEAR REMOTELY, OR B, BE EXCUSED THAT'S
10:22:51AM BEEN DISCUSSED BY THE -- THEN THAT CAN BECOME A PROBLEM.
10:22:56AM SO THE RECOMMENDATIONS ARE HERE.
10:23:03AM >>Mayor Errington: THANK YOU.
10:23:03AM IF WE HAVE ANY COMMENTS OR DISCUSSIONS BY COUNCIL
10:23:07AM MEMBERS, I'D ASK YOU TO PLEASE LIMIT THAT TO TWO TO THREE
10:23:11AM MINUTES EACH SO THAT WE CAN PROGRESS WITH THIS.

10:23:15AM SO DO WE HAVE ANY DISCUSSION?
10:23:19AM >> MADAM MAYOR?
10:23:20AM >>Mayor Errington: YES.
10:23:21AM I RECOGNIZE COUNCILMEMBER WILSON.
10:23:24AM >>Jim Wilson: IF WE WERE TO CONSIDER THIS TODAY, I THINK
10:23:26AM THAT IT'S IMPORTANT UNDER BOTH OF THE RULES OF THUMB IN
10:23:30AM SECTION 1 AND SECTION 2 TO HAVE THE WORD "REGULAR" ADDED
10:23:38AM IN BETWEEN WHERE IT SAYS MORE THAN THREE AND MORE THAN
10:23:42AM THREE, BECAUSE FOR THE SAME POINTS THAT THE ATTORNEY
10:23:48AM MADE, I THINK IT'S IMPORTANT THAT WE KEEP ANY RULES THAT
10:23:51AM WE SHOULD POTENTIALLY ADOPT IN AGREEMENT WITH THE
10:23:57AM CHARTER.
10:23:59AM >>Mayor Errington: OKAY.
10:24:00AM THANK YOU.
10:24:03AM >> CAN I RESPOND TO THIS?
10:24:05AM >>Mayor Errington: YES.
10:24:05AM >> I THOUGHT OF THAT VERY THING, AND DECIDED TO GO WITH
10:24:10AM JUST THREE MEETINGS RATHER THAN THREE REGULAR MEETINGS.
10:24:16AM AGAIN, IT COULD CHANGE TO SAY REGULAR MEETINGS BUT PART
10:24:20AM OF MY THOUGHT ON THAT WAS THAT WE WANT TO COVER WHETHER
10:24:24AM OR NOT ABSENCES WOULD BE EXCUSED OR PERMISSION TO ATTEND
10:24:30AM WOULD BE NOT GRANTED AT ALL MEETINGS.
10:24:35AM SO I DID NOT PUT IN SPECIAL.
10:24:39AM THAT CERTAINLY IS SOMETHING THAT WE CAN PUT IN OUR
10:24:45AM REGULAR MEETINGS.
10:24:46AM >>Mayor Errington: THANK YOU.
10:24:47AM ANY OTHER COMMENTS?
10:24:50AM >> JIM WARD PLEASE.
10:24:51AM >>Mayor Errington: JUST A MOMENT, JIM.
10:24:53AM VICE MAYOR IS SPEAKING.
10:24:55AM >>Vice-Mayor McLain: REGULAR VERSUS SCHEDULED.
10:24:58AM IS THERE A DIFFERENCE?
10:24:58AM WE GET A SCHEDULE THAT SHOWS PRETTY MUCH EVERY TWO WEEKS.
10:25:06AM AND I THINK THAT'S IMPORTANT SO PEOPLE CAN SCHEDULE THEIR
10:25:09AM TIME IN RELATIONSHIP TO THESE SCHEDULED MEETINGS.
10:25:14AM NOW MAYBE REGULAR IS THE SAME THING, BUT WE NEED TO MAKE
10:25:18AM SURE WE'RE CLEAR ON THAT.
10:25:20AM WHAT I'M -- SO IF IT'S SCHEDULED VERSUS SPECIAL MEETINGS,
10:25:24AM IF IT'S SOMETHING THAT CAME UP THAT'S UNUSUAL, THEN YOU
10:25:28AM HAPPEN TO SCHEDULE AMONGST THE TWO WEEK NORMAL CYCLE, AND
10:25:33AM A SPECIAL MEETING COMES UP, I DON'T WANT TO PENALIZE
10:25:37AM PEOPLE FOR THOSE -- EVEN THOUGH THERE IS AN EMERGENCY,
10:25:40AM COULD BE A HURRICANE, COULD BE X, Y, Z BUT I THINK WE
10:25:46AM NEED TO BE SPECIFIC ON THAT LANGUAGE.
10:25:49AM THEN I GUESS WHEN I LOOK AT ALL THIS, I THINK THE RULE OF
10:25:51AM THUMB IS REALLY THE ACTION POINT THAT WE'RE TALKING
10:25:54AM ABOUT.
10:25:54AM THREE MEETINGS FOR THE WHOLE YEAR, EXCUSED OR NOT

10:26:00AM EXCUSED, THE FOURTH MEETING, WE'RE SAYING, POTENTIALLY
10:26:04AM YOU'RE GONE.
10:26:05AM JUST LIKE THE CURRENT LANGUAGE, THREE CONSECUTIVE
10:26:09AM MEETINGS, AND YOU'RE GONE POTENTIALLY.
10:26:13AM >> I'M NOT SURE YOU HAVE THE AUTHORITY TO FORFEIT
10:26:18AM SOMEBODY'S OFFICE FOR VIOLATING A RESOLUTION, RULE AND
10:26:28AM PROCEDURE.
10:26:29AM I'M NOT SURE THERE IS A WHOLE LOT YOU CAN DO ABOUT THAT
10:26:32AM EXCEPT THAT IT MAY GO TO THE INABILITY TO PERFORM THE
10:26:38AM DUTIES OF THE OFFICE.
10:26:40AM THE CHARTER WILL GIVE YOU GUIDANCE, NOT JUST GUIDANCE,
10:26:46AM BUT IT'S MANDATORY IF THEY'RE UNEXCUSED, SO IF YOU START
10:26:55AM SAYING THAT -- IF THEY MISS MORE THAN, YOU KNOW, THREE
10:27:01AM MEETINGS, FOUR MEETINGS AND SO ON, ALL YOU'RE SAYING IS
10:27:06AM THEY'RE NOT EXCUSED AND THEN IF THE CHARTER FORFEITS THE
10:27:12AM OFFICE IS, YOU KNOW, SOMETHING ELSE.
10:27:15AM SO I DON'T THINK YOU CAN JUST SAY IF SOMEBODY
10:27:18AM MISSES -- OR SOMEBODY -- WHAT YOU WERE SUGGESTING IS THAT
10:27:24AM IF SOMEBODY MISSES FOUR OR FIVE MEETINGS OR SOMETHING
10:27:30AM LIKE THAT, THEN THEY'RE GONE.
10:27:32AM I DON'T THINK YOU HAVE THE AUTHORITY TO DO THAT.
10:27:36AM THE CHARTER AUTHORITY TO DO IT FOR THAT REASON.
10:27:38AM YOU'D HAVE TO PUT IN ANOTHER REASON THAT'S UNDER THE
10:27:41AM CHARTER.
10:27:44AM THE THEORY IS THAT WITH THE ELECTORS -- WHO THE ELECTORS
10:27:48AM ELECT ARE ABLE TO STAY IN OFFICE UNLESS THERE IS
10:27:54AM SOMETHING SERIOUS THAT CAUSES THEM NOT TO BE IN OFFICE.
10:28:00AM MISSING MEETINGS, I THINK THE ONLY WAY YOU CAN REALLY
10:28:05AM ENFORCE THE MEETINGS MISSING POLICY IS BY NOT EXCUSING
10:28:10AM ABSENCES AND IF THE ABSENCES PERTAIN TO THE REGULARLY
10:28:15AM SCHEDULED MEETINGS, THEN THE CHARTER TAKES CARE OF THAT.
10:28:23AM >>Vice-Mayor McLain: SO THE VALUE TO PUT IT IN IS A WASTE
10:28:28AM OF TIME, IS WHAT YOU'RE SAYING.
10:28:31AM >>Robert Pritt: THE RULE OF THUMB IS IT -- AN EXCUSED
10:28:34AM ABSENCE WOULD NOT BE GRANTED.
10:28:36AM SO IF THE EXCUSED ABSENCES ARE NOT GRANTED AND THAT
10:28:40AM RESULTS IN MISSING OF THREE REGULARLY SCHEDULED MEETINGS,
10:28:44AM THE CHARTER -- THE MANDATORY PROVISION OF THE CHARTER
10:28:47AM DOES KICK IN, SO IT DOES HAVE SOME MEANING.
10:28:54AM >>Mayor Errington: ANY OTHER QUESTIONS?
10:28:56AM >> ONE COMMENT.
10:28:56AM >>Mayor Errington: NEXT IN LINE WAS JIM WARD.
10:29:00AM EXCUSE ME.
10:29:01AM HE ASKED EARLIER.
10:29:03AM JIM?
10:29:04AM >>Jim Ward: YEAH.
10:29:05AM I JUST NEED SOME CLARIFICATION PLEASE WITH RESPECT TO THE
10:29:09AM MOTION THAT IS BEFORE US WHICH INCLUDES THE LANGUAGE THAT

10:29:14AM BOB JUST REFERENCED.
10:29:17AM RELATED TO THREE ZOOM MEETINGS.
10:29:22AM THE INITIAL RULES AND PROCEDURES THAT WE HAD REFERENCED
10:29:25AM THREE CONSECUTIVE, AND I BELIEVE THAT STILL IS IN THE
10:29:30AM RULES AND PROCEDURES THAT WE WERE SENT EARLIER THIS WEEK.
10:29:34AM SO I'M NOT SURE IF THERE IS A CONFLICT BETWEEN THE
10:29:37AM RESOLUTION THAT'S BEFORE US TODAY AND THE RULES AND
10:29:42AM PROCEDURE THAT WAS GIVEN TO US EARLIER AS IT RELATES TO
10:29:46AM WHETHER OR NOT IT'S THREE CONSECUTIVE MEETINGS OR THREE
10:29:50AM MEETINGS IN A CALENDAR YEAR.
10:29:56AM I HAVE TO ADMIT, I'M ALSO SOMEWHAT NOW CONFUSED BY BOB'S
10:30:01AM COMMENTS RELATED TO WHETHER OR NOT COUNCIL CAN CAUSE A
10:30:04AM MEMBER TO FORFEIT HIS POSITION SIMPLY ON THE BASIS OF
10:30:09AM MISSING THREE MEETINGS.
10:30:12AM MY INITIAL THOUGHT ON THAT WAS THAT SHOULD BE A VOTER'S
10:30:17AM DECISION.
10:30:18AM COUNCIL, IN MY OPINION, SHOULD ADDRESS PREVIOUS SITUATION
10:30:21AM S AND LET THE ELECTORATE DETERMINE WHETHER OR NOT A
10:30:29AM PERSON SHOULD REPRESENT THEM OR NOT REPRESENT THEM, MINOR
10:30:34AM ISSUES RELATED TO WHETHER OR NOT THEY PARTICIPATE IN A
10:30:38AM MEETING BY ZOOM OR IN PERSON.
10:30:41AM SO I'D LIKE BOB TO CLARIFY SOME OF THAT FOR ME, IF HE
10:30:46AM COULD.
10:30:49AM >>Robert Pritt: WELL, IF I MAY, I DON'T THINK IT'S A
10:30:53AM MATTER THAT GOES TO THE VOTE OF THE PEOPLE AS TO WHETHER
10:30:58AM OR NOT YOU CAN ZOOM MEETINGS.
10:31:00AM I THINK THAT'S SOMETHING SOLELY WITHIN THE DISCRETION OF
10:31:07AM THE COUNCIL.
10:31:08AM SO I DON'T THINK THAT'S AN ISSUE.
10:31:13AM >>Jim Ward: BOB, IF I COULD, I WAS REFERRING TO THE
10:31:17AM FORFEITURE OF THE POSITION OF COUNCIL PERSON AND WHETHER
10:31:21AM THAT SHOULD BE LEFT TO THE ELECTORATE AND NOT TO THE
10:31:27AM VILLAGE COUNCIL.
10:31:27AM IN MY PERSONAL OPINION, VILLAGE COUNCIL SHOULD DETERMINE
10:31:31AM WHETHER A PERSON WILL BE A COUNCILMAN BASED ON PREVIOUS
10:31:35AM ISSUES AND NOT SOMETHING THAT I DEEM AS MINOR AS TO
10:31:44AM WHETHER SOMEONE ATTENDS BY ZOOM OR BY -- IN PERSON.
10:31:50AM >>Robert Pritt: THE -- THE CHARTER DOESN'T SAY ANYTHING
10:31:57AM ABOUT WHETHER OR NOT SOMEBODY CAN APPEAR REMOTELY, FIRST
10:32:01AM OF ALL.
10:32:03AM AS TO THE NUMBER OF EXCUSED ABSENCES, THAT IS IN THE
10:32:09AM CHARTER, AND AS TO WHO MAKES THE DETERMINATION IF THERE
10:32:14AM ARE THREE REGULARLY SCHEDULED COUNCIL MEETINGS THAT ARE
10:32:20AM MISSED BY A MEMBER IS GOVERNED BY THE CHARTER ALSO AND
10:32:24AM ASSIGNED TO THE COUNCIL, NOT TO THE VOTERS.
10:32:28AM THE VOTERS HAVE SEPARATE MEANS OF TAKING CARE OF A
10:32:31AM PROBLEM OF NOT ATTENDANCE OR ANYTHING ELSE, AND THAT'S
10:32:35AM CALLED A RECALL.

10:32:37AM AND THAT IS PROVIDED FOR IN THE CHARTER.
10:32:41AM IT'S ALSO PROVIDED IN THE FLORIDA STATUTES.
10:32:44AM THERE IS A PETITION FOR RECALL AND A NUMBER OF
10:32:51AM PETITIONERS, AND THEY MUST HAVE A VALID REASON FOR THAT,
10:32:55AM SO THERE ARE -- THERE IS AN ALTERNATIVE PROCEDURE CALLED
10:33:00AM RECALL THAT THE PEOPLE CAN USE, THEN THERE WOULD BE A
10:33:04AM VOTE ON THAT.
10:33:08AM BUT THESE MATTERS WE'RE TALKING ABOUT NOW ARE WITHIN THE
10:33:11AM SOUND DISCRETION OF THE VILLAGE COUNCIL.
10:33:14AM >>Mayor Errington: THANK YOU.
10:33:16AM COUNCILMEMBER BOESCH?
10:33:18AM >>Jim Boesch: BOB, WE SPENT A LOT OF TIME ON THESE -- ALL
10:33:22AM THESE -- SOME OF THE REAL CONTROVERSIAL THINGS, BUT
10:33:27AM BOTTOM LINE, AND I THINK IF ANYTHING YOU GOT ME STRAIGHT
10:33:33AM ON THINKING WAS THE FACT THAT LET'S GO BACK TO THE
10:33:36AM BEGINNING WHICH IS INABILITY TO PERFORM YOUR DUTY.
10:33:41AM AND SO YOU COULD BE, LET'S SAY, YOU COULD BE SICK AND YOU
10:33:47AM CAN'T GO TO YOUR CHAMBER OR MPO AND CAN'T PERFORM THOSE
10:33:53AM DUTIES ON A REGULAR BASIS, THAT'S PART OF YOUR OBLIGATION
10:33:57AM AS A COUNCIL PERSON TO PERFORM YOUR DUTIES, SO IT'S
10:34:01AM PRETTY CLEAR YOU CAN'T PERFORM YOUR DUTIES ANYMORE, SO
10:34:07AM THAT'S A PRETTY EASY WAY FOR YOU TO MAKE A MEASUREMENT ON
10:34:11AM WHETHER THE COUNCIL PERSON HAS VIOLATED ANY -- AND THEN
10:34:19AM PICK UP YOUR DISCUSSION FROM THREE MEETINGS AND SO FORTH,
10:34:25AM BUT I THINK THAT -- YOU SAY, HEY, IT'S ALL BASED ON YOUR
10:34:32AM ABILITY TO PERFORM YOUR DUTIES AS A COUNCIL PERSON, AND I
10:34:37AM THINK WE'RE TRYING TO MAKE DECISIONS, THE PEOPLE OF OUR
10:34:43AM SOCIETY, THE PEOPLE WON'T HAVE SOMEBODY REPRESENTING THEM
10:34:46AM AS THEY ELECTED THEM TO, THEN I THINK IT'S A PRETTY EASY
10:34:50AM DECISION TO THINK IS A COUNCIL PERSON PERFORMING
10:34:58AM ACCORDING TO THEIR DUTIES AND OTHER THAN THAT, IT
10:35:04AM TAKES THE BURDEN -- WHEN WE FIRST DISCUSSED, THE BURDEN
10:35:10AM SHOULDN'T BE ON THE COUNCIL PERSON.
10:35:11AM IT SHOULD BE ON -- I MEAN, THE COUNCIL DECIDING BASICALLY
10:35:16AM THE GUIDELINES, SO IT'S RELATIVELY EASY FOR YOU TO MAKE
10:35:20AM THAT DECISION AS A COUNCIL PERSON.
10:35:26AM >>Mayor Errington: THANK YOU.
10:35:27AM ANY OTHER COMMENTS FROM COUNCIL?
10:35:31AM SOMEONE WHO HASN'T SPOKEN YET?
10:35:36AM >> WHEN I LOOK AT RULES AND PROCEDURES, I'VE GONE THROUGH
10:35:39AM THOSE DOCUMENTS NOT WITH A FINE-TOOTH COMB BUT LOOKING AT
10:35:44AM THE LANGUAGE, AND THIS IS NOT A -- I'M LOOKING AT TODAY
10:35:51AM AND INTO THE FUTURE, AND, YOU KNOW, THE RULES AND
10:35:53AM PROCEDURES THAT WE CURRENTLY HAVE TALKS ABOUT EXCUSES FOR
10:35:57AM ABSENCES, AND I READ ALL THOSE AND I'M SURE YOU'VE READ
10:36:02AM THEM, WE AS A COUNCIL HAVE NOT DONE MAYBE THE MOST
10:36:06AM EFFECTIVE JOB OF WHEN WE'RE EXCUSED, BUT IT'S PRETTY
10:36:12AM CLEAR, AS AN EXAMPLE FOR ME, I WAS IN SOUTH CAROLINA FOR

10:36:15AM THE FOURTH OF JULY.
10:36:17AM WE HAD A MEETING SCHEDULED FOR TODAY.
10:36:22AM THE WHOLE AIRPLANE SITUATION WAS FLY THE FOURTH OF JULY
10:36:25AM OR DO A VIDEO FOR THIS MEETING, SO I MADE THE DECISION, I
10:36:29AM WANTED TO BE PHYSICALLY AT THIS MEETING.
10:36:31AM I FLEW OUT ON THE FOURTH BECAUSE AIRLINE DIDN'T FLY ON
10:36:34AM TUESDAY.
10:36:35AM THEY ONLY FLEW AT 6:00 TONIGHT.
10:36:37AM SO IF I WERE TO ASK FOR AN EXCUSE FOR THAT, PREVIOUSLY, I
10:36:46AM THINK THE RULES SAID LONG-TERM ARE NOT EXCUSABLE
10:36:52AM ABSENCES, SO I WOULDN'T HAVE ASKED FOR THAT APPROVAL.
10:36:55AM SO I THINK WE HAVE THE LANGUAGE THERE.
10:36:58AM I THINK IT'S A MATTER THAT WE DO WHAT'S NEEDED.
10:37:01AM WE HAVE THREE CONSECUTIVE UNEXCUSED ABSENCES.
10:37:07AM WE KNOW THE PROCEDURES SAY WHAT THE POTENTIAL IS.
10:37:10AM IF WE CAN'T ENFORCE THE RULE OF THUMB, WHICH I KIND OF
10:37:14AM LIKE THE RULE OF THUMB IDEA, IS THAT WE GET THREE OR
10:37:18AM FOUR, WHATEVER THAT NUMBER MIGHT BE, YOU KNOW, MAKES
10:37:25AM SENSE.
10:37:25AM IT'S PRETTY STRICT, THREE ABSENCES IN A YEAR IS MAYBE
10:37:29AM SUFFICIENT, I THINK FOR MOST OF US TO GO FORWARD.
10:37:33AM BUT THERE ARE CERTAIN CIRCUMSTANCES THAT WE ALL BRING TO
10:37:36AM THE PARTY HERE, WHERE WE'RE TRYING TO DO IS SAY, IS THAT
10:37:41AM THE BEST INTEREST OF GOVERNING THE VILLAGE OF ESTERO, AND
10:37:45AM I THINK THAT THE RULES AND PROCEDURES ARE REASONABLE IN
10:37:50AM ASKING FOR US TO MAKE THAT COMMITMENT TO BE HERE, AND SO
10:37:56AM I AGREE WITH THE THREE, YOU KNOW, CONSECUTIVE.
10:38:01AM IT'S REALLY A MATTER OF DISCUSSION TO MAXIMIZE THAT TO
10:38:05AM THREE, WHICH IS KIND OF A SAFEGUARD FOR, I THINK, BAD
10:38:08AM WORD BUT MAYBE GAMING THE SYSTEM BECAUSE YOU CAN GO TWO
10:38:13AM ABSENCES, SHOW UP, TWO ABSENCES.
10:38:15AM MAYBE THAT'S NOT THE RIGHT WAY TO FULFILL THE OBLIGATIONS
10:38:18AM WE ACCEPTED AS WE CAME ON TO COUNCIL, SO I'M OPEN FOR
10:38:22AM BOTH OF THOSE, IF WE CAN INCORPORATE THEM.
10:38:24AM AND IF WE GOT TEETH ENOUGH TO ENFORCE IT.
10:38:27AM >>Mayor Errington: MAY I ASK A QUESTION?
10:38:30AM THREE CONSECUTIVE EXCUSED ABSENCES IN A YEAR OR IN A
10:38:36AM TERM?
10:38:37AM YOU'RE TALKING ABOUT A YEAR, AREN'T YOU, BOB?
10:38:40AM >>Robert Pritt: IT'S EASIER TO DO IT BY CALENDAR YEAR.
10:38:43AM >>Mayor Errington: NOT DURING YOUR TERM.
10:38:45AM RIGHT.
10:38:46AM >>Robert Pritt: AT LEAST YOU HAVE TWO DIFFERENT TERMS.
10:38:48AM >>Mayor Errington: SO YOU START ANEW WITH THE SECOND.
10:38:50AM YOUR SECOND TERM.
10:38:52AM >>Robert Pritt: YOU COULD DO IT FISCAL YEAR.
10:38:54AM YOU COULD DO IT CALENDAR YEAR.
10:38:58AM THE EASIEST, I THINK, WOULD BE TO JUST DO IT PER CALENDAR

10:39:04AM YEAR.
10:39:05AM THESE ARE EXCUSED OR NOT EXCUSED ABSENCES.
10:39:07AM WHAT HAPPENS BECAUSE OF THAT IS PARTLY GOVERNED BY THE
10:39:13AM CHARTER, DEPENDING UPON WHETHER OR NOT THEY'RE REGULARLY
10:39:19AM SCHEDULED COUNSEL MEETINGS.
10:39:22AM IF YOU KEEP ON GRANTING EVERY TIME, THEN THAT CHARTER
10:39:28AM PROVISION NEVER COMES INTO PLAY, BECAUSE IT SAYS UNLESS
10:39:33AM EXCUSED.
10:39:35AM SO THAT'S REALLY THE ISSUE.
10:39:37AM >>Mayor Errington: THANK YOU.
10:39:38AM ANYONE ELSE?
10:39:40AM LARRY?
10:39:41AM >>Larry Fiesel: THIS STARTED COMING UP BACK IN FEBRUARY.
10:39:45AM WE'VE HAD BRIEFINGS WITH BOB TO DISCUSS IT.
10:39:48AM BOB'S PUT A SIGNIFICANT AMOUNT OF TIME AND EFFORT INTO
10:39:52AM REWRITING AND CLARIFYING THIS -- THE RULES AND PROCEDURE,
10:39:57AM AND I THINK FOR THE BENEFIT, ESPECIALLY OF MOVING FORWARD
10:40:00AM FOR THOSE NEW COUNCIL MEMBERS THAT ARE GOING TO BE
10:40:04AM LOOKING AT THIS TO DETERMINE IF THEY WANT TO SERVE ON
10:40:06AM THIS COUNCIL, WE HAVE THREE OPEN SEATS COMING UP.
10:40:09AM I THINK THEY NEED TO UNDERSTAND WHAT THEIR REQUIREMENTS
10:40:15AM ARE GOING TO BE TO MAKE THAT DECISION.
10:40:17AM AND I FEEL IT WOULD BE UNFAIR TO THEM IF WE JUST TABLED
10:40:21AM THIS AGAIN AND DIDN'T DO SOMETHING, AND I'D BE IN FAVOR
10:40:23AM OF PASSING THIS RESOLUTION TO SET THESE RULES AND
10:40:30AM PROCEDURE INTO ORDER GOING FORWARD WITH FUTURE COUNCIL
10:40:34AM MEMBERS.
10:40:36AM SO THEY'RE AWARE OF WHAT THEY HAVE TO DO.
10:40:41AM >>Mayor Errington: THANK YOU.
10:40:42AM DO WE HAVE ANY OTHER -- JOANNE?
10:40:44AM >>Joanne Ribble: I WANT TO SAY I AGREE WITH EVERYTHING
10:40:47AM THAT'S BEEN SAID HERE, AND THE PROVISIONS IN BOTH THE
10:40:50AM CHARTER AND IN THESE RULES AND REGULATIONS CERTAINLY SET
10:40:54AM OUT HOW WE ARE TO PROCEED AND HOW WE ARE TO DECIDE, AND
10:40:58AM IT'S ALL THERE NOW WHICH IS HOW WE WANT IT.
10:41:02AM WE WANTED SOMETHING TO GUIDE US AND THIS IS OUR GUIDING
10:41:06AM DOCUMENT, AND I TOO THINK IT SHOULD BE APPROVED.
10:41:10AM >>Mayor Errington: OKAY.
10:41:11AM DOES OUR ATTORNEY HAVE ANY FURTHER COMMENT TO MAKE BEFORE
10:41:14AM WE ASK IF WE --
10:41:17AM >> MAY --
10:41:20AM >>Robert Pritt: FOR THIS YEAR, EVERYBODY GETS A LITTLE
10:41:22AM BIT OF A PASS BECAUSE YOU'RE ALREADY AT LEAST HALFWAY
10:41:25AM THROUGH THE YEAR.
10:41:29AM >>Mayor Errington: THANK YOU.
10:41:30AM YES, JIM WARD?
10:41:31AM >>Jim Ward: YEAH.
10:41:32AM I MUST TELL YOU, I'M STILL A LITTLE BIT TROUBLED BY THE

10:41:35AM FACT THAT 90% OF THE RULES AND PROCEDURES ARE SUBJECTIVE.
10:41:43AM THE ONLY THING THAT WAS PUT HERE IN FRONT OF US TODAY IS
10:41:46AM RELATED TO ZOOM MEETINGS THAT'S DEFINITIVE.
10:41:51AM AND THAT TROUBLES ME, BECAUSE AS JIM BOESCH SAID, THERE
10:41:56AM IS A LOT MORE TO BEING A COUNCIL PERSON THAN JUST
10:41:59AM ATTENDING MEETINGS.
10:42:01AM I'M REALLY TROUBLED BY THE FACT THAT EVERYTHING ELSE THAT
10:42:04AM WAS PUT FORTH IN THE RULES AND PROCEDURES IS SUBJECTIVE.
10:42:08AM THERE IS NOTHING DEFINITIVE OTHER THAN WHAT WE IDENTIFIED
10:42:11AM TODAY AS THREE MISSING -- MISSING THREE ZOOM MEETINGS.
10:42:16AM I'D ASK THE COUNCIL WHY WE DON'T HAVE A MAXIMUM OF THREE
10:42:20AM EXCUSED ABSENCES.
10:42:24AM IF YOU'RE GOING TO HAVE A DETERMINATION THAT IF A COUNCIL
10:42:29AM PERSON MISSES THREE ZOOM MEETINGS OR ATTENDS THREE ZOOM
10:42:37AM MEETINGS, WHY SHOULDN'T WE HAVE LANGUAGE THAT INDICATES
10:42:40AM THERE SHOULD BE A LIMITATION ON EXCUSED ABSENCES?
10:42:47AM >>Robert Pritt: IF I MAY, I THINK THERE IS.
10:42:49AM IT'S THE SAME.
10:42:52AM >>Jim Ward: WHAT'S THE SAME?
10:42:54AM >>Robert Pritt: PAGE TWO UNDER "ABSENCES".
10:43:10AM >>Jim Ward: SO A COUNCIL PERSON COULD HAVE A MEDICAL
10:43:12AM ISSUE AND BE EXCUSED, AND THEN -- THERE IS A LIMITATION
10:43:17AM OF THREE.
10:43:18AM THAT'S WHAT YOU'RE SAYING?
10:43:21AM >>Robert Pritt: IT'S ONLY A RULE OF THUMB.
10:43:23AM >>Jim Ward: WELL, SEE, THERE -- THERE AGAIN, THERE IS THE
10:43:27AM PROBLEM OF SUBJECTIVENESS.
10:43:28AM IF EVERYTHING IS A RULE OF THUMB, THEN IT BECOMES
10:43:31AM SUBJECTIVE.
10:43:33AM AND AS I INDICATED IN MY EARLIER COMMENTS, EARLIER THIS
10:43:38AM MONTH, AS I READ THROUGH THE RULES AND PROCEDURES,
10:43:41AM EVERYTHING IS SUBJECTIVE.
10:43:43AM EVEN TO THE POINT OF WHAT JIM BOESCH INDICATED EARLIER AS
10:43:47AM TO THE DUTIES OF A COUNCIL PERSON, THERE IS NOTHING
10:43:51AM DEFINED THAT SAYS IF A COUNCIL PERSON IS NOT ABLE TO
10:43:54AM PERFORM THE DUTIES FOR X-WEEKS, X-MONTHS, X-PERIODS OF
10:44:03AM TIME, THAT PERSON IS SUBJECT TO FORFEITING THE OFFICE.
10:44:06AM IT'S ALL SUBJECTIVE.
10:44:11AM >>Mayor Errington: WELL, IT APPEARS WE COULD DISCUSS THIS
10:44:13AM FOR MANY DAYS AND MANY WEEKS TO COME, SO -- I DON'T SEE
10:44:23AM ANY REASON TO GO BACK AND TRY TO DO THIS AGAIN, SO I
10:44:28AM THINK WE NEED A MOTION.
10:44:34AM I THINK I HEARD THAT COMING FROM COUNCILMEMBER FIESEL,
10:44:38AM KIND OF.
10:44:42AM >> COULD WE JUST CLARIFY THAT MOTION, IS THE -- I DON'T
10:44:46AM WANT TO PUT WORDS IN YOUR MOUTH.
10:44:48AM >>Mayor Errington: YES, THAT NEEDS TO BE CLARIFIED.
10:44:50AM THE MOTION, CAN IT BE READ HOW IT SHOULD READ ACCORDING

10:44:54AM TO WHAT THE MOTION IS GOING TO BE STATED BY COUNCILMEMBER
10:44:58AM FIESEL?
10:44:59AM >> THE MOTION THAT WOULD BE APPROPRIATE IF ONE FAVORS
10:45:04AM THAT WOULD BE TO APPROVE THE RESOLUTION.
10:45:08AM THE RESOLUTION HAS THE ATTACHMENT THAT'S PART OF THE
10:45:12AM RESOLUTION, SO A MOTION TO APPROVE THE RESOLUTION.
10:45:16AM >> I'LL SECOND THAT.
10:45:17AM >>Mayor Errington: A MOTION HAS --
10:45:19AM >> WAS THAT THE MOTION?
10:45:19AM >>Mayor Errington: YES.
10:45:20AM MOTION HAS BEEN MADE BY COUNCILMEMBER FIESEL AND SECONDED
10:45:24AM BY VICE-MAYOR McLAIN.
10:45:27AM PLEASE CALL THE ROLL.
10:45:29AM >>Carol Sacco: WELL, WE DO NOT HAVE ANY PUBLIC COMMENT OR
10:45:32AM E-COMMENTS.
10:45:33AM >>Mayor Errington: YES, WE NEED --
10:45:34AM >>Carol Sacco: YEAH.
10:45:35AM I'LL NOW CALL THE ROLL.
10:45:39AM >>Joanne Ribble: AYE.
10:45:40AM >>Larry Fiesel: AYE.
10:45:42AM >>Jim Boesch: AYE.
10:45:43AM >>Jim Ward: NAY.
10:45:49AM >>Jim Wilson: AYE.
10:45:51AM >>Vice-Mayor McLain: AYE.
10:45:53AM >>Mayor Errington: AYE.
10:45:54AM MOTION CARRIES.
10:46:01AM THANK YOU.
10:46:02AM IS IT TIME TO TAKE A BREAK?
10:46:05AM >> 10:46.
10:46:06AM >>Mayor Errington: YOU WANT TO KEEP GOING OR TAKE A FIVE,
10:46:09AM TEN-MINUTE BREAK?
10:46:13AM JUST KEEP GOING THEN.
10:46:14AM OKAY.
10:46:16AM JUST ASKING.
10:46:17AM ITEM NUMBER 9A.
10:46:21AM THE FIRST READING OF ORDINANCE NUMBER 2022-05, TO
10:46:27AM REDISTRICT THE VILLAGE DISTRICT BOUNDARIES.
10:46:31AM VILLAGE CLERK, WILL YOU PLEASE READ THE TITLE OF THE
10:46:34AM ORDINANCE?
10:46:35AM >>Carol Sacco: ORDINANCE NUMBER 2022-05, AN ORDINANCE OF
10:46:40AM THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA.
10:46:42AM UPDATING AND REVISING THE DISTRICT BOUNDARIES DESCRIBED
10:46:45AM IN THE VILLAGE CHARTER FOR THE ELECTION OF COUNCIL
10:46:48AM MEMBERS IN ACCORDANCE WITH THE 2020 U.S. CENSUS DATA, THE
10:46:53AM VILLAGE CHARTER, STATE LAW, AND FEDERAL LAW, ADOPTING THE
10:46:56AM MAP INDICATING THE REVISED BOUNDARIES, PROVIDING FOR
10:46:59AM CREATION OF LEGAL DESCRIPTIONS, PROVIDING FOR
10:47:03AM CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

10:47:05AM >>Mayor Errington: THANK YOU.
10:47:06AM STEVE?
10:47:07AM >>Steven Sarkozy: THANK YOU, MAYOR, MEMBERS OF COUNCIL.
10:47:10AM OUR REDISTRICTING EFFORT HERE IS REQUIRED EVERY 10 YEARS
10:47:16AM AS A RESULT OF THE INFORMATION THAT COMES IN
10:47:21AM ABOUT -- FROM THE CENSUS.
10:47:22AM THE OBJECTIVE OF REDISTRICTING IS TO MAKE SURE THAT WE
10:47:26AM HAVE FAIRLY EQUAL TIES TO COUNCIL DISTRICTS, AND A PERSON
10:47:34AM IN ESTERO, YOUR COUNCIL MEMBERS COME FROM EACH OF THE
10:47:40AM SEVEN COUNCIL DISTRICTS.
10:47:49AM EVEN THOUGH ONCE YOU'RE ELECTED, YOU REPRESENT ALL OF THE
10:47:53AM VILLAGE SO THERE IS NO DISTINCTION AS YOU CONDUCT
10:47:55AM BUSINESS AS A COUNCIL PERSON WHAT IS YOUR DISTRICT.
10:48:01AM WE HAVE ENGAGED KURT SPENCER AND ASSOCIATES OUT OF
10:48:06AM TALLAHASSEE TO HELP US, AND KURT IS ON ZOOM WITH US
10:48:10AM TODAY, AND WE HAVE A COUPLE OF DIFFERENT ALTERNATIVES
10:48:17AM HERE TO REVIEW WITH COUNCIL.
10:48:18AM OUR HOPE IS THAT WE COULD POSSIBLY GET TO A FINAL
10:48:25AM SOLUTION ON THE DISTRICTS TODAY, ALTHOUGH WE DO HAVE
10:48:30AM TIME.
10:48:30AM THIS SHOULD BE DONE WELL BEFORE THE FILING FOR COUNCIL
10:48:34AM SEATS OPENS IN EARLY DECEMBER, SO WE'VE GOT TIME TO DO
10:48:39AM THIS, BUT NONETHELESS, IT'S AN IMPORTANT THING TO GET
10:48:42AM DONE AS SOON AS POSSIBLE.
10:48:44AM WHAT I'D LIKE TO DO IT TURN IT OVER TO KURT FOR REVIEW
10:48:48AM JUST BY WAY OF BACKGROUND, WE HAVE THE COLORED MAPS IN
10:48:53AM YOUR PACKET.
10:48:55AM ALSO IN LARGER FORMATS HERE THAT ARE ON EASELS IN THE
10:48:59AM COUNCIL CHAMBERS THAT WE CAN ADDRESS, SO IF THAT WOULD BE
10:49:04AM HELPFUL.
10:49:05AM WITH THAT, WHY DON'T I TURN IT OVER TO KURT FOR THE
10:49:11AM PRESENTATION OF SOME OF HIS WORK HERE.
10:49:14AM >> THANK YOU, MR. MANAGER, AND MAYOR AND MEMBERS OF THE
10:49:17AM COUNCIL.
10:49:17AM GOOD MORNING TO YOU.
10:49:21AM JUST TO RECAP THE PROCESS HERE BRIEFLY, DISTRICTS ARE
10:49:29AM REQUIRED TO BE AS NEARLY EQUAL IN POPULATION AS IS
10:49:34AM POSSIBLE OR PRACTICABLE IS THE TERM OF ART.
10:49:42AM GENERALLY SPEAKING, IF THE SPREAD BETWEEN THE SMALLEST
10:49:45AM AND THE LARGEST DISTRICT IS GREATER THAN 10 PERCENTAGE
10:49:51AM POINTS, THAT RAISES A RED FLAG WITH THE COURT SYSTEM.
10:49:58AM SO THE FIRST THING WE DO IS TAKE THE 2020 CENSUS DATA.
10:50:01AM WE LAYER IT ON TOP OF THE EXISTING DISTRICT BOUNDARIES TO
10:50:12AM SEE IF WE'RE OUT OF BALANCE, AND MAYBE WE'RE NOT AND
10:50:15AM DON'T NEED TO CHANGE THE BALANCE.
10:50:16AM HOWEVER, IN THE CASE OF ESTERO, YOU WERE SIGNIFICANTLY
10:50:19AM OUT OF BALANCE.
10:50:20AM THE LARGEST DISTRICT, DISTRICT 7, WAS ABOUT 26% OVER THE

10:50:26AM AVERAGE SIZE.
10:50:29AM THE SMALLEST DISTRICT, DISTRICT 1, WAS AROUND 22 OR 23%
10:50:35AM UNDER THE AVERAGE FOR A SPREAD OF AROUND 48 POINTS OR SO.
10:50:42AM SO YOU'RE WELL BEYOND THE ACCEPTABLE 10-POINT SPREAD.
10:50:48AM WE CAME BACK AT YOUR FIRST MEETING WITH A COUPLE OF
10:50:52AM GENERAL ALTERNATIVES THAT WERE LEGALLY SUFFICIENT, AND
10:50:57AM SINCE THAT TIME, WE HAVE MADE SEVERAL AMENDMENTS TO THE
10:51:05AM PLANS, AND YOU HAVE TWO PLANS IN FRONT OF YOU NOW.
10:51:12AM THE WAY THAT POPULATION IS EQUALIZED IS BY ADJUSTING THE
10:51:15AM BOUNDARIES BETWEEN TWO DIFFERENT DISTRICTS, AND WE USE
10:51:21AM CENSUS BLOCKS AS THE BASIC BUILDING BLOCK IN THE
10:51:24AM REDISTRICTING PROCESS, AND EACH CENSUS BLOCK HAS A TOTAL
10:51:29AM NUMBER OF PEOPLE IN IT, INFORMATION ON RACE, WHETHER OR
10:51:35AM NOT THEY'RE 18 YEARS OLD OR OLDER, THINGS LIKE THAT.
10:51:42AM I THINK I MIGHT HAVE MENTIONED THIS BEFORE, BUT IN OTHER
10:51:45AM JURISDICTIONS THAT WE HAVE BEEN INVOLVED WITH, MORE, I'D
10:51:51AM SAY URBANIZED PLACES, CENSUS BLOCKS ARE TYPICALLY,
10:51:59AM LITERALLY, BLOCK SHAPED.
10:52:01AM THEY'RE SQUARES.
10:52:02AM THEY'RE RECTANGLES.
10:52:03AM THEY FOLLOW CITY BLOCK BOUNDARIES, GENERALLY SPEAKING.
10:52:09AM IN THE CASE OF ESTERO, THE BLOCKS ARE NOT.
10:52:13AM THEY FOLLOW WATER FEATURES, PERHAPS GOLF COURSES, THINGS
10:52:19AM LIKE THAT.
10:52:20AM SO AS WE ARE MAKING ADJUSTMENTS TO BOUNDARIES, ONE
10:52:26AM PROBLEM THAT WE ENCOUNTERED WAS, YOU KNOW, BLOCK
10:52:35AM BOUNDARIES SOMETIMES DON'T FOLLOW SIGNIFICANT ROADWAYS,
10:52:38AM AS AN EXAMPLE.
10:52:39AM SO IT MAKES IT DIFFICULT TO MAKE ADJUSTMENTS IN THE
10:52:44AM PROCESS.
10:52:45AM THE OTHER CRITERIA THAT WE FOLLOWED WAS TO NOT SPLIT
10:52:52AM HOMEOWNERS' ASSOCIATIONS OR OTHER COMMUNITIES OF
10:52:56AM SO-CALLED COMMUNITIES OF INTEREST, AND BOTH PLANS THAT
10:53:00AM ARE IN FRONT OF YOU NOW ARE LEGALLY SUFFICIENT.
10:53:05AM THEY HAVE SPREADS BETWEEN THE LARGEST AND THE SMALLEST
10:53:09AM DISTRICT OF LESS THAN EIGHT POINTS, AND THEY DO NOT SPLIT
10:53:16AM ANY OF YOUR HOMEOWNERS ASSOCIATIONS.
10:53:21AM THE EXISTING PLAN IN CONTRAST, YOUR EXISTING DISTRICTS
10:53:27AM SPLIT FOUR HOMEOWNERS ASSOCIATIONS BETWEEN TWO OF
10:53:33AM THE -- OR MORE OF THE CURRENT COUNCIL DISTRICTS.
10:53:38AM AND SO THE PLANS THAT YOU HAVE NOW ARE LEGALLY
10:53:44AM SUFFICIENT, AND I'D BE HAPPY TO ANSWER ANY QUESTIONS THAT
10:53:49AM YOU MIGHT HAVE ABOUT THOSE PLANS AT THIS TIME.
10:54:03AM >>Mayor Errington: COUNCIL, ANY QUESTIONS?
10:54:06AM CONCERNS?
10:54:09AM >>Jim Ward: JIM WARD, PLEASE.
10:54:11AM >>Mayor Errington: YES?
10:54:11AM >>Jim Ward: I ASKED THIS QUESTION EARLIER, I THINK LAST

10:54:14AM MONTH WHEN WE DID THE INITIAL DISCUSSION ON THIS, AND
10:54:16AM IT'S RELATIVE TO HOW WE LOOK AT THE IMPACT OF NEW
10:54:22AM COMMUNITIES THAT HAVE BEEN APPROVED THAT ARE GOING TO BE
10:54:27AM ADDITIVE TO A DISTRICT WHERE WE'RE LOOKING AT THIS PLAN.
10:54:31AM WE'RE GOING TO BE LIVING WITH THIS PLAN FOR THE NEXT 10
10:54:33AM YEARS, I PRESUME.
10:54:37AM AND WE DO KNOW THAT THERE IS GOING TO BE NEW COMMUNITIES
10:54:44AM IN A NUMBER OF DIFFERENT DISTRICTS.
10:54:47AM I'M WONDERING WHY, OR SHOULD WE BE TAKING THAT INTO
10:54:50AM CONSIDERATION.
10:54:52AM >>Kurt Spencer: YOU CERTAINLY MAY TAKE INTO CONSIDERATION
10:54:56AM TO THE EXTENT THAT YOU ARE ABLE, FUTURE GROWTH, AND
10:55:04AM DIFFERENT PARTS OF THE CITY MAY BE GROWING MORE RAPIDLY
10:55:09AM THAN OTHER PARTS OF THE CITY.
10:55:12AM OF THE VILLAGE.
10:55:13AM AND SO THE THEORY HERE WOULD BE THAT JUST AS AN EXAMPLE,
10:55:19AM IF DISTRICT 7 IS THE -- CONTINUES TO BE THE FASTEST
10:55:23AM GROWING AREA OF THE CITY, YOU WOULD ATTEMPT TO UNDER
10:55:29AM POPULATE DISTRICT 7, STILL STAY WITHIN THE GENERALLY
10:55:34AM ACCEPTED REDISTRICTING CRITERIA OF A SPREAD OF LESS THAN
10:55:39AM 10 POINTS BETWEEN THE LARGEST AND THE SMALLEST, BUT YOU
10:55:42AM WOULD TRY TO MAKE DISTRICT 7 AS SMALL AS IS POSSIBLE, AND
10:55:49AM AS AN EXAMPLE IN PLAN 2A1, DISTRICT 7 IS 2.6% OVER THE
10:55:58AM AVERAGE, SO IT THE ATTEMPT WOULD BE TO TRY TO GET THAT
10:56:05AM NUMBER DOWN A LITTLE BIT.
10:56:06AM HERE IS THE PROBLEM WITH THAT, AND IF YOU CAN LOOK AT MY
10:56:12AM SCREEN HERE NOW, THIS IS -- THE SHADING IS THE EXISTING
10:56:17AM DISTRICTS.
10:56:17AM THAT NEVER CHANGES.
10:56:21AM THE DARKER LINES ARE WHERE THE PROPOSED DISTRICT
10:56:24AM BOUNDARIES WOULD BE, SO DISTRICT 7 CURRENTLY IS THIS AREA
10:56:28AM HERE UNDER THE PLAN 2A-1 AND I BELIEVE 2A-2 ACTUALLY.
10:56:40AM THIS EASTERN AREA OF THE DISTRICT WOULD BECOME THE NEW
10:56:43AM DISTRICT 7.
10:56:43AM NOW IF WE WANTED TO PROVE THE PART OF THE POPULATION FROM
10:56:53AM DISTRICT 7 PRESUMABLY INTO DISTRICT 5, HERE IS THE
10:56:57AM PROBLEM WE RUN INTO.
10:56:58AM IT'S THE SHAPES OF THE CENSUS BLOCKS, AND SOMETIMES THESE
10:57:06AM BLOCKS, THEY ARE ANYTHING BUT BLOCK SHAPED, BUT HERE IS A
10:57:09AM CENSUS BLOCK HERE.
10:57:13AM AND SO IT'S NOT LIKE YOU CAN CONVENIENTLY JUST SLICE A
10:57:19AM PORTION OF A DISTRICT OFF.
10:57:21AM YOU WOULD HAVE TO TAKE THIS BLOCK AND THEN THIS AREA
10:57:26AM INSIDE THIS AREA, AND IT BECOMES MUCH MORE COMPLICATED TO
10:57:31AM DO THAT.
10:57:32AM THEN NOT ONLY DO YOU HAVE THAT -- LET'S SAY WE COULD DO
10:57:36AM IT HERE IN DISTRICT 7, THEN WE MOVE THAT POPULATION TO
10:57:40AM DISTRICT 5.

10:57:42AM PRESUMABLY DISTRICT 5 WOULD NEED TO LOSE SOME OF THAT
10:57:45AM SAME AMOUNT OF POPULATION AND THAT WOULD GO EITHER INTO
10:57:48AM DISTRICT -- A DISTRICT THAT ABUTS DISTRICT 5.
10:57:54AM THREE, FOUR, OR SIX.
10:57:58AM AND THEN WE BEGIN TO RUN INTO SIMILAR PROBLEMS WITH THE
10:58:02AM SHAPES OF THE BLOCKS, BUT THEN ALSO, SPLITTING HOMEOWNERS
10:58:08AM ASSOCIATIONS.
10:58:13AM HERE IS THE BROOKS SHADOW WOOD HOMEOWNERS ASSOCIATION.
10:58:18AM IF WE WERE TO CROSS THIS BOUNDARY HERE, THEN WE'RE
10:58:24AM SPLITTING THIS ASSOCIATION WHICH IS ONE OF THE CRITERIA
10:58:26AM THAT WE SOUGHT TO AVOID DOING.
10:58:29AM SO YES.
10:58:30AM IT CAN BE DONE.
10:58:33AM I WOULD SAY IT'S COMPLICATED.
10:58:37AM IT'S MORE COMPLICATED WITHIN THE VILLAGE OF ESTERO GIVEN
10:58:41AM THE SHAPE OF YOUR CENSUS BLOCKS THAT WE HAVE.
10:58:49AM >> BOB, WHAT I'M SUGGESTING IS, WITHIN THE NEXT TWO TO
10:58:53AM THREE YEARS, YOU'RE LIKELY TO HAVE A DIFFERENCE OF MORE
10:58:57AM THAN TEN POINTS IN CERTAIN DISTRICTS AS NEW DEVELOPMENTS
10:59:01AM COME ON BOARD.
10:59:02AM WE HAVE TWO NEW DEVELOPMENTS THAT HAVE ALREADY BEEN
10:59:05AM APPROVED THAT HAVE 300 PLUS UNITS THAT ARE GOING TO BE
10:59:13AM SCHEDULED TO BE BUILT IN THE NEXT COUPLE OF YEARS.
10:59:19AM >> RIGHT.
10:59:23AM I WILL SAY THAT ACCOUNTING FOR GROWTH IS A CRITERIA THAT
10:59:36AM COMMISSIONS OR COUNSELS, YOU KNOW, FREQUENTLY ATTEMPT TO
10:59:40AM LOOK AT.
10:59:41AM IT'S -- IT IS A GOOD CRITERIA.
10:59:45AM I WOULD NOT SAY IT'S A DOMINANT CRITERIA.
10:59:55AM EQUAL POPULATION.
10:59:56AM FOLLOWING EASILY UNDERSTOOD BOUNDARIES THE VOTERS CAN
10:59:59AM UNDERSTAND.
11:00:00AM THINGS LIKE THAT.
11:00:01AM NOT DILUTING RACE, ALTHOUGH THAT'S NOT AN ISSUE IN THE
11:00:06AM VILLAGE GIVEN THE SMALL NUMBER OF MINORITY RESIDENTS THAT
11:00:09AM YOU HAVE.
11:00:10AM BUT OTHER CRITERIA I WOULD SAY IN THE HIERARCHY ARE MORE
11:00:16AM IMPORTANT.
11:00:17AM YOUR NEIGHBOR S TO THE SOUTH, BONITA SPRINGS, TRIED TO
11:00:21AM CONSIDER THIS VERY ISSUE, AND AS BEST AS THEY COULD, THEY
11:00:32AM TRIED TO UNDER POPULATE, I BELIEVE DISTRICT 6 WHICH WAS
11:00:36AM THE FASTEST GROWING AREA IN BONITA SPRINGS AS BEST THEY
11:00:40AM COULD, BUT IT NEVER GOT DOWN TO A NEGATIVE NUMBER.
11:00:44AM IT GOT DOWN TO MAYBE 1% OVER.
11:00:49AM THAT WAS AS BEST THEY COULD DO WHILE BALANCING THAT WITH
11:00:57AM OTHER CRITERIA THEY WERE CONSIDERING, ASK GIVEN THE
11:01:00AM SHAPE -- AND GIVEN THE SHAPES OF THE CENSUS BLOCKS WITHIN
11:01:04AM THE CITY OF BONITA SPRINGS.

11:01:09AM >>Mayor Errington: COUNCILMEMBER RIBBLE?
11:01:13AM >>Joanne Ribble: KURT, IF I'M READING THE MAPS CORRECTLY
11:01:16AM THE ONLY DIFFERENCE BETWEEN 2A-1 AND 2A-2 IS
11:01:22AM THE -- BETWEEN DISTRICT 1 AND DISTRICT 2.
11:01:24AM THERE IS TWO OPTIONS.
11:01:26AM >> THAT'S CORRECT.
11:01:27AM >>Joanne Ribble: CAN YOU EXPLAIN WHY DID YOU OFFER TWO
11:01:30AM OPTIONS?
11:01:31AM WHAT WAS YOUR REASONING BEHIND GIVING US THE TWO OPTIONS?
11:01:35AM AND WHAT DIFFERENCE DOES THE TWO OPTIONS MAKE?
11:01:39AM >> IT HAS AN ALMOST -- AN ALMOST INSIGNIFICANT
11:01:49AM DIFFERENCE.
11:01:49AM OPTION 2A-1 WAS THE FIRST OPTION THAT WE CAME UP WITH AND
11:01:59AM THAT FOLLOWED TO THE EXTENT THAT WE COULD, SOME EXISTING
11:02:04AM DISTRICT BOUNDARIES IN THE AREA BETWEEN DISTRICT 6 AND
11:02:10AM WHAT WILL BECOME A DISTRICT 1, THE SOUTHERN PART OF
11:02:16AM DISTRICT 2 ALSO GETS MOVED INTO DISTRICT 1.
11:02:19AM DISTRICT 1 NEEDED TO GAIN THE MOST POPULATION OF ANY OF
11:02:22AM THE DISTRICTS.
11:02:23AM IT'S JUST A POLICY OPTION BETWEEN 2A-1 AND 2A-2 BETWEEN
11:02:34AM THE TWO DIFFERENT ONES.
11:02:35AM THE POPULATIONS ARE ALMOST THE SAME IN TERMS OF
11:02:39AM POPULATIONS OF DISTRICT 6 AND DISTRICT 1.
11:02:42AM THE DEVIATIONS ARE SIMILAR.
11:02:48AM 2A-2 IS SEVEN POINTS OF A SPREAD.
11:02:54AM 2A-1 IS SEVEN POINTS.
11:02:58AM SLIGHTLY BETTER.
11:02:58AM BUT I'D SAY EITHER OF THEM IS WELL WITHIN ACCEPTABLE
11:03:03AM TOLERANCES.
11:03:08AM >>Joanne Ribble: IS THE PURPOSE OF THIS TO PICK ONE OF
11:03:10AM THE TWO OPTIONS TODAY?
11:03:13AM WHAT ARE WE CHARGED WITH?
11:03:14AM MOVING THIS TO A SECOND HEARING, CORRECT?
11:03:17AM >>Mayor Errington: YES.
11:03:18AM THE SECOND READING ON JULY 20.
11:03:21AM >>Joanne Ribble: SO NO CHOICE HAS TO BE MADE TODAY.
11:03:24AM >>Mayor Errington: JUST TO VOICE YOUR CONCERNS AND
11:03:25AM DISCUSSIONS.
11:03:29AM >> YOU'RE GOING TO -- GO TO SECOND READING, YOU HAVE TO
11:03:32AM TAKE AN ACTION TODAY PASSING SOMETHING FOR IT TO BE --
11:03:39AM >>Joanne Ribble: SO IF WE HAVE CONCERNS, WHAT'S YOUR
11:03:41AM RECOMMENDATION THEN?
11:03:45AM >> WELL, IF THE CONCERNS CAN BE TAKEN CARE OF AT THE
11:03:48AM FIRST MEETING, THEN AT THE FIRST HEARING HERE, THEN PICK
11:03:54AM A MAP AND APPROVE THE DOCUMENT AT FIRST READING.
11:04:02AM >>Mayor Errington: AND IF WE DO NOT PASS THAT TODAY, AND
11:04:06AM WE GO TO THE NEXT -- THEN THAT GOES INTO THE -- OUR
11:04:11AM BREAK.

11:04:11AM >> I'M SORRY.
11:04:13AM >>Mayor Errington: SO IS THAT THE TIMELINE WE'RE
11:04:15AM FIGHTING?
11:04:16AM >> WELL, IF YOU DON'T AGREE ON A MAP TODAY, AT LEAST FOR
11:04:19AM NOW, THEN YOU CONTINUE TO FIRST READING AND PUBLIC
11:04:25AM HEARING.
11:04:27AM SO THE NEXT TIME YOU TAKE IT UP AGAIN WILL BE CONTINUED
11:04:31AM FIRST READING.
11:04:34AM >>Mayor Errington: SO THAT WOULD NOT BE UNTIL -- WE DO
11:04:38AM THE 20th.
11:04:39AM >> COULD BE AS EARLY AS THE NEXT MEETING.
11:04:43AM >>Mayor Errington: JULY 20 WILL BE THE NEXT MEETING.
11:04:45AM WE COULD TAKE IT UP THEN, SO THEN -- DON'T YOU HAVE A
11:04:49AM TIME PERIOD WITH WHEN A RESOLUTION IS BROUGHT FORWARD?
11:04:52AM SO TWO MONTHS LATER IS NOT --
11:04:54AM >> THIS IS AN ORDINANCE ANYHOW, AND SO IF YOU CONTINUE
11:04:58AM THE FIRST READING UNTIL JULY 20 --
11:05:01AM >>Mayor Errington: OKAY.
11:05:02AM >> IF ON JULY 20 YOU STILL HAVEN'T DECIDED ON THE MAP,
11:05:07AM THEN THAT CAN BE CONTINUED AGAIN AFTER THE BREAK.
11:05:13AM >>Mayor Errington: JOANNE?
11:05:15AM >>Joanne Ribble: WELL, SINCE NONE OF THE OTHER DISTRICTS
11:05:18AM CHANGE BETWEEN 2A-1 AND 2A-2, THIS CONCERNS COUNCILMAN
11:05:24AM WARD AND I.
11:05:25AM I'M PREPARED TO GIVE MY PREFERENCE.
11:05:30AM I PREFER 2A-1, ONLY BECAUSE OF DRAWING THE LINE.
11:05:35AM IT LOOKS LIKE IT'S JUST EASIER TO DRAW THE LINE STRAIGHT
11:05:38AM ACROSS AND UP AND OVER RATHER THAN TO GO TO 2A-2 AND
11:05:44AM CARVE OUT SOMETHING FURTHER NORTH.
11:05:48AM IF THAT'S AMENABLE TO COUNCILMAN WARD, I
11:05:56AM ARE -- JUST -- EASIER LINE DRAWING.
11:05:59AM IT REALLY MAKES -- ONE, YEAH.
11:06:01AM MAKES --
11:06:02AM >> SOUTH --
11:06:03AM >>Joanne Ribble: YES.
11:06:04AM IT MAKES SENSE TO GO STRAIGHT ACROSS IF COUNCILMAN WARD
11:06:08AM HAS NO OBJECTIONS.
11:06:11AM >>Mayor Errington: IS THAT IN AGREEMENT WITH YOU,
11:06:13AM COUNCILMAN WARD?
11:06:14AM >>Jim Ward: NO, I'D ACTUALLY PREFER 2A-2.
11:06:17AM >>Joanne Ribble: YOU PREFER 2A-2?
11:06:20AM >> HE LIKES WHICH ONE?
11:06:22AM >>Mayor Errington: HE LIKES 2A-2.
11:06:23AM >> UH-OH.
11:06:25AM >>Mayor Errington: SO WE HAVE A DISCUSSION AND A CONCERN.
11:06:27AM >> THAT'S THE ONLY CHANGES BETWEEN THE TWO MAPS.
11:06:30AM >>Mayor Errington: WELL, I HAVE A CONCERN.
11:06:32AM MY DISTRICT 4 IS GETTING HIT PRETTY HARD.

11:06:39AM >> WHAT HAPPENS TO YOU IF WE PASS THIS TODAY?
11:06:41AM >>Mayor Errington: I'M GONE.
11:06:43AM LOOKS LIKE I'M -- OKAY.
11:06:49AM I'D STILL LIKE TO SEE, AND DONE SEE IT ON THE MAPS, I
11:06:52AM WANT TO SEE STREET MAPS OF ALL THE LISTS OF THE, YOU
11:06:55AM KNOW -- IT'S ON THERE BUT IT'S KIND OF VAGUE.
11:07:00AM WE WENT OVER THIS YESTERDAY, BUT IT STARTS BROADWAY AND
11:07:03AM GOES DOWN.
11:07:05AM THE ONE THING -- IT MAY BE OKAY, BUT I THINK IN FAIRNESS,
11:07:10AM AND THIS WOULD BE WITH THE VICE MAYOR, I'D LIKE TO SEE
11:07:16AM RIVER OAKS BECOME A PART OF DISTRICT 4, ONLY BECAUSE OF
11:07:20AM THE PRESERVATION OF THE ESTERO ON THE RIVER AND IT LEADS
11:07:26AM INTO THE STATE PARK, SO MOVE THAT APART.
11:07:33AM AND COUNTRY CREEK IS PART OF -- STILL REMAINS PART OF
11:07:37AM DISTRICT 4, AND COUNTRY CREEK ABUTS RIVER OAKS, AND SO
11:07:43AM WHY NOT MAKE THAT LITTLE CUT THERE, AND THAT WOULD
11:07:49AM SUFFICE THAT.
11:07:54AM KURT, DO YOU SEE THAT?
11:07:59AM >> YOU'LL HAVE TO EXPLAIN IT TO ME HERE.
11:08:03AM >>Mayor Errington: BROADWAY EAST.
11:08:07AM AND YOU'LL COME TO -- LET'S SEE.
11:08:16AM YOU HAVE TO FIND COUNTRY CREEK ON THERE.
11:08:18AM THAT'S THE PROBLEM I'M HAVING.
11:08:19AM I'VE GOT THE BIG MAP.
11:08:21AM >> RIGHT HERE.
11:08:29AM >>Mayor Errington: OKAY.
11:08:30AM YOU NEED TO GO UP THEN TO THE BORDER.
11:08:32AM RIGHT -- OKAY.
11:08:33AM RIGHT NOW, CAN YOU ENLARGE THAT?
11:08:41AM IT'S RIGHT ABOVE KENDALL WOOD.
11:08:45AM IT'S TEN ACRES.
11:08:47AM IN THE GREEN.
11:08:52AM >> RIGHT HERE?
11:08:53AM >>Mayor Errington: IT SHOULD BE, LIKE, A RECTANGLE.
11:09:02AM GO LEFT.
11:09:02AM GO -- RIGHT THERE.
11:09:03AM RIGHT THERE.
11:09:04AM RIGHT THERE, YES.
11:09:06AM >> HERE IS -- THIS IS AN EXAMPLE OF THE DILEMMA HERE.
11:09:13AM THESE SORT OF FAINT LINES ARE CENSUS BLOCKS.
11:09:17AM AND SO THERE IS ONE BLOCK.
11:09:20AM THEY'RE ALL DIFFERENT SHAPES.
11:09:21AM HERE IS ANOTHER BLOCK.
11:09:23AM UNFORTUNATELY THIS -- IF THIS IS THE AREA THAT YOU'RE
11:09:25AM SPEAKING OF, I HAVE A SUSPICION WHAT THIS IS GOING TO
11:09:29AM LOOK LIKE.
11:09:29AM LET'S FIND OUT.
11:09:31AM >>Mayor Errington: NOT ALL OF IT.

11:09:33AM IT'S JUST A LITTLE --
11:09:35AM >> RIGHT.
11:09:35AM THE PROBLEM WITH THAT IS, THIS IS THE CENSUS BLOCK, AND
11:09:43AM TO SPLIT THAT BLOCK OF -- A BLOCK THAT'S THAT -- OF THAT
11:09:50AM SIZE, IT, YOU KNOW -- WE -- WE TRY TO AVOID SPLITTING
11:09:58AM BLOCKS AND JUST USING THE CENSUS BLOCKS IN THEIR CURRENT
11:10:02AM SHAPE.
11:10:03AM THIS SHAPE I SENSE THAT IT'S NOT THE SHAPE THAT YOU'RE
11:10:07AM WANTING IT TO BE, BUT TO MAKE ESTIMATES OF POPULATION OF,
11:10:12AM LET'S SAY, IT'S JUST THIS AREA HERE --
11:10:14AM >>Mayor Errington: IT'S A PRESERVE.
11:10:16AM >> A PRESERVE.
11:10:20AM >>Mayor Errington: NO PEOPLE.
11:10:22AM >> WELL, HERE WE SAID WE HAVE 735 PEOPLE THAT LIVE IN THE
11:10:29AM TEAL COLORED AREA.
11:10:36AM >>Mayor Errington: THIS IS VILLAGE-OWNED PROPERTY, AND
11:10:40AM IT'S SEPARATE, AND NO ONE LIVES THERE.
11:10:48AM >> I GUESS THE QUESTION IS WHY CHANGE IT?
11:10:51AM IT'S NICE TO HAVE STRAIGHT LINES, IS IT NOT, AS OPPOSED
11:10:55AM TO HAVING LITTLE APPENDAGES.
11:10:57AM WE GOT ENOUGH APPENDAGES ON THE MAP ALREADY.
11:11:00AM >>Mayor Errington: DISTRICT 6 HAS ONE NOTCHED OUT.
11:11:04AM LOOK AT THAT.
11:11:04AM >> THAT'S TO GAIN POPULATION.
11:11:07AM HERE WE'RE NOT GOING TO GAIN ANY POPULATION.
11:11:09AM >>Mayor Errington: THERE IT'S VISIBLE.
11:11:10AM YOU CAN SEE THE OUTLINE ON THE RIGHT CORNER.
11:11:14AM >> I'M SORRY.
11:11:14AM YOU'RE SAYING THIS AREA RIGHT HERE.
11:11:16AM >>Mayor Errington: RIGHT THERE.
11:11:17AM STOP RIGHT THERE.
11:11:18AM NO, DOWN -- RIGHT -- COME ON DOWN.
11:11:20AM RIGHT THERE.
11:11:24AM THAT'S IT, WITH THE TREES.
11:11:25AM >> JUST THIS RECTANGLE HERE.
11:11:28AM >>Mayor Errington: YES.
11:11:33AM >> NOTHING ELSE.
11:11:34AM >>Mayor Errington: NOTHING ELSE.
11:11:37AM >> MAYOR, COULD YOU STATE YOUR REASON AGAIN WHY?
11:11:40AM >>Mayor Errington: I THINK IT FITS INTO THE HISTORIC
11:11:44AM DISTRICT OF DISTRICT 4 WHICH ESTERO ON THE RIVER AND
11:11:47AM THE -- WHAT THAT IS HOPEFULLY WILL BECOME SOME DAY, AND
11:11:51AM THAT FITS IN WITH THE HISTORIC VILLAGE AND ALSO WOULD BE
11:11:59AM SOMETHING THAT -- FROM GOING DOWN FROM SANDY LANE COULD
11:12:02AM GO RIGHT ON INTO THE WALKERS -- IT'S JUST A MATTER OF
11:12:08AM KEEPING THINGS TOGETHER AND ABUTS THE VILLAGES OF COUNTRY
11:12:13AM CREEK, SO WHY NOT LET IT -- I'LL BE HONEST WITH YOU, FOR
11:12:20AM YEARS, I THOUGHT IT WAS DISTRICT 4'S, AND FOR YEARS WHEN

11:12:26AM TALKS WERE MADE, I TALKED -- IT WAS DISTRICT 4, AND THEN
11:12:29AM FIND OUT LATER IT'S DISTRICT 3.
11:12:31AM SO --
11:12:35AM >> REMEMBER THIS AREA IS A CITY-OWNED PIECE OF PROPERTY.
11:12:39AM >>Mayor Errington: YES.
11:12:44AM >> OKAY.
11:12:45AM WELL, I THOUGHT IT WAS A BROADER AREA THAN THIS.
11:12:49AM YOU COULD DRAW THIS OUT FOR SURE.
11:12:51AM I MEAN, THIS IS -- YOU COULD DO THAT.
11:12:53AM >>Mayor Errington: OKAY.
11:12:57AM THAT'S MY REQUEST.
11:12:58AM >> MY REQUEST WOULD BE TO LEAVE IT STRAIGHT.
11:13:02AM IT DOES BORDER THE CASCADES.
11:13:05AM THE -- TO A GREAT EXTENT ALSO, AND, YOU KNOW --
11:13:12AM >>Mayor Errington: AND LOOK AT HOW MUCH IT BORDERS ALL OF
11:13:14AM COUNTRY CREEK.
11:13:18AM SO --
11:13:18AM >> I LIKE STRAIGHT LINES.
11:13:20AM IF WE CAN MAKE STRAIGHT LINES, I THINK IT MAKES IT EASIER
11:13:23AM FOR THE FUTURE.
11:13:28AM >>Mayor Errington: I WOULD HAVE TO DISAGREE, SO IF THAT
11:13:31AM HOLDS US UP, IT WILL HOLD US UP.
11:13:39AM >> DO WE HAVE TO VOTE ON ONE OF THESE TODAY?
11:13:46AM >> MADAM MAYOR?
11:13:47AM >>Mayor Errington: YES.
11:13:49AM >> I WANT TO SAY SOMETHING POSITIVE.
11:13:51AM I'M THE CURRENT REPRESENTATIVE OF DISTRICT 7 WHICH IS THE
11:13:55AM BIGGEST DISTRICT, AND SO WE'RE GIVING UP A HUGE AMOUNT OF
11:13:58AM SPACE AND ACTUALLY GOING (INAUDIBLE) RESIDENTS, ALTHOUGH
11:14:04AM THAT DOESN'T MATTER BECAUSE MY TERM IS EXPIRING.
11:14:07AM IT'S ACTUALLY GOING TO BE PUSHED FROM DISTRICT 7 INTO
11:14:10AM DISTRICT 5, AND I TOTALLY SUPPORT THOSE CHANGES AND
11:14:16AM BELIEVE THAT DISTRICT 7 WAS ON ITS EASTERN END WILL HAVE
11:14:20AM TO BE ONE OF THE POINTS WHERE WE DO HAVE POPULATION AS A
11:14:27AM NEXUS TO THE VILLAGE.
11:14:28AM SO I WILL SUPPORT WHATEVER THE CONSENSUS OF THE COUNCIL
11:14:31AM IS ON THESE TWO ALTERNATIVES IN THE HOPES THAT ONE CAN
11:14:39AM THEN BE INCLUDED IN THE SOLUTION OR THE ORDINANCE, I
11:14:43AM GUESS IT IS.
11:14:44AM THANK YOU.
11:14:45AM >>Mayor Errington: THANK YOU.
11:14:48AM AND GOING BACK TO DISTRICT 4, YOU NOTICE THAT DISTRICT 3
11:14:53AM ALSO COMES DOWN ON THE MAP.
11:14:57AM THAT'S NOT A STRAIGHT LINE.
11:14:58AM SO THERE CAN BE SOME DEVIATIONS THERE AS FAR AS I CAN SEE
11:15:03AM AND TELL.
11:15:07AM >>Joanne Ribble: IS THAT A NEIGHBORHOOD?
11:15:09AM >>Mayor Errington: THAT'S A NEIGHBORHOOD.

11:15:10AM >>Joanne Ribble: IS THAT WHY IT WAS CARVED OUT?
11:15:13AM YEAH.
11:15:13AM >>Mayor Errington: IT'S UNIVERSITY VILLAGE.
11:15:17AM >> SO THE POINT OF THIS, MAYOR, IS THAT YOU WANT TO GET
11:15:22AM PROPERTY IN ANOTHER DISTRICT AND THE PERSON IN THE OTHER
11:15:27AM DISTRICT DOESN'T WANT TO GIVE UP THAT PROPERTY, AND I
11:15:32AM THINK THAT'S THE DIFFICULTY THAT'S GOING TO HAVE TO
11:15:35AM HAPPEN.
11:15:36AM EITHER -- IF JON DOES AN APPEAL, THAT'S THE -- TO GO TO
11:15:48AM THE DISTRICT 4, THEN, YOU KNOW, THAT'S HIS RIGHT AS A
11:15:54AM COUNCILMAN OF DISTRICT 3.
11:15:56AM >>Mayor Errington: YEP, AND ALSO, WHEN YOU LOOK AT IT,
11:16:00AM DISTRICT 4 HAS BEEN TOTALLY DISRUPTED.
11:16:04AM TOTALLY DISRUPTED, SO I'M NOT ASKING FOR MUCH EXCEPT I
11:16:10AM THINK SOME FAIRNESS IN TRYING TO KEEP EVERYTHING TOGETHER
11:16:13AM FOR THE PRESERVATION OF A HISTORIC DISTRICT IN THE
11:16:17AM FUTURE.
11:16:19AM >> I UNDERSTAND YOUR LOGIC, BUT I THINK FOR DISTRICTS, WE
11:16:24AM SHOULD ALL HAVE THE INTEREST IN THE HISTORICAL PORTION OF
11:16:27AM IT.
11:16:27AM I'M NOT SURE WHAT THE CASCADES AND ROOKERY MIGHT THINK.
11:16:32AM MOST PEOPLE DON'T CARE TOO MUCH ABOUT THESE DISTRICTS, I
11:16:35AM DON'T THINK.
11:16:35AM BUT I THINK WE ALL HAVE TO BE CONSIDERATE OF THE
11:16:37AM ENVIRONMENT AND THE LIKE AND IF FOUR FEEDS INTO ONE
11:16:43AM DISTRICT, WHICH IS WHAT YOU'RE PROPOSING, DOESN'T MAKE A
11:16:47AM LOT OF SENSE BECAUSE WHAT WE ALSO HAVE TO BE CONCERNED
11:16:50AM WITH IS IN DISTRICT 3 AND THAT SECTION, WE HAVE THE NORTH
11:16:55AM FORK OF THE RIVER ACTUALLY GOING THROUGH THE ROOKERY, AND
11:16:59AM MAKES SOME SENSE TO KEEP THAT FLOW GOING THROUGH THE
11:17:06AM BROADWAY PROPERTY DOWN INTO THE ESTERO RIVER.
11:17:09AM SO YOU CAN'T REALLY SEGREGATE, YOU KNOW, IS THIS
11:17:14AM HISTORICAL OR OBVIOUSLY A GREAT AREA, BUT IT'S GOING TO
11:17:17AM BENEFIT US IN THE FUTURE BECAUSE OF THE RELIEF THAT WE
11:17:20AM CAN GIVE AND STORM WATER MANAGEMENT AND DISTRICT 3 AT THE
11:17:25AM ROOKERY FLOWING INTO THIS PRESERVE AND ONWARD INTO THE
11:17:31AM RIVER.
11:17:32AM AND SO --
11:17:36AM >>Mayor Errington: JON, IF I MAY, IT BORDERS MORE OF
11:17:38AM DISTRICT 4 THAN ANYTHING IN DISTRICT 3.
11:17:42AM IT'S ALL AROUND DISTRICT 4 AS WHEN YOU LOOK AT THE MAP,
11:17:47AM IT'S RIGHT THERE AT DISTRICT 4.
11:17:52AM AND YOU ALSO HAVE TRAILS.
11:17:53AM YOU HAVE THE ESTERO RIVER.
11:17:55AM THE PARK, WHICH WE'RE GOING TO BE LOOKING AT TODAY AGAIN.
11:17:59AM AND SO THAT'S MY PLEA.
11:18:06AM >> THE JOB BEFORE US IS TO REDISTRICT BECAUSE OF
11:18:11AM POPULATION CHANGE.

11:18:11AM NOT FOR HISTORICAL REASONS OR FOR PERSONAL DESIRES.
11:18:18AM I THINK IT'S STRICTLY POPULATION, AND SO WHY THERE IS
11:18:23AM SOME CRAZY THINGS THERE IS WE HAVE GROWN AS A VILLAGE AND
11:18:28AM WE HAVE TO MAKE CHANGES, AND I'D LIKE TO STAY WITH THE
11:18:31AM POPULATION RATIONALE, BUT I'M ONLY ONE VOTE.
11:18:34AM >>Joanne Ribble: YEAH, I CAN'T SEE THAT -- DON'T SEE THIS
11:18:37AM AS A BARRIER.
11:18:38AM WHEN YOU'RE TALKING ABOUT TRAILS AND EVERYTHING, I MEAN,
11:18:42AM GENERAL PUBLIC DO NOT SEE THE DISTRICT LINE.
11:18:46AM THEY'RE CONSIDERING THE OPEN SPACE, SO I DON'T SEE
11:18:51AM WHETHER YOU CARVE IT OR DON'T CARVE IT OUT MAKES THAT
11:18:54AM MUCH DIFFERENCE.
11:18:55AM I AGREE WITH JON THAT IT'S EASIER TO KEEP BLOCKS IF YOU
11:18:58AM CAN AND KEEP THE LINE STRAIGHT, EVERYTHING GOES EXACTLY
11:19:03AM WHERE ALL THE WAY DOWN BROADWAY, THAT'S THE BOUNDARY FOR
11:19:06AM THE SOUTH BOUNDARY FOR DISTRICT 3.
11:19:11AM >> IF YOU EVEN LOOK AT THE MAP AND DARK GREEN WHERE THE
11:19:14AM PRESERVE IS AND FOLLOW IT NORTHEAST, YOU CAN SEE THE FLOW
11:19:18AM WAY THERE.
11:19:19AM IT'S ALL ONE BIG PIECE AND HAPPENS AT THIS POINT TO BE IN
11:19:22AM DISTRICT 3.
11:19:23AM >>Mayor Errington: AND HAPPENS TO COME DOWN THROUGH
11:19:25AM DISTRICT 4.
11:19:27AM >> WELL, PART OF IT.
11:19:28AM >>Mayor Errington: YEAH, A BIG PART OF IT, YES.
11:19:30AM IT COMES DOWN -- SO THE FLOW WAY EMPTIES IN AND COMES
11:19:33AM DOWN TO THE ESTERO RIVER.
11:19:35AM >> IT GOES FROM DISTRICT 3 INTO DISTRICT 4.
11:19:40AM RIGHT THROUGH THE PRESERVE.
11:19:41AM >>Mayor Errington: IT'S MAJOR, AND SO THAT'S THE LITTLE
11:19:44AM HEAD WATER THERE FOR US IN ESTERO, BUT -- THAT'S MY
11:19:53AM FEELING ON IT, AND MY -- DISTRICT 4 HAS GIVEN UP A LOT.
11:19:58AM WE WENT THROUGH A LOT IN THE PAST SEVEN YEARS, AND BEING
11:20:02AM DIVIDED THE WAY WE WERE, AND NOW WE'RE CHOPPED UP AGAIN,
11:20:05AM SO ALL I'M ASKING IS FOR AN OPPORTUNITY TO TRY TO BRING
11:20:09AM SOME UNITY WITH WHAT I SEE AS A DISTRICT THAT FITS IN
11:20:15AM WITH PARKS AND RECREATION AND SO FORTH, AND WHAT THE
11:20:19AM RIVER OAKS HAS TO OFFER.
11:20:21AM SO I WILL HAVE A CONCERN AND WE -- IF YOU WANT TO TAKE A
11:20:28AM VOTE, WE CAN.
11:20:30AM I'M NOT --
11:20:31AM >> WE HAVE PUBLIC COMMENT?
11:20:34AM >>Mayor Errington: WE ARE NOT READY FOR A VOTE, SO.
11:20:36AM >>Carol Sacco: YEAH.
11:20:37AM NO PUBLIC COMMENT AND NO E-COMMENTS.
11:20:40AM >>Mayor Errington: SO IF WE HAVE CONCERNS, WHAT'S YOUR
11:20:42AM RECOMMENDATION, ATTORNEY?
11:20:47AM >> I'M NOT SURE IT'S A LEGAL MATTER, BUT IF YOU'RE READY

11:20:51AM TO PASS A MAP, LET US KNOW WHICH MAP IT IS AND THEN WE
11:20:59AM CAN HAVE A VOTE ON FIRST READING, WHETHER OR NOT IT'S
11:21:03AM APPROVED AT FIRST READING.
11:21:04AM IF THAT FAILS, THEN WE'RE BACK TO WHERE WE ARE RIGHT NOW
11:21:08AM TALKING ABOUT IT AND DECIDING WHAT TO DO.
11:21:13AM >>Mayor Errington: WE HAVE TO HAVE -- AFTER THIS, AREN'T
11:21:16AM WE SUPPOSED TO GET PUBLIC COMMENTS?
11:21:18AM NOT FROM THE PUBLIC HERE NOW BUT A HEARING AFTER THIS?
11:21:23AM >> BEFORE YOU VOTE, YES.
11:21:28AM >>Mayor Errington: NOT TODAY BUT IN THE FUTURE.
11:21:30AM >> WELL, TODAY IS A PUBLIC HEARING.
11:21:32AM >>Mayor Errington: WELL, I KNOW, BUT AFTER THIS --
11:21:34AM >> WHEN IT GOES TO SECOND READING, AND PUBLIC HEARINGS,
11:21:39AM WE'LL HAVE A SECOND PUBLIC HEARING.
11:21:41AM AT LEAST ONE SECOND PUBLIC HEARING.
11:21:44AM AND IF WE STILL HAVEN'T DECIDED AT THAT SECOND PUBLIC
11:21:47AM HEARING, THERE COULD BE A CONTINUED SECOND PUBLIC HEARING
11:21:51AM UNTIL YOU DO SOMETHING.
11:21:53AM >>Mayor Errington: OKAY.
11:21:55AM JOANNE?
11:21:56AM >>Joanne Ribble: CAN I MAKE A SUGGESTION?
11:21:58AM COULD WE NOT VOTE ON KATY'S PROPOSAL AND THEN COME TO
11:22:05AM TERMS WITH THAT, AND THEN VOTE ON 2A-1 OR 2A-2?
11:22:17AM >> IF THAT'S THE MOTION, I'LL SECOND IT.
11:22:20AM >> YOU HAVE TO DECIDE ON A MAP --
11:22:22AM >>Mayor Errington: BUT WE HAVEN'T.
11:22:23AM >> NOT TWO OR THREE MAPS, BUT ONE MAP TODAY IF YOU'RE
11:22:28AM GOING TO GO ON TO SECOND READING.
11:22:30AM IF THE MAP, IT'S BETWEEN NOW OR THE SECOND READING OR
11:22:38AM AFTER PUBLIC HEARING, THERE IS A QUESTION RAISED OR
11:22:43AM FURTHER DEBATE OR ANY CHANGES AS TO WHAT THE MAP SHOULD
11:22:47AM SHOW.
11:22:50AM IF IT'S A MATERIAL CHANGE, THEN THAT HAS TO GO ON TO A
11:22:55AM FURTHER PUBLIC HEARING AFTERWARDS.
11:22:58AM IF IT'S NOT A MATERIAL CHANGE, JUST A MINOR CHANGE, THAT
11:23:02AM COULD BE CONCLUDED AT THE SECOND READING.
11:23:06AM >>Mayor Errington: THIS IS SO IMPORTANT, I WOULD THINK
11:23:09AM WITH JOANNE'S RECOMMENDATION THAT A MOTION COULD BE MADE
11:23:12AM TO HAVE A VOTE ON THE MAP BEING CHANGED.
11:23:17AM OTHERWISE --
11:23:18AM >> 2A-1 OR 2A-2.
11:23:24AM >>Mayor Errington: I THINK THAT'S MORE EASILY DONE THAN
11:23:26AM THIS ONE THAT ISN'T DEFINED.
11:23:30AM >> SIMPLY, IF YOU'RE GOING TO FINISH THE FIRST READING
11:23:33AM TODAY, YOU NEED TO DECIDE ON A MAP.
11:23:38AM IF NOTHING ON THE MAPS SHOW, LET'S SAY THE CHANGE OF ONE
11:23:45AM AREA, YOU COULD ADOPT THE MAP WITH THE CHANGE THAT WAS
11:23:51AM REQUESTED.

11:23:59AM HE COULD SHOW THAT ON A MAP AND BE DONE FOR TODAY AND
11:24:02AM STILL GO TO THE SECOND READING.
11:24:07AM >>Mayor Errington: SO --
11:24:08AM >> SO WE HAVE A CONFLICT BETWEEN TWO DISTRICTS WITH ONE
11:24:13AM AND TWO.
11:24:18AM >> WHATEVER THE MAJORITY PREFERS.
11:24:20AM >>Mayor Errington: 2A-1 AND 2A-2.
11:24:25AM >> MAYOR, IT'S JIM WARD.
11:24:27AM MAY I HAVE A COMMENT, PLEASE?
11:24:30AM >>Mayor Errington: YES.
11:24:31AM >>Jim Ward: I WANT TO GO BACK TO JOANNE'S CONCERN ABOUT
11:24:34AM 2A-2 OR 2A-1 AND REFERENCE WHAT JON INDICATED EARLIER AS
11:24:39AM WELL AS WHAT JOANNE SEEMED TO INDICATE AS WELL.
11:24:44AM I'M ACTUALLY QUESTIONING WHY THERE NEEDS TO BE A CARVEOUT
11:24:48AM ON THAT SECTION OF DISTRICT 6 IN THE FIRST PLACE.
11:24:51AM IF YOU'RE LOOKING FOR CLEAN LINES, I DON'T SEE WHY THERE
11:24:54AM IS A NEED, POPULATION WISE OR OTHERWISE, WHY THERE NEEDS
11:24:59AM TO BE A CARVEOUT ON THAT WESTERN SECTION OF DISTRICT 6.
11:25:04AM IF IT'S LEFT ALONE AS IT WAS, YOU HAVE A CLEAN STRAIGHT
11:25:09AM LINE THAT GOES DOWN AND IS NO CARVEOUT.
11:25:12AM SO TO THE POINT THAT JON MADE AND JOANNE SEEMED TO
11:25:18AM ENDORSE AS WELL, I DON'T SEE WHY THERE IS A NEED FOR THE
11:25:22AM CARVEOUT AT ALL.
11:25:23AM IT WOULD NOT CHANGE THE POPULATION SIGNIFICANTLY AT ALL
11:25:26AM WHETHER IT'S 2A-2 OR 2A-1.
11:25:30AM >>Mayor Errington: OKAY.
11:25:32AM >> MADAM MAYOR?
11:25:35AM >>Mayor Errington: YES.
11:25:36AM
11:25:36AM >> THOSE CARVE-OUTS WERE NECESSARY TO GET THE POPULATIONS
11:25:43AM CLOSER TOGETHER.
11:25:44AM THAT'S -- THEY WERE JUST TWO DIFFERENT WAYS OF GETTING TO
11:25:47AM THE SAME OBJECTIVE.
11:25:52AM AS I RECALL, AND THIS IS OFF THE TOP OF MY HEAD, I
11:25:54AM BELIEVE IT WAS -- THERE IS THREE -- THERE IS THREE OR
11:26:01AM FOUR HUNDRED PEOPLE IN BOTH OF THESE AREAS HERE, AND SO
11:26:07AM IF YOU DID NOT DO THAT, YOU TOOK -- THIS LINE STAYED
11:26:10AM WHERE IT IS NOW AND WENT ALL THE WAY SOUTH, YOU'D ADD 300
11:26:19AM PEOPLE TO DISTRICT 6 AND TAKE 300 PEOPLE AWAY FROM
11:26:25AM DISTRICT 1, AND I'D HAVE TO LOOK AT THE NUMBERS AGAIN.
11:26:29AM THAT MAY NOT -- THAT MIGHT RESULT IN A SPREAD OF MORE
11:26:34AM THAN TEN POINTS, I THINK.
11:26:37AM >>Jim Ward: I DON'T THINK IT WOULD, BUT YOU MAY HAVE A
11:26:39AM POINT.
11:26:45AM >> I'LL TELL YOU, I KNOW THAT THIS AREA HERE AND THE
11:26:52AM OTHER PLAN, THIS AREA HERE, WERE TAKEN OUT OF SIX AND
11:26:55AM ADDED INTO THE -- WHAT WOULD BECOME THE NEW DISTRICT 1
11:27:00AM FOR POPULATION REASONS.

11:27:01AM WE -- IT COULD BE EITHER ONE OR MAYBE THERE IS SOME
11:27:06AM ALTERNATIVE, BUT WE NEED TO KEEP THIS AMOUNT OF PEOPLE IN
11:27:13AM DISTRICT 1 SOMEHOW FROM DISTRICT 6.
11:27:16AM >>Jim Ward: IN 2A-1 OR 2A-2, DISTRICT 6 IS STILL THE
11:27:23AM LEAST POPULOUS OF THE DISTRICTS.
11:27:25AM IT'S THE LOWEST POPULOUS OF ANY DISTRICT ON THE MAP.
11:27:31AM >> RIGHT.
11:27:35AM >>Mayor Errington: KURT, MAY I ASK ON DISTRICT 3, ON
11:27:46AM TAMIAMI TRAIL GOING NORTH UP FROM BROADWAY, WHY WAS THAT
11:27:51AM SUCH A ZIGZAG IN THERE?
11:27:53AM THAT'S NOT A STRAIGHT LINE.
11:27:54AM THAT GOES INTO --
11:27:57AM >> HERE?
11:27:57AM >>Mayor Errington: -- DISTRICT 2.
11:27:59AM THAT WAS CARVED OUT -- THE CONCERNS THAT I HAVE IS, IT
11:28:09AM SHOWS THE OLD DISTRICT 4 AS KIND OF A PURPLE ACROSS FROM
11:28:16AM TAMIAMI TRAIL.
11:28:17AM THAT'S ALWAYS BEEN DISTRICT 3, AND IT SHOWS THAT IT WAS
11:28:21AM IN -- 4.
11:28:23AM THAT'S WHAT -- THAT WAS NEVER PART OF 4.
11:28:29AM SO THAT SHOWS THAT WAS DISTRICT 4.
11:28:31AM IT'S NOT TRUE.
11:28:32AM AND SO IT GOES UP THROUGH THE ZIGZAG THERE.
11:28:38AM THEN IT ABUTS 41.
11:28:41AM WHY IS THAT SUCH -- SUCH A --
11:28:46AM >> ARE WE TALKING ABOUT THIS AREA HERE?
11:28:50AM >>Mayor Errington: NO, GO UP, UP, LEFT, AND UP.
11:28:53AM RIGHT THERE.
11:28:54AM RIGHT THERE.
11:28:57AM >> WELL, THE PURPLE AREA IS PART OF THE CURRENT DISTRICT
11:29:00AM 4, RIGHT?
11:29:01AM >>Mayor Errington: NO.
11:29:02AM NO.
11:29:02AM IT WAS NOT.
11:29:07AM FOR SEVEN YEARS, THE MAP THAT I HAD WHEN I FIRST CAME
11:29:11AM INTO OFFICE, THAT WAS ALWAYS DISTRICT 3.
11:29:14AM >> THIS AREA HERE --
11:29:16AM >> ON THE EAST SIDE OF 41.
11:29:18AM >>Mayor Errington: ON THE EAST SIDE OF 41 IS DISTRICT 3.
11:29:23AM >> IN THIS AREA RIGHT HERE, YES.
11:29:25AM >>Mayor Errington: WELL, THE GREEN, BUT NOT THE PURPLE.
11:29:28AM THE PURPLE.
11:29:29AM >> WELL, THIS IS THE FILES THAT I WAS PROVIDED WITH.
11:29:33AM >>Mayor Errington: GO ON UP TO THE GREEN THERE.
11:29:35AM SEE -- NOW GO LEFT.
11:29:36AM GO LEFT.
11:29:40AM THAT'S A ZIGZAG THERE.
11:29:42AM OVER LEFT, IN THE GREEN, IN DISTRICT 3.

11:29:46AM >> HERE?
11:29:47AM >>Mayor Errington: WHY IS THAT?
11:29:49AM >> THAT'S THE -- THAT IS VINTAGE TRACE GOING INTO THE
11:29:54AM VINES.
11:29:55AM SO WITH THE NEW PLAN, IN ITS TRACE AND NORTH WILL BE IN
11:30:01AM DISTRICT 3 AND THEN THE CAR WASH, ALDI'S, THE EYE PLACE,
11:30:07AM AND WALMART, AND I -- I'M NOT SURE -- I THINK THE
11:30:14AM APARTMENTS THERE -- I GUESS THAT GOES INTO DISTRICT 2.
11:30:25AM >> YES.
11:30:25AM IN PLAN 2A-1 AND 2A-2, THEY BOTH GO INTO DISTRICT 2, AND
11:30:33AM THE REASON WHY THIS IS THE SHAPE THAT IT IS, IT THIS IS
11:30:37AM THE SHAPE OF THE CENSUS BLOCK.
11:30:40AM YOU KNOW, WE ALWAYS TRY TO MAKE STRAIGHT LINES AND
11:30:45AM FOLLOW, YOU KNOW, SIGNIFICANT BOUNDARIES WHERE WE CAN,
11:30:49AM BUT THIS IS THE SHAPE OF THE CENSUS BLOCK HERE, AND
11:30:54AM THAT'S -- THAT'S WHAT WE USE.
11:30:59AM THAT'S, YOU KNOW, SO THAT'S -- THAT'S HOW THAT CAME
11:31:01AM ABOUT.
11:31:07AM >>Mayor Errington: WELL, DISTRICT 4 WASN'T
11:31:10AM QUITE -- DIDN'T HAVE THE BUSINESSES IN THE ORIGINAL
11:31:12AM DOCUMENT.
11:31:13AM ORIGINAL MAP.
11:31:17AM SO --
11:31:18AM >> THAT WAS A MISTAKE IN THAT.
11:31:20AM >>Mayor Errington: SO, WELL, ALL THESE YEARS WE'VE BEEN
11:31:23AM LOOKING AT IT AS DISTRICT 3, AND SO THAT -- THAT
11:31:31AM NEEDS -- I WOULD THINK SOME WORK DONE ON IT.
11:31:37AM >> ARE WE SAYING THAT THIS AREA HERE IS --
11:31:42AM >>Mayor Errington: THAT IN YEARS PAST WAS DISTRICT 3.
11:31:46AM >> THAT WAS DISTRICT 3.
11:31:50AM >> WELL, THESE WERE THE -- THESE ARE THE -- THEY'RE
11:31:53AM CALLED SHAPE FILES.
11:31:54AM THESE ARE THE ELECTRONIC FILES THAT WERE PROVIDED TO US
11:31:58AM IN THIS AREA.
11:31:59AM THEY INDICATED IT WAS IN DISTRICT 4.
11:32:08AM I GUESS -- YOU KNOW, THE QUESTION MIGHT BE -- IF THIS WAS
11:32:17AM ACTUALLY PART OF DISTRICT 3, THAT -- MIGHT --
11:32:23AM >> WHAT YOU'RE LOOKING AT RIGHT THERE IS CORRECT. THAT'S
11:32:25AM THE TRAILER PARK, CORRECT?
11:32:28AM >>Mayor Errington: NO.
11:32:28AM NO.
11:32:29AM THAT'S --
11:32:29AM >> THAT WAS NOT IN MY DISTRICT.
11:32:32AM >>Mayor Errington: NO, THAT'S NOT YOUR DISTRICT, BUT
11:32:34AM ABOVE THAT, ABOVE --
11:32:36AM >> ABOVE THAT IS ALL DISTRICT 3.
11:32:44AM SO NORTH OF ESTERO PARKWAY WAS DISTRICT 3.
11:32:48AM WHERE WALMART IS.

11:32:49AM >> WELL, I'D SAY THIS, WHETHER OR NOT THIS IS OR ISN'T
11:32:53AM DISTRICT 3 OR 4 AT THE PRESENT TIME, THE PLANS THAT ARE
11:32:58AM IN FRONT OF YOU ARE ACCURATE BASED ON THE CENSUS NUMBERS,
11:33:07AM RIGHT?
11:33:11AM SO THE QUESTION IS, HOW MUCH OF A CHANGE ARE THESE PLANS
11:33:14AM FROM THE CURRENT DISTRICT SHAPES, WHATEVER THE CHANGE MAY
11:33:19AM BE, YOU KNOW, WE'RE CONFIDENT THAT THESE NUMBERS ARE
11:33:23AM CORRECT BASED ON THE PLANS THAT YOU HAVE IN FRONT OF YOU.
11:33:28AM >>Mayor Errington: I WANT YOU TO GO BACK TO DISTRICT 3
11:33:33AM WITH BROADWAY.
11:33:37AM I KNOW THIS WAS DISCUSSED YESTERDAY.
11:33:46AM GO UP WITH BROADWAY WEST.
11:33:48AM NO, COME TO YOUR -- GO TO YOUR RIGHT.
11:33:50AM SOUTH.
11:33:54AM OKAY.
11:33:56AM LET'S SEE, WHERE ARE YOU?
11:34:00AM ESTERO PARKWAY.
11:34:00AM OKAY.
11:34:07AM NOW GO UP A LITTLE.
11:34:11AM GO UP WITH YOUR CURSOR.
11:34:17AM NO, GO UP.
11:34:18AM >> UP OR DOWN?
11:34:20AM >>Mayor Errington: UP.
11:34:21AM UP.
11:34:22AM YOU HAD IT RIGHT.
11:34:23AM JUST GO UP.
11:34:29AM GO UP TO BROADWAY WEST.
11:34:39AM NOW ON THE MAP THAT I HAVE IN FRONT OF ME, 2A-1, NOW THIS
11:34:44AM SHOWS THAT YOU COME IN OFF TAMIAMI TRAIL AND GO WEST.
11:34:57AM NOW COUNT THE MIDDLE, I DON'T SEE BRECKENRIDGE DRIVE.
11:35:00AM THAT WAS WHERE IT WENT STRAIGHT DOWN THE MIDDLE TO LUDAGE
11:35:08AM LANE AND STOPPED, AND DIVIDED THE DISTRICT INTO DISTRICT
11:35:12AM 1 ON THE UPPER PART AND DISTRICT 4 ON THE BOTTOM PART.
11:35:21AM AND THIS SHOWS IT WAS DIVIDED, GOING NORTH TO SOUTH.
11:35:24AM IT WAS DIVIDED EAST TO WEST, AND I DON'T KNOW HOW
11:35:30AM THAT'S -- IT WAS DIVIDED STRAIGHT DOWN THE MIDDLE OF
11:35:33AM BRECKENRIDGE DRIVE.
11:35:38AM >> THIS IS BRECKENRIDGE RIGHT HERE, RIGHT?
11:35:46AM >>Mayor Errington: IT ENDED -- GO ON UP.
11:35:50AM IT SHOWS -- TAKE YOUR CURSOR UP.
11:35:52AM LITTLE BIT MORE.
11:36:02AM SO IT'S GOING -- UP A LITTLE BIT MORE.
11:36:09AM IT DIVIDED ONE COMMUNITY IN HALF, AND IT DOESN'T SHOW
11:36:12AM THAT IT WAS LIKE THAT ORIGINALLY.
11:36:20AM >> DOESN'T BRECKENRIDGE DIVIDE 1 AND 4, THE ROAD?
11:36:24AM I CAN'T SEE IT NOW, BUT.
11:36:26AM >>Mayor Errington: I CAN'T --
11:36:32AM >> YES.

11:36:32AM THE CURRENT DISTRICTS, YES.
11:36:34AM RIGHT HERE.
11:36:39AM >> SO THAT'S WHAT IT LOOKS LIKE TODAY.
11:36:41AM >>Mayor Errington: TODAY, YEAH.
11:36:43AM BUT IN THE PAST, IT WENT EAST TO WEST, AND THIS DOES NOT
11:36:46AM SHOW -- IT'S DIVIDED NOW I GUESS WITH -- LOOKS LIKE
11:36:53AM YOU'RE SHOWING IT ORIGINALLY NORTH TO SOUTH OR SOUTH TO
11:36:56AM NORTH, WHATEVER.
11:37:00AM >>Joanne Ribble: WHAT'S YOUR POINT, KATY?
11:37:02AM I'M NOT FOLLOWING WHAT YOU'RE TRYING TO PROVE HERE.
11:37:05AM >>Mayor Errington: WELL, I'M TRYING TO GET EQUALITY HERE
11:37:09AM AND DISTRICT 4 TO ME IS A LITTLE CHOPPED UP, SO.
11:37:15AM I GUESS EVERYTHING -- WE WERE NOT PART OF DISTRICT 3.
11:37:19AM I MEAN, THAT WAS 3, THE PURPLE OVER THERE.
11:37:23AM SO THAT AMOUNT OF DATA IS NOT CORRECT.
11:37:28AM AND THEN --
11:37:36AM >> WELL, DISTRICT 3 ON THIS MAP THAT WE'RE LOOKING AT
11:37:39AM RIGHT NOW, THAT IS CORRECT.
11:37:44AM BECAUSE IT STOPS.
11:37:44AM IT DOESN'T GO SOUTH OF ESTERO PARKWAY.
11:37:46AM >>Mayor Errington: NOW DISTRICT 2 TAKES IN, WHAT --
11:37:51AM >> WALMART.
11:37:52AM >>Mayor Errington: THOSE AREAS.
11:37:55AM OKAY.
11:37:55AM SO --
11:37:58AM >> WELL, BOTH OF THESE PLANS MAKE DISTRICT 2 A LITTLE BIT
11:38:01AM MORE COMPACT.
11:38:04AM AND NOT SO LONG.
11:38:09AM AND DISTRICT -- IF YOU NEEDED TO GAIN POPULATION AND
11:38:13AM SINCE, YOU KNOW, SOME POPULATION WAS TAKEN FROM DISTRICT
11:38:20AM 2 AND GIVEN TO DISTRICT 1, DISTRICT 2 NEEDED TO GAIN MORE
11:38:22AM AND SO IT WENT TO MAKE IT MORE COMPACT, IT WENT NORTH.
11:38:26AM THAT'S WHAT'S HAPPENING IN ACTUALLY BOTH THESE PLANS WITH
11:38:34AM REGARD TO DISTRICT 2.
11:38:37AM >>Mayor Errington: OKAY.
11:38:40AM IT'S A LONG MORNING.
11:38:41AM >> SO IS THE QUESTION ON DISTRICT 1, 2 AND 6, DO WE TAKE
11:38:49AM AND GO NORTH?
11:38:51AM GO NORTH ON COCOANUT TO NUMBER 1 -- WHICH DOESN'T MAKE A
11:38:55AM LOT OF SENSE.
11:38:56AM OR YOU GO SOUTH AND ADD IT OR JUST AVOID IT.
11:39:00AM NOT EVEN ADD THAT.
11:39:05AM >> I THINK KURT SAID THE POPULATION IS NEEDED FOR
11:39:08AM DISTRICT 1.
11:39:08AM THE POPULATION IN ONE OF THOSE TWO CARVE-OUTS IS NEEDED.
11:39:13AM >> BUT AS JIM WARD SAID, DISTRICT 3 WILL BE THE SMALLEST
11:39:18AM -- OR DISTRICT 6 WILL BE THE SMALLEST DISTRICT
11:39:20AM POPULATION.

11:39:20AM WHY TAKE IT AWAY FROM THEM?
11:39:25AM DO YOU NEED TO ADD TO NUMBER 1?
11:39:29AM >>Joanne Ribble: KURT NEEDS TO ANSWER THE QUESTION.
11:39:32AM >>Kurt Spencer: I'M SORRY.
11:39:32AM REPEAT THE QUESTION?
11:39:33AM >> WE'VE GOT TWO OPTIONS HERE.
11:39:35AM YOU'VE GOT NORTH OF COCOANUT OR SOUTH.
11:39:37AM I THINK YOU INDICATED IT'S GOING TO AT 321 PEOPLE.
11:39:41AM IS THAT -- IS THAT AN IMPORTANT NUMBER TO DISTRICT 1 TO
11:39:45AM ADD BECAUSE THAT'S -- IT'S GOING TO BE ADDED AT NUMBER 1
11:39:48AM VERSUS TAKING 300 AWAY FROM DISTRICT 6?
11:39:52AM >> THAT'S RIGHT.
11:39:55AM >> IS THAT YOUR RECOMMENDATION, SIX IS TWO BIG AND ONE
11:39:59AM NEEDS 300 PEOPLE?
11:40:00AM >> IT IS, RIGHT.
11:40:04AM GET US CLOSER TO A MORE ACCEPTABLE DEVIATION FROM THE
11:40:08AM MEAN.
11:40:10AM >>Joanne Ribble: IT'S NOT THE POPULATION NUMBER.
11:40:11AM IT'S THE DEVIATION HE IS TRYING TO WORK OUT.
11:40:13AM >> YEAH.
11:40:14AM IT DOESN'T MAKE SENSE GOING NORTH TO COCOANUT, I DON'T
11:40:17AM THINK.
11:40:17AM I THINK SOUTH OF COCOANUT MAKES MORE SENSE.
11:40:22AM IF THAT HELPS THE POPULATION, THEN I'D SAY I'M GOOD.
11:40:26AM THE MAP IS WHAT IT IS.
11:40:27AM >>Mayor Errington: OKAY.
11:40:28AM SO WE ARE AT THE POINT OF DOING SOMETHING.
11:40:34AM >> SO LET'S -- I'LL MAKE A MOTION.
11:40:37AM >>Mayor Errington: WAIT A MINUTE.
11:40:38AM WE'RE NOT IN TOTAL AGREEMENT WITH EVERYTHING, SO WE CAN
11:40:43AM MAKE A MOTION.
11:40:44AM SO IF WE MAKE A MOTION AND IT'S CARRIED TO WHATEVER IS
11:40:48AM APPROVED, THAT TELLS US THAT WE CANNOT DO ANYTHING AT THE
11:40:55AM NEXT READING TO CARVE OUT ANYTHING?
11:40:59AM >> NO.
11:41:04AM IT MEANS, IF IT CARRIES, THAT MEANS IT PASSES ON FIRST
11:41:06AM READING.
11:41:07AM IT STILL MUST GO TO SECOND READING AND PUBLIC HEARING AND
11:41:14AM THAT CAN BE FURTHER DISCUSSED AND CHANGED.
11:41:18AM IF THERE IS A MATERIAL CHANGE, AT THE SECOND READING,
11:41:22AM THEN YOU'LL HAVE TO CONTINUE THE SECOND READING
11:41:27AM UNTIL -- A CONTINUED SECOND READING.
11:41:28AM >>Mayor Errington: SO MAY WE REQUEST, AND I'LL ASK STEVE,
11:41:33AM THAT FOR THE NEXT WHATEVER HAPPENS HERE TODAY, FOR THE
11:41:37AM NEXT READING, THAT WE HAVE IN OUR PACKETS A LIST OF ALL
11:41:44AM THE DEVELOPMENTS THAT ARE CURRENTLY THE MOST CURRENT,
11:41:47AM RIGHT NOW, HOW THIS WILL FIT.
11:41:50AM EVERY DEVELOPMENT, EVERY STREET AND EVERYTHING JUST LIKE

11:41:52AM IT COMES OFF THE VILLAGE MAP.
11:41:55AM SO WE CAN SEE WHAT IS WITHIN THESE DISTRICTS SO THAT EACH
11:42:02AM ONE OF US CAN LOOK AT IT AND MAKE A DECISION FROM THERE.
11:42:05AM AND ALSO, THE SECOND READING, IF WHATEVER, IF WE HAVE A
11:42:11AM CHANGE, THEN -- I'D LIKE FOR THAT ADD-IN, MY
11:42:16AM RECOMMENDATION, I KNOW THE VICE MAYOR DOESN'T AGREE, BUT
11:42:20AM I'D LIKE TO HAVE THAT SHOWN IN SO THAT CAN BE A -- AN
11:42:24AM OPTION.
11:42:26AM >> THAT WOULD BE A SECOND MOTION AFTER YOU DECIDE WHETHER
11:42:31AM OR NOT YOU'RE GOING TO --
11:42:32AM >>Mayor Errington: OKAY.
11:42:33AM SO WE HAVE, LIKE, A SECOND -- OKAY.
11:42:35AM SO WE HAVE THE OPPORTUNITY NOW TO MAKE A MOTION --
11:42:41AM >> MAYOR, MAY I ASK A QUESTION PLEASE?
11:42:45AM >>Mayor Errington: IF IT'S SHORT.
11:42:46AM >> YES.
11:42:46AM ARE WE GOING TO MAKE -- ARE WE GOING TO MAKE A
11:42:49AM DETERMINATION AS TO WHETHER OR NOT WE INCLUDE
11:42:55AM DEVELOPMENTS THAT HAVE ALREADY BEEN APPROVED IN THIS
11:42:57AM PLAN?
11:43:00AM >>Mayor Errington: I DIDN'T CATCH THAT.
11:43:02AM APPROVE WHAT?
11:43:04AM >> ARE -- CAN WE MAKE A DECISION AS TO WHETHER OR NOT
11:43:08AM THIS MAP SHOULD INCLUDE A DEVELOPMENT THAT WE KNOW HAVE
11:43:14AM ALREADY BEEN PLANNED AND WILL INCREASE CERTAIN DISTRICTS
11:43:21AM BY 300 PLUS?
11:43:22AM EXCUSE ME.
11:43:23AM >>Mayor Errington: I CAN'T ANSWER THAT QUESTION.
11:43:25AM I DON'T KNOW.
11:43:25AM >> WELL, IF YOU VOTE ON FIRST READING TO ADOPT A MAP,
11:43:35AM WHATEVER MAP YOU DECIDE ON, AND THEN PASS IT FIRST
11:43:40AM READING, IT ORDINANCE WITH THAT MAP, THAT WILL BE WHAT
11:43:43AM YOU HAVE DONE TODAY.
11:43:46AM IF YOU DO THAT.
11:43:47AM IF NOT, MY SUGGESTION IS THAT YOU'RE NOT READY FOR IT AND
11:43:51AM NEED TO CONTINUE THE FIRST READING.
11:43:53AM >>Mayor Errington: THEN CAN WE HAVE ANOTHER MOTION IF IT
11:43:57AM SHOULD GET THE SECOND TO DO THE OPTION TO HAVE ANOTHER
11:44:00AM MAP?
11:44:00AM >> YOU CAN ALWAYS HAVE THE STAFF OR THE CONSULTANT OR
11:44:03AM BOTH TELL THEM WHAT YOU'D LIKE TO SEE COMING INTO THE
11:44:09AM SECOND READING, YEAH.
11:44:10AM >>Mayor Errington: WITHOUT GOING THROUGH A MOTION.
11:44:12AM >> THAT'S JUST AN INSTRUCTION TO THE STAFF.
11:44:14AM >> SO THE PURPOSE OF THIS IS -- THIS MAP, IS TO PUT A
11:44:20AM PLAN TOGETHER BASED ON FUTURE, WHICH IS SOME OF THE
11:44:25AM FUTURE GROWTH, PROBABLY -- SOME OF THE FUTURE GROWTH, AND
11:44:30AM FOR THE NEXT 10 YEARS WEAVING OUT THE DISTRICTS SO PUT IN

11:44:35AM SOME OF THE NEW COMMUNITIES IN YOUR THOUGHT PROCESS
11:44:41AM MOVING THIS?
11:44:44AM >> NO.
11:44:45AM >> WE CAN --
11:44:46AM >> MADAM MAYOR?
11:44:48AM >>Mayor Errington: YES, KURT.
11:44:49AM >> JUST TO BE CLEAR, IF THE CONSIDERATION IS TO ACCOUNT
11:44:54AM FOR FUTURE GROWTH, THAT'S AN ACCEPTABLE POLICY TO PURSUE,
11:45:02AM BUT LET ME MAKE IT CLEAR THAT IF DISTRICT -- PICK A
11:45:10AM DISTRICT.
11:45:10AM DISTRICT X, Y, Z, WE ANTICIPATE, YOU KNOW, 2,000 PEOPLE,
11:45:17AM MORE PEOPLE COMING INTO IT, BECAUSE OF DEVELOPMENT ORDERS
11:45:22AM THAT ARE -- HAVE BEEN ISSUED OR ARE IN THE PIPELINE, THAT
11:45:29AM DOESN'T MEAN THAT WE CAN DISCOUNT THE CURRENT POPULATION
11:45:31AM BY 2,000.
11:45:34AM YOU NEED TO STAY WITHIN THE 10-POINT THRESHOLD.
11:45:37AM NOW IF DISTRICT 7 IS THE FASTEST GROWING DISTRICT, WE CAN
11:45:42AM MAKE ATTEMPTS TO ADJUST THAT SO THAT IT'S PERHAPS 5%
11:45:50AM UNDER THE AVERAGE.
11:45:50AM BUT YOU NEED TO STAY WITHIN THE 10-POINT THRESHOLD
11:45:56AM BETWEEN THE LARGEST AND SMALLEST DISTRICT.
11:45:57AM >>Mayor Errington: OKAY, THANK YOU.
11:46:02AM >> JUST FOR CLARIFICATION FOR MYSELF, THIS MAP IS BEING
11:46:05AM REDRAWN BECAUSE OF THE 2020 CENSUS, IS THAT CORRECT?
11:46:10AM >> RIGHT.
11:46:11AM >> SO WE'RE NOT LOOKING AT 2025 POPULATION.
11:46:13AM WE'RE DOING IT FOR 2020.
11:46:16AM >> YOU HOPEFULLY ARE GOING TO BE WITHIN 10% IN 10 YEARS
11:46:22AM NOW, THIS MAP WILL END UP EQUAL BY THE 10% THAT THEY
11:46:30AM HAVE.
11:46:31AM >> TO ME IT WOULD BE DIFFICULT TO ANTICIPATE WHAT THE
11:46:33AM GROWTH IS GOING TO BE FIVE, SIX YEARS FROM NOW.
11:46:38AM >> YOU CAN'T SAY THAT WE INCORPORATED ALL OF EASTERN, YOU
11:46:45AM KNOW, INTO THE MAP BECAUSE IT'S NOT EVEN IN THE WORKS.
11:46:47AM FOR INSTANCE, WE HAVE THE CROSSING IN SEVEN COMING UP.
11:46:53AM YOU CAN KNOW, YOU HAVE 550 SOME ODD UNITS THAT ARE GOING
11:47:00AM TO BE IN THAT, AND THAT ENTERS INTO THE CONCEPT OF SEVEN
11:47:05AM GROWING THE WAY IT'S GROWING.
11:47:06AM >>Mayor Errington: OKAY.
11:47:07AM SO, YES, BOB?
11:47:11AM >>Robert Pritt: TWO PROVISIONS OF YOUR CHARGER MAY HELP
11:47:14AM ANSWER ONE OF THE QUESTIONS.
11:47:19AM I WON'T READ THE -- ALL OF 3A BECAUSE IT GOES ON FOR A
11:47:24AM LONG PERIOD OF TIME, BUT IT SAYS -- THIS IS YOUR CHARTER.
11:47:27AM THERE SHALL BE SEVEN VILLAGE COUNCIL DISTRICTS.
11:47:31AM THE DISTRICTS SHALL BE AS ROUGHLY EQUAL IN PERMANENT
11:47:35AM POPULATIONS AS PRACTICAL ACCORDING TO THE POPULATION
11:47:39AM FIGURES AVAILABLE FROM THE MOST RECENT LEE COUNTY

11:47:41AM POPULATION ESTIMATE DETERMINED BY THE DECENNIAL UNITED
11:47:47AM STATES CENSUS.
11:47:49AM AND THEN -- IT -- IT HAS LEGAL DESCRIPTIONS AND SO ON.
11:47:53AM AND THEN IT SAYS "IN THE YEAR 2015, AND IN ODD NUMBERED
11:47:57AM YEARS AFTER EACH DECENNIAL UNITED STATES CENSUS
11:48:02AM THEREAFTER, AND AT ANY TIME REQUIRED BY LAW, THE COUNCIL
11:48:07AM MAY REDIVIDE THE VILLAGE INTO SEVEN DISTRICTS AS ROUGHLY
11:48:10AM EQUAL IN PERMANENT POPULATION AS PRACTICAL".
11:48:16AM SO THAT'S WHAT YOUR CHARTER SAYS.
11:48:17AM MY SUGGESTION IS YOU ADHERE CAREFULLY TO THE CHARTER AND
11:48:25AM THE INFORMATION THAT YOU'RE SUPPOSED TO BE USING IS THE
11:48:28AM MOST RECENT DECENNIAL CENSUS.
11:48:34AM IT DOES NOT SAY THAT YOU COULD NOT POSSIBLY REVISIT THIS,
11:48:38AM SAY, FIVE YEARS FROM NOW, BUT IT -- YOU'RE KIND OF BOUND
11:48:43AM BY USING THE DECENNIAL CENSUS -- BASE --
11:48:49AM >> I'LL MAKE A MOTION.
11:48:51AM >>Mayor Errington: ALL RIGHT.
11:48:52AM SO NOW WE HAVE TO BE EXPLICIT ON WHAT YOUR MOTION IS.
11:48:55AM >> MY MOTION IS WE TAKE THE CITY COUNCIL DISTRICTS DRAFT
11:49:01AM ALTERNATIVE 2A-1 AS ILLUSTRATED.
11:49:06AM >>Joanne Ribble: I'LL SECOND THAT.
11:49:08AM >>Mayor Errington: MOTION HAS BEEN MADE BY VICE-MAYOR
11:49:12AM McLAIN AND SECONDED BY COUNCILMEMBER RIBBLE.
11:49:16AM YES.
11:49:17AM >> COULD I SUGGEST THAT MAYBE IT BE AMENDED TO SAY THAT
11:49:22AM THE ORDINANCE AS PRESENTED WITH MAP NUMBER -- OR 2A-1 BE
11:49:36AM APPROVED AT FIRST READING.
11:49:39AM BECAUSE THAT'S WHAT YOU'RE DOING.
11:49:41AM YOU'RE GOING TO TRY TO APPROVE THE --
11:49:43AM >>Mayor Errington: I THOUGHT THAT'S WHAT HE SAID.
11:49:45AM >> I THOUGHT THAT'S WHAT I SAID.
11:49:47AM >> YOU ONLY MENTIONED THE MAP.
11:49:51AM >> WHATEVER YOU'RE SAYING.
11:49:52AM >> IN ACCORDANCE WITH MAP 2 DESIGNATED -- LET'S MAKE
11:49:57AM SURE.
11:49:57AM IS IT CALLED DRAFT ALTERNATIVE 2A-1 OR JUST DRAFT?
11:50:02AM >> 2A-1.
11:50:06AM >> THAT WOULD BE YOUR MOTION TO APPROVE -- DRAFT 2A WITH
11:50:10AM THE MAP 2A-1.
11:50:12AM >>Mayor Errington: OKAY.
11:50:15AM PLEASE CALL THE ROLL.
11:50:18AM >>Jim Wilson: AYE.
11:50:20AM >>Jim Ward: NAY.
11:50:25AM >>Jim Boesch: AYE.
11:50:26AM >>Larry Fiesel: AYE.
11:50:28AM >>Joanne Ribble: AYE.
11:50:30AM >>Vice-Mayor McLain: AYE.
11:50:31AM >>Mayor Errington: AYE.

11:50:34AM NOW WITH THAT, IT PASSES, SO WITH THAT, I'M ASKING STAFF
11:50:40AM TO DRAW A MAP AND SHOW THE REQUEST THAT WAS MADE
11:50:50AM WITH -- YES?
11:50:52AM >> BEFORE YOU DO THAT, MAY I -- WE NEED TO SET A DATE FOR
11:50:55AM THE SECOND READING.
11:50:58AM WE SHOULD DO THAT TODAY.
11:51:00AM I HAVE BEEN ADVISED BY THE CLERK'S OFFICE THAT THERE IS
11:51:06AM NOT TIME TO PUT A MAP IN THE NEWSPAPER FOR THE SECOND
11:51:12AM READING.
11:51:15AM I CANNOT FIND ANY PLACE IN THE LAW THAT REQUIRES A MAP,
11:51:20AM AND I'VE LOOKED, SO I -- DON'T NECESSARILY HAVE TO HAVE A
11:51:25AM MAP, BUT IF YOU WANT TO HAVE IT AT YOUR NEXT MEETING,
11:51:29AM THEN IT MAY NOT BE ABLE TO BE PUBLISHED IN THE NEWSPAPER.
11:51:33AM THERE IS NOTHING TO STOP YOU FROM PUBLISHING IT IN
11:51:37AM YOUR -- ON YOUR WEBSITE.
11:51:40AM THERE IS A NEW STATUTE THAT TALKS ABOUT PUBLICATION AND
11:51:42AM WEBSITE.
11:51:43AM BUT MY SUGGESTION WOULD STILL BE THAT YOU PUBLISH THE
11:51:47AM SECOND READING, PUBLIC HEARING, IN THE NEWSPAPER WHICH IT
11:51:52AM IS TIME FOR, BUT MAYBE WE OUGHT TO MAKE A NOTATION THE
11:51:57AM MAP IS ON THE WEBSITE.
11:51:58AM >>Mayor Errington: OKAY.
11:52:00AM >> STEVE, WE HAVEN'T HAD A CHANCE --
11:52:02AM >> THAT'S FINE.
11:52:03AM >> DOES THAT MAKE SENSE?
11:52:04AM >>Mayor Errington: AT THIS POINT WE CAN STILL
11:52:05AM REQUEST -- I CAN REQUEST THAT A MAP BE DRAWN SHOWING WHAT
11:52:09AM I REQUESTED WITH AN OUTLINE OF ALL THE DEVELOPMENTS AND
11:52:15AM ALL THE STREETS ON THIS SO WE COULD SEE WHAT WE HAVE.
11:52:20AM >> AS SOON AS YOU DECLARE THE SECOND READING BEING
11:52:24AM ON JULY 20.
11:52:24AM >>Mayor Errington: JULY THE 20th.
11:52:26AM OKAY.
11:52:27AM >> SO WE'RE SETTING THE SECOND READING AND PUBLIC HEARING
11:52:30AM FOR JULY 20th.
11:52:31AM >>Mayor Errington: YES.
11:52:33AM OKAY.
11:52:34AM IS THAT IT?
11:52:35AM >> NO, GO AHEAD.
11:52:36AM >>Mayor Errington: I'M FINISHED.
11:52:37AM >> YOU CAN TELL THE STAFF WHAT YOU'D LIKE FOR THEM TO DO.
11:52:41AM >>Mayor Errington: DO YOU HAVE THAT, CAROL?
11:52:42AM >> MAPS WITH STREETS AND DEVELOPMENTS.
11:52:44AM >>Mayor Errington: YES, AND THE CUTOUT.
11:52:47AM OKAY.
11:52:47AM THANK YOU.
11:52:50AM WHAT -- I'M GOING TO TAKE A BREAK.
11:52:56AM TEN MINUTES.

12:04:10PM (BREAK)
12:04:10PM >>Mayor Errington: GET ON THE RIGHT PAGE HERE NOW.
12:04:16PM WHERE ARE WE?
12:04:17PM 10A.
12:04:24PM OKAY.
12:04:29PM GOT A CALL FROM MEXICO.
12:04:35PM I SHOULD HAVE TAKEN IT.
12:04:36PM >>Mayor Errington: WE'RE BACK.
12:04:38PM THANK YOU FOR COMING BACK.
12:04:39PM WE'LL RECONVENE.
12:04:40PM NEXT ITEM IS 10A.
12:04:44PM THE AGENDA, A PUBLIC HEARING REGARDING ORDINANCE 2022-06,
12:04:51PM COMPREHENSIVE PLAN TEXT AMENDMENT, PROPERTY RIGHTS
12:04:54PM ELEMENT.
12:04:55PM MADAM CLERK, PLEASE READ THE TITLE OF THE ORDINANCE?
12:04:58PM >>Carol Sacco: ORDINANCE 2022-06.
12:05:00PM AN ORDINANCE OF THE VILLAGE COUNCIL OF VILLAGE OF ESTERO,
12:05:04PM FLORIDA.
12:05:04PM ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO
12:05:06PM COMPREHENSIVE PLAN TO ADDED PROPERTY RIGHTS ELEMENT TO
12:05:10PM THE TEXT AS PROVIDED IN EXHIBIT A AND MADE A PART
12:05:19PM HEREOF.
12:05:20PM PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING
12:05:23PM AGENCY AND OTHERS AS REQUIRED BY STATE STATUTE.
12:05:27PM PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS AND
12:05:30PM PROVIDING AN EFFECTIVE DATE.
12:05:31PM >>Steven Sarkozy: THIS ITEM COMES FROM THE COMMUNITY
12:05:33PM DEVELOPMENT DEPARTMENT AND IS A MODIFICATION TO THE
12:05:37PM COMPREHENSIVE PLAN.
12:05:38PM I'LL TURN IT OVER TO MARY GIBBS TO PRESENT THE DETAILS,
12:05:44PM AND I WOULD NOTE AS WELL THAT OUR LAND USE ATTORNEY,
12:05:49PM NANCY STROUD, IS HERE WITH US TODAY SHOULD THERE BE
12:05:51PM QUESTIONS.
12:05:53PM >>Mayor Errington: GOOD MORNING, MARY.
12:05:57PM GLAD YOU'RE HERE.
12:05:58PM >>Mary Gibbs: OR AFTERNOON.
12:06:00PM >> YOU'RE USED TO LONG MEETINGS.
12:06:02PM >>Mary Gibbs: THIS IS A SHORT MEETING FOR ME, RIGHT?
12:06:04PM >>Mayor Errington: ARE YOU HAVING A GOOD TIME?
12:06:06PM >>Mary Gibbs: YES, ALWAYS, ALWAYS.
12:06:08PM SO THIS ORDINANCE IS ABOUT A PRIVATE PROPERTY RIGHTS
12:06:11PM ELEMENT THAT THE STATE LAW CHANGED LAST YEAR, AND IT NOW
12:06:15PM REQUIRES EVERY CITY AND EVERY COUNTY IN THE STATE TO
12:06:18PM ADOPT A PROPERTY RIGHTS ELEMENT.
12:06:20PM SO THAT'S WHAT WE'RE DOING HERE TODAY.
12:06:23PM THE COMPREHENSIVE PLAN HAS TO BE AMENDED TO DO THIS.
12:06:27PM IT REQUIRES TWO PUBLIC HEARINGS.
12:06:29PM TODAY IS THE FIRST PUBLIC HEARING, AND WHAT WE WILL DO

12:06:33PM TODAY IS WE VOTE TO TRANSMIT IT TO THE STATE, THEN IT
12:06:37PM GOES TO THE STATE AND DIFFERENT REVIEW AGENCIES.
12:06:40PM THEY PROVIDE COMMENTS AND THEN THEY'LL SEND COMMENTS BACK
12:06:46PM TO US.
12:06:46PM ONCE WE GET THE COMMENTS, IF WE HAVE TO CHANGE ANYTHING,
12:06:48PM MAYBE WE DON'T, MAYBE WE DO, WE COME BACK FOR SECOND
12:06:52PM PUBLIC HEARING FOR THE COUNCIL.
12:06:54PM NOT EXPECTING THAT WE WOULD GET COMMENTS RIGHT AWAY.
12:06:57PM THEY HAVE 30-DAY PERIOD, SO WHEN WE GET THE COMMENTS
12:07:01PM BACK, WE COME BACK TO COUNCIL, IT WILL PROBABLY BE AT ONE
12:07:04PM OF THE SEPTEMBER HEARINGS.
12:07:06PM SO IT'S -- THAT'S THE SCHEDULE.
12:07:10PM THE PLANNING AND ZONING BOARD RECOMMENDED APPROVAL OF
12:07:12PM THIS.
12:07:13PM THEY REVIEWED IT AT THEIR MEETING ON JUNE 14.
12:07:15PM THE ELEMENT ITSELF IS JUST LESS THAN ONE PAGE, IT'S VERY
12:07:19PM SHORT.
12:07:19PM THE STATE REQUIRES THAT YOU HAVE CERTAIN VERBIAGE IN
12:07:23PM THERE THAT SAYS PRIVATE PROPERTY RIGHTS ARE IMPORTANT AND
12:07:26PM WE'LL CONSIDER THEM WHEN WE MAKE DECISIONS ON ZONING
12:07:28PM CASES AND LAND USE CASES.
12:07:30PM SO WE HAVE TAKEN THAT LANGUAGE AND ALSO ADDED A COUPLE
12:07:34PM POLICIES THAT SAY OUR COMPREHENSIVE PLAN THINKS IT'S
12:07:38PM IMPORTANT FOR CITIZEN TO PARTICIPATE IN LOCAL GOVERNMENT
12:07:42PM HEARINGS, SO WE PUT SOME LANGUAGE IN TO BALANCE THAT OUT
12:07:45PM AND SAYING THAT THE CITIZENS HAVE RIGHTS TOO TO
12:07:50PM PARTICIPATE IN HEARINGS THAT AFFECT THEM.
12:07:51PM I THINK WE HAVE A GOOD BALANCE OF POLICIES.
12:07:53PM IT'S IN THE STAFF REPORT.
12:07:54PM I CAN GO OVER THAT IF YOU WANT TO, BUT IT'S FAIRLY BOILER
12:07:59PM PLATE LANGUAGE.
12:08:02PM SO WE RECOGNIZE PROPERTY RIGHTS AND THE PUBLIC'S RIGHT TO
12:08:08PM PARTICIPATE IN THE PROCESS, AND IF YOU HAVE ANY QUESTIONS
12:08:12PM I'M HAPPY TO ANSWER THEM, BUT IT'S STRAIGHT FORWARD.
12:08:15PM >>Mayor Errington: ANY QUESTIONS?
12:08:17PM DO WE HAVE THE COUNCIL MEMBERS ON ZOOM?
12:08:20PM >> YES.
12:08:21PM >> YES.
12:08:22PM >>Mayor Errington: OKAY.
12:08:23PM I JUST DON'T SEE -- OKAY.
12:08:26PM OKAY.
12:08:28PM YOU CAN PUT YOUR FACES ON THERE.
12:08:30PM IT WILL HELP ME TO IDENTIFY IF YOU NEED TO -- WANT TO ASK
12:08:33PM A QUESTION OR RESPOND TO SOMETHING.
12:08:37PM THANK YOU.
12:08:37PM OKAY.
12:08:40PM YOU HAD A COMMENT?
12:08:41PM >> YEAH.

12:08:41PM WE HAVE SO MANY HOAs HERE.
12:08:44PM I'M LOOKING AT THE LAST PAGE.
12:08:45PM IT DOES TALK ABOUT SUBJECT TO STATE LAW AND LOCAL
12:08:49PM ORDINANCES.
12:08:54PM ARE THE HOAs PART OF THE LOCAL ORDINANCE IN THERE?
12:08:58PM DO WE NEED TO MAKE THOSE -- BECAUSE THEY'VE GOT RULES AND
12:09:01PM REGULATIONS, YOU KNOW, ABOUT PROPERTY -- ACTUALLY
12:09:04PM PROPERTY RIGHTS.
12:09:04PM THE NEXT ONE DOWN TO THE RIGHT OF THE PROPERTY, TO
12:09:07PM PRIVACY AND TO EXCLUDE OTHERS FROM THE PROPERTY TO
12:09:11PM PROTECT THE OWNERS' POSSESSIONS AND PROPERTY.
12:09:13PM I MEAN, IN HOA, SOME DO ANNUAL INSPECTIONS OF PROPERTY
12:09:20PM FOR, YOU KNOW, ROOF AND HOW MUCH JUNK YOU GOT BACK IN
12:09:26PM YOUR LANAI.
12:09:26PM IS THIS GOING TO EXCLUDE HOAs?
12:09:30PM >>Mary Gibbs: NO, HOAs WOULD HAVE THEIR OWN RULES.
12:09:33PM THE LANGUAGE YOU'RE LOOKING AT WAS ACTUALLY WHAT THE
12:09:36PM STATE REQUIRES, THE EXACT LANGUAGE BE PUT IN, SO THAT'S
12:09:40PM JUST A GENERAL RIGHT OF PROPERTY OWNERS.
12:09:42PM PEOPLE THAT OWN PROPERTY.
12:09:44PM HOAs, THAT WOULD BE SOMETHING DIFFERENT.
12:09:46PM >> OKAY.
12:09:48PM >>Mayor Errington: ANY OTHER COMMENTS, QUESTIONS?
12:09:51PM OKAY.
12:09:52PM THANK YOU, MARY.
12:09:54PM WE HAVE A COMMENT?
12:09:55PM >>Carol Sacco: WE DON'T HAVE ANY PUBLIC COMMENTS OR
12:09:59PM E-COMMENTS.
12:09:59PM >>Mayor Errington: I NEED A MOTION.
12:10:02PM TO PASS THE ORDINANCE.
12:10:05PM MOTION MADE BY COUNCILMEMBER RIBBLE.
12:10:07PM SECONDED BY COUNCILMEMBER FIESEL.
12:10:11PM PLEASE CALL THE ROLL.
12:10:12PM >>Joanne Ribble: AYE.
12:10:13PM >>Larry Fiesel: AYE.
12:10:15PM >>Jim Boesch: AYE.
12:10:17PM >>Jim Ward: AYE.
12:10:20PM >>Jim Wilson: AYE.
12:10:22PM >>Vice-Mayor McLain: AYE.
12:10:23PM >>Mayor Errington: AYE.
12:10:25PM NEXT ON THE AGENDA IS ITEM NUMBER 10B.
12:10:28PM >>Mary Gibbs: COULD I JUST TO CLARIFY THE MOTION YOU
12:10:31PM MADE, THAT WILL BE A MOTION TO PASS THE -- TRANSMIT THAT
12:10:36PM TO THE STATE FOR REVIEW.
12:10:38PM >>Mayor Errington: OKAY, THANK YOU VERY MUCH.
12:10:44PM PUBLIC HEARING REGARDING ORDINANCE 2022-07 COMPREHENSIVE
12:10:48PM PLAN AMENDMENT, VILLAGE OWNED PROPERTY AT THE NORTHEAST
12:10:51PM CORNER OF U.S. 41 AND CORKSCREW ROAD.

12:10:54PM MADAM CLERK, PLEASE READ THE TITLE OF THE ORDINANCE?
12:10:57PM >>Carol Sacco: ORDINANCE NUMBER 2022-07.
12:10:59PM AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF
12:11:03PM ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF
12:11:05PM ESTERO COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE
12:11:08PM MAP FOR A 31.5 ACRE PROPERTY AT THE NORTHEAST CORNER OF
12:11:13PM U.S. 41 AND CORKSCREW ROAD FROM VILLAGE CENTER TO PUBLIC
12:11:16PM PARKS AND RECREATION, PROVIDING FOR SEVERABILITY,
12:11:19PM PROVIDING FOR CONFLICTS AND PROVIDING AN EFFECTIVE DATE.
12:11:25PM >>Mayor Errington: THANK YOU.
12:11:26PM STEVE?
12:11:26PM >>Steven Sarkozy: THANK YOU, MEMBERS OF COUNCIL.
12:11:28PM THIS HAS TO DO WITH THE PROPERTY THAT THE VILLAGE OWNS ON
12:11:31PM THE NORTHEAST QUADRANT OF CORKSCREW AND 41.
12:11:35PM COUNCIL PURCHASED THAT PROPERTY ABOUT FOUR YEARS AGO, AND
12:11:39PM WE HAVE RECENTLY OF COURSE PAID THAT OFF SO WE'RE
12:11:44PM COMPLETELY DEBT FREE AND OWN ALL 62.5 ACRES.
12:11:48PM A PORTION OF THAT PROPERTY OF THE RIVER WAS PROPOSED TO
12:11:53PM BE MODIFIED, AND THAT'S THE SUBJECT OF THIS COMPREHENSIVE
12:12:00PM PLAN AND SUBSEQUENTLY THE ZONING CASE.
12:12:03PM I'LL ASK MARY TO AGAIN PROVIDE THE SPECIFICS OF THE
12:12:06PM COUNCIL ACTION.
12:12:09PM >>Mary Gibbs: SO THE COUNCIL AGREED BACK IN MARCH TO DO
12:12:13PM WHAT WE CALL A VILLAGE-INITIATED COMPREHENSIVE PLAN
12:12:17PM AMENDMENT AND A REZONING FOR THE PROPERTY WE OWN SOUTH OF
12:12:19PM THE RIVER, ABOUT 31.5 ACRES.
12:12:24PM WHAT WE TALKED ABOUT AT THAT TIME WAS -- IT'S SHOWN AS
12:12:28PM VILLAGE CENTER ON OUR LAND USE MAP.
12:12:30PM WHAT WE THOUGHT WAS MORE APPROPRIATE WAS THE PARKS AND
12:12:32PM COMMUNITY FACILITIES CATEGORY.
12:12:34PM SO WE HAVE STARTED THAT PROCESS TO INITIATE THE
12:12:38PM COMPREHENSIVE PLAN AMENDMENT.
12:12:40PM IT WENT TO THE PLANNING ZONING AND DESIGN BOOR FOR A
12:12:44PM PUBLIC INFORMATION MEETING.
12:12:45PM IT ALSO WENT FOR A PUBLIC HEARING WHICH WAS JUNE 14.
12:12:49PM THEY RECOMMENDED APPROVAL.
12:12:50PM THEY DID HAVE A COMMENT THAT THE COUNCIL SHOULD LOOK AT
12:12:54PM THE LONG-TERM DEVELOPMENT PLANS SIMILAR TO LAKES PARK IF
12:12:59PM THERE WAS ENOUGH FLEXIBILITY TO DO DIFFERENT TYPES OF
12:13:04PM USES THAT WOULD ATTRACT PEOPLE TO THE PROPERTY, BUT THEY
12:13:06PM DID RECOMMEND APPROVAL.
12:13:07PM SO WE'RE RECOMMENDING CHANGING IT FROM VILLAGE CENTER TO
12:13:14PM THE PUBLIC WORKS CATEGORY.
12:13:16PM IF YOU HAVE ANY QUESTIONS, I'M HAPPY TO ANSWER THAT.
12:13:19PM >>Mayor Errington: ANY QUESTIONS FROM COUNCIL?
12:13:21PM COMMENTS?
12:13:22PM >> I HAVE A COMMENT.
12:13:23PM WITH THE PLANNING ZONING DESIGN BOARD, I THINK A FEW OF

12:13:27PM YOU PROBABLY LOOKED AT THAT PARTICULAR MEETING, AND THE
12:13:30PM STATEMENT THAT'S -- THAT THEY ADDED FOR THEIR MOVING THIS
12:13:37PM FORWARD, THAT WE NEED TO PAY ATTENTION TO AREAS THAT NEED
12:13:40PM TO BE CONSERVED AND PRESERVED VERSUS THE UPLANDS.
12:13:43PM I DON'T LIKE THE VERSUS THE UPLANDS.
12:13:45PM I THINK THE DISCUSSION THAT WAS HAD DEALT WITH THE NEED
12:13:49PM TO ATTRACT PEOPLE, BUT DO THAT THROUGH A COMMERCIAL
12:13:57PM MEANS, AND I WANT THIS TO BE ON PUBLIC RECORD THAT THAT'S
12:14:00PM NOT MY INTENT FOR MOVING THIS FORWARD AND CHANGING THE
12:14:03PM ZONING THAT IF, YOU KNOW, WE PUT IN A RESTROOMS AND MAYBE
12:14:08PM A HOT DOG THING FOR -- MAYBE THAT'S OKAY, BUT TO PUT A
12:14:13PM RETAIL STORE, ITEMS LIKE THAT TO DRAW ATTENTION TO THAT
12:14:17PM SITE, I DON'T THINK THAT'S MY INTENTION OF MOVING THIS
12:14:20PM THING FORWARD, SO JUST --
12:14:24PM >>Mary Gibbs: THERE WAS A PRETTY LONG DISCUSSION AT THE
12:14:26PM MEETING WHEN THAT CAME UP, AND IT WAS A LITTLE BIT
12:14:29PM CONFUSING, AND I THINK THAT A COUPLE OF THEM WANTED TO
12:14:34PM BROADEN IT SO THAT YOU COULD HAVE MORE COMMERCIAL
12:14:39PM ACTIVITIES.
12:14:39PM I KEPT EXPLAINING IN THE SOUTH PART WE WERE ENVISIONING
12:14:42PM MORE OF THE PUBLIC RECREATION AND THE NORTH PART, WE
12:14:49PM DON'T KNOW.
12:14:49PM MAYBE SOMETHING WILL COME UP LATER.
12:14:51PM ONE OR TWO OF THE MEMBERS WERE KIND OF OBSTINATE AND THE
12:14:54PM OTHER MEMBER SAID, WELL, WE'D LIKE IT TO BE LIKE LAKES
12:14:58PM PARK WHERE YOU HAVE A LOT OF PEOPLE ENJOYING THE
12:15:00PM RECREATION AND THE FACILITIES.
12:15:02PM SO THERE WAS A LITTLE MIX.
12:15:04PM THEY VOTED TO APPROVE IT, BUT THEY JUST PASSED ON THE
12:15:08PM COMMENT, SO THAT'S WHAT I'M DOING.
12:15:10PM >>Mayor Errington: ANY OTHER COMMENTS?
12:15:11PM YES?
12:15:12PM >>Joanne Ribble: I THINK WHAT I ALSO GOT OUT OF THAT
12:15:14PM HEARING WAS IN YEARS DOWN THE ROAD, IF THINGS DO NOT WORK
12:15:18PM OUT AS WE PLAN, WE CAN ALWAYS CHANGE IT BACK.
12:15:22PM SO THERE IS NO HARM IN WHAT WE DO TODAY.
12:15:26PM >>Mayor Errington: ANY COMMENTS FROM ZOOM UP THERE?
12:15:29PM NO?
12:15:30PM OKAY.
12:15:31PM YES?
12:15:34PM SOMEONE -- SOUNDED LIKE JIM WARD.
12:15:38PM DO YOU HAVE A COMMENT?
12:15:39PM >>Jim Ward: NO.
12:15:40PM NO, I'M FINE.
12:15:41PM THANK YOU.
12:15:41PM >>Mayor Errington: OKAY.
12:15:42PM I HAVE A COMMENT.
12:15:44PM I THINK WE HAVE TO BE -- I WATCHED THE MEETING ALSO, AND

12:15:50PM IT WAS INTERESTING TO SAY THE LEAST, BUT WE HAVE TO BE
12:15:54PM REALLY COGNIZANT OF THE PROPERTY THAT WAS PURCHASED, THE
12:15:58PM 62.4 ACRES SEVERAL YEARS AGO.
12:16:02PM THAT PROPERTY WAS BOUGHT AFTER GOING THROUGH A PUBLIC
12:16:08PM OUTING THAT WE HAD TO GET PEOPLE TO COME IN AND
12:16:12PM SIGN -- WE DID A SURVEY, AND IT WAS ASTOUNDING -- IT WAS
12:16:19PM OVERWHELMING HOW MUCH PEOPLE WANT TO KEEP THAT AREA, ALL
12:16:24PM THE 62 ACRES AS SOMETHING FOR USE, AND IT'S MAINLY FOR
12:16:30PM THE PUBLIC AND ENJOYABLE AND AS I HAVE BEEN TOLD AND HAVE
12:16:35PM READ, THAT'S WHAT WE TOLD THE CITIZENS AND THAT'S WHAT
12:16:42PM WE'RE TRYING TO DO, SO THAT'S VERY, VERY IMPORTANT.
12:16:46PM THAT'S WHAT -- THE REASON THEY SUPPORTED US THE WAY THEY
12:16:48PM DID TO SUPPORT US WHEN WE WERE TRYING TO GET THE LOAN TO
12:16:55PM BORROW THE MONEY, TO BUY THE PROPERTY, AND SO THAT'S
12:17:04PM WHERE I STAND WITH IT.
12:17:05PM OKAY.
12:17:06PM ANY OTHER COMMENTS?
12:17:08PM OKAY.
12:17:08PM ANY PUBLIC?
12:17:09PM >>Carol Sacco: WE HAVE NO PUBLIC COMMENT OR NO
12:17:12PM E-COMMENTS.
12:17:13PM >>Mayor Errington: OKAY.
12:17:15PM I THEN NEED A MOTION TO PASS ORDINANCE NUMBER 2022 ON THE
12:17:20PM FIRST READING.
12:17:21PM >> I MAKE A MOTION.
12:17:22PM >>Mayor Errington: MOTION MADE BY COUNCILMEMBER JIM
12:17:27PM BOESCH AND SECONDED BY VICE-MAYOR McLAIN.
12:17:29PM PLEASE CALL THE ROLL.
12:17:32PM >>Joanne Ribble: AYE.
12:17:34PM >>Larry Fiesel: AYE.
12:17:36PM >>Jim Boesch: AYE.
12:17:37PM >>Jim Ward: AYE.
12:17:40PM >>Jim Wilson: AYE.
12:17:43PM >>Vice-Mayor McLain: AYE.
12:17:44PM >>Mayor Errington: AYE.
12:17:47PM >>Mary Gibbs: IF I MAY MENTION, THIS IS THE FIRST
12:17:50PM READING.
12:17:50PM IT HAS TO HAVE ANOTHER PUBLIC HEARING.
12:17:52PM WHAT WE'RE GOING TO DO IS HOLD THIS AND COME BACK WITH
12:17:54PM THE PROPERTY RIGHTS ELEMENT AND REZONING.
12:17:56PM WE'LL COME BACK AT THE SAME TIME WITH ALL THREE OF THOSE,
12:17:58PM SO IT WILL --
12:17:59PM >>Mayor Errington: THAT WILL BE IN THE FALL.
12:18:01PM >>Mary Gibbs: YEAH, IN SEPTEMBER.
12:18:02PM >>Mayor Errington: THANK YOU, MARY.
12:18:05PM ITEM NUMBER 10C IS ORDINANCE NUMBER 2022-08, REZONING
12:18:13PM 31.5 ACRES OF VILLAGE OWNED PROPERTY AT THE NORTHEAST
12:18:15PM CORNER OF CORKSCREW ROAD AND U.S. 41.

12:18:18PM THIS IS ALSO A PUBLIC HEARING, AND IN THIS MATTER, THE
12:18:23PM COUNCIL WILL SIT IN ITS QUASI-JUDICIAL CAPACITY.
12:18:27PM MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
12:18:33PM >>Carol Sacco: YES, MAYOR.
12:18:33PM >>Mayor Errington: WILL YOU READ THE TITLE?
12:18:37PM >>Carol Sacco: AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
12:18:40PM VILLAGE OF ESTERO, FLORIDA, CONSIDERING A REZONING FROM
12:18:44PM MIXED USE PLANNED DEVELOPMENT AND AGRICULTURE TO PARKS
12:18:48PM AND COMMUNITY FACILITIES FOR A 31.5 ACRE PROPERTY AT THE
12:18:51PM NORTHEAST CORNER OF U.S. 41 AND CORKSCREW ROAD.
12:18:55PM PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND
12:18:58PM PROVIDING AN EFFECTIVE DATE.
12:18:59PM >>Mayor Errington: THANK YOU.
12:19:00PM AT THIS TIME I'LL TURN THIS OVER TO NANCY STROUD, OUR
12:19:02PM LAND USE ATTORNEY WHO WILL EXPLAIN THE QUASI-JUDICIAL
12:19:07PM PROCEDURE.
12:19:08PM >>Nancy Stroud: THANK YOU, MADAM MAYOR AND GOOD
12:19:11PM AFTERNOON, EVERYONE.
12:19:11PM AS THIS IS A QUADI-JUDICIAL MATTER WE NORMALLY READ A
12:19:15PM STATEMENT ABOUT WHAT THAT MEANS, SO THE PUBLIC
12:19:18PM UNDERSTANDS WHAT THE WE'RE DOING HERE.
12:19:22PM THE DECISION OF WHETHER OR NOT TO APPROVE THIS
12:19:25PM APPLICATION LIKE ALL QUASI-JUDICIAL ITEMS MUST BE BASED
12:19:29PM ON CRITERIA IN THE LAND USE ORDINANCE AND LAND
12:19:32PM DEVELOPMENT CODE AND ON SUBSTANTIAL COMPETENT EVIDENCE
12:19:37PM PRESENTED AT THE HEARING.
12:19:38PM SO IF ANYONE FROM THE PUBLIC INTENDS TO PROVIDE TESTIMONY
12:19:41PM IN THE APPLICATION THAT'S SUBJECT TO TODAY'S HEARING,
12:19:45PM THEY MUST BE SWORN IN, AND THE CLERK WILL SWEAR IN ANYONE
12:19:48PM WHO IS HERE WHO WANTS TO DO THAT.
12:19:51PM FILL OUT A PUBLIC SPEAKERS CARD AND GIVE IT TO THE CLERK
12:19:53PM BEFORE SPEAKING.
12:19:56PM AND ANYONE AT A QUASI-JUDICIAL HEARING THAT GIVES
12:19:59PM TESTIMONY CAN BE SUBJECT TO CROSS-EXAMINATION.
12:20:03PM AFTER THE CLERK SWEARS IN ANY PERSONS, THE VILLAGE
12:20:10PM COMMUNITY DEVELOPMENT DIRECTOR CAN HAVE AN OPPORTUNITY TO
12:20:12PM PROVIDE MORE INFORMATION IF YOU WISH, AND ANYONE IN THE
12:20:18PM PUBLIC WHO HAS BEEN SWORN IN CAN THEN PROVIDE TESTIMONY
12:20:22PM AT THE PUBLIC HEARING, AND WE LIMIT COMMENTS OF PUBLIC
12:20:26PM TESTIMONY TO THREE MINUTES PER PERSON.
12:20:29PM AND THEN IF ANYONE IN THE COUNCIL HAS HAD ANY EX-PARTE
12:20:32PM COMMUNICATION REGARDING THIS REZONING, THAT MEMBER NEEDS
12:20:36PM TO DISCLOSE THAT COMMUNICATION, THE SUBJECT MATTER OF THE
12:20:41PM COMMUNICATION AND PERSON TO WHOM THE COUNCIL MEMBER
12:20:44PM SPOKE.
12:20:44PM IF ANY COUNCIL MEMBER HAS A CONFLICT OF INTEREST ON ANY
12:20:50PM ON THIS ACTION, THE MEMBER SHOULD DISCLOSE THIS CONFLICT
12:20:53PM AND RECUSE HIMSELF OR HERSELF FROM PARTICIPATION.

12:20:56PM SO AT THIS POINT MADAM MAYOR, I THINK IT'S TIME FOR THE
12:21:00PM CLERK TO SWEAR IN ANYONE WHO WISHES TO GIVE TESTIMONY.
12:21:07PM >>Carol Sacco: WHOEVER INTENDS TO TESTIFY, PLEASE STAND
12:21:10PM AND RAISE YOUR RIGHT HAND.
12:21:11PM DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND
12:21:14PM NOTHING BUT THE TRUTH SO HELP YOU GOD?
12:21:16PM >> I DO.
12:21:19PM >> AND ANYBODY WHO HAD EX-PARTE COMMUNICATIONS REGARDING
12:21:22PM THIS APPLICATION PLEASE DISCLOSE AT THIS POINT.
12:21:26PM >> NONE.
12:21:28PM >> NONE.
12:21:29PM >>Mayor Errington: NONE.
12:21:32PM IS THAT A NO?
12:21:36PM >>Nancy Stroud: NONE FROM THE ZOOM.
12:21:39PM >> NONE.
12:21:40PM >> NONE.
12:21:40PM >>Mayor Errington: OKAY.
12:21:41PM >>Nancy Stroud: OR IF THERE ARE ANY CONFLICTS PLEASE
12:21:44PM DISCLOSE.
12:21:45PM >> NONE.
12:21:46PM >> NONE.
12:21:48PM >>Mayor Errington: NONE.
12:21:49PM >> NONE.
12:21:51PM >>Nancy Stroud: GREAT, THANK YOU VERY MUCH.
12:21:54PM >>Mayor Errington: NOW MARY WILL PRESENT THE ORDINANCE.
12:21:57PM >>Mary Gibbs: DO I GET TO CROSS-EXAMINE MYSELF TODAY?
12:22:00PM WONDERING HOW THAT WORKS.
12:22:02PM SO THIS IS THE COMPANION REZONING THAT GOES ALONG WITH
12:22:05PM THE COMPREHENSIVE PLAN AMENDMENT WE JUST TALKED ABOUT.
12:22:08PM AND WE'RE PROPOSING THE CURRENT ZONING IS MIXED USE
12:22:12PM PLANNED DEVELOPMENT ON THE MAJORITY OF THE PROPERTY, AND
12:22:15PM THEN THERE IS THAT SLICE IN THE MIDDLE THAT WAS THE
12:22:18PM AGRICULTURE AND HAPPAHATCHEE PIECE.
12:22:21PM WE'RE PROPOSING THAT BE REZONED TO PARKS CATEGORIES WHICH
12:22:26PM IS KIND OF TAILOR MADE FOR THIS TYPE OF USE.
12:22:30PM THE PLANNING AND ZONING BOARD REVIEWED IT, AGAIN, WE HAD
12:22:33PM AN INFORMATION MEETING MAY 6th.
12:22:35PM WE HAD PUBLIC HEARING ON JUNE 14th, AND THEN THERE IS A
12:22:40PM STAFF REPORT ATTACHED TO YOUR PACKET THAT INCLUDES THE
12:22:43PM EXPLANATION OF HOW WE BELIEVE THE REZONING COMPLIES WITH
12:22:47PM THE COMPREHENSIVE PLAN, SO I DON'T WANT TO REITERATE
12:22:49PM THAT, BUT THAT'S BASICALLY THE SUBSTANTIAL COMPETENT
12:22:52PM EVIDENCE THAT YOU NEED TO MAKE A DECISION.
12:22:56PM THIS IS A PUBLIC HEARING.
12:22:57PM WE HAVE TO HAVE THE SECOND PUBLIC HEARING WHICH AS I JUST
12:23:00PM EXPLAINED ON THE COMPREHENSIVE PLAN AMENDMENT, I'LL WAIT
12:23:03PM AND BRING THEM ALL BACK TOGETHER AT THE SAME TIME WHICH
12:23:05PM WILL BE AROUND PROBABLY THE SECOND HEARING IN SEPTEMBER.

12:23:09PM AND WE DID HAVE ONE MEMBER OF THE PUBLIC THAT WE DON'T
12:23:13PM HAVE ANY COMMENTS I THINK TODAY, BUT WE DID HAVE ONE
12:23:15PM MEMBER OF THE PUBLIC THAT SPOKE IN SUPPORT OF THE
12:23:18PM PLANNING, ZONING AND DESIGN BOARD MEETING.
12:23:20PM SO HAPPY TO ANSWER ANY QUESTIONS.
12:23:23PM >>Mayor Errington: COMMENTS?
12:23:24PM QUESTIONS?
12:23:25PM CONCERNS?
12:23:25PM COUNCIL MEMBERS?
12:23:28PM OKAY.
12:23:30PM WITH THAT, DO WE HAVE PUBLIC COMMENT?
12:23:32PM >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO
12:23:34PM E-COMMENTS.
12:23:35PM >>Mayor Errington: OKAY.
12:23:35PM SO WITH THAT, CAN THE HEARING BE CLOSED?
12:23:45PM >> THE HEARING CAN BE CLOSED AND THE COUNCIL CAN TAKE IT
12:23:47PM UP ON A MOTION.
12:23:48PM >>Mayor Errington: OKAY.
12:23:49PM WE ARE TO THE MOTION PART OF THIS THEN.
12:23:51PM SO NOW I WILL ENTERTAIN A MOTION TO PASS ORDINANCE
12:23:56PM 2022-08 ON FIRST READING.
12:24:02PM WE NEED A MOTION.
12:24:03PM >> SO MOVED.
12:24:04PM >>Mayor Errington: MOTION MADE BY COUNCILMEMBER RIBBLE
12:24:07PM AND SECONDED BY COUNCILMEMBER FIESEL.
12:24:10PM PLEASE CALL THE ROLL.
12:24:15PM >>Jim Wilson: AYE.
12:24:17PM >>Jim Ward: AYE.
12:24:19PM >>Jim Boesch: AYE.
12:24:21PM >>Larry Fiesel: AYE.
12:24:23PM >>Joanne Ribble: AYE.
12:24:24PM >>Vice-Mayor McLain: AYE.
12:24:25PM >>Mayor Errington: AYE.
12:24:27PM THANK YOU.
12:24:28PM THANK YOU, MARY.
12:24:29PM APPRECIATE IT.
12:24:34PM ITEM NUMBER 10D IS A PUBLIC HEARING REGARDING RESOLUTION
12:24:40PM NUMBER 2022-19 CAPITAL IMPROVEMENT PROGRAM FOR FISCAL
12:24:45PM YEAR 2022-23.
12:24:47PM MADAM CLERK, WILL YOU READ THE TITLE OF THE RESOLUTION?
12:24:50PM >>Carol Sacco: RESOLUTION NUMBER 2022-19.
12:24:53PM A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF
12:24:57PM ESTERO, FLORIDA, ADOPTING THE CAPITAL IMPROVEMENT PROGRAM
12:25:00PM FOR FISCAL YEAR 2022-2023 AND PROVIDING AN EFFECTIVE
12:25:05PM DATE.
12:25:06PM >>Mayor Errington: STEVE, WILL YOU INTRODUCE THIS,
12:25:08PM PLEASE?
12:25:09PM >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF

12:25:10PM COUNCIL.
12:25:10PM THIS ITEM CAME TO YOU AS RESULT OF WORKSHOP SESSIONS THAT
12:25:16PM WE'VE HAD TALKING ABOUT THE ELEMENTS OF THE CAPITAL
12:25:21PM IMPROVEMENT PROGRAM.
12:25:22PM BY WAY OF BACKGROUND, OUR CAPITAL IMPROVEMENT PROGRAM IS
12:25:25PM DEVELOPED FROM THE SERIES OF MASTER PLANS AND EACH OF THE
12:25:32PM FUNCTIONAL AREAS OF RESPONSIBILITY, AND ALL OF THE
12:25:34PM PROJECTS THAT COME FORWARD ARE GENERALLY LISTED IN ONE OF
12:25:40PM THOSE MASTER PLANS.
12:25:41PM SO THERE IS A PROFESSIONAL PROCESS OUTLINED THE COUNCIL
12:25:51PM ADHERED TO THAT KEEPS US ON TRACK AND THE GREATEST
12:25:55PM POSSIBLE BENEFIT TO THE COMMUNITY.
12:25:56PM THESE PROJECTS ARE ALL PAY AS YOU GO.
12:25:58PM WE'RE NOT PROPOSING ANY DEBT AT THIS TIME, AND ALSO, IT'S
12:26:04PM ASSUMED THAT THE CAPITAL IMPROVEMENT PROGRAM CAN BE
12:26:09PM MODIFIED BY A THE COUNCIL AS ISSUES COME UP DURING THE
12:26:13PM COURSE OF THE YEAR.
12:26:15PM THAT ALLOWS YOU THE FLEXIBILITY TO RESPOND TO
12:26:18PM OPPORTUNITIES AS THEY PRESENT THEMSELVES.
12:26:22PM THIS IS THE FIRST READING, AND THE SECOND READING WOULD
12:26:30PM COME BACK TO YOU ON JULY 20.
12:26:32PM THIS IS PART OF OUR -- OUR BUDGET PROCESS AND IS A VERY
12:26:40PM SIGNIFICANT PART OF THE BUDGET PROCESS, AND WE ARE
12:26:44PM AVAILABLE TO THE PUBLIC AT ANY TIME TO TALK THROUGH ANY
12:26:48PM OF THESE ISSUES.
12:26:49PM DAVID WILLEMS IS HERE TODAY, AND DAVID HAS CRAFTED MOST
12:26:52PM OF THIS PLAN.
12:26:53PM I DON'T KNOW IF DAVID WANTS TO COME ON UP AND WE'RE
12:26:56PM AVAILABLE FOR QUESTIONS, BUT THIS IS THE SAME THING
12:26:59PM YOU'VE SEEN IN THE PAST.
12:27:01PM >>Mayor Errington: THANK YOU.
12:27:05PM IS DAVID COMING UP?
12:27:07PM >>Steven Sarkozy: HE'LL ANSWER ANY QUESTIONS.
12:27:09PM >>Mayor Errington: IF HE NEEDS TO, OKAY.
12:27:11PM ANY COMMENTS?
12:27:12PM CONCERNS?
12:27:13PM QUESTIONS?
12:27:15PM OKAY.
12:27:15PM NOTHING?
12:27:17PM >> I MAKE A MOTION --
12:27:18PM >>Mayor Errington: BEFORE YOU DO THAT, HOLD IT RIGHT
12:27:21PM THERE.
12:27:21PM WE NEED TO GET PUBLIC COMMENT.
12:27:23PM ANY PUBLIC COMMENT?
12:27:24PM >>Carol Sacco: NO PUBLIC COMMENTS AND NO E-COMMENTS.
12:27:27PM >>Mayor Errington: NOW YOU MAY GO.
12:27:29PM >> I MAKE A MOTION THAT WE MOVE THIS HEARING REQUIRED
12:27:34PM WHICH REQUIRES TWO HEARINGS AND BE MOVED TO JULY 20, AND

12:27:41PM WE TAKE THE SECOND HEARING APPROVAL ON THAT DATE.
12:27:45PM >>Mayor Errington: I NEED A SECOND.
12:27:48PM SECONDED BY COUNCILMEMBER RIBBLE.
12:27:50PM THE MOTION WAS MADE BY COUNCILMEMBER BOESCH.
12:27:59PM ROLL CALL.
12:27:59PM >>Joanne Ribble: AYE.
12:28:05PM >>Larry Fiesel: AYE.
12:28:07PM >>Jim Boesch: AYE.
12:28:08PM >>Jim Ward: AYE.
12:28:11PM >>Jim Wilson: AYE.
12:28:12PM >>Vice-Mayor McLain: AYE.
12:28:16PM >>Mayor Errington: AYE.
12:28:17PM ITEM NUMBER 11A IS THE SECOND READING OF THE ORDINANCE
12:28:23PM NUMBER 2022-04.
12:28:27PM MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
12:28:32PM >>Carol Sacco: YES, MAYOR.
12:28:34PM ORDINANCE 2022-04.
12:28:36PM ORDINANCE ESTABLISHING CORKSCREW CROSSING COMMUNITY
12:28:38PM DEVELOPMENT DISTRICT PROVIDING A DISTRICT NAME, SETTING
12:28:42PM FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE,
12:28:44PM ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT,
12:28:48PM DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF
12:28:51PM SUPERVISORS, ESTABLISHING THE GOVERNING DISTRICT CHARTER
12:28:53PM AS FLORIDA STATUTE CHAPTER 190, PROVIDING FOR NOTICE TO
12:28:58PM SUBSEQUENT PURCHASES, PERTAINING TO MODIFICATIONS THAT
12:29:02PM MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING.
12:29:07PM PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE
12:29:08PM DATE.
12:29:09PM >>Mayor Errington: THANK YOU.
12:29:09PM STEVE?
12:29:10PM >>Steven Sarkozy: THANK YOU, MAYOR, MEMBERS OF COUNCIL.
12:29:13PM THIS IS A SECOND READING REGARDING THE CORKSCREW
12:29:17PM CROSSINGS PROPERTY AND THE ESTABLISHMENT OF A COMMUNITY
12:29:20PM DEVELOPMENT DISTRICT.
12:29:21PM THIS HAS BEEN TO YOU PREVIOUSLY.
12:29:23PM IT REQUIRES COUNCIL APPROVAL TO ESTABLISH THIS LEGAL
12:29:26PM FRAMEWORK FOR THIS PROJECT TO MOVE FORWARD UNDER THE
12:29:30PM FLORIDA SPECIAL DISTRICTS LAW PROVISION.
12:29:34PM I'LL TURN THIS OVER TO MARY GIBBS TO FURTHER EXPLAIN THIS
12:29:40PM AND AGAIN NANCY STROUD IS WITH US SHOULD YOU HAVE
12:29:42PM QUESTIONS ON THE LEGAL MATTERS.
12:29:43PM >>Mary Gibbs: GOOD AFTERNOON.
12:29:46PM >>Mayor Errington: WELCOME AGAIN, MARY.
12:29:48PM >>Mary Gibbs: THIS COMMUNITY DEVELOPMENT DISTRICT IS FOR
12:29:51PM THE PROPERTY OWNED BY LEE COUNTY HOME ASSOCIATES, FOR
12:29:57PM LLP, WHICH IS ACTUALLY GL HOMES, AND IT'S THE 400 ACRES
12:30:02PM APPROXIMATELY EAST ON CORKSCREW ROAD, SOUTH OF WILDBLUE,
12:30:06PM EAST OF WILDCAT RUN, WEST OF BELLA TERRA AND PRESERVE.

12:30:10PM IT'S A SINGLE-FAMILY SUBDIVISION YOU ALL APPROVED THE
12:30:14PM ZONING A WHILE BACK.
12:30:15PM THEY'RE GOING TO BUILD A 500 PLUS HOMES.
12:30:20PM SO THE CDDs ARE SPECIAL DISTRICTS, AND YOU'RE ALL
12:30:22PM FAMILIAR BECAUSE SOME OF YOU LIVE ESTABLISHED BY THE
12:30:25PM LEGISLATURE FOR CERTAIN GEOGRAPHIC AREAS AND THEY HAVE
12:30:28PM LIMITED POWERS AND THIS ONE, I MEAN, WE'VE GOT THEM IN
12:30:32PM STONEYBROOK.
12:30:33PM WE'VE GOT THEM IN THE BROOKS AND PELICAN LANDING.
12:30:36PM SO THEY'RE FAIRLY PREVALENT IN THE LARGER DEVELOPMENTS
12:30:42PM AND THIS AREA.
12:30:42PM THE APPLICANT IS REQUESTING FOR THE POWERS FOR WATER,
12:30:45PM SEWER, STORMWATER, DRAINAGE AND THEN PRESERVES
12:30:49PM CONSERVATION AREAS BECAUSE THEY HAVE A 200 ACRE PRESERVE
12:30:53PM AREA OF THE SOUTH END OF THEIR PROPERTY.
12:30:55PM AND THEY'RE ALSO ASKING FOR WHAT THEY CALL AN ADDITIONAL
12:30:58PM POWER WHICH IS SECURITY, GUARD HOUSES, FENCES, GATES, AND
12:31:04PM THEN, YOU KNOW, WITH THE CDDs THEY MAINTAIN AND PUT IN
12:31:07PM THE INFRASTRUCTURE AND PEOPLE THAT LIVE THERE THROUGH
12:31:11PM ASSESSMENTS ARE THE ONES THAT PAY, SO IT'S NOT A BURDEN
12:31:14PM TO THE GENERAL TAXPAYERS.
12:31:15PM AND THAT'S WHY CDDs ARE FAIRLY COMMON.
12:31:18PM SO THIS ONE, I THINK WE TALKED ABOUT AT THE LAST HEARING,
12:31:24PM YOU ASKED ABOUT WHETHER OR NOT IT INCLUDED ROADS WHICH
12:31:27PM THEY EXPLAINED IT DOESN'T BECAUSE OF THE GATE HOUSE, AND
12:31:30PM THEN I THINK COUNCILMEMBER WILSON ASKED ABOUT HOW THAT
12:31:34PM TRANSITIONED FROM THE BEGINNING WHEN IT'S REALLY THE GL
12:31:39PM HOMES PEOPLE THAT START THE DISTRICT AND TRANSITION TO
12:31:43PM THE RESIDENTS OVER A PERIOD OF YEARS.
12:31:45PM COULD BE UP TO SIX YEARS.
12:31:47PM MIGHT BE QUICKER.
12:31:47PM SO THAT'S BASICALLY MY PRESENTATION.
12:31:55PM THE APPLICANT IS HERE VERY QUIETLY SITTING IN THE BACK.
12:31:58PM WE HAVE MIKE ECKERT FROM KUTAK ROCK WHICH IS THE LAW FIRM
12:32:02PM THAT WORKED ON THAT AND JOHN ASHER AND CLAYTON FROM GL
12:32:07PM HOMES.
12:32:08PM IF YOU HAVE ANY QUESTIONS FOR THE ATTORNEY, HE IS HAPPY
12:32:10PM TO COME UP AND ANSWER.
12:32:20PM >>Mayor Errington: ANY QUESTIONS FROM COUNCIL?
12:32:22PM COMMENTS?
12:32:22PM WE'RE GOOD.
12:32:26PM OKAY.
12:32:26PM SO THANK YOU, MARY.
12:32:29PM SO WE ARE IN THE PROCESS -- OF ASKING -- ARE THERE
12:32:36PM ANY --
12:32:36PM >>Carol Sacco: NO PUBLIC COMMENT AND NO E-COMMENTS.
12:32:39PM >>Mayor Errington: NO E-COMMENTS, SO NOW I NEED A MOTION
12:32:42PM TO APPROVE ORDINANCE NUMBER 2022-04.

12:32:49PM MOTION.
12:32:50PM >> MAKE A MOTION THAT WE APPROVE THE -- THIS ORDINANCE
12:32:56PM REQUESTING THE CDD ORGANIZATION AS PART OF THEIR
12:33:06PM DOCUMENTS.
12:33:08PM >>Mayor Errington: WE HAVE A MOTION THAT'S BEEN MADE BY
12:33:10PM COUNCILMEMBER BOESCH.
12:33:12PM NEED A SECOND.
12:33:13PM SECONDED BY COUNCILMEMBER LARRY FIESEL.
12:33:18PM PLEASE CALL THE ROLL.
12:33:20PM >>Jim Wilson: AYE.
12:33:21PM >>Jim Ward: AYE.
12:33:23PM >>Jim Boesch: AYE.
12:33:25PM >>Larry Fiesel: AYE.
12:33:27PM >>Joanne Ribble: AYE.
12:33:28PM >>Vice-Mayor McLain: (INAUDIBLE)
12:33:32PM >>Mayor Errington: AYE.
12:33:34PM ITEM NUMBER 12.
12:33:35PM PUBLIC COMMENT ON NON-AGENDA ITEMS.
12:33:37PM >>Carol Sacco: WE HAVE NONE, MAYOR.
12:33:39PM >>Mayor Errington: THANK YOU.
12:33:40PM THANK YOU, GENTLEMEN, FOR GOING THROUGH ALL OF THIS.
12:33:45PM WE'LL LET YOU SHARE YOUR EXPERTISE WITH US LATER.
12:33:49PM THANK YOU.
12:33:53PM OKAY.
12:33:53PM ITEM NUMBER 13.
12:33:56PM COUNCIL COMMUNICATIONS.
12:33:59PM SO LET'S START WITH COUNCILMEMBER WILSON.
12:34:04PM >>Jim Wilson: YES, MADAM MAYOR.
12:34:06PM I RECENTLY ATTENDED THE MEETING OF THE ESTERO -- EASTERN
12:34:13PM ESTERO ORGANIZATION -- EXCUSE ME -- AT WHICH RAY
12:34:26PM BLACKSMITH OF THE DEVELOPMENT ORGANIZATION THERE
12:34:28PM PRESENTED A DETAILED PLAN FOR SOMETHING CALLED THE
12:34:32PM KINGSTON PROJECT, AND I'M PLEASED TO REPORT THAT ALTHOUGH
12:34:39PM WE HAD -- I'M TRYING TO GET OUT THE REPORT.
12:34:49PM ALTHOUGH I KNOW RESIDENTS HAD QUESTIONS ABOUT THE 10,000
12:34:52PM HOMES THAT WERE POTENTIALLY GOING TO BE DEVELOPED OUT
12:34:58PM THERE, THAT THE COUNTY SEEMS TO BE ON TOP OF THE CONCEPT
12:35:01PM OF THE ROADS.
12:35:04PM THE COUNTY IS DEFINITELY PROCEEDING AGGRESSIVELY TO
12:35:08PM EXTEND LICO ROAD ALL THE WAY TO 82 WHICH WILL PROVIDE AN
12:35:14PM ALTERNATE WAY FOR PEOPLE WHO LIVE IN THAT AREA TO GET TO
12:35:23PM DOWNTOWN FORT MYERS OR PLACES NORTH WITHOUT GETTING ON
12:35:27PM OUR CORKSCREW CORNER THAT WE PAY SO MUCH ATTENTION TO.
12:35:30PM I HAVE THE DETAILED PLAN THEY PRESENTED SHOWING WHERE THE
12:35:35PM AREAS ARE, AND I'LL MAKE SURE THE DEVELOPMENT DEPARTMENT
12:35:38PM IN ESTERO GETS IT IF THEY DON'T ALREADY HAVE ONE.
12:35:44PM BUT OVERALL IT LOOKS LIKE IT'S SOMETHING -- CERTAINLY
12:35:46PM BECAUSE IT'S THE RESULT OF THE SETTLEMENT OF THE LAWSUIT,

12:35:50PM IT'S SOMETHING THAT IS NOT GOING TO DO US ANY GOOD TO BE
12:35:55PM ANYTHING OTHER THAN AWARE OF AND TO FOLLOW.
12:35:57PM THANK YOU.
12:36:00PM >>Mayor Errington: THANK YOU.
12:36:00PM COUNCILMEMBER JIM WARD.
12:36:03PM >>Jim Ward: YES.
12:36:03PM THANK YOU.
12:36:04PM I WANTED TO JUST TAKE A MOMENT TO THANK SENATORS
12:36:07PM PASSIDOMO AND RODRIGUES AND REPRESENTATIVE BOTANA FOR
12:36:12PM THE -- I WANTED TO RECOGNIZE THEM AND THANK THEM FOR ALL
12:36:16PM THEY'VE DONE FOR THE VILLAGE SO FAR THIS YEAR.
12:36:19PM I ALSO WANTED TO COMPLIMENT TUSCAN AND STEVE AND STAFF ON
12:36:24PM THE WELL DONE COMPREHENSIVE AUDIT REPORT THAT DETAILED
12:36:29PM THE OPERATING SOUNDNESS OF OUR OPERATIONS AND BALANCE
12:36:34PM SHEET, AND I WAS ALSO PLEASED TO SEE THEY RECOGNIZED THE
12:36:39PM SUBSEQUENT EVENTS RELATED TO THE RECEIPT OF ARPA FUNDS
12:36:44PM AND REPAYMENT OF DEBTS.
12:36:45PM SO, STEVE, COMPLIMENTS TO YOU AND YOUR STAFF ON A
12:36:49PM WELL-DONE AUDIT REPORT.
12:36:50PM THANK YOU.
12:36:50PM >>Mayor Errington: THANK YOU, JIM.
12:36:53PM COUNSELMEMBER BOESCH.
12:36:55PM >>Jim Boesch: PASS.
12:36:56PM >>Mayor Errington: COUNCILMEMBER RIBBLE.
12:36:58PM >>Joanne Ribble: YES.
12:36:59PM ON BEHALF OF THE FLORIDA LEAGUE OF CITIES, THEY WANT ME
12:37:02PM TO MENTION TO ANYONE WHO MAY BE STILL LISTENING TO PLEASE
12:37:09PM TAKE ADVANTAGE OF THE SALES TAX HOLIDAYS WE HAVE.
12:37:12PM ONE OF THE BIGGEST ITEMS IS FOR IMPACT WINDOWS AND GARAGE
12:37:15PM DOORS THAT WILL EXTEND INTO JULY 2024.
12:37:19PM AND FROM ANYONE LISTENING FROM DISTRICT 1, THE LIGHT IS
12:37:25PM IN THE PERMITTING PHASE NOW AND HOPEFULLY BY THE END OF
12:37:29PM THE YEAR IF NOT AT THE LATEST, BEGINNING 2023, WE'LL HAVE
12:37:32PM THAT LIGHT AT OUR INTERSECTION.
12:37:35PM >>Mayor Errington: THANK YOU.
12:37:37PM LARRY?
12:37:38PM >>Larry Fiesel: YEAH.
12:37:39PM JUST A COUPLE THINGS.
12:37:40PM BACK ON JUNE 15th, YOU RECALL WE HAD AN ACTION ITEM
12:37:44PM NUMBER 8 ON THE AGENDA WHICH WAS ORDINANCE 2022-02 WHICH
12:37:49PM WAS THE OUTLET SIGNAGE.
12:37:54PM AS YOU'RE AWARE, I CASTED THE SITTING VOTE ON THAT
12:37:58PM MOTION.
12:37:58PM IT WAS THE ONLY DISSENTING VOTE, AND I CAST THAT WITHOUT
12:38:07PM GIVING EXPLANATION WHY I DID THAT.
12:38:09PM AFTER I LEFT THE MEETING, I HAD REVELATION THAT I
12:38:16PM SHOULDN'T DO THAT ANYMORE.
12:38:19PM THAT IF I'M GOING TO VOTE ON WHAT COMES BEFORE THE

12:38:26PM COUNCIL, I SHOULD AT LEAST GIVE AN EXPLANATION AS TO WHY
12:38:29PM I DID THAT, AND SO I JUST WANT THE COUNCIL TO BE AWARE
12:38:33PM THAT I WON'T DO THAT ANYMORE.
12:38:40PM FOR INDIVIDUAL COUNCIL MEMBERS, THIS IS A LEARNING CURVE
12:38:42PM IN THE PROCESS.
12:38:43PM TO STAFF, STEVE, MARY, CAROL, I WILL -- FROM NOW ON
12:38:54PM FORWARD, I WILL TRY TO MAKE AN EXPLANATION AND MAKE IT
12:38:57PM CLEAR THE REASONS I VOTE LIKE I DO RATHER THAN JUST SAY
12:39:00PM YES OR NO.
12:39:02PM >>Mayor Errington: VERY GOOD.
12:39:05PM >>Larry Fiesel: I LEARNED FROM THAT EXPERIENCE.
12:39:06PM ALSO, JUST AS A PERSONAL NOTE, JULY THE 4th OF THIS YEAR,
12:39:12PM MONDAY, WAS MORE THAN A CELEBRATION OF THE INDEPENDENCE
12:39:16PM OF OUR NATION.
12:39:17PM MY GRANDSON AND HIS WIFE ANNOUNCED THAT OUR NEW GREAT
12:39:24PM GRANDCHILD IS GOING TO BE A BOY.
12:39:27PM >> CONGRATULATIONS.
12:39:29PM VERY GOOD.
12:39:30PM >>Larry Fiesel: EXCITING DAY.
12:39:32PM LOT OF FIREWORKS.
12:39:33PM THE WAY THEY ANNOUNCED IT WAS THEY HAD A SHOTGUN FOR
12:39:38PM FIREWORKS, AND IT BLEW UP BLUE.
12:39:41PM >>Mayor Errington: VERY GOOD.
12:39:44PM JON?
12:39:45PM >>Vice-Mayor McLain: I'LL ECHO SOME OF YOUR COMMENTS
12:39:46PM ABOUT THIS IS A LEARNING EXPERIENCE, AND I THINK WE'RE
12:39:51PM EVOLVING.
12:39:52PM SOCIETY CHANGES AND WHERE WE'RE TRYING TO GO, SO I THINK
12:39:55PM WE OUGHT TO BE EYES AND EARS OUT THERE, AND CONTINUE
12:40:00PM LEARNING AND MAKING THIS A BETTER PLACE.
12:40:05PM IN THAT REGARD, I WAS READING ONE OF THE MAGAZINES.
12:40:08PM IT MAY HAVE BEEN ONE OF THE WEEKLY ONES.
12:40:10PM WE HAVE WITHIN ESTERO, LEE HEALTH, BONITA COMMUNITY
12:40:16PM HEALTH CENTER.
12:40:18PM I THINK YOU'RE THE LEE HEALTH LIAISON.
12:40:21PM IT KIND OF BOTHERS ME THEY CALL IT BONITA COMMUNITY SINCE
12:40:25PM IT'S LOCATED IN ESTERO.
12:40:28PM AND THERE MAY BE SOME REASONS FOR THAT, BUT IF YOU COULD
12:40:31PM INFLUENCE, AND I KNOW YOU CAN, MAYBE A NAME CHANGE.
12:40:38PM IT WOULD BE NICE TO CALL IT THE ESTERO HEALTH COMMUNITY
12:40:43PM CENTER.
12:40:43PM IT SAYS BONITA OPEN FOR A BONITA ESTERO HEALTH -- OR SOME
12:40:49PM COMPROMISE TO THAT.
12:40:50PM I THINK IT'S IMPORTANT THAT WE LET PEOPLE KNOW WHERE
12:40:55PM ESTERO IS WHAT WE HAVE FOR SERVICES AND TO MAKE THIS A
12:40:59PM GREAT PLACE, AND SOMETIMES -- I KNOW IT'S ON THE BORDER
12:41:02PM THERE, AND THERE IS CONFUSION WITH ZIP CODES AND ALL
12:41:08PM THAT, BUT ANY INFLUENCE WOULD BE GREAT.

12:41:10PM THE OTHER COMMENT IS I'M GETTING QUITE A FEW E-MAILS FROM
12:41:13PM THE VINES COMMUNITY IN REFERENCE TO THE RECENT PUBLIC
12:41:25PM HEARING ON BIKE ROUTES AROUND THE RAILROAD.
12:41:27PM WE ALL KNOW THE RAILROAD IS NOT SOMETHING THAT'S PROBABLY
12:41:29PM GOING TO HAPPEN RIGHT AWAY, BUT BECAUSE YOU HAVE PUBLIC
12:41:32PM HEARINGS, PEOPLE GET PRETTY EXCITED, AND THE REACTION
12:41:38PM THAT MOST FOLKS HAVE, YOU KNOW, YOU COULD SAY, WELL, YOU
12:41:42PM HAD A RAILROAD GOING THROUGH THERE, YOU KNOW, A BIKE PATH
12:41:49PM MAY NOT BE THAT BIG OF A DEAL.
12:41:51PM I THINK THE SECURITY ISSUES IS IF A TRAIN GOES THROUGH,
12:41:54PM NOBODY IS GETTING OFF.
12:41:55PM THE ISSUE THEY HAVE IS WITH BIKERS AND WALKERS WITH NO
12:41:59PM FENCING AND THE LIKE COULD CAUSE SOME KIND OF A SECURITY
12:42:02PM ISSUE FOR THEM, SO THEY'RE REALLY ASKING ME TO BE, YOU
12:42:05PM KNOW, UPFRONT WITH THEM AND PROBABLY HAVE TO HAVE A
12:42:08PM MEETING WITH THEM TO TALK ABOUT TIMING AND THE LIKELIHOOD
12:42:11PM OF THIS HAPPENING IN OUR LIFETIMES, AND THERE IS
12:42:16PM ALTERNATIVES.
12:42:17PM THERE IS A COUPLE ALTERNATIVES THAT HAVE BEEN DISCUSSED,
12:42:21PM SO OUR CITIZENS HERE -- AND I THINK THEY HAVE SOME
12:42:26PM LEGITIMATE ISSUES THAT HAVE TO BE TAKEN UNDER ADVISEMENT.
12:42:30PM THAT'S ALL I'VE GOT.
12:42:30PM THANK YOU.
12:42:31PM >>Mayor Errington: THANK YOU, JON.
12:42:33PM MY REPORT IS LAST WEEK, I SENT AN E-MAIL TO ALL COUNCIL
12:42:39PM MEMBERS AND ASKED YOU NOT TO RESPOND TO ME.
12:42:42PM THANK YOU.
12:42:42PM I APPRECIATE THAT.
12:42:44PM IN ESSENCE, WHAT -- IN THE LETTER, I WAS REQUESTING OF
12:42:49PM YOU, IS TO GIVE THIS SOME THOUGHT.
12:42:53PM PLEASE PONDER THIS.
12:42:54PM THE 31 ACRES ON THE NORTH SIDE OF THE ESTERO RIVER THAT
12:42:59PM WE OWN, I'M JUST ASKING THAT YOU THINK ABOUT HOW WE COULD
12:43:04PM POSSIBLY -- WE'RE NOT READY TO DO ANYTHING RIGHT NOW.
12:43:10PM OUR COUNCIL IS NOT READY TO DO BUILDING OR ANY KIND OF
12:43:19PM APPROVAL THERE.
12:43:20PM BUT THINK ABOUT THE RESIDENTS IN ESTERO.
12:43:22PM SOME PEOPLE MAY LIKE TO GO, ONCE WE HAVE OUR NEW ESTERO
12:43:25PM ON THE RIVER PARK UP AND RUNNING, THAT AREA ON NORTH
12:43:30PM SIDE, JUST DO SOMETHING TO SHOW OUR RESIDENTS THAT WE ARE
12:43:33PM DOING SOMETHING.
12:43:35PM WE DON'T HAVE TO MAKE IT A NANCY PARK OR ANYTHING, BUT
12:43:38PM MAYBE HAVE SOME WALKING TRAILS IN THERE.
12:43:41PM IT'S ALREADY REALLY CLEARED WHEN YOU GO ON GOOGLE EARTH,
12:43:45PM YOU CAN LOOK AT IT.
12:43:45PM IT'S AMAZING HOW MUCH IS CLEARED BACK IN THERE.
12:43:48PM BUT I UNDERSTAND IT WOULD BE RELATIVELY EASY TO DO AND
12:43:53PM HAVE A WAY FOR PEOPLE TO GET OUT AND ESPECIALLY IN THE

12:43:56PM FALL, AND THEN THE -- IN THE WINTER TIME WHEN THE WEATHER
12:43:58PM IS NOT AS HOT AS IT IS NOW, BUT GET THEIR FAMILIES OUT
12:44:02PM AND WALK AND JUST LET THEM EXPLORE.
12:44:05PM BUT TO SHOW THE VILLAGE, THE PEOPLE, THAT WE ARE DOING
12:44:08PM SOMETHING.
12:44:10PM THE DAY WILL COME.
12:44:11PM IT WON'T BE THIS PARTICULAR COUNCIL BECAUSE OUR TIME IS
12:44:13PM LIMITED, BUT IN THE FUTURE, THERE MAY BE A COUNCIL THAT
12:44:17PM WANTS TO DO SOMETHING WITH THAT PROPERTY.
12:44:20PM BUT IN THE MEANTIME, I'M THINKING THAT WHY CAN'T WE DO
12:44:27PM SOMETHING THAT DOESN'T REQUIRE A GREAT EXPENSE, BUT TO
12:44:29PM OPEN THAT UP.
12:44:30PM WE NEED TO TEAR DOWN THE MEHMETS FRUIT STAND.
12:44:34PM I'VE GOTTEN TOO MANY COMPLAINTS ABOUT THAT, SO THAT NEEDS
12:44:38PM TO GO, AND WE ALSO -- THAT PARKING BESIDE THE OUTFITTERS
12:44:43PM IS THE VILLAGE LAND.
12:44:45PM PEOPLE COULD PARK THERE AND WALK AND EVEN DO SOME BIKING.
12:44:52PM I'M NOT TALKING ABOUT PUTTING DOWN PAYMENTS OR ANY KIND
12:44:55PM OF ASPHALT OR CRUSHED SHELLS OR ANYTHING.
12:44:57PM IT WOULD BE A DIRT TRAIL LIKE -- AND JUST THINK ABOUT IT.
12:45:03PM SOMETHING FOR PEOPLE TO DO.
12:45:05PM IT SHOWS -- IT CLEANS THE AREA UP AND MAKES IT LOOK LIKE
12:45:07PM SOMETHING THAT IN THE FUTURE, YOU MAY DECIDE TO DO
12:45:12PM SOMETHING WITH IT, BUT AS OF RIGHT NOW, WE'RE JUST USING
12:45:15PM IT AS IS AND MAKING IT SOMETHING THAT PEOPLE CAN ENJOY.
12:45:20PM SO PLEASE THINK ABOUT THAT AND SHARE ANY THOUGHTS YOU MAY
12:45:23PM HAVE WITH STEVE.
12:45:25PM IT WOULD BE REALLY, REALLY NICE TO GET YOUR VIEWPOINTS ON
12:45:30PM THAT.
12:45:30PM SO THE OTHER THING IS THE PITCH DIDN'T HAPPEN.
12:45:40PM WITH THE MIGHTY MUSCLES.
12:45:42PM IT RAINED AGAIN, SO I'M BAD LUCK.
12:45:45PM SO IT DID NOT HAPPEN, SO MOVING ON.
12:45:49PM SO VILLAGE ATTORNEY, DO YOU HAVE ANY --
12:45:53PM >> NOTHING FURTHER, MAYOR.
12:45:55PM >>Mayor Errington: THANK YOU.
12:45:56PM NOW WE'LL GO TO STEVE.
12:45:58PM >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBER OF COUNCIL.
12:46:00PM I DO HAVE A COUPLE THINGS.
12:46:02PM FIRST OFF, YOU KNOW IN RECENT WEEKS HERE, WE PAID OFF $17
12:46:05PM MILLION IN DEBT.
12:46:07PM WE ARE NOW DEBT FREE TOTALLY.
12:46:10PM WE HAVE ALSO PURCHASED THE RIVER OAKS PRESERVE FOR 1.25
12:46:15PM MILLION, AND SECURED THE OPERATING AGREEMENT WITH THE
12:46:22PM NATIVE GROWTH PLANT SOCIETY.
12:46:25PM THEY ARE IN ON THE SITE NOW, AND THEY'RE MAKING SOME
12:46:28PM MODIFICATIONS.
12:46:30PM WE DID HAVE A NEIGHBORHOOD MEETING THAT WAS VICE MAYOR

12:46:35PM McLAIN'S DOING, BRINGING ALL THE NEIGHBORHOOD GROUPS
12:46:39PM TOGETHER, SO THE NATIVE PLANT SOCIETY IS IN DIRECT
12:46:44PM COMMUNICATION WITH THEIR NEIGHBORS AS THE AREA DEVELOPS
12:46:46PM AND HOPEFULLY THAT WILL SPARE US FROM, YOU KNOW, THE
12:46:50PM NOISE CONCERNS OR ACTIVITY THAT'S GOING ON BACK THERE BUT
12:46:56PM IT'S A VERY LIMITED DEVELOPMENT AS WE TRY TO CLEAR OUT
12:46:59PM THE INVASIVE AND PROVIDE STORAGE FACILITIES FOR THE
12:47:03PM NATIVE GROWTH PLANT SOCIETY AND SO FORTH, BUT THEIR
12:47:06PM COMMITMENT IS TO CREATE A BEAUTIFUL PRESERVE FOR US, FOR
12:47:09PM THE BENEFIT OF THE ENTIRE COMMUNITY.
12:47:14PM THE OTHER THING I WANTED TO MENTION AS PART OF PURCHASING
12:47:19PM THE DRIVING RANGE ON WILLIAMS, THAT'S A 10-ACRE SITE THAT
12:47:25PM JUST CLOSED LAST WEEK, AND THE QUESTION WAS, WHAT DO WE
12:47:31PM DO WITH THAT, AND WE HAD TO MOVE VERY QUICKLY TO MAKE
12:47:35PM SURE THAT THERE WOULD BE CONTINUOUS OPERATION AT THE
12:47:40PM DRIVING RANGE.
12:47:43PM WE WANTED TO AVOID ANY CRITICISM THAT WE PURCHASED
12:47:45PM SOMETHING FOR CONSIDERABLE AMOUNT OF MONEY.
12:47:47PM IT WAS AN ONGOING ASSET THAT HAD REVENUE-PRODUCING
12:47:52PM POTENTIAL, AND RATHER THAN JUST CLOSE IT DOWN, WE WANTED
12:47:55PM TO KEEP IT GOING UNDER GOVERNMENT LIGHT, WE DON'T HAVE
12:47:58PM STAFF THAT WE CAN JUST ASSIGN OVER THERE.
12:48:05PM SO GIVEN THE OPERATION OVER TEMPORARILY TO THE ESTERO
12:48:09PM FOREVER FOUNDATION, AND THEIR GROUP IS GOING TO BE THEN
12:48:15PM OPERATING THAT.
12:48:16PM THERE IS NO -- I DON'T HAVE ANY AGREEMENT WITH THEM
12:48:20PM FORMALLY.
12:48:21PM THEY'LL SIMPLY MAINTAIN THE OPERATION AND WHEN WE GET AN
12:48:28PM OPERATING AGREEMENT WITH THEM, WE'LL BRING THAT BACK TO
12:48:30PM THE COUNCIL, BUT IT'S STILL OPEN FOR BUSINESS.
12:48:35PM WE'RE CHANGING EVERYTHING OVER SO THERE IS NO CASH ON THE
12:48:38PM SITE.
12:48:39PM IT WILL BE BY CREDIT CARD.
12:48:41PM EVEN THE VENDING MACHINES WILL BE BY CREDIT CARD.
12:48:44PM THAT WILL DISTURB SOME, BUT THAT WAY WE CAN AVOID ANY
12:48:48PM CASH PROBLEMS, YOU KNOW, WHO IS TAKING THE CASH AND WHAT
12:48:50PM NOT, AND ALL OF THE MONEY WILL ACCRUE TO OUR SPECIAL
12:48:56PM REVENUE ACCOUNT OR RESERVE ACCOUNT AT THE VILLAGE.
12:49:00PM SO IT WILL COVER ITS COSTS AND NOT BE A BURDEN TO THE
12:49:03PM VILLAGE UNTIL WE CAN FIGURE OUT WHAT ARE THE NEXT STEPS.
12:49:05PM SO BIG MOVEMENTS FORWARD, AND THEY'VE BECOME IMPORTANT
12:49:12PM ELEMENTS TO OUR LAND USE PLAN FOR PUBLIC FACILITIES.
12:49:16PM >>Mayor Errington: THANK YOU.
12:49:18PM IS THAT IT?
12:49:19PM SO I NEED A MOTION TO ADJOURN THIS MEETING AND -- WE WILL
12:49:25PM RECONVENE IN THE -- I HAVE TO END THIS.
12:49:28PM >> SO MOVED.
12:49:28PM >>Mayor Errington: AND A SECOND.

12:49:30PM WE HEARD THEM.
12:49:31PM SO NOW WE ARE IN THE WORKSHOP.
12:49:34PM OKAY.
12:49:36PM (SOUNDING GAVEL)
12:49:37PM WORKSHOP BEGINS.
12:49:42PM THIS RELATES TO THE 2022-23 BUDGET.
12:49:47PM STEVE, YOU'RE BACK ON.
12:49:49PM >>Steven Sarkozy: YOU HAVE THE INITIAL DRAFT OF THE
12:49:50PM BUDGET.
12:49:51PM SPECIAL KUDOS HERE GO OUT TO BRIT MARTIN WHO IS OUR
12:49:56PM INTERIM FINANCE DIRECTOR.
12:49:59PM BRIT HAS BEEN ON ZOOM WITH US HERE BUT MUTED.
12:50:02PM BRIT PREPARED THE BUDGET IN ACCORDANCE WITH COMMENTS FROM
12:50:07PM STAFF.
12:50:08PM THIS IS STILL VERY MUCH IN DRAFT FORMAT, BUT THE
12:50:12PM IMPORTANT PART OF TODAY IS THAT IT'S OUT YOUR REVIEW AND
12:50:18PM THE PUBLIC REVIEW.
12:50:19PM WHAT WE DO IS MAKE OURSELVES AVAILABLE, NOT JUST AT
12:50:22PM BRIEFINGS BUT ANY TIME YOU MIGHT HAVE A QUESTION
12:50:24PM REGARDING AN ITEM OR A SUGGESTION ON WHAT WE MIGHT DO
12:50:29PM WITH CERTAIN ACTIVITY THAT WOULD ENHANCE THE PUBLIC
12:50:34PM SERVICES, LET US KNOW AND WE'LL TRY TO REFLECT THAT IN
12:50:36PM THE BUDGET.
12:50:38PM THE IMPORTANT THING IS THAT THE BUDGET IS NOT JUST A
12:50:42PM FINANCIAL PIECE.
12:50:43PM THE MOST IMPORTANT ASPECT OF THE BUDGET IS THAT IT'S YOUR
12:50:53PM PRINCIPAL POLICY DOCUMENT.
12:50:55PM IT FOLLOWS THE SERVICES YOU WANT US TO FOLLOW, SO IN
12:51:02PM ESSENCE, THIS IS A REFLECTION OF WHERE YOU WANT THE
12:51:04PM VILLAGE TO GO, AND IT'S AN IMPORTANT PIECE.
12:51:07PM IT WILL BE VERY FLUID.
12:51:09PM WE'LL TALK ABOUT IT AGAIN IN A PUBLIC HEARING, SECOND
12:51:12PM PUBLIC HEARING ON THE 20th, AND THEN ALSO THEN SUBJECT TO
12:51:18PM REVIEW AGAIN IN SEPTEMBER -- ON SEPTEMBER 7 AND OUR
12:51:22PM SECOND MEETING IN SEPTEMBER.
12:51:26PM >> SEPTEMBER 8 AND 20.
12:51:28PM >>Steven Sarkozy: THANK YOU.
12:51:30PM I STAND CORRECTED, AS ALWAYS.
12:51:31PM SO THIS -- IT IS VERY DYNAMIC AT THIS POINT, BUT IT'S A
12:51:37PM GOOD FIRST STEP.
12:51:40PM DAVID WILLEMS IS HERE TO TALK ABOUT ANY OF THE PUBLIC
12:51:44PM WORKS THINGS AND I THINK MARY DISAPPEARED, BUT IF THERE
12:51:47PM IS ANY COMMENTS OR QUESTIONS, WE DON'T NEED TO RESTRICT
12:51:50PM YOUR COMMENTS TO THE PUBLIC MEETINGS.
12:51:52PM LET US KNOW WHAT -- AND WE'LL HAVE BRIEFINGS ON THIS AS
12:51:55PM WELL.
12:51:57PM >>Mayor Errington: ANY COMMENTS?
12:51:58PM QUESTIONS?

12:51:59PM ON ZOOM, ANY COMMENTS, QUESTIONS?
12:52:02PM >> YES, MAYOR.
12:52:03PM QUICK QUESTION FOR STEVE, PLEASE.
12:52:06PM STEVE, ON PAGE 8, WHERE WE HAVE REVENUE SOURCES THAT YOU
12:52:10PM HAVE TAXES PROJECTED FOR 2023, JUST GIVE ME AN IDEA OF
12:52:17PM HOW THAT WAS BASED -- ON WHAT CRITERIA THAT NUMBER WAS
12:52:21PM BASED ON.
12:52:23PM THE MILL RATE, THE VALUATION.
12:52:27PM >>Steven Sarkozy: THE VALUATION, I SENT OUT TO THE
12:52:29PM COUNCIL LAST NIGHT AN ESTIMATE OF NEW VALUES FROM THE
12:52:36PM COUNTY ASSESSOR.
12:52:37PM THAT STILL IS VERY MUCH A PRELIMINARY NUMBER, BUT THAT
12:52:41PM WENT INTO ESTABLISHING THE PROPERTY TAX REVENUES.
12:52:47PM THE OTHER REVENUES THEN ARE BASICALLY INTERPOLATED FROM
12:52:50PM THE PRIOR YEARS.
12:52:53PM THEY'RE TYPICALLY ESTIMATES BUT THEY'RE INFORMED
12:52:55PM ESTIMATES.
12:52:59PM >> THE MILL RATE THAT WAS ASSUMED?
12:53:01PM >>Steven Sarkozy: THE MILL RATE IS THE CURRENT RATE.
12:53:04PM WE WOULD NOT PROPOSE TO CHANGE THE MILLAGE RATE UNTIL
12:53:11PM SEPTEMBER, AND WE DO THAT BECAUSE WE NEED TO
12:53:14PM UNDERSTAND FIRST WHAT THE OTHER AGENCIES ARE DOING.
12:53:19PM THE APPROACH THAT WE'VE HAD IN THE PAST, AND I'D
12:53:22PM RECOMMEND THIS AGAIN THIS TIME, IS THAT IF WE CAN DROP
12:53:26PM THE TAX RATE, EVEN MODESTLY, IT'S AN INDICATION OF, YOU
12:53:34PM KNOW, WHAT WE'RE TRYING TO BE VERY FRUGAL AND GOOD
12:53:39PM STEWARDS OF THE PUBLIC RESOURCES.
12:53:45PM DOING THAT, HOWEVER, THERE IS A THREE MILL TEST WE HAVE
12:53:48PM TO COMPLY WITH AND THAT MEANS THE COMBINATION OF ALL THE
12:53:54PM SMALLER TAXING JURISDICTIONS CANNOT BE LESS THAN THREE
12:53:58PM MILLS.
12:54:03PM OTHERWISE WE FACE POSSIBLE PROBLEMS WITH THE COURTS AND
12:54:06PM WITH THE STATE.
12:54:09PM WE DON'T WANT TO TRIP THAT, SO EVERY YEAR WE WAIT UNTIL
12:54:14PM EVERYONE ELSE ADJUSTED THEIR TAX RATE, THEN WE CONSIDER
12:54:17PM HOW MUCH LOWER WE MIGHT GO.
12:54:21PM WE'VE HAD SEVEN BUDGETS IN FIVE OF THE SEVEN YEARS, WE
12:54:25PM HAVE CUT OUR TAX RATE.
12:54:26PM THE ONLY TIMES WHEN WE DID NOT WAS THE FIRST YEAR OF
12:54:30PM INCORPORATION WHERE YOU DID NOT -- I WASN'T HERE, BUT YOU
12:54:34PM DID NOT HAVE THE IDEA OF -- AN IDEA OF -- ACCURATE IDEA
12:54:38PM OF WHAT THE REVENUES WERE GOING TO BE, AND THE OTHER TIME
12:54:41PM WE DID NOT CUT WAS DURING THE INITIAL STAGES OF COVID
12:54:46PM WHEN WE WERE UNSURE WHAT THE EFFECTS OF COVID WOULD BE ON
12:54:50PM OUR BUDGET.
12:54:51PM SO IN BOTH THOSE YEARS WE LEFT THE TAX RATE THE SAME.
12:54:55PM THE FIRST YEAR WAS THE SAME RATE AS THE UNINCORPORATED
12:54:58PM TAX RATE IN THE COUNTY.

12:55:03PM SO BOTTOM LINE, WE TRY TO DROP THAT TAX RATE THIS YEAR,
12:55:06PM BUT THAT DECISION WOULD COME IN SEPTEMBER.
12:55:10PM I HOPE I ANSWERED THE QUESTION THERE, COUNCILMEMBER.
12:55:15PM >>Jim Ward: YES.
12:55:15PM YOU DID.
12:55:16PM I WANT TO FOLLOW UP.
12:55:17PM THERE WILL BE BRIEFINGS ON THIS?
12:55:18PM >>Steven Sarkozy: ABSOLUTELY, YES.
12:55:20PM >>Jim Ward: THANK YOU.
12:55:21PM >>Mayor Errington: THANK YOU.
12:55:22PM ANYTHING ELSE?
12:55:24PM DO WE HAVE ANY PUBLIC COMMENTS?
12:55:26PM >>Carol Sacco: NO PUBLIC COMMENT OR E-COMMENTS, BUT I
12:55:29PM WANT TO CLARIFY, THE NEXT BUDGET MEETING -- THE BUDGET
12:55:32PM MEETINGS IN SEPTEMBER ARE THURSDAY, SEPTEMBER 8 AT 5:30
12:55:34PM P.M. AND WEDNESDAY, SEPTEMBER 21, AT 5:30 P.M.
12:55:39PM >>Mayor Errington: THANK YOU.
12:55:41PM YOU'LL SEND OUT A NOTICE TOO.
12:55:43PM >>Carol Sacco: THEY'RE ALL ON YOUR CALENDAR.
12:55:45PM >>Mayor Errington: THEY'RE ALREADY.
12:55:46PM SO OKAY.
12:55:48PM I THINK WE ARE AT A POINT WHERE I NEED A MOTION TO
12:55:50PM ADJOURN.
12:55:54PM OKAY.
12:55:56PM WE ARE ADJOURNED.
12:55:57PM (SOUNDING GAVEL)
12:55:58PM THANK YOU.

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.

THE VILLAGE OF ESTERO

PROCLAMATION

KATHLEEN C. PASSIDOMO
FLORIDA SENATE PRESIDENT-DESIGNATE

WHEREAS, *Senator Kathleen C. Passidomo is President-Designate of the Florida Senate. She was officially elected by her colleagues in 2021 to assume the role of Senate President during the 2023-2024 legislative term; and*

WHEREAS, *Senate President-Designate Passidomo was elected to the Florida Senate in November 2016 after having served in the Florida House of Representatives since 2010; and*

WHEREAS, *Senate President-Designate Passidomo serves as Chair of the Senate Rules Committee and is a member of the following committees: Appropriation, Appropriations Subcommittee on Education, Banking and Insurance Education, Regulated Industries, and the Joint Legislative Budget Commission; and*

WHEREAS, *Senate President-Designate Passidomo's talent and skills shared in her Districts in Collier and Lee County will now be extended throughout the State of Florida; and*

NOW, THEREFORE, *I, Katy Errington, Mayor of the Village of Estero, Lee County, Florida, do hereby proclaim that the Village recognizes the Honorable Senate President-Designate, Kathleen C. Passidomo for her commitment and innumerable contributions to Southwest Florida and the entire State of Florida.*

IN WITNESS THEREFORE, *I have hereunto set my hand and caused the Seal of the Village of Estero to be affixed, this day of 6th day of July 2022.*

_____
Katy Errington, Mayor

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 15, 2022 9:30 a.m.

1. CALL TO ORDER

INVOCATION

Pastor Kevin Morris Estero Community Church.

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 (via Zoom).

Also present
Village Manager Steve Sarkozy, Interim Village Attorney Robert Pritt, Interim Finance Director Britt Martin (left at 11:23 am), Public Works Director David Willems, Community Development Director Mary Gibbs, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

PROCLAMATION/KEY TO CITY

Florida Everblades – Kelly Cup Championship

Brad Ralph, Coach
Jesse Kallechy, Assistant Coach
Mike Kelly, Director of Business Development and Broadcasting

Council Questions or Comments
Mayor Errington.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to permit Councilmember Wilson to participate remotely in Zoom Presentation.

Motion by: Councilmember Ward
Seconded by: Vice Mayor McLain

Action: Approved motion to permit Councilmember Wilson to participate remotely in Zoom Presentation.

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

Councilmember Wilson passes on voting on this motion.

Motion: Motion to approve agenda.

Motion by: Councilmember Boesch
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) June 1, 2022, Council Meeting Minutes

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Ribble
Seconded by: Councilmember Fiesel

Action: Approved the Consent Agenda.

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

Nay:

Abstentions:

5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA
None.

6. ACTION ITEMS

(a) Community Development Software

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director

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

Public Comments
None.

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

Motion by: Councilmember Boesch
Seconded by: Councilmember Ward

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

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

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

Staff Presentation/Comments
Steve Sarkozy, Village Manager

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

Public Comments
None.

Motion: Motion to approve Resolution No. 2022-11.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Ribble

Action: Approved Resolution No. 2022-11.

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

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

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director

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

Public Comments
None.

Motion: Motion to approve Resolution No. 2022-17.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Ward

Action: Approved Resolution No. 2022-17.

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

7. FIRST READING

(a) Ordinance No. 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.

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director

Presentation/Information by
Tucker Mackie, Kutakrock Law Firm

Council Questions or Comments
Councilmembers Wilson, Boesch, and Fiesel.

Public Comment
None.

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

Motion by: Councilmember Ribble
Seconded by: Councilmember Boesch

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

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

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.

Interim Village Attorney, Robert Pritt provided information regarding Council business and quasi-judicial hearings. All audience members and staff providing testimony for the hearing were sworn in by Village Clerk, Carol Sacco.

Councilmember Boesch informed the Council he spoke to Mark Geschwendt for clarification of the height of sign. Councilmember Ward informed Council that he spoke to Mark Geschwendt. Councilmember Wilson informed Council that he spoke to Mark Geschwendt for clarification on the aspects of their petition and he visited the four corners where the signs are located to gain additional input. Mayor Errington informed Council she spoke to Margaret Antonier regarding the signage and height.

Community Development Director, Mary Gibbs stated that an eComment was submitted in favor of the sign to the Planning Zoning and Design Board.

There were no conflicts of interest noted.

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director

Presentation/Information by
Mark Geschwendt, Vice President/General Counsel at Miromar Development Corporation
John Konopka, US Sign & Mill Corporation
Paula McMichael, Vice President of Planning Services with Hole Montes
Neale Montgomery, Pavese Law Firm

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

Public Comment
None.

Motion: Motion to pass Ordinance No. 2022-02.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Boesch

Action: Passed Ordinance No. 2022-02.

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

Meeting Recessed at 11:39 am and convened at 11:50 am

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Fiesel and Mayor Errington.

11. VILLAGE ATTORNEY'S REPORT

None.

12. VILLAGE MANAGER'S REPORT

Village Manager Steve Sarkozy

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

13. WORKSHOP

(a) FY 2022/2023 Budget Introduction

Staff Presentation/Comments
Steve Sarkozy, Village Manager

Council Questions or Comments
Mayor Errington.

Public Comment
None.

(b) Fiscal Year 2022-2023 5-year Capital Improvement Projects

Staff Presentation/Comments
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments

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

Public Comment
None.

(c) Package Wastewater Treatment Plant Utility Extension Project Update

Staff Presentation/Comments
Steve Sarkozy, Village Manager
David Willems, Public Works Director

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

Public Comment
None.

(d) Council Rules of Procedure

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

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

Public Comment
None.

14. ADJOURNMENT at 1:46 pm.

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
July 6, 2022

Agenda Item:

Financial Report for the month ended May 31, 2022.

Description:

This financial report provides details of operations for the months ending May 31, 2022 which is eighth month of the 2021-2022 fiscal year. Activity year to date is trending in line with the budget through the third quarter of the fiscal year. Eight months of activity represents 66.7%, or two-thirds of the fiscal year.

- *Ad valorem (real estate) taxes*: approximately $26,500 was received during this month. Collection of ad valorem taxes through May represents 99% of budget.

- *General Fund*: State Revenue Sharing Sales Tax is on target with the budget and totals $430,710 (72%), Half-Cent Sales Tax is at $2,249,821 (74%), and Local 6 cent fuel tax is at $331,168 (62%).

- *Reserved Funds:* $5,596,700 in operating reserve funds (Unassigned General Fund Balance); $670,000 in litigation defense reserve funds and $148,000 in major road maintenance reserve funds. The Unassigned General Fund Balance is reduced in June per the new Fund Balance Policy and this change will be reflected in June's Report.

- *Debt Reduction Funding*: $6,444,885 was allocated for Debt Reduction funding. The full amount was used for the payoff of the 2019 Revenue Bond which occurred on June 8, 2022. You will see this reflected in June's Report.

- *Available funds:* total funds categorized as available are $42,094,215. This will also be reduced due to the payoff of the debt and will be reflected in June's report.

Action Requested:

Approve financial reports.

Financial Impact:

There is no financial impact of this report.

Attachments:

1. May 31, 2022 Financial report

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Ad Valorem Taxes	26,428	5,210,710	5,281,886	(71,176)	99%
Local Communications Srvs Tax	92,482	569,283	878,542	(309,259)	65%
Local Business Tax	1,294	5,436	21,900	(16,464)	25%
Franchise Fees-Electric	222,305	1,343,758	2,130,400	(786,642)	63%
Franchise Fees-Solid Waste	43,593	86,317	161,100	(74,783)	54%
Rev Sharing Sales tax	53,839	430,710	601,500	(170,790)	72%
Mobile Home License	22	2,538	3,600	(1,062)	70%
Alcohol Beverage Tax	29,173	29,917	32,300	(2,383)	93%
Half Cent Sales Tax	387,170	2,249,821	3,021,973	(772,152)	74%
Convenience Fee Clover	(78)	(249)	-	(249)	100%
Fines & Forfeitures	-	155	500	(345)	31%
Interest Income	632	4,071	32,400	(28,329)	13%
Rental income	3,000	27,000	36,000	(9,000)	75%
Miscellaneous Revenue	-	11,229	25,000	(13,771)	45%
Administrative Fee	1,622	12,012	18,000	(5,988)	67%
Cost Recovery-Admin Charge	3,950	15,400	9,000	6,400	171%
Dev & Zoning-Fixed Fees	18,741	62,334	40,400	21,934	154%
Dev & Zoning-Cost Recovery Fee	9,174	65,429	43,800	21,629	149%
Planning-Miscellaneous Revenue	4,053	784,117	-	784,117	100%
Code Comp & Contractor License	-	51,000	6,300	44,700	810%
Local Option Gas Tax-1-6 Cent	56,607	331,168	531,529	(200,361)	62%
ROW Permits	200	850	1,500	(650)	57%
Rev Sharing-Fuel Tax	14,485	115,876	-	115,876	100%
FDOT US 41 Light Maintenance	-	-	122,100	(122,100)	0%
ARPA Funding	-	8,482,206	8,482,207	(1)	100%
Covid Cares-Covid	-	-	-	-	0%
WCIND Marine Patrol Revenue	-	544	11,900	(11,356)	5%
FEMA-Federal Share	-	-	121,300	(121,300)	0%
Total Revenues-General Fund	**968,690**	**19,891,631**	**21,615,137**	**(1,723,506)**	92%
Building Fees	131,831	635,358	1,042,200	(406,842)	61%
Surcharge Fee Retained	-	658	3,300	(2,642)	20%
Convenience Fee	4,440	22,485	15,000	7,485	150%
Interest income	10	81	1,000	(919)	8%
	-	-	-	-	
Total Revenues-Building Fee Fund	**136,282**	**658,582**	**1,061,500**	**(402,918)**	62%
Interest Income	105	826	10,000	(9,174)	8%
	-	-	-	-	0%
Total Revenues-Debt Serv	**105**	**826**	**10,000**	**(9,174)**	8%

1

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Local Option Gas Tax 1-5 Cent	40,115	239,623	387,933	(148,310)	62%
Interest Income-Gas Tax	33	214	-	214	100%
Lee Cty Funding-Estero Prkway	-	-	-	-	0%
Developer Contributions-Inters	-	53,695	132,000	(78,305)	41%
FDOT Funding-US 41 Landscaping	114,670	114,670	1,100,000	(985,330)	10%
Road Imp Fee-Residential	20,992	56,978	145,800	(88,822)	39%
Road Imp Fees-Commercial	27,164	275,174	145,800	129,374	189%
Park Imp Fees-Residential	3,223	8,749	43,800	(35,051)	20%
Park Imp Fee-Commercial	-	-	80,200	(80,200)	0%
Interest Income-Rd Impact	151	870	42,000	(41,130)	2%
Interest Income-Com Prk Impact	2	154	-	154	100%
Interest Inc-Com Prk Contri	2	11	-	11	100%
Interest Inc-Public Land	2	16	-	16	100%
Interest Income-Park Imp	8	53	-	53	100%
	-	-	-	-	
Total Revenues-Capital Projects Fund	**206,361**	**750,209**	**2,077,533**	**(1,327,324)**	**36%**
Total Revenues-All Funds	**1,311,438**	**21,301,247**	**24,764,170**	**(3,462,923)**	**86%**
Debt Serv Fd Trans from Gen Fd	-	2,515,197	12,360,133	(9,844,936)	20%
Proceeds from Debt Issue	-	-	-	-	0%
Cap Projects Trans from Gen Fd	1,264,284	2,486,295	14,896,400	(12,410,105)	17%
Cap Project Trans fromDebtServ	-	-	-	-	0%
Total Revenues and Other Financing Sources-All Funds	**2,575,722**	**26,302,739**	**52,020,703**	**(25,717,964)**	**51%**
Executive Salaries	10,356	82,851	124,300	41,449	67%
FICA Taxes	792	6,338	9,600	3,262	66%
Workers Comp	-	140	300	160	47%
Unemployment Comp	145	1,269	2,000	731	63%
Travel and Per Diem	-	44	22,000	21,956	0%
Books Pub & Memberships	-	7,876	5,000	(2,876)	158%
Training	225	865	2,000	1,135	43%
Total Village Council	*11,518*	*99,384*	*165,200*	*65,816*	60%

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Executive Salary	22,019	139,038	205,000	65,962	68%
Car Allowance	554	4,490	7,200	2,710	62%
Regular Salaries & Wages	11,855	72,039	137,100	65,061	53%
FICA Taxes	2,607	13,206	26,200	12,994	50%
Retirement Contributions	3,077	19,206	36,000	16,794	53%
Group Insurance	-	44,444	69,900	25,456	64%
Worker's Compensation	-	262	800	538	33%
Unemployment Comp	65	644	1,200	556	54%
Miscellaneous Professional Srv	5,600	5,600	75,000	69,400	7%
Contractual Srvs-Adm Assist	-	-	-	-	0%
Communication Services	2,625	21,000	32,760	11,760	64%
Miscellaneous Contractual Srvs	-	-	35,000	35,000	0%
Travel & Per Diem	-	599	12,000	11,401	5%
Public Relations	1,744	15,372	15,000	(372)	102%
Books Pub & Memberships	1,400	2,575	3,000	425	86%
Training	1,000	1,395	4,000	2,605	35%
Total Village Manager	*52,547*	*339,871*	*660,160*	*320,289*	51%
Village Attorney	6,877	106,543	200,000	93,457	53%
Land Use Legal	5,159	25,612	85,000	59,388	30%
Comprehensive Plan Legal	-	-	15,000	15,000	0%
Code Enforcement Legal	-	731	12,000	11,269	6%
Land Dev Code Legal	-	-	15,000	15,000	0%
	-	-	-	-	0%
Total Village Attorney	*12,036*	*132,886*	*327,000*	*194,114*	41%
Regular Salaries & Wages	3,908	24,277	121,000	96,723	20%
FICA Taxes	299	1,857	9,300	7,443	20%
Retirement Contributions	-	-	12,800	12,800	0%
Group Insurance	-	-	8,300	8,300	0%
Worker's Compensation	-	(26)	300	326	-9%
Unemployment Compensation	43	388	600	212	65%
Codification	-	1,225	-	(1,225)	100%
Election Services	-	-	-	-	0%
Travel & Per Diem	-	-	1,000	1,000	0%
Legal Notices	-	582	5,000	4,418	12%
Book, Pub & Membership	-	-	500	500	0%
Training	-	-	100	100	0%
Total Village Clerk	*4,251*	*28,304*	*158,900*	*130,596*	18%

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Regular Salaries & Wages	24,041	160,966	275,800	114,834	58%
FICA Taxes	1,839	12,314	21,100	8,786	58%
Retirement Contributions	953	7,727	29,000	21,273	27%
Group Insurance	-	9,758	26,100	16,342	37%
Worker's Compensation	-	169	600	431	28%
Unemployment Compensation	79	727	1,100	373	66%
Accounting Services	-	551	5,000	4,449	11%
Auditing & Actuarial Services	5,000	19,599	49,000	29,401	40%
Books, Publications & Members	-	670	586	(84)	114%
	-	-	-	-	37%
	-	-	-	-	0%
Total Finance	*31,913*	*212,481*	*408,286*	*195,805*	52%
Regular Salaries & Wages	37,334	184,493	154,200	(30,293)	120%
FICA Taxes	2,341	13,395	11,800	(1,595)	114%
Retirement Contributions	2,913	20,694	16,200	(4,494)	128%
Group Insurance	1,041	40,989	26,700	(14,289)	154%
Worker's Compensation	-	2,433	1,900	(533)	128%
Unemployment Compensation	65	600	500	(100)	120%
Land Development Code	-	7,301	40,000	32,699	18%
Comp Plan/Land Dev Regulations	-	-	30,000	30,000	0%
Growth Model Srvs	-	-	10,000	10,000	0%
Development Srvcs Manager	-	-	40,000	40,000	0%
Misc Professional Services	-	9,712	65,000	55,288	15%
Economic Development	-	2,500	60,000	57,500	4%
Travel & Per Diem	-	166	2,000	1,834	8%
Legal Notices-Plan & Zoning	-	183	6,000	5,817	3%
Books, Pub & Memberships	595	5,021	10,000	4,979	50%
Training	-	475	600	125	79%
Capital Outlay	-	-	112,500	112,500	0%
	-	-	-	-	
	-	-	-	-	
Total Development Services	*44,290*	*287,962*	*587,400*	*299,438*	49%
Cost Recovery-Wages	8,329	62,159	228,300	166,141	27%
Cost Recovery FICA Taxes	620	4,607	17,500	12,893	26%
Retirement Contributions	-	-	24,000	24,000	0%
Insurance	-	-	6,200	6,200	0%
Cost Recovery Worker's Comp	-	-	6,200	6,200	0%
Cost Recovery Unemploy Comp	-	-	1,600	1,600	0%
Cost Recovery Prof Services	225	(1,337)	17,518	18,855	-8%
Planning & Zoning-Fixed Fee	28,888	203,268	364,000	160,732	56%
	-	-	-	-	0%
Planning, Zoning and Development Review Services	*38,062*	*268,697*	*665,318*	*396,621*	40%

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Regular Salaries & Wages	-	-	36,300	36,300	0%
FICA Taxes	-	-	2,800	2,800	0%
Retirement Contributions	-	-	3,800	3,800	0%
Insurance	-	-	6,200	6,200	0%
Workers Compensation	-	-	500	500	0%
Unemployment Compensation	-	-	300	300	0%
Special Magistrate Srvs	1,125	7,763	16,000	8,238	49%
Code Compliance Contract Srvs	12,231	86,571	160,160	73,589	54%
Other Chrges-Filing Fees	21	179	1,200	1,021	15%
Total Code Compliance Services	*13,377*	*94,512*	*227,260*	*132,748*	42%
Lee Cty Animal Control Srvs	-	-	38,000	38,000	0%
Total Animal Control	-	-	*38,000*	*38,000*	0%
Regular Salaries & Wages	-	-	87,800	87,800	0%
FICA Taxes	-	-	6,700	6,700	0%
Retirement Contributions	-	-	9,200	9,200	0%
Insurance	-	-	19,400	19,400	0%
Workers Compensation	-	-	2,600	2,600	0%
Unemployment Compensation	-	-	300	300	0%
Flood Plain-Com Rating System	-	6,950	150,000	143,050	5%
NPDES Compliance	-	-	10,000	10,000	0%
Water Level & Quality Monitor	2,837	36,652	130,000	93,348	28%
Estero River Sediment Analysis	-	-	30,000	30,000	0%
Water & Sewer Expansion	102,757	221,171	-	(221,171)	100%
Community Monitoring	-	-	20,000	20,000	0%
Miscellaneous Stormwate Maint	-	206	300,000	299,794	0%
Estero River Maintenance	-	-	-	-	0%
Miscellaneous Stormwate Maint	-	9,900	-	(9,900)	100%
Water Quality Joint Advocacy	-	5,000	5,000	-	100%
Total Public Works/ Physical Environment	*105,594*	*279,880*	*771,000*	*491,120*	36%

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Regular Salaries & Wages	-	-	79,800	79,800	0%
Public Works Wages	17,990	108,004	-	(108,004)	100%
FICA Taxes	1,329	7,876	6,100	(1,776)	129%
Retirement Contribution	1,440	8,590	8,400	(190)	102%
Group Insurance	-	23,180	19,400	(3,780)	119%
Worker's Compensation	-	1,674	2,600	926	64%
Unemployment Compensation	43	395	300	(95)	132%
Traffic Counts	8,039	18,739	16,500	(2,239)	114%
Misc Professional Services	722	1,212	60,000	58,788	2%
Misc Engineering Srvc	-	-	-	-	0%
Misc Construction Services	-	12,850	60,000	47,150	21%
Bridge Maintenance	-	-	10,000	10,000	0%
Guardrail Maintenance	-	575	-	(575)	100%
Irrigation Maintenance	1,190	11,867	-	(11,867)	100%
Landscape Maintenance	22,820	63,885	152,500	88,615	42%
Mowing Maintenance	-	34,863	-	(34,863)	100%
Ditch Maintenance	-	1,150	-	(1,150)	100%
Sidewalk Maintenance	-	17,852	-	(17,852)	100%
Street Light Maintenance	-	-	80,400	80,400	0%
Street Sweeping Services	-	7,160	22,000	14,840	33%
Traffic Sign Maintenance	-	2,525	5,000	2,475	50%
Traffic Signal Maintenance	1,285	3,854	-	(3,854)	100%
Right-of-Way Permit Review	-	7,178	20,000	12,822	36%
Railroad Maintenance	-	18,000	18,000	-	100%
Misc Traffic Safety Projects	-	-	-	-	0%
Misc Landscape Projects	-	27,325	-	(27,325)	100%
Sandy Lane Bridge Maint/Access	8,048	15,491	-	(15,491)	100%
Resurf/Drainage-Poinciana Trai	-	-	-	-	0%
Road Maintenance	-	6,280	250,000	243,720	3%
US41 Traffic Signal Maint	-	-	30,000	30,000	0%
US41 Landscape Maint	41,502	68,682	333,026	264,344	21%
Estero Parkway Landscape Maint	49,221	108,671	364,856	256,185	30%
Travel	151	1,598	5,000	3,402	32%
Communications	47	312	500	188	62%
Utilities	5,206	36,586	35,270	(1,316)	104%
Equipment & leases	242	2,027	2,500	473	81%
Street Light Insurance	-	6,429	16,500	10,072	39%
Operating Supplies	6	3,092	3,000	(92)	103%
Books, Publications & Members	-	800	1,500	700	53%
Training	-	324	2,000	1,676	16%
	-	-	-	-	
Total Public Works/ Transportation	*159,281*	*629,046*	*1,605,152*	*976,106*	39%

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Webmaster Srvs & Maintenance	1,050	5,100	9,000	3,900	57%
Software Licensing	1,834	41,800	30,000	(11,800)	139%
Information Technology Srvs	10,398	87,323	130,000	42,677	67%
Audio Visual Services	2,258	39,488	46,000	6,513	86%
Small tools & equipment	-	-	13,800	13,800	0%
Capital Outlay	-	-	10,000	10,000	0%
Total Information Technology	*15,539*	*173,711*	*238,800*	*65,089*	73%
Lee Cty Law Enforcement	384	2,352	10,000	7,648	24%
Total Law Enforcement/ Security	*384*	*2,352*	*10,000*	*7,648*	24%
Parks Master Plan	-	-	-	-	0%
YMCA Operating Agreement	5,295	41,275	63,000	21,726	66%
Utilities	590	3,184	6,000	2,816	53%
Equipment Rent & Leases	-	575	1,100	525	52%
Repairs & Maint	-	267	20,000	19,734	1%
Total Parks & Recreation	*5,885*	*45,301*	*90,100*	*44,799*	50%
Lobbying Services	3,000	21,000	100,000	79,000	21%
State Administrative Fees	2,982	5,934	9,500	3,566	62%
Tax Collector Fees	-	0	3,750	3,750	0%
Audio Visual Services	750	12,530	-	(12,530)	100%
Misc Contractual Srvcs	3,200	3,200	250,000	246,800	1%
Communications	430	2,909	5,000	2,091	58%
Freight & Postage	228	915	3,500	2,585	26%
Utilities	1,476	16,357	17,500	1,143	93%
Equipment Rental & Leases	795	6,668	10,000	3,332	67%
Office Lease-Corkscrew Palms	22,558	159,421	257,400	97,979	62%
Insurance	-	36,851	78,700	41,849	47%
Repairs & Maintenance	1,076	10,313	20,000	9,687	52%
Printing	-	-	1,500	1,500	0%
Contingency	-	-	104,200	104,200	0%
Office Supplies	135	2,348	6,500	4,152	36%
Operating Supplies	450	6,369	11,000	4,631	58%
Books Pub & Membership	47	12,835	2,000	(10,835)	642%
Capital Outlay	-	-	-	-	0%
	-	-	-	-	0%
	-	-	-	-	
Total General Government	*37,126*	*297,650*	*880,550*	*582,900*	34%

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Covid Contractual Expenditures	-	-	-	-	0%
Repair and Maintenance	-	-	-	-	0%
Covid Supplies	-	-	-	-	0%
Capital Outlay	-	-	-	-	0%
Total COVID	-	-	-	-	0%
Lee Cty Marine Patrol	-	-	43,860	43,860	0%
Total Lee County Marine Patrol	-	-	*43,860*	*43,860*	0%
	-	-	-	-	0%
Disaster Preparedness Services	-	-	10,000	10,000	0%
Total Hurricane Irma	-	-	*10,000*	*10,000*	0%
Total Expenditures-General Fund	***531,802***	***2,892,035***	***6,886,986***	***3,994,951***	42%
Regular Salaries & Wages	-	-	12,100	12,100	0%
FICA Taxes	-	-	1,000	1,000	0%
Retirement Contributions	-	-	1,300	1,300	0%
Insurance	-	-	6,200	6,200	0%
Workers Compensation	-	-	500	500	0%
Unemployment Compensation	-	-	200	200	0%
Building Service Contract	72,972	580,893	954,100	373,207	61%
Laserfische Software	-	-	8,100	8,100	0%
Building IT Contract Services	442	3,195	5,300	2,105	60%
Records Imaging Services	-	-	-	-	0%
Inkforce Software	1,275	8,925	15,300	6,375	58%
Communications	112	953	1,400	447	68%
Freight & Postage	72	288	600	312	48%
Utilities	234	1,679	3,000	1,321	56%
Equipment Lease	743	4,854	9,800	4,946	50%
Office Lease-Corkscrew Palms	4,620	32,653	52,800	20,147	62%
Repairs & Maintenance	219	1,418	3,800	2,382	37%
Credit Card Fees	4,271	24,676	27,800	3,124	89%
Office Supplies	267	1,051	3,000	1,949	35%
Operating Supplies	31	5,299	4,800	(499)	110%
Capital outlay	-	-	211,530	211,530	0%
Total Expenditures-Building Fee Fund	*85,259*	*665,883*	*1,322,630*	*656,747*	50%
Principal Payments	-	697,344	17,850,113	17,152,769	4%
Interest Expense	-	678,261	744,887	66,626	91%
Total Expenditures-Debt Service	-	*1,375,605*	*18,595,000*	*17,219,395*	7%

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Estero Parkway Improvements	13,876	530,024	360,000	(170,024)	147%
River Ranch Rd Improvements	3,176	98,014	4,977,800	4,879,787	2%
Corkscrew Rd Widening	-	54,319	4,426,000	4,371,682	1%
Bridge Maintenance	-	228,348	400,000	171,652	57%
Williams Rd Widening	-	-	867,500	867,500	0%
	-	-	-	-	0%
	-	-	-	-	0%
	-	-	-	-	0%
Total Roadway Projects	17,052	910,704	11,031,300	10,120,596	8%
Corkscrew Rd Signal-Puente Ln	-	-	-	-	0%
Williams Rd Intersection Impro	81,850	146,466	-	(146,466)	100%
Williams Rd High School Turn	-	-	-	-	0%
US41 Pelican Colony Signal	-	-	132,000	132,000	0%
	-	-	-	-	0%
Total Intersection Improve Proj	81,850	146,466	132,000	(14,466)	111%
Coconut Rd Crosswalks	-	1,429	177,800	176,371	1%
Williams Rd Bike/Sidewalks	-	10,835	2,213,700	2,202,865	0%
Intersect Safety Improv Study	-	-	110,000	110,000	0%
Sandy Ln Bike-Ped Improv	-	46	400,000	399,954	0%
Broadway E Shared Use Path	-	-	340,000	340,000	0%
Broadway W Bus Stop Improv	-	8,005	100,000	91,995	8%
Total Bicycle & Ped Improv Proj	-	20,315	3,341,500	3,321,185	1%
US 41 FDOT Landscape	-	3,167	-	(3,167)	100%
US 41 Landscaping Enhancement	1,690	88,845	-	(88,845)	100%
Corkscrew Rd Landscape	-	-	-	-	0%
Monument Sign/Branding	-	10,726	-	(10,726)	100%
Three Oaks Prkwy MonumentSigns	30,930	34,752	-	(34,752)	100%
Via Coconut Pt Landscap Improv	18,992	154,330	-	(154,330)	100%
Ben Hill Griff Pkwy Landsc Imp	-	12,500	-	(12,500)	100%
I-75 Interchange Landscaping	-	-	-	-	0%
Landscaping Misc	-	-	3,706,000	3,706,000	0%
Total Landscaping & Beauti Proj	51,612	304,320	3,706,000	3,401,680	8%

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Park Capital Projects	-	3,000	-	(3,000)	100%
Estero on River Master Plan	-	31,470	252,000	220,530	12%
Estero Com Prk Master Plan	-	-	150,000	150,000	0%
Estero Com Prk Expansion	-	-	1,498,000	1,498,000	0%
Estero on the River Improvemen	-	-	1,000,000	1,000,000	0%
	-	-	-	-	0%
Total Parks & Recreation Proj	-	34,470	2,900,000	2,865,530	0%
Estero River N Brnch Drainage	1,418	82,321	-	(82,321)	100%
Package WWTP UEP Design & Perm	-	-	420,000	420,000	0%
Broadway W UEP Design & Permit	-	-	1,170,000	1,170,000	0%
Broadway E Design & Permitting	-	-	1,250,000	1,250,000	0%
Estero Rvr Sediment Removal	-	-	-	-	0%
Stormwater Misc	-	-	354,000	354,000	0%
Total Stormwater Projects	1,418	82,321	3,194,000	3,111,679	3%
Land Purchase-Estero on River	-	-	-	-	0%
Williams Road - Driving Range	1,197,378	1,297,378	4,250,000	2,952,622	31%
River Oaks Preserve Land	-	-	1,100,000	1,100,000	0%
Total Land Acquistions	1,197,378	1,297,378	5,350,000	4,052,622	24%
Total Expenditures-Capital Project Fund	1,349,310	2,795,974	29,654,800	26,858,826	9%
Total Expenditures-All Funds	***1,966,370***	***7,729,497***	***56,459,416***	***48,729,919***	***14%***
Gen Fd Trans to Debt Service	-	2,515,197	12,360,133	9,844,936	20%
Gen Fd Trans to Cap Projects	1,264,284	2,486,295	14,896,400	12,410,105	17%
Debt Serv Trans toCap Projects	-	-	-	-	0%
CIP Tran from Gas Tax-300-000	-	-	-	-	0%
CIP Tran from RdImp 300-990	(85,026)	(309,679)	-	309,679	100%
CIP Tran from ComPrkIF 300-991	-	-	-	-	0%
CIP Tran from RegPrkIF 300-992	-	-	-	-	0%
CIP Tran from PubLand- 300-994	-	-	-	-	0%
CIP Tran from Park IF 300-995	-	-	-	-	0%
Gas Tax Trans to CIP-300-266	-	-	-	-	0%
Rd Imp Fee Trans toCIP-300-990	85,026	309,679	-	(309,679)	100%
ComPrk Imp Fee Tran to CIP-991	-	-	-	-	0%
RegPrk Imp Fee Tran to CIP-992	-	-	-	-	0%
PubLand BonusDen TrantoCIP-994	-	-	-	-	0%
Park Imp Fee Tran to CIP-995	-	-	-	-	0%
Total Expenditures and Other Financing Uses-All Funds	***3,230,654***	***12,730,989***	***83,715,949***	***70,984,960***	*15%*
Excess Revenue over Expenditures	***(654,931)***	***13,571,750***	***(31,695,246)***	***45,266,996***	

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Estimated Prior Year Surplus		41,382,050	41,382,050	-	
Fund Balance		**54,953,800**	**9,686,804**	**45,266,996**	

Village of Estero

	Actual	Year to Date	Bud Amend-June	Budget	Year to
			General Fund		
Revenues	968,690	19,891,631	21,615,137	(1,723,506)	92%
Expenditures	531,802	2,892,035	6,886,986	3,994,951	42%
Operating Excess (deficit)	436,889	16,999,595	14,728,151	2,271,444	
Transfers out to Debt Service	-	(2,515,197)	(12,360,133)	9,844,936	20%
Transfers out to Capital Projects	(1,264,284)	(2,486,295)	(14,896,400)	12,410,105	17%
Operating Excess (deficit)	(827,395)	11,998,103	(12,528,382)	24,526,485	
			Building Fee Fund		
Revenues	136,282	658,582	1,061,500	(402,918)	62%
Expenditures	85,259	665,883	1,322,630	656,747	50%
Operating Excess (deficit)	51,023	(7,301)	(261,130)	253,829	
			Debt Service Fund		
Revenues	105	826	10,000	(9,174)	8%
Expenditures	-	1,375,605	18,595,000	17,219,395	7%
Operating Excess (deficit)	105	(1,374,780)	(18,585,000)	17,210,220	
Debt Service Proceeds	-	-	-	-	0%
Transfers in from General Fund	-	2,515,197	12,360,133	(9,844,936)	20%
Transfers out to Capital Projects	-	-	-	-	0%
Operating Excess (deficit)	105	1,140,418	(6,224,867)	7,365,285	
			Capital Projects Fund		
Revenues	206,361	750,209	2,077,533	(1,327,324)	36%
Expenditures	1,349,310	2,795,974	29,654,800	26,858,826	9%
Operating Excess (deficit)	(1,142,949)	(2,045,765)	(27,577,267)	25,531,502	
Transfers in from Other Funds	1,264,284	2,486,295	14,896,400	(12,410,105)	17%
Operating Excess (deficit)	121,335	440,530	(12,680,867)	13,121,397	

Village of Estero

Budget Report-All Funds

For the Month Ending May 2022

	Current Month Actual	2021-2022 Year to Date Actual	2021-2022 Amended Budget	2021-2022 Budget Variance	2021-2022 Year to Date Percentage
Reserved and Available Funds Report					
General Fund Reserves		$ 5,596,700			
Litigation Defense Reserve		670,000			
Major Road Maintenance Reserve		148,000			
Debt Reduction		6,444,885			
Total Reserved Funds		$ 12,859,585			
General Fund Capital Projects		$ 29,555,997			
Building Fee Fund		683,338			
Gas Tax Capital Projects		1,763,666			
Developer Contribution		386,458			
Road Impact Fees		8,876,312			
Community Park Impact Fees		107,864			
Regional Park Impact Fees		-			
Estero Park Entry Contribution		101,021			
Park Imp Fees		476,408			
Public Land Purchase		143,151			
Total Available Funds		$ 42,094,215			

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AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2021 by Jeff Tuscan, CPA, Tuscan &. Company, PA.

Description:

In compliance with Florida Statutes 218.39, the Village's financial statements have been independently audited by Tuscan & Company, PA, a firm of licensed certified public accountants. The report provides details of operations for the twelve (12) months ending September 30, 2021. The independent auditor has issued an unmodified ("clean") opinion on the Village's financial statements for the fiscal year ended September 30, 2021.

The audit report also includes the Government Financial Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the Village of Estero for fiscal year ended September 30, 2020. The Village has achieved this prestigious award each fiscal year since inception.

Background & Financial Dashboard:

The Village is committed to maintaining the highest standard of controls and oversight of our financial affairs. The Auditor is provided complete access to any and all records – at their complete discretion. Our objective is to provide the highest level of accountability and integrity in our handling of taxpayers dollars. We also commit to complete transparency and fully disclose any issues. Below is our audit history.

Summary of Audit Findings and Management Letter Comments		
FY	Audit Findings	Mgmt Letter Comments
2014/2015	2	1
2015/2016	0	0
2016/2017	1	0
2017/2018	0	0
2018/2019	0	1
2019/2020	0	0
2020/2021	0	1

"Findings" represent serious deficiencies in our operation and a "management comment" represents a serious concern that warrants immediate attention. Either represents an opportunity to improve our operation to best preserve the public trust. The expectation is that we never have a "finding" and only rarely have a "management comment". You can see from our history that we take the audit very seriously and manage in accordance with the highest standards of professional conduct.

A history of our Audit Findings and Management Letter Comments is attached. Of course, all of the prior issues have been corrected.
A Certificate of Achievement is valid for a period of one year only. We believe that our current comprehensive annual financial report will meet the Certificate of Achievement Program's requirements and we are submitting it to the GFOA to determine its eligibility for this certificate.

Action Requested:

Approve Comprehensive Annual Financial Report.

Financial Impact:

There is no financial impact of this report.

Attachments:

1. Summary of Audit Findings and Management Letter Comments (1 page)
2. Comprehensive Annual Financial Report
3. Village of Estero Graphs FY 21

Type	#	Finding	Criteria	Condition	Cause	Effect	Recommendation	View of Responsible Official and Planned Corrective Action
FINDING	2015-001	Segregate Payroll Duties	The basic premise of segregation of duties is that no one person should have access to both physical assets and the related accounting records or to all phases of a transaction. During the audit, we noted a lack of segregation of duties within the payroll process.	One employee maintains the payroll master file, including making changes to it for pay rate changes; prepares the payroll; transmits the payroll; and records the transactions in the general ledger.	The Village's finance staff consists of just one person, the Finance Director.	This lack of segregation of duties in the payroll function increases the risk that an error or irregularity could occur and go undetected.	While the Village Manager reviews and approves a preprocessing payroll report, we recommend that the Village Manager also review a payroll post-processing report and compare it to the approved preprocessing report. In addition, the Village Manager should review a payroll change report each pay period, detailing any changes made to the payroll master file.	Effective November 15, 2015, the Village Manager reviews and approves a post-processing report and agrees it to the approved processing report. The Village Manager also reviews a payroll change report to verify that any changes completed are as authorized. On January 27, 2016, a Finance Clerk began work in the Finance Department. This additional staff will allow for segregation of duties in the payroll process.
FINDING	2015-002	Approve Journal Entries	The proper initiation, authorization, recording, and processing of standard and nonstandard journal entries helps guard against the use of journal entries to obscure fraudulent financial reporting.	One employee prepares and records journal entries, without a review or approval of the entry or supporting documentation.	The Village's finance staff consists of just one person, the Finance Director.	This lack of journal entry review and approval increases the risk that an error or irregularity could occur and go undetected.	We recommend the adopting of a policy whereby a report detailing all journal entries will be reviewed by the Village Manager or other designated member of management each month. The report should be initialed and dated by the preparer and initialed and dated by the management reviewer.	On January 27, 2016, a Finance Clerk began work in the Finance Department. With two financial staff members, Finance Clerk and Finance Director, one staff member will prepare the journal entry and the other staff member will review the journal entry with supporting documentation. From November 2, 2015 through January 27, 2016, the Village Manager reviewed and approved all journal entries.
Mgmt Letter	ML#2015-001	Formal Written Policies	Written policies and procedures should be maintained and updated regularly to establish standard practices, establish procedures to address identifies risks in order to prevent or detect and correct errors or fraud, and establish responsibilities for preparation, review and approval of information.	Our review of internal controls revealed financial policies and procedures for recording transactions were not in formal approved written form.	The Village was created on December 31, 2014 and written policies and procedures have not yet been developed.	Without formal written policies and procedures in place, the Village is vulnerable to errors or fraud that might go undetected.	We recommend formal written policies and procedures be adopted which establish standard practices, establish procedures to address identifies risks in order to prevent pr detect and correct errors or fraud, and establish responsibilities for preparation, review and approval of information. Such policies should include string segregation of duties when possible. The policies and procedures should require physical documentation, such as signature/initials and dates, related to preparation, review and approval of information in order to hold those responsible individuals accountable. The policies and procedures should required at least annual updating of the written document in order to address new risks or new procedures required.	Village staff is currently developing formal written policies and procedures for recording transactions an expect those to be completed within the next few months.
FINDING	2017-001	Surcharge Fees	Village management is responsible for establishing and maintaining internal controls over the proper recording of all of the Village's transaction and reconciliation and review of the Village's account balances.	In accordance with State law, the Village is required to calculate and collect certain building surcharge fees on building permits to be remitted to the Florida Department of Business and Professional Regulation and Florida Department of Community Affairs. The Village retains 10% of the surcharge fees and records that amount as revenue in the financial statements. During testing of the permit revenues and associated fees, we noted one instance in which the Florida Department of Business and Professional Regulation and Florida Department of Community Affairs building surcharge fees were assessed on an incorrect total, including certain permit fees not subject to the surcharge fee.	The community development software requires manual calculation of the building surcharge fee base which provides an increased opportunity for error in assessing surcharge fees. The Village does not have internal controls in place to review that the correct surcharge fee base is entered into the system and that the resulting surcharge fee paid by the applicant is calculated correctly.	The Village's revenue is overstated by $2,428.	We recommend that the Village implement policies and procedures to improve the calculation and monthly reconciliation of the surcharge fees to ensure that the proper amounts are being charged and remitted to the State of Florida.	The Village has requested that the community development software be updated to automate the calculation of the building surcharge fee. The software update is in process and it will be implemented when testing is completed. In addition, the Village has implemented a monthly review of building surcharge fees.
Mgmt Letter	2019-01	Contracted Service Provider Reporting Must be Improved		We noted several programming and administrative issues with the proprietary software developed and maintained by the community development department's contract service provider.		1) Community development staff members were permitted to remove frees an issue permits prior to payment of fees in the software without documentations of approval. 2) Certain administrative fees were set up to calculate incorrectly in the software. 3) A software update allowed multiple credit card payments for the same permit on the public portal; however, fee payments were not recorded in the proprietary community development software. 4) No printable log o historical system errors and/or overrides was stored or available.		
Mgmt Letter	2020-01	Submit Public Depositor Annual Report by November 30		During the year ended September 30, 2021, we noted the Public Depositor Annual Report for fiscal year 2021 was not submitted timely to the Chief Financial Officer. Florida Statute 280.16(1)(d) requires a report of all public deposits must be submitted to the Chief Financial Officer annually by November 30. Therefore, the report for fiscal year 2021 was due by November 30, 2021. The actual report was not submitted until May 31,2022.				The Village's Interim Finance Director has prepared a list of Financial Reports and Submissions Requirements which includes the Report name, method of submission and due dates. The Village Manager and Village Clerk were provided this schedule. Therefore, if the Finance Director position is vacant or is not aware of certain reporting requirements, the Manager and Clerk will be aware of the deadlines for reporting.

The following attachment is not a PDF, so a link to the native file format is being provided instead:

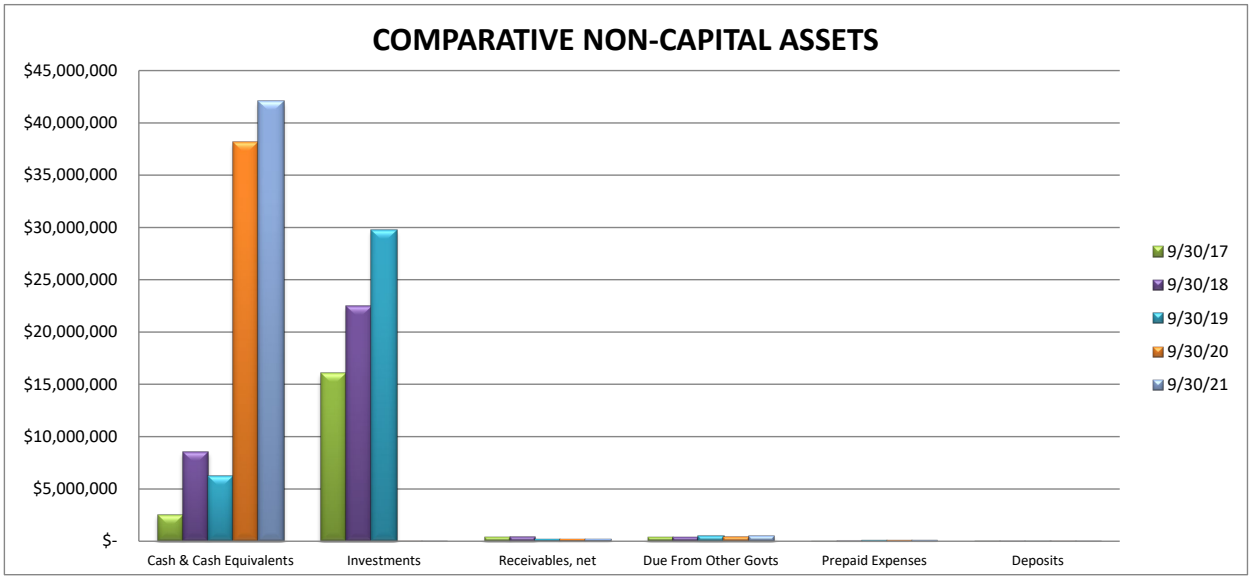
2021 Village of Estero ACFR.pdf (LINK)

VILLAGE OF ESTERO

Page 1

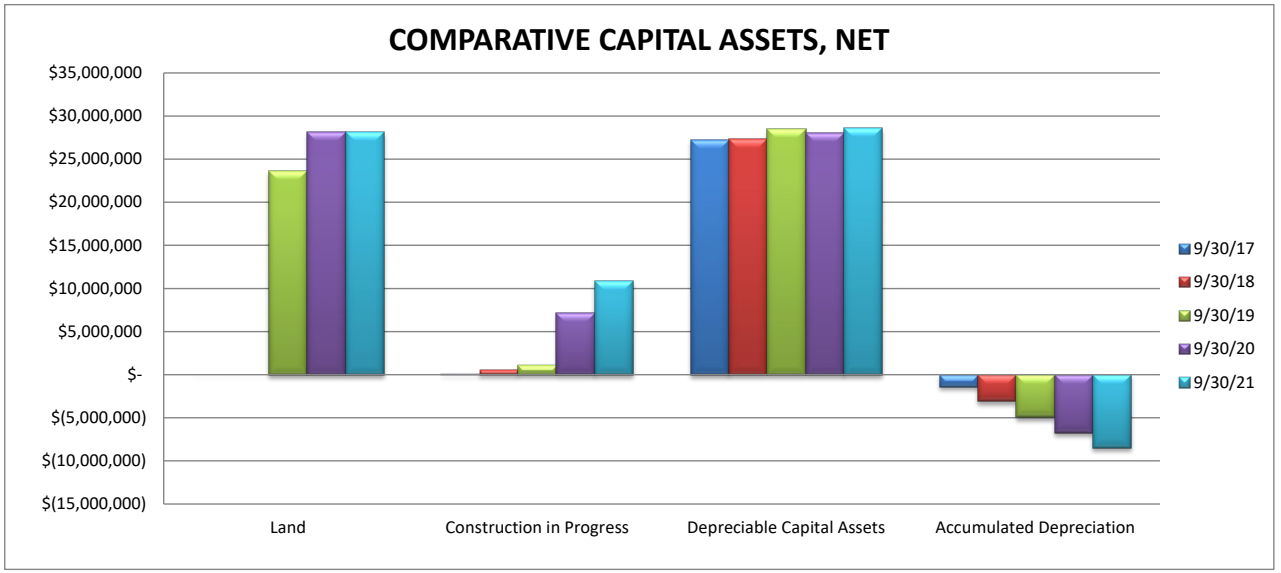
COMPARATIVE SUMMARY OF NON-CAPITAL ASSETS

September 30, 2017, 2018, 2019, 2020, & 2021



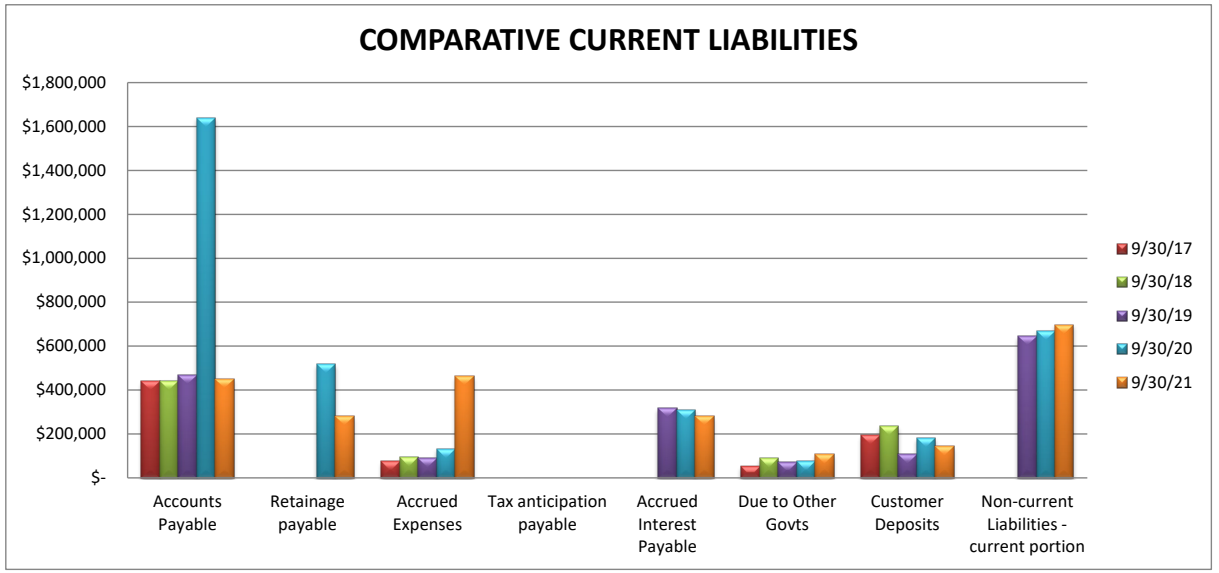
	9/30/17	9/30/18	9/30/19	9/30/20	9/30/21	Increase (Decrease)	% Inc (Dec)
Cash & Cash Equivalents	$ 2,548,088	$ 8,547,937	$ 6,272,913	$ 38,125,325	$ 42,084,415	**3,959,090**	**10%**
Investments	16,069,996	22,466,495	29,768,612	24,676	24,713	**37**	**0%**
Receivables, net	410,109	438,668	199,410	202,927	214,217	**11,290**	**6%**
Due From Other Govts	367,135	377,852	531,916	429,666	489,373	**59,707**	**14%**
Prepaid Expenses	35,709	51,024	76,484	77,146	87,252	**10,106**	**13%**
Deposits	14,633	14,633	14,633	15,201	14,945	**(256)**	**(2%)**
Total Non-Capital Assets	**$ 19,445,670**	**$ 31,896,609**	**$ 36,863,968**	**$ 38,874,941**	**$ 42,914,915**	**$ 4,039,974**	**10%**

VILLAGE OF ESTERO
COMPARATIVE SUMMARY OF CAPITAL ASSETS, NET
September 30, 2017, 2018, 2019, 2020, & 2021



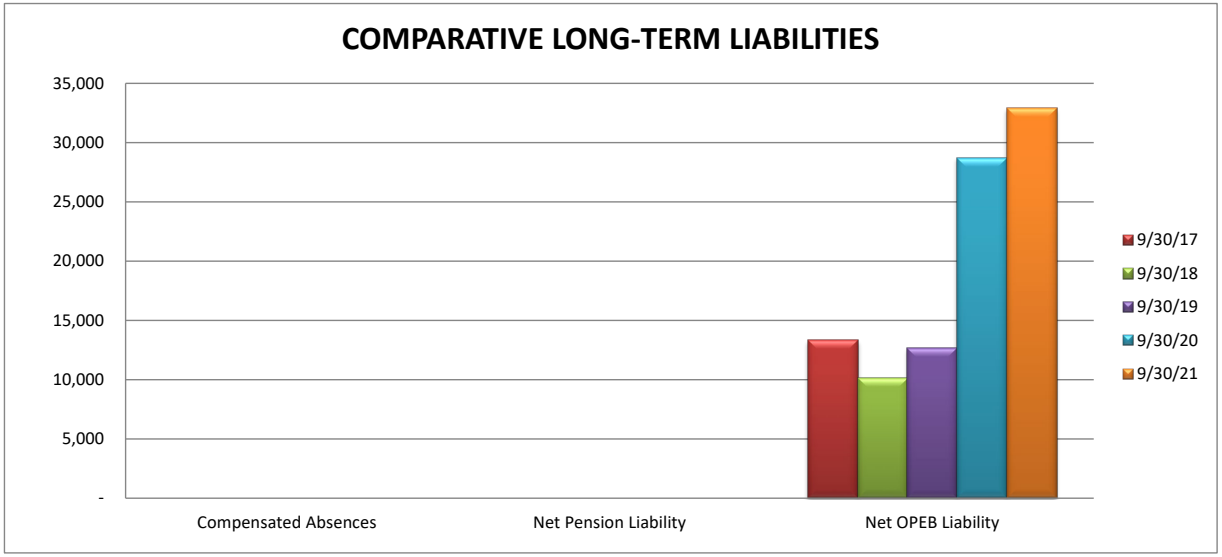
	9/30/17	9/30/18	9/30/19	9/30/20	9/30/21	Increase (Decrease)	% Inc (Dec)
Land	$ -	$ -	$ 23,641,689	$ 28,092,646	$ 28,092,646	**$ -**	**0%**
Construction in Progress	71,998	527,742	1,111,454	7,197,119	10,890,386	**3,693,267**	**51%**
Depreciable Capital Assets	27,198,589	27,385,746	28,523,902	28,073,772	28,606,389	**532,617**	**2%**
Accumulated Depreciation	(1,373,804)	(3,114,525)	(4,956,453)	(6,727,541)	(8,527,953)	**(1,800,412)**	**27%**
Total Capital Assets, Net	**$ 25,896,783**	**$ 24,798,963**	**$ 48,320,592**	**$ 56,635,996**	**$ 59,061,468**	**$ 2,425,472**	**4%**

VILLAGE OF ESTERO
COMPARATIVE SUMMARY OF CURRENT LIABILITIES
September 30, 2017, 2018, 2019, 2020, & 2021



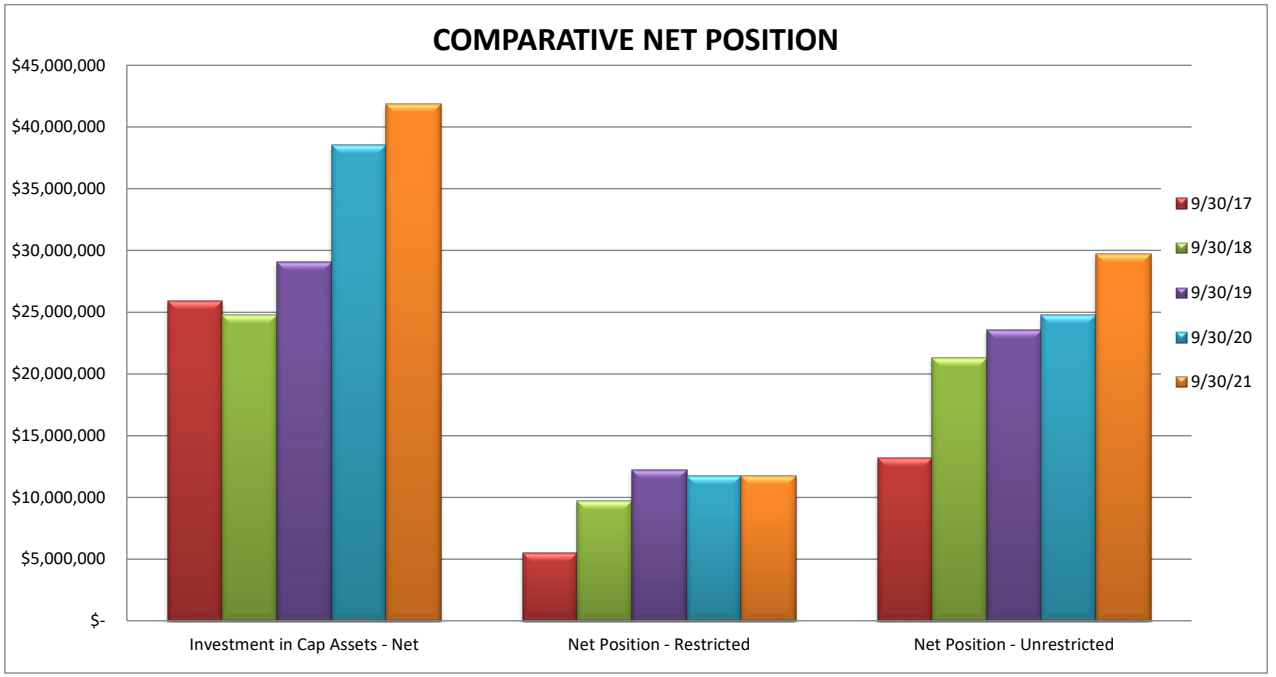
CURRENT LIABILITIES	9/30/17	9/30/18	9/30/19	9/30/20	9/30/21	Increase (Decrease)	% Inc (Dec)
Accounts Payable	$ 441,291	$ 443,126	$ 469,635	$ 1,639,470	$ 452,108	**$ (1,187,362)**	**(72%)**
Retainage payable	-	-	-	517,536	280,540	**(236,996)**	**(46%)**
Accrued Expenses	74,812	93,205	92,362	132,377	463,632	**331,255**	**250%**
Tax anticipation payable	-	-	-	-	-	**-**	**N/A**
Accrued Interest Payable	-	-	318,401	310,166	281,571	**(28,595)**	**(9%)**
Due to Other Govts	52,894	89,065	70,644	74,703	106,302	**31,599**	**42%**
Customer Deposits	193,155	234,188	106,739	182,171	143,025	**(39,146)**	**(21%)**
Non-current Liabilities - current portion	-	-	644,610	670,459	697,344	**26,885**	**4%**
Subtotal	$ 762,152	$ 859,584	$ 1,702,391	$ 3,526,882	$ 2,424,522	$ (1,102,360)	**(31%)**

VILLAGE OF ESTERO
COMPARATIVE SUMMARY OF LONG-TERM LIABILITIES
September 30, 2017, 2018, 2019, 2020, & 2021



LONG-TERM LIABILITIES	9/30/17	9/30/18	9/30/19	9/30/20	9/30/21	Increase (Decrease)	% Inc (Dec)
Debt Long Term	$ -	$ -	$ 18,586,974	$ 16,919,830	$ 16,222,486	**$ (697,344)**	**(4%)**
Compensated Absences	-	-	-	-	-	-	**N/A**
Net Pension Liability	-	-	-	-	-	-	**N/A**
Net OPEB Liability	13,326	10,160	12,628	28,740	32,928	**4,188**	**15%**
Subtotal	**$ 13,326**	**$ 10,160**	**$ 18,599,602**	**$ 16,948,570**	**$ 16,255,414**	**$ (693,156)**	**(4%)**
Current Portion of LT Debt	-	-	644,610	670,459	697,344		
Total Long-term Liabilities	**$ 13,326**	**$ 10,160**	**$ 19,244,212**	**$ 17,619,029**	**$ 16,952,758**		

VILLAGE OF ESTERO
COMPARATIVE SUMMARY OF NET POSITION
September 30, 2017, 2018, 2019, 2020, & 2021

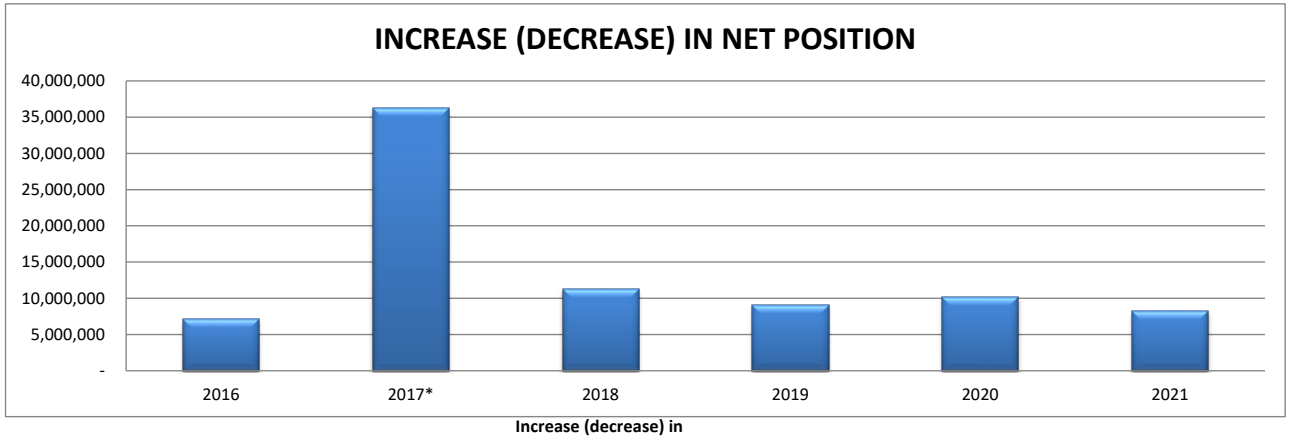


NET POSITION	9/30/17	9/30/18	9/30/19	9/30/20	9/30/21	Increase (Decrease)	% Inc (Dec)
Investment in Cap Assets - Net	$ 25,896,783	$ 24,798,963	$ 29,089,008	$ 38,568,728	$ 41,861,098	**$ 3,292,370**	**9%**
Net Position - Restricted	5,514,939	9,714,291	12,243,096	11,742,357	11,753,713	**11,356**	**0%**
Net Position - Unrestricted	13,155,253	21,312,574	23,550,463	24,724,400	29,681,636	**4,957,236**	**20%**
Total Net Position	**$ 44,566,975**	**$ 55,825,828**	**$ 64,882,567**	**$ 75,035,485**	**$ 83,296,447**	**$ 8,260,962**	**11%**

VILLAGE OF ESTERO

INCREASE (DECREASE) IN NET POSITION

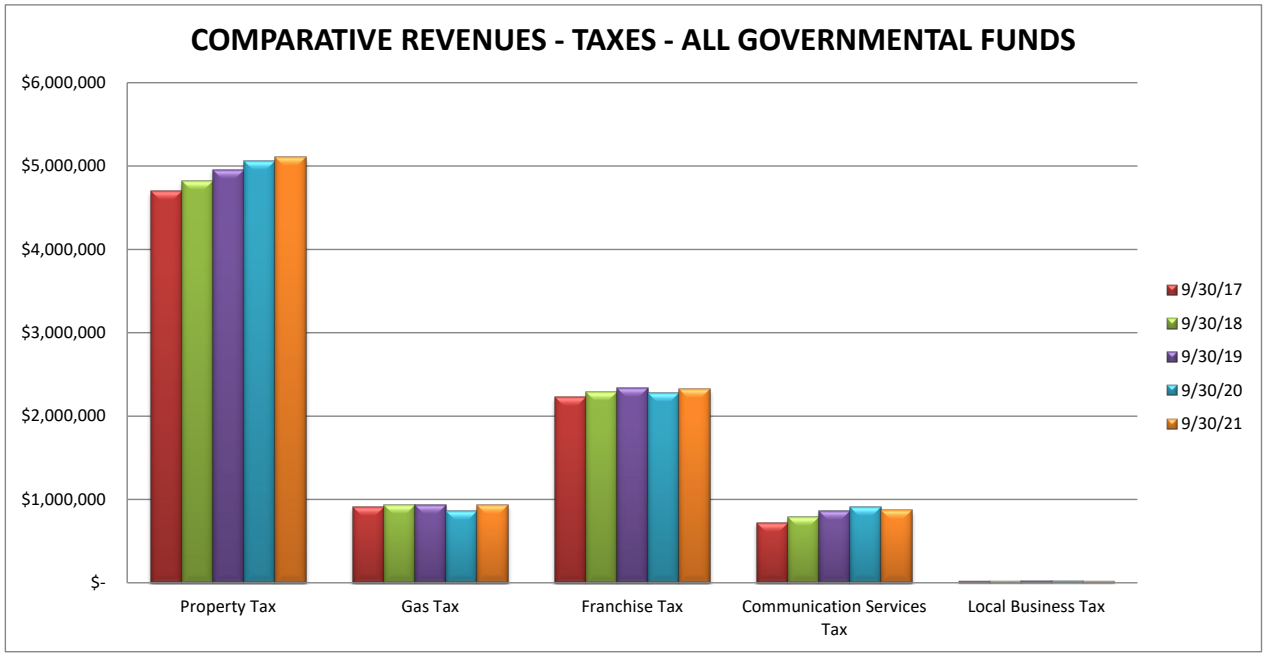
Years Ended September 30, 2016 - September 30, 2021



Fiscal Year	Increase (decrease) in Net Position
2016	7,115,807
2017*	36,279,634
2018	11,258,853
2019	9,056,739
2020	10,152,918
2021	8,260,962

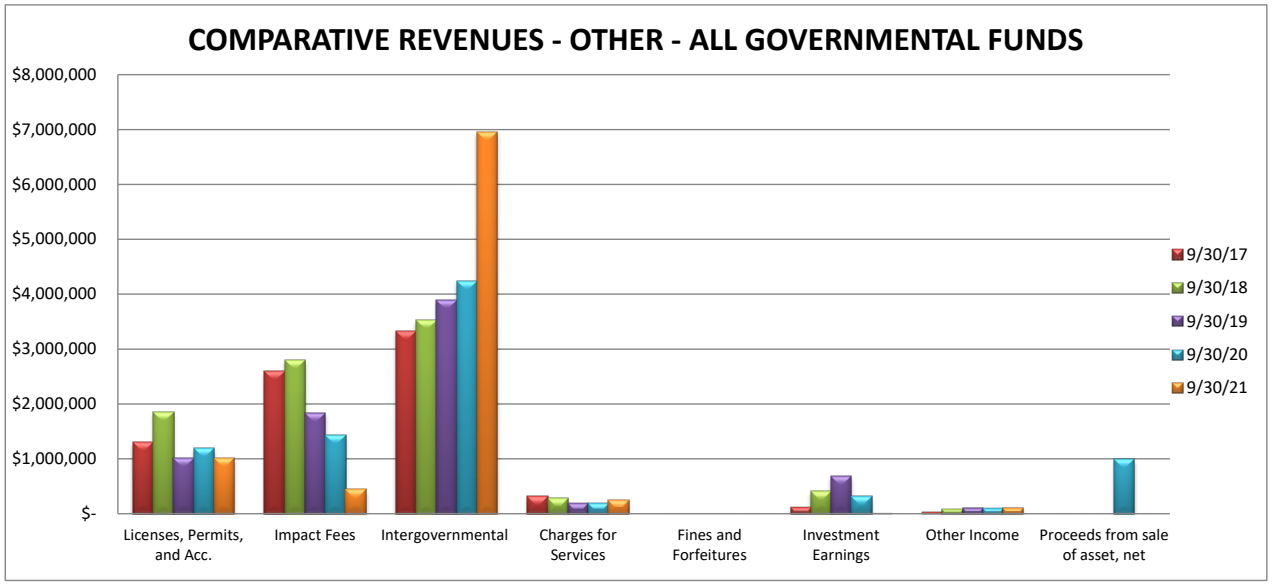
*Increase in investment in Capital Assets -Net during 9/30/17 is the result of $26,670,402 on roads and related infrastructure conveyed from Lee County

VILLAGE OF ESTERO **Page 7**
COMPARATIVE SUMMARY OF REVENUES - TAXES
(FUND-BASIS STATEMENTS)
Fiscal Years Ended September 30, 2017, 2018, 2019, 2020, & 2021



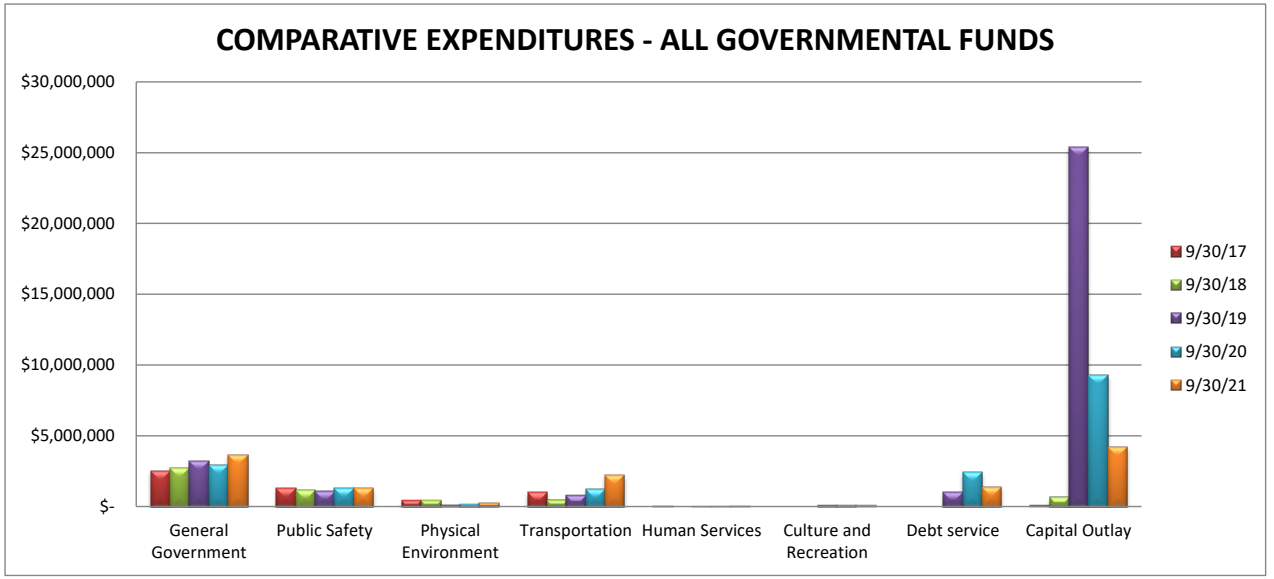
Revenues - Taxes	9/30/17	9/30/18	9/30/19	9/30/20	9/30/21	Increase (Decrease)	% Inc (Dec)
Property Tax	$ 4,699,042	$ 4,819,043	$ 4,955,863	$ 5,054,886	$ 5,109,211	**$ 54,325**	**1%**
Gas Tax	911,096	927,245	935,653	857,584	932,098	**74,514**	**9%**
Franchise Tax	2,224,309	2,288,523	2,333,614	2,280,032	2,319,395	**39,363**	**2%**
Communication Services Tax	719,940	794,969	866,260	909,318	869,653	**(39,665)**	**(4%)**
Local Business Tax	22,028	22,561	23,047	19,624	20,919	**1,295**	**7%**
Total	**$ 8,576,415**	**$ 8,852,341**	**$ 9,114,437**	**$ 9,121,444**	**$ 9,251,276**	**$ 129,832**	**1%**

VILLAGE OF ESTERO **Page 8**
COMPARATIVE SUMMARY OF REVENUES - OTHER
(FUND-BASIS STATEMENTS)
Fiscal Years Ended September 30, 2017, 2018, 2019, 2020, & 2021



Revenues - Other	9/30/17	9/30/18	9/30/19	9/30/20	9/30/21	Increase (Decrease)	% Inc (Dec)
Licenses, Permits, and Acc.	$ 1,306,158	$ 1,854,018	$ 1,020,666	$ 1,187,400	$ 1,011,429	**$ (175,971)**	**(15%)**
Impact Fees	2,596,943	2,802,274	1,830,982	1,432,917	441,935	**(990,982)**	**(69%)**
Intergovernmental	3,326,662	3,522,911	3,894,401	4,241,552	6,955,483	**2,713,931**	**64%**
Charges for Services	313,409	279,144	195,212	200,901	250,390	**49,489**	**25%**
Fines and Forfeitures	268	543	790	920	543	**(377)**	**(41%)**
Investment Earnings	119,081	407,796	680,027	319,602	8,284	**(311,318)**	**(97%)**
Other Income	28,053	89,784	106,363	102,570	107,636	**5,066**	**5%**
Proceeds from sale of asset, net	-	-	-	996,685	-	**(996,685)**	**(100%)**
Capital contributions	-	-	-	89,307	290,954	**201,647**	**226%**
Total Revenues	**$ 7,690,574**	**$ 8,956,470**	**$ 7,728,441**	**$ 8,571,854**	**$ 9,066,654**	**$ 494,800**	**6%**

VILLAGE OF ESTERO **Page 9**
COMPARATIVE SUMMARY OF EXPENDITURES
(FUND-BASIS STATEMENTS)
Fiscal Years Ended September 30, 2017, 2018, 2019, 2020, & 2021



Expenditures	9/30/17	9/30/18	9/30/19	9/30/20	9/30/21	Increase (Decrease)	% Inc (Dec)
General Government	$ 2,534,379	$ 2,737,183	$ 3,225,843	$ 2,964,950	$ 3,664,593	**$ 699,643**	**24%**
Public Safety	1,300,626	1,177,337	1,064,991	1,305,996	1,285,350	**(20,646)**	**(2%)**
Physical Environment	436,856	433,352	112,001	191,691	241,108	**49,417**	**26%**
Transportation	1,021,378	457,090	784,925	1,243,529	2,216,002	**972,473**	**78%**
Human Services	48,428	22,756	33,879	37,932	49,523	**11,591**	**31%**
Culture and Recreation	-	-	129,032	128,094	71,846	**(56,248)**	**(44%)**
Debt service	-	-	1,058,288	2,411,883	1,391,072	**(1,020,811)**	**(42%)**
Capital Outlay	71,998	642,901	25,371,816	9,247,823	4,225,884	**(5,021,939)**	**(54%)**
Total Expenditures	**$ 5,413,665**	**$ 5,470,619**	**$ 31,780,775**	**$ 17,531,898**	**$ 13,145,378**	**$ (4,386,520)**	**(25%)**

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

First Amendment to Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax among Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, City of Sanibel, Town of Fort Myers Beach and the Village of Estero.

Motion to approve First Amendment to Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax among Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, City of Sanibel, Town of Fort Myers Beach and the Village of Estero.

Background:

The current interlocal agreement that allocates the local option gas tax expires December 31, 2022.

This is a new five-year agreement from January 1, 2023 through December 31, 2027.

Cities need to execute the agreement by August so the county can report the new percentages to the state for implementation on January 1, 2023.

Description:

The proposed amendment to the Master Interlocal Agreement provides a formula and expiration date that is consistent for all municipalities, based upon population and mileage. Attachment A shows a Lee County comparative analysis of the proposed rate changes with an estimated impact to the Village for the proposed 2.66% rate.

Action Requested:

Motion to approve First Amendment to Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax among Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, City of Sanibel, Town of Fort Myers Beach and the Village of Estero.

Process and Timeline:

Financial Impact:

Current distribution levels of Local Option Fuel Taxes will continue through December 31, 2022 with new proposed levels effective January 1, 2023 as provided by the Florida Department of Revenue procedures.

Prepared by: Steve Sarkozy

Attachments:

1. Attachment A Local Option for Tax Distribution
2. First Amendment to Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax
3. Estero Maintained Mileage Map

ATTACHMENT A

LOCAL OPTION GAS TAX DISTRIBUTION							
	POPULATION 2021 BEBR		CENTERLINE MILES		PROPOSED BASED ON 50/50 SPLIT BETWEEN CENTERLINE MILES AND POPULATION	CURRENT	CONTRACT END
	Population	Percent Allocation	Centerline Miles	Percent Allocation	Percent Allocation	Percent Allocation	
Cape Coral	201,554	25.76	1,562.6	33.88	29.82	27.29	12/31/27
Fort Myers	91,544	11.70	244.1	5.29	8.49	10.67	12/31/27
Sanibel	6,443	0.82	86.9	1.88	1.35	3.50	12/31/27
Fort Myers Beach	5,584	0.71	23.9	0.52	0.62	1.00	12/31/27
Bonita Springs	54,746	7.00	91.8	1.99	4.49	4.53	12/31/27
Estero	37,213	4.76	26.3	0.57	2.66	2.52	12/31/27
Lee County	385,495	49.26	2,577.1	55.87	52.56	50.49	
	782,579	100.00	4,613	100.00	100.00	100.00	

FIRST AMENDMENT TO MASTER INTERLOCAL AGREEMENT REGARDING DISTRIBUTION FORMULA FOR ALLOCATION OF REVENUE FROM LOCAL OPTION FUEL TAX LEVIED PURSUANT TO SECTION 336.025(1)(a) AND 336.025(1)(b), FLORIDA STATUTES, AMONG LEE COUNTY, CITY OF BONITA SPRINGS, CITY OF CAPE CORAL, CITY OF FORT MYERS, CITY OF SANIBEL, TOWN OF FORT MYERS BEACH AND VILLAGE OF ESTERO

This Interlocal Agreement is entered into by and among: LEE COUNTY, a political subdivision of the State of Florida ("County"), CITY OF BONITA SPRINGS, CITY OF CAPE CORAL, CITY OF FORT MYERS, CITY OF SANIBEL, TOWN OF FORT MYERS BEACH, and VILLAGE OF ESTERO, all municipal corporations organized and existing under the laws of the State of Florida (collectively referred to as the "Municipalities") (County and Municipalities are collectively referred to as the "Parties").

RECITALS

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the County to levy and re-impose, in addition to other taxes allowed by law, a six-cent local option fuel tax, upon every gallon of motor fuel and special fuels sold in the county and taxed under Chapter 206, Florida Statutes; and

WHEREAS, Lee County adopted Ordinance 19-06 re-imposing the six-cent (6 cent) fuel tax becoming effective from September 1, 2019 to August 31, 2049; and

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the County to levy and re-impose an additional five-cent (5 cent) local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provision of Chapter 206, Florida Statute; and

WHEREAS, the County adopted Ordinance 19-07 re-imposing the additional five-cent (5 cent) fuel tax becoming effective from September 1, 2019 to August 31, 2049; and

WHEREAS, Section 336.025(1)(b)(2), Florida Statutes, authorizes the County to enter into interlocal agreements with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, setting forth a distribution formula for dividing the entire proceeds of the taxes among county government and all eligible municipalities within the county; and

WHEREAS, the County and Municipalities entered into an Interlocal Agreement Relating to Local Option Fuel Tax that expires December 31, 2022, setting forth a formula for distribution of the six-cent and five-cent local option fuel tax; and

WHEREAS, the Municipalities desire to continue the Interlocal Agreement with each other and with the County in order to distribute the proceeds of the five-cent and six-cent local option fuel tax; and

NOW, THEREFORE, IN CONSIDERATION, of the mutual terms, understandings, conditions, premises and covenants hereinafter set forth, and pursuant to Section 336.025, Florida Statutes, the County and Municipalities hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein.

2. **Authority.** The County and Municipalities enter into this Interlocal Agreement pursuant to the authority provided by Section 336.025, Florida Statutes.

3. **Scope of Agreement.** This Agreement shall apply to the six-cent gas tax authorized in Section 336.025(1)(a), Florida Statutes, as well as the additional five-cent gas tax authorized by Section 336.025(1)(b), Florida Statutes.

4. **Effective Date.** This Agreement shall be effective and continue from and including January 1, 2023, through and including December 31, 2027.

5. **Existing Agreements.** The previous Agreements between the Parties relating to local option fuel tax or gas tax shall be terminated and be of no further force or effect and replaced by this Agreement upon its Effective Date.

6. **Distribution of Proceeds.** The County and Municipalities agree that from January 1, 2023 to December 31, 2027, the proceeds of the local option gas taxes levied upon every gallon of motor fuel and diesel fuel sold in Lee County shall be distributed between the County and Municipalities using a blended percentage allocation of each entity's maintained centerline miles of roadways as a percent of total maintained roadways and each entity's population as a percentage of the county's total population. Centerline miles and population will be weighted 50%/50% for the blended percentage allocation (see Attachment A).

   6.1 The population figures for the Municipalities will be based upon the latest University of Florida Bureau of Economics and Business Research ("BEBR") population figures, pursuant to Section 336.025, Florida Statutes, as may be amended.

   6.2 The County shall forward the finalized allocation percentages to the State of Florida Department of Revenue for distributing the proceeds of the local option gas tax in accordance with the distribution formula established pursuant to this Agreement.

   6.3 Any new municipality incorporated in the County during the term of this Agreement, which is eligible for participation in the distribution of the local option gas tax shall result in recalculation of the fifty percent (50%) of the proceeds based on the total population distribution among each Municipality and unincorporated Lee County, and fifty percent (50%) of the proceeds based upon centerline miles of roadway maintained by Lee County and each Municipality. Such redistribution shall become effective upon entering into an agreement with the new municipality.

   6.4 The Parties agree and confirm that all Local Option Gas Tax proceeds, as distributed by the State pursuant to this Agreement, will be utilized for only those purposes and uses as provided for by law.

7. **Ongoing Obligations.** This Interlocal Agreement is expressly contingent upon the County's continued levy by County Ordinances of the Local Option Gas Taxes as authorized by law, for the term of this Agreement. If the County's Local Option Gas Tax, for any lawful reason(s), is repealed, sunset, or otherwise terminated by the County as to their effectiveness, this Interlocal Agreement will automatically terminate and shall be of no further force or effect.

8. **Amendment To Agreement.** This Interlocal Agreement may be modified or terminated only by agreement in writing and approved by the Parties.

9. **Integration of Document.** This Interlocal Agreement, including any incorporated exhibits or amendments, constitutes the entire Agreement between the Parties and shall supersede and control over any or all prior Agreements or understandings, written or oral, relating to the matters herein.

10. **Notices.** Whenever any Party desires to give notice to any other Party or Parties, such notice must be in writing, mailed, and sent by email to the designated representative(s) of the respective Parties. Any Party may change its designated representative(s) for notice purposes by providing notice thereof to all other Parties in accordance with this paragraph.

11. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which, when executed and delivered, shall constitute an original, but such counterparts shall together constitute one and the same instrument.

12. **Ineligibility.** If, during the term of the imposition of this local option gas tax, any of the Municipalities become ineligible to receive a share of the proceeds of the local option gas tax for any reason, any funds otherwise undistributed because of such ineligibility shall be distributed by the Florida Department of Revenue to the remaining Municipalities in proportion to the distribution formula then in effect.

13. **Miscellaneous.**
    - **A.** The Parties represent that they have full authority to enter into and execute this Interlocal Agreement.
    - **B.** The terms and conditions of this Interlocal Agreement shall extend to and bind the successors and assigns of the County and the Municipalities.
    - **C.** The drafting of this Interlocal Agreement has been a joint endeavor between the Parties and shall not, solely as a matter of judicial construction, be interpreted more strictly against one Party than the other.
    - **D.** The invalidity of any provision hereof as may be found by a court of competent jurisdiction shall in no way affect or invalidate the remaining provisions of the Agreement.
    - **E.** In no case shall the Parties be liable for either consequential or special damages of any kind whatsoever, including, but not limited to, lost revenues, or any other damages of any kind relating to this Agreement.
    - **F.** Disputes arising under this Interlocal Agreement shall be resolved pursuant to Florida law. Venue shall be the Twentieth Judicial Circuit Court, in Lee County, Florida.

IN WITNESS WHEREOF, the Parties hereto have cause this Interlocal Agreement to be executed on the respective dates under each signature.

ATTEST: LINDA DOGGETT
CLERK OF THE COURTS

By:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:_____
Cecil L Pendergrass, Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By:_____
Office of the County Attorney

Date:_____

ATTEST:

By:_____
Clerk, Town of Fort Myers Beach

TOWN OF FORT MYERS BEACH

By:_____
Ray Murphy, Mayor

APPROVED AS TO FORM:

By:_____
Town Attorney

Date:_____

ATTEST:

By:_____
Clerk, City of Fort Myers

CITY OF FORT MYERS

By:_____
Kevin B. Anderson, Mayor

APPROVED AS TO FORM:

By:_____
City Attorney

Date:_____

ATTEST:

By:_____
Clerk, City of Cape Coral

CITY OF CAPE CORAL

By:_____
John Gunter, Mayor

APPROVED AS TO FORM:

By:_____
City Attorney

Date:_____

ATTEST:

By:_____
Clerk, City of Bonita Springs

CITY OF BONITA SPRINGS

By:_____
Rick Steinmeyer, Mayor

APPROVED AS TO FORM:

By:_____
City Attorney

Date:_____

ATTEST:

By:_____
Clerk, Village of Estero

VILLAGE OF ESTERO

By:_____
Katy Errington, Mayor

APPROVED AS TO FORM:

By:_____
Village Attorney

Date:_____

ATTEST:

By:_____
Clerk, City of Sanibel

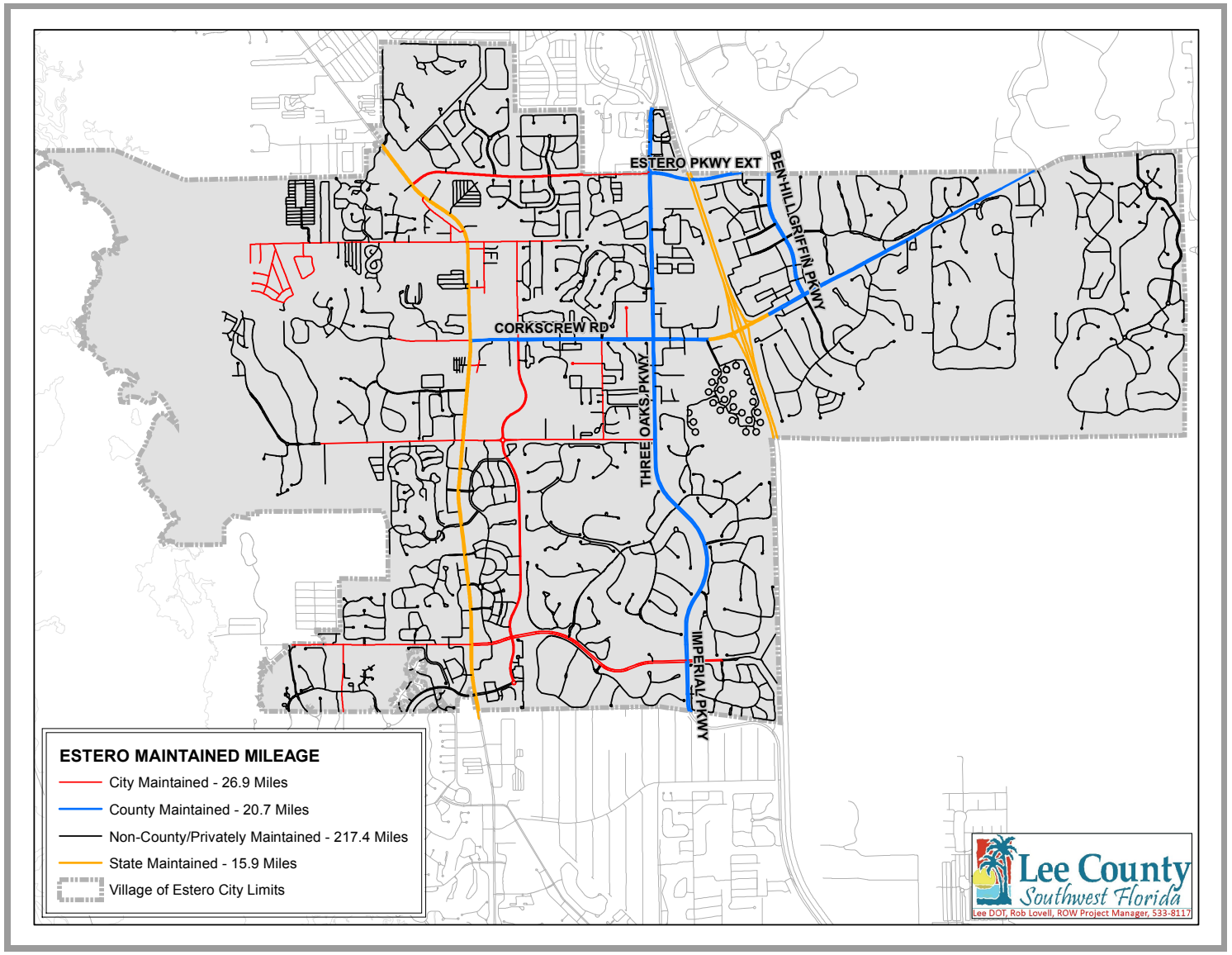
CITY OF SANIBEL

By:_____
Holly D. Smith, Mayor

APPROVED AS TO FORM:

By:_____
City Attorney

Date:_____


ESTERO PKWY EXT
BEN HILL GRIFFIN PKWY
CORKSCREW RD
THREE OAKS PKWY
IMPERIAL PKWY
ESTERO MAINTAINED MILEAGE
City Maintained - 26.9 Miles
County Maintained - 20.7 Miles
Non-County/Privately Maintained - 217.4 Miles
State Maintained - 15.9 Miles
Village of Estero City Limits
Lee County
Southwest Florida
Lee DOT, Rob Lovell, ROW Project Manager, 533-8117

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

2022 Joint Local Mitigation Strategy Plan

Resolution No. 2022-20

A Resolution of the Village Council of the Village of Estero, Florida; Providing for the Adoption of the 2022 Joint Local Mitigation Strategy Plan, prepared by the Local Mitigation Strategy Planning Team of Lee County, as the Formal Guide for the Village of Estero's Hazard Mitigation Activities; and Providing an Effective Date.

Motion to approve Resolution No. 2022-20

Background:

Joint Local Mitigation Strategy Planning Team/Working Group which is comprised of representatives from each municipality in Lee County recently updated the Joint Local Mitigation Strategy Plan (LMS). The Plan is updated every 5-years. The LMS is a companion document to the Lee County Comprehensive Emergency Management Plan, as well as individual municipalities Emergency Management Plans. The LMS identifies core mitigation capabilities and describes short- and long-term mitigation strategies and activities. In addition, the LMS sets mitigation goals, objectives, and strategies delineating community actions to reduce hazard risks.

Description:

The 2022 Joint Local Mitigation Strategy Plan update must be adopted by each municipality in Lee County to be approved by the Federal Emergency Management Agency (FEMA). The LMS also serves as the Flood Mitigation Plan, as required of all communities participating in the National Flood Insurance Program (NFIP) and seeking project funding from the Flood Mitigation Assistance (FMA) Program and Hazard Mitigation Grant Program (HMGP).

The Florida Division of Emergency Management (DEM) and FEMA have found the plan update compliant with the federal hazard mitigation planning standards and will approve the plan final adoption pending adoption by each municipality.

Action Requested:

Adopt Resolution No. 2022-20

Process and Timeline:

Adoption of the resolution completes the process for the LMS.

Financial Impact:

Adoption of the LMS will allow the Village to apply for Flood Mitigation Assistance and Hazard Grants, if required in the future.

Prepared by: David Willems, P.E.

Attachments:

1. Resolution No. 2022-20
2. 2022 Joint Local Mitigation Strategy

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022 -20

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA; PROVIDING FOR THE ADOPTION OF THE 2022 JOINT LOCAL MITIGATION STRATEGY PLAN, PREPARED BY THE LOCAL MITIGATION STRATEGY PLANNING TEAM OF LEE COUNTY, AS THE FORMAL GUIDE FOR THE VILLAGE OF ESTERO'S HAZARD MITIGATION ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero Springs is vulnerable to various natural and human-made hazards including animal/plant disease outbreak, coastal erosion, drought, epidemic/pandemic disease, excessive cold, excessive heat, flood, freeze, tropical cyclone, severe weather, tornados, wildfires, and face potential damage to life, property, natural resources, and the local economy as a result of the occurrence of such hazards; and

WHEREAS, unincorporated areas of Lee County, the Village of Estero, City of Bonita Springs, the City of Cape Coral, the City of Fort Myers, the Town of Fort Myers Beach, and the City of Sanibel have formed the Local Mitigation Strategy Planning Team, to participate in the development of the 2022 Joint Mitigation Strategy Planning Team, which was open to participation to any and all interested parties; and

WHEREAS, the Joint Local Mitigation Strategy Planning Team (Planning Team) has identified these local hazards and reassessed the county-wide vulnerability and risk of these hazards based on the latest scientific and technically based risk assessment techniques; and

WHEREAS, the Planning Team identified and prioritized mitigation initiatives that would reduce local vulnerability from these hazards; and

WHEREAS, the 2022 Joint Local Mitigation Strategy has been updated to reflect the knowledge gained from disasters that Lee County has experienced over the past fifteen (15) years; and

WHEREAS, projects identified in the 2022 Joint Local Mitigation Strategy Mitigation Initiative List are given more consideration by federal and state-managed funding programs such as the Hazard Mitigation Grant Program, the Flood Mitigation Assistance Program, Emergency Management Preparedness Assistance Trust Fund, Communities Trust, Community Development Block Grant, Coastal Partnerships Initiative, and Home Investment Partnerships (HOME) Program; and

WHEREAS, the 2022 Joint Local Mitigation Strategy also serves as the Flood Mitigation Plan as required of all communities participating in the National Flood

Insurance Program and seeking project funding from the Flood Mitigation Assistance program; and

WHEREAS, the 2022 Joint Local Mitigation Strategy can serve as the Post-Disaster Redevelopment Plan outlined in Goal 1 of the Village of Estero Conservation/Coastal Management Element (Objective 1.12: Planning, Coordination, and Implementation. To protect the public from the effects of natural and technological hazards through Lee County emergency plans and programs) as required of all coastal counties by Florida Administrative Code Rule 9J-5 as part of the County Comprehensive Growth Management Plan; and

WHEREAS, the Joint Local Mitigation Strategy is designed to be a process-oriented document with review and revision policies that allow the 2022 Joint Local Mitigation Strategy to be changed to meet new or changing conditions including hazard-event frequency, perceived local needs and funding opportunities.

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

Section 1. That it is in the best interest of the public that the 2022 Joint Local Mitigation Strategy, prepared by the Joint Local Mitigation Strategy Planning Team of Lee County, attached hereto, identified as Exhibit "A", be adopted as the formal guide for the Village of Estero hazard mitigation activities.

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

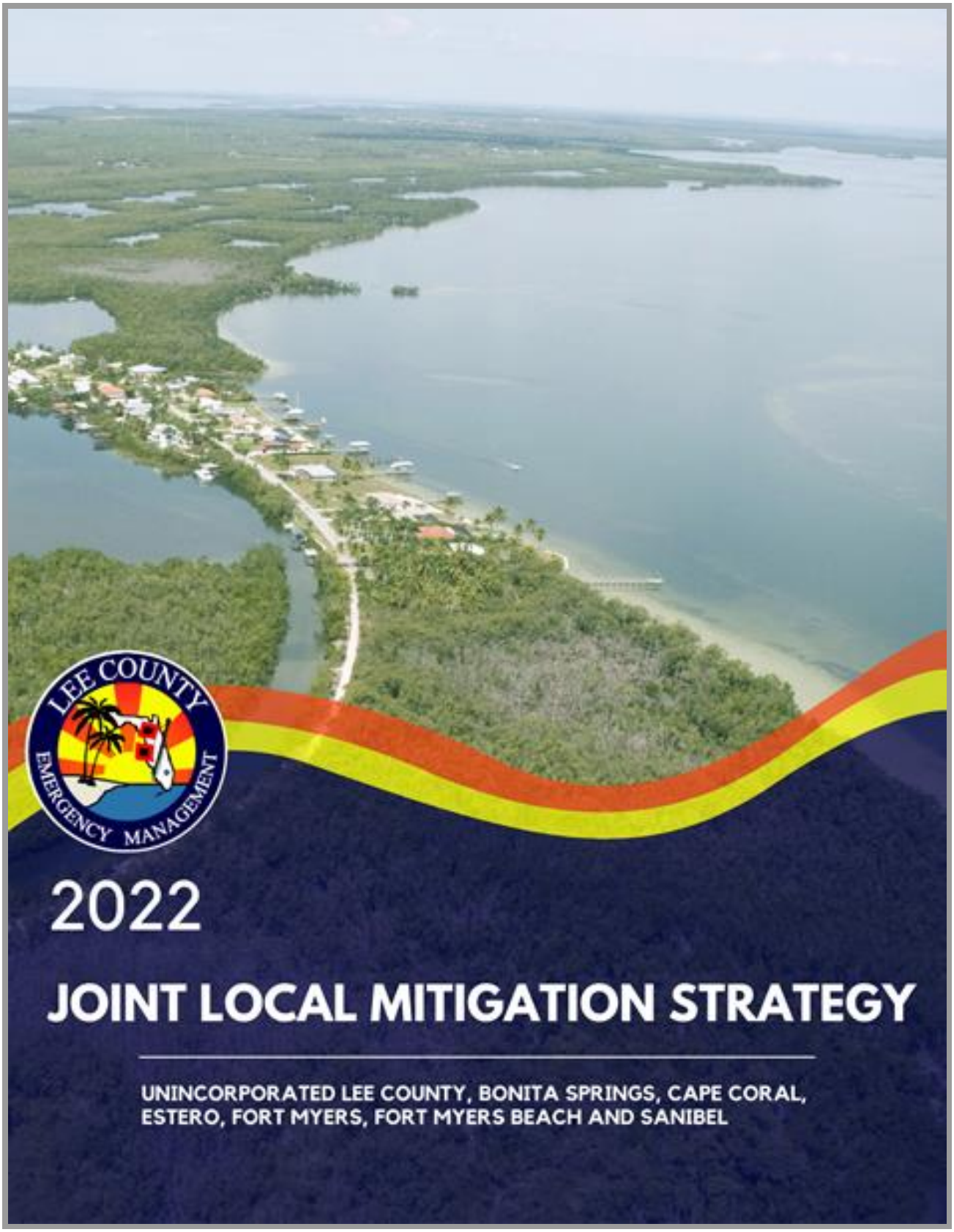
ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 6th day of July, 2022.

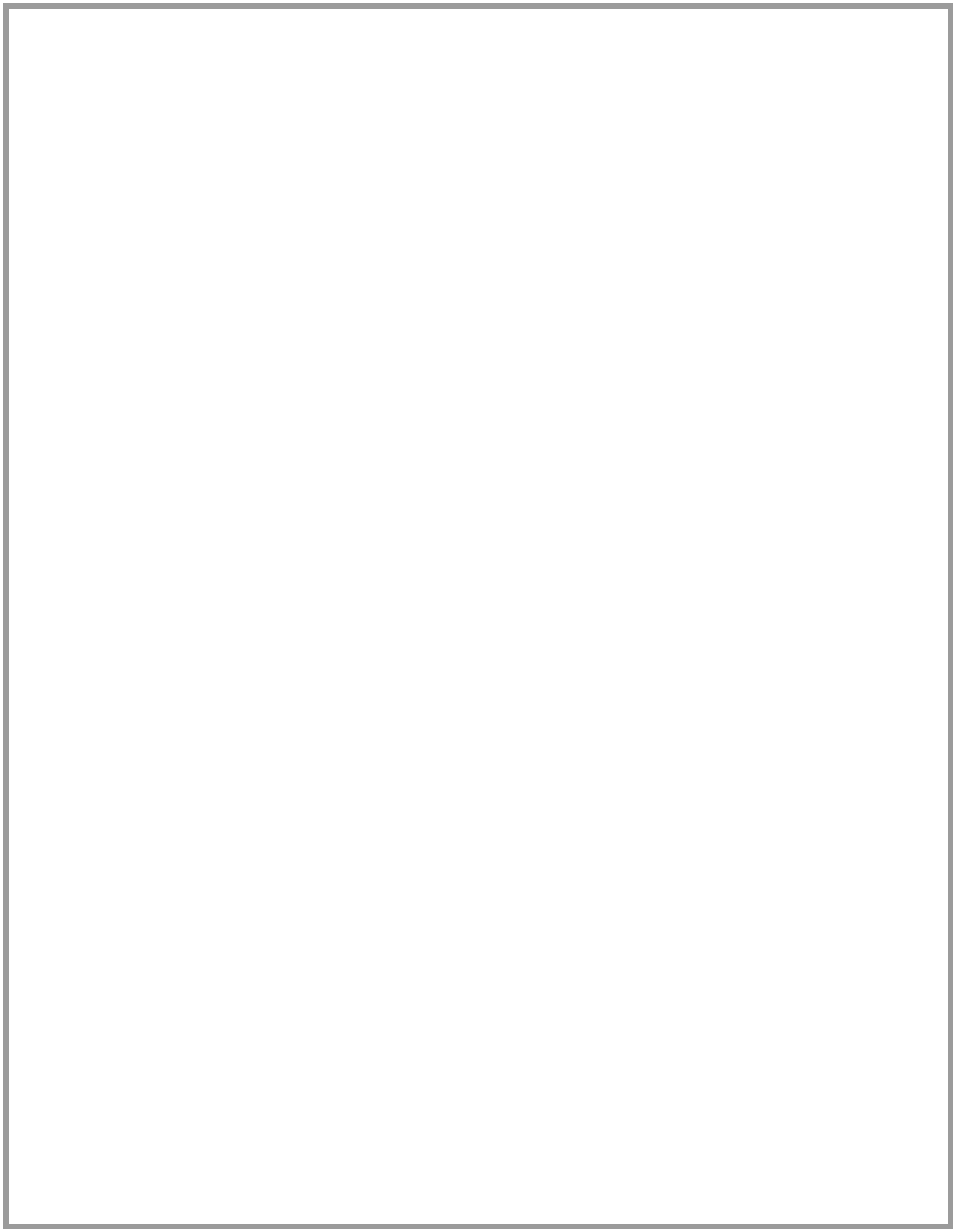
ATTEST: **VILLAGE OF ESTERO, FLORIDA**

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

Reviewed for legal sufficiency:

By: _____
Robert D. Pritt, Interim Village Attorney


LEE COUNTY
EMERGENCY MANAGEMENT
2022
JOINT LOCAL MITIGATION STRATEGY
UNINCORPORATED LEE COUNTY, BONITA SPRINGS, CAPE CORAL,
ESTERO, FORT MYERS, FORT MYERS BEACH AND SANIBEL



Promulgation Document

Lee County and its political subdivisions are responsible for the preservation of life, property, and the environment during times of disaster. The *Joint Local Mitigation Strategy* forms the foundation for minimizing the risks posed to life and the built and natural environments through the implementation of short- and long-term mitigation strategies. In conjunction with prevention, protection, preparedness, response, and recovery efforts, the strategy builds resiliency into the communities that make up Lee County and its political subdivisions.

The *Joint Local Mitigation Strategy* is an extension of the *Hazard Identification and Risk Assessment* and a companion document to the *Lee County Comprehensive Emergency Management Plan*, as well as the comprehensive emergency management plans of the county's political subdivisions. This strategy sets forth the mitigation framework for Lee County and its political subdivisions and establishes a vision, mission, and set of priorities for mitigation activities in the area. Moreover, the strategy identifies core mitigation capabilities and describes short- and long-term mitigation strategies and activities. In addition to setting mitigation goals and objectives, the strategy delineates community actions that will reduce hazard risks.

The *Joint Local Mitigation Strategy* aligns with state and federal requirements and guidelines for local mitigation. The strategy undergoes regular, annual maintenance through the Local Mitigation Strategy Working Group and quinquennial review and adoption by the elected governing bodies of each participating jurisdiction. As part of this every-five-year practice, the strategy is reviewed by the State of Florida and by the Federal Emergency Management Agency.

Approval and Implementation

The *Joint Local Mitigation Strategy* was developed through a collaborative whole-community process that incorporated input from diverse stakeholders and mitigation principles from federal and state guidelines. The formal planning process for this strategy is laid out in the *Joint Local Mitigation Strategy Project Management Plan* (2021). The *Project Management Plan* also documents public input during the planning process. Upon concurrence from the elected governing bodies of Lee County and its political subdivisions, this strategy will be considered officially adopted and promulgated. The strategy is disseminated to county and municipal departments, local community interests, neighboring jurisdictions, and other stakeholders vital to preserving life, property, and the environment in the area.

The Lee County Department of Public Safety – Emergency Management will be the primary entity responsible for maintaining this document. The Local Mitigation Strategy Working Group, as part of the Disaster Advisory Council, will assist Emergency Management in that responsibility and with coordinating mitigation activities across the county and its political subdivisions.

This version of the *Joint Local Mitigation Strategy* supersedes previous versions, including the *Joint Unified Local Mitigation Strategy* (2017). In consultation with the Working Group and government leadership (county and municipal), Emergency Management is authorized to update and revise this strategy without additional approval from the aforementioned elected governing bodies. This exception does not apply to the five-year review and approval cycle required by the state and federal government.

Record of Changes

Version	Change	Reference	Date
2022.01	Vision and mission statement added	Chapter 1, p. 2	01/03/2022
	Plan integration updated	Chapter 1, p. 4	01/03/2022
	Community changes since last local mitigation strategy	Chapter 1, p. 8	01/03/2022
	Mitigation core capabilities added	Chapter 2, p. 12	01/03/2022
	Short-term and long-term strategies updated	Chapter 2, p. 16 & p. 17	01/03/2022
	Goals and objectives updated	Chapter 2, p. 18	01/03/2022
	Mitigation Action Plan added	Chapter 3, p. 21	01/03/2022
	Mitigation Project List updated	Chapter 3, p. 21	01/03/2022
	Review and maintenance updated	Chapter 4, p. 24	01/03/2022
	Community involvement updated	Chapter 4, p. 25	01/03/2022

Record of Distribution

This document is distributed formally to selected stakeholders every five years as part of the review and approval cycle (see Chapter 4 Review and Maintenance). The document is made available generally via the website for the Lee County Department of Public Safety – Emergency Management, which allows anyone to download and view the document at any time. Regular updates to this document that reflect changes in the mitigation strategy and associated programs and actions will be distributed via that website. The table below lists the recipients of the most recent formal distribution for review and approval.

Agency/Organization	Medium	Date
City of Bonita Springs	Digital	2022-04-01
City of Cape Coral	Digital	2022-04-01
City of Fort Myers	Digital	2022-04-01
City of Fort Myers Beach	Digital	2022-04-01
City of Sanibel	Digital	2022-04-01
Unincorporated Lee County	Digital	2022-04-01
Village of Estero	Digital	2022-04-01

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Chapter 1 Introduction

This chapter describes the purpose and scope of the *Joint Local Mitigation Strategy*. It links this document with the *Hazard Identification and Risk Assessment* and the comprehensive emergency management plans for Lee County and its political subdivisions. The chapter establishes a unifying vision for the multijurisdictional mitigation framework, as well as a mission statement. The chapter concludes by identifying participating jurisdictions and the stakeholders that will make up the mitigation framework over the next five years.

Purpose

The purpose of this local mitigation strategy is to establish a multi-jurisdictional mitigation framework to reduce the probability and minimalize the consequences of hazardous incidents.

Scope

This strategy addresses the natural hazards identified and assessed in the *Hazard Identification and Risk Assessment* (see Table 1 below) for Lee County and its political subdivisions (see the Stakeholders section below). The strategy encompasses mitigation activities that are either structural, regulatory, or social in nature. Human-caused hazards are not addressed in this document. The local mitigation strategy considers the planning area's economy, housing, health and social services, infrastructure, and natural and cultural resources[1]. By doing so, the strategy encompasses systems that support and sustain communities and aligns mitigation efforts with the National Disaster Mitigation Framework[2].

Table 1 Natural Hazards in the Planning Area

Natural Hazards			
Animal/Plant Disease Outbreak	Coastal Erosion	Drought	Epidemic/ Pandemic Disease
Excessive Heat	Extreme Cold	Flood	Freeze
Severe Weather	Tornado	Tropical Cyclone	Wildfire

[1] Federal Emergency Management Agency (June 2016), *National Mitigation Framework* 2nd ed, p. 3
[2] *ibid*. p. 16

Vision

A resilient network of communities and jurisdictions experiencing significantly reduced consequences from natural hazards.

Mission Statement

To save lives, protect property, and preserve the environment through collaborative mitigation actions.

Stakeholders

The *Joint Local Mitigation Strategy* is a collaborative, multijurisdictional effort to address natural hazards in the planning area (see Figure 1 and Figure 2 below). Within each jurisdiction are multiple private, public, and nonprofit interests with regards to the area's hazards. Attachment 3 of the *Joint Local Mitigation Strategy Project Management Plan* identifies these interests and their general role in the mitigation framework.

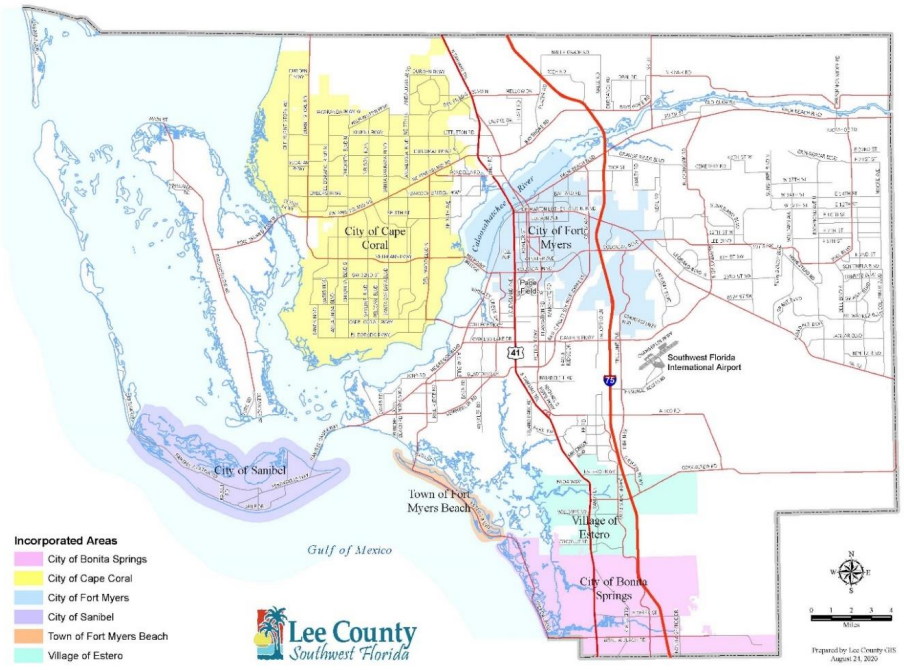


Figure 1 Joint Local Mitigation Strategy Planning Area

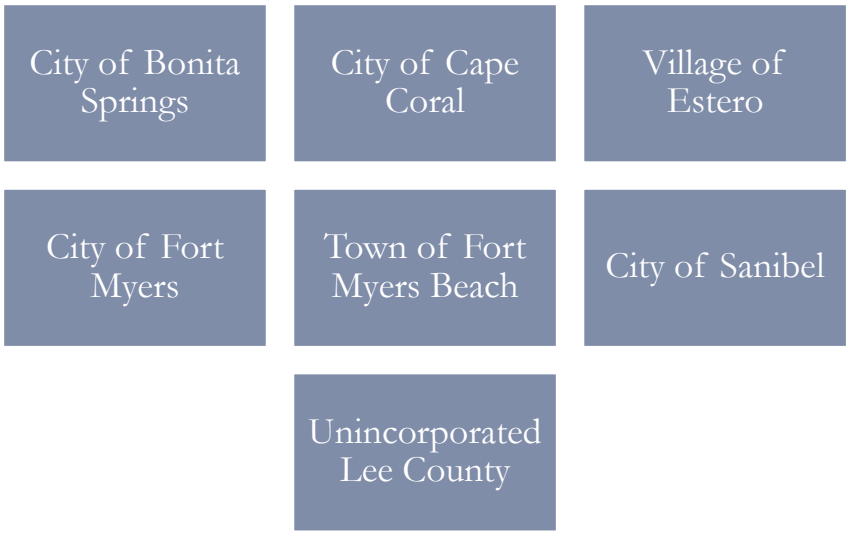


Figure 2 Joint Local Mitigation Strategy Jurisdictions

Mitigation is a constant, iterative process involving myriad stakeholders with similarly myriad interests. One purpose of the framework is to enable decision-makers to better identify and engage with entities to best match and allocate available resources with community needs. In addition to the governmental entities delineated in Figure 2 above, the mitigation framework relies on stakeholder involvement from the following[3]:

- Individuals, families, and households
- Communities
- Nongovernmental organizations
- Private sector entities
- Local governments
- State government entities
- Federal government entities

Local Mitigation Strategy Working Group

Stakeholder engagement and coordination for the framework is achieved through the Local Mitigation Strategy Working Group. In Lee County and its political subdivisions, this body consists of the membership for the Disaster Advisory Council (DAC). The

[3] Federal Emergency Management Agency (2016), *National Mitigation Framework* (2nd ed), pp. 8-14

Coordinating Structures section provides more detailed information about the Working Group and its structure and role.

Plan Integration

The *Joint Local Mitigation Strategy* is designed to work in conjunction with existing plans, policies, and procedures in Lee County and its political subdivisions. Stakeholders coordinate the implementation of mitigation goals and objectives through county and municipal programs and systems, such as the documents listed below. Participating jurisdictions also incorporate the capabilities, priorities, goals, and objectives of the strategic framework with response and recovery operations through comprehensive emergency management plans and recovery plans.

The documents mentioned here are given brief descriptions. The section also notates the responsible parties. Members of the Local Mitigation Strategy Working Group provide technical assistance and coordinate with their agencies to integrate concepts in this framework into respective governance apparatuses.

County and Municipal Comprehensive Plans

These plans contain goals, objectives, and policies that help guide pre-disaster mitigation programs and activities. For example, Lee Plan contains a goal that specifically addresses hazard mitigation (Goal 72). Within that goal is a policy to adopt and maintain a flood plain management plan that analyzes flooding problems in unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation (for example, see Policy 72.1.5).

Florida Statutes allow local governments to amend comprehensive plans in several ways. The regular amendment cycle is the option most likely to be used to incorporate or implement mitigation strategies and activities. Responsible parties include the following: Lee County Community Development, Division of Planning; City of Bonita Springs; Town of Fort Myers Beach; City of Cape Coral; City of Fort Myers; and the City of Sanibel.

County and Municipal Capital Improvement Programs (CIP)

These programs are planning and budgetary tools that rank project funding to reflect a community's infrastructure needs for a given period (usually five years). In Florida, these programs consist of projects that comply with the government's comprehensive plan.

They are used to fund projects and programs that avert or reduce both current and future damage potential to existing and new buildings to certain hazard types.

These programs are updated annually. Amendments to CIPs are usually made before the next annual review period and approved by a community's elected governing body. Responsible parties include the following: Lee County departments including Public Safety, Transportation, Construction and Design, Utilities, Solid Waste, and Natural Resources; City of Bonita Springs; Town of Fort Myers Beach; City of Cape Coral; City of Fort Myers; and the City of Sanibel.

County and Municipal Land Development Regulations, Zoning Ordinances, and Building Codes

Land development regulations or codes usually contain a codification of the land development ordinances of a community. They can be used to carry out actions that mitigate damage to new buildings and structures through design considerations. They also can be used to define type, density, and intensity of land uses in identified areas that account for natural and human-caused hazards. Examples of codes that can be used to mitigate hazards contained in this strategy include the Florida Building Code, the Fire Prevention Code, and each community's Flood Plain Management Ordinance. Low density zoning categories can also be used to reduce the amount and type of land uses exposed to certain types of hazards.

Lee County uses advisory committees to review changes to land development regulations. These committees meet on a regular basis to review and recommend changes to proposed county ordinances and regulations. Once finalized, these changes are sent to the governing body for public hearings. Responsible parties include the following: Lee County Community Development, Planning Section and Development Services; City of Bonita Springs; Town of Fort Myers Beach; City of Cape Coral; City of Fort Myers; City of Sanibel; and the Village of Estero.

Strategic Plans

Strategic plans identify the long-term direction to be taken in carrying out an agency's defined mission. These plans identify strategies, tasks, projects, and timeframes used to accomplished mitigation priorities, goals, and objectives. These plans usually focus on projects, but also can be used to define an agency's or elected body's policy toward mitigating hazard risks.

Surface Water Management Plans

Lee County maintains plans that identify existing flow ways, streams, and runoff rates for watershed basin. These plans also provide recommendations for protection and improvement of each flow way and stream. Such efforts protect lands from additional flooding that might be caused from downstream developments. Each plan is approved by the Board of County Commissioners. Responsible parties include the following: Lee County Surface Water Program, Division of Natural Resources Management.

Beach Management Plan

This plan addresses the restoration and maintenance needs of the county's beaches that are in a critical state of erosion, which is one of the planning area's identified natural hazards. Responsible parties include the following: The Coastal Advisory Council is a Board of County Commissioners appointed body overseeing the maintenance of the plan. The council holds monthly public meetings to discuss and review projects and to establish the budget to expend tourist tax funds for beach-related activities.

The Lee County Post Disaster Ordinance (07-20)

Lee County Ordinance 07-20 establishes the organizational framework for addressing hazard mitigation issues and policy development. It describes and assigns duties and responsibilities to the Disaster Advisory Council, which among other things, coordinates the planning area's mitigation framework. Responsible parties include Lee County and its political subdivisions, as well as representation from nonprofit, academic, commercial, and private citizen interests.

Lee County Community Wildfire Protection Plan(s)

Wildfire protections plans address specific wildfire problems for a given community. They can take a variety of forms and usually address local forest and range conditions, values-at-risk, and priorities for action. At a minimum, they identify and prioritize areas for hazardous fuel reduction treatments and recommend the types and methods of treatment that, if completed, reduces wildfire risk to the community. Other wildfire mitigation efforts include Firewise and the Ready, Set, Go program, as well as wildfire mitigation efforts in Lehigh Acres. The Florida Forest Service is responsible for these plans.

Comprehensive Emergency Management Plans

The *Hazard Identification and Risk Assessment* forms the foundation for mitigation, preparedness, response, and recovery efforts in the planning area. Mitigation priorities

and strategies are linked with the *Lee County Comprehensive Emergency Management Plan*, as well as the comprehensive emergency management plans of the county's political subdivisions.

City of Fort Myers Waterfront Visioning Plan

The Waterfront Visioning Plan outlines a vision for development along the Fort Myers downtown water front. The critical facility list updated during the planning process was used to identify the critical facilities in this smaller geography within the county and a critical facilities map was produced of the waterfront. The document is currently being updated to address sea-level rise and additional resiliency considerations. The Florida Department of Economic Opportunity is responsible for the plan.

Town of Fort Myers Beach Stormwater Master Plan

The Town of Fort Myers Beach experiences severe stormwater flooding, including in along Estero Boulevard, which is part of the area's evacuation routes. Stormwater flooding also poses water quality issues, which can result in beach closures and impacts on wildlife and aquatic species. The stormwater master plan includes projects for the Town to reduce the likelihood and consequences of stormwater flooding. The basis for the plan comes from the *Town of Fort Myers Beach Comprehensive Plan* developed in 1999. The comprehensive plan includes Goal Number 9, which states "to provide optimal flood protection and improved stormwater quality within the constraints imposed by location and existing land-use patterns."

Public Involvement

The development and implementation of the *Joint Local Mitigation Strategy* included involvement from the public. Public engagement included a county-wide survey made available on the Lee County Department of Public Safety webpage (along with the then-current version of the *Joint Unified Local Mitigation Strategy*). The survey was also distributed by the county's political subdivisions through newsletters, press releases, and so forth. Community outreach events, such as hurricane awareness seminars conducted by Lee County Emergency Management, educated public attendees on the county's identified hazards. Participants were encouraged to provide input and feedback through the survey link on the Lee County Department of Public Safety's webpage. The *Joint Local Mitigation Strategy Project Management Plan* (version 2021.03) addresses stakeholder engagement and public involvement in more specific detail.

Development Changes and Previous Mitigation Efforts

The *Hazard Identification and Risk Assessment* (HIRA) address changes in the community over the last 5-10 years. Chapter 2 Community Profile of the HIRA discusses trends in population changes in Lee County and its political subdivisions, changes in the built environment over the last decade or so, and fluctuations in the economy due to the recent pandemic. Notable increases in population over the last decade and related expansions in the built environment have increased the area's risk and vulnerability to hazardous incidents. More people live along the coastline and other areas prone to coastal flooding. Additional development in these areas also contributes to coastal erosion and increases in the Wildland-Urban Interface. Shifts in the economic well-being of the area's residents—particularly amongst communities also experiencing vulnerabilities (such as elderly populations and low-income households)–as a consequence of COVID have further increased risk and vulnerability.

Since the adoption of the *Joint Unified Local Mitigation Strategy* in 2017, the county has also added several public shelters, developed and improved stakeholder coordination, implemented ordinance and code enforcement for development in coastal areas, and engaged the public in hazard awareness campaigns. The county and its political subdivisions have developed and improved alert and warning capabilities, renewed its community and hazard assessments, and incorporated short-term mitigation activities as part of response operations to tropical cyclone and pandemic events.

In response to two major storm events in 2017, Lee County embarked on a 3 phase initiative to mitigate flooding impacts. The initial phase cleared major blockages in waterways to provide immediate relief to areas of inundation, focusing on those with structural impacts. The second phase did a detailed "on-the-ground" assessment of flood conditions and status of County stormwater infrastructure. Early action projects were procured to alleviate pending flooding threats. The third phase completed a detailed flood mitigation study to identify major capital improvements and operational needs to meet flood levels of service. Projects are now going through a selection and prioritization process for Board consideration and budget approval.

During the same period, while the mitigation priorities of Lee County and its political subdivisions have not changed, additional focus has been given to mitigating pandemic events. Testing and vaccination efforts during the pandemic lead the way for those efforts, as do developments in continuity of operations and continuity of business during staffing disruptions.

Chapter 2 Hazard Mitigation

This chapter outlines the planning area's hazard mitigation framework. It sets forth the core capabilities that will enable the community to mitigate against hazard risk. Additionally, it establishes mitigation principles that will guide community efforts. The chapter delineates short- and long-term mitigation strategies, and then enumerates goals and objectives for mitigation.

Mitigation Framework

The *Joint Local Mitigation Strategy* establishes a hazard mitigation framework for the planning area. The framework consists of networks of individuals and organizations that work collaboratively to minimize hazard risk in Lee County and its political subdivisions. Coordination within the framework is done through stakeholders who are joined together by agreed upon goals and objectives, informed by industry guidelines and principles, and unified by joint initiatives and projects. The framework acts as an overarching mechanism to bring together otherwise disparate actions taking place across diverse interest groups. In this way, the *Joint Local Mitigation Strategy* brings participating jurisdictions together for cohesive action to address the area's hazards, risks, and vulnerabilities.

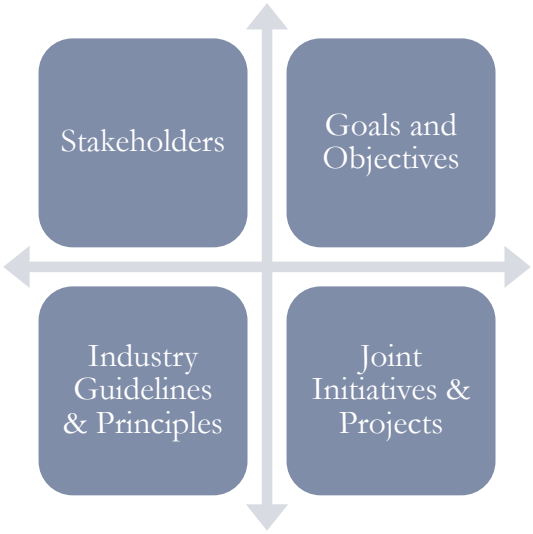


Figure 3 Hazard Mitigation Coordination

The hazard mitigation framework is made up of coordinating structures, core capabilities, priorities, and strategies for short- and long-term mitigation. The framework also contains goals, objectives, and milestones for achieving reduced risks and vulnerabilities. Finally, the framework encompasses an action plan for achieving mitigation goals and objectives and a project list for prioritizing allocation of available mitigation funds. These elements of the framework are addressed in more detail below.

Coordinating Structures

Implementation of the mitigation framework will require collaboration between diverse local, regional, state, and federal interests. To achieve effective collaboration, the framework seeks to network together coordinating structures[4] that represent communities and interests across a broad spectrum. Coordinating structures develop and employ mitigation capabilities to reduce hazard risks. They facilitate communication between stakeholders and assist in creating consensus and action.

Local coordinating structures in Lee County and its political subdivisions include the following areas:

- Local and regional economic development organizations
- Public works agencies
- Private development enterprises
- Planning commissions
- Community emergency response teams
- Faith-based organizations
- Service groups
- Voluntary organizations
- Public and private schools
- Resources and referral/advocacy agencies for children, families, and those with disabilities and others with access and functional needs
- Local mitigation committees
- Long-term recovery groups
- Water conservation boards
- Coastal commissions
- Regional/Metropolitan planning organizations

[4] Federal Emergency Management Agency (2016), *National Mitigation Framework* (2nd ed.), p. 30

- Region healthcare coalitions
- Mutual aid compacts

Through the collaborative and iterative planning process undertaken to develop, implement, and maintain the *Hazard Identification and Risk Assessment* and the *Joint Local Mitigation Strategy*, representatives from the area's coordinating structures are able to coordinate and cooperate on mitigation activities. Linking this extensive network of networks is achieved primarily through the Local Mitigation Strategy Working Group.

Local Mitigation Strategy Working Group

The primary coordinating structure for the mitigation framework is the Local Mitigation Strategy Working Group. The Working Group oversees the development, implementation, and maintenance of the *Joint Local Mitigation Strategy*. It is the responsibility of the Working Group to identify community mitigation needs and to facilitate the development of projects to meet those needs. As part of the Disaster Advisory Council (DAC), the Working Group as a body has representation from Lee County, each municipality, the school district, institutions of higher education, utilities, special districts, regional districts, the public, and so forth. In addition to regular members, the DAC also engages with other relevant coordinating structures to ensure a broad-based approach to emergency management is achieved.

The DAC—and by extension, the Working Group—meets on a quarterly basis to discuss and update the *Joint Local Mitigation Strategy* and to address mitigation needs and projects in the community. The Working Group develops, implements, and monitors mitigation actions that address identified hazards. These actions are tied to the framework's goals and objectives and are guided by the strategy's mitigation priorities, which are outlined in Chapter 2 of this document. The DAC also develops, monitors, implements, and revises programs related to emergency preparedness, response, and recovery; in this way, the Working Group helps to ensure integration of mitigation principles and activities across all areas of emergency management in Lee County and its political subdivisions.

Lee County Department of Public Safety – Emergency Management is responsible for organizing and facilitating DAC meetings. The Director of Emergency Management appoints the chair for the Local Mitigation Strategy Working Group.

Mitigation Core Capabilities

The mitigation framework is built on a foundation of core capabilities. These capabilities enable the community to identify and address risks before, during, and after hazardous incidents occur. Mitigation core capabilities are similar to those found in other areas of emergency management. While there are numerous capabilities the planning area can leverage to reduce risks from hazards, core capabilities form the necessary basis to which those capabilities are affixed and used.

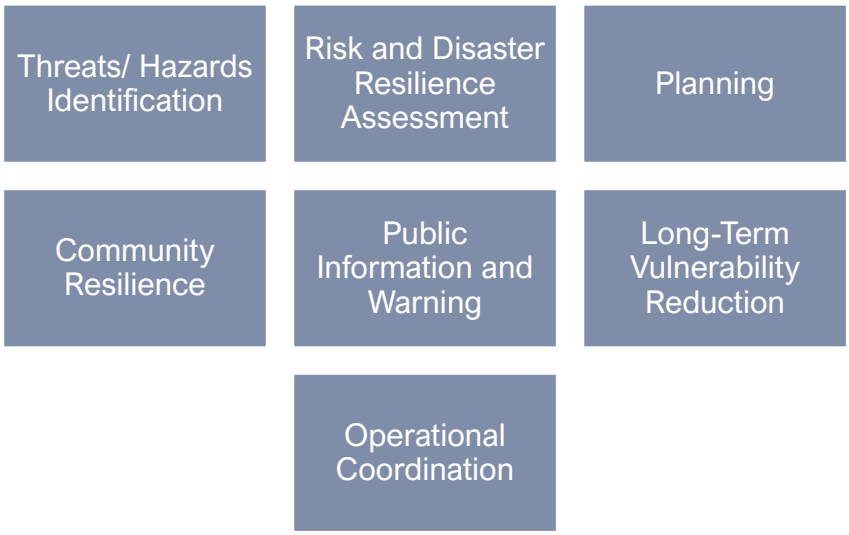


Figure 4 Mitigation Core Capabilities

The *National Mitigation Framework* by the Federal Emergency Management Agency (FEMA) provides extensive definitions for each core capability[5]. Application of the core capabilities in the community is achieved through a multitude of coordinating structures. Lee County and its political subdivisions develop and maintain these capabilities through consistent training, regular review of current mitigation principles, participation in industry workshops, and maintenance of plans, policies, and procedures related to mitigation activities. Continual maintenance of the *Hazard Identification and Risk Assessment*, the *Joint Local Mitigation Strategy*, and respective comprehensive emergency management plans and recovery plans ensure that these capabilities are

[5] Federal Emergency Management Agency (June 2016), *National Mitigation Framework* (2nd ed.), pp. 2, 17-30

integrated fully with the planning area community.

Lee County and its political subdivisions use mitigation capabilities to address risks across all elements of the community. This includes economic systems, health and social services, housing inventory and markets, cultural resources, and the built and natural environments. In this way, the framework is applied consistently and across all facets of the planning area, including areas of comparatively high social vulnerability and areas traditionally underrepresented.[6]

Core Capability: Threats/Hazard Identification

This capability entails the continual identification and assessment of threats and hazards to people, property, and the environment in Lee County and its political subdivisions. As part of this capability, mitigation planners and participants identify data requirements, develop and analyze relevant data, deploy long-term monitoring schemes, share appropriate data, build cooperation between different community systems, and translate data into meaningful and actionable information.

The framework incorporates this capability through the *Hazard Identification and Risk Assessment*.

Core Capability: Risk and Disaster Resilience Assessment

This capability involves gaining an understanding of the planning environment, particularly with regards to community risks and resilience against the onset of hazardous events. Using this capability means evaluating threats, hazards, vulnerabilities, consequences, needs, and resources to define and prioritize mitigation actions.

The framework incorporates this capability through the *Hazard Identification and Risk Assessment*, which includes an extensive community profile examining the geography, economy, and demography of Lee County and its political subdivisions.

Core Capability: Planning

This capability applies combines the outcomes of the previous two capabilities with planning principles to address community needs. This capability involves embedding risk-based decisions into planning processes across all areas of emergency management and working through means that invite whole-community engagement. To

[6] Federal Emergency Management Agency (2016), *National Mitigation Framework* (2nd ed.), p. 16

develop and use this capability, the framework relies upon the expertise, knowledge, and systems in place in the planning area that support planning best practices.

The framework incorporates this capability through the *Hazard Identification and Risk Assessment*, the *Joint Local Mitigation Strategy*, and other efforts, such as those discussed in the Plan Integration section of this document.

Core Capability: Community Resilience

This capability centers on strengthening areas of the community, such as the economy, health and social services, housing, cultural resources, and the built and natural environments, to better withstand and/or recover from hazardous events. Employing this capability involves understanding the community, knowing what are the risks are from hazards, communicating risk and risk reduction information, fostering a cultural of cooperation, and promoting mitigation and resilience thinking.

The framework incorporates this capability through leadership commitment to resilience, collaboration between stakeholders, mitigation partnerships, training and education, and public outreach.

Core Capability: Public Information and Warning

This capability facilitates risk-informed decision-making by individuals, households, organizations, and jurisdictions. The capability entails internal and external communication between stakeholders, exchanges of analytical findings, outreach initiatives, education, and consensus building. Communities empowered with this capability are marked by a continuous flow of risk and hazard information among all stakeholders.

The framework incorporates this capability through stakeholder engagement throughout the development, implementation, maintenance, and revision processes for the *Hazard Identification and Risk Assessment* and the *Joint Local Mitigation Strategy*. The capability is also developed and used through public information initiatives, such as hazard-specific seminars and outreach events. Lee County and its political subdivisions also make extensive use of alert and warning tools, such as AlertLee, LeePrepares, and traditional and social media.

Core Capability: Long-Term Vulnerability Reduction

This capability encapsulates the principles and activities of other core capabilities to produce risk-reduction outcomes in the community. Building long-term vulnerability

reduction involves broadening the acquisition and use of insurance, developing emergency preparedness at the individual and household level, advancing projects and activities that result in risk reduction and not just shifted risk, planning, integrating mitigation into buildings codes and ordinances, and so forth.

The framework incorporates this capability through mitigation strategies, projects, activities, and initiatives. The capability is also included in the framework through building code and ordinance implementation and enforcement. For example, the Lee County Department of Public Safety – Emergency Management has a role in reviewing proposed developments in unincorporated portions of the county to ensure compliance with building requirements related to construction in coastal high hazard areas, as well as relate to emergency preparedness plans for residential construction.

Core Capability: Operational Coordination

This capability is the ability to integrate mitigation strategies, principles, and activities into the daily operations of the community and its constituent parts. In this way, mitigation leaders and practitioners are able to connect with communities of interest, practice, and expertise. This capability drives the implementation of other core capabilities and aligns efforts in a way that institutes whole-community mitigation in Lee County and its political subdivisions.

The framework incorporates this capability through the Local Mitigation Strategy Working Group and the Disaster Advisory Council.

Mitigation Priorities

While developing and using mitigation capabilities and in pursuit of mitigation goals and objectives, Lee County and its political subdivisions focus on:

- Preventative activities that focus on reducing the risk to people, property, and the environment from identified hazards.
- Property protection activities to reduce or avert property damage on a building-by-building or parcel basis.
- Natural resource protection activities to preserve or maintain natural areas.
- Emergency services measures or activities, taken during any disaster incident caused by a hazard, which reduces the hazard's impact.
- Structural projects that minimize or wholly reduce a hazard's impact.
- Public information activities that advise property owners, potential property

owners, and visitors about hazards and ways to protect people and property.

- Pre- and post-disaster redevelopment and mitigation policies and procedures designed to reduce or avert the jurisdictions' potential for risks from future hazards.

Short-Term Mitigation

Short-term mitigation activities are achieved through emergency preparedness and response plans, policies, procedures, and operations. Lee County works with various partners to identify, retrofit, and maintain facilities that can be used as emergency shelters to move affected or potentially-affected people out of harm's way. The county, its municipalities, special districts, and state and federal entities consistently develop, train, and exercise coordination so that in times of hazardous incidents, life safety measures can be taken as soon as possible to save lives. This same coordination enables relevant stakeholders to expeditiously allocate and apply resources to protect the environment.

Other examples of short-term mitigation through response operations include initial and comprehensive damage assessments, needs assessments, utility restoration, search and rescue, and supply distribution. Public information immediately before, during, and after the onset of one or more hazards helps to reduce risk exposure to the community. Ultimately, effective preparation for and execution of response operations limits the risks and consequences of hazards when they occur.

Similarly, Lee County and its political subdivisions develop and (when needed) execute a recovery framework that renders aid to those affected by hazardous incidents. Rapid and effective recovery minimizes the long-term consequences of hazards in numerous ways. Recovery includes efforts such as post-disaster recovery, financial and economic relief, reconstruction, goods and services provisions, physical and mental health services, and so forth. The recovery framework also addresses the application of volunteered goods and services to areas of the community in need. Through a collaborative, well-executed recovery, members of the community affected by disaster, be they private, commercial, or otherwise are more resilient than they would be otherwise.

Important vehicles for short-term mitigation in Lee County and its political subdivisions include the following:

- *Hazard Risk and Identification Assessment*
- *Lee County Comprehensive Emergency Management Plan*
    - Supporting plans, policies, standard operating guides, standard operating procedures, and checklists
- *Lee County Disaster Recovery Plan*
- *Lee County Training and Exercise Plan*
- County and municipal public education and outreach programs

Long-Term Mitigation

Long-term mitigation incorporates short-term mitigation activities with those that occur in the community continuously, regardless of whether a specific hazard has happened or not. Whereas response operations are tailored to a specific real-world instance of a hazard, long-term mitigation activities include drafting ordinances, constructing resilient buildings, retrofitting the built environment, and so forth. Moreover, it includes long-term projects following hazardous incidents, such as applying for and implementing hazard mitigation funds to install generators and reinforce buildings following a hurricane.

Lee County and its political subdivisions make use of building codes and land use ordinances to build mitigation in to the built and natural environments. These entities also participate in local and regional planning and engineering projects to study natural phenomena (such as water flow) and its interaction with people, economics, and the built environment. Recommendations for additional or revised codes and ordinances come from these efforts, as do proposals and designs for mitigation projects.

Other elements of the framework's long-term mitigation include participation in the National Flood Insurance Program's Community Rating System and public outreach programs. Each jurisdiction maintains and addresses floodplain areas and coordinates NFIP initiatives, strategies, and information with policyholders. Jurisdictions identify repetitive-loss properties and develop and implement strategies and actions to buyout those locations or assist with retrofitting. Outreach programs, such as annual hurricane seminars, educate residents on the area's identified hazards. These outreach programs provide residents with personal and family preparedness guidelines, which in turn build community resiliency, and resources for use during and after disasters.

Reducing long-term vulnerabilities, combined with continuity of operations and recovery planning before a disaster, increase resiliency and the likelihood that communities and organizations can perform essential functions and deliver core capabilities after an

event. In addition to other avenues, the mitigation framework institutes short- and long-term mitigation initiatives through the Mitigation Action Plan, which is provided in Chapter 3 of this strategy.

Goals and Objectives

The *Joint Local Mitigation Strategy* establishes six goals for Lee County and its political subdivisions to achieve over the next five years. Each goal has a number of objectives associated with them. Lee County, its municipalities, and respective stakeholders work in coordinated fashion with another to accomplish this strategies goals and objectives and thus reduce the negative outcomes of future hazardous incidents.

Goal 1

1. Reduce community risk and vulnerability to hazards.

    1.1. Evaluate and recommend changes to county and municipal codes and ordinances related to structural mitigation.

    1.2. Identify and develop mitigation actions and/or projects for each participating jurisdiction.

    1.3. Update and revise the Mitigation Projects List on a quarterly basis.

    1.4. Update the community and hazard profiles in the *Hazard Identification and Risk Assessment* annually.

    1.5. Conduct a survey of community vulnerability through established working groups and incorporate results into the *Hazard Identification and Risk Assessment* and the *Local Mitigation Strategy*.

    1.6. Hazard-proof existing and proposed critical facilities and registered historic structures, with regards to location and construction.

Goal 2

2. Coordinate and support efforts to reduce or eliminate repetitive loss.

    2.1. Develop projects and/or actions to acquire/relocate or retrofit repetitive loss properties.

    2.2. Conduct an examination of enacting development standards for the Wildland Urban Interface.

2.3. Develop and implement a program to reduce homeowner insurance policy rates on new construction.

2.4. Maintain or improve the Community Rating System score for Lee County and its political subdivisions over the next five years.

Goal 3

3. Support natural resource protection activities that preserve or maintain natural areas.

3.1. Conduct wetland coordinating/evaluation programs with state and water management agencies.

3.2. Enforce erosion sedimentation and control regulations that reduce how much sediment enters natural areas when development takes place.

3.3. Protect and restore the ecological functions of wetland systems to ensure their long-term environmental, economic, and recreational values include hazard mitigation practices.

3.4. Promote the use of agricultural practices that are compatible with the protection of natural systems.

Goal 4

4. Improve mitigation through response operations during and after the onset of a hazard.

4.1. Incorporate revisions in the *Hazard Identification and Risk Assessment* with preparedness and response activities across all jurisdictions.

4.2. Reduce the community's hurricane shelter-space deficit.

4.3. Identify and fund critical facilities in need of improved mitigation.

4.4. Increase flood-resistance among critical facilities located in Coastal High Hazard Areas.

4.5. Integrate short-term mitigation priorities with comprehensive emergency management plans and recovery plans.

Goal 5

5. Improve community coordination for mitigation.

5.1. Catalogue mitigation-related ordinances, codes, policies, and plans to ensure up-to-date integration of all documents.

5.2. Integrate mitigation priorities, goals, and objectives across jurisdictional programs, policies, plans, and procedures.

5.3. Incorporate project management guidance and tools into mitigation initiatives and activities.

5.4. Engage with additional mitigation partners to develop better relationships, understanding, and communication.

Goal 6

6. Coordinate and implement public information programs and activities regarding hazards and mitigation.

6.1. Develop and carry out public information programs for hazard mitigation that emphasize its direct benefits to citizens, including the public and private sector.

6.2. Send annual information to repetitive loss owners on mitigation principles and improvements.

Chapter 3 Mitigation Action Plan

This chapter sets forth activities that will be undertaken by Lee County and its political subdivisions to mitigate the probability and consequences of hazardous events. The chapter describes the coordinating structures that will develop, implement, and monitor the mitigation activities. It lays out the role and responsibilities of the Local Mitigation Working Group and the Lee County Department of Public Safety – Emergency Management in executing and monitoring the mitigation action plan. The chapter concludes with enumerating what mitigation activities will be initiated and completed by the framework and its participating coordinating structures.

Mitigation Actions

The *Local Mitigation Strategy* assigns actions to each of its objectives. The actions are specific efforts that are currently being done or will be undertaken by Lee County and its political subdivisions to reduce risks and vulnerabilities to hazards. To direct the implementation of the strategy, these listed actions entail specific items that are measurable, time-delineate (by year and quarter), and assigned to an organization or position for accountability purposes. Each item is also associated with one or more hazards identified and assessed in the *Hazard Identification and Risk Assessment*.

As the Working Group and other stakeholders implement the *Joint Local Mitigation Strategy*, the actions listed in the plan will be updated to reflect completed, deferred, or ceased actions. New action items will be added as the community works toward completing its mitigation goals and objectives. When all needed actions for a given objective are completed (including any future items added after dissemination of this document), the objective will be considered achieved.

The Local Mitigation Strategy Working Group Chairperson maintains a current list of mitigation actions, which are shared with mitigation stakeholders

Mitigation Projects

Whereas mitigation actions are specific, time-delineated activities that various community systems at once, mitigation projects are specific structural mitigation endeavors that reduce risk and vulnerability in the built environment. Mitigation projects in this sense allow the framework a means to give particular focus to new and existing buildings and infrastructure. Mitigation actions may not require dedicated funds for

implementation; conversely, mitigation projects invariably require funding sources to procure goods and services for completion. In this manner, projects are often identified, developed, and held in waiting until funds are made available, such as through the Hazard Mitigation Grant Program (HMGP).

Because of the need for funding, which is oftentimes limited, the Working Group prioritizes mitigation projects. Prioritization uses a standardized process of scoring proposed projects according to a schedule of criteria that, taken together, ensure projects that provide the greatest and broadest benefit to risk and vulnerability reduction are prioritized over those with comparatively less benefit. The following constitutes the criteria used by the Working Group to assess, score, and rank proposed mitigation projects:

- Addressed in Community Comprehensive Plans, Programs and Policies
- Consistent with existing regulatory framework
- Probability of funding
- Community Rating System Credit
- Community Benefit
- Community Exposure to identified hazard
- Level of Public Demand, County wide
- Complexity of Implementation
- Estimated Ratio of Benefit vs. Cost: (FEMA cost benefit analysis preferred)
- Critical Service Improvement
- Time frame to complete project

Jurisdictions proposing projects complete a standardized form, which includes a description of the project, estimated cost, and information addressing each criterion. The Working Group reviews and assesses the completed forms, discusses the proposed project with the sponsoring jurisdiction, and then as a body determines the level of public demand. If the Working Group accepts the proposal, the project is added to the Mitigation Project List, with its overall rank determined by its total score (based on answers to the criteria mentioned above). Rejected projects can be revised and revisited by sponsoring jurisdictions, if they so choose. Figure 5 below illustrates this process.

Hurricane shelter projects go through an additional set of parameters that evaluates such factors as: storm surge vulnerability, building construction, increase in shelter capacity, and project cost effectiveness.

Any projects submitted for federal funding also include a cost benefit analysis using approved methodology and consider dollars lost to the community.

The current version of the list and data related to it are stored on a database maintained by the Local Mitigation Strategy Working Group Chairperson.

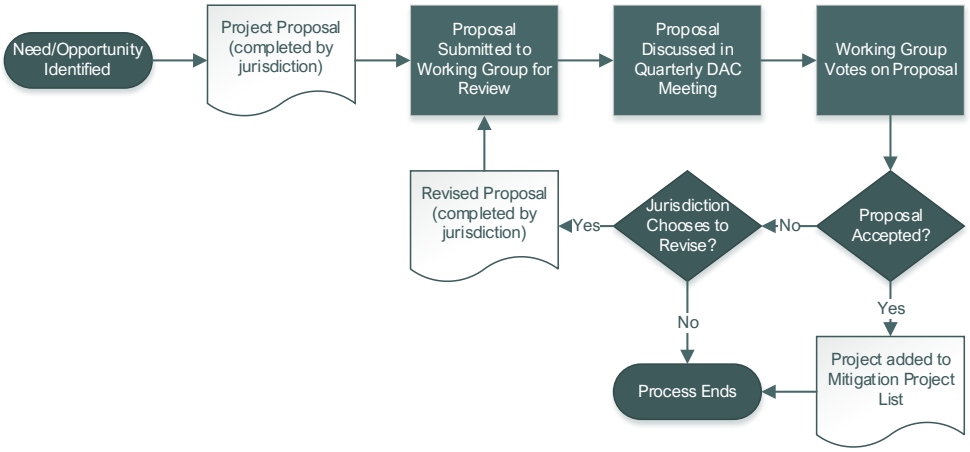


Figure 5 Process for Proposed Mitigation Action Acceptance/Denial

Chapter 4 Review and Maintenance

This chapter describes how the *Joint Local Mitigation Strategy* will be maintained during its implementation and reviewed and updated. The chapter addresses the manner in which the framework monitors progress of mitigation goals and objectives and disseminate such information throughout the community. It outlines the method used to evaluate progress, identify issues, address community needs, and leverage new opportunities for reducing risk and vulnerability. The chapter concludes by briefly summarizing how the strategy and this document will be maintained on an annual basis and references the *Joint Local Mitigation Strategy Project Management Plan* and its role in ensuring the strategy is kept current.

Monitoring and Control

The Local Mitigation Strategy Working Group Chairperson coordinates and communicates with Working Group members to monitor progress of the Mitigation Action Plan and the Mitigation Project List. The Chairperson maintains a database that tracks data related to action and project implementation, progress, and conclusion. At least once a quarter, the Chairperson contacts members of the Working Group to receive progress reports. In instances where project actions involve coordination with stakeholders not participating in the Working Group, the Chairperson works with those tasked with managing such coordination to receive similar progress reports.

Lee County Department of Public Safety – Emergency Management submits an annual report to the State of Florida Division of Emergency Management (per Administrative Code 27P-22). This report is due the last working weekday of each January and addresses the strategy, the Mitigation Action Plan, the Working Group, and other elements of the framework.

Evaluation

At least once a quarter, the Chairperson will distribute to the Working Group a Mitigation Action Plan Progress Report and a Mitigation Project List Progress Report. At each quarterly meeting of the Disaster Advisory Council (DAC), the Working Group discusses the progress reports and any needed or recommended changes to the *Joint Local Mitigation Strategy*. As Lee County and its political subdivisions maintain a continual assessment of the community and its risk and vulnerability reduction needs, the Working Group adds new mitigation actions and/or projects to the *Joint Local Mitigation Strategy*

as needs are identified or opportunities present themselves. The Working Group also considers any recent public input on mitigation during each quarterly DAC meeting.

Update Schedule

The *Joint Local Mitigation Strategy* is reviewed, revised, and distributed on an annual basis. The process and schedule for this is detailed in the *Joint Local Mitigation Strategy Project Management Plan*[7].

Community Involvement

The Working Group works with each participating jurisdiction to engage with the community on mitigation issues. Engagement includes soliciting community feedback during outreach activities, as well as providing mechanisms for general public input (such as community-wide surveys). Engagement also is achieved through coordination activities with the coordinating structures mentioned previously in this document. More detailed information related to continual community involvement is addressed in the *Joint Local Mitigation Strategy Project Management Plan* (version 2022).

[7] The next update and revision to this document is addressed in the *Joint Local Mitigation Strategy Project Management Plan* (version 2022)

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

Resolution No. 2022-18 Village Council Rules of Procedure

Motion to approve Resolution No. 2022-18

Background:

This Policy addresses alternatives to a Council Member's physical presence at Council meetings. It should serve as an addendum to Council's Rules of Procedure previously adopted in 2017. To the extent of any conflict with the current Rules of Procedure, this Policy will prevail.

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.

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 (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.

Our Interim Village Attorney, Bob Pritt, discussed at the Village of Estero Workshop on June 1, 2022 a draft of potential new rules with comments (Draft 1 lined, enclosed). It was suggested that Council members may provide further feedback to the Attorney. He prepared a new draft (enclosed) that focuses on the policies dealing with alternatives to physical presence and standards for granting remote attendance and excused absences.

Description:

The draft Resolution amends the Current Council Rules of Procedure adopted in Resolution 2017-12 to set out a Policy for Remote Attendance and Excused Absences from meetings (Attachment A).

Action Requested:

Motion to approve Resolution No. 2022-18

Process and Timeline:

The policy for determination of approval of Remote attendance and for determination of approval of Absences would apply prospectively.

Financial Impact:

None

Prepared by: Bob Pritt

Attachments:

1. Resolution No. 2022-18
2. Attachment A Remote Attendance; Absence Policy
3. Rules of Procedure Village Council presented June 1, 2022 Draft 1

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022 - 18

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING VILLAGE COUNCIL AND ADVISORY BOARD RULES OF PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Estero Village Council is the duly elected governing body for the Village of Estero; and

WHEREAS, Section 8 (a) of the Village Charter establishes that the Estero Village County shall have the power to set additional written standards of conduct for its members beyond those specified in the charter; and

WHEREAS, the Village Council established Rules of Procedure for its elected officials and certain advisory board members in Resolution No. 2017-12, and

WHEREAS, the Village Council desires to amend the Rules of Procedure to establish policies for remote attendance at council meetings and excuses for absences,

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

Section 1. The Rules of Procedure set out in Resolution No. 2017-12 are hereby amended to establish policies for remote attendance at council meetings and for excuses for absences as set forth, attached hereto, and incorporated by reference herein by "Exhibit A". Such policies govern the proceedings of the Estero Village Council and all other Village of Estero advisory boards, except as to those advisory boards having their own Council-approved Rules of Procedure.

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

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 6th day of July, 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

Attachment A

VILLAGE OF ESTERO—RULES OF PROCEDURE

Remote Attendance; Absence Policy

(Draft 2 rev. 6-27.)

Purpose: This Policy addresses alternatives to a Council Member's physical presence at Council meetings. It is an addendum to Council's Rules of Procedure previously adopted in 2017. To the extent of any conflict with the current Rules of Procedure, this Policy will prevail.

Physical Non-Attendance; Generally: The policy of Florida as set out in general law and as reflected in the Village of Estero Charter strongly indicates that local government officials are expected to be diligent in their offices, which includes being physically present at meetings, and voting unless there is a conflict.

As to physical attendance the Village Charter states that a Member's office may be forfeited if the Member "**misses three consecutive regularly scheduled council meetings**, **unless excused by the council". (**The Charter is silent upon what constitutes an excusable absence.) The Charter is silent as to what constitutes an excused absence but assigns to Council the determination of circumstances which a Member's office may be forfeited, including inability to perform the duties of office.

State law leaves the decision up to the Council's "sound discretion".

Following are Council's general policies for Remote Attendance and for Excused Absences, and factors to consider.

1. **Remote attendance**. The Florida Attorney General has allowed a limited category of exceptions, for "unusual" or "special circumstances", recognizing that with electronic devices (first the telephone, now videoconferencing) there is a way for officials to participate remotely, if they cannot attend a meeting in person. If members are allowed to attend remotely, they are considered present for all purposes, and thus, it is not an absence.

   Remote Attendance Policy: When a Member wishes to attend a meeting remotely (recognizing that remote attendance is disfavored) the Council will apply the following considerations:

   1. Whether the remote means allows the member to hear and to be heard by all who are physically present. If the remote feed is insufficient or lost, the member will not be considered present for such period.
   2. Whether the request was made a reasonable time prior to the meeting, normally at a previous meeting.
   3. Whether the reason stated is an "unusual" or a "special" circumstance.
      a. Mere inconvenience or preference to attend remotely are not unusual or special circumstances.

b. Illness, especially serious or contagious, may be an "unusual" or "special" circumstance. However, if it is such that it is likely to be long-term, or is repetitious, it may no longer be "unusual" and may be grounds for removal for inability to perform the duties of the office.

c. A Personal or family emergency may qualify.

d. Unavoidable conflict in schedule, that keeps the Member at a remote location may qualify, so long as the conflicting schedule is work-related or official duty related.

e. A rule of thumb is that a request to attend remotely will not be granted for more than three meetings in a calendar year.

2. Absence; Excuses for Absence Policy. When a Member wishes to have an excusable absence, recognizing that absences are disfavored, Council will apply the following considerations:

a. Whether an absence is excusable is left to the sound discretion of the Council (bearing in mind that the highest responsibility of elected and appointed officials is physical attendance at meetings), and that the strict Sunshine Laws prohibit members from communicating with each other on Council business outside of meetings.)

b. Absence, and the determination as to whether it is excused, normally occurs at Roll Call, but could also apply if a Member leaves the chamber during a meeting. (It is a violation of the Florida Ethics Code for a Member to absent oneself to avoid a vote or a declaration of conflict).

c. In making a determination as to whether a Member's absence may be excused Council will consider by vote the following:

i. Mere inconvenience or preference not to attend are not excusable reasons.

ii. Illness, especially contagious or serious, may be an excusable reason. However, if it is such that it is likely to be long-term, or is repetitious, it may be grounds for forfeiture of office for inability to perform the duties of the office.

iii. A Personal or family emergency may qualify.

iv. Unavoidable conflict in schedule, may qualify, so long as the conflicting schedule is work-related or official duty-related and does not repeat.

v. A rule of thumb is that a request to be excused will not be granted for more than three meetings in a calendar year.

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.

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(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.")

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~~ Whenwhere an amendment isshall 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

(h) A Member may request that the person offering the motion consider an amendment to a motion. If the maker and the person who seconded the motion agree, the motion shall be amended without a vote. The Chair shall state the motion as amended.

(i) If a vote of the Council is equally divided, the vote ~~shall~~will be considered to be in the negative and willshall not pass.

Section 3. Voting Requirements.

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(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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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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Commented [RP14]: See litigation Sarasota County and AG Opinions. The rule is that a council member may circulate a communication stating a position but cannot seek replies. Other council members can state their positions but cannot reply to the first communication.

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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.

Section 7. Meetings of the Council.

(a) A schedule of Council regular and workshop meetings for the year shall be adopted by motion prior to January of each year. As required by the Village Charter, at least 12 regular meetings must be scheduled each year.Any changes in the adopted schedule shall be made by motion of the Council.

(b) The Council may hold special meetings at any time pursuant to the call of the Mayor or majority of Members. Where feasible, at least 24-hours notice shall be provided in writing or email to each Member. The notice shall specify the subject of the special meeting.

(c) Executive sessions (closed-door meetings or portions of meetings) may 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

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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.

Commented [RP16]: This is consistent with the norm. Is inconsistent with above. Recommend meeting calls by council members be three, not two.

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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.

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(h) The Council should introduce a motion, debate the position, and call for the question.

(i) The agenda packet will ~~shall b~~e 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.

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Commented [RP21]: The standard in Florida is that any deadline falling on a weekend or holiday is extended to the next workday.

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(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.

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(l) In making its decision, the Council shall consider the evidence in the record, the public's input and any recommendations of the Village staff and appropriate Village Land Use Boards. The Chair, with the advice of the Council's counsel, may rule on any objections to admission of any irrelevant or immaterial evidence, but the public hearing need not conform strictly to the rules of evidence or procedure that govern

judicial proceedings as long as fundamental due process is observed. The Council's decision shall be based on competent substantial evidence in the record of the proceeding, and the applicable law.

(m) Following the hearing, the Council's decision shall be reduced to writing. If a petition is rejected, the Council shall state the reason(s).

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

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

Section 12. Role of Council Members.

In order to prevent any misunderstanding or false impression based on the holding of an office on behalf of the Village, whenever any Council Member, including the Mayor and Vice Mayor, ~~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 t~~he 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.

Commented [RP30]: Is this level of detail needed?

Commented [RP31]: This is not set forth in the Charter. Suggest delete (g).

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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 shall~~shall~~:

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 should~~shall~~:

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.

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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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AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

First Reading of Ordinance No. 2022-05 Redistricting of the Village District Boundaries

Motion to Pass First Reading of Ordinance No. 2022-05 and Set Public Hearing and Second Reading for July 20, 2022.

Background:

Redistricting of Council districts is required. The Village selected and contracted with Kurt Spitzer of Kurt Spitzer and Associates Governmental Consultants (KS&A) of Tallahassee to provide technical support to our redistricting effort. Mr. Spitzer and his firm have a deep knowledge of the redistricting process and of census data. Mr. Spitzer provided support to many of the cities in Lee County and throughout the state in similar redistricting efforts.

A discussion on June 1, 2022 at the Council Workshop served as an introduction to the required redistricting process.

This first step at the Workshop was to provide a solid introduction to the process. Next, within a couple of weeks, we will have several alternatives for Council to consider. We will need added workshops and public hearings before the final plan is finalized prior to the December 14, 2022 Council election filing deadline. There should be no problem with this timeline.

Description:

The Village is required by law and Charter to review and adjust Council district boundaries every 10 years, based on information from the latest US Census. That decennial census was for 2020, and completed in 2021. Mr. Spitzer has provided data and maps to assist in the redistricting effort. District

Action Requested:

Motion to Pass First Reading of Ordinance 2022-05 and set Public Hearing and Second Reading for July 20, 2022.

Process and Timeline:

- First Reading July 6, 2022
- Second Reading and Public Hearing July 20, 2022

Financial Impact:

None

Prepared by: Bob Pritt

Attachments:

1. Ordinance No. 2022-05
2. KSA Memo Draft Redistricting Plans 06-30-2022
3. Maps Draft City Council Alternatives 2A-1 and 2A-2
4. Map of the current Estero Village Council districts

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 -05

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA; UPDATING AND REVISING THE DISTRICT BOUNDARIES DESCRIBED IN THE VILLAGE CHARTER FOR THE ELECTION OF COUNCIL MEMBERS IN ACCORDANCE WITH THE 2020 U.S. CENSUS DATA, THE VILLAGE CHARTER, STATE LAW AND FEDERAL LAW; ADOPTING THE MAP INDICATING THE REVISED BOUNDARIES; PROVIDING FOR CREATION OF LEGAL DESCRIPTIONS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero, Florida was created by the Florida Legislature by 2014-249 Laws of Florida, as revised by 2015-193 and 2015-194 Laws of Florida; and

WHEREAS, consistent with state and federal law, Section 9. (3) (a) of the Village Charter provides as follows: "There shall be seven village council districts. The districts shall be as roughly equal in permanent population as practicable according to the population figures available from the most recent Lee County population estimate determined by the decennial United States Census..." [Legal descriptions follow]; and

WHEREAS, consistent with state and federal law, Section 9. (3) (b) of the Village Charter provides as follows: "In the year 2015, and in odd-numbered years after each decennial United States Census thereafter, and at any time required by law, the council may redivide the village into seven districts as roughly equal in permanent population as practical", and

WHEREAS, a study has been conducted by a professional consultant to review the changes in population, consider any changes in boundaries and population of the Village and its Districts, and describe recommended changes through a map indicating new boundaries,

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

Section 1. Pursuant to Section 9 of the Village of Estero Charter, the Florida Constitution and General Law, and consistent with Federal law, the Charter of the Village of Estero, Lee County, Florida is updated, revised and redivided into seven council districts of contiguous territory as roughly equal in permanent population as practicable in the manner shown on the Map, attached hereto as Exhibit "A", made a part hereof and adopted herein.

Section 2. The Village may create and adopt legal descriptions of the revised council districts consistent with the Map herein for inclusion in the Charter.

Section 3. The provisions of this ordinance and the adopted Map shall become and be made a part of the Charter and may be codified in the Code of Ordinances of the Village of Estero, Florida.

Section 4. Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED on first reading this 6th day of July, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of _____, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

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

Reviewed for legal sufficiency:

By: _____
Robert D. Pritt, J.D., B.C.S., Interim Village Attorney

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

KSA Governmental Consultants

M E M O R A N D U M

TO: Honorable Mayor and Councilmembers
Village of Estero

FROM: Kurt Spitzer

DATE: June 30, 2022

RE: Redistricting Council Districts – Draft Example Plans

Attached please find two draft redistricting plans that will bring the Council Districts into compliance with generally accepted redistricting criteria. Also attached is a table of statistics comparing the data for the Existing Districts with those of both of the draft plans.

Population is the dominant criterion of all the criteria commonly used in the redistricting process. The population of Council districts should be as nearly equal to the average or "ideal" district size as is possible or practicable. Generally, districting plans where the spread between the deviation from the ideal of the largest versus that of the smallest district is greater than 10 percentage points (e.g. the largest district is 7% over the ideal and the smallest is 5% under, equaling a spread of 12 points) raises a "red flag" in the courts.

Using the existing district boundaries and 2020 Census block data, the spread between the largest and smallest district is over 48 percentage points and clearly beyond the acceptable tolerance of 10 points, thus necessitating adjustments to district boundaries to reduce the deviations from the ideal size to acceptable limits.

While also following other criteria (use census blocks and data, follow significant boundaries, avoid splitting communities of interest, etc.) two draft plans have been prepared for discussion. Both follow generally accepted redistricting criteria. In both plans, the proposed shapes of Districts 3, 4, 5, and 7 are identical; the differences between the two plans are found in the shapes of Districts 1 and 6.

kurtspitzer@ksanet.net (850) 228-6212

Current Districts

District 1 is the most underpopulated of the current Council districts, needing to gain 1,185 people to attain the ideal population; Districts 2 and 4 also need to add population.

District 7 is the most overpopulated district, needing to lose approximately 1,300 people to get closer to the ideal population; Districts 3, 5 and 6 also need to lose population.

Proposed Alternative Plans

To attain the goal of district populations being as nearly equal to one another as is practicable, while not splitting HOAs, following major natural or man-made boundaries and using census blocks as the basic building block for population information, the following changes were made:

- Population was added to District 1 from Districts 2 and 6;
- To make District 2 more compact and to add population, its boundaries were moved north to capture part of what was contained in Districts 1, 4 and 3;
- District 3's population was lowered by moving part of its western area into District 2;
- District 4's population was increased by adding population from Districts 5 and 2;
- The western area of District 5 was allocated to District 4, while the area currently in District 7 to the north of Corkscrew Road was added to District 5;
- District 6's population was adjusted by adding that portion of The Brooks Shadow Wood neighborhood that is currently in District 5 to District 6, and by assigning one of two areas (depending on alternative plan) in the western portion of District 6 to District 1; and,
- District 7's population was decreased by moving that portion of the district that is north of Corkscrew Road into District 5.

Alternative 2A-1 moves the southwest corner of District 6 into District 1. Alternative 2A-2 leaves the southwest corner of District 6 untouched but moves the area that is bounded by Coconut Road on the south, Seminole Gulf RR and Via Coconut Point road on the east, and Mediterranean Drive and Via Sicilia Way on the north, into District 1.

Both Plans are well within acceptable tolerances with regard to population deviations and have spreads between the largest and smallest districts of less than eight points. Neither plan splits

HOAs between two or more district boundaries; the current districting plan splits four HOAs. Both plans follow other generally accepted criteria for redistricting.

We look forward to speaking with you next week.

Attachments

Village of Estero

Draft Council District Alternatives

Current Districts													
DISTRICT	2020 Population IDEAL	2020 Voting Age	2020 Population ACTUAL	Population Deviation	Percent Deviation	Population White	Percent White	Population Black	Percent Black	Population Other	Percent Other	Population Hispanic	Percent Hispanic
District 1	5,277	3,809	4,092	(1,185)	-22.46%	3,629	88.69%	41	1.00%	422	10.31%	331	8.09%
District 2	5,277	4,401	4,816	(461)	-8.74%	4,082	84.76%	56	1.16%	678	14.08%	616	12.79%
District 3	5,277	5,405	5,926	649	12.30%	5,141	86.75%	195	3.29%	590	9.96%	441	7.44%
District 4	5,277	4,052	4,629	(648)	-12.28%	3,942	85.16%	76	1.64%	611	13.20%	407	8.79%
District 5	5,277	4,722	5,430	153	2.90%	4,817	88.71%	59	1.09%	554	10.20%	384	7.07%
District 6	5,277	5,299	5,400	123	2.33%	5,140	95.19%	32	0.59%	228	4.22%	151	2.80%
District 7	5,277	5,557	6,646	1,369	25.94%	5,776	86.91%	75	1.13%	795	11.96%	554	8.34%
Totals	**36,939**	**33,245**	**36,939**			**32,527**		**534**		**3,878**		**2,884**	

Alternative 2A-1					7.14 points								
DISTRICT	2020 Population IDEAL	2020 Voting Age	2020 Population ACTUAL	Population Deviation	Percent Deviation	Population White	Percent White	Population Black	Percent Black	Population Other	Percent Other	Population Hispanic	Percent Hispanic
District 1	5,277	4,835	5,202	(75)	-1.42%	4,612	88.66%	71	1.36%	520	10.00%	383	7.36%
District 2	5,277	4,798	5,247	(30)	-0.57%	4,505	85.86%	39	0.74%	702	13.38%	688	13.11%
District 3	5,277	5,025	5,483	206	3.90%	4,777	87.12%	183	3.34%	523	9.54%	372	6.78%
District 4	5,277	4,444	5,172	(105)	-1.99%	4,370	84.49%	93	1.80%	712	13.77%	454	8.78%
District 5	5,277	4,740	5,313	36	0.68%	4,734	89.10%	64	1.20%	512	9.64%	350	6.59%
District 6	5,277	5,017	5,106	(171)	-3.24%	4,878	95.53%	27	0.53%	201	3.94%	129	2.53%
District 7	5,277	4,386	5,416	139	2.63%	4,651	85.88%	57	1.05%	708	13.07%	508	9.38%
Totals	**36,939**	**33,245**	**36,939**			**32,527**		**534**		**3,878**		**2,884**	

Alternative 2A-2					7.77 points								
DISTRICT	2020 Population IDEAL	2020 Voting Age	2020 Population ACTUAL	Population Deviation	Percent Deviation	Population White	Percent White	Population Black	Percent Black	Population Other	Percent Other	Population Hispanic	Percent Hispanic
District 1	5,277	4,872	5,235	(42)	-0.80%	4,639	88.62%	67	1.28%	530	10.12%	392	7.49%
District 2	5,277	4,798	5,247	(30)	-0.57%	4,505	85.86%	39	0.74%	702	13.38%	688	13.11%
District 3	5,277	5,025	5,483	206	3.90%	4,777	87.12%	183	3.34%	523	9.54%	372	6.78%
District 4	5,277	4,444	5,172	(105)	-1.99%	4,370	84.49%	93	1.80%	712	13.77%	454	8.78%
District 5	5,277	4,740	5,313	36	0.68%	4,734	89.10%	64	1.20%	512	9.64%	350	6.59%
District 6	5,277	4,980	5,073	(204)	-3.87%	4,851	95.62%	31	0.61%	191	3.77%	120	2.37%
District 7	5,277	4,386	5,416	139	2.63%	4,651	85.88%	57	1.05%	708	13.07%	508	9.38%
Totals	**36,939**	**33,245**	**36,939**			**32,527**		**534**		**3,878**		**2,884**	

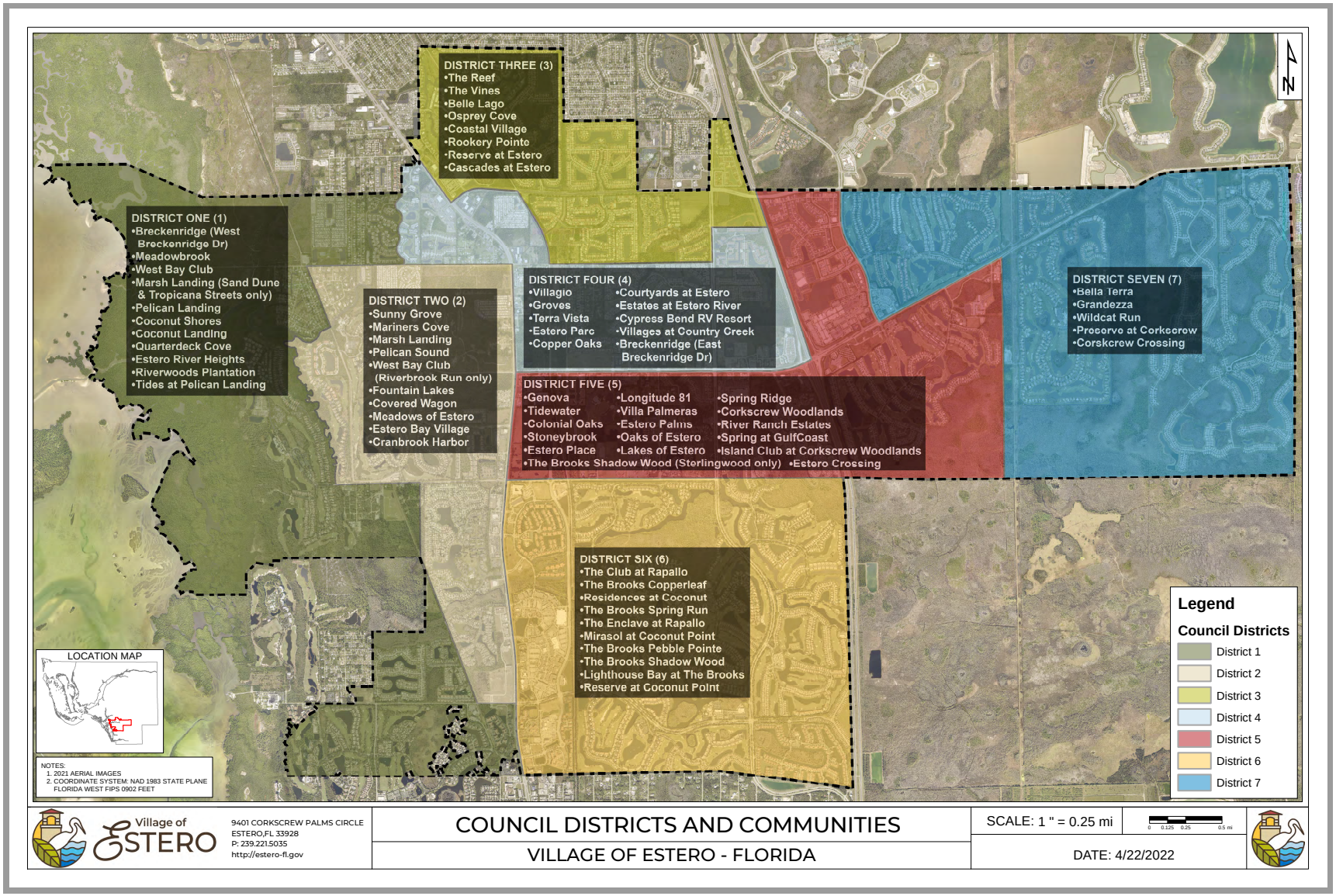
Redistricting Options Village of Estero_6-30-22

The following attachment is not a PDF, so a link to the native file format is being provided instead:

VOE_Alternative2A-1.pdf (LINK)

The following attachment is not a PDF, so a link to the native file format is being provided instead:

VOE_Alternative2A-2.pdf (LINK)


DISTRICT THREE (3)
•The Reef
•The Vines
•Belle Lago
•Osprey Cove
•Coastal Village
•Rookery Pointe
•Reserve at Estero
•Cascades at Estero
DISTRICT ONE (1)
•Breckenridge (West Breckenridge Dr)
•Meadowbrook
•West Bay Club
•Marsh Landing (Sand Dune & Tropicana Streets only)
•Pelican Landing
•Coconut Shores
•Coconut Landing
•Quarterdeck Cove
•Estero River Heights
•Riverwoods Plantation
•Tides at Pelican Landing
DISTRICT TWO (2)
•Sunny Grove
•Mariners Cove
•Marsh Landing
•Pelican Sound
•West Bay Club (Riverbrook Run only)
•Fountain Lakes
•Covered Wagon
•Meadows of Estero
•Estero Bay Village
•Cranbrook Harbor
DISTRICT FOUR (4)
•Villagio
•Groves
•Terra Vista
•Estero Parc
•Copper Oaks
•Courtyards at Estero
•Estates at Estero River
•Cypress Bend RV Resort
•Villages at Country Creek
•Breckenridge (East Breckenridge Dr)
DISTRICT FIVE (5)
•Genova
•Tidewater
•Colonial Oaks
•Stoneybrook
•Estero Place
•Longitude 81
•Villa Palmeras
•Estero Palms
•Oaks of Estero
•Lakes of Estero
•Spring Ridge
•Corkscrew Woodlands
•River Ranch Estates
•Spring at GulfCoast
•Island Club at Corkscrew Woodlands
•The Brooks Shadow Wood (Sterlingwood only)
•Estero Crossing
DISTRICT SEVEN (7)
•Bella Terra
•Grandezza
•Wildcat Run
•Preserve at Corkscrew
•Corskcrew Crossing
DISTRICT SIX (6)
•The Club at Rapallo
•The Brooks Copperleaf
•Residences at Coconut
•The Brooks Spring Run
•The Enclave at Rapallo
•Mirasol at Coconut Point
•The Brooks Pebble Pointe
•The Brooks Shadow Wood
•Lighthouse Bay at The Brooks
•Reserve at Coconut Point
LOCATION MAP
NOTES:
1. 2021 AERIAL IMAGES
2. COORDINATE SYSTEM: NAD 1983 STATE PLANE FLORIDA WEST FIPS 0902 FEET
Legend
Council Districts
District 1
District 2
District 3
District 4
District 5
District 6
District 7
Village of ESTERO
9401 CORKSCREW PALMS CIRCLE
ESTERO,FL 33928
P: 239.221.5035
http://estero-fl.gov
COUNCIL DISTRICTS AND COMMUNITIES
VILLAGE OF ESTERO - FLORIDA
SCALE: 1 " = 0.25 mi
0 0.125 0.25 0.5 mi
DATE: 4/22/2022

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

Comprehensive Plan Amendment – Property Rights Element

Motion to transmit Comprehensive Plan Amendment and Ordinance 2022-06 to state review agencies

Background:

State law requires each local government to include a Property Rights Element in its Comprehensive Plan to ensure that private property rights are considered in local decision-making. Staff has prepared an amendment which is attached.

The Amendment must be transmitted to State review agencies for review and comment before it can be adopted. This amendment requires two public hearings at Council: one for "transmittal," and one for "adoption".

The Planning, Zoning and Design Board reviewed the Amendment at its June 14, 2022, meeting and recommended approval.

Description:

See attached staff report for detail.

Action Requested:

Motion to transmit Comprehensive Plan Amendment and Ordinance 2022-06 to state review agency.

Process and Timeline:

- Planning, Zoning and Design Board Public information meeting May 6, 2022
- Planning, Zoning and Design Board Review June 14, 2022
- Council "Transmittal" Public Hearing July 6, 2022
- Council "Adoption" Public Hearing will be scheduled at a later date, after the State reviews the amendment and notifies the Village

Financial Impact:

Cost of newspaper advertisements.

Prepared by: Mary Gibbs

Attachments:

1. Ordinance 2022-06
2. Staff Report

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 06

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT TO THE TEXT AS PROVIDED IN EXHIBIT "A" AND MADE A PART HEREOF; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND OTHERS AS REQUIRED BY STATE STATUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Comprehensive Plan became effective on November 21, 2019; and

WHEREAS, Section 163.3167, Florida Statutes, requires the Village to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6)(i)1., Florida Statutes, requires the Village to adopt and include a property rights element in its comprehensive plan; and

WHEREAS, the Village respects and acknowledges constitutionally protected private property rights, and

WHEREAS, the Village respects the rights of all people to participate in land use planning processes; and

WHEREAS, this ordinance will amend the comprehensive plan by adding a property rights element (the "Comprehensive Plan Amendment");

WHEREAS, the Village Planning, Zoning, and Design Board, at a duly noticed public hearing held on June 14, 2022 recommended that the aforesaid Comprehensive Plan Amendment be approved; and

WHEREAS, the Village Council, at a duly noticed meeting, held a first reading and public hearing on this Ordinance on July 6, 2022, considered the recommendation of the Village Planning, Zoning, and Design Board and the comments of the public, and voted to transmit the Comprehensive Plan Amendment to the State Land Planning Agency and other review agencies as provided in Section 163.3184, Florida Statutes; and

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

Section 1. Recitals.

The foregoing "Whereas" clauses are hereby ratified and incorporated as a part of this Ordinance.

Section 2. Adoption of the Comprehensive Plan Amendment for Transmittal.

The Village Council adopts on first reading the Comprehensive Plan Amendment, which is Exhibit "A" and incorporated and made a part of this Ordinance, for purposes of transmittal to the State Land Planning Agency and other commenting agencies as provided by Section 163.3184(4)(e), Florida Statutes.

Section 3. Transmittal.

The Village Manager or his designee shall transmit the Amendment as required by statute to the State Land Planning Agency and other reviewing agencies as provided by Section 163.3184, Florida Statutes.

Section 4. 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 5. Conflict.

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 6. Effective Date.

This ordinance shall take effect upon adoption at second reading, except that the effective date of the Comprehensive Plan Amendment shall be effective thirty-one (31) days after the State Land Planning Agency notifies the Village that the plan amendment package is complete or, if timely challenged, thirty-one (31) days after the state Land Planning Agency, or the Administration Commission enters a final order determining the adopted Plan Amendment to be in compliance.

PASSED on first reading this 6th day of July, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of _____, 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

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

Exhibit A: Property Rights Element

EXHIBIT A

PROPERTY RIGHTS ELEMENT

PROPERTY RIGHTS ELEMENT (PRE - 1)

PRE – 1.1
Goal: In accordance with §163.3177(6)(i), Florida Statutes, property rights will be considered in local decision making.

Policies PRE – 1.1.1

A. The right of property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person.

C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property, subject to State law and local ordinances.

D. The right of property owner to dispose of his or her property through sale or gift.

PRE - 1.2
Goal: Respect people's rights to participate in decisions that affect their lives and property.

Policies PRE - 1.2.1

A. The right of property owners to be notified of land development applications that may impact their property.

B. The right of affected persons to participate in the public hearing process on land development applications.

The comprehensive plan contains existing language regarding public participation, which is one of the components of property rights and is directly related to policies PRE - 1.2.1 A and B, as proposed.

> "Public Participation has been a strength of Estero, even before its incorporation. The emphasis remains on the importance of an inclusive, informative community planning process."

Property Rights Element - Comprehensive Plan Text Amendment

Staff Report

CASE NAME:	**Property Rights Element**
CASE NUMBER:	**CPA2022-E001**
VILLAGE COUNCIL:	**July 6, 2022**

SUMMARY OF REQUEST

Florida Statute §163.3177(6)(i), requires that "each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making."

To comply with this requirement, staff has prepared a Comprehensive Plan Text Amendment. This amendment is reviewed through an Expedited Review process that requires a recommendation from PZDB (the Local Planning Agency) and a decision by the Village Council at two meetings: transmittal and adoption hearings.

STAFF AND PLANNING, ZONING AND DESIGN BOARD RECOMMENDATIONS

Staff recommends approval of the Comprehensive Plan Text Amendment to include a property rights element, and to transmit it to the State.

The Planning, Zoning and Design Board reviewed this at their June 14, 2022 meeting and recommended approval.

GENERAL INFORMATION

APPLICANT
Community Development – Mary Gibbs, FAICP

COMPREHENSIVE PLAN TEXT AMENDMENT

Background
The Florida Legislature approved House Bill 59 in June 2021, amending the Community Planning Act to require each local government to "include in its comprehensive plan a property rights element." The house bill creates §163.3177(6)(i) which requires each local government have a property rights element to ensure private property rights are considered in the local decision-making process. This element must be adopted prior to the earlier of the adoption of any other

proposed plan amendments initiated after July 21, 2021, or the date of the next scheduled evaluation and appraisal of the comprehensive plan.

Comprehensive Plan
A local government may adopt its own property rights language, consistent with the requirements of the statute. A variety of adjacent and nearby communities have recently adopted the statutory language, including the City Bonita Springs, the City of Cape Coral, and Lee County.

A "Model" Property Rights Element was developed by 1000 Friends of Florida in compliance with the requirements of the statute. The model code language contained additional components of "property rights" beyond the minimum required by the statute, with additional language that discusses transparency in the review process, and due process rights that include the right to receive notice, the right to be heard, the right to present or rebut evidence, and the right to be informed of the facts upon which the local government bases it decision. The Village of Estero processes require notification, transparency, and public hearings, requirements which are similar in many aspects to the model code.

Staff recommends consideration of a policy that meets the required statutory language (as shown below with policies A-D) and includes two additional policies regarding the notification of, and participation in, public hearings for land development applications (PRE – 1.2.1 A and B) consistent with the Village's existing processes. This identifies the right to develop property, as well as the right of affected property owners to take part in the review process for development proposals.

The proposed comprehensive plan language is underlined below:

PROPERTY RIGHTS ELEMENT (PRE - 1)

PRE – 1.1
Goal: In accordance with §163.3177(6)(i), Florida Statutes, property rights will be considered in local decision making.

Policies PRE – 1.1.1

A. The right of property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person.

C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property, subject to State law and local ordinances.

D. The right of property owner to dispose of his or her property through sale or gift.

PRE - 1.2
Goal: Respect people's rights to participate in decisions that affect their lives and property.

Policies PRE - 1.2.1

A. The right of property owners to be notified of land development applications that may impact their property.

B. The right of affected persons to participate in the public hearing process on land development applications.

The comprehensive plan contains existing language regarding public participation, which is one of the components of property rights and is directly related to policies PRE - 1.2.1 A and B, as proposed.

> "Public Participation has been a strength of Estero, even before its incorporation. The emphasis remains on the importance of an inclusive, informative community planning process."

ATTACHMENTS

A. Florida Statute §163.3177(6)(i)

ATTACHMENT A

163.3177 Required and optional elements of comprehensive plan; studies and surveys.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(i) 1. In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan **a property rights element** [**emphasis added**] to ensure that private property rights are considered in local decision making. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

Comprehensive Plan Amendment – Village Owned Property at Northeast Corner of US 41 and Corkscrew Road

Motion to transmit Comprehensive Plan Amendment and Ordinance 2022-07 to State review agencies

Background:

The Village Council directed staff to prepare a Comprehensive Plan amendment and rezoning for the 31.5-acre portion of Village property east of US 41, north of Corkscrew Road and south of the Estero River.

The Planning, Zoning and Design Board reviewed the request on June 14, 2022, and recommended approval with the following comment: *Council should look at the long-term development plans to ensure that it attracts people, similar to Lakes Park, and focus particular attention on areas that need to be conserved and preserved versus the uplands.* The vote was 5/0 (Jones and Tatooles left prior to the vote, Gargano absent).

Description:

See attached staff report for detail.

Action Requested:

Motion to transmit Comprehensive Plan Amendment and Ordinance 2022-07 to State review agencies.

Process and Timeline:

- Council Workshop March 2, 2022
- Council direction to initiate Comprehensive Plan Amendment and rezoning on March 16, 2022
- Planning Zoning and Design Board Public Information Meeting May 6, 2022
- Planning, Zoning and Design Board public hearing on June 14, 2022
- First reading July 6, 2022
- Second reading and public hearing at future date, once comments are received from State review agencies

Financial Impact:

N/A

Prepared by: Mary Gibbs

Attachments:

1. Ordinance 2022-07
2. Staff Report

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE MAP FOR A 31.5 ACRE PROPERTY AT THE NORTHEAST CORNER OF US 41 AND CORKSCREW ROAD FROM VILLAGE CENTER TO PUBLIC PARKS AND RECREATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Comprehensive Plan became effective on November 21, 2019; and

WHEREAS, the Village has acquired the approximately 31.5 acre property at the northeast corner of US 41 and Corkscrew Road, described in the legal description attached as Exhibit "A"; and

WHEREAS, the property is currently designated as Village Center on the Future Land Use Map; and

WHEREAS, the Village desires to amend the Comprehensive Plan designation for the property to better match the intended recreation uses and public access to the Estero River; and

WHEREAS, Council voted on March 16, 2022 to initiate a Comprehensive Plan amendment for that purpose; and

WHEREAS, the Village desires to change the Future Land Use designation for the property to Public Parks and Recreation, as depicted on Exhibit "B" (the "Comprehensive Plan Amendment"); and

WHEREAS, the Comprehensive Plan Amendment is a small scale comprehensive plan amendment pursuant to Section 163.3187, Florida Statutes; and

WHEREAS, the Village Planning, Zoning, and Design Board held a duly noticed public hearing on June 14, 2022 at which time the Board recommended approval of the Comprehensive Plan Amendment; and

WHEREAS, the Village Council, at a duly noticed meeting, held a Public Hearing and First Reading on July 6, 2022; and

WHEREAS, the Village Council, at a duly noticed meeting, held a Public Hearing for Second Reading on ____ day of _____, 2022 for adoption of the Comprehensive Plan amendment, and considered the Staff report, the recommendation of the Village 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. Recitals.

The foregoing "Whereas" clauses are hereby ratified and incorporated as a part of this Ordinance.

Section 2. Adoption of the Comprehensive Plan Amendment.

The Village Council hereby redesignates the property legally described in Exhibit "A" and depicted on Exhibit "B" from Future Land Use Designation Village Center to Public Parks and Recreation.

Section 3. Transmittal.

The Village Manager or his designee shall transmit the Comprehensive Plan Amendment to the State Land Planning Agency pursuant to Section 163.3187, Florida Statutes.

Section 4. 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 5. Conflict.

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 6. Effective Date.

This ordinance shall take effect upon adoption at second reading, except that the effective date of the Comprehensive Plan Amendment shall be effective thirty-one (31) days

after its adoption or, if timely challenged, thirty-one (31) days after the state Land Planning Agency, or the Administration Commission enters a final order determining the adopted Plan Amendment to be in compliance.

PASSED on first reading this 6th day of July, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of _____, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

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

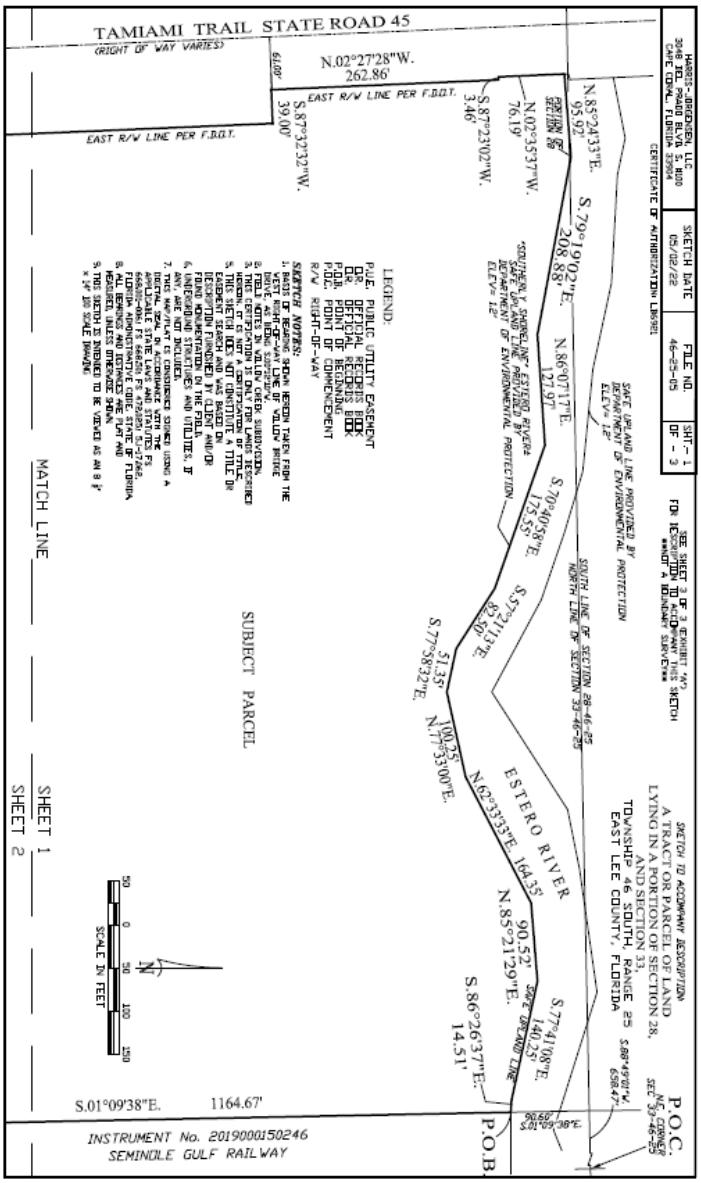
Reviewed for legal sufficiency:

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

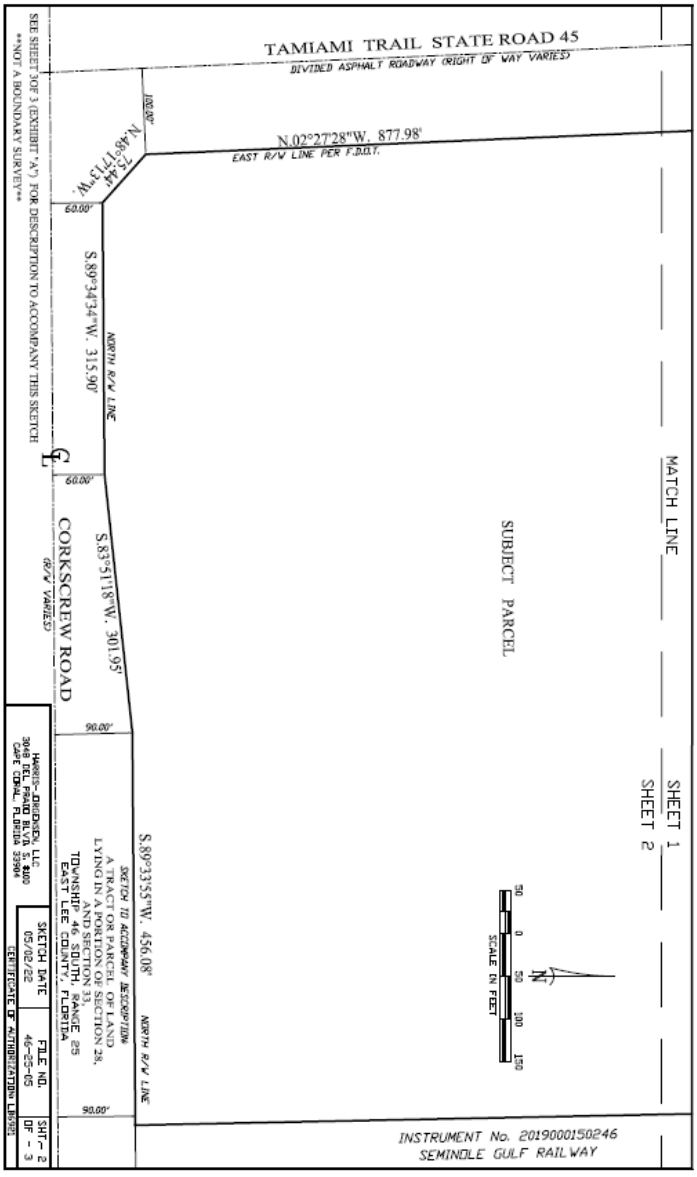
Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McClain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

Exhibit A: Legal Description
Exhibit B: Future Land Use Map

EXHIBIT A
LEGAL DESCRIPTION



Ordinance No. 2022- 07
CPA2022-E002


TAMIAMI TRAIL STATE ROAD 45
DIVIDED ASPHALT ROADWAY (RIGHT OF WAY VARIES)
N.02°27'28"W. 877.98'
EAST R/W LINE PER F.D.O.T.
100.00'
N.48°17'13"W. 73.44'
60.00'
S.89°34'34"W. 315.90'
NORTH R/W LINE
60.00'
CORKSCREW ROAD
(R/W VARIES)
S.83°51'18"W. 301.95'
90.00'
S.89°33'55"W. 456.08'
NORTH R/W LINE
90.00'
INSTRUMENT No. 2019000150246
SEMINOLE GULF RAILWAY
MATCH LINE
SHEET 1
SHEET 2
SUBJECT PARCEL
SCALE IN FEET
50 0 50 100 150
N
SEE SHEET 3 OF 3 (EXHIBIT "A") FOR DESCRIPTION TO ACCOMPANY THIS SKETCH
NOT A BOUNDARY SURVEY
SKETCH TO ACCOMPANY DESCRIPTION
A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
TOWNSHIP 43 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA
HARRIS-ARCHIBALD, LLC.
3948 DEL PRADO BLVD. S. #400
CAPE CORAL, FLORIDA 33904
SKETCH DATE
05/02/22
FILE NO.
46-25-05
SHT- 2
OF - 3
CERTIFICATE OF AUTHORIZATION LB#765

132
133

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
AND SECTION 33,
TOWNSHIP 46 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA

SEE SHEETS 1 AND 2 OF 3 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION:
A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 46 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S.88°49'01"W. ALONG THE NORTH LINE OF SAID SECTION 33, FOR 658.47 FEET; THENCE RUN S.01°09'38"E. TO A POINT LYING ALONG THE THE SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 90.60 FEET; THENCE CONTINUE S.01°09'38"E. TO A POINT LYING ALONG THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD, FOR 1164.57 FEET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD THE FOLLOWING BEARINGS AND DISTANCES; S.89°33'55"W. FOR 456.08 FEET, S.835118"W. FOR 301.95 FEET, S.89°34'34"W. FOR 315.80 FEET; THENCE RUN N.48°17'13"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE TAMIAMI TRAIL (ALSO KNOWN AS S.R. No 45) FOR 75.44 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, N.02°27'28"W. FOR 877.98 FEET; THENCE RUN S.87°32'32"W, FOR 39.00 FEET; THENCE RUN N.02°27'28"W, FOR 282.66 FEET; THENCE RUN S.87°23'02"W, FOR 3.46 FEET; THENCE RUN N.02°35'37"W. TO A POINT ALONG THE AFORESAID SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 76.19 FEET; THENCE RUN ALONG THE SAID SOUTHERLY SHORELINE OF THE ESTERO RIVER THE FOLLOWING BEARING AND DISTANCES; N.85°24'33"E. FOR 95.92 FEET, S.79°19'02"E. FOR 208.88 FEET, N.86°07'17"E. FOR 127.97 FEET, S.70°40'58"E. FOR 175.55 FEET, S.57°21'13"E. FOR 82.50 FEET, N.77°33'00"E. FOR 100.25 FEET, N.62°33'33"E. FOR 164.35 FEET, N.85°21'29"E. FOR 90.52 FEET, S.77°41'08"E. FOR 140.25 FEET, S.86°26'37"E. FOR 14.51 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,371,461.78 SQ. FT. OR 31.48 ACRES, MORE OR LESS.

Phillip M Mould, P.S.M. 6515 State of Florida
Digitally signed by Phillip M Mould, P.S.M. 6515 State of Florida
Date: 2022.05.05 08:52:55 -04'00'

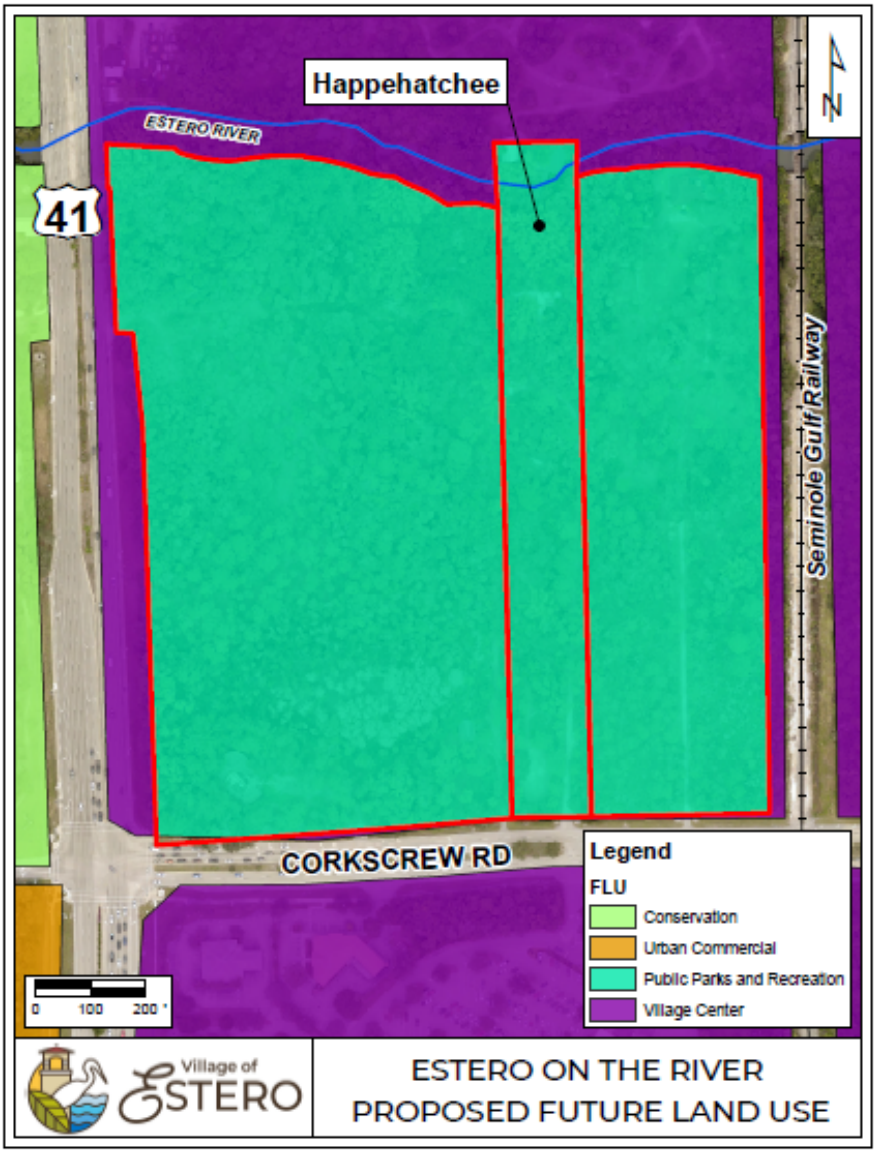
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
05/05/2022

CERTIFICATE OF AUTHORIZATION LB6921
HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
(239)-257-2624

SHEET 3 OF 3

134
135

EXHIBIT B
FUTURE LAND USE MAP



Village Initiated Comprehensive Plan Map Amendment

Staff Report

Village Council

CASE NAME:	**Estero on the River / Happehatchee**
CASE NUMBER:	**CPA2022-E002**
COUNCIL HEARING DATE:	**July 6, 2022**

SUMMARY OF REQUEST

The Village Council has initiated a small-scale Map Amendment to the Comprehensive Plan for a 31.5-acre site at the northeast intersection of Corkscrew Road and US 41. The request is to change the Comprehensive Plan Future Land Use Map from Village Center to Public Parks and Recreation to protect the unique qualities of the site, allow for recreation and civic uses, as well as to provide public access to the Estero River. A companion application is also being considered for a rezoning from Mixed Use Planned Development (MPD) and Agriculture (AG) to Parks and Community Facilities.

The application is for a small-scale amendment (less than 50 acres) which, based upon Fla. Stat. 163.3187(2), is a streamlined and expedited process requiring one Council Public Hearing for adoption.

STAFF AND PLANNING, ZONING AND DESIGN BOARD RECOMMENDATIONS

Staff recommends approval of the Amendment from Village Center to Public Parks and Recreation.

The Planning, Zoning and Design Board reviewed this at its June 14, 2022 meeting. They recommended approval with the following comment:

> *Council should look at the long-term development plans to ensure that it attracts people, similar to Lakes Park, and focus particular attention on areas that need to be conserved and preserved versus the uplands.*

The Vote was 5/0.

GENERAL INFORMATION

APPLICANT/OWNER
Village of Estero

REPRESENTATIVE
Community Development – Mary Gibbs, FAICP

BACKGROUND

In 2007 Lee County approved a rezoning to Mixed-Use Planned Development (MPD) for a project known as Estero on the River which was located on 85-acres between Sandy Lane, US 41, Corkscrew Road and the "Old Estero" area on the north. The project was approved for 530 single-family and multi-family dwelling units, 300,000 square feet of commercial and mixed uses, civic uses, and preserve. The project was never developed.

In 2019 the Village of Estero purchased a 68.5-acre portion of the Estero on the River MPD, and subsequently acquired the 4.82-acre Happehatchee parcel. The 31.5-acre area located south of the Estero River is intended to provide public access to the Estero River, recreation uses including trails, open space, and preservation of the unique characteristics of the site. The property is currently designated in the Village Comprehensive Plan as Village Center.

Village Council held a workshop on March 2, 2022, to discuss options regarding the use and preservation of the property, and a decision was made on March 16, 2022 to initiate the rezoning and comprehensive plan map amendment on the 31.5-acres. The first phase is intended to provide walking trails on the site.

This property was an information item on the Planning, Zoning, and Design Board meeting on April 12, 2022 when the Cultural Resource Assessment was discussed and a Public Information Meeting was held on May 10, 2022.

STAFF DISCUSSION AND ANALYSIS

Location
The area subject to the map amendment is located at the northeast corner of US 41 and Corkscrew Road, south of the Estero River. The eastern boundary is the CSX Rail corridor.

Surrounding Properties
US 41 is the western boundary of the site, with Corkscrew Road to the south. Koreshan State Park is west of US 41 and Corkscrew Village (Publix) Shopping Center is south of Corkscrew Road. "Old Estero" is on the north side of the river, including vacant MPD land owned by the Village which is not part of this application. There are remaining Estero on the River parcels not owned by the Village on the east side of the CSX Rail corridor.

The general area includes a variety of uses including state park, commercial uses, and vacant lands. The surrounding area is in the Village Center Future Land Use category, with a variety of zoning that ranges from Agriculture to Commercial Planned Development and Community Commercial. Recently approved developments include the Pavich property, a commercial office building at Corkscrew Road and Happy Hollow, and Via Coconut Point, a mixed-use commercial and multi-family apartment development at Corkscrew Road and Via Coconut Point.

Studies of the Site
The Village has conducted studies of the site, including a Cultural Resource Assessment and a tree survey. The intent of these surveys is to provide necessary information related to removal of existing structures not deemed historically significant, and determination of existing trees on the heavily vegetated site to plan for and construct trails on the property. Staff met with the Planning,

Zoning, and Design Board on April 12, 2022 to discuss the requirements for a historic preservation plan for the site.

Prior studies of the site have been conducted in conjunction with the MPD rezoning that occurred in 2007, including an Environmental Site Assessment Report.

Comprehensive Plan

Current Future Land Use Category
Village Center is a land use category that is intended to support a variety of residential, commercial, and employment uses to create an economic and social center of the Village. Densities can range from 1 to 6 dwelling units per acre to up to 27 units per acre under certain conditions. Preservation of the community history and the protection of the environment are also goals of this land use category.

This land use category could be retained for the property as it allows intended uses of the site, however it also allows many other uses and potential density that the Village does not deem appropriate to the location and intended uses.

Proposed Future Land Use Category
The proposed land use category of Public Parks and Recreation is specific to publicly owned or accessible lands that provide parks and recreation uses, as well as ancillary support uses. It is described below:

> *FLU-1.2.4 PUBLIC PARKS AND RECREATION. The Public Parks and Recreation areas include publicly owned or publicly accessible land for current or future active or passive recreational uses. Public Parks and Recreation areas are located where park facilities are established or planned, including state, county and local parks and recreation areas.*
>
> *A. Uses: Land uses range from preserved lands with passive recreation to community centers with active recreation uses, along with ancillary or supporting uses necessary for park and recreation operations serving the public.*
>
> *B. Development Type: Public Parks and Recreation areas may include development of public parks, playgrounds, water access, and other active recreation facilities, as well as preservation, walking and bicycling trails, picknicking and boardwalks to provide passive recreation.*
>
> *C. Intensity: Development must not exceed 1 FAR.*

This land use category would provide additional protections from future development and therefore is the preferred category for the site.

Comprehensive Plan Policies and Analysis
FLU - 1.2.1 Future Land Use Categories. The Village shall designate on the Future Land Use Map use categories of varying densities and intensities to provide for a full range of land use activities appropriate to the character of the Village's neighborhoods. These designations are based upon environmental conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.

Staff Comment: The subject properties encompass the south side of the Estero River and include wetlands, uplands, and significant plant communities that are environmentally important. This area had been approved by Lee County for significant intense mixed-use development, including residential single-family and multi-family as well as commercial, civic uses and preservation. The Village purchased the properties in 2019 with the intent to preserve the unique characteristics of the site and allow for public access to the river. Changing the zoning and Future Land Use Map category will ensure that future development of the site will meet the goals of the Village and community.

Historic and Archeological Resources-
FLU - 1.6.2 The Village recognizes that the area in the vicinity of Koreshan Village (the 1883 Damkohler homestead) and the Boomer property on the west, the Broadway Avenue corridor on the north, Sandy Lane on the east, and Corkscrew Road on the south as an area appropriately designated as "Old Estero". Where feasible, through public/private recognition programs, the Village will encourage preservation of historic resources, sites, and structures.

Staff Comment: The Village had a Cultural Resource Assessment Survey prepared in March 2022. This is an update on approximately 18-acres which was part of a larger assessment completed in 2005 for the Estero on the River MPD. The intent of the survey is to determine the extent of cultural resources on the property so that they may be protected, which is consistent with this policy. The survey shows that very little of historically valuable structures remain on the site. The recreational land use designation will help to preserve any historical and cultural values of the site from inappropriate development. The Village continues to work with the Estero Historical Society throughout this process.

Infrastructure
INF - 1.1.4 The Village shall endeavor to protect, secure and restore, where feasible, natural flowway systems including, without limitation, the Main, South and North Branches of the Estero River and the Halfway Creek flowway, through regulations or incentives to assure their continued environmental function.

Staff Comment: The Village sought to purchase the land south of the Estero River, in part, to provide protection to the river. The limited development of the site will protect the natural flowway of the Estero River.

Recreation and Open Space
REC - 1.3.4 Improve public access, use, and enjoyment of Estero's waterfront and water-based resources by supporting the creation of community water-based amenities such as Estero Bay water taxi, marina facilities, or other water dependent facilities on a limited basis where appropriate.

REC - 1.4.8 Seek opportunities to provide canoe/kayak launches along the blueways intersecting with greenways in ways that do not compromise the protection of natural resources.

Staff Comment: The properties are planned for recreation and river access, including river launches, and the designation of Public Parks and Recreation is the category that best allows these uses while providing protection from more intense development on the property.

Parks, Recreation, and Open Space Plan
The Village adopted this plan in January 2020 which "assessed current conditions, identified and prioritized recreation and open space needs and desires of the community, and addressed future opportunities…" Projects prioritized included master planning and development of the Estero on the River site, including multi-purpose trails and protection and enhancement of natural areas.

Proposed improvements contained in the plan for the property were based upon the location within an area described as the Estero Eco-Historical Hub, an activity area that includes Koreshan State Park, the Old Estero area north of the river, as well as the Estero on the River area south of the river. The plan states that "these sites provide a unique glimpse into Florida's ecological and cultural natural history and scenic beauty, and the importance of these resources to Estero's "brand" and sense of place cannot be over-stated."

The proposed Comprehensive Plan Amendment will limit potential development of the site to recreation and ancillary uses, as well as allow for public access to the Estero River. This is consistent with the recommendations in the Parks, Recreation and Open Space Plan to preserve the historic, cultural, and natural resources of this area.

State and Regional Policy Plans
The State of Florida and the Southwest Florida Regional Planning Council each have policy plans in place with goals, strategies, and actions that may be relevant to the local comprehensive plan amendment. A review of the policies is below:

Chapter 187 Florida Statutes includes the following applicable goals and policies:

(9) NATURAL SYSTEMS AND RECREATIONAL LANDS.
- *(a) Goal.* Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.
- *(b) Policies.*
  - 2. Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits.
  - 7. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.
  - 9. Develop and implement a comprehensive planning, management, and acquisition program to ensure the integrity of Florida's river systems.
  - 10. Emphasize the acquisition and maintenance of ecologically intact systems in all land and water planning, management, and regulation.
  - 12. Protect and expand park systems throughout the state.
  - 13. Encourage the use of public and private financial and other resources for the development of recreational opportunities at the state and local levels.

(18) CULTURAL AND HISTORICAL RESOURCES.
- *(a) Goal.* By 1995, Florida shall increase access to its historical and cultural resources and programs and encourage the development of cultural programs of national excellence.
- *(b) Policies.*
  - 3. Ensure the identification, evaluation, and protection of archaeological folk heritage and historic resources properties of the state's diverse ethnic population.

4. Stimulate increased private sector participation and support for historical and cultural programs.
5. Encourage the rehabilitation and sensitive, adaptive use of historic properties through technical assistance and economic incentive programs.

The Regional Policy Plan includes a Natural Resources Element with the following goal:

Goal 2: The diversity and extent of the Region's protected natural systems will increase consistently. The increase will be based upon 1998 acreage of existing conservation, preservation and stewardship lands.

Strategy: To identify and include within land conservation preservation and stewardship programs, those lands identified as being regionally necessary for the sustainability of southwest Florida.

Action 2: Support continued acquisition of lands targeted for conservation and recreation by land acquisition programs, including federal, state regional, local, and private efforts in the region.

Analysis of Public Facilities and Infrastructure

- Emergency Medical Services – Lee County EMS provides services to the area and will not be impacted by this request.
- Fire – Service is provided by Estero Fire and Rescue which is currently adequate for the area.
- Police – Lee County Sheriff's South District Office provides service to the area which will not be impacted by this request.
- Public Transit – LeeTran buses run along US 41, however there is a gap in stops between Galloway Ford (south of Williams Road), and Estero Parkway. No transit will serve this site.
- Solid Waste – Trash bins will be available in the parking area.
- Water and Sewer – There is no water or wastewater service to the property for public use. Subsequent future phases of the site development will necessitate the provision of these services.

Transportation Analysis

Access to the site for the initial phase of trail development will be from the existing driveway on Corkscrew Road which provides direct access to the existing parking area. No improvements to this existing access are currently planned. Future development will likely include access from the north side of the Estero River.

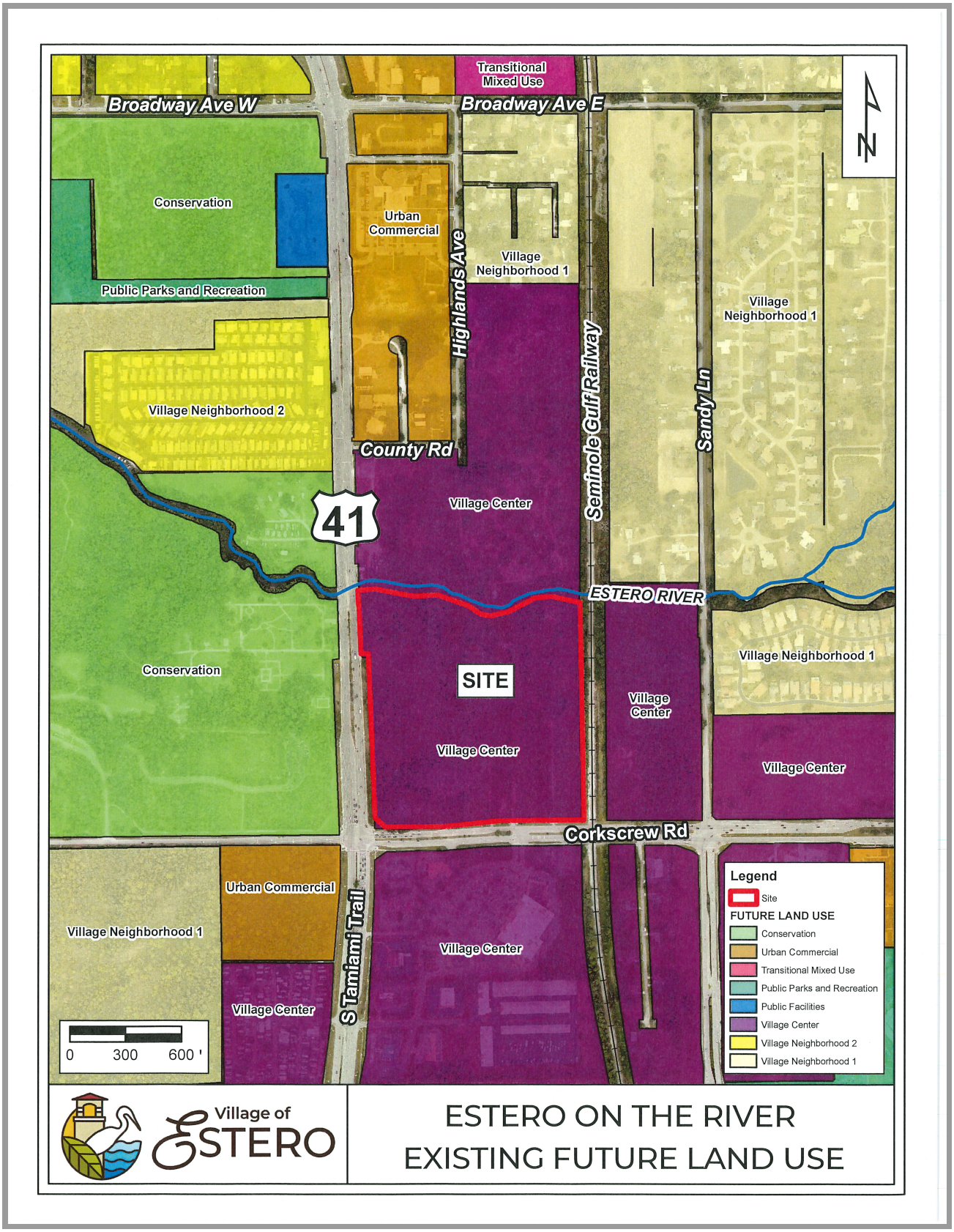
The Comprehensive Plan amendment will result in a much less intensive project than the approved zoning allows; thus, transportation impacts will be substantially reduced.

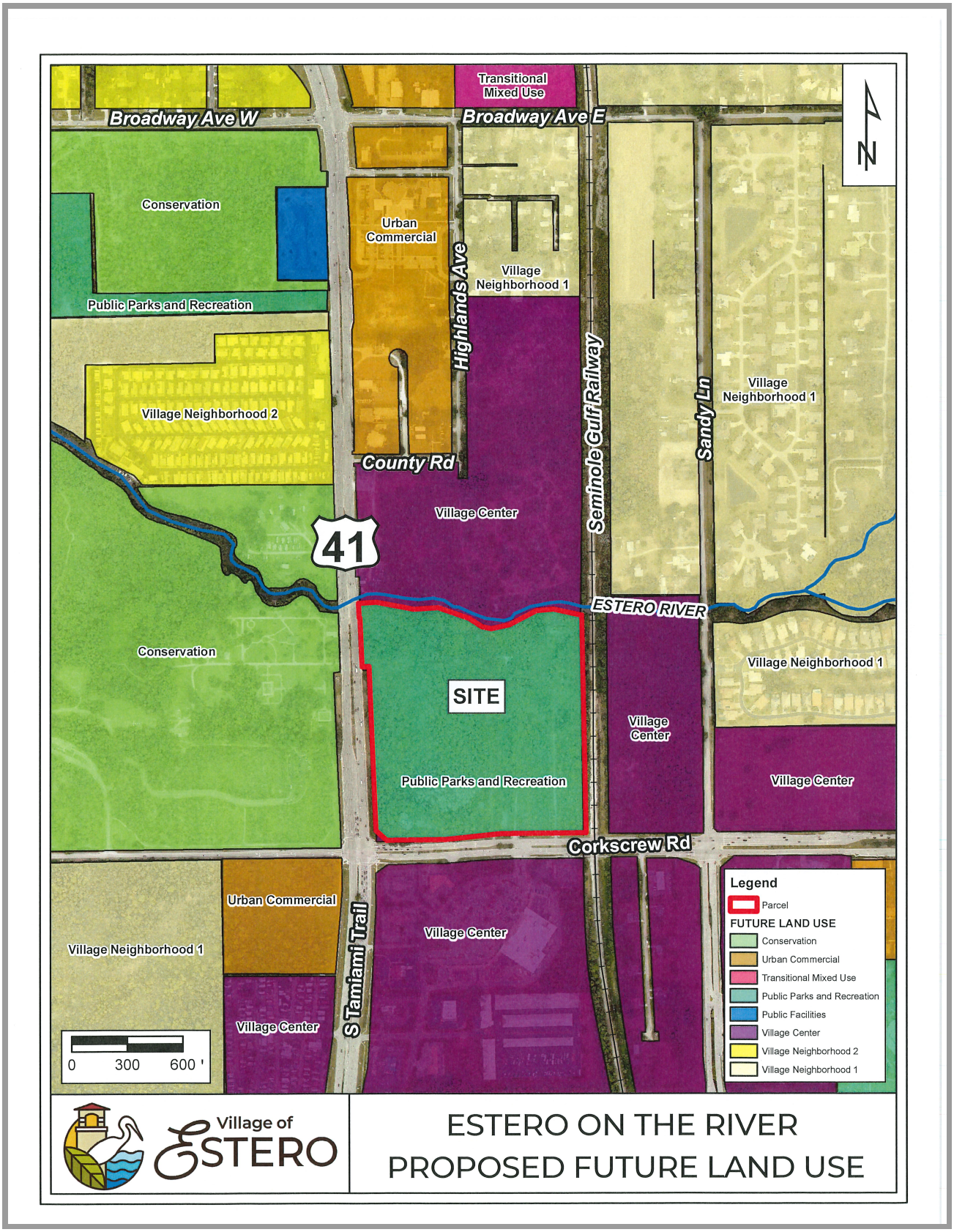
CONCLUSIONS

The existing Village Center Future Land Use category could allow for intense development, such as residential and/or commercial uses, that are not consistent with the goals of the Village of Estero for the land acquired south of the Estero River. The Public Parks and Recreation Future Land Use is more appropriate for the publicly owned site which will allow for public access to the Estero River as well as recreational uses. This is supported by data and analysis provided in the staff report as well as the several studies and surveys conducted by the Village referenced in the report.

Attachments:

A. Existing and Proposed Future Land Use Map
B. Comprehensive Plan Amendment Application /Project Description
C. Cultural Resource Assessment (previously provided to Council, available at Clerk's Office)
D. Tree Survey


Transitional Mixed Use
Broadway Ave W
Broadway Ave E
N
Conservation
Urban Commercial
Village Neighborhood 1
Highlands Ave
Seminole Gulf Railway
Sandy Ln
Public Parks and Recreation
Village Neighborhood 2
County Rd
41
Village Center
ESTERO RIVER
SITE
Conservation
Village Center
Village Neighborhood 1
Corkscrew Rd
Urban Commercial
Village Neighborhood 1
S Tamiami Trail
Village Center
Village Center
0 300 600 '
Legend
Site
FUTURE LAND USE
Conservation
Urban Commercial
Transitional Mixed Use
Public Parks and Recreation
Public Facilities
Village Center
Village Neighborhood 2
Village Neighborhood 1
Village of ESTERO
ESTERO ON THE RIVER
EXISTING FUTURE LAND USE


Transitional Mixed Use
Broadway Ave W
Broadway Ave E
Conservation
Urban Commercial
Village Neighborhood 1
Highlands Ave
Public Parks and Recreation
Village Neighborhood 2
Seminole Gulf Railway
Sandy Ln
Village Neighborhood 1
County Rd
Village Center
41
ESTERO RIVER
Conservation
SITE
Village Neighborhood 1
Village Center
Public Parks and Recreation
Village Center
Corkscrew Rd
Urban Commercial
Village Neighborhood 1
Village Center
S Tamiami Trail
Village Center
0 300 600 '
Legend
Parcel
FUTURE LAND USE
Conservation
Urban Commercial
Transitional Mixed Use
Public Parks and Recreation
Public Facilities
Village Center
Village Neighborhood 2
Village Neighborhood 1
Village of ESTERO
ESTERO ON THE RIVER
PROPOSED FUTURE LAND USE

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT – MAP

In The Village of Estero

[LDC Sections 2-401, 2-403, 2-405]

Project Name: _____

Project Description: _____

_____

_____

Map(s) to Be Amended: _____

State Review Process: ☐ Small-Scale Review ☐ State Coordinated Review ☐ Expedited State Review

1. **Name of Applicant:**
   Address: _____
   City, State, ZIP: _____
   Phone Number: _____ E-mail: _____

2. **Authorized Agent (if different than applicant):** _____
   Address: _____
   City, State, ZIP: _____
   Phone Number: _____ E-mail: _____

3. **Property Owner(s):** _____
   Address: _____
   City, State, ZIP: _____
   Phone Number: _____ E-mail: _____

4. **Property Location:**
   1. Street Address: _____
   2. STRAP Number(s): _____

5. **Disclosure of Interest:**
   ☐ Attach Disclosure of Interest Form

6. **Property Information:**
   Total Acreage of Property: _____ Total Acreage Included in Request: _____
   Total Uplands: _____ Total Wetlands: _____ Current Zoning: _____
   Current Future Land Use Category(ies): _____
   Area in Each Future Land Use Category: _____
   Existing Land Use: _____

7. **Legal Description (must submit one):**
   ☐ Legal description (metes and bounds) and sealed sketch of the legal description.
   OR
   ☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books.

8. **Surrounding property owners** (within 750 feet of the perimeter of the subject parcel or portion thereof that is subject of the request)**: [LDC 2-405.C.2.]**

A. ☐ List of surrounding property owners.
B. ☐ Map of surrounding property owners.
C. ☐ One set of mailing labels.

Note: When the case is found complete/sufficient, a new list and mailing labels must be submitted.

9. **Calculation of maximum allowable development under current Comprehensive Plan:**
Residential Units/Density: _____ Non-Residential Intensity: _____

10. **Calculation of maximum allowable development with proposed amendments:**
Residential Units/Density: _____ Non-Residential Intensity: _____

Public Facilities Impacts
NOTE: The applicant must calculate public facilities impacts based on the maximum development.

1. **Traffic Circulation Analysis**: The analysis is intended to determine the effect of the land use change on the Financially Feasible Highway Plan (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Administrative Code (AC)13-17.

   a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/ intensity, may be eligible for a TIS requirement waiver as outlined in the TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Village Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and TIS Guidelines to determine required components of analysis for:

      i. Total peak hour trip generation less than 50 total trip ends – trip generation.

      ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. **A methodology meeting is required prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.**

      iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. **A methodology meeting is required prior to submittal of the application.**

   b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Village staff.

2. **Provide an existing and future conditions analysis for the following (see Comprehensive Plan Capital Improvements Element):**

   a. Sanitary Sewer
   b. Potable Water
   c. Surface Water/Drainage
   d. Public Schools

Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

a. Franchise Area, Basin, or District in which the property is located
b. Current LOS, and LOS standard of facilities serving the site
c. Projected 2030 LOS under existing designation
d. Projected 2030 LOS under proposed designation
e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long-range improvements
g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

In addition to the above analysis, provide the following for potable water:

a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
d. Include any other water conservation measures that will be applied to the site.

3. **Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:**
   a. Fire protection with adequate response times
   b. Emergency medical service (EMS) provisions
   c. Law enforcement
   d. Solid Waste
   e. Mass Transit
   f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 6, 9, and 10 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. *A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).*
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, State or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

Internal Consistency with the Comprehensive Plan

1. List all goals and objectives of the Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
2. Describe how the proposal affects adjacent local governments and their comprehensive plans.

State Policy Plan and Regional Policy Plan

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

SUBMITTAL REQUIREMENT CHECKLIST

Please provide one CD or thumb drive and three COLLATED paper sets of your submittal package. Clearly label your attachments as noted in bold below.

For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.

☐	Completed **Application**
☐	Filing Fee (no copies)
☐	**Disclosure of Interest**
☐	**Legal Description**
	☐ Legal description (metes and bounds) and sealed sketch of legal description
	OR
	☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books
☐	**Surrounding Property Owner List**, Mailing Labels and Map for all Parcels within 750 Feet of the Subject Property
☐	**Future Land Use Map** - Existing and Proposed
☐	**Map and Description of Existing Zoning** of the Subject Property and Surrounding Properties
☐	Signed/Sealed **Legal Description** and Sketch of the Description for Each FLUC Proposed
☐	Copy of the **Deed(s)** of the Subject Property
☐	**Aerial Map** Showing the Subject Property and Surrounding Properties
☐	**Authorization Letter** From the Property Owner(s) Authorizing the Applicant to Represent Owner
☐	**Comprehensive Plan Analysis**
☐	**Environmental Impacts Analysis**
☐	**Historic Resources Impact Analysis**
☐	**Public Facilities Impact Analysis**
☐	**Traffic Circulation Analysis**
☐	**Existing and Future Conditions Analysis** – Sanitary Sewer, Potable Water, Surface Water/Drainage, Public Schools
☐	**Letter of Determination** for the Adequacy/provision of Existing/Proposed Support Facilities – Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools
☐	**State Policy Plan and Regional Policy Plan**
☐	**Justification for Proposed Amendment**

CULTURAL RESOURCE ASSESSMENT SURVEY UPDATE
TECHNICAL MEMORANDUM
± 18 ACRE PORTION OF ESTERO ON THE RIVER
LEE COUNTY, FLORIDA

Prepared for:

Village of Estero
9401 Corkscrew Palms Circle
Estero, Florida 33928

Prepared by:

Florida's First Choice in Cultural Resource Management

Archaeological Consultants, Inc.
8110 Blaikie Court, Suite A
Sarasota, Florida 34240
(941) 379-6206

March 2022

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Maranda Kles -Project Manager
Lee Hutchinson – Project Archaeologist
Kimberly Irby – Architectural Historian

March 2022

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1.0 INTRODUCTION

This Cultural Resource Assessment Survey (CRAS) Technical Memorandum was prepared by Archaeological Consultants, Inc. (ACI) on behalf of the Village of Estero, to update a portion of the CRAS report prepared by ACI in 2005 in consideration of Lee County for a private developer (Florida Division of Historic Resources [FDHR] Report No. 22678). That survey resulted in a request by Lee County for a Historic Preservation Plan to be developed for future land use and changes (Resolution Number Z-07-021-Board of Commissioners of Lee County; pg 8; **Appendix A**). Since that time the Village of Estero was incorporated and took ownership of a portion of the property that was surveyed in 2005.

This survey focused on an ± 18-acre parcel in the Village of Estero in Lee County (**Figure 1**), that was part of a larger survey conducted by ACI in 2005. The purpose of this memorandum is to update the previously recorded historic resources (ACI 2005), record any new historic resources built prior to 1972, conduct additional archaeological testing, and update the boundaries of the listed National Register of Historic Places (NRHP) Koreshan Unity Settlement Historic District (8LL00094), if needed. The current survey was conducted at the request of the Village of Estero in consideration of the previous request for a Historic Preservation Plan by the Board of Commissioners of Lee County.

2.0 ENVIRONMENTAL SETTING

The project Area of Potential Effects (APE) is located in Section 33 of Township 46 South, Range 25 East in Lee County (United States Geological Survey [USGS] Estero, Fla. 1958, PR 1987; **Figure 2**). US 41 is situated immediately west, and the Estero River is to the north. The Estero River is tidal and drains into the Estero Bay estuary, one of the most productive estuaries in the state (Florida Department of Environmental Protection 2005).

Geologically, the project area is located within the Gulf Coastal Lowlands physiographic region (Puri and Vernon 1964). The land adjacent to the coastline is generally low in elevation and poorly drained. The general topography of the survey area is low and nearly level with an elevation of 10 feet (ft) above mean sea level (amsl).

A review of the Lee County Soil Survey (United State Department of Agriculture [USDA] 1984) revealed that the Estero on the River property is located within the Hallandale-Boca soil and Oldsmar-Malabar-Immokalee soil associations. These nearly level and poorly drained soil associations are typical of flatwoods and sloughs. Soils specific in the project area noted on **Figure 3.**

The project area is currently vacant, although there are remnants of some buildings, most are no longer extant. Exotic vegetation, such as Brazilian pepper and bamboo are common. Natural vegetation consists of cabbage palm, pine, oak, and various weeds and grasses **(Photos 1, 2**).

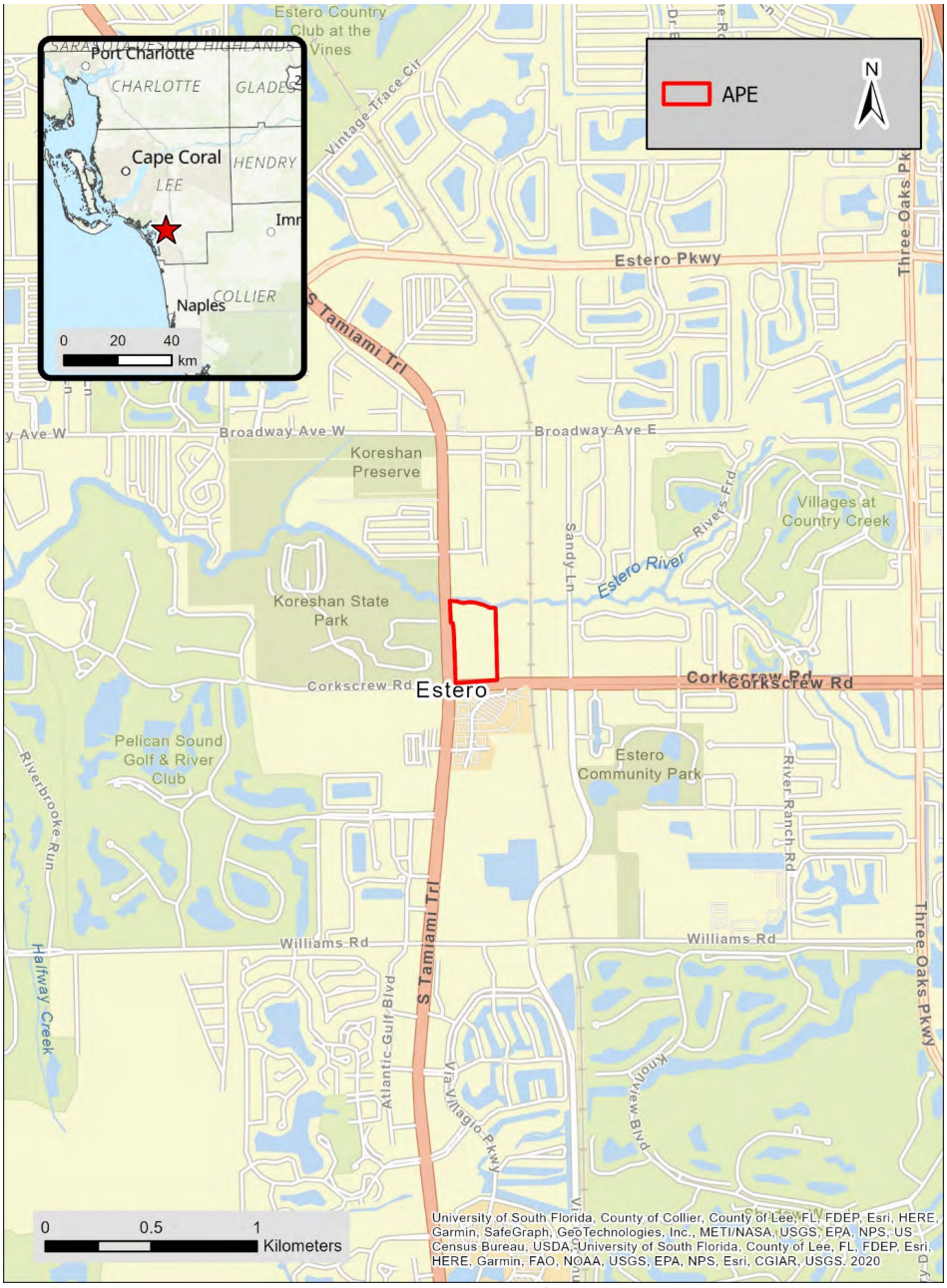


Figure 1. Location of the APE.

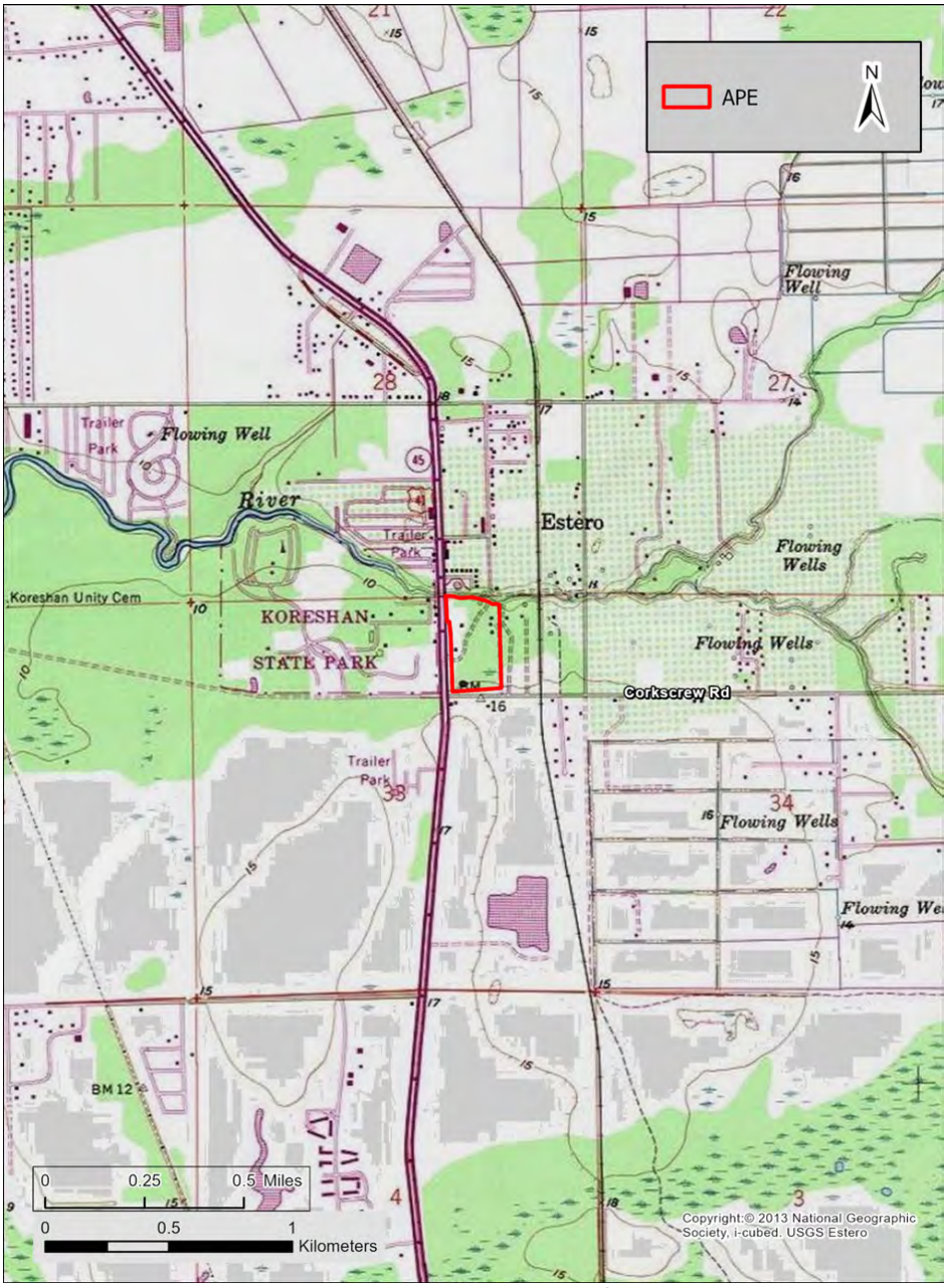


Figure 2. Environmental setting of the APE.

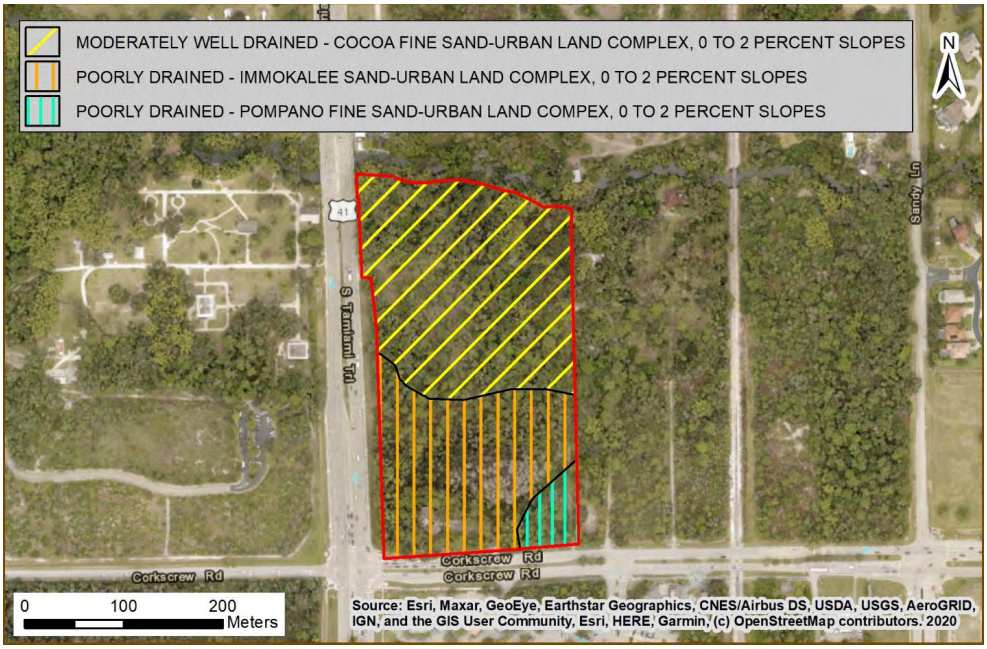


Figure 3. Soil types within the APE.



Photo 1. Natural vegetation within the APE.



Photo 2. Exotic vegetation within the APE.

3.0 HISTORIC OVERVIEW

An in-depth historic and prehistoric overview was completed during the previous CRAS and will not be repeated here (ACI 1997, Survey No. 5215; ACI 2005, Survey No. 22678). The following is an updated historic context overview.

Following the rise of automobile-based travel and the subsequent construction of the Tamiami Trail (US 41) through Lee County, the Koreshan Unity Settlement was forced to make changes to their way of life in order to sustain their livelihood. As a result, the community focused on Tamiami Trail traffic as a

source of income. The north-south connector between Tampa and Miami was constructed through the central portion of the Koreshan Unity Settlement, thus bisecting the community into east and west segments. In 1920, a general store and gas station were constructed on the west side of US 41 – outside of the project area – to accommodate travelers along the newly constructed route. At the time of its construction, the general store was the only store between Fort Myers and Naples, selling "groceries, fishing supplies, and the famous Koreshan 'risin' bread…it also housed the Estero Post Office, the 'Riverview' Restaurant and a Mobil Oil gas station" (Koreshan Unity Alliance, Inc. n.d.). Within the project area, the circa (ca.) 1910 Arts and Industrial Exhibits Complex was converted into the Rustic Tea Room with the associated Rustic Tea Room Outhouse (8LL02351) in ca. 1930 to provide food and beverages to travelers on the Tamiami Trail. At this time a new filling station was also built on the east side of US 41.

World War II brought the construction of two air bases in the Fort Myers area, Buckingham and Page Fields (Grismer 1949). Following the war, many of the servicemen stationed in the area returned with their families to make Lee County and the Fort Myers area their home (Board and Bartlett 1985). This contributed to the continued, steady growth of the region with new housing focused on the development of small tract homes in new subdivisions. The post-World War II development of Lee County is similar to that of the rest of America: increasing numbers of automobiles and asphalt, an interstate highway system, suburban sprawl, and strip development along major state highways. Florida's population increased from 1,897,414 to 2,771,305 from 1940 to 1950 (Tebeau 1971). This increase in population and residential construction is evidenced by the construction of multiple residences within the APE, but to the east of the Koreshan Unity-related properties, as well as mobile home parks within the general vicinity (USDA 1953). In addition, land to the east of US 41 was cleared between ca. 1953 and 1958 for future road widenings and bridge improvements (see **Figure 4**) which resulted in the demolition of several structures immediately adjacent to the route, including the Rustic Tea Room and the filling station (USDA 1953, 1958).

In 1961, Hedwig Michel, the last surviving member of the Koreshan Unity Settlement, donated the 300 acres comprising the settlement to the State of Florida for its protection (Fryman 1975; Ohnemus 2001). The Koreshan State Historic Site opened on the west side of US 41 in 1967. The Koreshan Unity Foundation, Inc. – later known as the College of Life Foundation, Inc. – continued to maintain the land east of US 41, including the ruins of the publishing house, tea house, former industrial and commercial buildings, and the Anna Lewis House (Dauray 2005; Fryman 1975). The Koreshan Unity Settlement Historic District (HD) (8LL00094), comprised of both state-owned lands and those owned by the foundation, was listed in the NRHP in May 1976 (Fryman 1975). In addition, the Koreshan State Historic Site/Koreshan Settlement became a locally designated historic district (HD District 2000-06-01) in Lee County on July 10, 2000. The boundary for the local designation is contained within the Koreshan State Historic Site on the west side of US 41.

Additional widening operations for US 41 north of Corkscrew Road and south of the Estero River began during the late 1970s and carried on into the 1980s (FDOT 1979). During this time, US 41 was widened into a four-lane divided highway and a new bridge was constructed in ca. 1982 to carry the widened US 41 over the Estero River (FDOT 1986). Approximately three decades later, this portion of US 41/Tamiami Trail was further widened due to increased residential and commercial development in the area. In ca. 2013, the segment adjacent to the APE was widened into a six-lane divided highway and associated bridge crossing the Estero River was widened in accordance (Google Earth 2022). In addition to the improved infrastructure, the increased residential development in the area also led to the incorporation of the Village of Estero on December 31, 2014 (Village of Estero 2016).

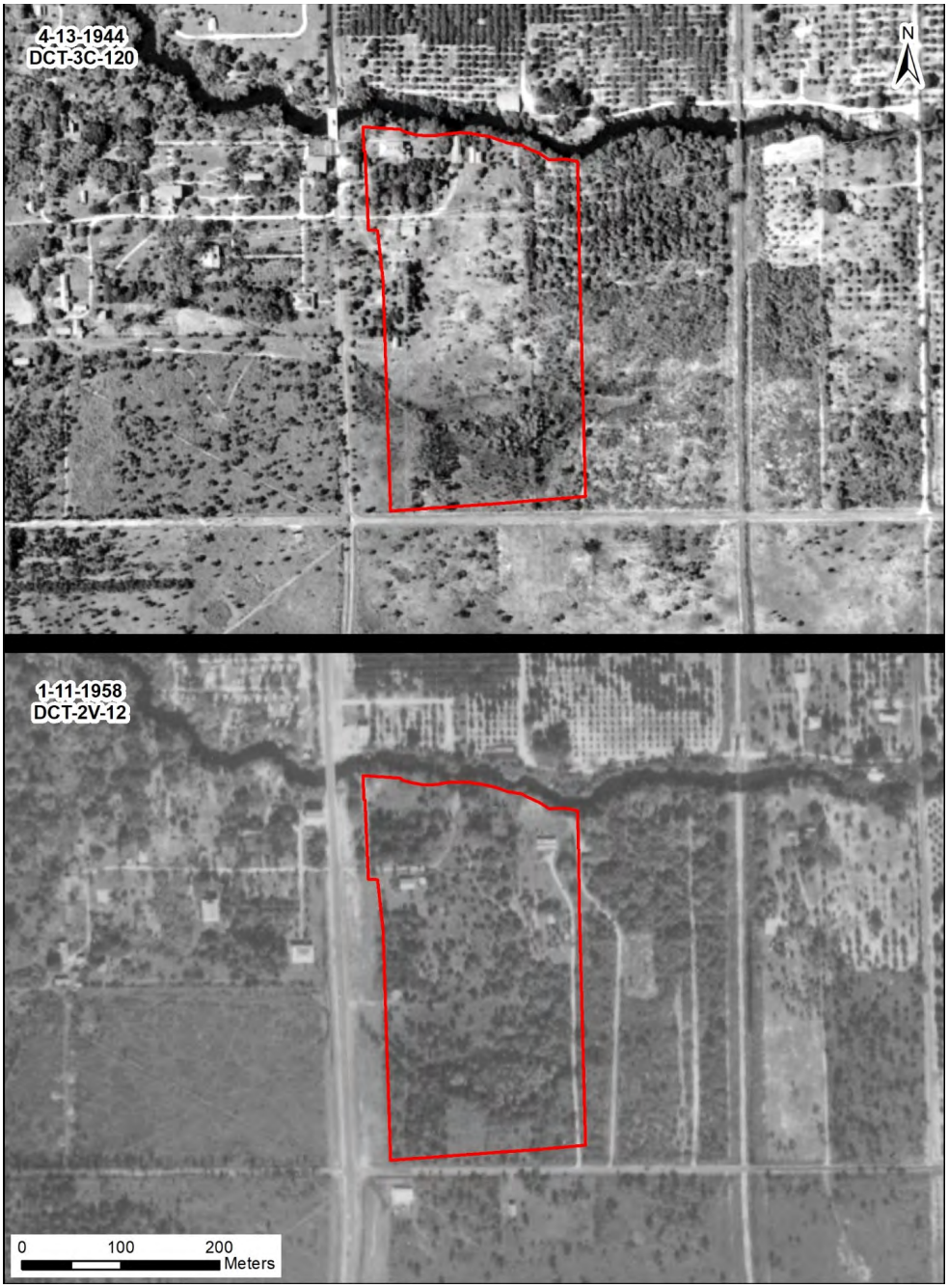


Figure 4. 1953 and 1958 setting of the APE.

4.0 BACKGROUND RESEARCH AND CONSIDERATIONS

The field survey was preceded by background research, which included a comprehensive review of archaeological and historical literature, records and other documents and data pertaining to the project area. This research was conducted to ascertain the types of cultural resources known in the project area and vicinity, their cultural affiliations, site location information, and other relevant data. This included a review of sites listed in the NRHP, the Florida Master Site File (FMSF), cultural resource survey reports, published books and articles, maps, historic aerials, a review of the Estero quadrangle map (USGS 1958), the Lee County property appraiser (Caldwell 2022), and information from the files of ACI. The FMSF data used in this report were initially obtained in August 2021.

Archaeological background research revealed a total 17 historic and prehistoric archaeological sites are located within and in close proximity to the APE (**Figure 5; Table 1**). Of these 17, eight are within the APE (blue in table below) and consists of building remains/historic refuse sites and historic refuse sites with a prehistoric component. These were recorded during various surveys of the general area (ACI 1997, 2005; Baker and Wheeler 2000; Clay and Wiseman 2000; Wayne and Dickinson 2004). The building remains were previously found ineligible for listing individually on the NRHP; however, they were considered contributing resources to the NRHP-listed Koreshan Unity Settlement Historic District (8LL00094) (Percy 1997; **Appendix A**). The other resources have not been evaluated by the State Historic Preservation Officer (SHPO).

In 1997, ACI conducted a CRAS of *U.S. 41 from North of CR 887 to San Carlos Boulevard, Collier and Lee Counties, Florida* (Survey No. 05215). During the 1997 survey, it was noted that nine additional resources were identified within the boundaries of the NRHP-listed Koreshan Unity Settlement Historic District (8LL00094). Eight were archaeological resources (recorded as historic structures at the time, but later determined to be archaeological): the Publishing House Foundation, the Limerock Wall, the Sawmill #4 Foundation, the Boat Works #2 Foundation, the Entrance Pillars, the Old Store Foundation, the Petronian Foundation, and a well. As a result of the 1997 survey, the SHPO (Percy 1997; **Appendix A**) concurred that these resources contributed to the Koreshan Unity Settlement Historic District (8LL00094) but were not individually eligible for listing in the NRHP; however, none were given FMSF numbers at that time. Due to the Limerock Wall's contributory status, in June 2004, a Level III Historic American Buildings Survey (HABS) was prepared for the Limerock Wall (8LL02353) as part of the mitigation process in relation to the US 41 roadway improvements (**Appendix A**; FMSF). The mitigation process involved documenting and photographing the condition of the limerock wall prior to vibration activity from nearby road and bridge construction.

In 2005, ACI conducted a CRAS of *the Estero on the River Property* (Survey No. 22678) for a private developer. That survey included the current APE and areas to the east and north; however, only the results of the survey related to the current APE are presented here. As a result of the 2005 survey, four of the previously identified archaeological resources that were originally documents in 1997 were assigned FMSF numbers, the Publishing House Foundation (8LL02352), the Limerock Wall (8LL02353), the Sawmill #4 Foundation (8LL02354), and the Boat Works #2 Foundation (8LL02355). These foundations were previously determined ineligible for listing but were considered contributing resources to the Koreshan Unity Settlement Historic District (8LL00094), as these foundations provided physical evidence of the size, location, scale, spatial relationship to other buildings, and existence of the structures (FMSF). These resources were recorded in ruinous condition as building foundations of the former commercial and industrial buildings (**Table 1**). Four additional archaeological resources were identified during the 2005 survey, three were artifact scatters associated with the building foundations (8LL02363-2365) and one was a new foundation (8LL02356) (**Table 1**). While informative, the artifact scatters did not produce any truly distinct artifacts and therefore they appear to be ineligible for listing on the NRHP; however, the SHPO has not evaluated these resources. The Apiary Foundation (8LL02356) was newly identified and recorded, it

was considered individually ineligible, but potentially contributing, however it has not been evaluated by the SHPO. As a result of the 2005 survey a Historic Preservation plan was initiated with the Lee County Historic Preservation Board/ Board of Commissioners, which included preserving or relocating certain structures. Additional aspects of the plan were to be finalized in the future.

With regard to the other five resources identified in 1997: the Entrance Pillars, Old Store Foundation, and Petronian Fountain were located on the west side of US 41 in the Koreshan State Park, therefore they were not evaluated during the 2005 survey and ACI was unable to relocate the well during the 2005 survey, therefore it was not given an FMSF number.

Table 1. Previously recorded archaeological resources within the APE and in close proximity.

FMSF No.	Site Name	Style/Site Type	Year Built; Culture Pd.	SHPO Evaluation
8LL01845	Founder' House	Homestead, historic refuse, artifact scatter	Prehistoric, 19th Century	Eligible
8LL01912	Estero Riverbank	Artifact scatter, historic refuse	Prehistoric, 20th Century	Ineligible
8LL01988	The Koreshan Laundry	Building remains	20th Century	Not Evaluated
8LL02035	Koreshan Waterline for Planetary Court	Artifact scatter, historic refuse	Prehistoric, Historic	Not Evaluated
8LL02064	Membership Cottage	Building remains, historic refuse	19th & 20th Century	Not Evaluated
8LL02065	Small Machine Shop	Industrial, historic refuse	20th Century	Not Evaluated
8LL02352	Guiding Star Publishing House Foundations	Building remains	ca. 1904	Ineligible
8LL02353	Limerock Retaining Wall	Building remains	ca. 1904	Ineligible
8LL02354	Machine and Woodworking Building Foundations	Building remains	ca. 1900	Ineligible
8LL02355	Boatworks #2 and Plumbing & Blacksmith Shop Foundations	Building remains	ca. 1900	Ineligible
8LL02356	Apiary Foundations	Building remains	ca. 1900	Not Evaluated
8LL02362	Estero on the River Scatter	Artifact scatter	Prehistoric	Not Evaluated
8LL02363	Boatworks/ Plumbing Shop/ Apiary Scatter	Historic refuse	20th Century	Not Evaluated
8LL02364	Publishing House Scatter	Artifact scatter, historic refuse	20th Century	Not Evaluated
8LL02365	College of Life Scatter	Historic refuse	20th Century	Not Evaluated
8LL02541	Koreshan Bakery	Building remains, historic refuse	Unk	Not Evaluated
8LL02815	Zone 1 Refuse Site	Historic refuse/dump	Unk	Not Evaluated

*Blue shading denotes resources within the APE.

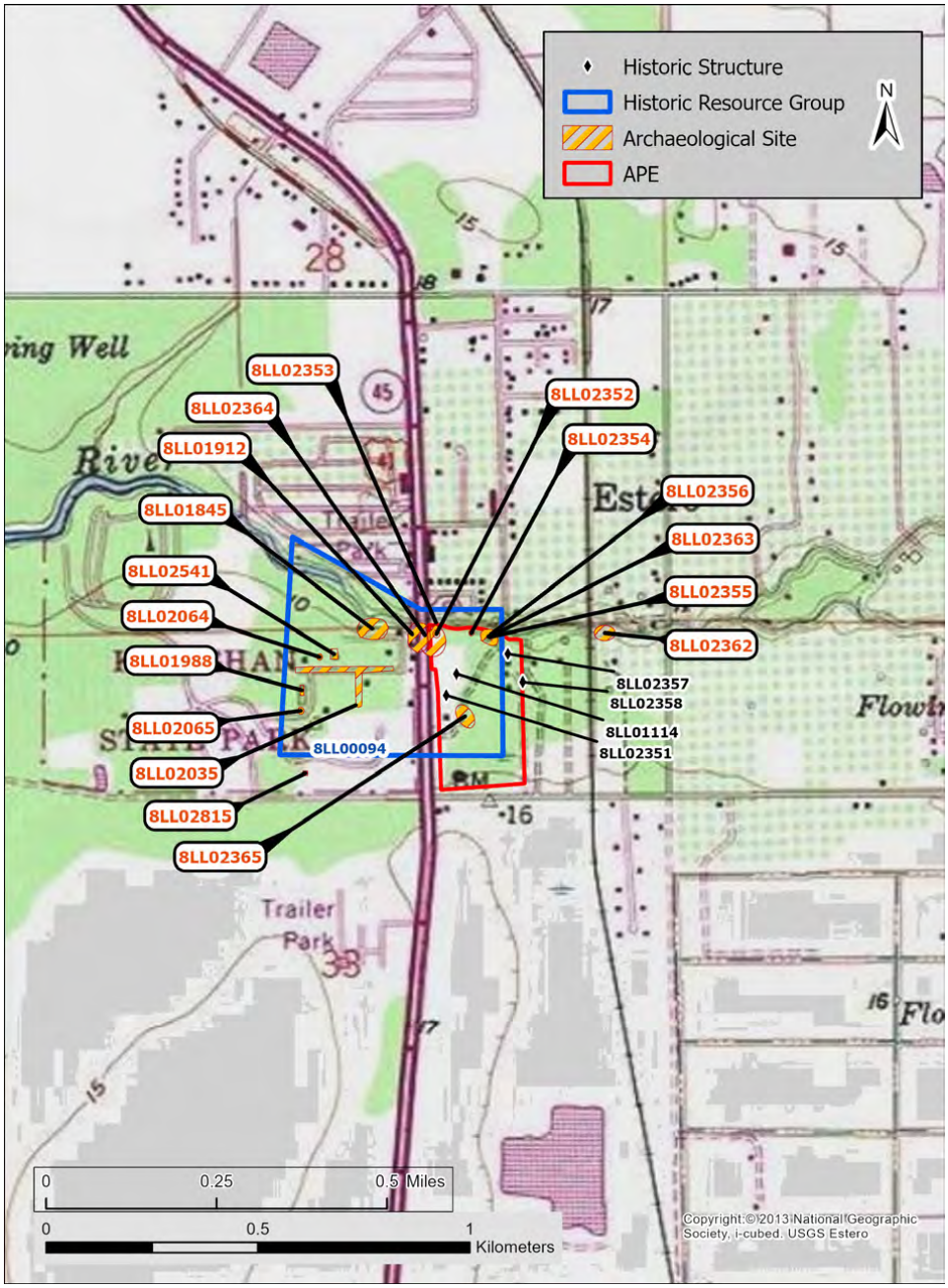


Figure 5. Previously recorded cultural resources within and in close proximity to the APE.

Historical/architectural background research including a review of the FMSF and the NRHP indicated that five historic resources were previously recorded within the APE (**Figure 5**). These include a portion of the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094), three buildings, the Anna Lewis House (8LL01114), the Holly Park House (8LL02357), and the Lockwood House (8LL02358), as well as the Rustic Tea Garden Outhouse (8LL02351). None of the buildings have been evaluated by the SHPO.

The Koreshan Unity Settlement Historic District (8LL00094) was listed in the NRHP on May 4, 1976, and the boundary east of US 41 lies within the subject property survey area. The Koreshan Unity Settlement Historic District (8LL0094) is comprised of approximately 54 acres north of Corkscrew Road, extending to the north side of the Estero River and bisected by the Tamiami Trail (US 41). The portion of the district east of US 41 is situated within the project area (**Figure 5**). The Koreshan Unity was a communal society based on the Christian beliefs while maintaining their own scientific ideology. In 1893, Dr. Cyrus Teed, founder of the Koreshan Unity Settlement, established a colony in Florida. Teed purchased 300 acres along the Estero River from Gustave Damkohler for $200, and construction of the commune began shortly after (Fryman 1975:8/1; Rea 1994:20). The location on the Estero River provided a major transportation route utilized by the Koreshans for importing and exporting goods, providing for the economy of the settlement. The settlement was called "New Jerusalem," and Teed's name in Hebrew translated to *Koresh* (Rea 1994:1). By the early 20th century, the commune reached its zenith, consisting of numerous residences and community buildings, a general store, a bakery, a publishing house, a machine shop, a sawmill, a concrete factory, boat building facilities, and other industrial buildings. Following the death of Dr. Cyrus Teed in 1908, the Koreshan movement declined. The celibate lifestyle required new members to be recruited from outside the community and without Teed to attract new members, the settlement became limited (Fryman 1975:8/2-3; Rea 1994:58-59).

By the late 1940s, a majority of the industrial facilities were demolished or destroyed by fire and the newly constructed Tamiami Trail (US 41) was built through the center of the settlement, disrupting the continuity of the commercial and residential activities of the community. By 1960, only four members of the Unity remained and Hedwig Michel, the last surviving member, donated 300 acres comprising the settlement to the State of Florida for its protection (Fryman 1975:8/3; Ohnemus 2001:11). She formed the Koreshan Unity Foundation, Inc. to oversee the Koreshan lands and the foundation continued to maintain the land east of US 41, including the ruins of the publishing house, tea house, former industrial and commercial buildings, and the Anna Lewis House (Dauray 2005; Fryman 1975:8/3). The foundation changed its name in 2001 to the College of Life Foundation, Inc. and has increased its land holdings to include adjacent properties. On July 10, 2000, the Koreshan State Historic Site/Koreshan Unity Settlement became a locally designated historic district (HD District 2000-06-01) in Lee County. The boundary for the local designation is contained within the Koreshan State Historic Site on the west side of US 41.

In 1997, ACI conducted a CRAS of *U.S. 41 from North of CR 887 to San Carlos Boulevard, Collier and Lee Counties, Florida* (Survey No. 05215). At the time of this survey, the Anna Lewis House (8LL01114) was the only previously recorded building contributing to the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094) located on the east side of US 41. During the 1997 survey, it was noted that nine additional resources were identified within the boundaries of the Koreshan Unity Settlement Historic District (8LL00094), including one architectural resource, the Rustic Tea Garden Outhouse. As a result of the 1997 survey, the SHPO concurred that the nine resources contributed to the Koreshan Unity Settlement Historic District (8LL00094) but were not individual eligible for listing on the NRHP; however, none were given FMSF numbers at that time.

In 2005, ACI conducted a CRAS of *the Estero on the River Property* (Survey No. 22678) for a private developer. That survey included the APE and areas to the east and north, only the results of the survey related to the current APE are presented here. As a result of the survey, five previously identified

resources were assigned FMSF numbers, including the Rustic Tea Garden Outhouse (8LL02351). In addition, two resources, the Holly Park House (8LL02357), and the Lockwood House (8LL02358), were newly identified and recorded, the resources appeared to be ineligible for listing on the NRHP, did not appear to be contributing resources to the historic district, and were located outside the district boundaries. The "bomb shelter" was also noted, but not recorded as it was not 50 years of age at the time. As a result of the 2005 survey a Historic Preservation plan was initiated with the Lee County Historic Preservation Board/ Board of Commissioners, which included preserving or relocating certain structures. Additional aspects of the plan were to be finalized in the future.

Subsequently in 2010, during the *Cultural Resource Assessment Survey Addendum SR 45 (US 41) from Corkscrew Road to San Carlos Boulevard Four Additional Linear Pond Sites, Lee County, Florida* it was confirmed that the Anna Lewis House (8LL01114) had been moved from the eastern property and relocated to the west side of US 41 within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010).

A review of relevant historic USGS quadrangle maps, historic aerial photographs, and the Lee County property appraiser's website data revealed the potential for one new historic resource, 50 years of age or older (constructed in 1972 or earlier), within the APE (Caldwell 2022). This includes the ca. 1957 bomb shelter associated with 8761 Corkscrew Road/Holly Park House (8LL02357). Based on the information stated above, two extant buildings, the Holly Park House (8LL02357) and the Lockwood House (8LL02358), will be updated since they have not been evaluated by the SHPO. Furthermore, because the boundary of the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094) has not been revised since 1976, it will also be updated to reflect changes to the east side of US 41.

5.0 STUDY METHODS

The FDHR's Module Three, Guidelines for Use by Historic Professionals, indicates that the first stage of archaeological field survey is a reconnaissance of the project area to "ground truth," or ascertain the validity of the predictive model (FDHR 2003). During this part of the survey, the researcher assesses whether the initial predictive model needs adjustment based on disturbance or conditions such as constructed features (i.e., parking lots, buildings, etc.), underground utilities, landscape alterations (i.e., ditches and swales, mined land, dredged and filled land, agricultural fields), or other constraints that may affect the archaeological potential. Additionally, these Guidelines indicate that non-systematic "judgmental" testing may be appropriate in urbanized environments where pavement, utilities, and constructed features make systematic testing unfeasible; in geographically restricted areas such as proposed pond sites; or within project areas that have limited high and moderate probability zones, but where a larger subsurface testing sample may be desired. While predictive models are useful in determining preliminary testing strategies in a broad context, it is understood that testing intervals may be altered due to conditions encountered by the field crew at the time of survey. A reasonable and good faith effort was made to locate the historic properties within the project APE (Advisory Council on Historic Preservation n.d.).

Archaeological field methodology consisted of additional archaeological testing to bring testing methodology up to current standards. The positive test pits excavated in 2005 (ACI 2005) were planned on being relocated and closer interval testing placed around them. However, methodology had to be downgraded due to the overgrowth of bamboo and other exotic vegetation. Shovel tests that could be excavated were placed at 50-meter (m) intervals and judgmentally. A surface reconnaissance was also conducted where the ground was clear. Shovel tests were circular and measured approximately 0.5 m in diameter by at least 1 m in depth. All soil removed from the shovel tests was screened through 6.4 millimeters (mm) mesh hardware cloth to maximize the recovery of artifacts. The locations of all shovel

tests were recorded with a Trimble Geo 7X Series GPS unit and following the recording of relevant data, such as stratigraphic profile, all shovel tests were refilled.

Historic/architectural field methodology consisted of a field survey of the APE to determine and verify the location of all buildings and other historic resources (i.e., bridges, roads, cemeteries) that are 50 years of age or older (constructed in or prior to 1972), and to establish if any such resources could be determined eligible for listing in the NRHP. The field survey focused on the assessment of existing conditions for all previously recorded historic resources located within the project APE, and the presence of unrecorded historic resources within the project area. For each property, photographs were taken, and information needed for the completion of FMSF forms was gathered. In addition to descriptions, each historic resource was reviewed to assess historic context, condition, and potential NRHP eligibility. Also, informant interviews would have been conducted, if possible, with knowledgeable persons to obtain site-specific building construction dates and/or possible associations with individuals or events significant to local or regional history.

Laboratory Methods and Curation: Artifacts, if found, would have been cleaned and sorted by artifact class and subjected to a limited technological analysis; however, no artifacts were found. All project records (including photos, field notes, and maps) will be curated at ACI in Sarasota in Project file P20116.1.

Inadvertent/Unanticipated Discovery of Cultural Remains: Occasionally, archaeological deposits, subsurface features or unmarked human remains are encountered during development, even though the project area may have previously received a thorough and professionally adequate cultural resources assessment. Such events are rare, but they do occur. If human burial sites such as Indian mounds, lost historic and aboriginal cemeteries, or other unmarked burials or associated artifacts are found, then the provisions and guidelines set forth in Chapter 872.05, *FS* (Florida's Unmarked Burial Law) are to be followed.

In the event such discoveries are made during the development process, all activities in the immediate vicinity of the discovery will be suspended, and a professional archaeologist will be contacted to evaluate the importance of the discovery. The area will be examined by the archaeologist, who, in consultation with the staff of the Florida SHPO, will determine if the discovery is significant or potentially significant. In the event the discovery is found to be not significant, the work may immediately resume. If, on the other hand, the discovery is found to be significant or potentially significant, then development activities in the immediate vicinity of the discovery will continue to be suspended until a mitigation plan, acceptable to the SHPO, is developed and implemented. Development activities may then resume within the discovery area, but only when conducted in accordance with the guidelines and conditions of the approved mitigation plan.

6.0 SURVEY RESULTS

Archaeological field survey field methodology consisted of additional archaeological testing to bring testing methodology up to current standards. The positive test pits excavated in 2005 (ACI 2005; **Figure 6**) were planned on being relocated and closer interval testing placed around them; however, the field methodology had to be altered due to the overgrowth of bamboo and other exotic vegetation. Shovel tests that could be excavated were placed at 50 m intervals and judgmentally. A total of 12 additional shovel tests were excavated (**Figure 6**). No cultural materials were recovered from the shovel tests or noted on the surface. Typical stratigraphy consisted of 0-20 centimeters (cm) of gray sand; 20-50 cm of light gray sand;

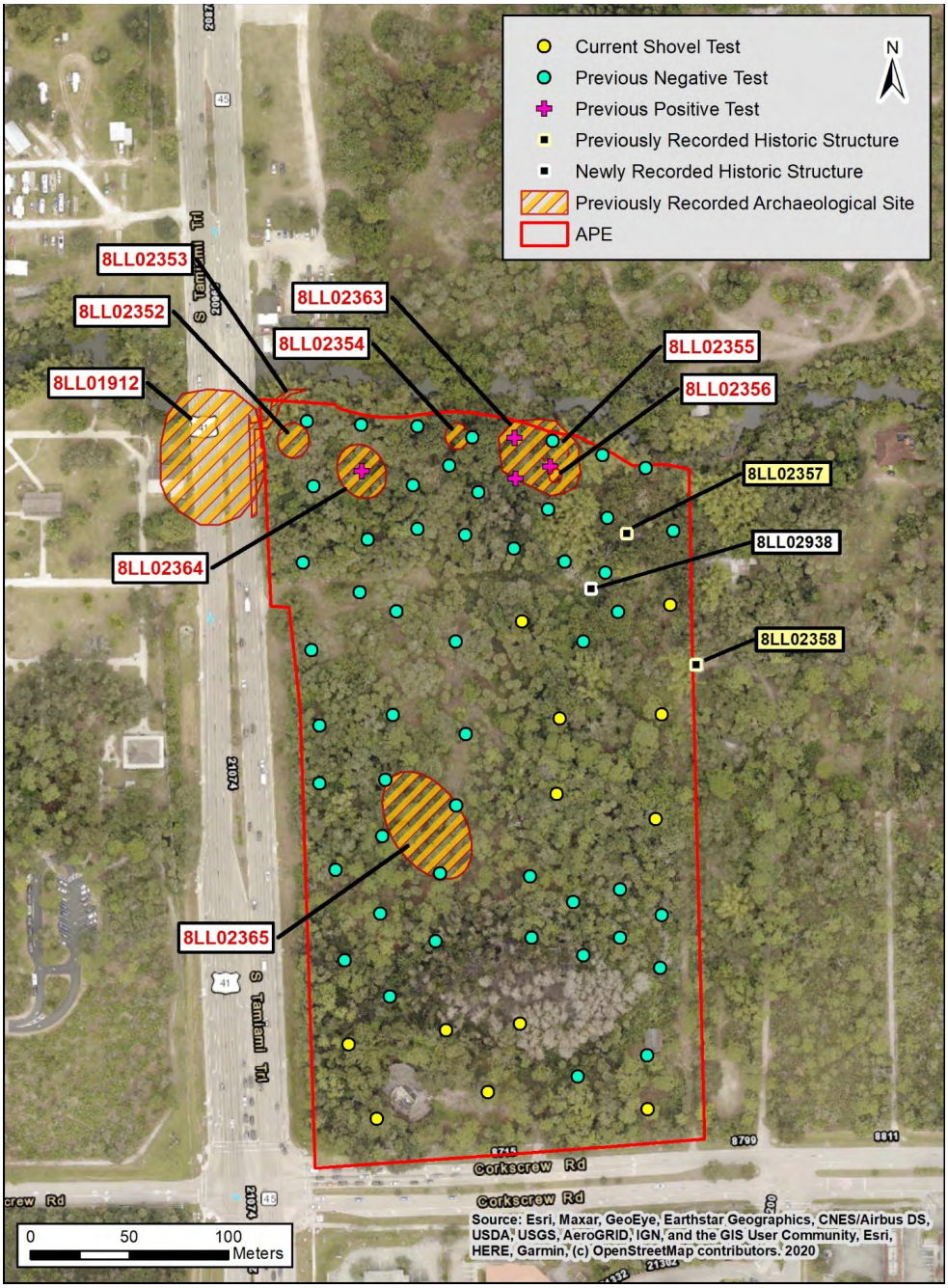


Figure 6. Approximate location of shovel tests and cultural resources within the APE.

and 50-100 cm of pale brown sand. A reasonable and good faith effort was made per the regulations laid out in 36 CFR § 800.4(b)(1) (Advisory Council on Historic Preservation n.d.) to survey all areas of the project APE.

In addition, several historic archaeological sites consisting of building remains within the APE were visited and photographed. Since their condition has only deteriorated more since the 2005 survey, none of the information on the FMSF forms has changed but photographs have been provided as per consultation with the FMSF (see **Appendix B**). Consultation with the SHPO's office (Aldridge 2021) noted that the FMSF forms did not have to be updated since the buildings/structures/sites were in a ruinous state or were not relocated, but to reference the appropriate FMSF number, include a current picture, and note that the building/structure/site is destroyed and/or in a ruinous state.

Building remains: 8LL02352, 8LL02354, 8LL02355, and 8LL02356 – Based on the 1997 survey the SHPO (Percy 1997) concurred that these remains were ineligible for listing on the NRHP, however they were contributing resources to the NRHP-listed Koreshan Unity Settlement Historic District (8LL00094). At the time the concrete foundations provided physical evidence of the size, location, scale, spatial relationship to other buildings, and existence of the structures. However, during the current survey only a few remnants of the foundations were relocated. These remnants have been heavily altered and no longer retain their original organization; therefore, evidence of size, scale, and spatial relationships is destroyed, and evidence of location and existence are vague to none. Therefore, these foundations still do not appear eligible for listing on the NRHP individually, and it appears they have lost the integrity that made them contributing resources to the historic district (**Photos 3-6**).

In addition, during this survey, ACI was again unable to relocate the well that was recorded in 1997.



Photo 3. View of 8LL02352.



Photo 4. View of 8LL02355



Photo 5. View of 8LL02354. Red arrows pointing to remaining foundation piers.



Photo 6. View of 8LL02356

Limerock Retaining Wall: The Limerock Retaining Wall (8LL02353) was constructed ca. 1904 as a retaining wall around the Guiding Star Publishing House (8LL2352) within the Koreshan Unity Settlement. The Guiding Star Publishing House was destroyed by fire in 1949 and the foundation remnants are now in deteriorated condition (**Photo 3**). The majority of the wall is covered by extensive vegetation, especially the root system of some of the larger plants, is intertwined with the Limerock Retaining Wall (**Photo 7**). A lack of maintenance has resulted in a ruinous condition. Furthermore, in 2013, US 41 and the US 41 bridge were widened, a large portion of the wall was destroyed, and US 41 and the bridge are now encroaching on the remaining portion of the wall (**Photo 7**). Due to the previous destruction and further deterioration of the wall and surrounding area, the limerock wall no longer retains historic integrity. While the wall remains in the same location, the physical evidence of the size, setting, and spatial relationship to other building foundations has been lost. As such, the wall no longer appears to be a contributing element to the Koreshan Unity Settlement Historic District (8LL00094). In addition, HABS documentation of the entire limerock wall was undertake in 2004 as a mitigation measure (**Appendix A**; FMSF).



Photo 7. Current condition of the of the Limerock Retaining Wall (8LL02353), looking south. Note position of the wall in relation to the US 41 bridge widening.

Historic/Prehistoric refuse: 8LL02363, 8LL02364, 8LL02365, and 8LL01912- During the 2005 survey it was suggested that 8LL02363-65 sites did not appear eligible for listing on the NRHP individually, nor were they considered contributing to the NRHP listed Koreshan Unity Settlement Historic District (8LL00094). At the time the sites provided very little new information about the Koreshan occupation of the area, and the recovered artifacts were sparse and mundane. No evidence of these sites was observed on the surface during this survey, and most were inaccessible due to extensive vegetative overgrowth. No evidence of the adjacent 8LL01912 was found to extend into the APE and review of the FSMF form suggests that this resource is actually located within the Koreshan State Park boundaries, not in the location recorded on the FMSF GIS database. Thus, the archaeological FMSF forms were not updated since no new information was learned, no additional artifacts were found, and no additional testing could be conducted where the sites were located. For information about the original survey and findings for these sites please refer to ACI 2005; Survey No. 22678 and the FMSF forms.

Therefore, none of the previously recorded archaeological resources appear individually eligible for listing on the NRHP, nor do they appear to contribute to the NRHP-listed Historic District. Thus, alteration of the boundaries of the NRHP-listed Historic District as suggested below will have no adverse effect on these resources, nor will future development of the APE. HABS documentation of the Limerock Wall (8LL01912) has already occurred as a mitigation measure for roadway work, however due to its interest and relation to the Koreshan Community it is recommended that the remaining portion of the wall within the APE be avoided, if possible.

Historical/Architectural Results: Background research revealed that five historic resources were previously recorded within the APE. These include a portion of the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094), three buildings, the Anna Lewis House (8LL01114), the Holly Park House (8LL02357), and the Lockwood House (8LL02358), as well as the Rustic Tea Garden Outhouse (8LL02351). None of the resources have been evaluated by the SHPO. As a result of the historical/architectural field survey, one historic resource (8LL02938) was newly identified, recorded, and evaluated, and two previously recorded historic resources were identified and re-evaluated (8LL02357 and 8LL02358) (**Figure 6**). These include the ca. 1949 Ranch style Holly Park House (8LL02357) and ca. 1950 Ranch style Lockwood House (8LL02358), as well as a Masonry Vernacular style bomb shelter building (8LL02938) constructed in ca. 1957. Overall, the updated and newly identified buildings have been altered, lack sufficient architectural features, and have become highly deteriorated over the years. In addition, the resources are not significant embodiments of a type, period, or method of construction and do not have any historic associations with significant persons and/or events – including the Koreshan Unity Settlement. As such, these three resources do not appear eligible for listing in the NRHP, either individually or as part of a historic district.

In addition, the Anna Lewis House (8LL01114) has been moved from the property and relocated to the west side of US 41 within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010). Furthermore, the Rustic Tea Garden Outhouse (8LL02351) was confirmed as demolished. Both of these buildings were considered contributing resources to the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094). Due to alterations made to the landscape, the loss of formerly extant resources, and the present physical condition within the historic district on the east side of US 41, the land within the APE does not retain historic integrity and no longer appears eligible for listing in the NRHP. As such, the boundaries of the Koreshan Unity Settlement Historic District (8LL00094) were updated to reflect these changes since being listed in the NRHP in 1976 (**Figure 7**).

Below are descriptions and photographs of the newly identified and updated resources within the APE. A copy of the FMSF forms for the updated previously recorded and newly identified historic resources are provided in **Appendix C**. In addition, a letter was prepared for the demolished building and is contained in **Appendix D**.



Figure 7. Updated NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094) boundary.

8LL00094: The Koreshan Unity Settlement Historic District was listed in the NRHP on May 4, 1976. The nominated historic district was comprised of approximately 54 acres spanning from west of US 41/Tamiami Trail to the east side of US 41/Tamiami Trail. Eight historic resources were documented on the east side of US 41 within the NRHP-listed boundary; however, seven of the eight were recorded as "no longer standing" and in ruinous condition. The only extant resource at this time was the Anna Lewis House (8LL01114), also referred to as "El Retiro" and "Member House." During the *Cultural Resource Assessment Survey Addendum SR 45 (US 41) from Corkscrew Road to San Carlos Boulevard Four Additional Linear Pond Sites, Lee County, Florida* it was confirmed that the Anna Lewis House (8LL01114) had been moved from this location and relocated within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010). Due to alterations made to the landscape, the loss of formerly extant resources, and the present physical condition within the historic district on the east side of US 41, the land within the APE does not retain historic integrity and no longer appears eligible for listing in the NRHP. As such, the boundaries of the Koreshan Unity Settlement Historic District (8LL00094) were updated to reflect these changes since being listed in the NRHP in 1976. The boundary has been revised to include only that land which is located to the west of US 41/Tamiami Trail and excludes land that no longer contains historic resources contributing to the district (**Figure 7**). This update also reflects the boundary of the locally designated historic district. The field survey for this CRAS update was limited to the east side of US 41/Tamiami Trail and as such, additional boundary corrections are outside of the scope of this project.



Photo 8. Holly Park House (8LL02357), looking north.

8LL02357: The Holly Park House is a Ranch style building located at 8761 Corkscrew Road that was constructed in ca. 1949 (**Photo 8**). The irregular plan, one-story building rests on a on a pier foundation made of various materials including tapered pre-cast concrete and concrete blocks. The building has a wood frame structural system clad with vertical wood siding. The hip roof is clad in asphalt shingles. The building features a brick chimney on the north interior slope. The main entrance is located on the south elevation through a single door which has been boarded over. All visible windows have been boarded over with plywood. Distinguishing architectural features include wood windowsills, decorative wrought iron supports, a brick chimney, tapered pier foundation, and exposed rafters. Alterations include replacement roofing materials, boarded up windows, and new siding. Additions consist of a ca. 1969 carport located on

the northeast side of the building. The open carport has a hip roof with decorative wrought iron supports. Ancillary structures include a non-historic shed to the south of the residence, a ca. 1965 concrete bomb shelter (8LL02938) to the southwest, and a ca. 1950 residence (8LL02358) to the south. The Ranch style is common throughout Lee County, and this former residence has undergone extensive alterations which have diminished its historic integrity. In addition, background research did not reveal any historic associations with significant persons and/or events. As a result, 8LL02357 does not appear eligible for listing in the NRHP, either individually or as part of a historic district.



Photo 9. Lockwood House (8LL02358), looking north.

8LL02358: The Ranch style building located at 8751 Corkscrew Road was constructed in ca. 1950 (**Photo 9**). Commonly referred to as the Lockwood House, the former residence sits vacant on the parcel. The one-story, rectangular plan building rests on a tapered pre-cast concrete pier foundation and has a wood frame structural system. The central portion of the building is partially clad in original wood shingles; however, a majority of the exterior fabric was replaced with vertical wood plank ca. 1970. The side gable roof is clad in sheet metal and asphalt shingles. The main entrance is located on the south elevation through a single, open wood door frame. Visible windows include a six-light fixed unit and a partially dismantled three-stacked aluminum awning unit. Most of the original frames remain, but the windows themselves are gone. Distinguishing architectural features include boxed eave, wood window and door frames, and tapered pre-cast concrete piers. In ca. 1970, a wood frame garage was constructed on the east side of the building. Other alterations include replacement roofing materials, doors, and siding. A bomb shelter (8LL02938) and residence (8LL02357) are located to the north of the building. This Ranch style building represents a common architectural style found throughout Lee County and non-historic additions and alterations have compromised its historic integrity. In addition, background research did not reveal any historic associations with significant persons and/or events. As a result, 8LL02358 does not appear eligible for listing in the NRHP, either individually or as part of a historic district.



Photo 10. Holly Park Bomb Shelter (8LL02938), looking northeast.

8LL02938: The Masonry Vernacular style building located at 8761 Corkscrew Road was constructed in ca. 1957 (**Photo 10**). The building is an ancillary building to the Holly Park House (8LL02357) and is constructed of poured concrete dating from ca. 1957 (Dauray 2006). The building is rectangular and has a flat roof. The main entrance is located from the north end of the east elevation through an obscured door, which has been altered so that it can only be opened from the exterior. The southwest corner contains a concrete block clerestory (ca. 1965) with three windows, on the north, east and south walls (all of which have been boarded over with plywood), and a flat concrete roof. This is the buildings single distinguishing feature. The Lockwood House (8LL02358) is located to the south of the building.

The building was first identified, but not recorded, during *A Cultural Resources Assessment Survey of Estero on the River, Lee County, Florida* conducted by ACI in 2005 (Survey No. 22678). While the building is no longer accessible due to dense bamboo overgrowth surrounding the building, the 2005 survey provided some detail of the interior layout. The main entrance leads to hallway and from the hall, there is a double door into the main interior space of the building, a large open area with a small bathroom along the north wall, complete with toilet and shower. Also, during the original survey, interviews revealed two theories for the date of construction and function of this resource. Charles Dauray – President and CEO of the College of Life foundation – stated that the building was constructed in ca. 1957 by Holly Park as a Cold War era bomb shelter and was later converted into a shed with laundry facilities in the 1960s (ACI 2005). A secondary theory suggested by Georgia Nelson, Vice-President of the Estero Historical Society at the time, was that the building may have been constructed by the Koreshans during the 1920s. However, an assessment of the building materials revealed that the concrete contained a granular aggregate mixture consistent with that of mid- to late-twentieth century construction materials as opposed to the earlier shell aggregate, such as that found in the ca. 1910 Sunlit House (8LL02389) (ACI 2005).

Although the original purpose of the building cannot be fully confirmed, the bomb shelter theory is plausible. During the 1950s and 1960s, the construction of family bomb shelters or fallout shelters was promoted as fears grew of a nuclear attack during the Cold War. The Eisenhower and Kennedy administrations educated the public on the construction of home bunkers and the creation of public fallout shelters spread during this period (Ptacin 2020). Like most “Duck and Cover” Cold War-era procedures,

the bomb shelters would have provided little protection in the event of nuclear attack and in actuality provided the nation with an illusion of safety and preparedness. By 1965, it is estimated that approximately 200,000 home shelters had been constructed by civilians (Magnuson 2020).

Overall, the building is in a deteriorated state and has been altered over the years. The resource lacks sufficient architectural features and is not a significant embodiment of a type, period, or method of construction. In addition, background research did not reveal any historic associations with significant persons and/or events, nor could the original purpose of the building be fully confirmed. As a result, 8LL02938 does not appear eligible for listing in the NRHP, either individually or as part of a historic district.

7.0 CONCLUSIONS

As a result of the archaeological investigations, no new archaeological sites were discovered. Also, no evidence was observed on the surface for historic refuse sites, 8LL02365 and 8LL02363, and the historic refuse site with a prehistoric component, 8LL02364; also, no evidence of the adjacent 8LL01912 was found to extend into the APE. Thus, the archaeological FMSF forms were not updated. In addition, no FMSF forms were updated for the building/structure remnants (8LL02352, 8LL02353, 8LL02354, 8LL02355, and 8LL02356) but photographs of the resources or the area where the building/structure were once located, was documented (see **Appendix B**). While most of the building remains were previously considered contributing resources, it appears they all have lost their integrity and are no longer contributing. Mitigation measures have already been undertaken on the Limerock Wall (8LL02353) under Section 106.

Historical/architectural background research revealed that five historic resources were previously recorded within the APE. These include a portion of the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094), three buildings, the Anna Lewis House (8LL01114), the Holly Park House (8LL02357), and the Lockwood House (8LL02358), as well as the Rustic Tea Garden Outhouse (8LL02351). As a result of the historical/architectural field survey, one historic resource (8LL02938) was newly identified, recorded, and evaluated, and two previously recorded historic resources were identified and re-evaluated (8LL02357 and 8LL02358). These include the ca. 1949 Ranch style Holly Park House (8LL02357) and ca. 1950 Ranch style Lockwood House (8LL02358), as well as a Masonry Vernacular style bomb shelter building (8LL02938) constructed in ca. 1957. Overall, the updated and newly identified buildings have been altered, lack sufficient architectural features, and have become highly deteriorated over the years. In addition, the resources are not significant embodiments of a type, period, or method of construction and do not have any historic associations with significant persons and/or events – including the Koreshan Unity Settlement. As such, these three resources do not appear eligible for listing in the NRHP, either individually or as part of a historic district.

In addition, the Anna Lewis House (8LL01114) has been moved from the property and relocated to the west side of US 41 within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010). Furthermore, the Rustic Tea Garden Outhouse (8LL02351) was confirmed as demolished. Both of these buildings were considered contributing resources to the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094).

The boundaries of the Koreshan Unity Settlement Historic District (8LL00094) were updated to reflect these changes since being listed in the NRHP in 1976. The boundary has been revised to include only that land which is located to the west of US 41/Tamiami Trail and excludes land that no longer contains historic or archaeological resources contributing to the district. Due to alterations made to the landscape, the movement or loss of formerly extant resources, and the present overgrown, highly altered, physical condition within the historic district on the east side of US 41, the land within the APE does not retain

historic integrity and no longer appears eligible for listing in the NRHP. The field survey for this CRAS update was limited to the east side of US 41/Tamiami Trail and as such, additional boundary corrections are outside of the scope of this project. **Table 2** summarizes the opinions for all resource recorded within or immediately adjacent to the APE.

Table 2. Historical and Archaeological resources within the APE previous and current recommended NRHP evaluation/Contributing status.

FMSF No.	Site Name	Style/Site Type	Past Surveyor Opinion	Past SHPO Evaluation	Current Conditions	Current Survey Opinion
8LL01114	Anna Lewis House	Frame Vernacular	Ineligible; Contributing	Ineligible; Contributing	Moved	N/A
8LL02938	Holly Park Bomb Shelter	Masonry Vernacular	N/A	N/A	Deteriorating	Ineligible; Not contributing
8LL02357	Holly Park House	Ranch	Ineligible; Not contributing	Not evaluated	Ruinous	Ineligible; Not contributing
8LL02358	Lockwood House	Ranch	Ineligible; Not contributing	Not evaluated	Ruinous	Ineligible; Not contributing
8LL02351	Rustic Tea Garden Outhouse	Frame Vernacular	Ineligible; Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02363	Boatworks / Plumbing Shop/ Apiary Scatter	Historic Refuse	Ineligible; Not contributing	Not evaluated	Destroyed	Ineligible; Not contributing
8LL02365	College of Life Scatter	Historic Refuse	Ineligible; Not contributing	Not evaluated	Destroyed	Ineligible; Not contributing
8LL02364	Publishing House Scatter	Artifact Scatter, Historic Refuse	Ineligible; Not contributing	Not evaluated	Destroyed	Ineligible; Not contributing
8LL02356	Apiary Foundations	Building Remains	Ineligible: Contributing	Not evaluated	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02355	Boatworks #2 and Plumbing & Blacksmith Shop Foundations	Building Remains	Ineligible: Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02352	Guiding Star Publishing House Foundations	Building Remains	Ineligible: Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02353	Limerock Retaining Wall	Building Remains	Ineligible: Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02354	Machine and Woodworking Building Foundations	Building Remains	Ineligible: Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL01912	Estero Riverbank – Trash Scatters	Artifact Scatter, Historic Refuse	Ineligible, Not contributing	Not evaluated	Not located within APE	N/A

Given the results of background research and field survey, no archaeological sites or historic resources that are listed, eligible for listing, or that appear potentially eligible for listing in the NRHP were located within the APE. As such, it is the professional opinion of ACI that the proposed undertaking will result in no historic properties affected. Due to the recommended boundary change to the NRHP-listed Koreshan Unity Settlement Historic District (8LL00094) further consultation may be required with the SHPO.

Additional opinions based on the previous Historic Preservation Plan request: In 2005 the APE was within Lee County jurisdiction when the request for an Historic Preservation Plan was made, the buildings designated for movement (Estero Creek School, Collier Residence, and Smith/Alvarez residence) were not within the current APE. The remainder of the Plan was to be determined. However, the APE is now under the jurisdiction of the Village of Estero and is outside of the Lee County-designated Koreshan State Historic Site. The APE does fall within the Village-recognized "Old Estero". Therefore, if the SHPO concurs with the above recommendations regarding eligibility and boundaries, there are no NRHP-eligible or contributing resources remaining, nor are there any local- or county-designated resources within the APE, thus the County-requested Historic Preservation Plan no longer appears necessary. However, the Village of Estero may want to consider preservation planning of their own, in accordance with Village of Estero Future Land Use Policy FLU-1.6.2 through 1.6.4 with regard to the small portion of the Limerock wall remaining within the APE.

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Appendix A
Lee County Resolution; SHPO correspondence; HABS documentation

RESOLUTION NUMBER Z-07-021

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Land Development Group, LLC, filed an application on behalf of the property owners, Village Partners, LLC, and College of Life Foundation, Inc., to rezone a 85.07±-acre parcel from Agricultural (AG-2) and Marine Commercial District (CM) to Mixed Use Development (MPD), and to utilize the Cash Contribution Option (Option 2) of the Bonus Density Program to increase the permissible density of the property above the Lee Plan standard density range for a project known as Estero on the River; and,

WHEREAS, a public hearing was advertised and held on April 4, 2007, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt. Written submissions were requested by the Hearing Examiner at the close of hearing with a due date of April 13, 2007. This date was later extended to April 20, 2007. The Hearing Examiner gave full consideration to the evidence in the record for Case Nos. DCI2005-00041 (Rezoning) and REZ2006-00018 (Bonus Density Application); and,

WHEREAS, a second public hearing was advertised and held on June 4, 2007, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record, and the testimony of all interested persons in accordance with the procedures set forth in §34-83(b) of the Land Development Code. In addition, the Board considered the proposed bonus density contract based on the criteria set forth in LDC §34-1519.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to:

1. Rezone a 85.07±-acre parcel from AG-2 and CM to MPD to allow 530 residential units and 300,000 square feet of commercial space, with a maximum height of 60 feet (habitable stories). No blasting activity is proposed.

2. Participate in the Lee County Housing Bonus Density Program. The applicant is seeking to utilize the "Cash Contribution Bonus Density Option 2" pursuant to Lee County Land Development Code (LDC), Section 34-1519, to develop 181 bonus density dwelling units, with a proposed project total of 530 dwelling units on 85.07± acres for an approximate total of 7.84 dwelling units per acre.

The property is located in the Urban Community and Outlying Suburban Future Land Use Categories and is legally described in attached Exhibit A.

The request to rezone the property to MPD is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below. The request to participate in the Lee County Housing Bonus Density program, LDC Section 34-1519, by utilizing the "Cash Contribution Density Bonus (Option 2)" to develop 181 Bonus Density dwelling units is APPROVED, SUBJECT TO the conditions and deviations in Sections B and C below **and the terms of the Bonus Density Contract attached as Exhibit E.**

SECTION B. CONDITIONS:

All references to uses are defined or listed in the Lee County LDC.

1. Development must be consistent with the two-page Master Concept Plan (MCP) entitled "Estero on the River Master Concept Plan" prepared by Wilson Miller", date stamped "Received June 7, 2007 by Community Development", attached hereto as Exhibit C-1, and the one-page Parcel Summary attached hereto as Exhibit C-2, except as modified by the conditions below.

2. The following limits apply to the project and uses:

   a. Schedule of Uses

   Residential 1 (R-1)
   Accessory Uses and Structures
   Administrative Offices
   Agricultural uses, continuation of bona fide use only
   Dwelling Units
   Single Family Residence
   Entrance Gates and Gatehouses
   Essential Services
   Essential Service Facilities, Group I
   Excavation, Water Retention
   Fences and Walls
   Home Occupation (subject to standards in Lee County Land Development Code Section 34-1772)
   Model Homes, Model Units and Model Display Center, including accessory parking lots
   Real Estate Sales and Rental Office - limited to sales of lots, homes or units within Estero on the River
   Recreation Facilities, Personal and private On-Site and Off-Site
   Residential accessory uses, including but not limited to:
   Private garages, carports and parking areas
   Private swimming pools and enclosures
   Clubhouse including but not limited to Food and Beverage Service, Locker Rooms, Health Club and Spa
   Signs
   Temporary uses- limited to a sales center and construction office(s)

Residential 2 (R-2)
All uses permitted in the R-1 tracts plus:
Townhouse, Two-Family Attached and Multiple-Family Buildings
Parking Lot: accessory

Civic Use (CU)
All uses permitted in the R-2 tracts plus:
ATM
Cultural Facilities
EMS, Fire or Sheriff's station
Government agencies, office only, Library
Museums
Parking Lot
Post Office
Studios
Temporary Uses including but not limited to art and craft fairs, concerts "Taste of the Town", farmers' market, antique fairs and the like.
Theater, Indoor (550 seats + 150-seat Learning Theater)

Mixed Use (MU)
All uses permitted in the R-2 tracts plus:
Accessory Apartment
Accessory Commercial Uses
Animal Clinic - outside kennels are prohibited
ATM
Bait and Tackle Shop
Banks and Financial Institutions, Groups I & II
Bar or cocktail Lounge, in conjunction with a class III & IV
Bed and Breakfast
Boat Rentals and Sales, limited to canoes and kayaks
Business Services, Group II
Caretaker's Residence
Consumption on Premises, in conjunction with Class III & IV restaurant or Liquor Store (wine tasting events)
Convenience food and beverage store
Cultural Facilities
Cleaning and Maintenance Services, no warehouse
Clothing Stores
Clubs, Commercial, Fraternal & Private
Day Care Center, child or adult
Department Store, limited to 50,000 square feet
Drive thru Facility for any permitted use, limited to 4
Drugstore, Pharmacy
Food Stores, Group I
Garage, Public
Gift and Souvenir Shop
Grocery Store
Hardware Store, limited to 40,000 square feet

Healthcare Facilities, Groups I, II, III, and IV (limited to 100 beds)
Hobby, Toy and Game Shops
Hotel/Motel, limited to 100 rooms and 3 stories
Insurance Companies
Medical Office
Outdoor Seating for permitted uses
Parcel and Express Services (no warehouse)
Package Store
Paint, Glass and Wallpaper (no warehouse)
Parking Lot
Personal Services, Groups I and II
Pet Services, no outdoor run
Pet Shop, no outdoor run
Rental and Leasing Facilities, Groups I & II, no outdoor storage, display or sales
Repair Shops, Groups I and II, no outdoor storage, display or sales
Restaurant, Fast food, limited to 8
Restaurants, Groups I - III
Retail and Wholesale sales, when clearly incidental and subordinate to a permitted principal uses on the same premises
Specialty Retail, Groups I and II
Storage, Indoor Only
Studios
Theater, Indoor (550 seats and 150-seat Learning Theater)
Variety Store, limited to 20,000 square feet

Preserve/Indigenous (P and I)
Interpretive centers and Signage, rain shelters, gazebos
Nature and foot trails including boardwalks, benches and jogging paths
Paths, boardwalks and bridges
Water Management Facilities
Wildlife Management
Mitigation and Restoration Activities

College of Life Foundation
Civic/Cultural Facilities
Single-family residential units
Multi-Family residential units
Administrative Offices
Accessory Apartment 1

NOTE: Agricultural uses are not a permitted use within this planned development.

b. Site Development Regulations

See the Parcel Summary attached as Exhibit C-2 and the property development regulations below.

PROPERTY DEVELOPMENT REGULATIONS

	MINIMUM LOT DIMENSIONS			MINIMUM STRUCTURAL SETBACKS						
	Area	Depth	Width	Side	Rear	Front Road	Water-body	(Max) Height *See Note #7 below	(Max) Number of Hab. Floors	Distance between principal structure
Single-Family (detached)	6,500 sf	100	60	10	25	25	20	35	2	20
Two-Family Attached	7,500 sf	100	75	7.5	25	0	20	35	2	15
Townhouse	1,000 sf	50	20	15	N/A	15	20	45	3	15
Multi-family	10,000 sf	N/A	N/A	.5 BH *See Note#6 Below	20	20	0 or 20' *See Note #5 Below	60	3	25
RECREATION AREA	2,500 sf	25	25	10	10	20	0 or 20' *See Note #5 Below	45	3	15
Commercial	10,000 sf	100	100	5	10	0	0 or 20' *See Note #5 Below	60	4	15

Notes:
1) Pie-shaped lots shall have no minimum lot width but will meet lot area requirements.
2) Accessory structure setbacks are to be same as principal structure except for rear setbacks, which are 50 percent of the principal structure setback.
3) All dimensions are in feet unless otherwise noted.
4) Minimum structural setbacks are as measured to an adjacent right-of-way or parcel line.
*5) Setback from Lake may be zero feet providing architectural bank treatment is incorporated into design.
*6) BH: Building Heights= Combined height of two adjacent buildings for the purpose of determining setback requirements. Any building in Parcel 1-A that is within 100-feet of any boundary adjacent to existing single family residential will have a 35-foot maximum height restriction. Any building in Parcel 4-A that is within 150 feet of any boundary adjacent to existing single family residential will have a 35-foot maximum height restriction.
***7) See Parcel Summary attached as Exhibit C-2 regarding height limitations adjacent to US 41, Estero River, Sandy Lane, Corkscrew Road and existing residential structures outside project boundaries.**

3. Design Elements. Development must comply with the Design Elements submitted by the applicant and found in Exhibit D.

4. Drainage.

a. The developer will not place an encroachment within the flood way as defined by the FEMA flood maps approved at the time of development order issuance.

b. At the time of the first development order application, the developer will submit a drainage analysis that demonstrates that the site development plan causes no adverse impact on adjacent upstream and downstream properties in terms of drainage capacity/conveyance, storm water discharge, and flood. The drainage analysis will include, but not limited to:

i. a drainage map for all contributory areas within and into the development, showing flow paths/arrows, existing on site and offsite drainage structures (sizes and inverts), and sub basin areas; and,

ii. hydrologic and hydraulic calculations for the 5, 10, 25, and 100-year storm events in order to establish existing baseline conditions.

c. The Developer, or its assigns, will dedicate a drainage/maintenance easement to Lee County for the purpose of Estero River maintenance. The easement will give the right, but not the obligation, to Lee County to access the property and provide maintenance of the drainage within the Estero River. The developer, or its assigns, will maintain the easement area free of debris at all times and provide perpetual monthly maintenance/mowing. The easement location and design will be jointly reviewed and approved prior to Development Order approval and recording by the County Attorney's Office, Parks and Recreation Department, the Division of Environmental Sciences, and the Division of Natural Resources.

5. Flood Regulations.

Development must be consistent with the local, State, and Federal regulations for development within any flood ways, flood plains, or properties designated that will be affected by a tropical storm event.

6. Green ways.

The developer will participate in a joint effort with Lee County Parks and Recreation Department to accommodate a "Green ways" area along the Estero River subject to obtaining all necessary permits. The "Green ways" must be approved by Lee County Parks and Recreation as part of the development order for this project. The Developer and Lee County Parks and Recreation Department have agreed that this effort will be jointly funded.

7. Open Space.

Prior to local development order approval, the landscape plan must include an open space diagram delineating the 30 acres of open space committed to on the Open Space Calculations table. Buildings within the "MU" and "CU" parcels must contain commercial

or community facility ground floor uses. Single-family lots within Parcel 5 must be a minimum 6,500 square feet with a maximum 45 percent lot coverage.

8. Landscape.

Prior to local development order approval, the landscape plan must delineate a minimum of 14 acres of indigenous plant community and native tree preservation, including areas to be restored per the Estero on the River Restoration Plan. Parcel 3 must include 3.69 acres of indigenous preservation of oak and pine scrub. All preservation areas being used to meet the 14-acre requirement must be located outside of existing or future easements. The roadway proposed within Parcel 2 that bisects the existing indigenous plant communities must be designed to provide wildlife underpass with a minimum three-foot height and six-foot width using either a box culvert, conspan, or bridge.

9. Buffer.

Prior to local development order approval, the landscape plans must delineate a minimum 50-foot wide natural waterway buffer measured from the top of bank of the Estero River. The proposed Greenway may be located within the 50-foot wide buffer area. No additional boardwalks or pathways are allowed within 25 feet of the top of bank except as delineated in Condition 10 below. The design of the proposed greenway and the extent of activity to take place within the 50-foot wide buffer will be determined at the time of local development order and approved by the Division of Natural Resources, Division of Environmental Sciences, and the Parks and Recreation Department. Any walkway will be field inspected by the Division of Environmental Sciences' staff and adjustments may be made where necessary to preserve existing trees.

10. Shoreline Structures:

Shoreline structures along the Estero River are limited to a maximum of:

a. Two free-span bridges over the Estero River for pedestrian traffic field located to avoid impacting existing native trees; and,

b. one dock/canoe launch; and,

c. the existing covered boat house and dock in the northeast corner of Parcel 2; and,

d. the existing concrete bulkhead and dock in the northwest portion of Parcel 4; and,

e. the proposed vehicular and pedestrian bridge crossing connecting Parcels 1 and 2 to allow vehicular/pedestrian traffic. The existing structures may be restored or replaced with structures meeting the current LDC regulations provided the structure is not expanded. The shoreline structures may include river overlook areas.

11. Gopher Tortoise Management Plan.

Prior to local development order approval, the developer must submit a Gopher Tortoise Management Plan including details of the type of gopher tortoise permit secured from the

Florida Fish and Wildlife Conservation Commission for review and approval by the Division of Environmental Sciences' staff.

12. Lake Maintenance Easement.

Prior to local development order approval, any lake that is designed to utilize Deviation 5, 6, or 8 must provide a minimum 20-foot wide lake maintenance easement from the lake control elevation to an adjacent common parking lot or roadway to provide access to the lake for long term maintenance. Additionally, the use of Deviation 5, 6, or 8 is limited to a total maximum of 20 percent of the linear footage of an individual lake and compensatory littoral shelf must be provided as detailed in LDC §10-418.

13. Boat Docks.

Boat docks approved in this application are strictly limited to canoes, kayaks, and paddle boats. The developer may not permit motorized vessels, except those that are electric or battery powered, to utilize any boat docking facility located within the project boundaries. Combustion engines are prohibited.

14. Traffic Impacts.

a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval.

b. The developer may obtain the necessary development orders for site preparation, which include, but are not limited to, site infrastructure and fill when the project meets Lee County concurrency requirements (all conditions required by the Lee County Comprehensive Plan (Lee Plan) and the LDC). However, the developer may not obtain building permits for vertical development until notification of the commencement of the U.S. 41 six-lane improvements. This condition will not be construed to prevent the developer from availing itself of the provision of Lee County Ordinance 06-20, as amended (Fair Share Ordinance). Restoration or relocation of historic resources located within the project boundaries will be deemed to be "site preparation work" for purposes of this condition and may be approved by Lee County at any time.

15. Historic Preservation.

The developer must submit an Historic Preservation Plan for the entire project to be approved by the Lee County Historic Preservation Board prior to the first local development order. The Estero Creek School and Collier Residence are scheduled for relocation pursuant to prior agreements and are not required to be included in the Historic Preservation Plan. The Smith/Alvarez residence may be relocated subject to Historical Designation at the new location. No development activity or demolition permits can be approved prior to the approval of the Historic Preservation Plan described above.

16. Local Development Order Approval.

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix, and general function, and all other Lee County Lee Plan provisions.

17. Sandy Lane Realignment. In the event that Sandy Lane is realigned, the realignment and any resulting changes in the open space assigned to the Sandy Lane alignment within the project may be approved through an administrative amendment of the approved planned development.

INCIDENT TO PARTICIPATION IN THE HOUSING BONUS DENSITY PROGRAM:

18. Eligibility for Bonus Density.

Bonus density is approved on this property in accordance with the terms and conditions of the Bonus Density Contract attached as Exhibit E. Bonus units will be distributed throughout the site in accordance with the Parcel Summary attached as Exhibit C-2. In accordance with the terms of the Bonus Density Contract, the developer will provide ten percent of the total project units approved under local development order(s) to qualified moderate income eligible families for initial sales. Moderate income means a person or household whose annual (gross) income does not exceed 120 percent of the area's median income as determined by HUD on a year-to-year basis.

19. Landscape Plan. Prior to local development order approval, the landscape plan must delineate a minimum of 14 acres of indigenous plant community and native tree preservation including areas to be restored in accordance with the Estero on the River Restoration Plan. Parcel 3 must include 3.69 acres of indigenous preservation of oak and pine scrub. All preservation areas used to meet the 14-acre requirement must be located outside of existing or future easements. The roadway proposed within Parcel 2 that bisects the existing indigenous plant communities must be designed to provide wildlife underpass with a minimum three feet in height and six feet in width using either a box culvert, conspan, or bridge.

20. Development Order. The developer may obtain the necessary development orders for site preparation, which include, but are not limited to, site infrastructure and fill, when the project meets Lee County concurrency requirements (all conditions required by the Lee County Lee Plan and the LDC). However, the developer may not obtain building permits for vertical development until notification of the commencement of the U.S. 41 six-lane improvements. This condition will not be construed to prevent the developer from availing itself of the provision of Lee County Ordinance 06-20, as amended (Fair Share Ordinance). Restoration or relocation of historic resources located within the project boundaries will be deemed "site preparation work" for purposes of this condition and may be approved by Lee County at any time.

SECTION C: DEVIATIONS

1. Planted Buffers within Easements. Deviation (1) seeks relief from the LDC §10-414 requirement that prohibits the planting of trees and shrubs in an easement, to allow planted buffers to be placed within 50 percent of the width of the lake maintenance easement. This DEVIATION IS APPROVED, SUBJECT TO the following condition:

   a. Prior to local development order approval, any lake that is designed to allow buffer plantings to overlap 10 feet into the 20-foot wide lake maintenance easement encircling the lake, must provide a minimum 20-foot wide lake maintenance easement from the lake control elevation to an adjacent common parking lot or roadway to provide access to the lake for long term maintenance. All buffer plantings adjacent to lakes must consist of native vegetation.

2. Pavement Widths. Deviation (2) seeks relief from the LDC §10-296 requirement to provide a minimum 24-foot wide pavement width for privately maintained rights-of-way, to allow a 20-foot wide pavement width. This DEVIATION IS APPROVED, SUBJECT TO that no life, health, and safety issues arise due to the smaller pavement width.

3. Parking. Deviation (3) seeks relief from the LDC §34-2013(a) requirement to provide that parking lots be designed so that all vehicles exit in a forward motion, to allow individual parking spaces to back onto rights-of-way, access drives, and easements allowing on-street parking. This DEVIATION IS APPROVED.

4. Edge of Pavement Radii. Deviation (4) seeks relief from the LDC §34-296 requirement to provide a minimum edge of pavement radius of 25 feet to 30 feet, to allow a minimum edge of pavement radius of 12 feet. This DEVIATION IS APPROVED.

5. Lakes. Deviation (5) seeks relief from the LDC §10-328 requirement to provide a 20-foot lake maintenance easement around the perimeter of proposed lakes, to allow structures or bulkheads to abut the water. This DEVIATION IS APPROVED, SUBJECT TO Condition 12, above.

6. Excavation Banks. Deviation (6) seeks relief from the LDC §10-329(e)(4) requirement to provide sloped excavation banks, to allow up to 40 percent of the banks to utilize either:

   a. a vertical slope with the condition that lake bottom slopes at the toe of any bulkhead may be no greater than 4:1; or,

   b. a 2:1 (horizontal: vertical) slope to a depth of 6 feet below control with the condition that the 2:1 section(s) be stabilized with rip-rap.

   This DEVIATION IS APPROVED, SUBJECT TO Condition 12, above.

7. Separation from Alcohol related Uses. Deviation (7) seeks relief from the LDC §34-1263(e) and §34-264(b)(1) requirement to provide a minimum 500-foot separation for on and off premises alcoholic beverages sale or consumption from any of the enumerated uses, to allow a zero-foot separation between the use located within the project's perimeter

boundaries. This DEVIATION IS APPROVED, SUBJECT TO the condition that each on-premises Consumption on Premises of alcoholic beverages requested must be approved administratively as provided for in the LDC.

8. Water Body Setback. Deviation (8) seeks relief from the LDC §34-1047 requirement to provide building setbacks for the Estero/Corkscrew Road Overlay area of 25 feet from a water body, to allow a zero- to 25-foot water-body setback. This DEVIATION IS APPROVED, SUBJECT TO Condition 12.

9. Shared Parking. Deviation (9) seeks relief from the LDC §34-2015(1) requirement to provide that all required parking spaces must be provided on the same premises as the intended use, to allow shared parking. This DEVIATION IS APPROVED, SUBJECT TO the condition that, as part of the local development order approval, the developer demonstrate that the proposed uses will operate during varying times of the day as part of a Shared Parking Agreement.

10. Indigenous Open Space. Deviation (10) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments must provide 50 percent of the required open space as indigenous preserve, to allow 4.9 acres of indigenous preserve and 10.4 acres of other native preservation areas. This DEVIATION IS APPROVED, SUBJECT TO Condition 8, above.

11. Model Homes. Deviation (11) seeks relief from the LDC §34-1954(a)(1) requirement regarding model homes and units, to allow model homes and units by right. This DEVIATION IS APPROVED.

12. Connection Separation. Deviation (12) seeks relief from the LDC §10-285(a) requirement to provide a minimum of 660 feet for connection separation between access points on Corkscrew Road, to allow the connections provided for on the MCP. This DEVIATION IS APPROVED, SUBJECT TO following condition:

    a. Prior to local development order approval, the Developer must provide a cross-access easement connecting to the east and west property lines of STRAP#33-46-25-00-00008.0000. The cross-access easement must be recorded in the public records. The access centered 715 feet from the centerline of U.S. 41 may be realigned to an interconnection to the existing median opening 908 feet from U.S. 41 if the interconnection becomes available.

13. Buffers between Uses. Deviation (13) seeks relief from the LDC §34-372(a)(6)g. requirement to provide a minimum width and composition of all proposed buffers along the perimeter of the entire property, as well as between the individual uses, if the types of proposed uses require buffer separations between the different uses within the development, to allow the elimination of buffers between uses within the development. This DEVIATION IS APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description and sketch of the property
Exhibit B: Area Map (subject parcel identified with shading)
Exhibit C-1: Master Concept Plan date stamped Received June 7, 2007
Exhibit C-2: Parcel Summary
Exhibit D: Design Elements
Exhibit E: Bonus Density Contract

The applicant has indicated that the STRAP numbers for the property are:

28-46-25-00-00014.0020
28-46-25-00-00015.0000
28-46-25-00-00016.0040
28-46-25-00-00016.0050
28-46-25-00-00017.0000
28-46-25-00-00018.0000
28-46-25-00-00033.0000
28-46-25-00-00033.0010
33-46-25-00-00001.0000
33-46-25-00-00005.0000
33-46-25-00-00006.0000
33-46-25-00-00007.0000
33-46-25-00-00009.0000
33-46-25-00-00010.0000
33-46-25-00-00013.0000

SECTION E. FINDINGS AND CONCLUSIONS:

Rezoning Request:

1. The applicant has proven entitlement to the MPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.

2. The MPD rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities, and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

e. will not adversely affect environmentally critical areas or natural resources.

3. The MPD rezoning satisfies the following criteria:

a. the proposed use or mix of uses is appropriate at the subject location; and

b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance the achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Bonus Density Request:

1. The bonus density request is consistent with the criteria contained in LDC §34-1516(c).

2. The request for bonus density is in compliance with and consistent with the Lee County Lee Plan.

3. The bonus density request includes only property that is zoned for the type of dwelling units to be constructed if the Mixed-Use Planned Development Zoning District is approved.

4. The bonus density request is less than the maximum total bonus density for the Urban Community and Outlying Future Land Use Categories.

5. The proposed development will not have substantially increased intensities of land uses along its perimeter.

6. The project is not located where additional traffic will be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.

7. As conditioned by the zoning approval, the development is not in a location where existing and committed public facilities are so overwhelmed that a density increase would be contrary to the overall public interest.

8. The bonus density request, as conditioned, will not decrease any required open space, buffering, landscaping, and preservation areas.

9. The project is located within the Categories 2 and 3 storm surge zone for land-falling hurricanes as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County. The developer will provide appropriate mitigation at the time of local development order approval.

10. The resulting development with the bonus units will be compatible with existing and planned surrounding land uses.

Commissioner Hall made a motion to adopt the foregoing resolution. The motion was seconded by Commissioner Mann. The vote was as follows:

Robert P. Janes	Absent
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 4th day of June 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:
Robert P. Janes, Chair

Approved as to form by:
Donna Marie Collins
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

CIRCUIT COURT LEE COUNTY, FLORIDA

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 6th day of August, A.D. 2007

CHARLIE GREEN, CLERK

By Marcia Wilson
Deputy Clerk

CASE NOS: DCI2005-00041and REZ2006-00018

Z-07-021
Page 14 of 14

FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs

MEMBER OF THE FLORIDA CABINET
Division of Library & Information Services
Division of Historical Resources
Ringling Museum of Art
Division of Licensing
Division of Elections

FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF HISTORICAL RESOURCES

August 13, 1997

Mr. J. R. Skinner
Division of Administration
Federal Highway Administration
U.S. Department of Transportation
227 N. Bronough Street, Room 2015
Tallahassee, Florida 32301

In Reply Refer To:
Frank J. Keel
Historic Preservation Planner
Project File No. 973270

RE: Cultural Resource Assessment Review Request
Cultural Resource Assessment Survey, US 41 PD&E from North of CR 887 to San Carlos Boulevard, Collier and Lee Counties, Florida. By Archaeological Consultants, Inc., April 1997.
SPN: 03010-1575
WPN: 1114187
FPN: ACXL-301-1(16)

Dear Mr. Skinner:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), as well as the provisions contained in Chapter 267.061, *Florida Statutes*, we have reviewed the results of the field survey of the referenced project performed by Archaeological Consultants, Inc. and find them to be complete and sufficient.

We note that six previously unrecorded historic properties (8LL1912,1914-1917, and 1921) and four previously recorded historic properties (8LL1080, 1097 and 1098) and the National Register listed Koreshan Unity Settlement Historic District (8LL95) were located during the course of this survey. Based on the results of the survey, the Boomer House (8LL1098) and the Estero School (8LL1080) were determined to potentially eligible for listing in the *National Register of Historic Places*. We concur with this determination as well as with the determination that nine additional structures are contributing to the Koreshan Unity Settlement Historic District. We also concur that the remaining sites are ineligible for listing in the *National Register of Historic Places*, or otherwise of historical or architectural value.

DIRECTOR'S OFFICE
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • (850) 488-1480
FAX: (850) 488-3353 • WWW Address http://www.dos.state.fl.us

☐ ARCHAEOLOGICAL RESEARCH (850) 487-2299 • FAX: 414-2207
☑ HISTORIC PRESERVATION (850) 487-2333 • FAX: 922-0496
☐ HISTORICAL MUSEUMS (850) 488-1484 • FAX: 921-2503

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's archaeological and historic resources is appreciated.

Sincerely,

Laura A. Kammerer

for George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/Kfk
xc: C. L. Irwin, FDOT
Bryan Williams, FDOT, District 1

FINAL
CULTURAL RESOURCE
ASSESSMENT SURVEY REPORT

U.S. 41
From North of C.R. 887 to San Carlos Boulevard
Collier and Lee Counties, Florida

State Project Numbers: 03010-1575 & 12010-1566
Work Program Item Numbers: 1114187 & 1114700
Federal Aid Program Numbers: ACXL-301-1(16) & XA-301-2(49)

This project is a PD&E Study of U.S. 41
which begins north of C.R. 887 at its southern terminus
and continues northward to San Carlos Boulevard;
the limits of the project area are approximately 18.78 km (11.67 mi).

Prepared for:

Florida Department of Transportation
District One
801 North Broadway
Bartow, Florida 33830

Prepared by:

Archaeological Consultants, Inc.
2345 Bee Ridge Road
Suite 6
Sarasota, Florida 34239

April 1997 CRAT# 973270

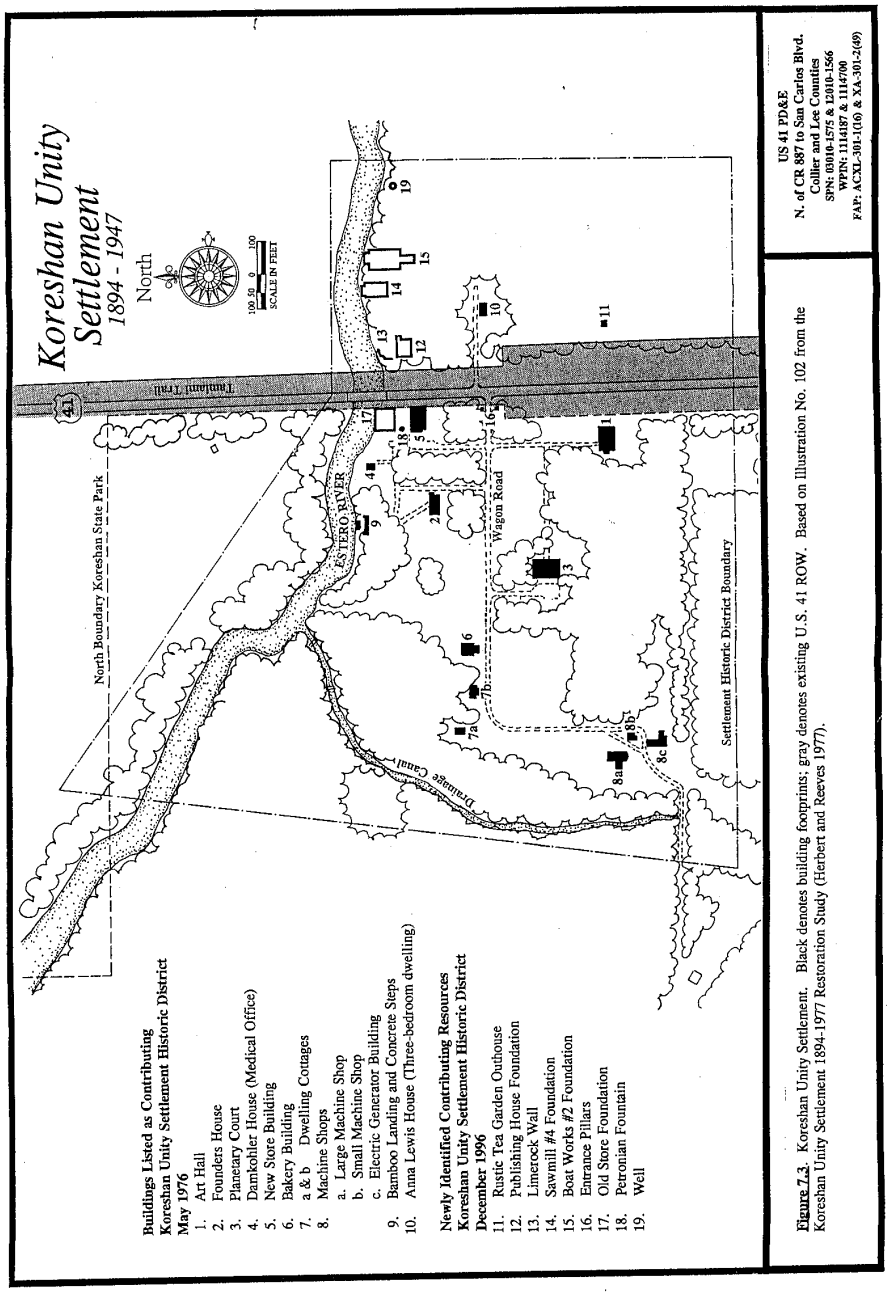
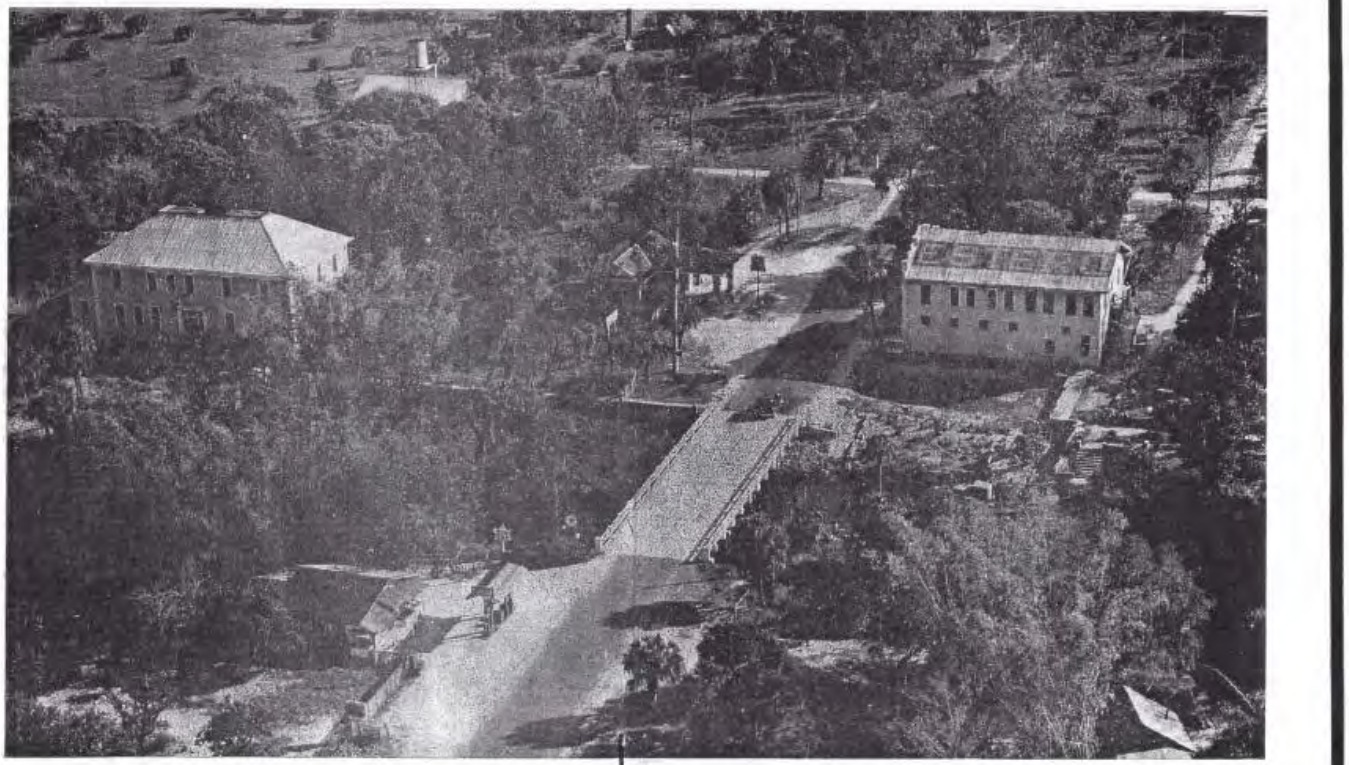


Figure 7.3. Koreshan Unity Settlement. Black denotes building footprints; gray denotes existing U.S. 41 ROW. Based on Illustration No. 102 from the Koreshan Unity Settlement 1894-1977 Restoration Study (Herbert and Reeves 1977).



Unity Publishing Plant, Filling Station and Store in Foreground. Many Buildings Not Shown

Figure 7.4. Historic Photograph Showing the Publishing House, Gas Station, and New Store (ca. 1949). (Photograph from the Collection of the Koreshan Unity Foundation.)

US 41 PD&E
N. of CR 887 to San Carlos Blvd.
Collier and Lee Counties
SPN: 03010-1575 & 12010-1566
WPIN: 1114187 & 1114700
FAP: ACXL-301-1(16) & XA-301-2(49)

Village Council Meeting - PACKET - (Page 290 of 524)
Page 48 of 114 General Attachment: Attachme ... AssessmentCPA2022-E002 .pdf (Page 48 of 114)
General Attachment: Attachment C. Cultural Resource AssessmentCPA2022-E002 .pdf

Shops, Bamboo Landing and Concrete Steps, and the Anna Lewis House (Three-Bedroom Dwelling). Since 1976, nine additional resources have been discovered that fall within the district boundaries but were not previously identified as contributing resources. These nine resources include the Rustic Tea Garden Outhouse, the Publishing House Foundation, the Limerock Wall, the Sawmill #4 Foundation, the Boat Works #2 Foundation, the Entrance Pillars, the Old Store Foundation, the Petronian Fountain, and a well. All are over fifty years of age and by current NRHP criteria for evaluation are considered resources that contribute to the significance of the Koreshan Unity Settlement Historic District. Also within this time period, the Post Office was determined to be not historic and was relocated outside of the historic district boundaries onto another portion of the Koreshan State Historic Site property.

At the request of the Florida Division of Historical Resources, Survey and Registration Section, a narrative description of each newly identified contributing resource follows. This was done in lieu of preparing an amendment to the Koreshan Unity Settlement Historic District NRHP nomination, or a request for a DOE.

Rustic Tea Garden Outhouse (contributing) (11; Figure 7.3)

A two-seater outhouse that stylistically and by location appears to have been associated with the Rustic Tea Garden is located south of the Anna Lewis House, directly east of the Art Hall and east of the existing eastern right-of-way (Figure 7.5). The outhouse is constructed of milled lumber, covered by a corrugated metal gable roof. The wall cladding is no longer in place, but fragments of palmetto fronds are still attached. It is presumed the outhouse dates from the same period as the Rustic Tea Garden, probably constructed ca. 1930 (Figure 7.6). The Rustic Tea Garden was constructed of rough log elements with the bark retained, and



Figure 7.5. The Rustic Tea Garden Outhouse (1996). (Photograph from the Collection of Archaeological Consultants, Inc.)

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Figure 7.6. Historic Photograph (late 1930s) of the Rustic Tea Garden. (Photograph from the Collection of the Koreshan Unity Foundation).

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the walls and roof were covered with palmetto thatching. The Rustic Tea Garden structure initially served as an exhibit building for the settlement, displaying produce as well as items manufactured on site by the various Koreshan enterprises. In the mid-1930s the building was converted to a tea garden, serving meals to travelers along the newly paved Tamiami Trail (now U.S. 41) (Herbert and Reeves 1977:102-103). The Rustic Tea Garden fell into disuse in the early 1940s and was demolished in the mid-1940s; U.S. 41 now covers its former location. The outhouse is in deteriorated condition and in danger of collapsing. The Rustic Tea Garden Outhouse lies within the district boundary, dates from the period of significance, and contributes to the Koreshan Unity Settlement Historic District.

Publishing House Foundation (also known as the Guiding Star Publishing House) (contributing) (12; Figure 7.3)

The Publishing House, constructed ca. 1904, was a two-story building measuring approximately 11.6 m (38 ft) by 21.3 m (70 ft) (Figure 7.7). The Publishing House was wood frame construction with walls of horizontal boards, covered by a wood shingle hipped roof. The Publishing House fronted the Tamiami Trail (now U.S. 41), and was directly west of the old store. This building housed the publishing operations of the Koreshan Unity and, as such, played an important role in the history of Koreshanity (Herbert and Reeves 1977:85-86). The first floor of the building contained the press room with the equipment for printing and binding. The second floor housed the general office of the Unity, the type-setting department, and photographic and engraving department. Power for the equipment was provided by a steam engine located in the adjacent Publishing House Power Building. In 1949, a fire destroyed both buildings. The





Figure 7.7. Historic Photographs (ca. 1920-30) of the Publishing House. (Photographs from the Collection of the Koreshan Unity Foundation).

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Publishing House foundation is located within the boundary of the Koreshan Unity Settlement Historic District and contributes to the district.

Limerock Wall (contributing) (13; Figure 7.3)

A limerock wall is located at the west end of the Koreshan Unity Foundation property adjacent to the Estero River and parallel to U.S. 41 (Figure 7.8). The wall forms a cove along the river edge, then runs south approximately 20 m (65.6 ft) toward the old path to the Publishing House; a portion of the wall is covered by vegetation. The wall, approximately 2 m (6.6 ft) high and 1 m (3.3 ft) wide, is shown in historic photographs (ca. 1920-30) of the Publishing House (Figure 7.9). No evidence was found as to how far the wall extended to the east or south and the original function of the wall remains unknown. The holdings of both the Koreshan Unity Foundation and the Koreshan State Historic Site were examined for information about the wall. The wall is said to have been reportedly constructed by Arthur Moore, a Koreshan member. The portion of the wall that parallels U.S. 41 was reportedly part of the decorative boundary associated with the Publishing House and was constructed concurrently, ca. 1904. The segment of the wall that parallels the edge of the Estero River reportedly dates from the late 1920s to the early 1930s. Nonetheless, since the wall lies within the district boundaries and dates from the period of settlement as evidenced by historic photographs, it is therefore considered a contributing element.

Sawmill #4 Foundation (contributing) (14; Figure 7.3)

Sawmill #4, constructed ca. 1900, was the fourth in a series of sawmills built by the settlement. It was located to the east of the Publishing House (Figure 7.10). The structure,

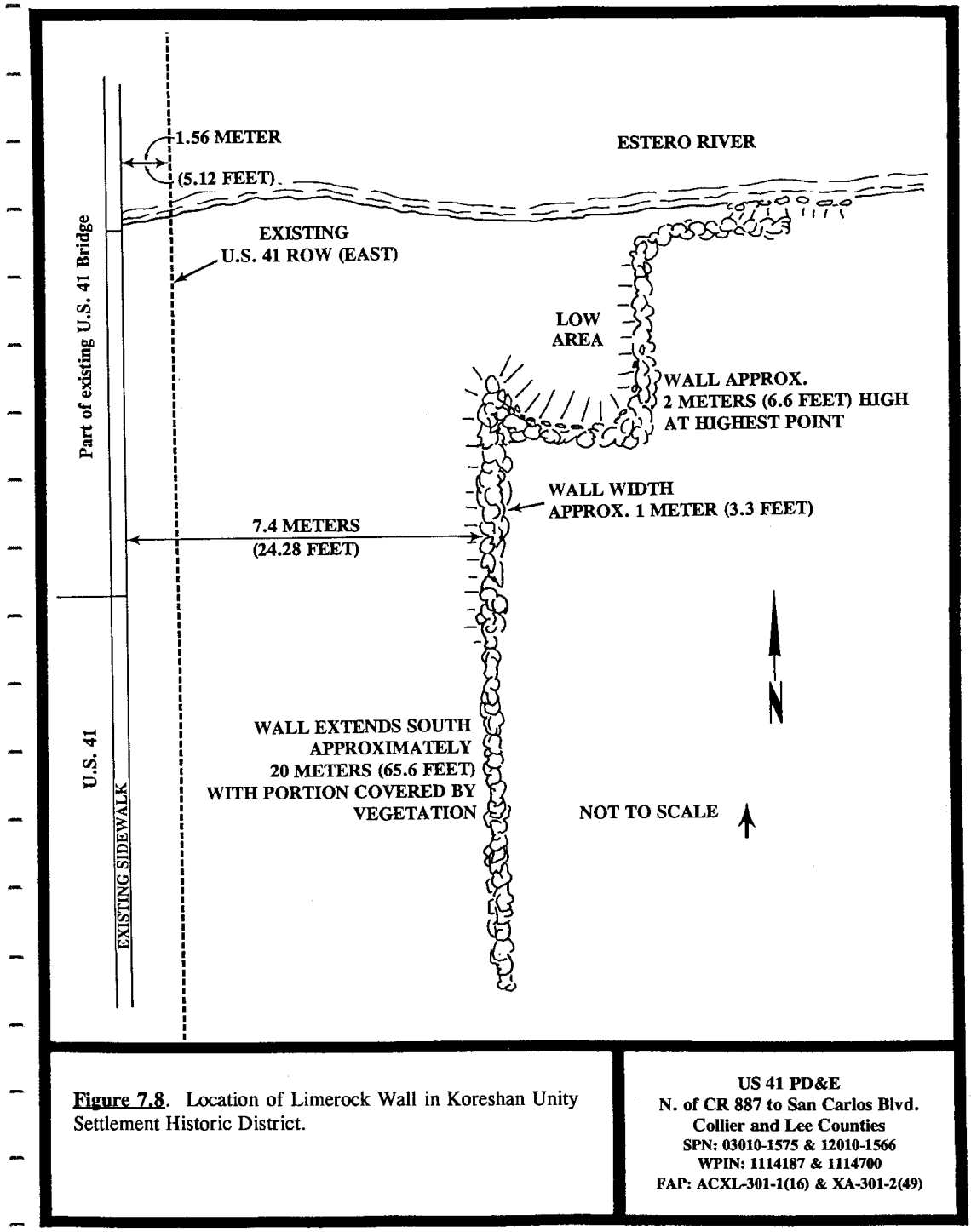


Figure 7.8. Location of Limerock Wall in Koreshan Unity Settlement Historic District.

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N. of CR 887 to San Carlos Blvd.
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Figure 7.9. Historic Photographs (ca. 1920-30) of the Publishing House Showing Portion of the Limerock Wall. (Photographs from the Collection of the Koreshan Unity Foundation.)

US 41 PD&E
N. of CR 887 to San Carlos Blvd.
Collier and Lee Counties
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Figure 7.10. Sawmill #4 Foundation (above); Boat Works #2 Foundation (below) (1996). (Photographs from the Collection of Archaeological Consultants, Inc.)

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of wood frame construction, measured 10.1 m (33 ft) by 11.0 (36 ft) and contained the Tinware and Pattern Makers Shop (Herbert and Reeves 1977:87). The tinware shop was located on the first floor; the pattern making and wood turning shop was located on the second floor (Herbert and Reeves 1977:88). The building was allowed to deteriorate and, as a result, it was demolished in 1949. Portions of the concrete foundation remain *in situ* today. The foundation is located within the historic district boundary and is considered a contributing element to the Koreshan Unity Settlement Historic District.

Boat Works #2 Foundation (contributing) (15; Figure 7.3)

Boat Works #2, constructed ca. 1900, was located east of the Publishing House and adjacent to the Estero River (Figure 7.10). The building was a two-story wood frame structure covered by a wood shingle roof. It measured approximately 6.1 m (20 ft) by 21.3 m (70 ft) with a one-story wing attached to the west elevation measuring 3.0 m (10 ft) by 21.3 m (70 ft) (Herbert and Reeves 1977:88-89). A small one-story building that housed machine and woodworking facilities was attached to the south elevation. The gradual improvement of county roads, as well as the declining reliance upon fish as a food source, generally led to the abandonment of the industry (Herbert and Reeves 1977:89). The building was allowed to deteriorate and was demolished in 1949. A portion of the concrete foundation as well as partial concrete walls remain in place today, and are considered a contributing element to the Koreshan Unity Settlement Historic District for representing that period in the history of development when boat transportation played a critical role in shipping materials both to and from the settlement.

Entrance Pillars (contributing) (16; Figure 7.3)

A pair of entrance pillars are located on the west side of U.S. 41 at the junction with (what was formerly known as) Wagon Road (Figure 7.11). The pillars were constructed ca. 1903-1905 of limerock topped by cast stone spherical finials and placed at the original entrance to the Koreshan Unity Settlement. The original entrance was closed after the land was given to the Parks Department and the Koreshan State Historic Site was established. A new entrance was created and a Park Entrance Station with ranger offices was constructed ca. 1967 when the park opened to the public. The entrance pillars lie within the Koreshan Unity Settlement Historic District boundary and are contributing objects.

Old Store Foundation (contributing) (17; Figure 7.3)

The Old Store was a three-story building fronting directly on the Estero River (Figure 7.12). It was constructed in 1902-1903 by the settlement to replace the original one-room store and post office (Herbert and Reeves 1977:77). The Old Store was of wood frame construction with vertical board-and-batten siding; the front-gable roof was wood shingle. A covered porch/loading area was located on the north, fronting the river, and the east elevation fronted the Tamiami Trail (now U.S. 41).

The Old Store functioned as the general store serving both the settlement and the surrounding community. Fruit, vegetables, and fishing supplies were sold here. The ground (river) level served as a storage and warehouse space for the loading and unloading of materials shipped by boat, the major source of supply. The second floor served as the general store and post office, and the third floor was used as a sister's dormitory. A series of floods, which severely damaged both the lower storage area, as well as the store, led the settlement to construct a



Figure 7.11. Koreshan Unity Settlement Original Entrance Pillars (1996). (Photograph from the Collection of Archaeological Consultants, Inc.)

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Collier and Lee Counties
SPN: 03010-1575 & 12010-1566
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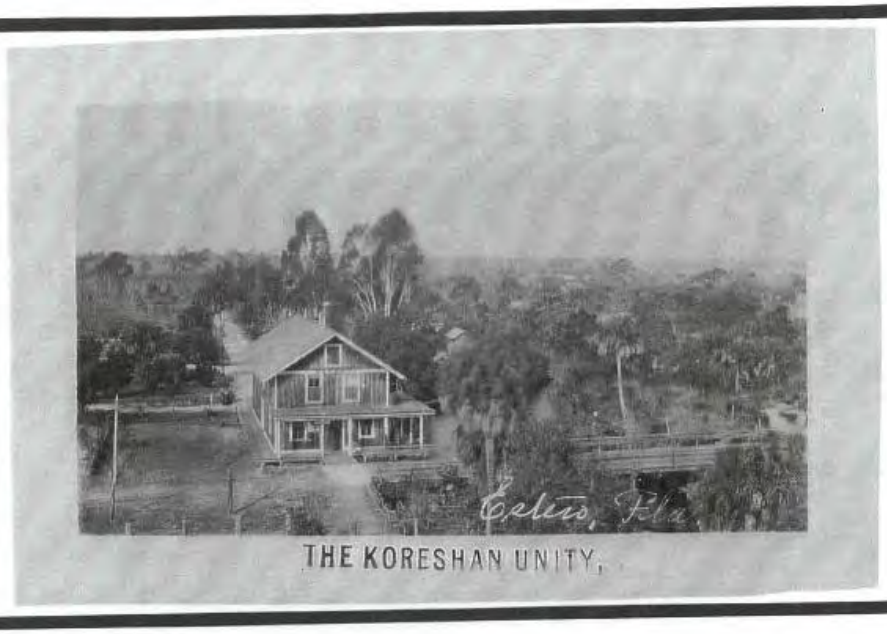




Figure 7.12. A Historic Photograph (undated) of the Old Store (above) (photograph from the Collection of the Koreshan Unity Foundation); A Portion of the Old Store Foundation (below) (1996) (Photograph from the Collection of Archaeological Consultants, Inc.).

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new store in the early 1920s. The Old Store was finally destroyed by fire in the 1924-26 period. Portions of the coursed rubble foundation remain in place today (Figure 7.12). The Old Store foundation lies within the historic district boundaries and contributes to the Koreshan Unity Settlement Historic District.

Petronian Fountain (contributing) (18; Figure 7.3)

The Petronian Fountain, dating from ca. 1903-1905, is one of the few features of its kind that is still relatively intact; it is located immediately west of where the Old Store once stood (Figure 7.13). The fountain is constructed of imitation brownstone and has a lion's head mask for a fountain spout (Herbert and Reeves 1977:130). There are two columns, one on either side of the fountain, each with an inset cast stone dolphin plaque, capped by a spherical finial. The original basin has been replaced by a planter dating from the same era (Herbert and Reeves 1977:130). Today the fountain is not functioning. This object falls within the Koreshan Unity Settlement Historic District boundary and is a contributing element.

"Well" (contributing) (19; Figure 7.3)

A structure that appears to have been a well is located at the east end of the Koreshan Unity Foundation property near to the Estero River. The "well" is approximately 1.2 m (4 ft) in diameter and is constructed of tabby. It has been abandoned, is in deteriorated condition, and a portion of it is missing. Although the construction date and original use of this structure cannot be verified, the shape suggests that it may have been used as a well. A metal lantern currently sits in the center of the "well"; it is not attached to the structure. The date and use of this lantern is also unknown. It has been suggested that due to its close proximity to the river, the structure may have been a signal lamp for boats



Figure 7.13. The Petronian Fountain (1996). (Photograph from the Collection of Archaeological Consultants, Inc.)

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approaching the Koreshan Unity Settlement docks. The "well" lies within the district boundaries and is considered a contributing element.

Koreshan Unity Settlement Limerock Wall
Southeast corner of U.S. 41 and Estero River
Lee County
Florida

FMSF No. 8LL94

PHOTOGRAPHS

ARCHITECTURAL DATA FORM

SKETCH PLAN

Florida State Archives
R.A. Gray Building
Tallahassee, Florida

Koreshan Unity Settlement Limerock Wall
FMSF No. 8LL94
Lee County, Florida

PHOTOGRAPHS
ARCHITECTURAL DATA FORM
SKETCH PLAN

US 41 Design from Corkscrew Road to San Carlos Boulevard
Financial ID: 195765-1-32-01
WPI: 1114735

Prepared for:

Florida Department of Transportation, District One
801 North Broadway
Bartow, Florida 33830

March 2004

HISTORIC AMERICAN BUILDING SURVEY

Koreshan Unity Settlement Historic District
Limerock Retaining Wall

FMSF No. 8LL94

Location: Southeast corner of U.S. 41 and Estero River, Estero, Lee County, Florida.

Significance: The Koreshan Unity Settlement was listed in the National Register of Historic Places in 1976. It is significant for its association with the Koreshan Unity, a late nineteenth century utopian society based on scientific and economic theories that emphasized education, culture and landscaping. The Koreshan Unity Settlement Historic District is composed of the original community buildings including an auditorium, residences, dormitories, a bakery, a store, a machine shop, and a limerock retaining wall.

Description: The limerock wall is approximately 14'-6" along the river, forms a cove (13'-9"), then turns 90 degrees and continues south approximately 53'-4" toward the former path to the Publishing House. The limerock wall varies in width and height (refer to site plan). The portion of the limerock retaining wall that parallels U.S. 41 was reportedly part of the decorative boundary associated with the ca. 1904 Publishing House (demolished). The segment of the wall that parallels the edge of the Estero River reportedly dates from the late 1920s to the early 1930s. The majority of the wall is covered by mature vegetation.

History: The Koreshan Unity was originally formed in Chicago. The founder, Dr. Cyrus Teed (Koresh in Hebrew), brought his followers to Estero in 1894. The new utopian community was established as a settlement for Koreshans. The Koreshan Unity was founded upon the ideas of communal living, the belief in Dr. Teed's religious and scientific theories, and the communistic goal of everyone working for the good of all. The settlement expanded until Dr. Teed's death in 1908. It is believed Koreshan member Arthur Moore constructed the limerock wall.

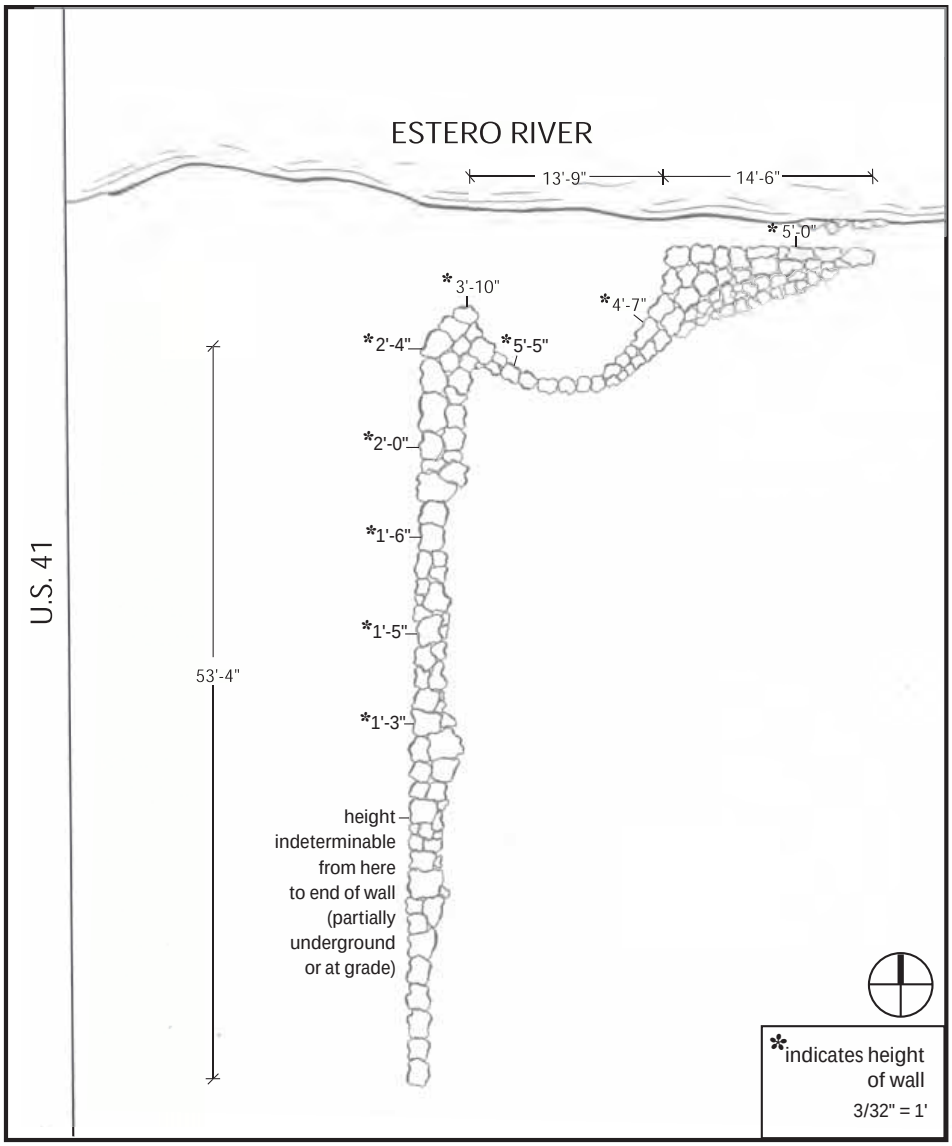
Sources:

Archaeological Consultants, Inc. (ACI)
1997 Cultural Resource Assessment Survey, U.S. 41 PD&E from North of CR 887 to San Carlos Boulevard, Collier and Lee Counties.

National Register of Historic Places Nomination Form
1976 Koreshan Unity Settlement Historic District.

Architectural Historians: Carrie Scupholm & Sarah Payton
Archaeological Consultants, Inc.
February 3, 2004

KORESHAN UNITY SETTLEMENT LIMEROCK WALL
FMSF No. 8LL94
(Page 2)



INDEX TO PHOTOGRAPHS

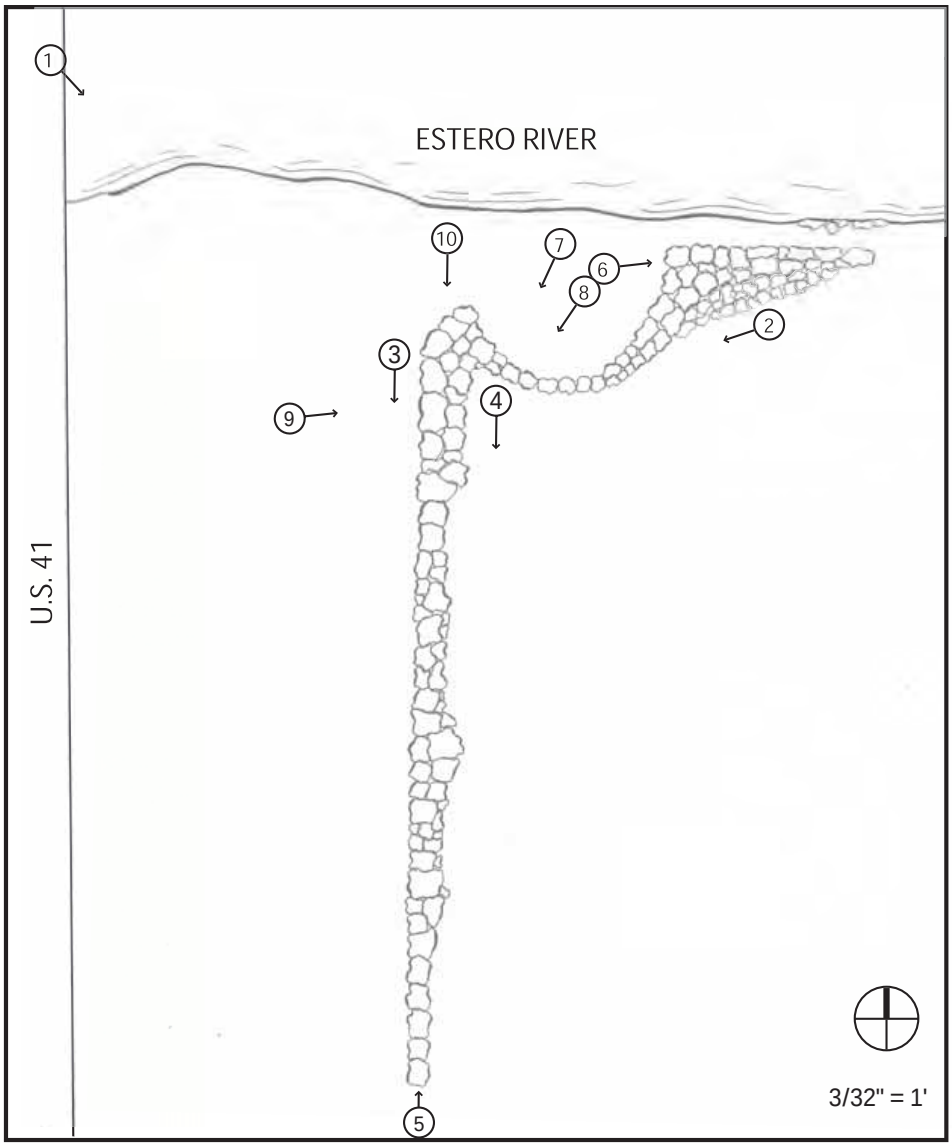
KORESHAN UNITY SETTLEMENT LIMEROCK WALL FMSF No. 8LL94
Southeast corner of U.S. 41 and Estero River
Estero
Lee County
Florida

Penny Rogo Bailes, Photographer December 2003 (Photo 01 through 10)

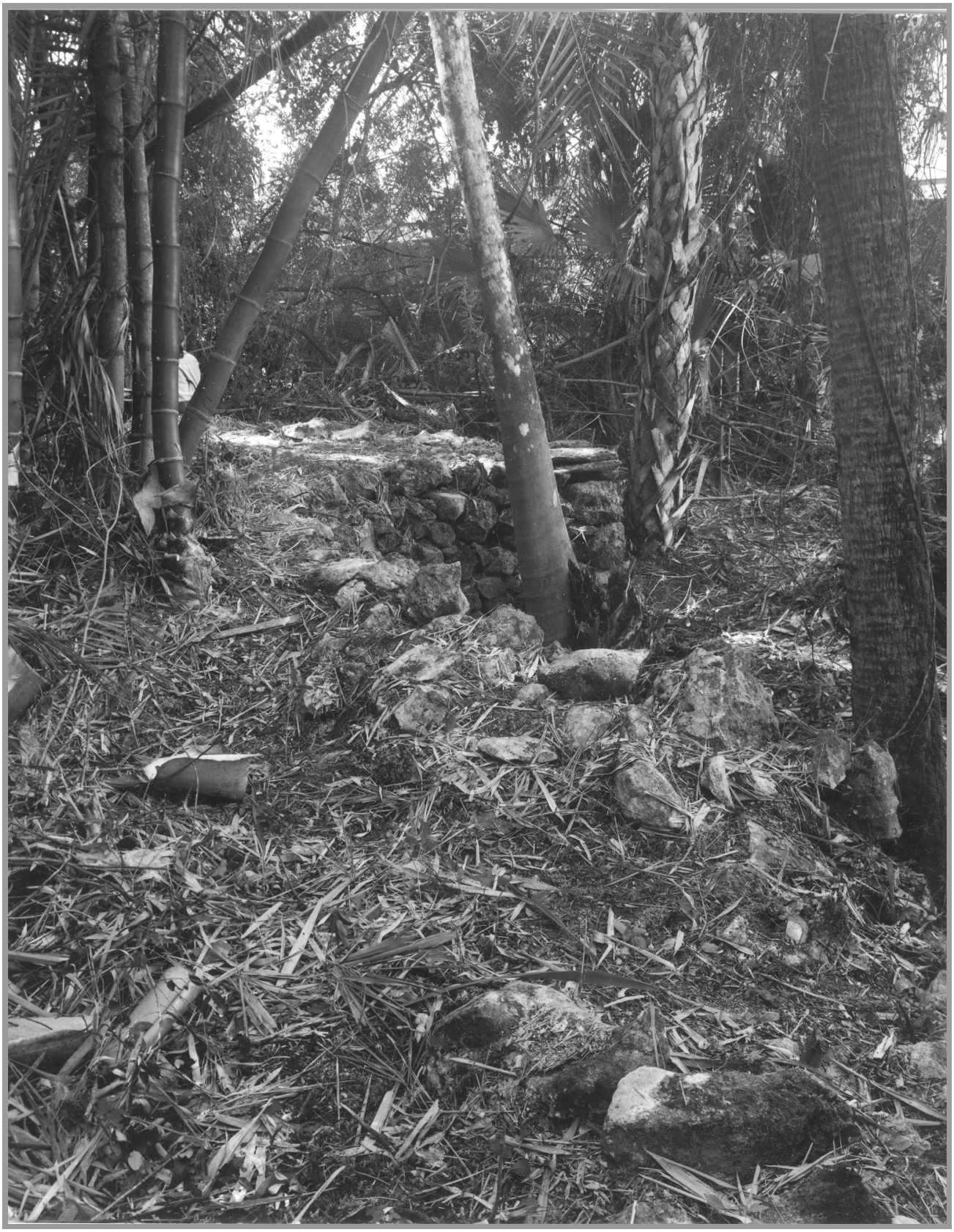
Note: All photographs are 8" x 10" enlargements from 4" x 5" negatives.

01	CONTEXTUAL VIEW OF LIMEROCK WALL, TAKEN FROM EXISTING U.S. 41 BRIDGE OVER THE ESTERO RIVER, FACING SOUTHEAST.
02	VIEW OF LIMEROCK WALL, FACING SOUTHWEST.
03	VIEW OF LIMEROCK WALL, FACING SOUTH.
04	VIEW OF LIMEROCK WALL SURFACE, FACING SOUTH.
05	VIEW OF LIMEROCK WALL SURFACE, FACING NORTH.
06	VIEW OF NORTHEAST CORNER OF LIMEROCK WALL, FACING EAST.
07	VIEW OF LIMEROCK WALL, FACING SOUTHWEST.
08	VIEW OF LIMEROCK WALL, FACING SOUTHWEST.
09	VIEW OF SOUTHWEST CORNER OF LIMEROCK WALL, FACING NORTHEAST.
10	DETAIL OF SOUTHWEST CORNER OF LIMEROCK WALL, FACING SOUTHEAST.

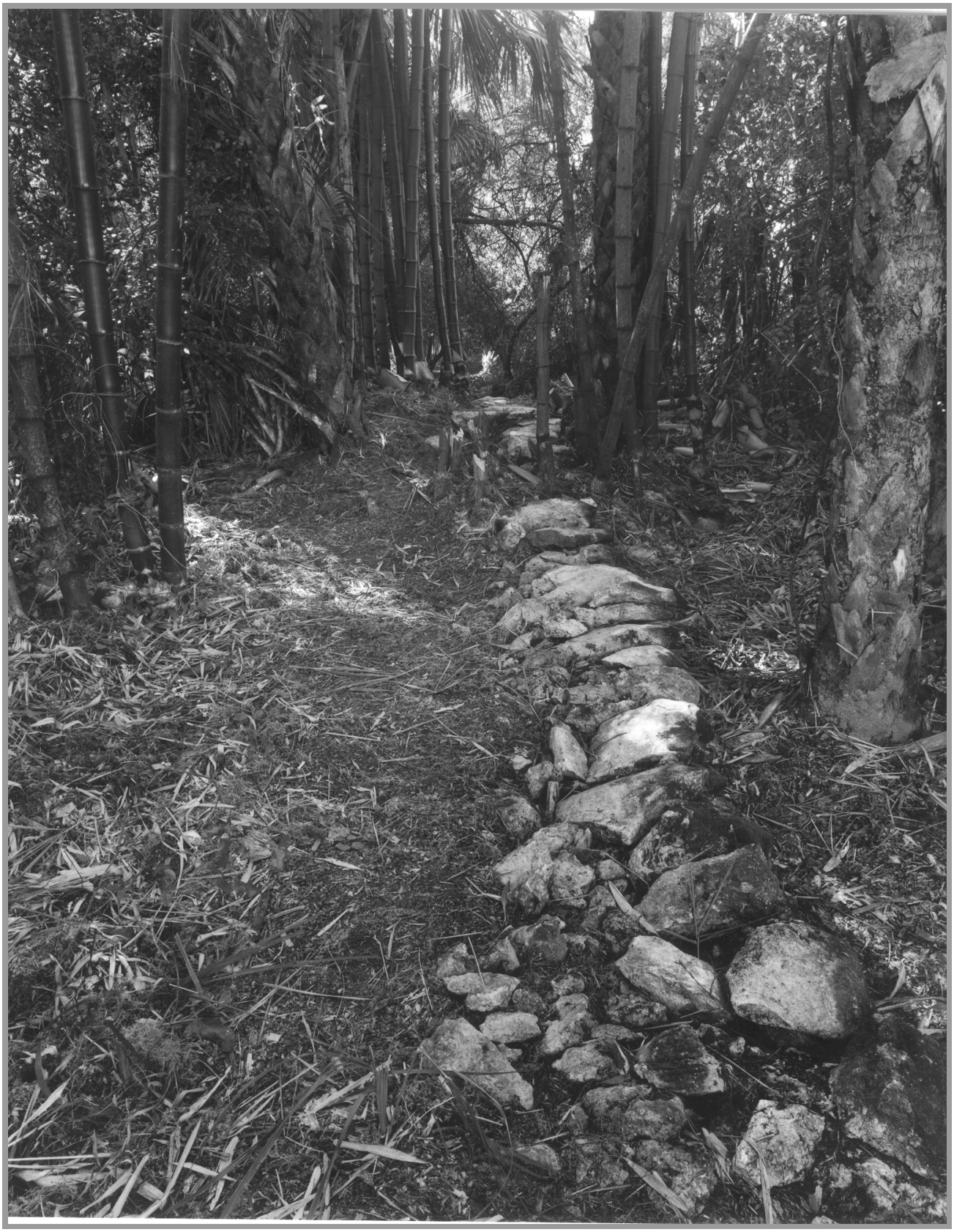
KORESHAN UNITY SETTLEMENT LIMEROCK WALL
FMSF No. 8LL94 (Page 2)
KEY TO PHOTOGRAPHS



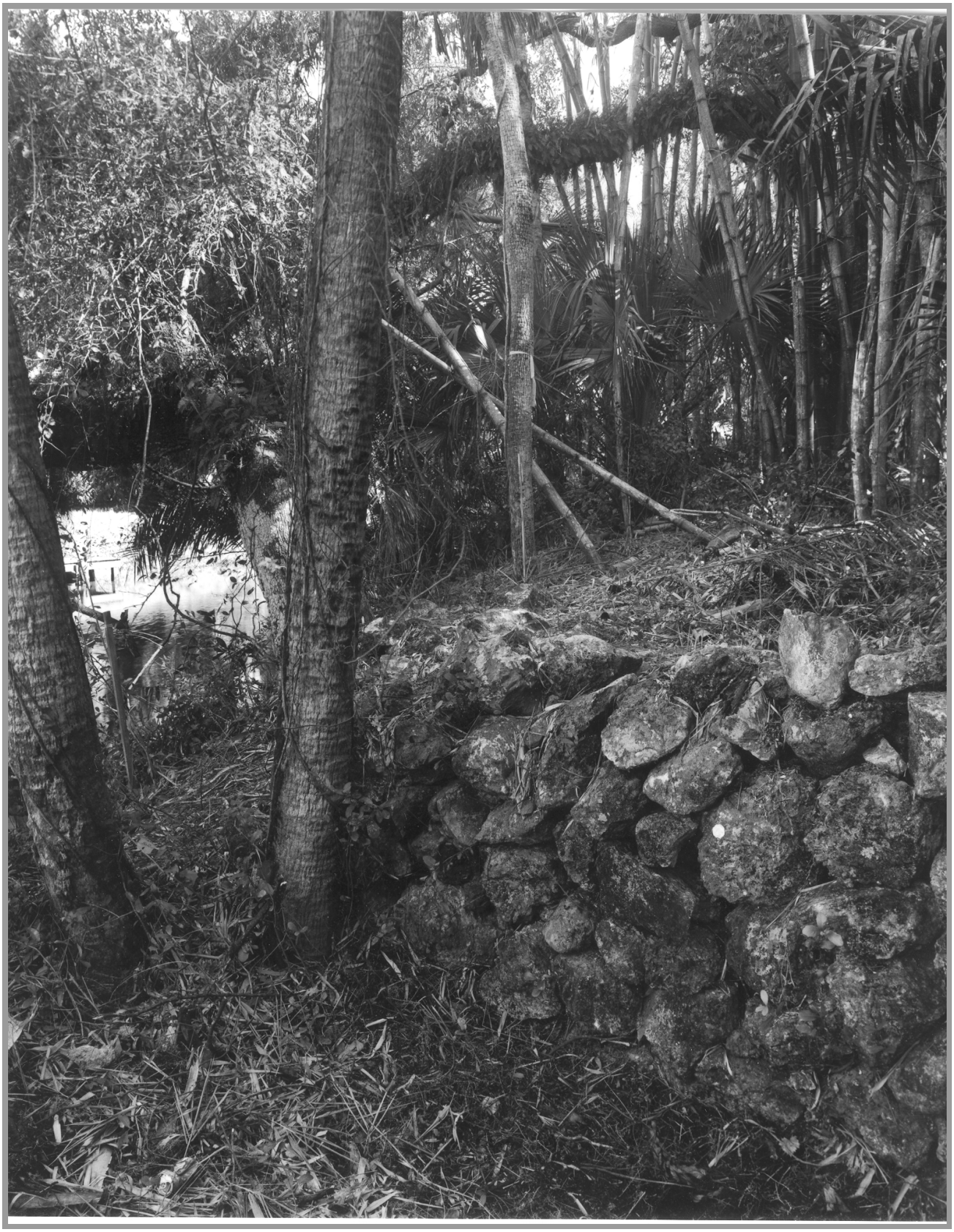




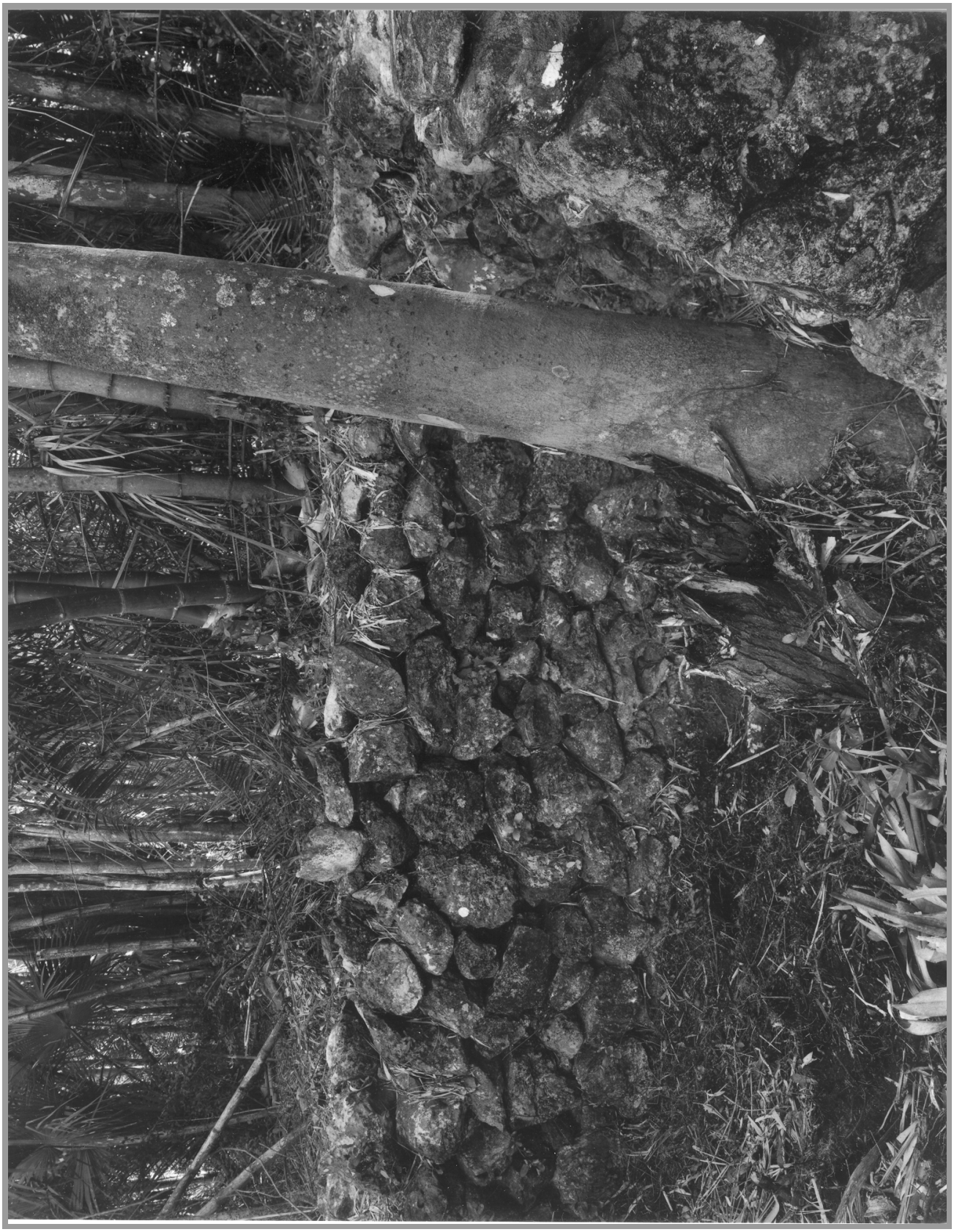
















Appendix B
Photographs of Destroyed Buildings/Structures Foundations



8LL02352 Guiding Star Publishing House Foundations

Photo is taken looking north; arrows point to some of the remaining foundations, 2022

Note: Picture in the original FMSF form, below, shows same foundation but the view was looking northeast



Photo from original FMSF form, 2005



8LL02354 Machine and Woodworking Building Foundations

Looking south, 2022

Note: Picture in the original FMSF form, below, shows same foundation but the view was looking southwest



Photo from original FMSF form, 2005



8LL02355 Boatworks #2 and Plumbing & Blacksmith Shop Foundations

Looking northwest

Note: Picture in the original FMSF form, below, shows same foundation but the view was looking southeast



Photo from original FMSF form, 2005



8LL02356 Apiary Foundation

Looking north; no remnants exist

Note: Picture in the original FMSF form, below, shows some remnants, view looking northeast



Photo from original FMSF form, 2005

Appendix C
Florida Master Site File Forms

Page 1

☐Original
☒Update

RESOURCE GROUP FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Consult the *Guide to the Resource Group Form* for additional instructions

Site #8 LL00094
Field Date 2-17-2022
Form Date 3-11-2022
Recorder# _____

NOTE: Use this form to document districts, landscapes, building complexes and linear resources as described in the box below. Cultural resources contributing to the Resource Group should also be documented individually at the Site File. Do not use this form for National Register multiple property submissions (MPSs). National Register MPSs are treated as Site File manuscripts and are associated with the individual resources included under the MPS cover using the Site File manuscript number.

Check ONE box that best describes the Resource Group:

- ☒ Historic district (NR category "district"): buildings and NR structures only: NO archaeological sites
- ☐ Archaeological district (NR category "district"): archaeological sites only: NO buildings or NR structures
- ☐ Mixed district (NR category "district"): includes more than one type of cultural resource (example: archaeological sites and buildings)
- ☐ Building complex (NR category usually "building(s)"): multiple buildings in close spatial and functional association
- ☐ Designed historic landscape (NR category usually "district" or "site"): can include multiple resources (see *National Register Bulletin #18*, page 2 for more detailed definition and examples: e.g. parks, golf courses, campuses, resorts, etc.)
- ☐ Rural historic landscape (NR category usually "district" or "site"): can include multiple resources and resources not formally designed (see *National Register Bulletin #30, Guidelines for Evaluating and Documenting Rural Historic Landscapes* for more detailed definition and examples: e.g. farmsteads, fish camps, lumber camps, traditional ceremonial sites, etc.)
- ☐ Linear resource (NR category usually "structure"): Linear resources are a special type of structure or historic landscape and can include canals, railways, roads, etc.

Resource Group Name Koreshan Unity Settlement Multiple Listing [DHR only] _____
Project Name CRAS Update Estero on the River FMSF Survey # _____
National Register Category (please check one): ☒building(s) ☐structure ☐district ☐site ☐object
Linear Resource Type (if applicable): ☐canal ☐railway ☐road ☐other (describe): _____
Ownership: ☐private-profit ☐private-nonprofit ☐private-individual ☐private-nonspecific ☐city ☐county ☒state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

	Street Number	Direction	Street Name	Street Type	Suffix Direction
Address:	3800		Corkscrew	Road	

City/Town (within 3 miles) Estero In Current City Limits? ☒yes ☐no ☐unknown
County or Counties (do not abbreviate) Lee
Name of Public Tract (e.g., park) Koreshan State Historic Site
1) Township 46S Range 25E Section 28,33 ¼ section: ☐NW ☐SW ☐SE ☐NE Irregular-name: _____
2) Township _____ Range _____ Section _____ ¼ section: ☐NW ☐SW ☐SE ☐NE
3) Township _____ Range _____ Section _____ ¼ section: ☐NW ☐SW ☐SE ☐NE
4) Township _____ Range _____ Section _____ ¼ section: ☐NW ☐SW ☐SE ☐NE
USGS 7.5' Map(s) 1) Name ESTERO USGS Date 1958
2) Name _____ USGS Date _____
Plat, Aerial, or Other Map (map's name, originating office with location) _____
Landgrant _____
Verbal Description of Boundaries (description does not replace required map)

See continuation sheet.

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info Date _____ Init._____	
_____	KEEPER – Determined eligible: ☐yes ☐no Date _____	
☐Owner Objection	NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

HR6E057R0319, effective 05/2016
Rule 1A-46.001, F.A.C.

Florida Master Site File / Div. of Historical Resources / R. A. Gray Bldg / 500 S Bronough St., Tallahassee, FL 32399-0250
Phone 850.245.6440 / Fax 850.245.6439 / E-mail SiteFile@dos.myflorida.com

Page 2

RESOURCE GROUP FORM

Site #8 LL00094

HISTORY & DESCRIPTION

Construction Year: 1894 ☐approximately ☐year listed or earlier ☐year listed or later
Architect/Designer: Teed, Dr. Cyrus Builder:
Total number of individual resources included in this Resource Group: # of contributing _____ # of non-contributing _____
Time period(s) of significance (choose a period from the list or type in date range(s), e.g. *1895-1925*)
1. Nineteenth C. American 1821-1899 3. _____
2. Spanish-American War 1898-1916 4. _____
Narrative Description (*National Register Bulletin 16A* pp. 33-34; attach supplementary sheets if needed)

The Koreshan Unity Settlement is a turn of the century religious pioneer community created by Dr. Cyrus Teed. Teed's community followed his beliefs based on religion, science, and the social and economic organization of the human race.

RESEARCH METHODS (check all that apply)

☒FMSF record search (sites/surveys)	☐library research	☐building permits	☐Sanborn maps
☐FL State Archives/photo collection	☐city directory	☐occupant/owner interview	☐plat maps
☒property appraiser / tax records	☐newspaper files	☐neighbor interview	☐Public Lands Survey (DEP)
☐cultural resource survey	☐historic photos	☐interior inspection	☐HABS/HAER record search

☒other methods (specify) USDA historic aerial photographs (PALMM)
Bibliographic References (give FMSF Manuscript # if relevant)

Publication of Archival Library and Museum Materials (PALMM), accessible online at: http://palmm.fcla.edu/

OPINION OF RESOURCE SIGNIFICANCE

Potentially eligible individually for National Register of Historic Places? ☒yes ☐no ☐insufficient information
Potentially eligible as contributor to a National Register district? ☐yes ☒no ☐insufficient information
Explanation of Evaluation (required, see *National Register Bulletin 16A* p. 48-49. Attach longer statement, if needed, on separate sheet.)

See continuation sheet.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)
1. Agriculture 3. Education 5. Religion
2. Community planning & developm 4. Exploration/settlement 6. Social/humanitarian

DOCUMENTATION

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents
1) Document type All materials at one location Maintaining organization Archaeological Consultants Inc
Document description Files, photos, research, document File or accession #'s P20116.1
2) Document type _____ Maintaining organization _____
Document description _____ File or accession #'s _____

RECORDER INFORMATION

Recorder Name Savannah Young Affiliation Archaeological Consultants Inc
Recorder Contact Information 8110 Blaikie Court, Ste. A / Sarasota, FL/ 34240 /aciflorida@comcast.net
(address / phone / fax / e-mail)

Required Attachments

❶ PHOTOCOPY OF USGS 7.5' MAP WITH DISTRICT BOUNDARY CLEARLY MARKED
❷ LARGE SCALE STREET, PLAT OR PARCEL MAP WITH RESOURCES MAPPED & LABELED
❸ TABULATION OF ALL INCLUDED RESOURCES - Include name, FMSF #, contributing? Y/N, resource category, street address or other location information if no address.
❹ PHOTOS OF GENERAL STREETSCAPE OR VIEWS (Optional: aerial photos, views of typical resources) When submitting images, they must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital images must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

CONTINUATION SHEET

The Koreshan Unity Settlement Historic District was listed in the NRHP on May 4, 1976. The nominated historic district was comprised of approximately 54 acres spanning from west of US 41/Tamiami Trail to the east side of US 41/Tamiami Trail. Eight historic resources were documented on the east side of US 41 within the NRHP-listed boundary; however, seven of the eight were recorded as "no longer standing" and in ruinous condition. At time of the nomination, the Anna Lewis House (8LL01114), also referred to as "El Retiro" and "Member House" was the only extant resource on the east side of US 41.

During the *Cultural Resource Assessment Survey Addendum SR 45 (US 41) from Corkscrew Road to San Carlos Boulevard Four Additional Linear Pond Sites, Lee County, Florida* it was confirmed that the Anna Lewis House (8LL01114) had been moved from this location and relocated to the west side of US 41 within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010). Due to alterations made to the landscape, the loss of formerly extant resources, and the present physical condition within the historic district on the east side of US 41, the land within the APE does not retain historic integrity and no longer appears eligible for listing in the NRHP. As such, the boundaries of the Koreshan Unity Settlement Historic District (8LL00094) were updated to reflect these changes since being listed in the NRHP in 1976. The boundary has been revised to include only that land which is located to the west of US 41/Tamiami Trail and excludes land that no longer contains historic resources contributing to the district. This update also reflects the boundary of the locally designated historic district. The field survey for this CRAS update was limited to the east side of US 41/Tamiami Trail and as such, additional boundary corrections are outside of the scope of this project.

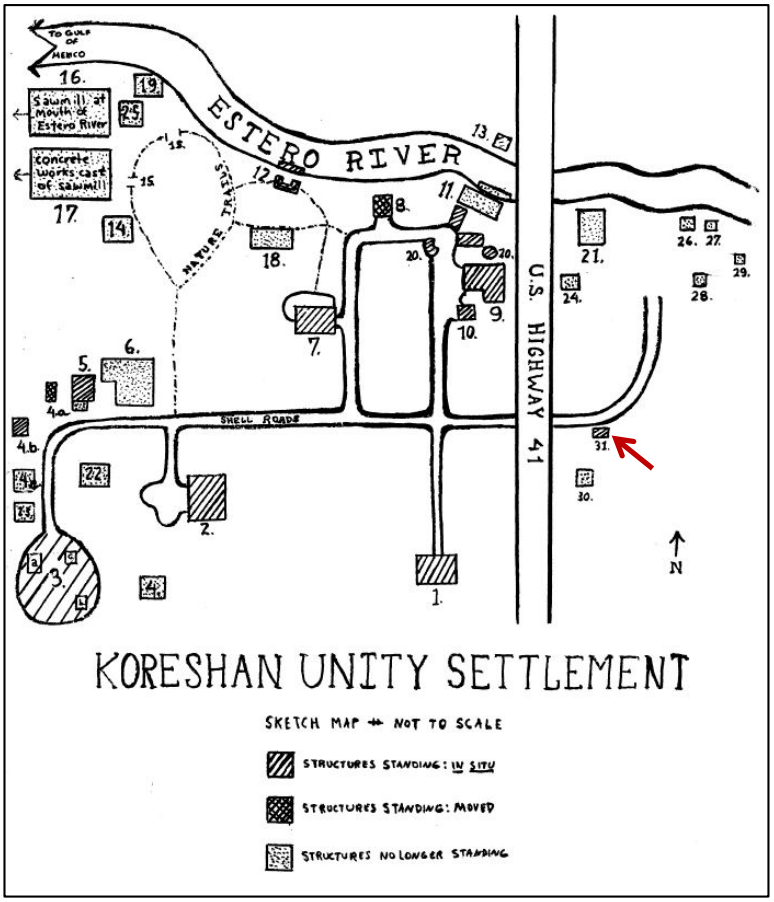


Figure 1. Koreshan Unity Settlement Historic District map included within the NRHP nomination (Fryman 1975). Red arrow depicts former location of the Anna Lewis House (8LL01114). All other buildings located east of US 41 are no longer extant. Based on the current survey, some of the buildings/structure remnants are either in ruinous condition or are no longer present and may have been removed during current land clearing activities.

REFERENCES

Archaeological Consultants, Inc. (ACI)
2010 Cultural Resource Assessment Survey Addendum SR 45 (US 41) from Corkscrew Road to San Carlos Boulevard Four Additional Linear Pond Sites, Lee County, Florida. ACI, Sarasota. Survey No. 18011.

Fryman, Mildred L.
1975 Koreshan Unity Settlement Historic District. NRHP Inventory – Nomination Form. United States Department of the Interior, National Park Service. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

PHOTOGRAPHS

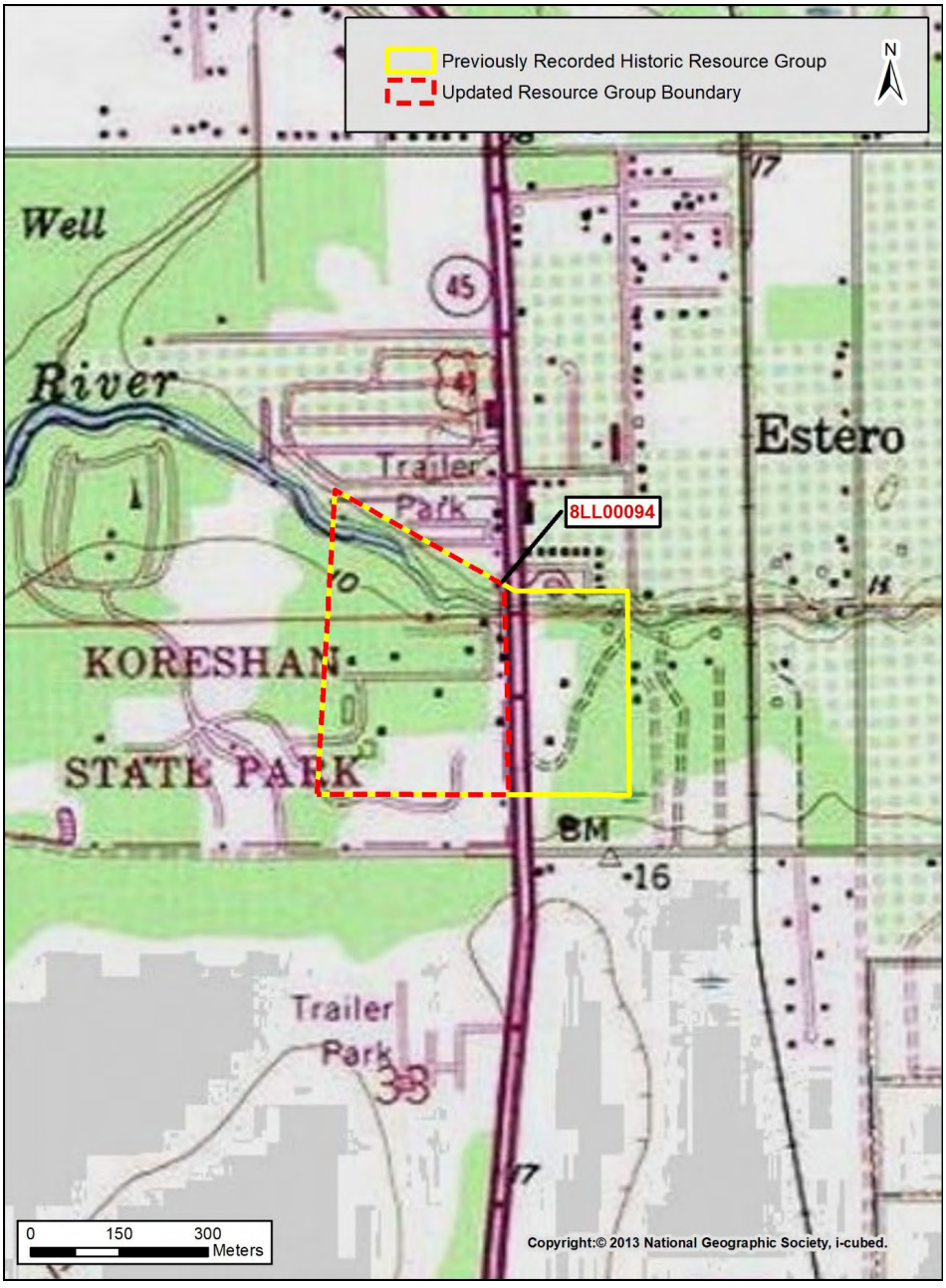




AERIAL MAP


Previously Recorded Historic Resource Group
Updated Resource Group Boundary
N
Carambola Ln
Grapefruit Ln
Coralberry Ln
Lychee Ln
County Rd
Highlands Ave
S Tamiami Trl
45
8LL00094
41
S Tamiami Trl
Corkscrew Rd
Corkscrew Rd
Corkscrew Rd
0 50 100 Meters
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, 2020

USGS Estero
Township 46 South, Range 25 East, Section 28 & 33



Page 1

☐ Original
☒ Update



HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Site#8 LL02357
Field Date 2-17-2022
Form Date 2-18-2022
Recorder # _____

Shaded Fields represent the minimum acceptable level of documentation.
Consult the *Guide to Historical Structure Forms* for detailed instructions.

Site Name(s) (address if none) Holly Park House Multiple Listing (DHR only) _____
Survey Project Name CRAS Update Estero on the River Survey # (DHR only) _____
National Register Category (please check one) ☒building ☐structure ☐district ☐site ☐object
Ownership: ☐private-profit ☒private-nonprofit ☐private-individual ☐private-nonspecific ☐city ☐county ☐state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

	Street Number	Direction	Street Name	Street Type	Suffix Direction
Address:	8761		Corkscrew	Road	

Cross Streets (nearest / between) between ACL Railroad Tracks & Tamiami Trail (US41)
USGS 7.5 Map Name ESTERO USGS Date 1958 Plat or Other Map _____
City / Town (within 3 miles) Estero In City Limits? ☒yes ☐no ☐unknown County Lee
Township 46S Range 25E Section 33 ¼ section: ☐NW ☐SW ☐SE ☒NE Irregular-name: _____
Tax Parcel # 33-46-25-E2-U1936.2400 Landgrant _____
Subdivision Name _____ Block _____ Lot _____
UTM Coordinates: Zone ☐16 ☒17 Easting 419360 Northing 2924023
Other Coordinates: X: _____ Y: _____ Coordinate System & Datum _____
Name of Public Tract (e.g., park) _____

HISTORY

Construction Year: 1949 ☒approximately ☐year listed or earlier ☐year listed or later
Original Use Private Residence (House/Cottage/Ca From (year): 1949 To (year): UNK
Current Use Abandoned/Vacant From (year): UNK To (year): CURR
Other Use _____ From (year): _____ To (year): _____
Moves: ☐yes ☒no ☐unknown Date: _____ Original address _____
Alterations: ☒yes ☐no ☐unknown Date: _____ Nature new roofing materials, siding
Additions: ☒yes ☐no ☐unknown Date: _____ Nature carport
Architect (last name first): _____ Builder (last name first): _____
Ownership History (especially original owner, dates, profession, etc.)

Village Partners LLC (2005-CURR); Koreshan Unity Inc. (1999-2005); Holly W. Park Estate, Mattie Park (1998-1999); Holly & Mattie Park (1969-1998)

Is the Resource Affected by a Local Preservation Ordinance? ☐yes ☒no ☐unknown Describe _____

DESCRIPTION

Style Ranch Exterior Plan Irregular Number of Stories 1
Exterior Fabric(s) 1. Vertical plank 2. _____ 3. _____
Roof Type(s) 1. Hip 2. _____ 3. _____
Roof Material(s) 1. Asphalt shingles 2. _____ 3. _____
Roof secondary strucs. (dormers etc.) 1. _____ 2. _____
Windows (types, materials, etc.)

all visible windows have been boarded up with plywood

Distinguishing Architectural Features (exterior or interior ornaments)

wood windowsills, decorative wrought iron supports, a brick chimney, tapered pier foundation, and exposed rafters

Ancillary Features / Outbuildings (record outbuildings, major landscape features; use continuation sheet if needed.)

A bomb shelter (8LL02938), the Lockwood House (8LL02358), and a non-historic shed are located to the south

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date _____ ☐Owner Objection	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info Date _____ Init._____ KEEPER – Determined eligible: ☐yes ☐no Date _____ NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

Page 2

HISTORICAL STRUCTURE FORM

Site # 8 LL02357

DESCRIPTION (continued)

Chimney: No. 1 Chimney Material(s): 1. Brick 2.

Structural System(s): 1. Wood frame 2. 3.

Foundation Type(s): 1. Piers 2.

Foundation Material(s): 1. Concrete Block 2.

Main Entrance (stylistic details)

S Elev: single, boarded over

Porch Descriptions (types, locations, roof types, etc.)

NA

Condition (overall resource condition): ☐ excellent ☐ good ☐ fair ☒ deteriorated ☐ ruinous

Narrative Description of Resource

This is a simple, single level Ranch Style building with an irregular plan, a hip roof, and an attached carport. All of the windows and doors have been boarded over.

Archaeological Remains ☐ Check if Archaeological Form Completed

RESEARCH METHODS (select all that apply)

☒ FMSF record search (sites/surveys)	☐ library research	☐ building permits	☐ Sanborn maps
☐ FL State Archives/photo collection	☐ city directory	☐ occupant/owner interview	☐ plat maps
☒ property appraiser / tax records	☐ newspaper files	☐ neighbor interview	☐ Public Lands Survey (DEP)
☒ cultural resource survey (CRAS)	☐ historic photos	☐ interior inspection	☐ HABS/HAER record search

☒ other methods (describe) UFDC aerial photos & FDOT APlus aerial maps

Bibliographic References (give FMSF manuscript # if relevant, use continuation sheet if needed)

UFDC - accessible online at:https://ufdc.ufl.edu/aerials; FDOT accessible online at: https://fdotewp1.dot.state.fl.us/AerialPhotoLookUpSystem/; Manuscript #22678

OPINION OF RESOURCE SIGNIFICANCE

Appears to meet the criteria for National Register listing individually? ☐ yes ☒ no ☐ insufficient information

Appears to meet the criteria for National Register listing as part of a district? ☐ yes ☒ no ☐ insufficient information

Explanation of Evaluation (required, whether significant or not; use separate sheet if needed)

The Ranch style is common throughout Lee County, and has undergone extensive alterations which have diminished its historic integrity. Background research did not reveal any historic associations with significant persons and/or events.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

1. 3. 5.

2. 4. 6.

DOCUMENTATION

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

1) Document type All materials at one location Maintaining organization Archaeological Consultants Inc

Document description Field notes, maps, photos, resea File or accession #'s P20116.1

2) Document type Maintaining organization

Document description File or accession #'s

RECORDER INFORMATION

Recorder Name Madeline Westrom Affiliation Archaeological Consultants Inc

Recorder Contact Information (address / phone / fax / e-mail) 8110 Blaikie Ct., St. A, Sarasota, FL 34240 / aciflorida@comcast.net

Required Attachments

❶ USGS 7.5' MAP WITH STRUCTURE LOCATION CLEARLY INDICATED

❷ LARGE SCALE STREET, PLAT OR PARCEL MAP (available from most property appraiser web sites)

❸ PHOTO OF MAIN FACADE, DIGITAL IMAGE FILE

When submitting an image, it must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital image must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

PHOTOGRAPHS

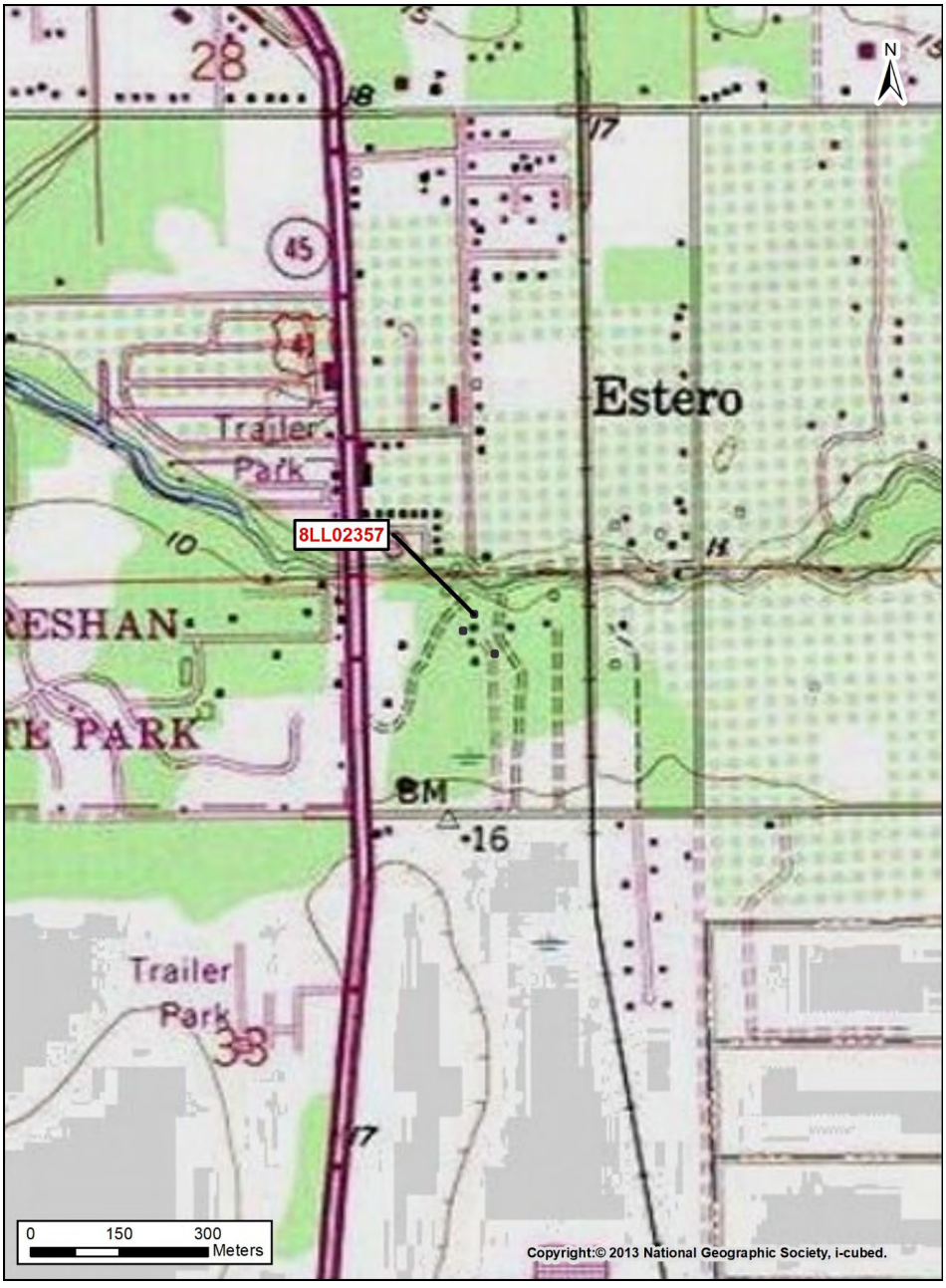




AERIAL MAP


N
8LL02357
0
50
100
Meters
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, 2020

USGS Estero
Township 46 South, Range 25 East, Section 33



Page 1

☐ Original
☒ Update



HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Site#8 LL02358
Field Date 2-17-2022
Form Date 2-18-2022
Recorder # _____

Shaded Fields represent the minimum acceptable level of documentation.
Consult the *Guide to Historical Structure Forms* for detailed instructions.

Site Name(s) (address if none) Lockwood House Multiple Listing (DHR only) _____
Survey Project Name CRAS Update Estero on the River Survey # (DHR only) _____
National Register Category (please check one) ☒building ☐structure ☐district ☐site ☐object
Ownership: ☐private-profit ☒private-nonprofit ☐private-individual ☐private-nonspecific ☐city ☐county ☐state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

Street Number	Direction	Street Name	Street Type	Suffix Direction
8751		Corkscrew	Road	

Address:
Cross Streets (nearest / between) between ACL Railroad Tracks & Tamiami Trail (US41)
USGS 7.5 Map Name ESTERO USGS Date 1958 Plat or Other Map _____
City / Town (within 3 miles) Estero In City Limits? ☐yes ☐no ☐unknown County Lee
Township 46S Range 25E Section 33 ¼ section: ☐NW ☐SW ☐SE ☒NE Irregular-name: _____
Tax Parcel # 33-46-25-E2-U1926.2390 Landgrant _____
Subdivision Name _____ Block _____ Lot _____
UTM Coordinates: Zone ☐16 ☒17 Easting 419364 Northing 2923969
Other Coordinates: X: _____ Y: _____ Coordinate System & Datum _____
Name of Public Tract (e.g., park) _____

HISTORY

Construction Year: 1950 ☒approximately ☐year listed or earlier ☐year listed or later
Original Use Private Residence (House/Cottage/Ca From (year): 1950 To (year): UNK
Current Use Abandoned/Vacant From (year): UNK To (year): CURR
Other Use _____ From (year): _____ To (year): _____
Moves: ☐yes ☐no ☐unknown Date: _____ Original address _____
Alterations: ☒yes ☐no ☐unknown Date: _____ Nature new roofing materials, siding, door
Additions: ☒yes ☐no ☐unknown Date: _____ Nature wood frame garage
Architect (last name first): _____ Builder (last name first): _____
Ownership History (especially original owner, dates, profession, etc.)

Village Partners LLC (2005-CURR); Koreshan Unity Inc. (1999-2005); Gordon & Phyllis Lockwood (1987-1999)

Is the Resource Affected by a Local Preservation Ordinance? ☐yes ☒no ☐unknown Describe _____

DESCRIPTION

Style Ranch Exterior Plan Rectangular Number of Stories 1
Exterior Fabric(s) 1. Vertical plank 2. Wood shingles 3. _____
Roof Type(s) 1. Gable 2. _____ 3. _____
Roof Material(s) 1. Asphalt shingles 2. _____ 3. _____
Roof secondary strucs. (dormers etc.) 1. _____ 2. _____

Windows (types, materials, etc.)

fixed, 6-light; awning, metal, 3-stacked; most window frames remain, but the windows themselves are gone

Distinguishing Architectural Features (exterior or interior ornaments)

boxed eave, wood window and door frames, and tapered pre-cast concrete piers

Ancillary Features / Outbuildings (record outbuildings, major landscape features; use continuation sheet if needed.)

A bomb shelter (8LL02938) and residence (8LL02357) are located to the north of the building.

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date _____ ☐Owner Objection	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info Date _____ Init._____ KEEPER – Determined eligible: ☐yes ☐no Date _____ NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

HR6E046R0319, effective 05/2016
Rule 1A-46.001, F.A.C.
Florida Master Site File / Div. of Historical Resources / R. A. Gray Bldg / 500 S Bronough St., Tallahassee, FL 32399-0250
Phone 850.245.6440 / Fax 850.245.6439 / E-mail SiteFile@dos.myflorida.com

Page 2

HISTORICAL STRUCTURE FORM

Site # 8 LL02358

DESCRIPTION (continued)

Chimney: No.____ Chimney Material(s): 1. _____ 2. _____

Structural System(s): 1. Wood frame 2. _____ 3. _____

Foundation Type(s): 1. Piers 2. _____

Foundation Material(s): 1. Pre-cast Concrete Footi 2. _____

Main Entrance (stylistic details)

S Elev: single, empty door frame

Porch Descriptions (types, locations, roof types, etc.)

NA

Condition (overall resource condition): ☐excellent ☐good ☐fair ☒deteriorated ☐ruinous

Narrative Description of Resource

This is a simple, single level Ranch Style building that is missing nearly all of its windows and doors. A segment of the roof on the west end of the structure has caved in and the siding below that has largely fallen away.

Archaeological Remains _____ ☐Check if Archaeological Form Completed

RESEARCH METHODS (select all that apply)

☒FMSF record search (sites/surveys)	☐library research	☐building permits	☐Sanborn maps
☐FL State Archives/photo collection	☐city directory	☐occupant/owner interview	☐plat maps
☒property appraiser / tax records	☐newspaper files	☐neighbor interview	☐Public Lands Survey (DEP)
☒cultural resource survey (CRAS)	☐historic photos	☐interior inspection	☐HABS/HAER record search

☒other methods (describe) UFDC aerial photos & FDOT APlus aerial maps

Bibliographic References (give FMSF manuscript # if relevant, use continuation sheet if needed)

UFDC - accessible online at:https://ufdc.ufl.edu/aerials; FDOT accessible online at: https://fdotewp1.dot.state.fl.us/AerialPhotoLookUpSystem/; Manuscript # 22678

OPINION OF RESOURCE SIGNIFICANCE

Appears to meet the criteria for National Register listing individually? ☐yes ☒no ☐insufficient information

Appears to meet the criteria for National Register listing as part of a district? ☐yes ☒no ☐insufficient information

Explanation of Evaluation (required, whether significant or not; use separate sheet if needed)

The Ranch style is common throughout Lee County, and has undergone extensive alterations which have diminished its historic integrity. Background research did not reveal any historic associations with significant persons and/or events.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

1._____ 3._____ 5._____

2._____ 4._____ 6._____

DOCUMENTATION

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

1) Document type All materials at one location Maintaining organization Archaeological Consultants Inc

Document description Field notes, maps, photos, resea File or accession #'s P20116.1

2) Document type _____ Maintaining organization _____

Document description _____ File or accession #'s _____

RECORDER INFORMATION

Recorder Name Madeline Westrom Affiliation Archaeological Consultants Inc

Recorder Contact Information (address / phone / fax / e-mail) 8110 Blaikie Ct., St. A, Sarasota, FL 34240 / aciflorida@comcast.net

Required Attachments

❶ USGS 7.5' MAP WITH STRUCTURE LOCATION CLEARLY INDICATED

❷ LARGE SCALE STREET, PLAT OR PARCEL MAP (available from most property appraiser web sites)

❸ PHOTO OF MAIN FACADE, DIGITAL IMAGE FILE

When submitting an image, it must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital image must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

PHOTOGRAPHS





AERIAL MAP


N
8LL02358
0
50
100
Meters
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors. 2020

USGS Estero
Township 46 South, Range 25 East, Section 33



Page 1

☒ Original
☐ Update



HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Site#8 LL02938
Field Date 2-18-2022
Form Date 2-21-2022
Recorder # _____

Shaded Fields represent the minimum acceptable level of documentation.
Consult the *Guide to Historical Structure Forms* for detailed instructions.

Site Name(s) (address if none) Holly Park Bomb Shelter Multiple Listing (DHR only) _____
Survey Project Name CRAS Update Estero on the River Survey # (DHR only) _____
National Register Category (please check one) ☒building ☐structure ☐district ☐site ☐object
Ownership: ☒private-profit ☐private-nonprofit ☐private-individual ☐private-nonspecific ☐city ☐county ☐state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

Street Number	Direction	Street Name	Street Type	Suffix Direction
8761		Corkscrew	Road	

Address:
Cross Streets (nearest / between) between ACL Railroad Tracks & Tamiami Trail (US41)
USGS 7.5 Map Name ESTERO USGS Date 1958 Plat or Other Map _____
City / Town (within 3 miles) Estero In City Limits? ☒yes ☐no ☐unknown County Lee
Township 46S Range 25E Section 33 ¼ section: ☐NW ☐SW ☐SE ☒NE Irregular-name: _____
Tax Parcel # 33-46-25-E2-U1936.2400 Landgrant _____
Subdivision Name _____ Block _____ Lot _____
UTM Coordinates: Zone ☐16 ☒17 Easting 419342 Northing 2923996
Other Coordinates: X: _____ Y: _____ Coordinate System & Datum _____
Name of Public Tract (e.g., park) _____

HISTORY

Construction Year: 1957 ☒approximately ☐year listed or earlier ☐year listed or later
Original Use Other From (year): _____ To (year): _____
Current Use Abandoned/Vacant From (year): UNK To (year): CURR
Other Use Bombshelter From (year): 1949 To (year): UNK
Moves: ☐yes ☒no ☐unknown Date: _____ Original address _____
Alterations: ☐yes ☒no ☐unknown Date: _____ Nature _____
Additions: ☐yes ☒no ☐unknown Date: _____ Nature _____
Architect (last name first): _____ Builder (last name first): _____
Ownership History (especially original owner, dates, profession, etc.)

Village Partners LLC (2005-CURR); Koreshan Unity Inc. (1999-2005); Holly W. Park Estate, Mattie Park (1998-1999); Holly & Mattie Park (1969-1998)

Is the Resource Affected by a Local Preservation Ordinance? ☐yes ☒no ☐unknown Describe _____

DESCRIPTION

Style Masonry Vernacular Exterior Plan Square Number of Stories 1
Exterior Fabric(s) 1. Concrete 2. _____ 3. _____
Roof Type(s) 1. Flat 2. _____ 3. _____
Roof Material(s) 1. Other 2. _____ 3. Concrete Slab
Roof secondary strucs. (dormers etc.) 1. _____ 2. _____
Windows (types, materials, etc.)

all windows have been boarded over

Distinguishing Architectural Features (exterior or interior ornaments)

concrete block clerestory

Ancillary Features / Outbuildings (record outbuildings, major landscape features; use continuation sheet if needed.)

One residence (8LL02357) is located to the north and one residence (8LL02358) is located to the south of the building.

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date _____ ☐Owner Objection	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info Date _____ Init._____ KEEPER – Determined eligible: ☐yes ☐no Date _____ NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

Page 2

HISTORICAL STRUCTURE FORM

Site # LL02938

DESCRIPTION (continued)

Chimney: No. 0 Chimney Material(s): 1. _____ 2. _____

Structural System(s): 1. Concrete 2. _____ 3. _____

Foundation Type(s): 1. Continuous 2. _____

Foundation Material(s): 1. Concrete, Generic 2. _____

Main Entrance (stylistic details)

E Elev: single, obscured

Porch Descriptions (types, locations, roof types, etc.)

NA

Condition (overall resource condition): ☐excellent ☐good ☐fair ☒deteriorated ☐ruinous

Narrative Description of Resource

This is a square Masonry Vernacular bomb shelter constructed of concrete. A square clerestory with boarded windows is located on the northeast corner of the flat roof.

Archaeological Remains _____ ☐Check if Archaeological Form Completed

RESEARCH METHODS (select all that apply)

☒FMSF record search (sites/surveys)	☐library research	☐building permits	☐Sanborn maps
☐FL State Archives/photo collection	☐city directory	☐occupant/owner interview	☐plat maps
☒property appraiser / tax records	☐newspaper files	☐neighbor interview	☐Public Lands Survey (DEP)
☒cultural resource survey (CRAS)	☐historic photos	☐interior inspection	☐HABS/HAER record search

☒other methods (describe) UFDC aerial photos & FDOT APlus aerial maps

Bibliographic References (give FMSF manuscript # if relevant, use continuation sheet if needed)

UFDC - accessible online at:https://ufdc.ufl.edu/aerials; FDOT accessible online at: https://fdotewp1.dot.state.fl.us/AerialPhotoLookUpSystem/; Manuscript # 22678

OPINION OF RESOURCE SIGNIFICANCE

Appears to meet the criteria for National Register listing individually? ☐yes ☒no ☐insufficient information

Appears to meet the criteria for National Register listing as part of a district? ☐yes ☒no ☐insufficient information

Explanation of Evaluation (required, whether significant or not; use separate sheet if needed)

This building is not a significant embodiment of a type, period, or method of construction. Background research did not reveal any historic associations with significant persons and/or events.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

1. _____ 3. _____ 5. _____

2. _____ 4. _____ 6. _____

DOCUMENTATION

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

1) Document type All materials at one location Maintaining organization Archaeological Consultants Inc

Document description Field notes, maps, photos, resea File or accession #'s P20116.1

2) Document type _____ Maintaining organization _____

Document description _____ File or accession #'s _____

RECORDER INFORMATION

Recorder Name Madeline Westrom Affiliation Archaeological Consultants Inc

Recorder Contact Information 8110 Blaikie Ct., St. A, Sarasota, FL 34240 / aciflorida@comcast.net

(address / phone / fax / e-mail)

Required Attachments

❶ USGS 7.5' MAP WITH STRUCTURE LOCATION CLEARLY INDICATED

❷ LARGE SCALE STREET, PLAT OR PARCEL MAP (available from most property appraiser web sites)

❸ PHOTO OF MAIN FACADE, DIGITAL IMAGE FILE

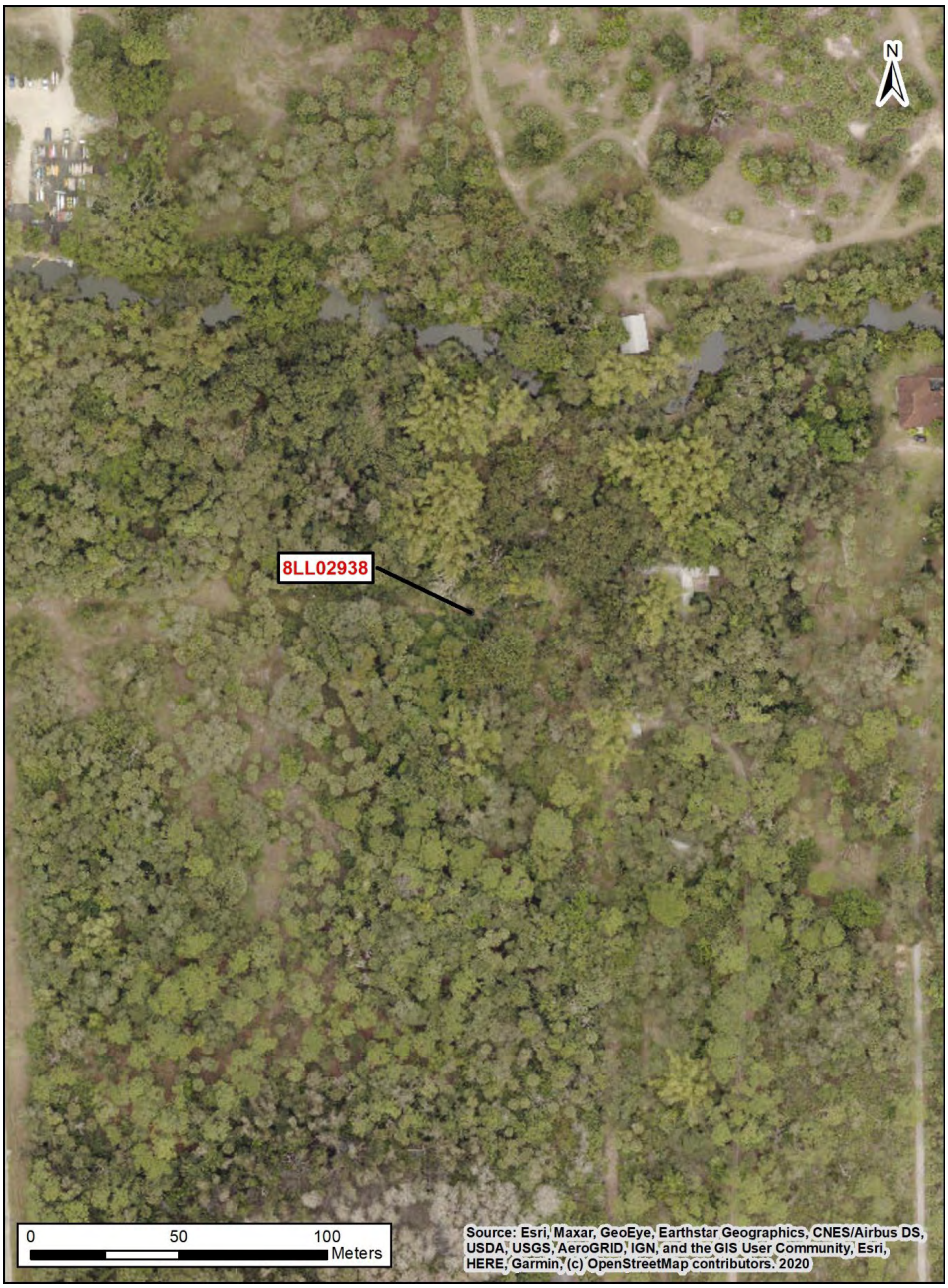
When submitting an image, it must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital image must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

PHOTOGRAPHS

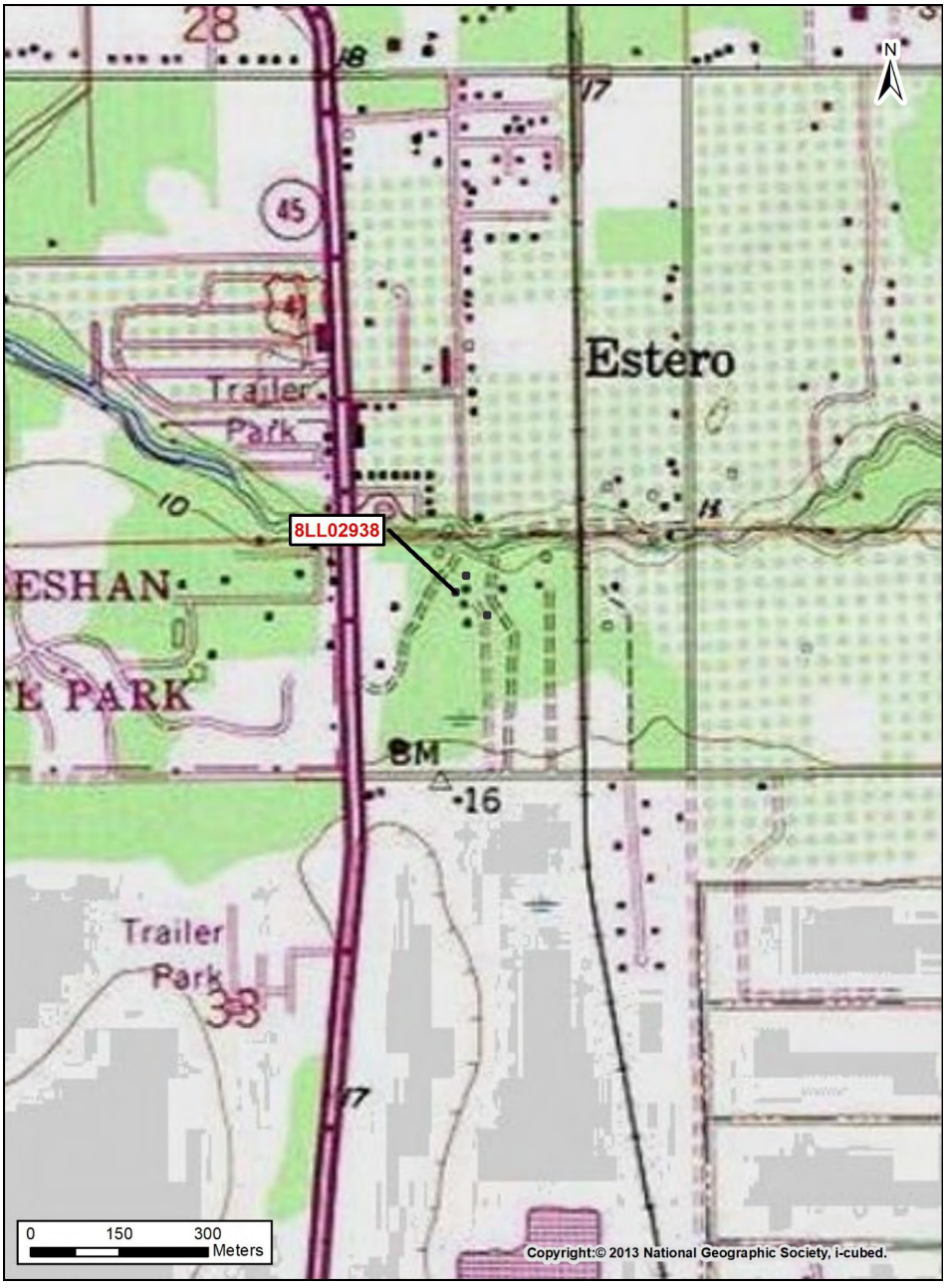




AERIAL MAP


N
8LL02938
0
50
100
Meters
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, 2020

USGS Estero
Township 46 South, Range 25 East, Section 33



Appendix D
Demolished Building Letter

Florida's First Choice in Cultural Resource Management

March 21, 2022

Mr. Vincent Birdsong
Supervisor, Florida Master Site File
Division of Historical Resources
500 South Bronough Street
Tallahassee, FL 32399-0250

RE: Historic Resource Status

Dear Mr. Birdsong:

This letter is to inform you that background research and a recent field survey conducted in February 2022 has discovered that the Rustic Tea Garden Outhouse (8LL02351) is no longer extant. The resource was recorded in 2005 as a Frame Vernacular style structure located at 21101 S Tamimi Trail in Lee County.

Sincerely,

Savannah Young
Assistant Architectural Historian

8110 Blaikie Court, Suite A, Sarasota, FL 34240 - Telephone 941.379.6206 - Fax 877.351.2501

Appendix E
Survey Log

Ent D (FMSF only) _____

Survey Log Sheet

Florida Master Site File
Version 5.0 3/19

Survey # (FMSF only) _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Manuscript Information

Survey Project (name and project phase)
CRAS Tech Memo 18 Portion of Estero, Phase I

Report Title (exactly as on title page)
Cultural Resource Assessment Survey Update Technical Memorandum 18 Acre Portion of Estero on the River, Lee County, Florida

Report Authors (as on title page) 1. Kimberly Irby 3. _____
2. Lee Hutchinson 4. _____

Publication Year 2022 **Number of Pages in Report** (do not include site forms) 59

Publication Information (Give series, number in series, publisher and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*.)
ACI, Sarasota, 2022, P20116.1

Supervisors of Fieldwork (even if same as author) Names Maranda Kles

Affiliation of Fieldworkers: Organization Archaeological Consultants Inc City Sarasota

Key Words/Phrases (Don't use county name, or common words like *archaeology*, *structure*, *survey, architecture, etc.*)
1. Koreshan 3. _____ 5. _____ 7. _____
2. Estero 4. _____ 6. _____ 8. _____

Survey Sponsors (corporation, government unit, organization, or person funding fieldwork)
Name Village of Estero Organization _____
Address/Phone/E-mail 9401 Corkscrew Palms Circle, Estero, FL 33928

Recorder of Log Sheet Kimberly M. Irby **Date Log Sheet Completed** 3-18-2022

Is this survey or project a continuation of a previous project? ☒No ☐Yes: **Previous survey #s (FMSF only)** _____

Project Area Mapping

Counties (select every county in which field survey was done; attach additional sheet if necessary)
1. Lee 3. _____ 5. _____
2. _____ 4. _____ 6. _____

USGS 1:24,000 Map Names/Year of Latest Revision (attach additional sheet if necessary)
1. Name ESTERO Year 1958 4. Name _____ Year _____
2. Name _____ Year _____ 5. Name _____ Year _____
3. Name _____ Year _____ 6. Name _____ Year _____

Field Dates and Project Area Description

Fieldwork Dates: Start 2-17-2022 End 2-18-2022 **Total Area Surveyed** (fill in one) _____hectares 18.00 acres
Number of Distinct Tracts or Areas Surveyed 1
If Corridor (fill in one for each) **Width:** _____meters _____feet **Length:** _____kilometers _____miles

Page 2 **Survey Log Sheet** Survey #_____

Research and Field Methods

Types of Survey (select all that apply): ☒archaeological ☒architectural ☒historical/archival ☐underwater ☐damage assessment ☐monitoring report ☐other(describe): _____

Scope/Intensity/Procedures

background research; shovel tests; none positive; historic reconnaissance survey; photographs taken; CRAS Tech Memo prepared

Preliminary Methods (select as many as apply to the project as a whole)

☐Florida Archives (Gray Building)	☐library research- *local/ public*	☒local property or tax records	☒other historic maps	☐LIDAR
☐Florida Photo Archives (Gray Building)	☐library-special collection	☐newspaper files	☒soils maps or data	☐other remote sensing
☒Site File property search	☒Public Lands Survey (maps at DEP)	☒literature search	☒windshield survey	
☒Site File survey search	☐local informant(s)	☐Sanborn Insurance maps	☒aerial photography	

☐other (describe): _____

Archaeological Methods (select as many as apply to the project as a whole)

☐Check here if **NO** archaeological methods were used.

☐surface collection, controlled	☐shovel test-other screen size	☐block excavation (at least 2x2 m)	☐metal detector
☐surface collection, **un**controlled	☐water screen	☐soil resistivity	☐other remote sensing
☒shovel test-1/4"screen	☐posthole tests	☐magnetometer	☒pedestrian survey
☐shovel test-1/8" screen	☐auger tests	☐side scan sonar	☐unknown
☐shovel test 1/16"screen	☐coring	☐ground penetrating radar (GPR)	
☐shovel test-unscreened	☐test excavation (at least 1x2 m)	☐LIDAR	

☐other (describe): _____

Historical/Architectural Methods (select as many as apply to the project as a whole)

☐Check here if **NO** historical/architectural methods were used.

☐building permits	☐demolition permits	☐neighbor interview	☐subdivision maps
☐commercial permits	☒windshield survey	☐occupant interview	☐tax records
☐interior documentation	☒local property records	☐occupation permits	☐unknown

☐other (describe): _____

Survey Results

Resource Significance Evaluated? ☒Yes ☐No

Count of Previously Recorded Resources 3 **Count of Newly Recorded Resources** 1

List Previously Recorded Site ID#s with Site File Forms Completed (attach additional pages if necessary)

LL00094, LL02357, LL02358

List Newly Recorded Site ID#s (attach additional pages if necessary)

LL02938

Site Forms Used: ☒Site File Paper Forms ☐Site File PDF Forms

REQUIRED: Attach Map of Survey or Project Area Boundary

SHPO USE ONLY **SHPO USE ONLY** **SHPO USE ONLY**

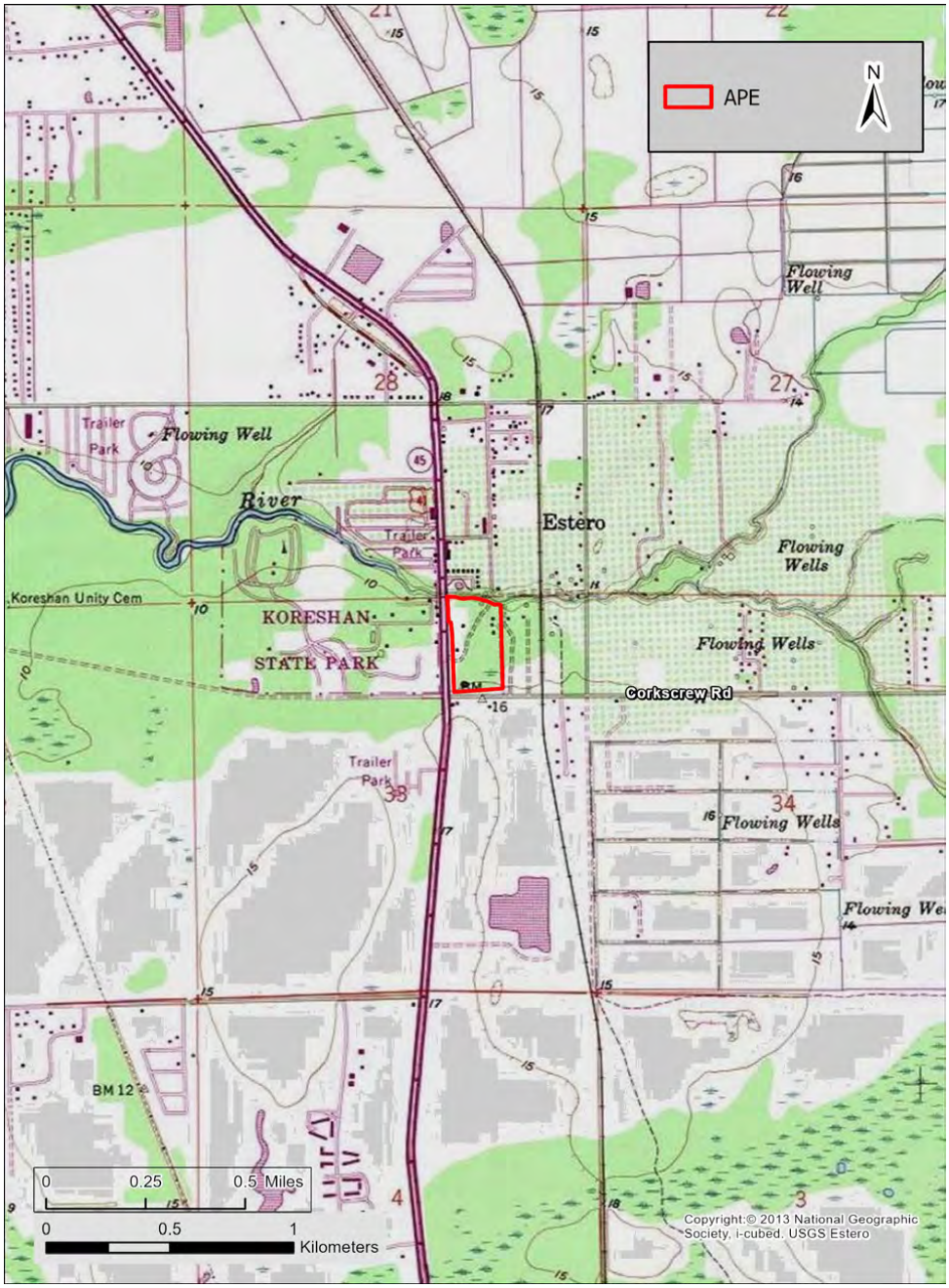
Origin of Report: ☐872 ☐Public Lands ☐UW ☐1A32 # _____ ☐Academic ☐Contract ☐Avocational ☐Grant Project # _____ ☐Compliance Review: CRAT # _____

Type of Document: ☐Archaeological Survey ☐Historical/Architectural Survey ☐Marine Survey ☐Cell Tower CRAS ☐Monitoring Report ☐Overview ☐Excavation Report ☐Multi-Site Excavation Report ☐Structure Detailed Report ☐Library, Hist. or Archival Doc ☐Desktop Analysis ☐MPS ☐MRA ☐TG ☐Other: _____

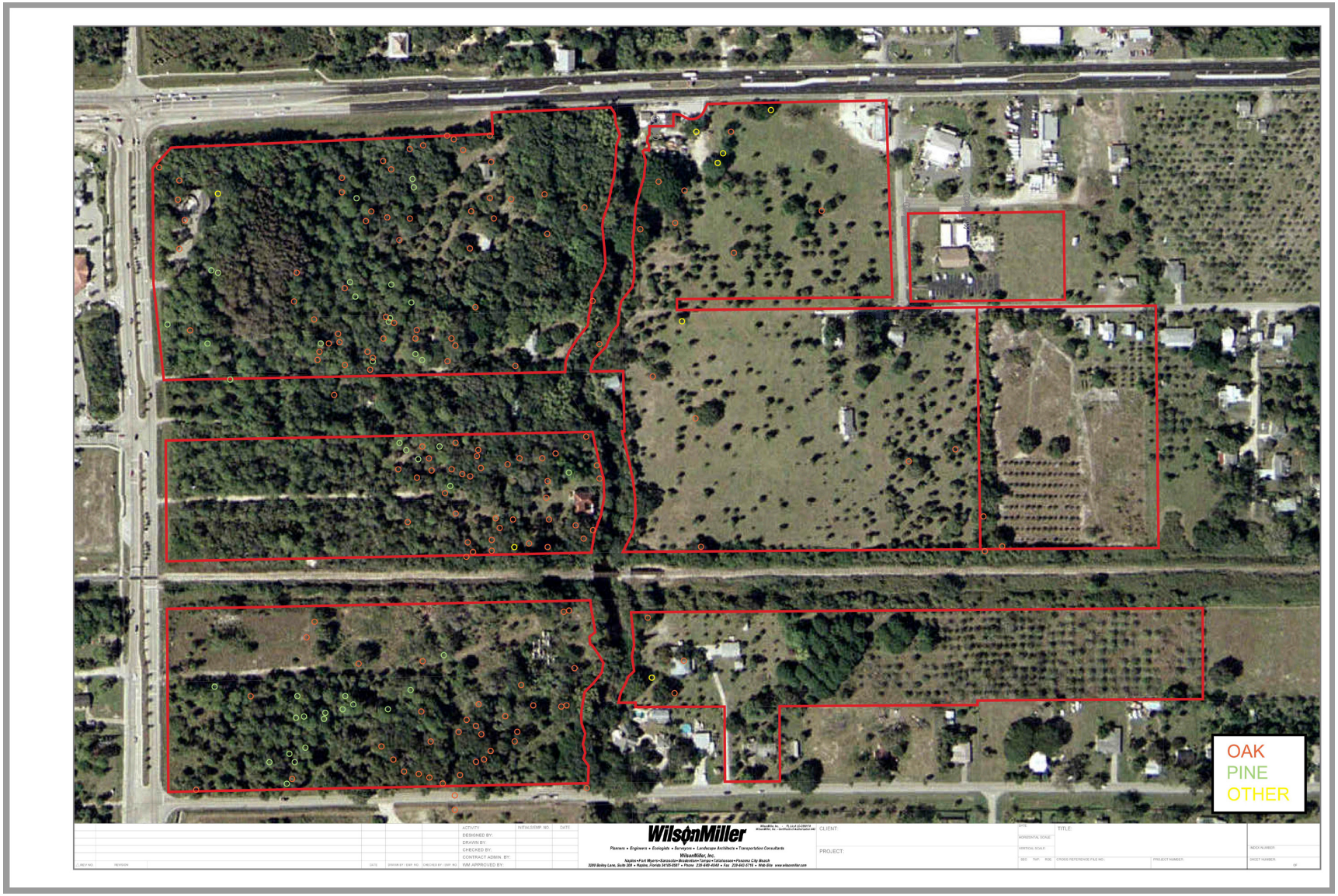
Document Destination: Plottable Projects **Plotability:** _____

HR6E066R0718, effective 05/2016
Rule 1A-46.001, F.A.C.

Florida Master Site File / Div. of Historical Resources / R.A. Gray Bldg / 500 S Bronough St., Tallahassee, Florida 32399-0250
Phone 850.245.6440, Fax 850.245.6439, Email: SiteFile@dos.myflorida.com



+/- 18 Acre Portion of Estero on the River
Township 46 South, Range 25 East, Section 33
USGS Estero, 2013
Lee County, Florida


OAK
PINE
OTHER
WilsonMiller

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

First Reading of Ordinance No. 2022-08 rezoning 31.5 acres of Village-owned property at the northeast corner of Corkscrew Road and US 41.

Motion to pass first reading of Ordinance No. 2022-08. The second reading will be scheduled for a later date.

Background:

The Village Council directed staff to prepare a Comprehensive Plan amendment and rezoning for the 31.5-acre portion of Village property east of US 41, north of Corkscrew Road and south of the Estero River.

The Planning, Zoning and Design Board reviewed the request on June 14, 2022, and recommended approval with the following comment: *Council should look at the long-term development plans to ensure that it attracts people, similar to Lakes Park, and focus particular attention on areas that need to be conserved and preserved versus the uplands.* The vote was 5/0 (Jones and Tatooles left prior to the vote, Gargano absent).

Description

See attached staff report for detail.

Action Requested:

Pass first reading of Ordinance No. 2022-08.

Process and Timeline:

- Council Workshop March 2, 2022
- Council direction to initiate Comprehensive Plan Amendment and rezoning on March 16, 2022
- Planning Zoning and Design Board Public Information Meeting May 6, 2022
- Planning, Zoning and Design Board public hearing on June 14, 2022
- First reading July 6, 2022
- Second reading and public hearing to be scheduled at a later date along with the companion Comprehensive Plan Amendment

Financial Impact:

Minor cost of newspaper advertisements

Prepared by: Mary Gibbs

Attachments:

1. Ordinance No. 2022-08
3. Staff Report

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022-08

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, CONSIDERING A REZONING FROM MIXED-USE PLANNED DEVELOPMENT (MPD) AND AGRICULTURE (AG-2) TO PARKS AND COMMUNITY FACILITIES (PCF) FOR A 31.5 ACRE PROPERTY AT THE NORTHEAST CORNER OF US 41 AND CORKSCREW ROAD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero (the "Applicant") has filed for a rezoning on properties located at 8661, 8761, 8741, 8751, 8791, and 8801 Corkscrew Road ("Property") for **Estero on the River MPD and Happehatchee Parcel**; and

WHEREAS, the Property STRAP numbers are 33-46-25-E2-U1926.2390,33-46-25-E2-U1936.2400, 33-46-25-E2-U1937.2384, 33-46-25-E2-U1936-2375, 33-46-25-E2-U1941.2390, and 33-46-25-E2-U1948-2389. The properties are legally described in Exhibit A attached hereto; and

WHEREAS, the Application requests a rezoning from Mixed-Use Planned Development (MPD) and Agriculture (AG) to Parks and Community Facilities (PCF) (Case number REZ 2022-E001), as depicted on Exhibit "B"; and

WHEREAS, a public information meeting for the rezoning was held on May 10, 2022 at the Planning, Zoning, and Design Board; and

WHEREAS, at a duly noticed public hearing held on June 14, 2022 the Planning, Zoning, and Design Board recommended approval of the rezoning request; and

WHEREAS, a duly noticed first reading and public hearing was held before the Village Council on July 6, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on _____, 2022 at which time the Village Council gave consideration to the evidence presented by the Village staff, the recommendations 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 the rezoning from Mixed-Use Planned Development (MPD) and Agriculture (AG-2) to Parks and Community Facilities (PCF).

Section 2. Findings and Conclusions.

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

1. Is consistent with and furthers the goals, objective, and policies of the Comprehensive Plan and all other Village adopted plans.

2. Is not in conflict with any portion of the LDC.

3. Addresses a demonstrated community need.

4. Is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

5. Would result in a logical and orderly development pattern.

6. Would not adversely affect the property values in the area.

7. Would result in development that is adequately served by public facilities.

8. Would not result in significantly adverse impacts on the natural environment.

9. Is compatible with existing or planned uses in the surrounding area.

Section 3. Exhibits.

The following exhibits are attached to this Ordinance and incorporated by reference:

Exhibit A Legal Description and Sketch
Exhibit B Parks and Community Facilities Zoning

Section 4. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance subsequent to 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 5. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 6th day of July, 2022.

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

Attest: **VILLAGE OF ESTERO, FLORIDA**

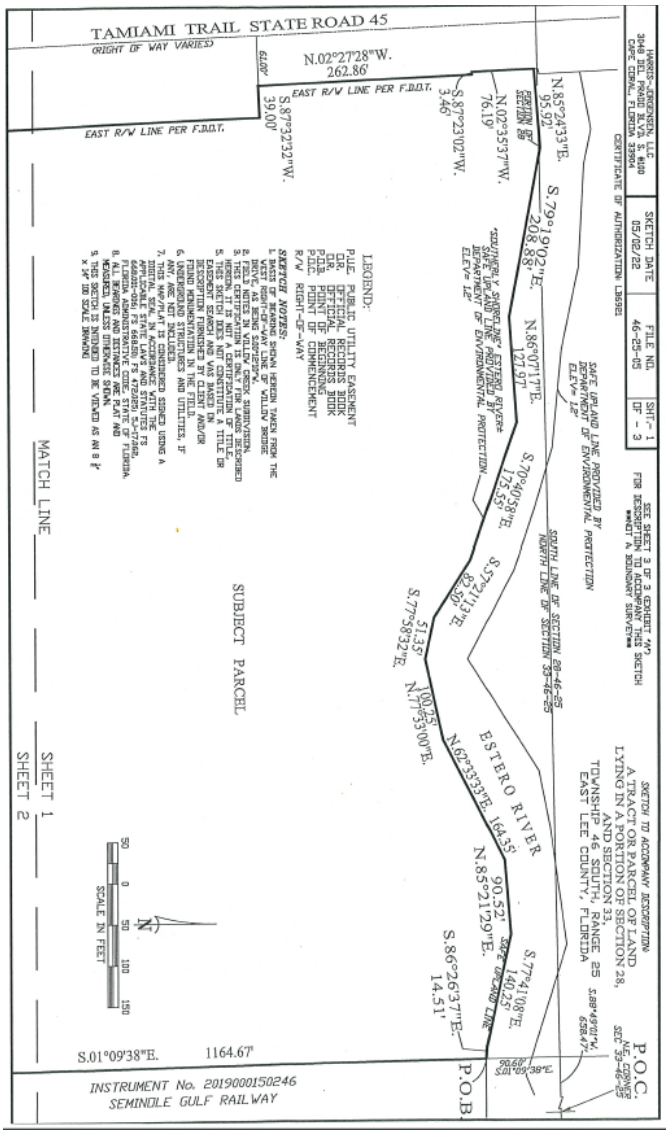
By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

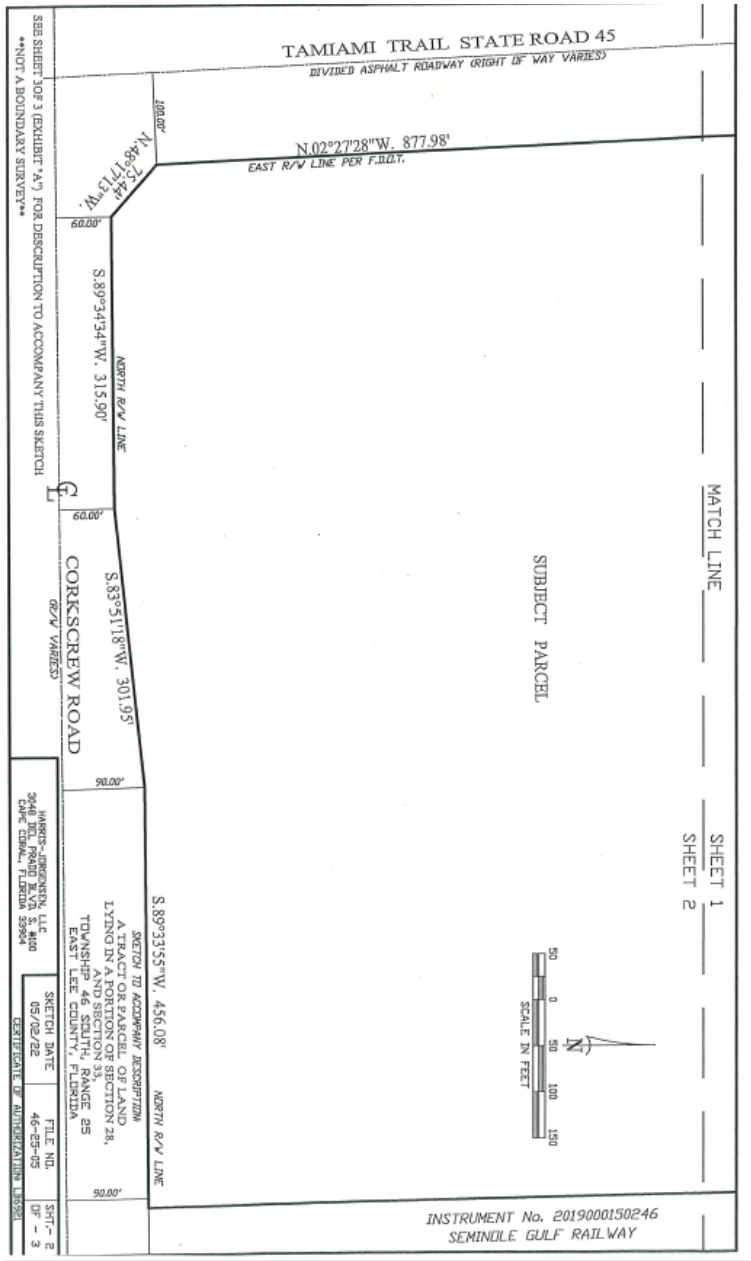
Reviewed for legal sufficiency:

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	____	____

EXHIBIT A
LEGAL DESCRIPTION




TAMIAMI TRAIL STATE ROAD 45
DIVIDED ASPHALT ROADWAY (RIGHT OF WAY VARIES)
N.02°27'28"W. 877.98'
EAST R/W LINE PER F.D.O.T.
100.00'
N.48°17'13"W. 75.44'
60.00'
S.89°34'34"W. 315.90'
NORTH R/W LINE
60.00'
CORKSCREW ROAD
R/W VARIES
S.83°51'18"W. 301.95'
90.00'
S.89°33'55"W. 456.08'
NORTH R/W LINE
90.00'
SUBJECT PARCEL
MATCH LINE
SHEET 1
SHEET 2
INSTRUMENT No. 2019000150246
SEMINOLE GULF RAILWAY
SEE SHEET 3OF 3 (EXHIBIT "A") FOR DESCRIPTION TO ACCOMPANY THIS SKETCH
NOT A BOUNDARY SURVEY
SKETCH TO ACCOMPANY DESCRIPTION
A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
AND SECTION 33,
TOWNSHIP 46 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA
SCALE IN FEET
50 0 50 100 150
N
HARRIS-JENNINGS, LLC
3648 DEL PRADO BLVD. S.
CAPE CORAL, FLORIDA 33904
SKETCH DATE
05/02/22
FILE NO.
46-25-05
SHT - 2
OF - 3
CERTIFICATE OF AUTHORIZATION LB#

127
128

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
AND SECTION 33,
TOWNSHIP 46 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA

SEE SHEETS 1 AND 2 OF 3 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION:
A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 46 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S.88°49'01"W. ALONG THE NORTH LINE OF SAID SECTION 33, FOR 658.47 FEET; THENCE RUN S.01°09'38"E. TO A POINT LYING ALONG THE THE SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 90.60 FEET; THENCE CONTINUE S.01°09'38"E. TO A POINT LYING ALONG THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD, FOR 1164.57 FEET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD THE FOLLOWING BEARINGS AND DISTANCES; S.89°33'55"W. FOR 456.08 FEET, S.835118"W. FOR 301.95 FEET, S.89°34'34"W. FOR 315.90 FEET; THENCE RUN N.48°17'13"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE TAMIAMI TRAIL (ALSO KNOWN AS S.R. No 45) FOR 75.44 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, N.02°27'28"W. FOR 877.98 FEET; THENCE RUN S.87°32'32"W. FOR 39.00 FEET; THENCE RUN N.02°27'28"W. FOR 262.86 FEET; THENCE RUN S.87°23'02"W. FOR 3.46 FEET; THENCE RUN N.02°35'37"W. TO A POINT ALONG THE AFORESAID SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 76.19 FEET; THENCE RUN ALONG THE SAID SOUTHERLY SHORELINE OF THE ESTERO RIVER THE FOLLOWING BEARING AND DISTANCES: N.85°24'33"E. FOR 95.92 FEET, S.79°19'02"E. FOR 208.88 FEET, N.86°07'17"E. FOR 127.97 FEET, S.70°40'58"E. FOR 175.55 FEET, S.57°21'13"E. FOR 82.50 FEET, N.77°33'00"E. FOR 100.25 FEET, N.62°33'33"E. FOR 164.35 FEET, N.85°21'29"E. FOR 90.52 FEET, S.77°41'08"E. FOR 140.25 FEET, S.86°26'37"E. FOR 14.51 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,371,461.78 SQ. FT, OR 31.48 ACRES, MORE OR LESS.

Phillip M Mould, P.S.M. 6515 State of Florida

Digitally signed by Phillip M Mould, P.S.M. 6515 State of Florida
Date: 2022.05.05 08:52:55 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
05/05/2022

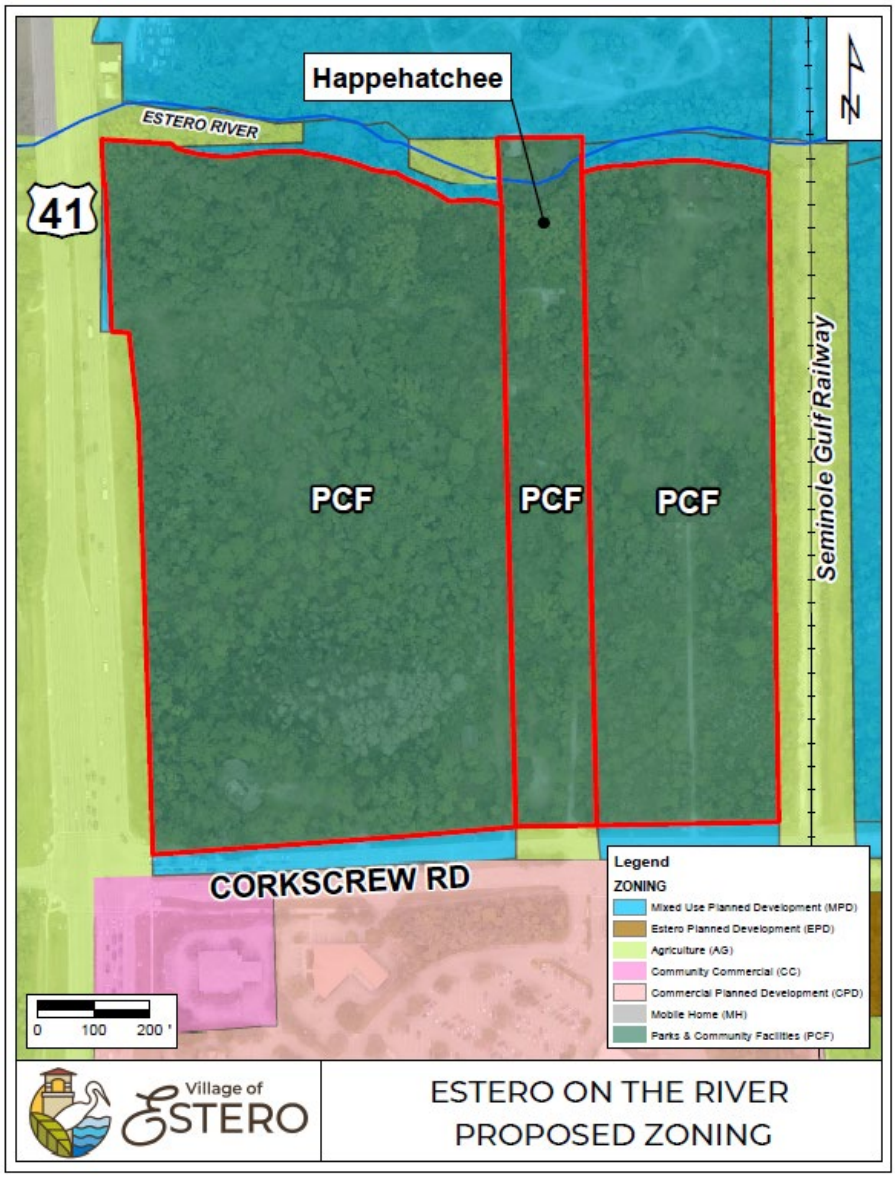
SHEET 3 OF 3

CERTIFICATE OF AUTHORIZATION: LB6921

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S.
#100
CAPE CORAL, FLORIDA 33904
(239)-257-2624

129
130
131

EXHIBIT B
PARKS AND COMMUNITY FACILITIES ZONING



Village Initiated Conventional Rezoning – Estero on the River and Happehatchee

Zoning Staff Report

for

Village Council

CASE NAME:	**Estero on the River MPD and Happehatchee Parcel**
CASE TYPE:	**Rezoning from Mixed Use Planned Development (MPD) and Agriculture (AG) to Parks and Community Facilities (PCF)**
CASE NUMBER:	**REZ 2022-E001**
COUNCIL DATE:	**July 6, 2022**

SUMMARY OF REQUEST

The Village Council has initiated a rezoning of Village-owned property located south of the Estero River at the northeast intersection of US 41 and Corkscrew Road, consisting of approximately 31.5 acres. The current zoning is MPD and AG and the rezoning would protect natural characteristics of the site and provide for public use by rezoning to Parks and Community Facilities. The proposed zoning is consistent with the anticipated public and recreational uses planned for the property.

A Comprehensive Plan Map Amendment application is being reviewed concurrent with the rezoning request, the amendment would change the Future Land Use from Village Center to Public Parks and Recreation.

STAFF AND PLANNING, ZONING AND DESIGN BOARD RECOMMENDATIONS

Staff recommends approval of the rezoning to Parks and Community Facilities.

The Planning, Zoning and Design Board recommended approval, with the following comment: *Council should look at the long-term development plans to ensure that it attracts people, similar to Lakes Park, and focus particular attention on areas that need to be conserved and preserved versus the uplands.*

GENERAL INFORMATION

Applicant/Owner
Village of Estero – Steve Sarkozy, Village Manager

Representative
Community Development Director, Mary Gibbs, FAICP

Location
8861, 8761, 8751, 8741, 8791, and 8801 Corkscrew Road

STRAP Numbers
33-46-25-E2-U1926.2390; 33-46-25-E2-U1936.2400; 33-46-25-E2-U1937.2384; 33-46-25-E2-U1936.2375; 33-46-25-E2-U1941.2390; 33-46-25-E2-U1948.2389

Size of Property
31.5 acres

Surrounding Area Zoning, and Land Use

North MPD Zoning / Village Center Land Use

The Estero on the River project area extends north along the east side US 41 from Corkscrew Road to Highlands Avenue, and east to Sandy Lane. Zoning categories north of the MPD area include Agriculture (AG), Commercial Planned Development (CPD) and Urban Commercial Redevelopment (UCR) along US 41, and Community Facilities Planned Development (CFPD) for Estero United Methodist church at the southeast intersection of US 41 and Broadway E. The area is generally known as Old Estero and is located north and east of County Road between the CSX corridor and Broadway E. This area is a residential community flanked on the west by commercial and institutional uses. The future land uses in this vicinity include Village Center and Village Neighborhood 1.

East MPD/Village Center - CSX Rail Corridor and Estero on the River

The area east of the CSX corridor is not owned by the Village and is zoned MPD. Properties on Sandy Lane are primarily zoned Agricultural (AG) with several Residential Single Family (RSF) lots. The area is residential in character.

South Community Commercial and CPD/Village Center - Corkscrew Road then Corkscrew Village Shopping Center

The southeastern intersection of US 41 and Corkscrew Road has a commercial character with an existing shopping center, and outparcels that include financial institutions, fast food restaurants, and storage. Zoning is CPD and Community Commercial (CC) with Village Center land use.

West AG/Conservation - US 41 then Koreshan State Park

The zoning on the west side of US 41 includes the Mobile Home (MH), Agriculture (AG), and Urban Commercial Redevelopment (UCR). Future land use includes Conservation, Village Neighborhood 2, and Public Parks and Recreation.

Public Information Meeting
A Public Information Meeting was held at the Planning, Zoning, and Design Board on May 10, 2022. See Attachment B.

Existing Zoning
Mixed Use Planned Development (MPD) and Agriculture (AG)

The majority of the property is part of the Estero on the River MPD, an 85-acre development approved by Lee County in 2007 for 530 residential units, 300,000 square feet of commercial office and retail, civic uses and preserve. The Estero on the River MPD is located north and south of the Estero River between US 41 and Sandy Lane. The Happehatchee parcel is zoned AG. This application is limited to the MPD area south of the Estero River and the portion of the Happehatchee parcel south of the river.

Comprehensive Plan Land Use Category
Village Center (proposed change to Public Parks and Recreation)

STAFF ANALYSIS

Request
The Village of Estero purchased approximately 68-acres at the intersection of US 41 and Corkscrew Road which were part of the larger Estero on the River MPD. Subsequently the Village acquired the Happehatchee site. Based upon numerous public meetings and surveys, Village Council expressed interest in rezoning the land south of the Estero River to allow for public access to the river and for recreational and open space uses. The proposed zoning district of Parks and Community Facilities (PCF) is specific to publicly owned properties and allows for park and civic uses and is therefore a zoning category suited to the proposed uses. The rezoning would limit potential future development on the site thus preserving valuable characteristics that the Village seeks to preserve, while allowing for public uses and recreation.

“The purpose and intent of the Parks and Community Facilities District is to provide land for active and passive recreation, and for public buildings such as government offices, libraries, and schools. Classification of primarily public lands to the PCF district is intended to preserve land for public use, including parks, libraries, and noncommercial cultural facilities.” LDC Section 3-504.A.

A companion Comprehensive Plan Amendment would change the Future Land Use Category from Village Center to Public Parks and Recreation.

Comprehensive Plan Considerations
A companion Comprehensive Plan Map amendment is being reviewed concurrent with the rezoning application. The Village Center land use category is intended to provide diverse residential and commercial uses at the heart of the Village. The intention of developing this site with recreational uses and public access to the river has resulted in a request to amend the land use to Public Parks and Recreation which is consistent with the public ownership, public access, and public use of the on-site recreation.

Comprehensive Plan Policies that support the proposed zoning amendment are discussed in the Comprehensive Plan Map Amendment staff report.

Parks, Recreation, and Open Space Plan
The Village adopted this plan in January 2020 which discussed the subject site, including the preservation, public use, and public access to the Estero River. These have been critical components associated with the development in order to preserve the historic, cultural and natural resources associated with the site.

Land Development Code
Section 2-501.C.2 of the LDC provides review standards for rezonings which include:

1. Is consistent with and furthers the goals, objective, and policies of the Comprehensive Plan and all other Village adopted plans.

   Staff Comment: The proposed rezoning from MPD to PCF is supported by the comprehensive plan policies and will be consistent with the proposed future use of Public Parks and Recreation. The proposal is also consistent with the Parks, Recreation and Open Space Plan which prioritized the master planning of this site.

2. Is not in conflict with any portion of the LDC.

   Staff Comment: The proposed rezoning is not in conflict with the LDC.

3. Addresses a demonstrated community need.

   Staff Comment: Numerous public surveys and public meetings occurred in which the Village Council sought feedback from citizens regarding community needs and development of this site. Preservation of the area south of the river, to allow for recreation uses and river access, was sought due to existing limited access to the river. The desire for recreation uses and preservation in the heart of Estero is seen as a community need. Development of the area north of the Estero River is not included in this application.

4. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land.

   Staff Comment: The existing MPD zoning allows for recreation and preservation uses, however the rezoning to Parks and Community Facilities is specific to publicly owned and accessible land.

5. Would result in a logical and orderly development pattern.

   Staff Comment: The Corkscrew Road/US 41 intersection is a high traffic area in the heart of the Village. Intense development pressures over the recent past have resulted the citizens and Village Council desiring to preserve and maintain environmentally sensitive areas, particularly around the Estero River. The Koreshan State Park is directly west of the subject site. The southeastern intersection is commercially developed. The rezoning of this site would result in a development pattern where river access and recreation can be used by the citizens and visitors of Estero, with potential connection to the state park.

6. Would not adversely affect the property values in the area.

   Staff Comment: Preservation, recreation, and public access to the site would not adversely affect property values in the area.

7. Would result in development that is adequately served by public facilities (road, potable water, wastewater, solid, waster, storm water, schools, parks, police, and fire and emergency medical facilities.

   Staff Comment: The initial phase of development of the stie would be limited to recreational trails and access to the river. The provision of water and sanitation would occur in subsequent phases when more site activity would warrant the improvements.

8. Would not result in significantly adverse impacts on the natural environment – including, but not limited to water air, noise, storm water management, wildlife, vegetation, wetlands, environmentally critical area, and the natural functioning of the environment.

   Staff Comment: The rezoning of the property south of the Estero River is intended to provide protections to the natural environment by limiting the uses of the property.

9. Is compatible with existing or planned uses in the surrounding area.

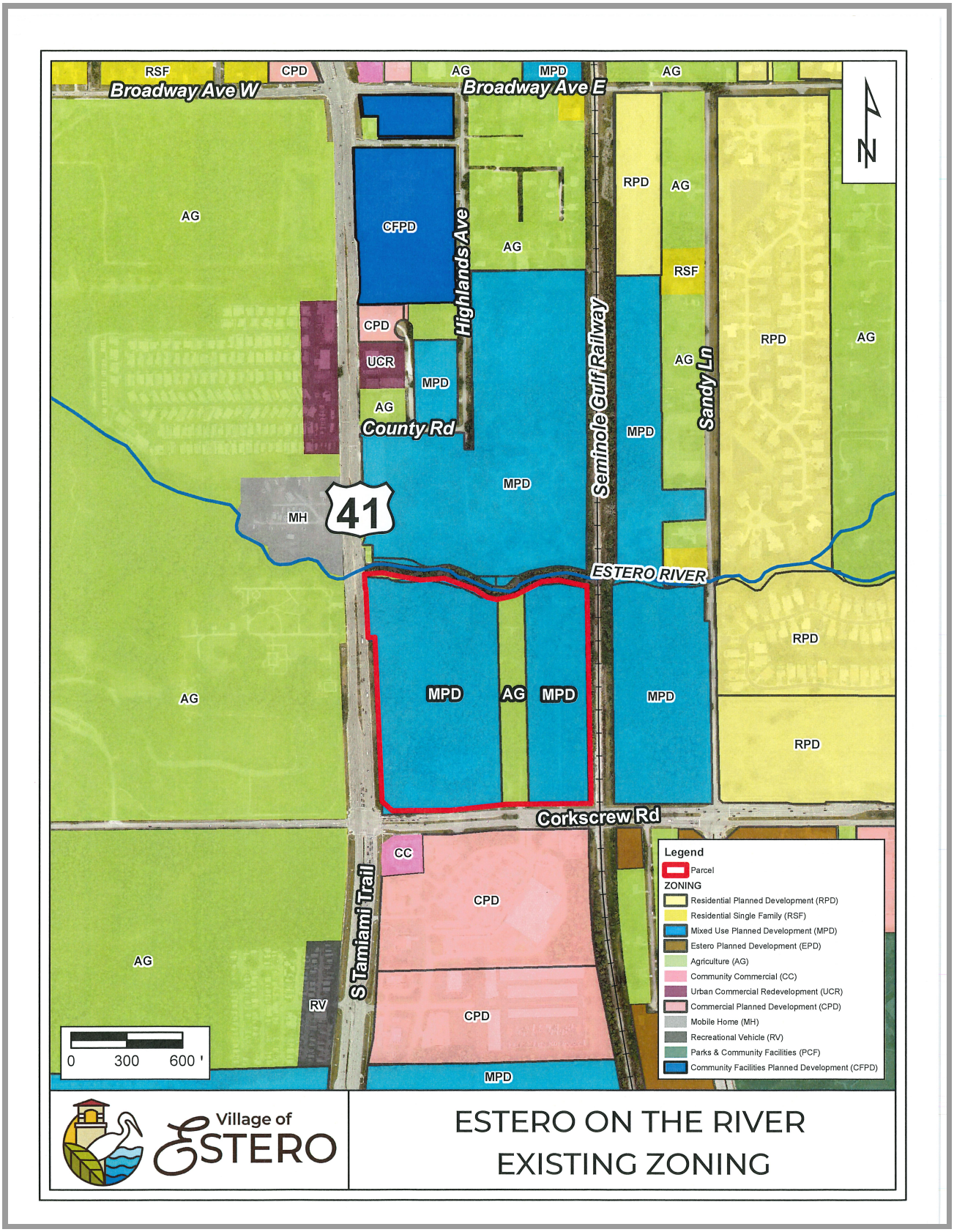
   Staff Comment: The proposed use is compatible with the surrounding area.

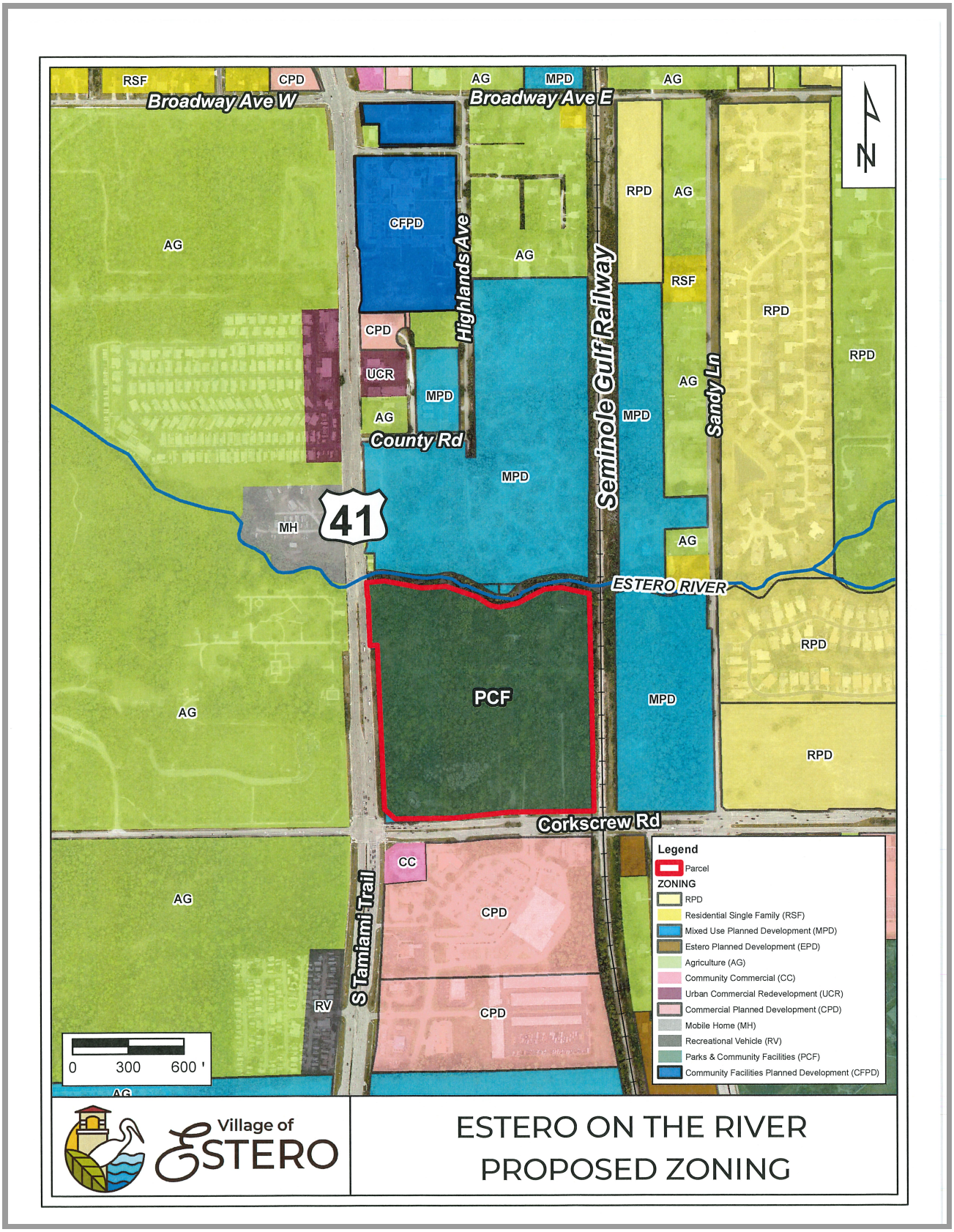
COUNCIL DETERMINATION

In order to approve the rezoning, the Council must consider the review standards detailed above.

ATTACHMENTS:

A. Existing and Proposed Zoning Maps
B. Public Information Meeting Summary
C. Rezoning Application/Project Description


RSF
CPD
AG
MPD
AG
Broadway Ave W
Broadway Ave E
AG
CFPD
AG
RPD
AG
RSF
Highlands Ave
Seminole Gulf Railway
Sandy Ln
CPD
UCR
MPD
AG
AG
County Rd
RPD
AG
MPD
MPD
MH
41
ESTERO RIVER
RPD
MPD
AG
MPD
MPD
RPD
Corkscrew Rd
CC
CPD
S Tamiami Trail
AG
RV
CPD
0
300
600 '
MPD
Legend
Parcel
ZONING
Residential Planned Development (RPD)
Residential Single Family (RSF)
Mixed Use Planned Development (MPD)
Estero Planned Development (EPD)
Agriculture (AG)
Community Commercial (CC)
Urban Commercial Redevelopment (UCR)
Commercial Planned Development (CPD)
Mobile Home (MH)
Recreational Vehicle (RV)
Parks & Community Facilities (PCF)
Community Facilities Planned Development (CFPD)
Village of ESTERO
ESTERO ON THE RIVER
EXISTING ZONING


RSF
CPD
Broadway Ave W
AG
MPD
Broadway Ave E
AG
CFPD
Highlands Ave
AG
RPD
AG
Seminole Gulf Railway
RSF
RPD
CPD
UCR
MPD
AG
County Rd
MPD
Sandy Ln
AG
RPD
MPD
MH
41
AG
ESTERO RIVER
RPD
PCF
MPD
AG
RPD
Corkscrew Rd
CC
AG
CPD
S Tamiami Trail
RV
CPD
0
300
600 '
Legend
Parcel
ZONING
RPD
Residential Single Family (RSF)
Mixed Use Planned Development (MPD)
Estero Planned Development (EPD)
Agriculture (AG)
Community Commercial (CC)
Urban Commercial Redevelopment (UCR)
Commercial Planned Development (CPD)
Mobile Home (MH)
Recreational Vehicle (RV)
Parks & Community Facilities (PCF)
Community Facilities Planned Development (CFPD)
Village of ESTERO
ESTERO ON THE RIVER
PROPOSED ZONING

Village Initiated Rezoning and Comprehensive Plan
Public Information Meeting

The Village Planning, Zoning, and Design Board held a Public Information Meeting on Tuesday May 10, 2022. Mary Gibbs, Community Development Director, briefly explained that the Village Council had initiated a Comprehensive Plan Map Amendment changing the land use from Village Center to Public Parks and Recreation, and a Rezoning from MPD and AG to Parks and Community Facilities. This is for 31.5-acre Village-owned property located south of the Estero River at the northeast intersection of US 41 and Corkscrew Road. These changes are being considered as Council finds the proposed land use and zoning more appropriate for the proposed recreation and public uses of the property.

Questions from the PZDB included potential uses for the north side of the property, and comments regarding the desire for more development of the site to draw people to the area, rather than just preserving the land. Other comments were regarding parking for the site, and that there currently was a lot of public use for the site with the Happehatchee Center providing lectures and tours, as well as the kayak operator on the north side of the river.

Ms. Gibbs explained that the north side of the property is not part of this application, that the application is for public recreational uses and trail development on the property south of the river.

There were no specific questions asked that staff needed to respond to subsequent to the meeting.

APPLICATION FOR CONVENTIONAL REZONING PUBLIC HEARING

In The Village of Estero

[LDC Sections 2-4, 2-501.C.]

Project Name: _____

Request: Rezone from: _____ To: _____

Variance included? ☐ NO ☐ YES* for _____

Special Exception included? ☐ NO ☐ YES* for _____

** If **YES**, submit applicable application(s)*

PART 1
APPLICANT/AGENT INFORMATION

A. Name of Applicant: _____

Address: _____

City, State, ZIP: _____

Phone Number: _____ Email: _____

B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form if applicant is not the owner:

☐ Applicant is the sole owner of the property. (Affidavit not required)

☐ Applicant has been authorized by the owner(s) to represent them for this action. (Affidavit required)

☐ Application is Village of Estero initiated. Attach Village Council authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all Village of Estero-initiated correspondence regarding this application.

Company Name: _____

Contact Person: _____

Address: _____

City, State, ZIP: _____

Phone Number: _____ Email: _____

PART 2
PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. (Include additional sheet(s) if necessary)

Name: _____

Address: _____

City, State, ZIP: _____

Phone Number: _____ Email: _____

Name: _____
Address: _____
City, State, ZIP: _____
Phone Number: _____ Email: _____

Name: _____
Address: _____
City, State, ZIP: _____
Phone Number: _____ Email: _____

B. Disclosure of Interest:
☐ Attach Disclosure of Interest Form.

C. Multiple parcels:
☐ Property owners list.
☐ Property owners map.

D. Certification of Title and Encumbrances
1. Title certification document, no greater than 90 days old.
2. Date property was acquired by present owner(s): _____

PART 3
PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.]
_____ _____ _____

B. Street Address of Property: _____

C. Legal Description (must submit):
☐ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.
OR
☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177 and is recorded in the Official Records of Lee County under Instruments or Plat Books.
AND
Boundary Survey:
☐ A Boundary survey, tied to the state plane coordinate system.
OR
☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding Property Owners: (within 750 feet [**2-405.C.2**.] of the perimeter of the subject parcel or portion thereof that is subject of the request)**:**
1. ☐ List of surrounding property owners.
2. ☐ Map of surrounding property owners.
3. ☐ One set of mailing labels.
Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: _____
☐ Provide copies of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:
1. Current uses of property are: _____
2. Intended uses of property are: _____

G. Future Land Use Classification (COMPREHENSIVE PLAN)

_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total

H. Property Dimensions:

1.	Width (average if irregular parcel):	_____	Feet	
2.	Depth (average if irregular parcel):	_____	Feet	
3.	Total area:	_____	Acres or square feet	
4.	Frontage on road or street:	_____	Feet on _____	Street
	2nd Frontage on road or street:	_____	Feet on _____	Street

I. Public Meeting Requirements: Provide a meeting summary document of the required public informational session. [**2-401.C.4**.]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Community Development Director.

PART 4
ACTION REQUESTED

A. Reason(s) for Request: Provide a statement explaining the nature of the request and how the property qualifies for the rezoning. This statement should explain how the request meets the applicable findings/ review criteria set forth in the LDC. This statement may be utilized establishing a factual basis for the granting or denial of the rezoning.

B. Traffic Impact Statement: A traffic impact statement in a format and to the degree of detail required by the Village of Estero and in conformance with the adopted Administrative Code, AC-13-17.

PART 5
ADDITIONAL REQUIREMENTS

A. Potable Water: Will the project be connected to potable water and central sewer as part of any developmentof the property?

- ☐ **YES** (Provide letter from the appropriate utility to which the connection(s) are proposed confirming availability of service.)
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.)

B. Flood Hazard:

- ☐ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)

C. Excavations/Blasting:

- ☐ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).

D. Mobile Home Park:

☐ Not Applicable
☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).

E. Airport Zones & Lee County Port Authority (LCPA) Requirements:

☐ Not Applicable
☐ Property is located within _____ Airport Notification Zone.
☐ A Tall Structures Permit is required.

SUBMITTAL REQUIREMENT CHECKLIST

Please provide one CD or thumb drive and three COLLATED paper sets of your submittal package. Clearly label your attachments as noted in bold below.

☐	Completed **Application** for Conventional Rezoning Public Hearing
☐	Filing Fee (no copies)
☐	Notarized **Affidavit of Authorization** Form
☐	**Additional Agents**
☐	**Multiple Owners List** (if applicable)
☐	**Disclosure of Interest** Form (multiple owners)
☐	**Legal description (must submit)**
	☐ Legal description (metes and bounds) and sealed sketch of legal description
	OR
	☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177 and is recorded in the Official Records of Lee County under Instruments or Plat Books.
☐	**Boundary Survey** – not required if platted lot (2 originals required)
☐	**Property Owners list** (if applicable)
☐	**Property Owners map** (if applicable)
☐	Confirmation of **Ownership/Title Certification**
☐	**STRAP Numbers** (if additional sheet is required)
☐	**List of Surrounding Property Owners**
☐	**Map of Surrounding Property Owners**
☐	**Mailing Labels** (one original plus 2 copies)
☐	Copies of **Zoning Resolutions** and Approvals
☐	Summary of **Public Informational Session**
☐	**Waivers** from Application Submission Requirements (if applicable)
☐	**Request Statement**
☐	Traffic Impact Statement (**TIS**)
☐	**Potable Water & Sanitary Sewer.** (Letter from the appropriate utility entity or explanation of how water and sewer will be provided if connection will not be made.)
☐	Proposed **Excavation/Blasting** Information
☐	Mobile Home Park **Dislocated Owners** Information (if applicable)
☐	**Tall Structures Permit** (if applicable)

Village Initiated Rezoning and Comprehensive Plan
Project Description

The Village Council has initiated a Rezoning from MPD and AG to Parks and Community Facilities for 31.5-acres located at the northeast intersection of US 41 and Corkscrew Road, south of the Estero River. A companion Comprehensive Plan Future Land Use Amendment is also proposed to change the land use from Village Center to Public Parks and Recreation which is a more appropriate land use based upon the proposed public use of the property.

In 2019 the Village purchased a 68.5-acre portion of the +80-acre Estero on the River MPD, and subsequently acquired the Happehatchee parcel which is surrounded by the Village-owned land. The 31.5-acre portion of the property is located south of the Estero River and is the area subject to the proposed rezoning and comprehensive plan amendment.

The Village seeks the rezoning and comprehensive plan amendment to limit the development that could occur on the property due to the unique environmental and other characteristics, and to provide public access to the Estero River and construction of a trail system.

The existing zoning is primarily Mixed-use Planned Development, approved by Lee County in 2007, which allows for single and multi-family dwelling units, commercial uses, civic, and preserve uses. The Village seeks the rezoning from MPD and AG to Parks and Community Facilities (PCF) as a more appropriate zoning district given that PCF is for publicly owned or publicly accessible land and allows for recreation and preserve uses as anticipated by the Village.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

Capital Improvement Program Public Hearing

Motion to move Capital Improvement Hearing and Resolution 2022-19 on to second public hearing on July 20, 2022

Background:

The Village Charter Section 8 (7)(b) requires two public hearings and approval by resolution of the Capital Improvement Program for each fiscal year.

Description:

The two public hearings for the Village's Capital Improvement Program are scheduled for July 6th and July 20th.

Action Requested:

Motion to move the Capital Improvement Public Hearing and Resolution 2022-19 on to second public hearing on July 20, 2022

Process and Timeline:

The Village Fiscal Year 2022-2023 Capital Improvement Public Hearings are scheduled for July 6, 2022 and July 20, 2022.

Financial Impact:

The Capital Improvement Program will set the funding for the Village Capital Improvement project for Fiscal Year 2022-2023 and provide a plan of priorities for the next 5-years.

Prepared by: David Willems, P.E.

Attachments:

1. Proposed 5-year Capital Improvement Program
2. Draft Resolution No. 2022- 19 Adopting the Capital Improvement Program for Fiscal Year 2022

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

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022 -19

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2022-2023; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero, Lee County, Florida, held public hearings as required by the Village Charter Section 8 (7)(b); and

WHEREAS, the Village of Estero, Lee County, Florida, set forth the appropriations for the capital program for the Budget for Fiscal Year 2022-2023 as follows:

Transportation Projects	
Roadway	$ 11,983,850
Intersection	$ 460,000
Bicycle and Pedestrian	$ 5,258,330
Landscaping and Beautification	$ 3,634,000
Parks and Recreation	$ 8,202,000
Stormwater	$ 1,994,250
Utility	$ 1,920,000
Total Capital Program	$ 33,452,430

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

Section 1. The Capital Program for Fiscal Year 2022-2023 is hereby adopted.

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

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 20th day of July, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

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

Reviewed for legal sufficiency:

By: _____
Robert Pritt, Interim Village Attorney

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

Second Reading and Public Hearing for Ordinance No. 2022-04 establishing a Community Development District for the Corkscrew Crossing Property

Motion to approve Ordinance No. 2022-04

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:

Motion to approve Ordinance No. 2022-04

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 was held on June 15, 2022.
- Second reading and public hearing scheduled 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.

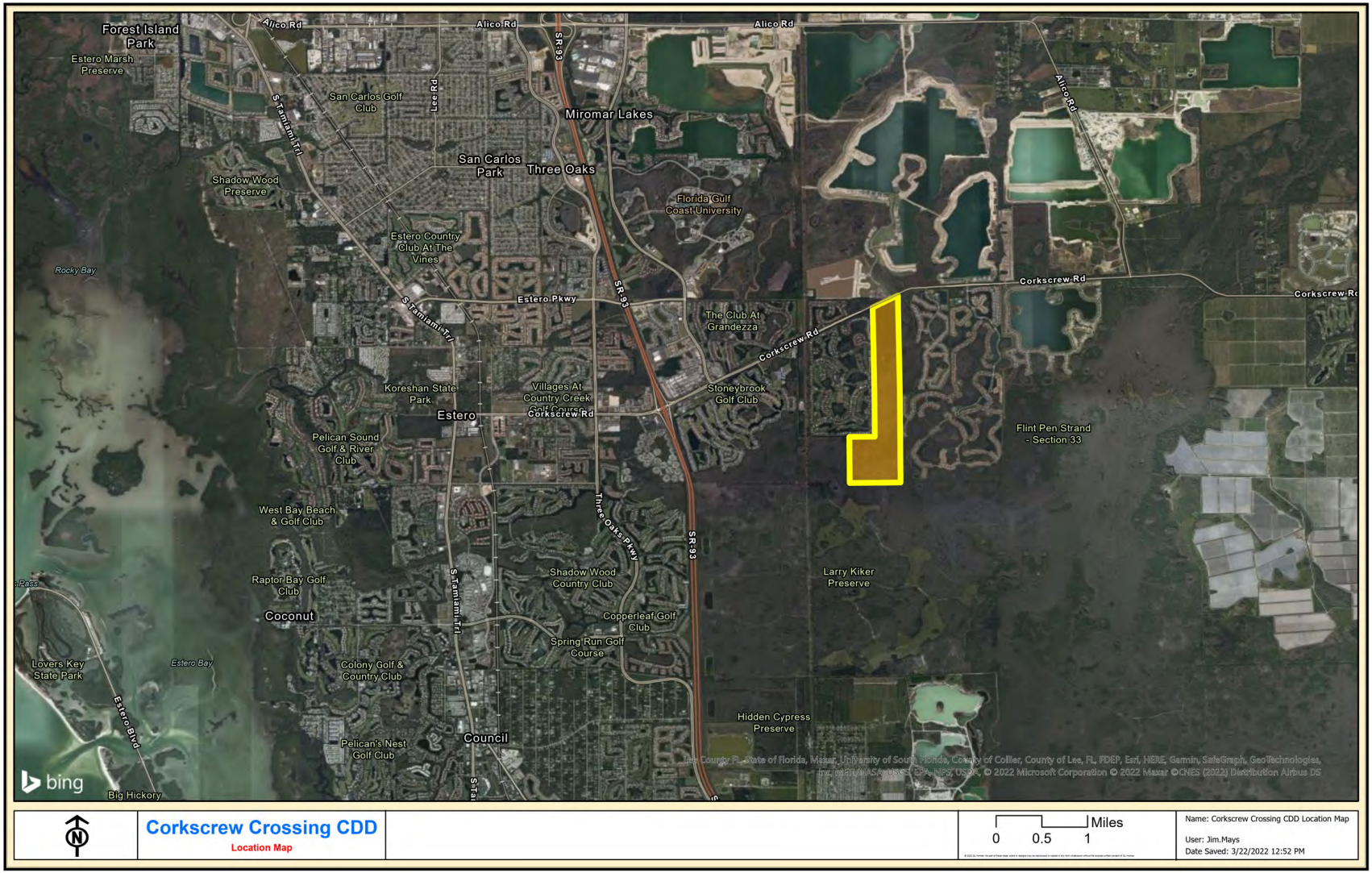
CDDs provide an alternative to an MTSU, property owners association, or city provided services. Estimated costs are $8 million for the infrastructure. The costs are paid by the property owners, not the Village.

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

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
bing
Corkscrew Crossing CDD
Location Map
0 0.5 1 Miles
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 6th day of July, 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

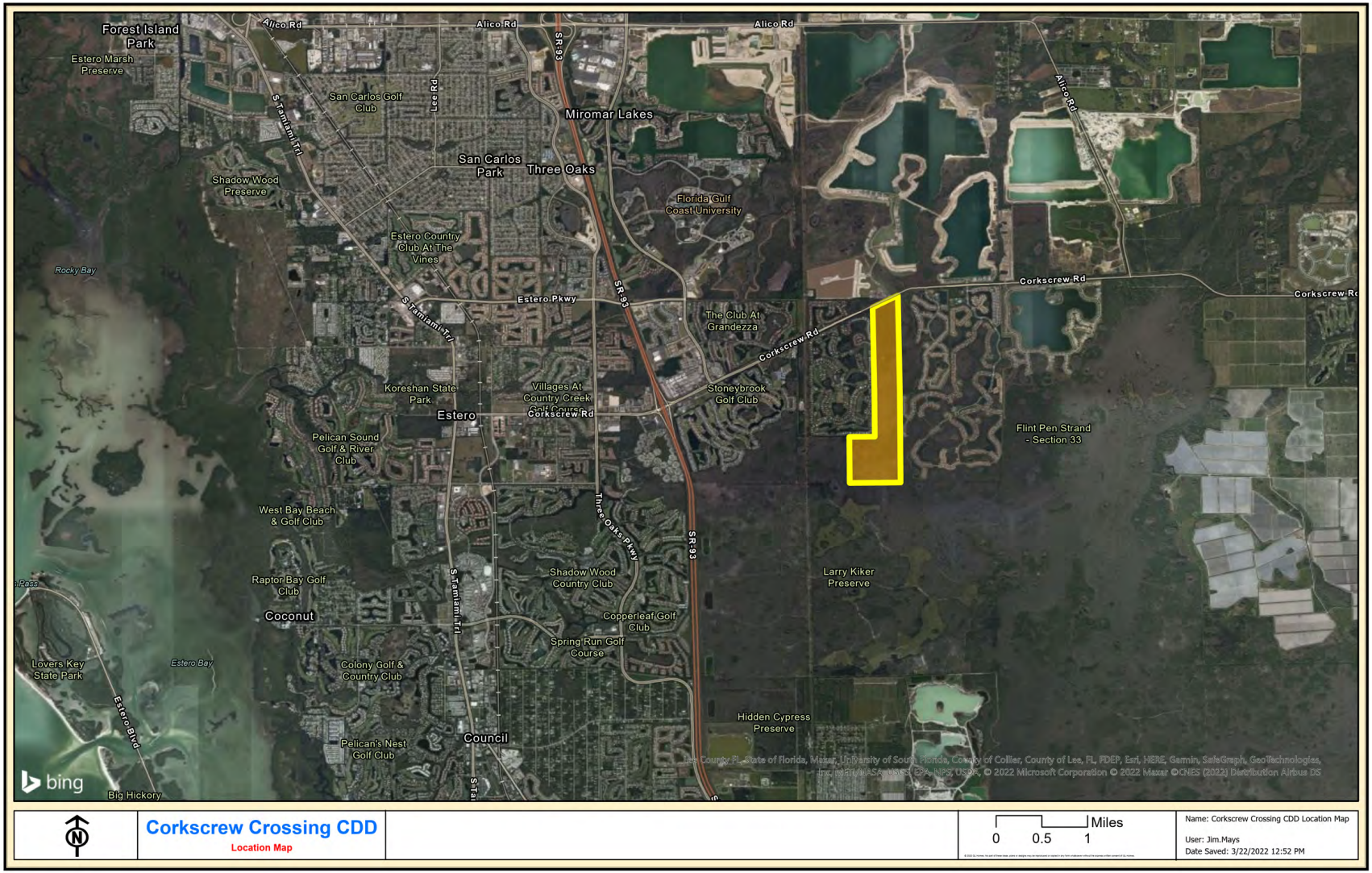

Forest Island Park
Estero Marsh Preserve
Alico Rd
Alico Rd
Alico Rd
SR-93
San Carlos Golf Club
Lee Rd
S Tamiami Trl
Miromar Lakes
San Carlos Park
Three Oaks
Shadow Wood Preserve
Florida Gulf Coast University
Estero Country Club At The Vines
Rocky Bay
Corkscrew Rd
Estero Pkwy
SR-93
S Tamiami Trl
The Club 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
S Tamiami Trl
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
Council
Pelican's Nest Golf Club
Big Hickory
bing
Corkscrew Crossing CDD
Location Map
0 0.5 1 Miles
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

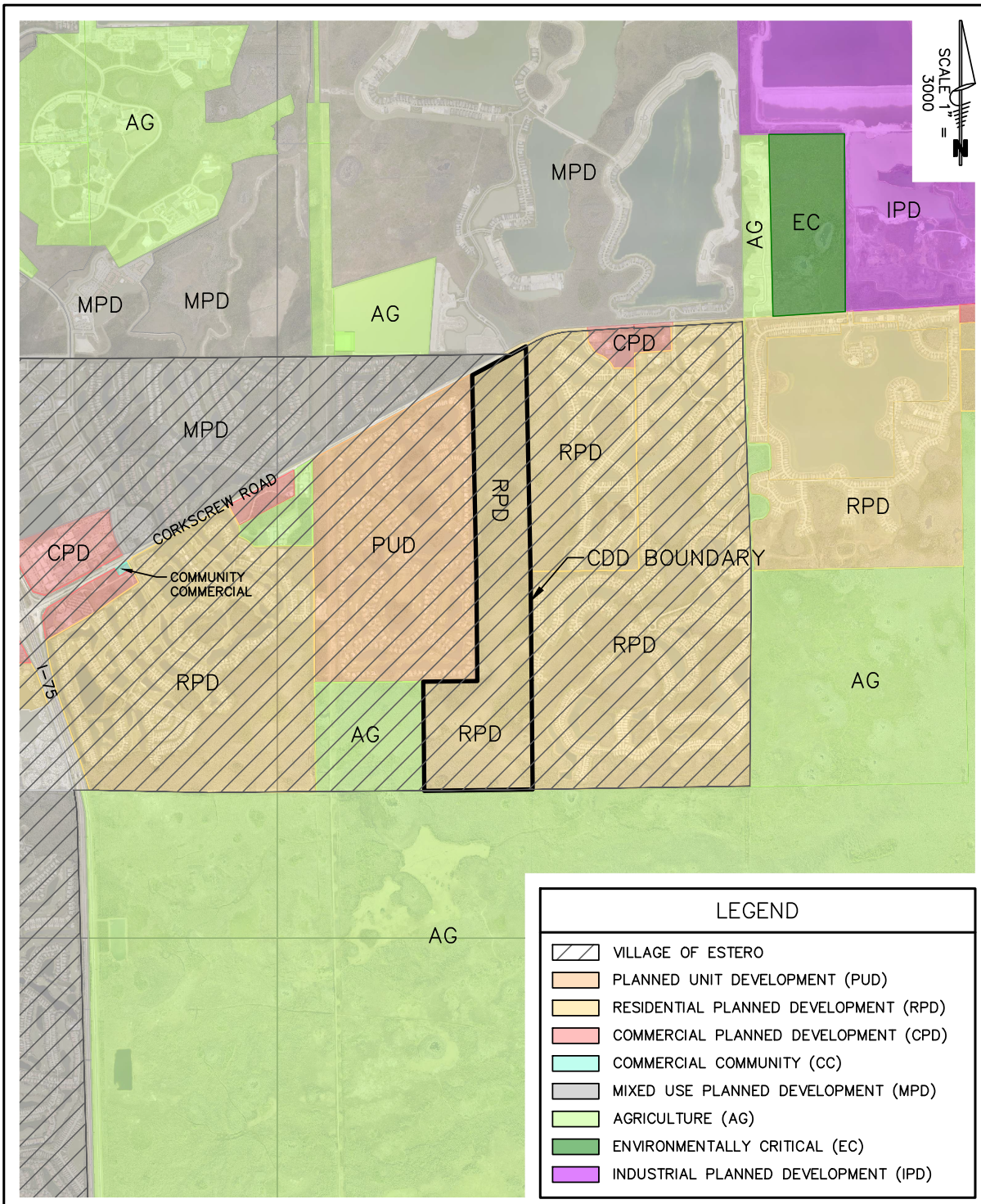
LEGAL DESCRIPTION

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:

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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

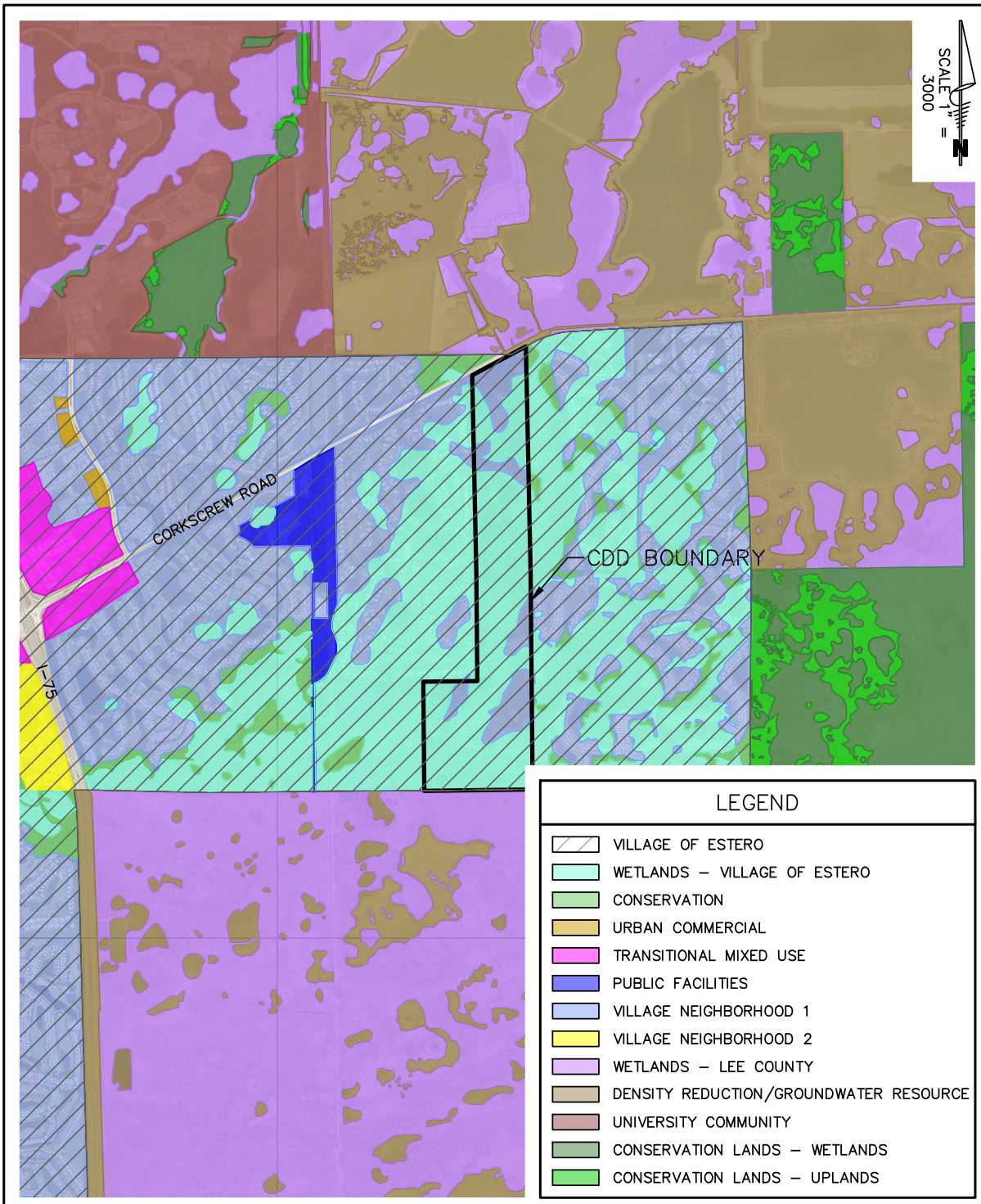
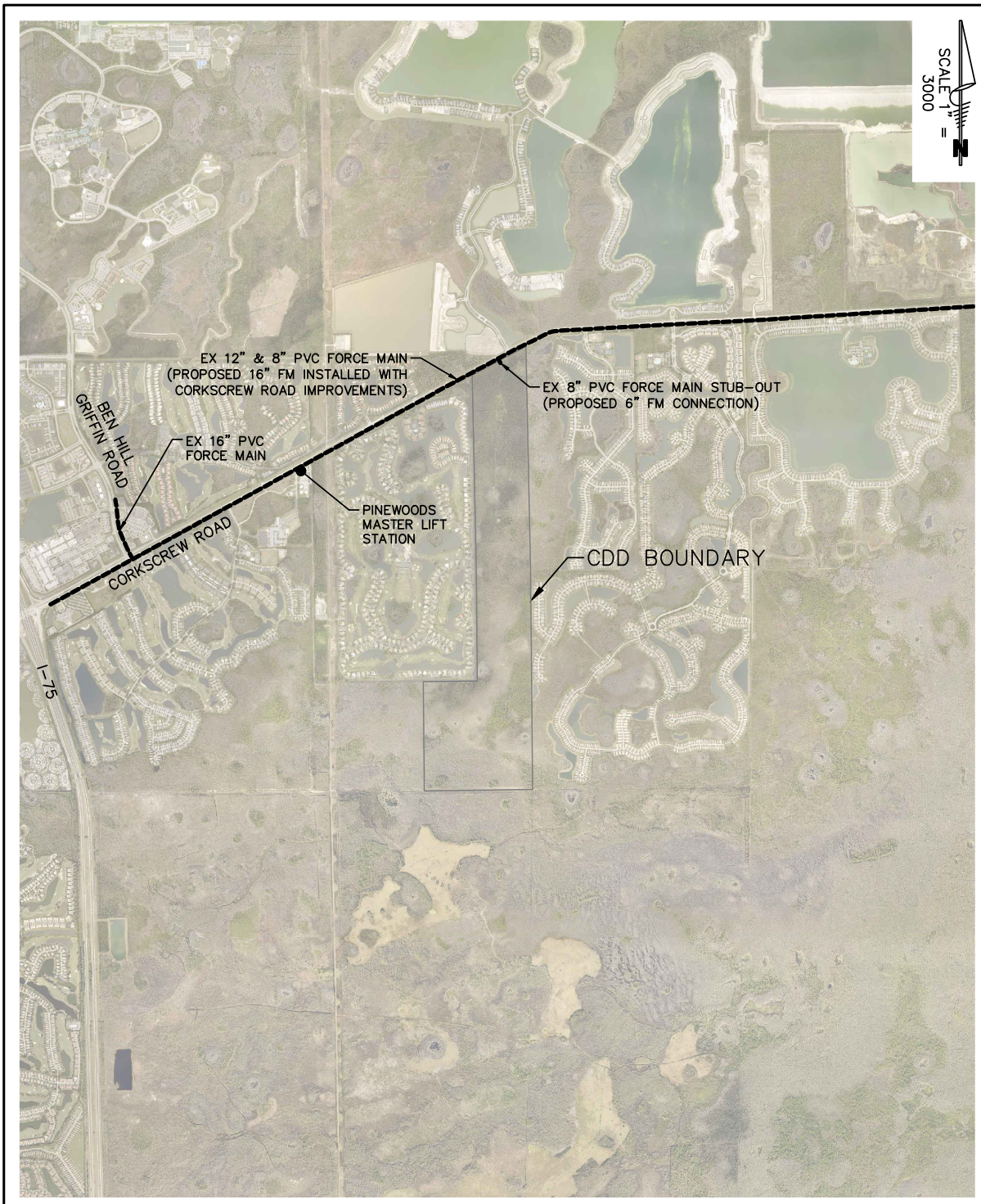
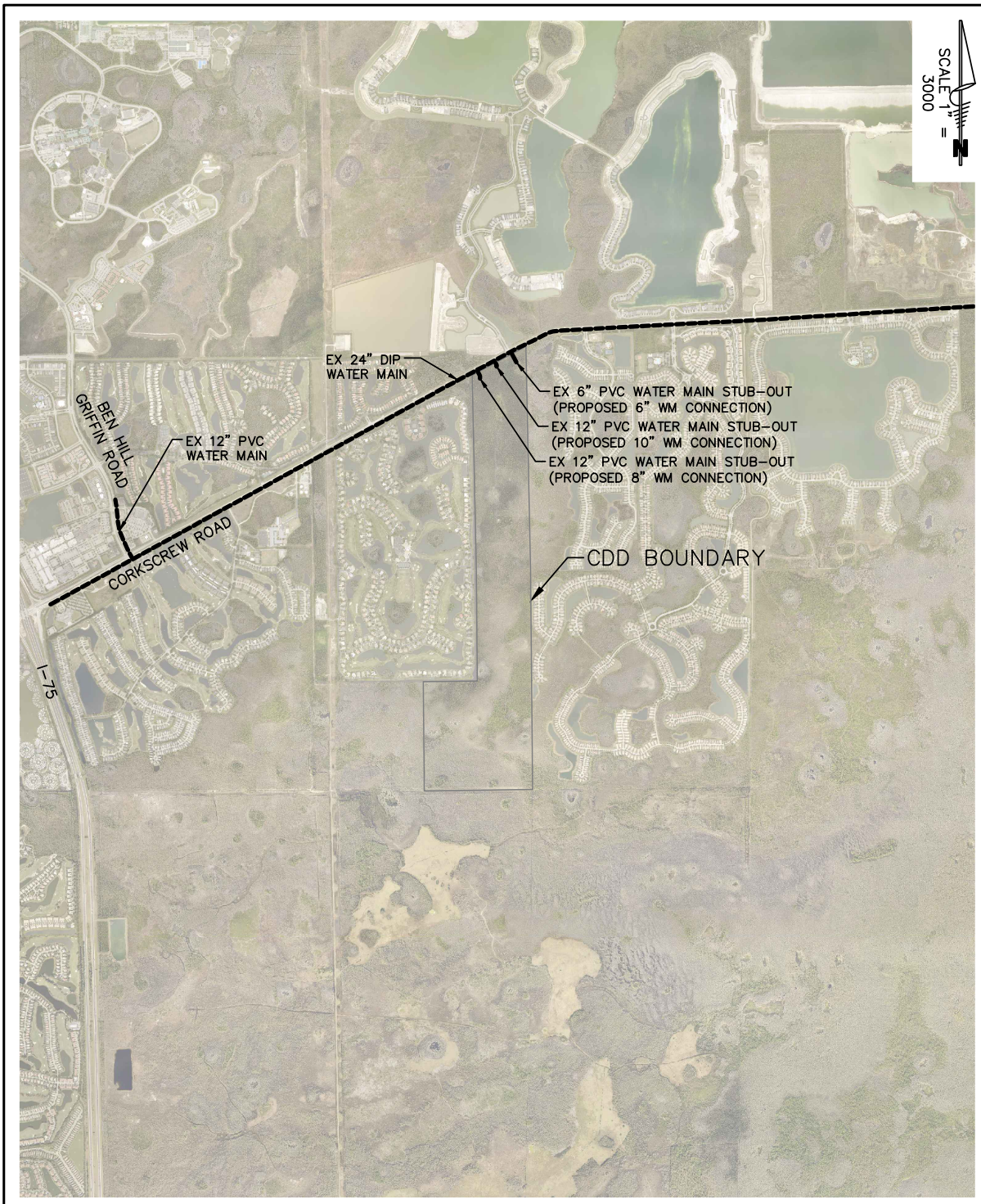

SCALE 1" = 3000'
N
CORKSCREW ROAD
I-75
CDD BOUNDARY
LEGEND
VILLAGE OF ESTERO
WETLANDS – VILLAGE OF ESTERO
CONSERVATION
URBAN COMMERCIAL
TRANSITIONAL MIXED USE
PUBLIC FACILITIES
VILLAGE NEIGHBORHOOD 1
VILLAGE NEIGHBORHOOD 2
WETLANDS – LEE COUNTY
DENSITY REDUCTION/GROUNDWATER RESOURCE
UNIVERSITY COMMUNITY
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 SEWER MAINS	
	2022/06/09	SHEET NO 1



CORKSCREW CROSSING CDD	MAJOR WATER MAINS	
	2022/06/09	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

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
July 6, 2022

Agenda Item:

Presentation of proposed budget for Fiscal Year 2022-2023

Description:

The Village Charter Section 8 (2) requires submission of the budget to Council on or before July 15th each fiscal year.

As required by Florida Statute Section 200.065, on July 20, 2022, Village Council will vote on the proposed millage rate. Two public hearings will be held on September 8, 2022 at 5:30 P.M. and September 21, 2021 at 5:30 P.M. to approve the millage rate and proposed budget for Fiscal Year 2022-2023.

Financial Impact:

The proposed budget will provide funding for the Fiscal Year 2022-2023.

Prepared by: _____

Attachments:

1. Proposed budget for Fiscal Year 2022-2023

Village of Estero



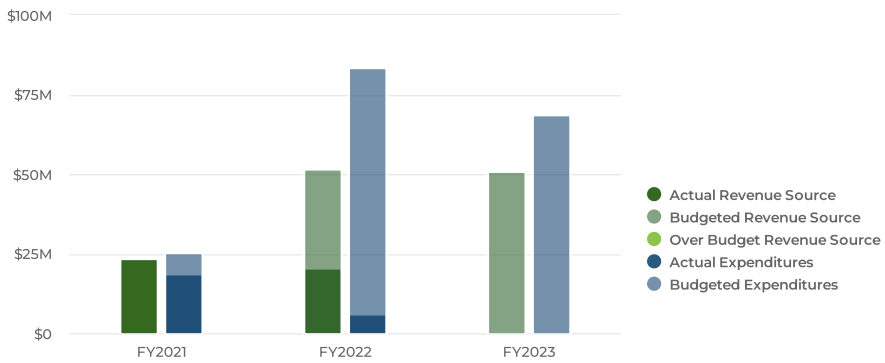
Proposed Version

Last updated 06/30/22

Village Wide

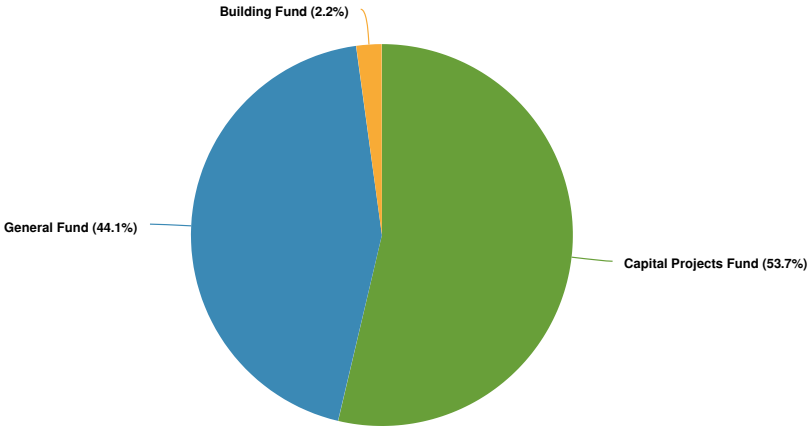
Summary

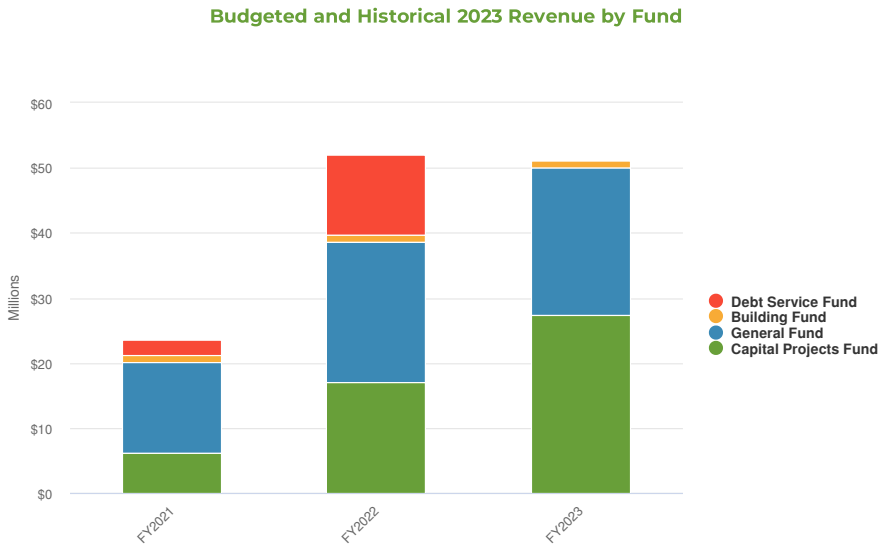
The Village of Estero is projecting $51.05M of revenue in FY2023, which represents a 1.9% decrease over the prior year. Budgeted expenditures are projected to decrease by 17.7% or $14.84M to $68.87M in FY2023.



Revenue by Fund

2023 Revenue by Fund

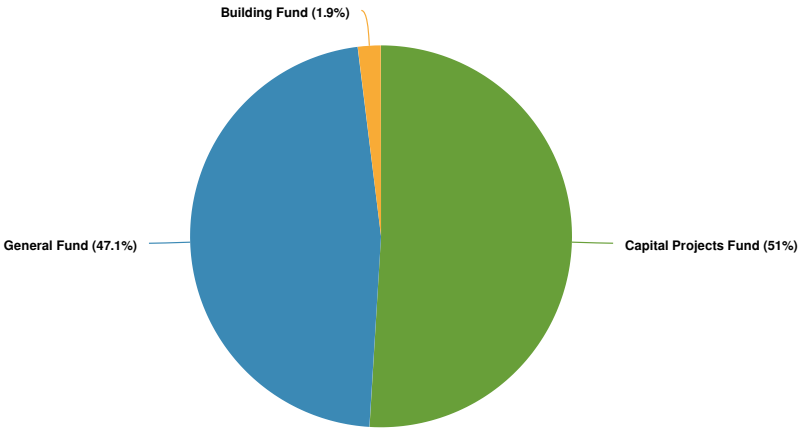




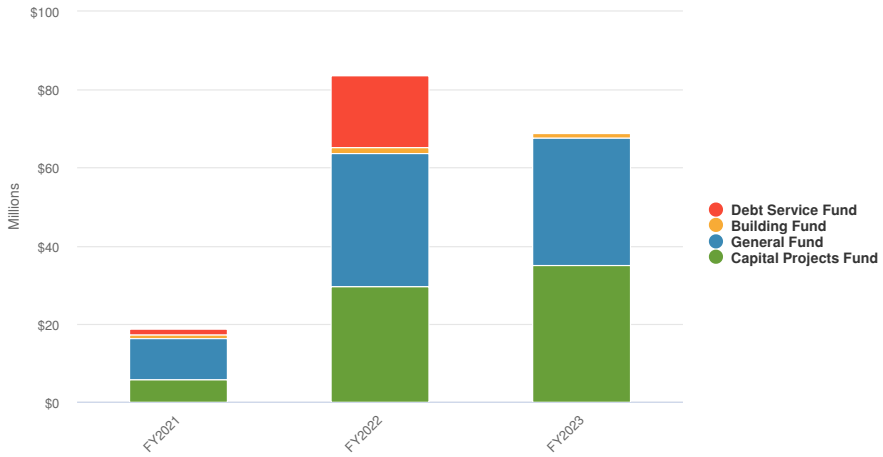
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
General Fund	$13,940,839	$21,614,637	$21,760,052	$22,536,400	4.3%
Building Fund	$1,009,690	$1,061,500	$1,050,246	$1,102,000	3.8%
Debt Service Fund	$2,516,340	$12,370,133	$12,360,250	$0	-100%
Capital Projects Fund	$6,173,242	$16,973,933	$7,311,767	$27,408,730	61.5%
Total:	**$23,640,111**	**$52,020,203**	**$42,482,315**	**$51,047,130**	**-1.9%**

Expenditures by Fund

2023 Expenditures by Fund



Budgeted and Historical 2023 Expenditures by Fund



Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
General Fund	$10,423,922	$34,143,519	$23,213,326	$32,426,020	-5%
Building Fund	$1,122,289	$1,322,630	$1,061,152	$1,342,000	1.5%
Debt Service Fund	$1,391,072	$18,595,000	$17,664,717	$0	-100%
Capital Projects Fund	$5,809,309	$29,654,800	$6,794,457	$35,105,430	18.4%

Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Total:	**$18,746,593**	**$83,715,949**	**$48,733,652**	**$68,873,450**	**-17.7%**

FY 22/23 Budget
Fund Balance Projections

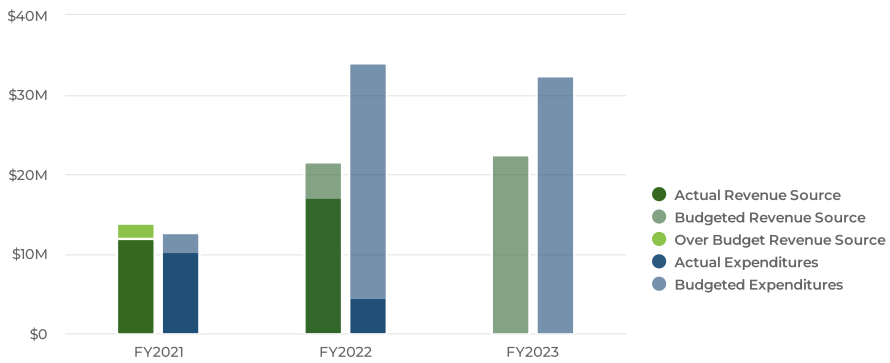
	General Fund	Building Fee Fund	Debt Service Fund	Capital Projects Fund	Total
9/30/2021 Fund Balance (audited)	$ 24,323,877	$ 690,642	$ 5,304,466	$ 11,063,071	$ 41,382,056
FY 21/22 Projected Revenues	21,760,052	1,050,246	826	1,125,278	23,936,402
FY 21/22 Projected Transfers In	-	-	12,359,424	6,186,489	18,545,913
FY 21/22 Proj Revenues & Other Sources	21,760,052	1,050,246	12,360,250	7,311,767	42,482,315
FY 21/22 Projected Expenditures	4,667,413	1,061,153	17,664,716	6,794,457	30,187,739
FY 21/22 Projected Transfers Out	18,545,913	-	-	-	18,545,913
FY 21/22 Proj Expenditures & Other Uses	23,213,326	1,061,153	17,664,716	6,794,457	48,733,652
FY 21/22 Projected Change in Fund Balance	(1,453,274)	(10,907)	(5,304,466)	517,310	(6,251,337)
9/30/22 Projected Fund Balance	22,870,603	679,735	-	11,580,381	35,130,719
FY 22/23 Budgeted Revenues	22,536,400	1,102,000	-	2,591,700	26,230,100
FY 22/23 Budgeted Transfers In	-		-	24,817,030	24,817,030
FY 22/23 Budgeted Revenues & Other Sources	22,536,400	1,102,000	-	27,408,730	51,047,130
FY 22/23 Budgeted Expenditures	7,608,990	1,342,000	-	35,105,430	44,056,420
FY 22/23 Budgeted Transfers Out	24,817,030	-	-	-	24,817,030
FY 22/23 Budgeted Expenditures & Other Uses	32,426,020	1,342,000	-	35,105,430	68,873,450
FY 22/23 Budgeted Change in Fund Balance	(9,889,620)	(240,000)	-	(7,696,700)	- (17,826,320)
9/30/23 Budgeted Fund Balance	$ 12,980,983	$ 439,735	$ -	$ 3,883,681	$ 17,304,399

Fund Balances:					
Restricted for:					
Building Code Compliance		$ 439,735			$ 439,735
Capital Improvements		-		$ 3,883,681	3,883,681
Restricted Reserves		439,735		3,883,681	4,323,416
Committed to:					
Operating Reserve (3 mos)	$ 1,902,200				1,902,200
Legal Defense Reserve	670,000				670,000
Road Maintenance Reserve	327,800				327,800
Committed Reserves	2,900,000				2,900,000
Assigned to:					
Operating Reserve (1 mo)	634,100				634,100
Village Hall New Building Reserve	500,000				500,000
Capital Projects Reserve	8,946,883				8,946,883
Assigned Reserves	10,080,983				10,080,983
Unassigned Fund Balance	-	-	-	-	-
9/30/23 Budgeted Fund Balance	$ 12,980,983	$ 439,735	$ -	$ 3,883,681	$ 17,304,399

General Fund

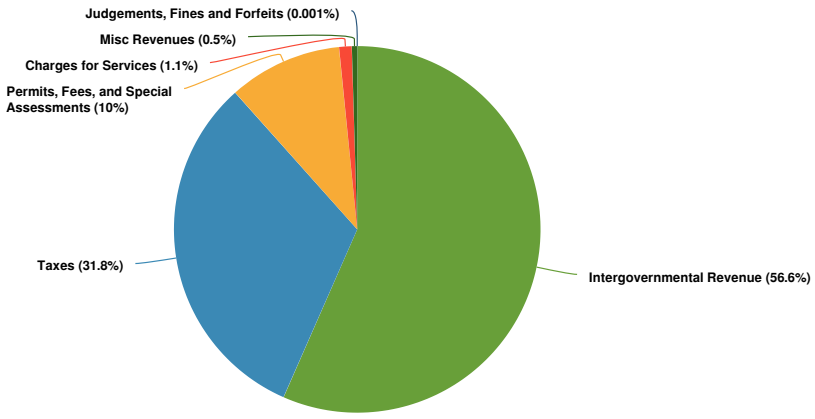
Summary

The Village of Estero is projecting $22.54M of revenue in FY2023, which represents a 4.3% increase over the prior year. Budgeted expenditures are projected to decrease by 5% or $1.72M to $32.43M in FY2023.

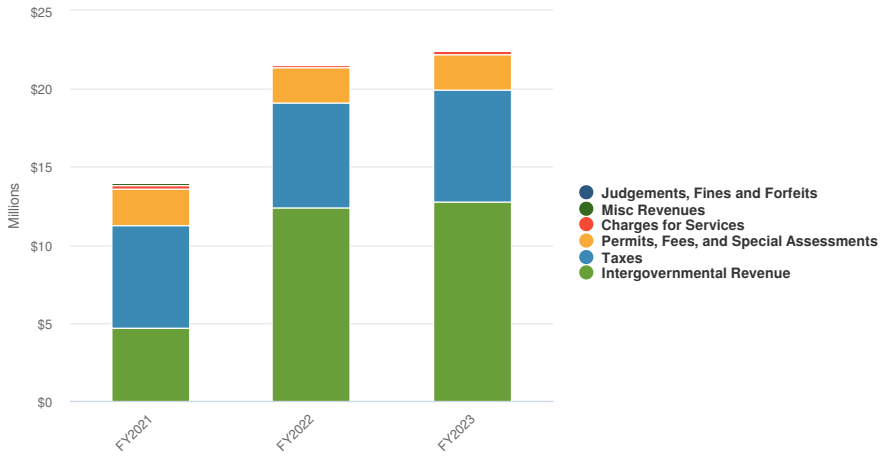


Revenues by Source

Projected 2023 Revenues by Source



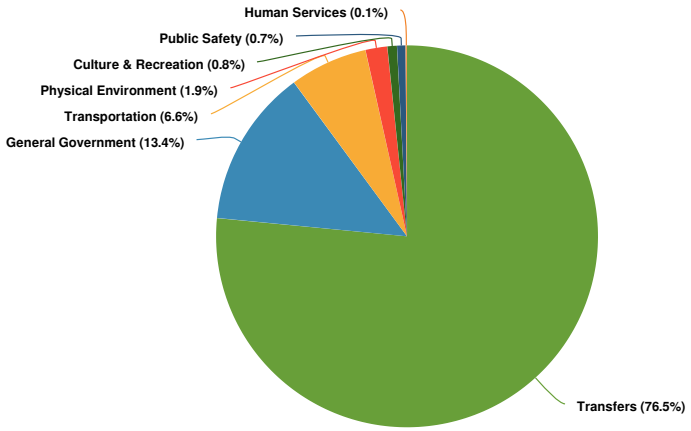
Budgeted and Historical 2023 Revenues by Source



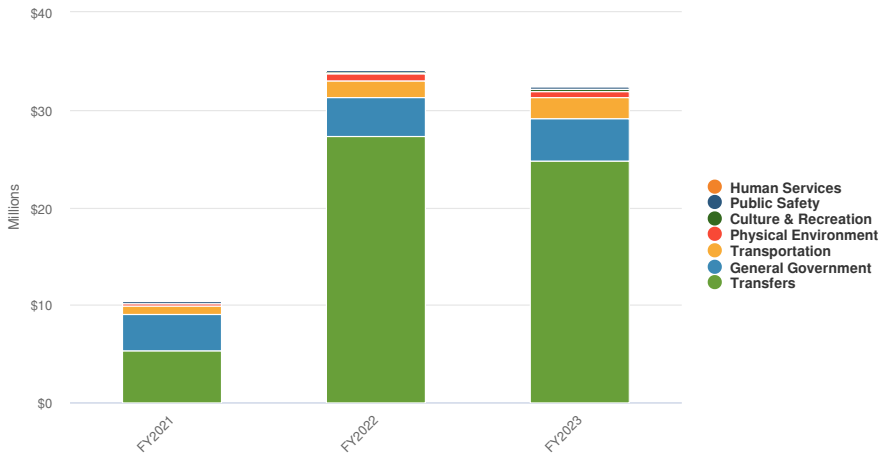
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Revenue Source					
Taxes	$6,538,968	$6,713,857	$6,493,587	$7,170,500	6.8%
Permits, Fees, and Special Assessments	$2,321,295	$2,293,000	$2,189,037	$2,254,800	-1.7%
Intergovernmental Revenue	$4,717,237	$12,396,380	$12,691,245	$12,754,700	2.9%
Charges for Services	$250,390	$117,500	$281,907	$249,600	112.4%
Judgements, Fines and Forfeits	$543	$500	$175	$200	-60%
Misc Revenues	$112,407	$93,400	$104,101	$106,600	14.1%
Total Revenue Source:	**$13,940,839**	**$21,614,637**	**$21,760,052**	**$22,536,400**	**4.3%**

Expenditures by Function

Budgeted Expenditures by Function



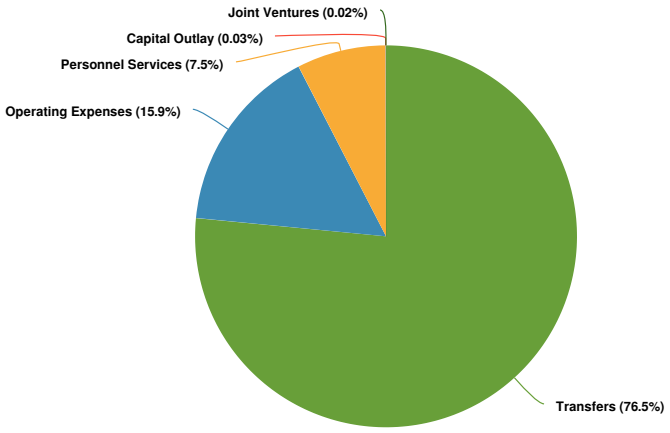
Budgeted and Historical Expenditures by Function



Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expenditures					
General Government					
Village Council	$142,927	$165,200	$150,200	$165,200	0%
Village Manager	$639,842	$660,160	$518,378	$841,300	27.4%
Village Attorney	$336,585	$327,000	$232,538	$327,000	0%
Village Clerk	$68,172	$158,900	$44,454	$53,900	-66.1%
Finance	$347,735	$408,286	$386,146	$517,450	26.7%
Development Services	$463,173	$587,400	$430,552	$710,900	21%
Planning, Zoning & Development	$472,946	$665,318	$376,765	$494,300	-25.7%
Information Technology	$216,449	$238,800	$316,408	$339,000	42%
General Government	$474,909	$880,550	$472,051	$882,550	0.2%
COVID	$501,855	$0	$0	$0	0%
Disaster Response	$0	$10,000	$0	$10,000	0%
Total General Government:	**$3,664,593**	**$4,101,614**	**$2,927,492**	**$4,341,600**	**5.9%**
Public Safety					
Law Enforcement/Marine Services	$5,184	$10,000	$4,000	$10,000	0%
Code Compliance	$155,159	$227,260	$142,800	$177,360	-22%
Lee County Marine	$2,720	$43,860	$0	$43,860	0%
Total Public Safety:	**$163,063**	**$281,120**	**$146,800**	**$231,220**	**-17.8%**
Physical Environment					
Public Works	$241,108	$771,000	$417,969	$600,000	-22.2%
Total Physical Environment:	**$241,108**	**$771,000**	**$417,969**	**$600,000**	**-22.2%**
Transportation					
Public Works Transportation	$869,574	$1,605,152	$1,104,793	$2,136,170	33.1%
Total Transportation:	**$869,574**	**$1,605,152**	**$1,104,793**	**$2,136,170**	**33.1%**
Human Services					
Animal Control	$49,523	$38,000	$0	$38,000	0%
Total Human Services:	**$49,523**	**$38,000**	**$0**	**$38,000**	**0%**
Culture & Recreation					
Parks & Recreation	$71,845	$90,100	$70,359	$262,000	190.8%
Total Culture & Recreation:	**$71,845**	**$90,100**	**$70,359**	**$262,000**	**190.8%**
Transfers	$5,364,216	$27,256,533	$18,545,913	$24,817,030	-9%
Total Transfers:	**$5,364,216**	**$27,256,533**	**$18,545,913**	**$24,817,030**	**-9%**
Total Expenditures:	**$10,423,922**	**$34,143,519**	**$23,213,326**	**$32,426,020**	**-5%**

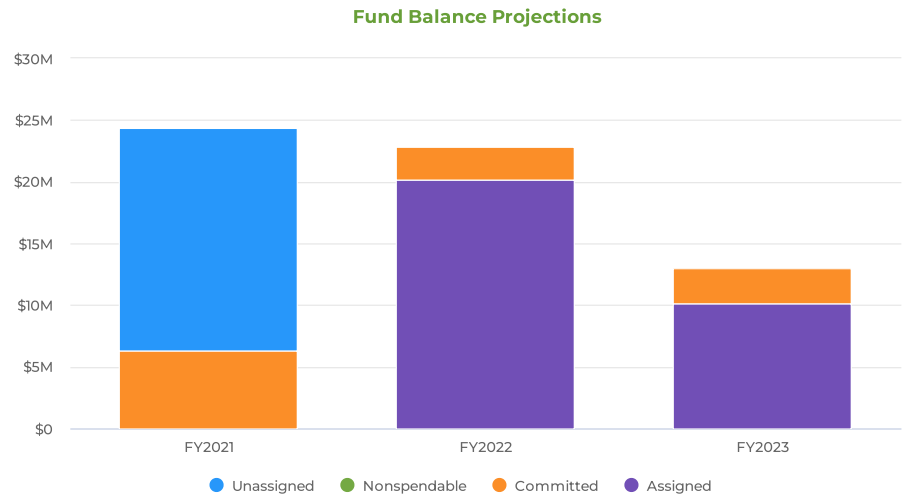
Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services	$1,664,300	$1,913,200	$1,632,225	$2,438,200	27.4%
Operating Expenses	$3,390,056	$4,846,286	$3,025,188	$5,155,790	6.4%
Capital Outlay	$350	$122,500	$5,000	$10,000	-91.8%
Joint Ventures	$5,000	$5,000	$5,000	$5,000	0%
Transfers	$5,364,216	$27,256,533	$18,545,913	$24,817,030	-9%
Total Expense Objects:	**$10,423,922**	**$34,143,519**	**$23,213,326**	**$32,426,020**	**-5%**

Fund Balance

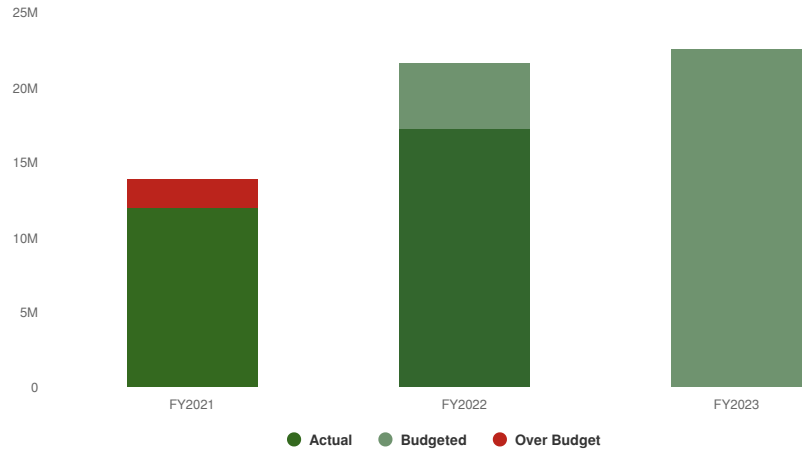


	FY2021	FY2022	FY2023	% Change
Fund Balance	—	—	—	
Unassigned	$18,042,232	$0	$0	0%
Assigned	$0	$20,160,603	$10,080,983	-50%
Committed	$6,266,700	$2,710,000	$2,900,100	7%
Nonspendable	$14,945	$0	$0	0%
Total Fund Balance:	**$24,323,877**	**$22,870,603**	**$12,981,083**	**-43.2%**

General Fund Revenue Summary

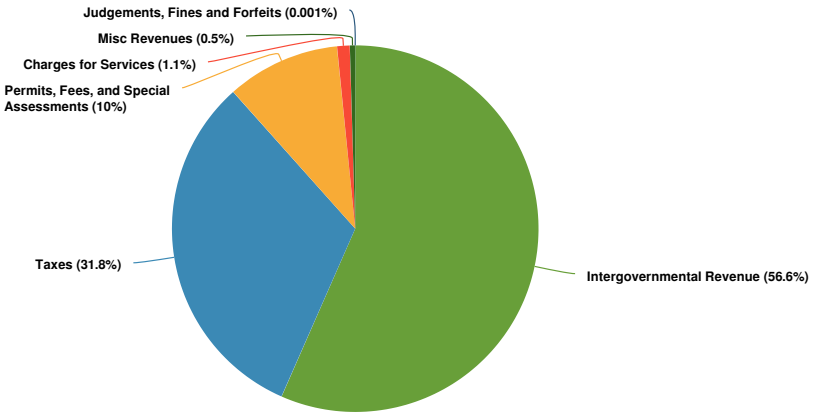
$22,536,400 $921,763
(4.26% vs. prior year)

General Fund Revenue Proposed and Historical Budget vs. Actual

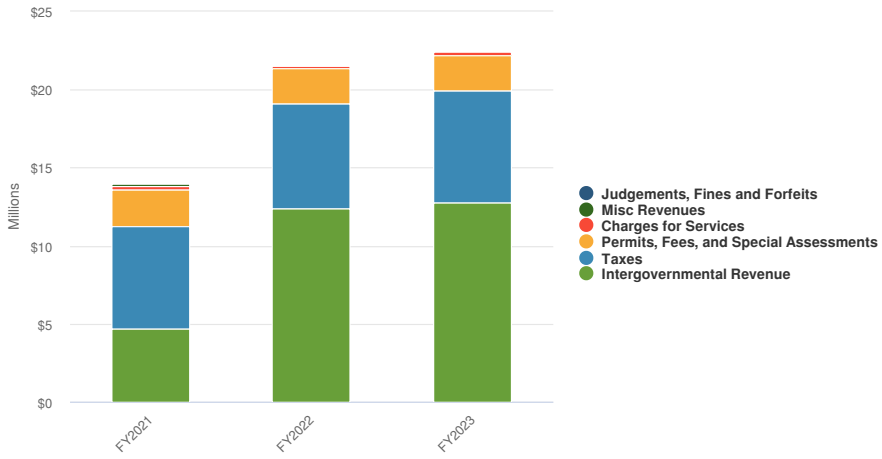


Revenues by Source

Projected 2023 Revenues by Source



Budgeted and Historical 2023 Revenues by Source



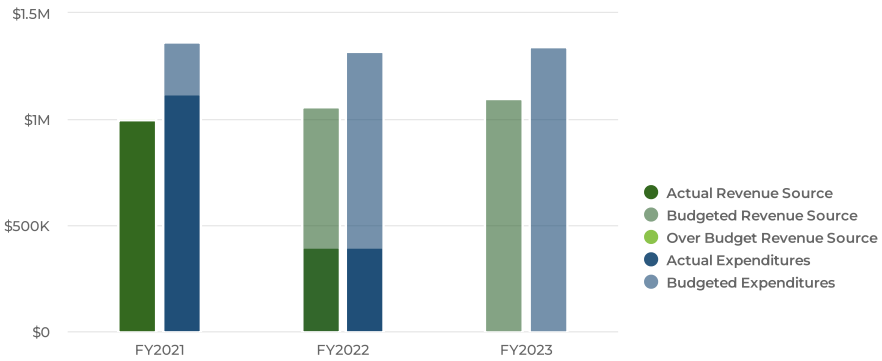
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Revenue Source					
Taxes					
Ad Valorem Taxes	$5,109,211	$5,281,886	$5,134,757	$5,770,900	9.3%
Local Communications Srvs Tax	$869,653	$878,542	$853,924	$879,500	0.1%
Local Business Tax	$20,919	$21,900	$8,154	$8,400	-61.6%
Local Option Gas Tax-1-6 Cent	$539,185	$531,529	$496,752	$511,700	-3.7%
Total Taxes:	**$6,538,968**	**$6,713,857**	**$6,493,587**	**$7,170,500**	**6.8%**
Permits, Fees, and Special Assessments					
Franchise Fees-Electric	$2,154,402	$2,130,400	$2,015,637	$2,076,100	-2.5%
Franchise Fees-Solid Waste	$164,993	$161,100	$172,000	$177,200	10%
ROW Permits	$1,900	$1,500	$1,400	$1,500	0%
Total Permits, Fees, and Special Assessments:	**$2,321,295**	**$2,293,000**	**$2,189,037**	**$2,254,800**	**-1.7%**
Intergovernmental Revenue					
Rev Sharing Sales tax	$627,152	$601,500	$646,064	$665,400	10.6%
Mobile Home License	$3,452	$3,600	$3,100	$3,200	-11.1%
Alcohol Beverage Tax	$36,446	$32,300	$29,917	$30,800	-4.6%
Half Cent Sales Tax	$3,202,784	$3,021,473	$3,374,731	$3,273,500	8.3%
Rev Sharing-Fuel Tax	$183,227	$0	$154,502	$179,000	N/A
FDOT US 41 Light Maintenance	$122,081	$122,100	$0	$120,000	-1.7%
ARPA Funding	$0	$8,482,207	$8,482,206	$8,482,200	0%
Covid Cares-Covid	$539,919	$0	$0	$0	0%
WCIND Marine Patrol Revenue	$2,176	$11,900	$725	$600	-95%
FEMA-Federal Share	$0	$121,300	$0	$0	-100%
Total Intergovernmental Revenue:	**$4,717,237**	**$12,396,380**	**$12,691,245**	**$12,754,700**	**2.9%**
Charges for Services					
Administrative Fee	$19,138	$18,000	$16,016	$16,500	-8.3%
Cost Recovery-Admin Charge	$10,300	$9,000	$23,100	$23,000	155.6%
Dev & Zoning-Fixed Fees	$69,106	$40,400	$87,552	$90,200	123.3%
Dev & Zoning-Cost Recovery Fee	$131,846	$43,800	$87,239	$89,900	105.3%
Code Comp & Contractor License	$20,000	$6,300	$68,000	$30,000	376.2%
Total Charges for Services:	**$250,390**	**$117,500**	**$281,907**	**$249,600**	**112.4%**
Judgements, Fines and Forfeits					
Fines & Forfeitures	$543	$500	$175	$200	-60%
Total Judgements, Fines and Forfeits:	**$543**	**$500**	**$175**	**$200**	**-60%**
Misc Revenues					
Interest Income	$4,772	$32,400	$5,427	$5,600	-82.7%

Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Rental income	$36,000	$36,000	$36,000	$36,000	0%
Miscellaneous Revenue	$16,352	$25,000	$14,640	$15,000	-40%
Planning-Miscellaneous Revenue	$55,284	$0	$48,034	$50,000	N/A
Total Misc Revenues:	**$112,407**	**$93,400**	**$104,101**	**$106,600**	**14.1%**
Total Revenue Source:	**$13,940,839**	**$21,614,637**	**$21,760,052**	**$22,536,400**	**4.3%**

Building Fee Fund

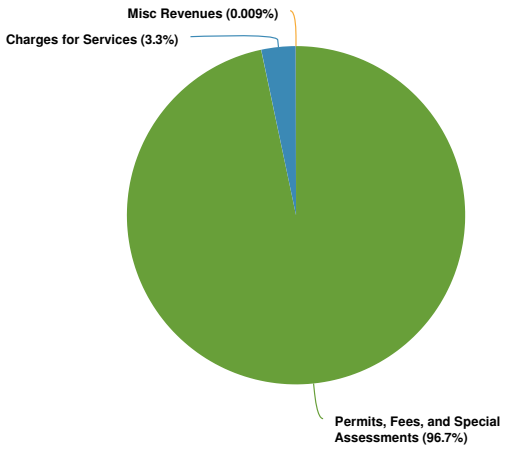
Summary

The Village of Estero is projecting $1.1M of revenue in FY2023, which represents a 3.8% increase over the prior year. Budgeted expenditures are projected to increase by 1.5% or $19.37K to $1.34M in FY2023.

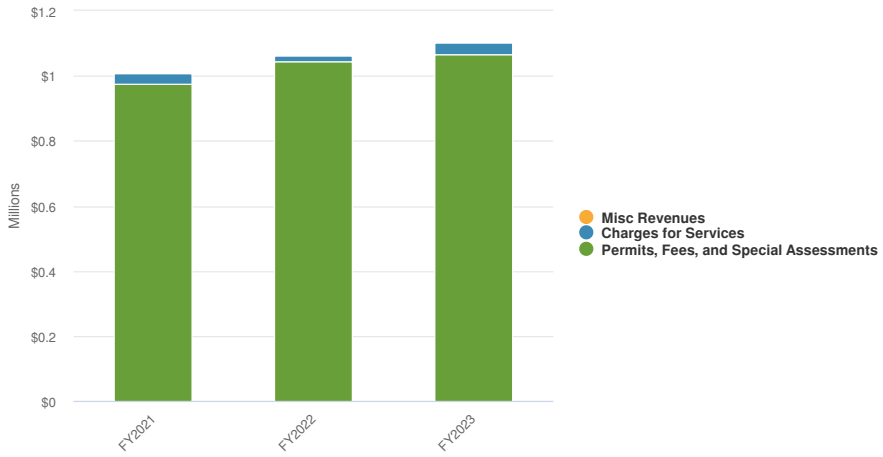


Revenues by Source

Projected 2023 Revenues by Source

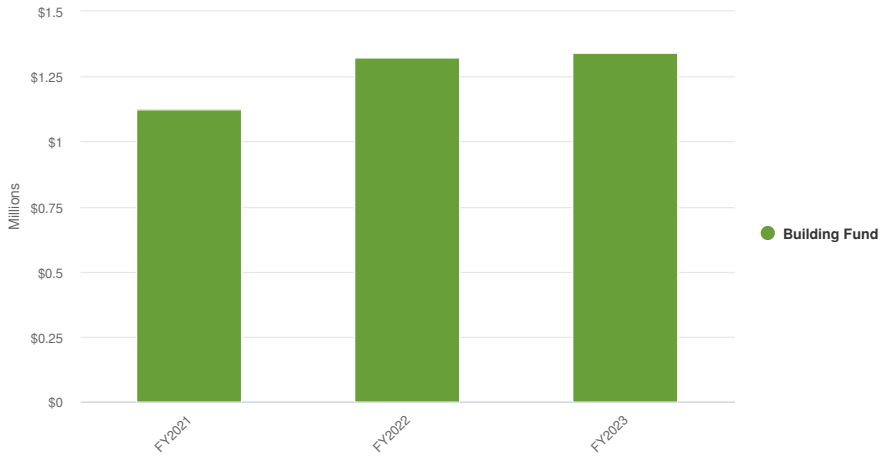


Budgeted and Historical 2023 Revenues by Source



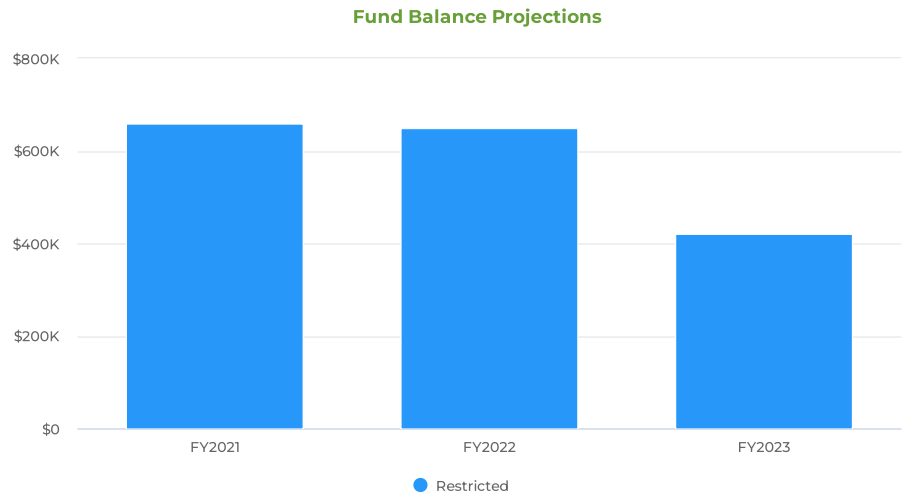
Expenditures by Fund

Budgeted and Historical 2023 Expenditures by Fund



Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Building Fund	$1,122,289	$1,322,630	$1,061,152	$1,342,000	1.5%
Total Building Fund:	**$1,122,289**	**$1,322,630**	**$1,061,152**	**$1,342,000**	**1.5%**

Fund Balance

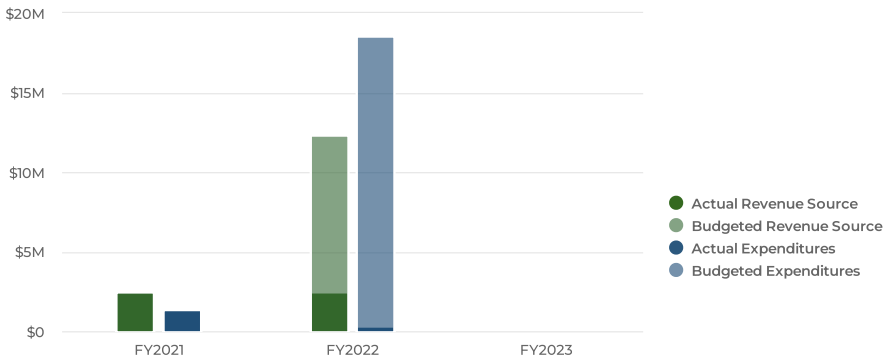


	FY2021	FY2022	FY2023	% Change
Fund Balance	—	—	—	
Restricted	$690,642	$679,735	$439,735	-35.3%
Total Fund Balance:	**$690,642**	**$679,735**	**$439,735**	**-35.3%**

Debt Service Fund

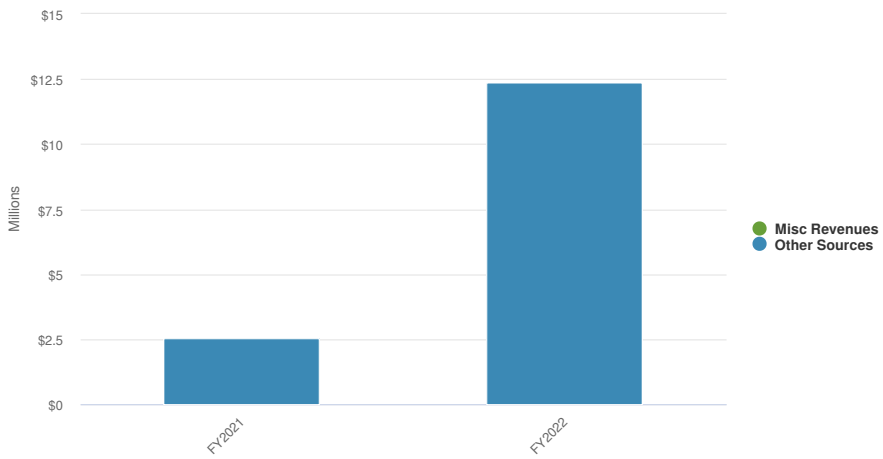
Summary

The Village of Estero is projecting N/A of revenue in FY2023, which represents a 100% decrease over the prior year. Budgeted expenditures are projected to decrease by 100% or $18.6M to N/A in FY2023.



Revenues by Source

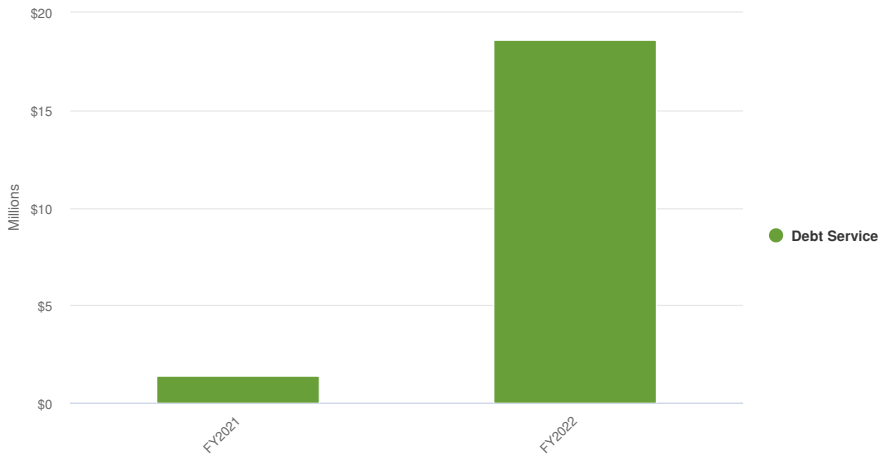
Budgeted and Historical 2023 Revenues by Source



Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Revenue Source					
Misc Revenues	$1,143	$10,000	$826	$0	-100%
Other Sources	$2,515,197	$12,360,133	$12,359,424	$0	-100%
Total Revenue Source:	**$2,516,340**	**$12,370,133**	**$12,360,250**	**$0**	**-100%**

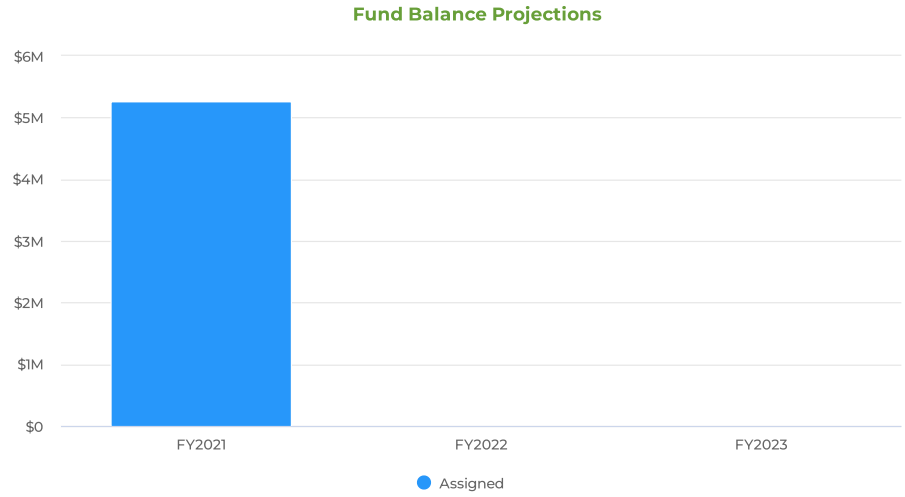
Expenditures by Expense Type

Budgeted and Historical Expenditures by Expense Type



Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Debt Service	$1,391,072	$18,595,000	$17,664,717	$0	-100%
Total Expense Objects:	**$1,391,072**	**$18,595,000**	**$17,664,717**	**$0**	**-100%**

Fund Balance

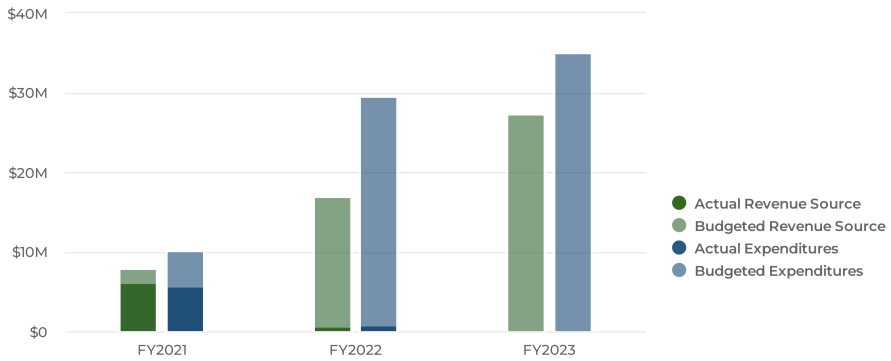


	FY2021	% Change
Fund Balance	—	
Assigned	$5,304,465	0%
Total Fund Balance:	**$5,304,465**	**0%**

Capital Projects Fund

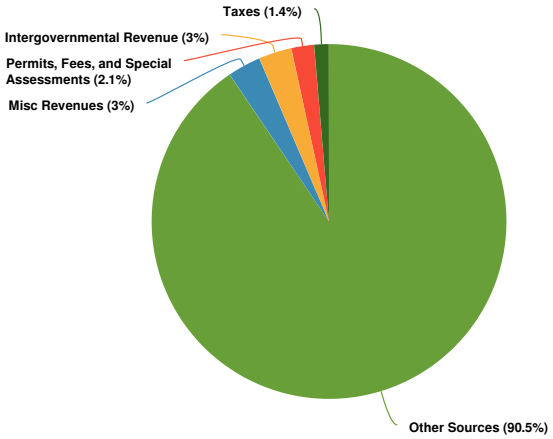
Summary

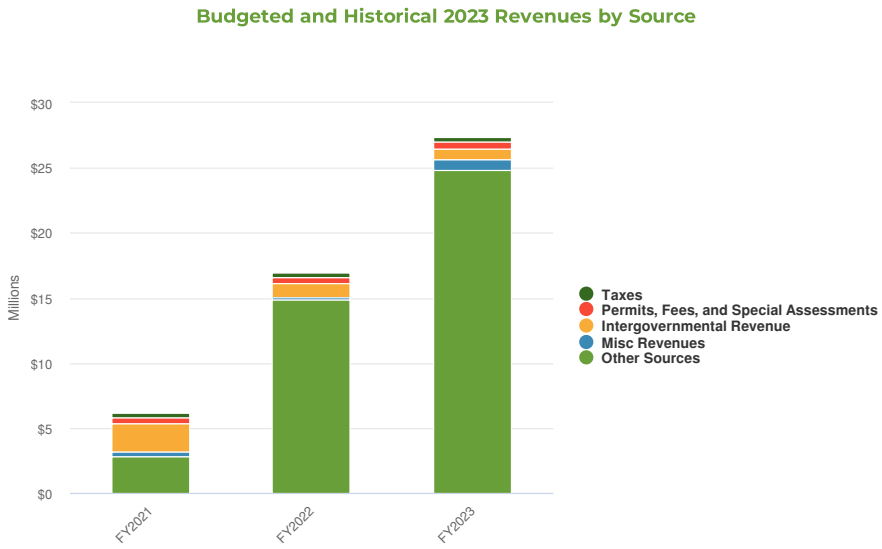
The Village of Estero is projecting $27.41M of revenue in FY2023, which represents a 61.5% increase over the prior year. Budgeted expenditures are projected to increase by 18.4% or $5.45M to $35.11M in FY2023.



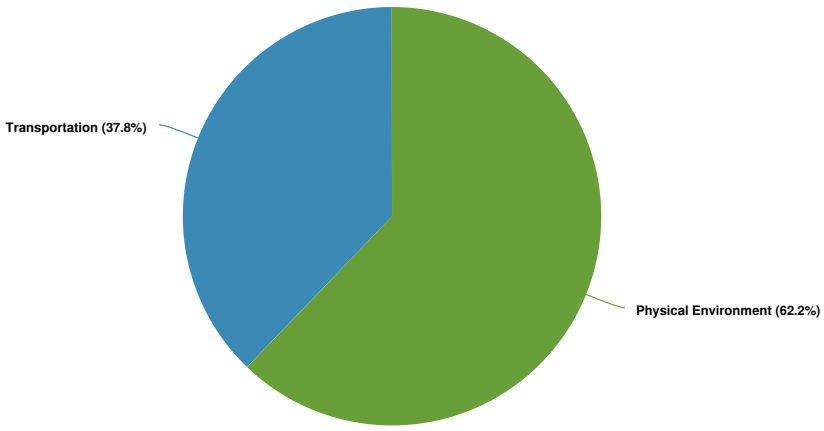
Revenues by Source

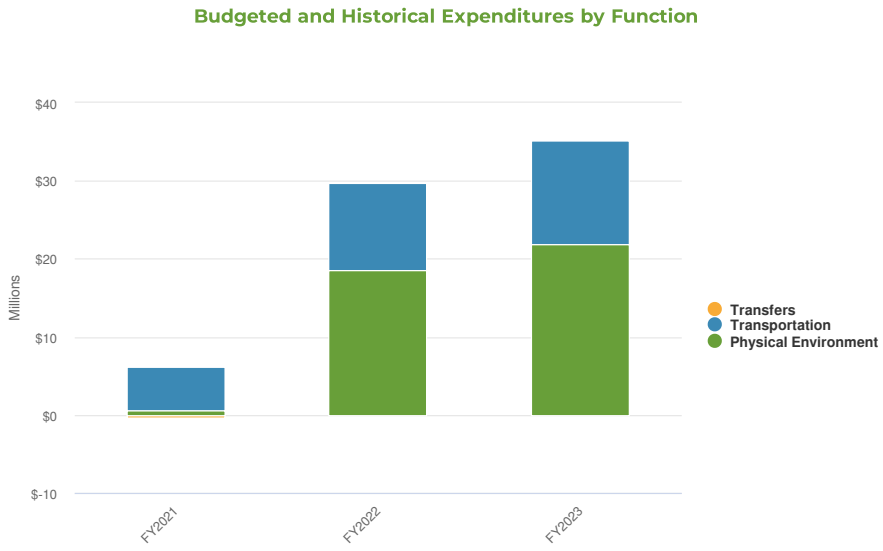
Projected 2023 Revenues by Source





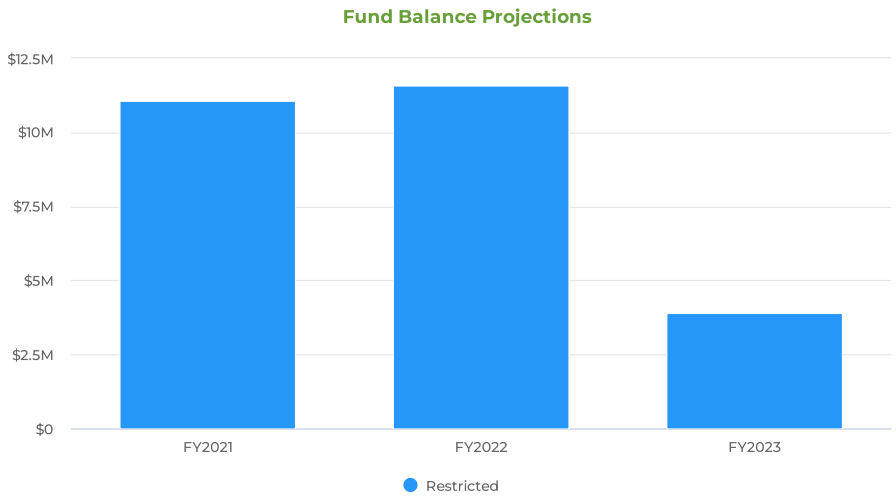
Expenditures by Function





Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expenditures					
Physical Environment	$579,307	$18,491,500	$5,095,182	$21,833,580	18.1%
Transportation	$5,557,475	$11,163,300	$1,699,275	$13,271,850	18.9%
Transfers	-$327,472	$0	$0	$0	0%
Total Expenditures:	**$5,809,309**	**$29,654,800**	**$6,794,457**	**$35,105,430**	**18.4%**

Fund Balance



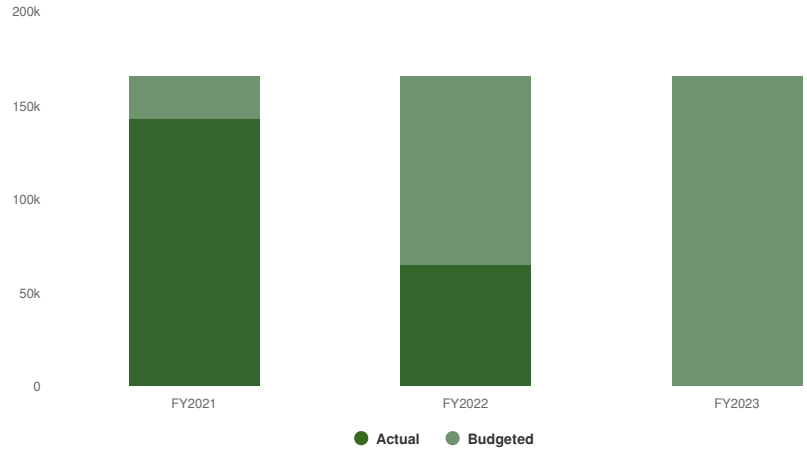
	FY2021	FY2022	FY2023	% Change
Fund Balance	—	—	—	
Restricted	$11,063,071	$11,580,381	$3,883,681	-66.5%
Total Fund Balance:	**$11,063,071**	**$11,580,381**	**$3,883,681**	**-66.5%**

Village Council

Expenditures Summary

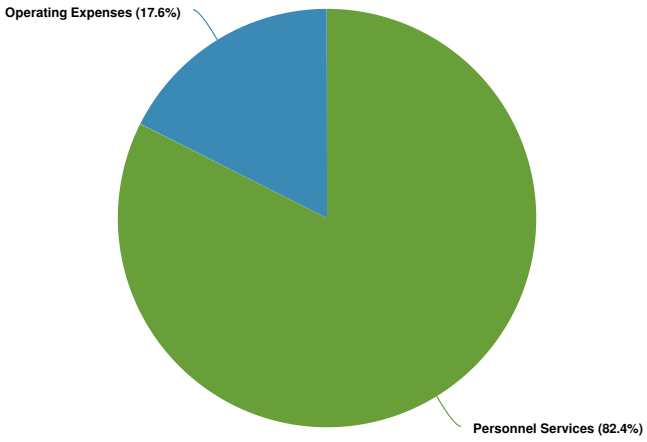
$165,200 $0
(0.00% vs. prior year)

Village Council Proposed and Historical Budget vs. Actual

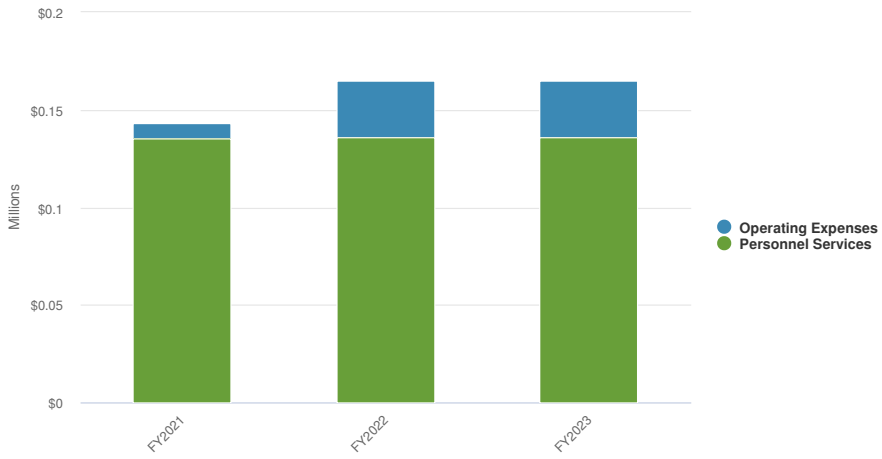


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



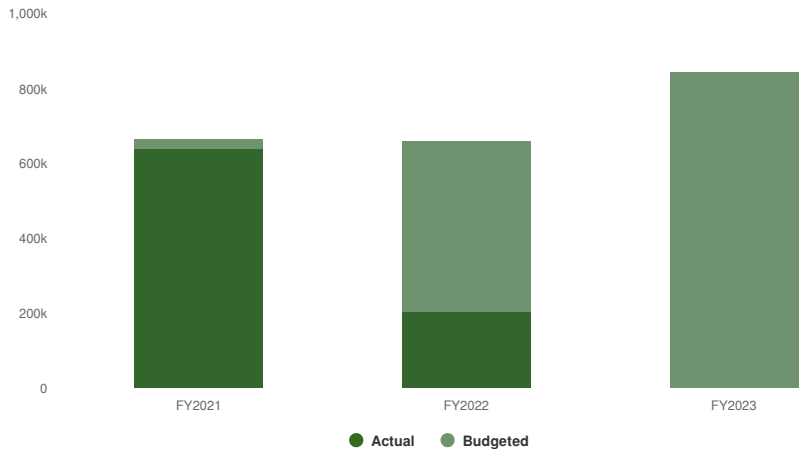
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Executive Salaries	$124,125	$124,300	$124,300	$124,300	0%
FICA Taxes	$9,496	$9,600	$9,600	$9,600	0%
Workers Comp	$290	$300	$300	$300	0%
Unemployment Comp	$1,690	$2,000	$2,000	$2,000	0%
Total Personnel Services:	**$135,602**	**$136,200**	**$136,200**	**$136,200**	**0%**
Operating Expenses					
Travel and Per Diem	$1,356	$22,000	$1,500	$22,000	0%
Books Pub & Memberships	$5,923	$5,000	$10,500	$5,000	0%
Training	$46	$2,000	$2,000	$2,000	0%
Total Operating Expenses:	**$7,325**	**$29,000**	**$14,000**	**$29,000**	**0%**
Total Expense Objects:	**$142,927**	**$165,200**	**$150,200**	**$165,200**	**0%**

Village Manager

Expenditures Summary

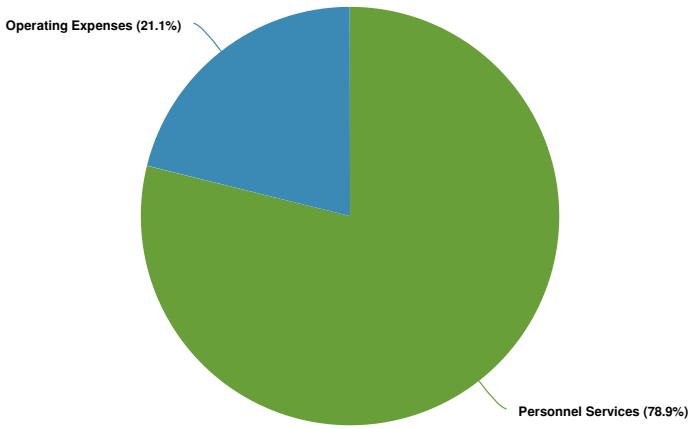
$841,300 $181,140
(27.44% vs. prior year)

Village Manager Proposed and Historical Budget vs. Actual

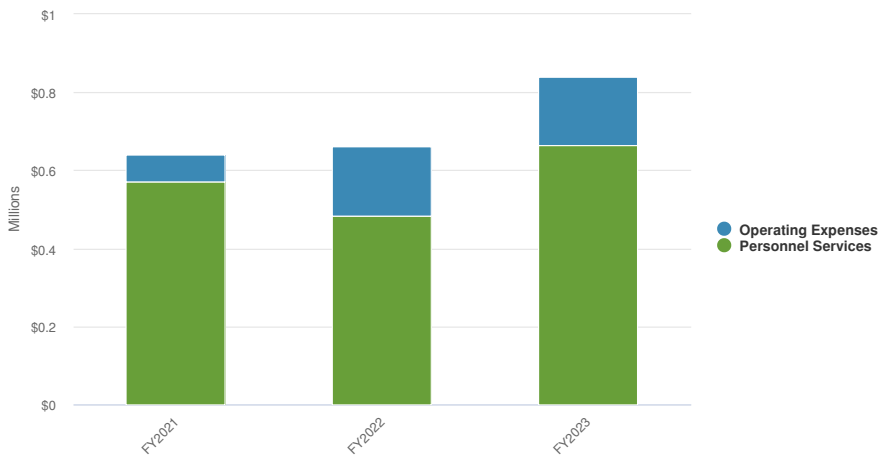


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



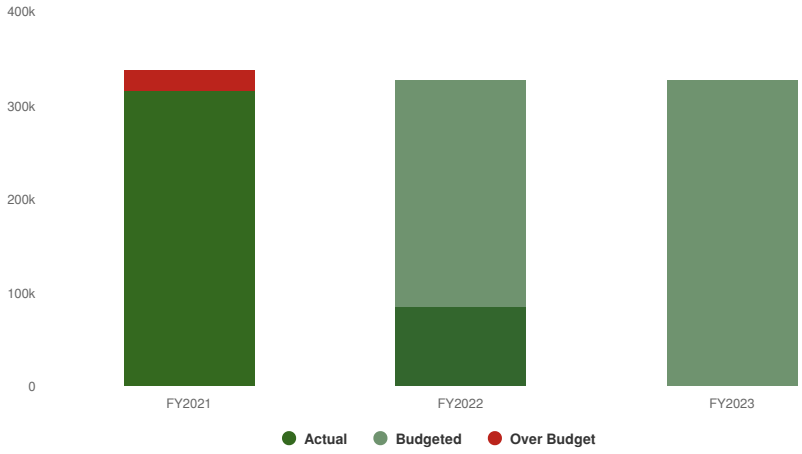
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Executive Salary	$208,162	$205,000	$201,548	$224,700	9.6%
Car Allowance	$7,220	$7,200	$6,557	$7,200	0%
Regular Salaries & Wages	$193,865	$137,100	$110,021	$240,100	75.1%
FICA Taxes	$26,408	$26,200	$20,220	$30,900	17.9%
Retirement Contributions	$39,498	$36,000	$27,891	$53,600	48.9%
Group Insurance	$93,122	$69,900	$75,503	$105,100	50.4%
Worker's Compensation	$719	$800	$570	$900	12.5%
Unemployment Comp	$937	$1,200	$858	$1,100	-8.3%
Total Personnel Services:	**$569,931**	**$483,400**	**$443,168**	**$663,600**	**37.3%**
Operating Expenses					
Miscellaneous Professional Srv	$19,083	$75,000	$7,467	$75,000	0%
Contractual Srvs-Adm Assist	$675	$0	$0	$0	0%
Communication Services	$31,500	$32,760	$28,000	$33,700	2.9%
Miscellaneous Contractual Srvs	$0	$35,000	$10,000	$35,000	0%
Travel & Per Diem	$2,313	$12,000	$700	$12,000	0%
Public Relations	$8,781	$15,000	$24,183	$15,000	0%
Books Pub & Memberships	$4,534	$3,000	$3,000	$3,000	0%
Training	$3,025	$4,000	$1,860	$4,000	0%
Total Operating Expenses:	**$69,911**	**$176,760**	**$75,210**	**$177,700**	**0.5%**
Total Expense Objects:	**$639,842**	**$660,160**	**$518,378**	**$841,300**	**27.4%**

Village Attorney

Expenditures Summary

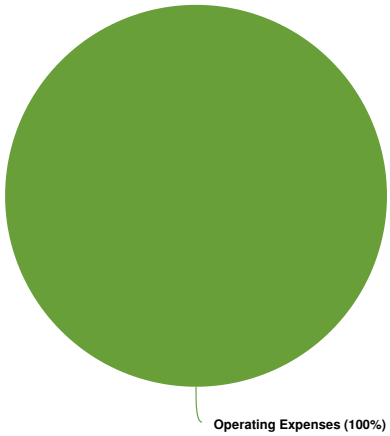
$327,000 $0
(0.00% vs. prior year)

Village Attorney Proposed and Historical Budget vs. Actual

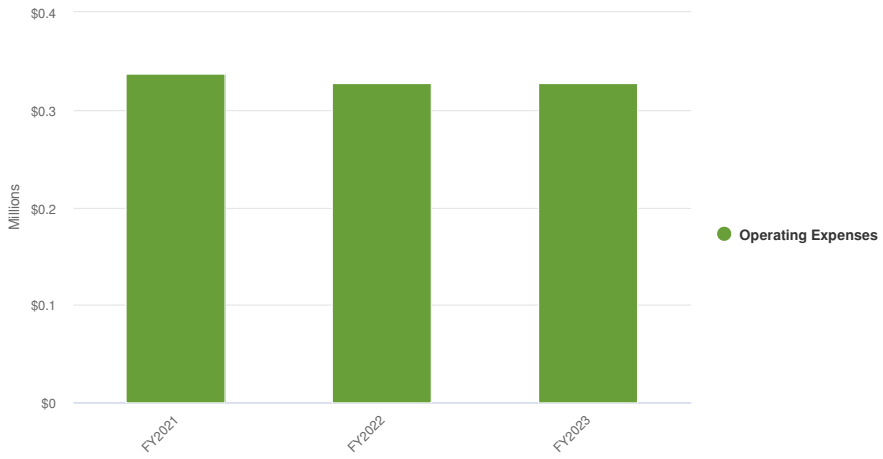


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



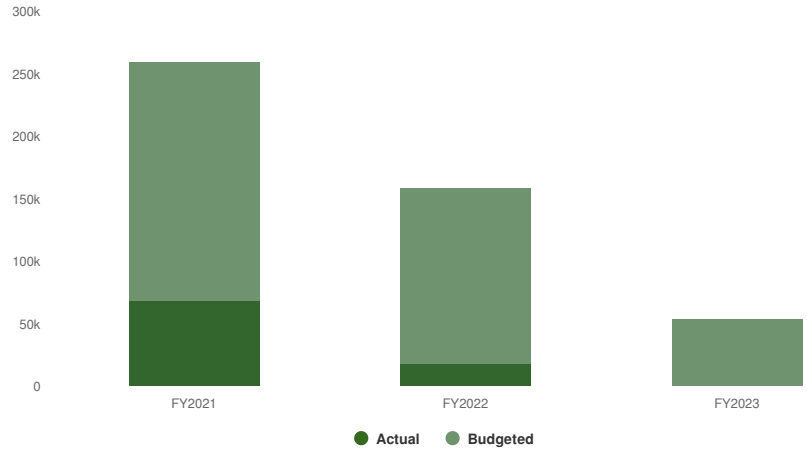
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Operating Expenses					
Village Attorney	$258,582	$200,000	$197,413	$200,000	0%
Land Use Legal	$63,501	$85,000	$34,150	$85,000	0%
Comprehensive Plan Legal	$0	$15,000	$0	$15,000	0%
Code Enforcement Legal	$1,613	$12,000	$975	$12,000	0%
Land Dev Code Legal	$12,890	$15,000	$0	$15,000	0%
Total Operating Expenses:	**$336,585**	**$327,000**	**$232,538**	**$327,000**	**0%**
Total Expense Objects:	**$336,585**	**$327,000**	**$232,538**	**$327,000**	**0%**

Village Clerk

Expenditures Summary

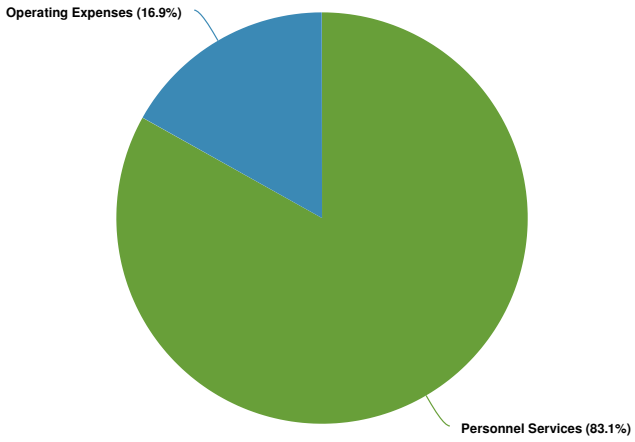
$53,900 -$105,000
(-66.08% vs. prior year)

Village Clerk Proposed and Historical Budget vs. Actual

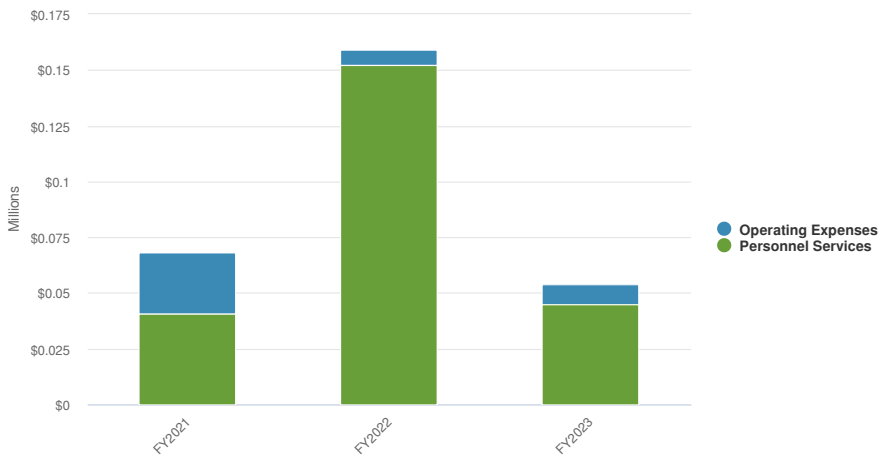


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



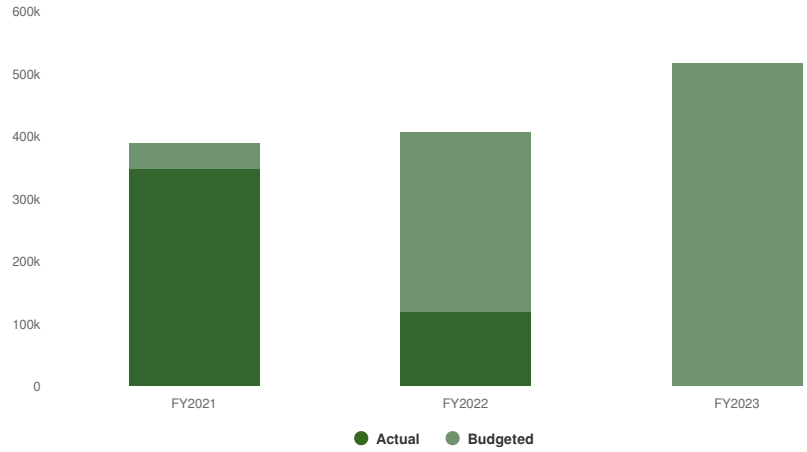
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Regular Salaries & Wages	$37,158	$121,000	$37,447	$41,200	-66%
FICA Taxes	$2,843	$9,300	$2,865	$3,200	-65.6%
Retirement Contributions	$0	$12,800	$0	$0	-100%
Group Insurance	$0	$8,300	$0	$0	-100%
Worker's Compensation	$208	$300	$100	$100	-66.7%
Unemployment Compensation	$518	$600	$516	$300	-50%
Total Personnel Services:	**$40,727**	**$152,300**	**$40,928**	**$44,800**	**-70.6%**
Operating Expenses					
Codification	$6,050	$0	$2,500	$3,000	N/A
Election Services	$15,724	$0	$0	$0	0%
Travel & Per Diem	$0	$1,000	$0	$500	-50%
Legal Notices	$5,117	$5,000	$1,026	$5,000	0%
Book, Pub & Membership	$250	$500	$0	$500	0%
Training	$304	$100	$0	$100	0%
Total Operating Expenses:	**$27,445**	**$6,600**	**$3,526**	**$9,100**	**37.9%**
Total Expense Objects:	**$68,172**	**$158,900**	**$44,454**	**$53,900**	**-66.1%**

Finance

Expenditures Summary

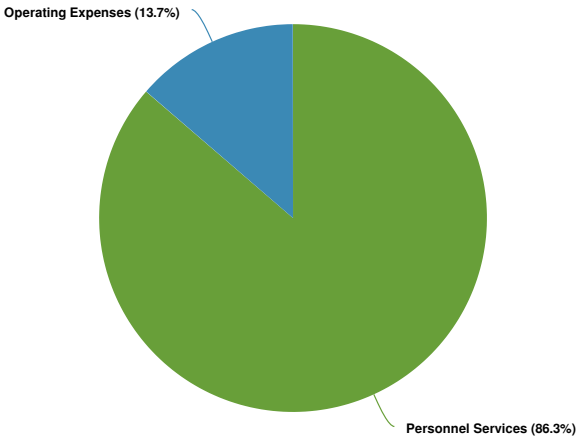
$517,450 $109,164
(26.74% vs. prior year)

Finance Proposed and Historical Budget vs. Actual

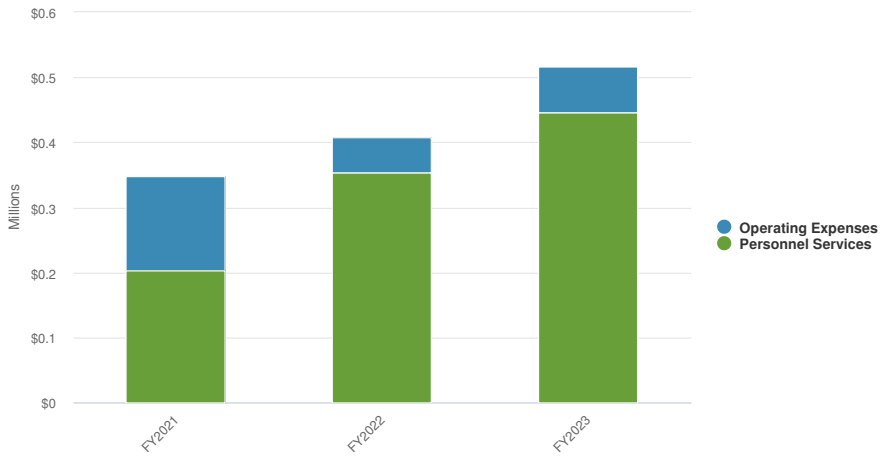


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



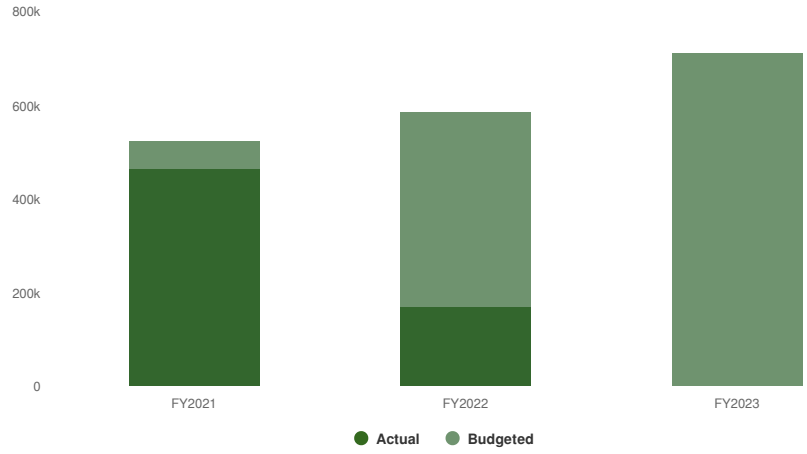
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Regular Salaries & Wages	$175,415	$275,800	$231,934	$367,600	33.3%
FICA Taxes	$13,369	$21,100	$17,743	$27,900	32.2%
Retirement Contributions	$3,874	$29,000	$10,302	$19,100	-34.1%
Group Insurance	$8,535	$26,100	$13,010	$30,300	16.1%
Worker's Compensation	$526	$600	$372	$700	16.7%
Unemployment Compensation	$982	$1,100	$969	$1,100	0%
Total Personnel Services:	**$202,701**	**$353,700**	**$274,330**	**$446,700**	**26.3%**
Operating Expenses					
Accounting Services	$108,241	$5,000	$77,923	$20,000	300%
Auditing & Actuarial Services	$36,500	$49,000	$33,000	$50,000	2%
Books, Publications & Members	$293	$586	$893	$750	28%
Total Operating Expenses:	**$145,034**	**$54,586**	**$111,816**	**$70,750**	**29.6%**
Total Expense Objects:	**$347,735**	**$408,286**	**$386,146**	**$517,450**	**26.7%**

Development Services

Expenditures Summary

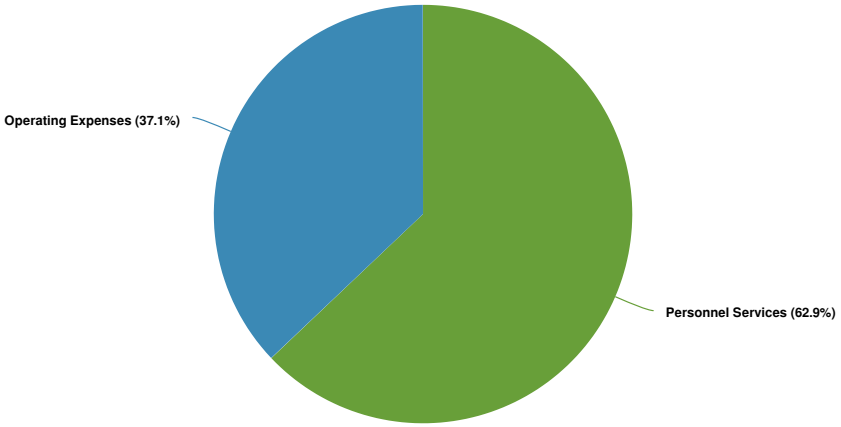
$710,900 $123,500
(21.02% vs. prior year)

Development Services Proposed and Historical Budget vs. Actual

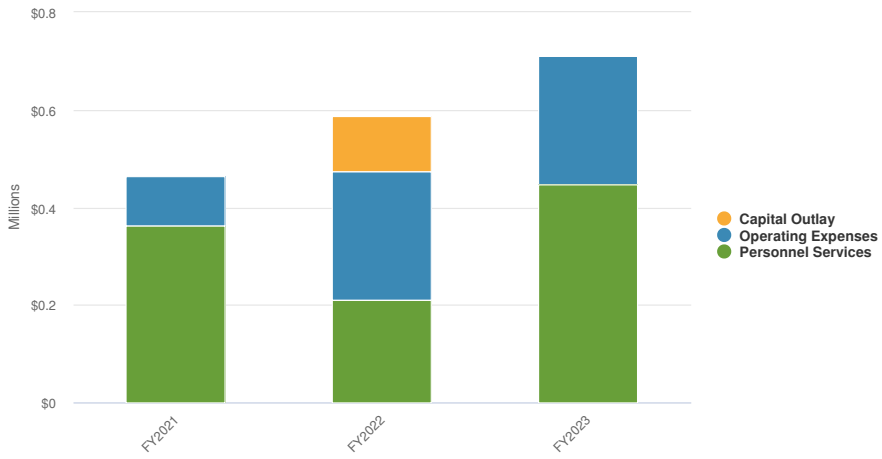


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



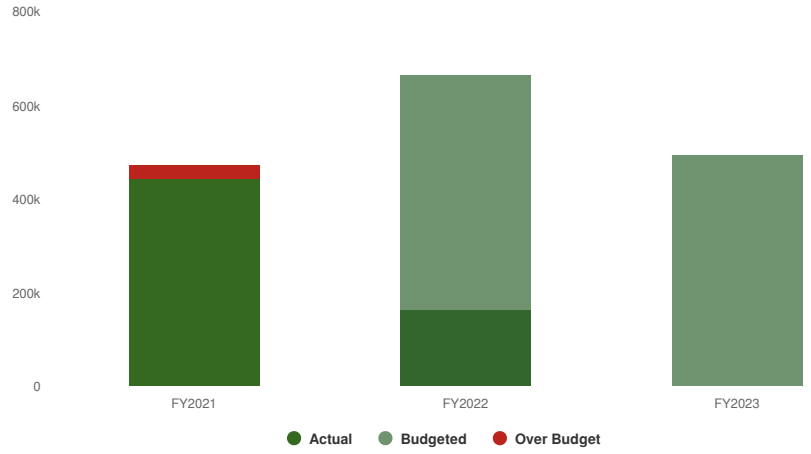
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Regular Salaries & Wages	$244,102	$154,200	$270,498	$289,600	87.8%
FICA Taxes	$18,352	$11,800	$20,693	$23,200	96.6%
Retirement Contributions	$31,006	$16,200	$31,061	$45,200	179%
Group Insurance	$64,184	$26,700	$67,666	$82,000	207.1%
Worker's Compensation	$3,496	$1,900	$5,041	$6,400	236.8%
Unemployment Compensation	$854	$500	$800	$900	80%
Total Personnel Services:	**$361,994**	**$211,300**	**$395,759**	**$447,300**	**111.7%**
Operating Expenses					
Land Development Code	$44,329	$40,000	$10,500	$40,000	0%
Comp Plan/Land Dev Regulations	$0	$30,000	$0	$30,000	0%
Growth Model Srvs	$0	$10,000	$0	$10,000	0%
Development Srvcs Manager	$19,050	$40,000	$0	$40,000	0%
Misc Professional Services	$0	$65,000	$13,000	$65,000	0%
Economic Development	$27,500	$60,000	$3,500	$60,000	0%
Travel & Per Diem	$281	$2,000	$222	$2,000	0%
Legal Notices-Plan & Zoning	$5,158	$6,000	$244	$6,000	0%
Books, Pub & Memberships	$4,696	$10,000	$6,695	$10,000	0%
Training	$165	$600	$632	$600	0%
Total Operating Expenses:	**$101,179**	**$263,600**	**$34,793**	**$263,600**	**0%**
Capital Outlay					
Capital Outlay	$0	$112,500	$0	$0	-100%
Total Capital Outlay:	**$0**	**$112,500**	**$0**	**$0**	**-100%**
Total Expense Objects:	**$463,173**	**$587,400**	**$430,552**	**$710,900**	**21%**

Planning, Zoning & Development

Expenditures Summary

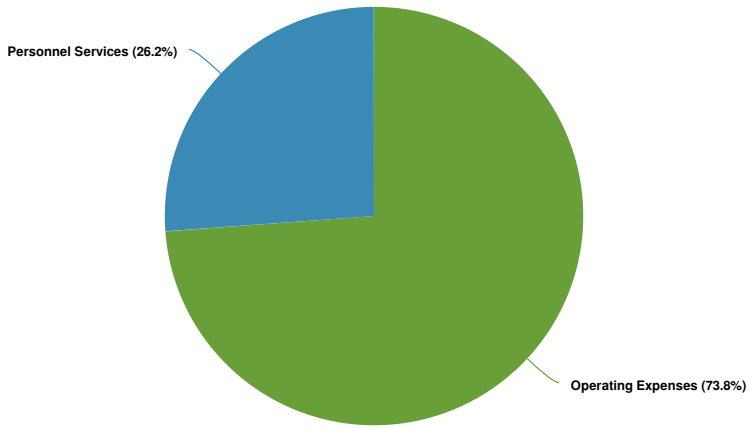
$494,300 -$171,018
(-25.70% vs. prior year)

Planning, Zoning & Development Proposed and Historical Budget vs. Actual

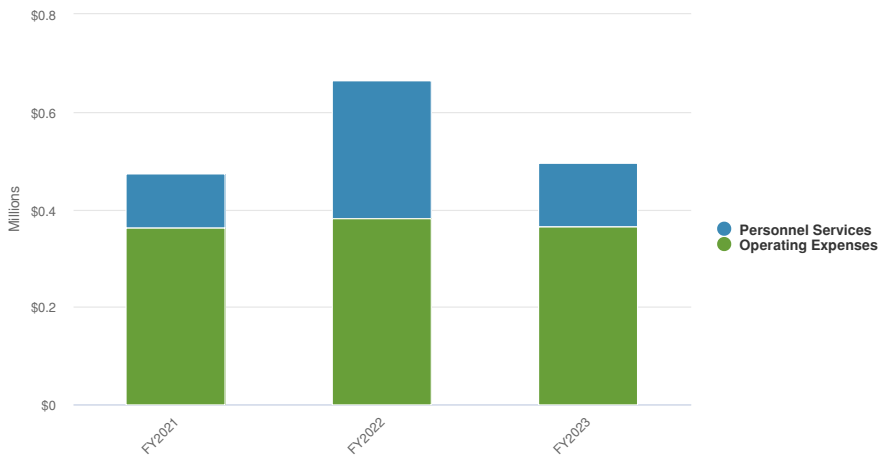


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



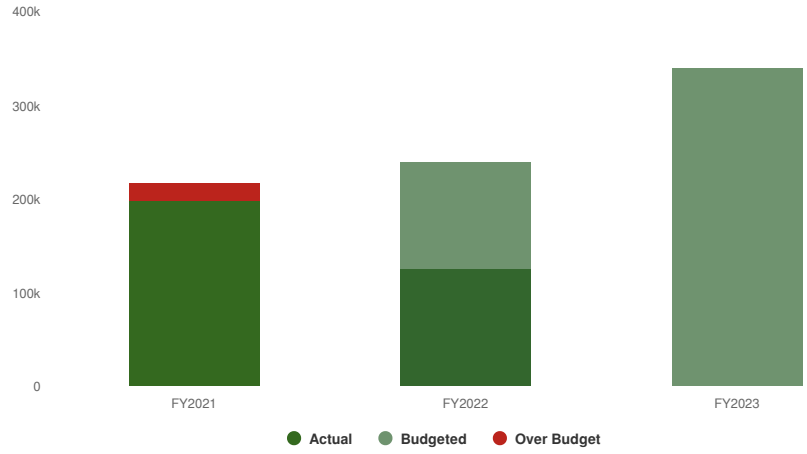
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Cost Recovery-Wages	$102,939	$228,300	$97,042	$119,600	-47.6%
Cost Recovery FICA Taxes	$7,719	$17,500	$7,199	$8,000	-54.3%
Retirement Contributions	$0	$24,000	$0	$0	-100%
Insurance	$0	$6,200	$0	$0	-100%
Cost Recovery Worker's Comp	$0	$6,200	$0	$1,400	-77.4%
Cost Recovery Unemploy Comp	$0	$1,600	$0	$300	-81.2%
Total Personnel Services:	**$110,657**	**$283,800**	**$104,241**	**$129,300**	**-54.4%**
Operating Expenses					
Cost Recovery Prof Services	$21,189	$17,518	$1,500	$15,000	-14.4%
Planning & Zoning-Fixed Fee	$341,100	$364,000	$271,024	$350,000	-3.8%
Total Operating Expenses:	**$362,289**	**$381,518**	**$272,524**	**$365,000**	**-4.3%**
Total Expense Objects:	**$472,946**	**$665,318**	**$376,765**	**$494,300**	**-25.7%**

Information Technology

Expenditures Summary

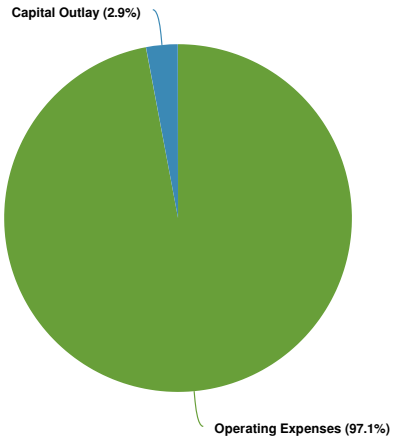
$339,000 $100,200
(41.96% vs. prior year)

Informaion Technology Proposed and Historical Budget vs. Actual

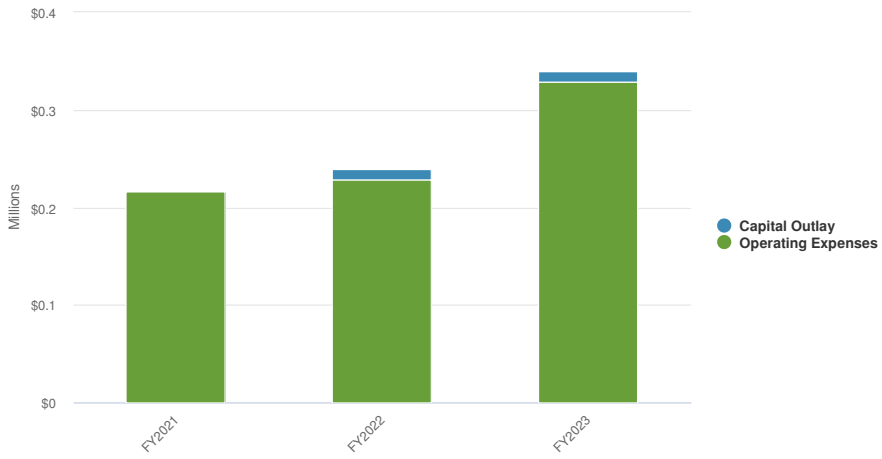


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



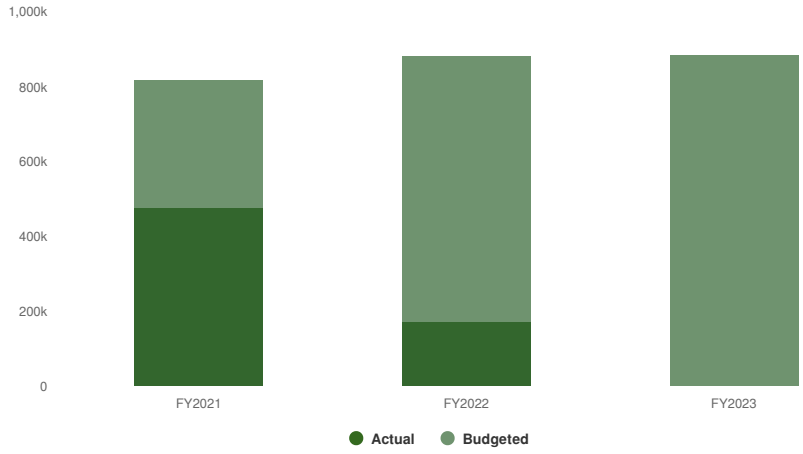
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Operating Expenses					
Webmaster Srvs & Maintenance	$7,325	$9,000	$7,600	$9,000	0%
Software Licensing	$37,609	$30,000	$68,290	$70,000	133.3%
Information Technology Srvs	$126,831	$130,000	$118,101	$120,000	-7.7%
Audio Visual Services	$44,685	$46,000	$112,417	$120,000	160.9%
Small tools & equipment	$0	$13,800	$5,000	$10,000	-27.5%
Total Operating Expenses:	**$216,449**	**$228,800**	**$311,408**	**$329,000**	**43.8%**
Capital Outlay					
Capital Outlay	$0	$10,000	$5,000	$10,000	0%
Total Capital Outlay:	**$0**	**$10,000**	**$5,000**	**$10,000**	**0%**
Total Expense Objects:	**$216,449**	**$238,800**	**$316,408**	**$339,000**	**42%**

General Government

Expenditures Summary

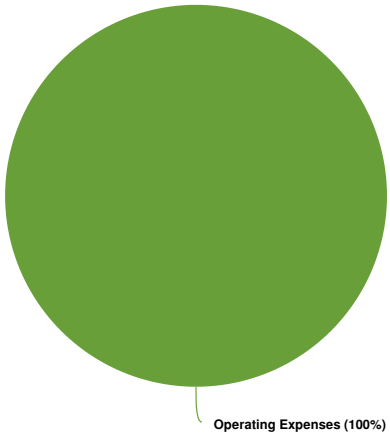
$882,550 $2,000
(0.23% vs. prior year)

General Government Proposed and Historical Budget vs. Actual

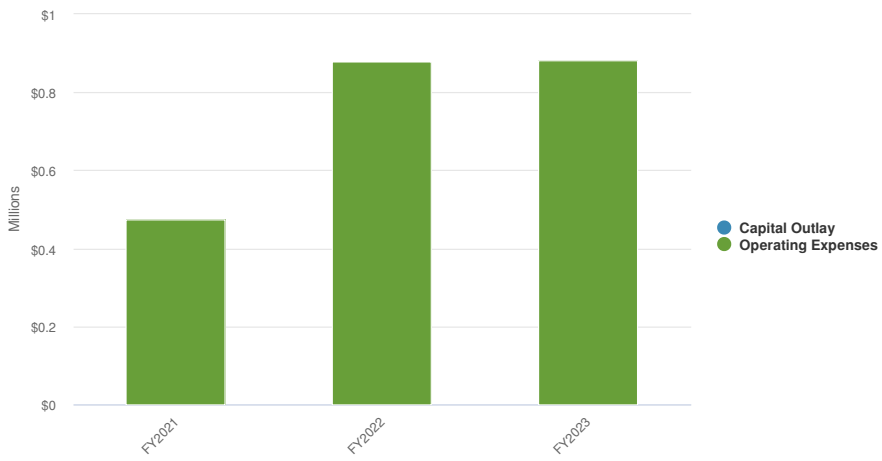


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



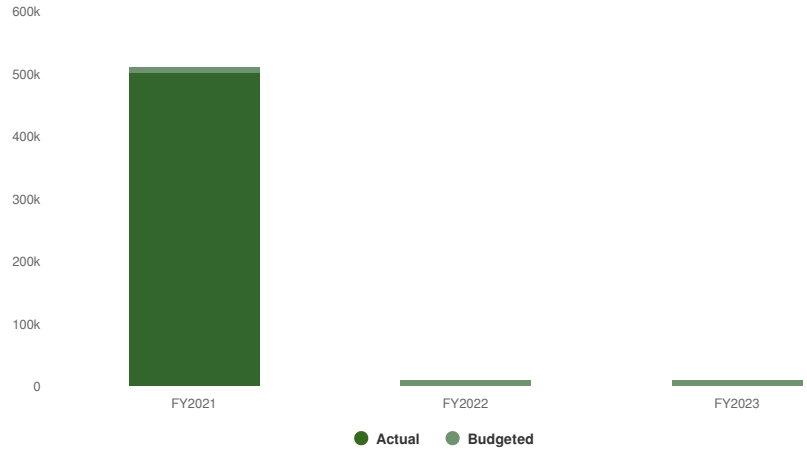
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Operating Expenses					
Lobbying Services	$27,500	$100,000	$36,000	$80,000	-20%
State Administrative Fees	$9,338	$9,500	$7,912	$9,500	0%
Tax Collector Fees	$3,700	$3,750	$0	$3,750	0%
Audio Visual Services	$32,378	$0	$18,840	$20,000	N/A
Misc Contractual Srvcs	$3,235	$250,000	$4,267	$250,000	0%
Communications	$5,505	$5,000	$4,436	$5,000	0%
Freight & Postage	$2,796	$3,500	$1,367	$3,500	0%
Utilities	$23,335	$17,500	$23,877	$17,500	0%
Equipment Rental & Leases	$11,599	$10,000	$9,738	$10,000	0%
Office Lease-Corkscrew Palms	$229,175	$257,400	$245,412	$259,400	0.8%
Insurance	$68,050	$78,700	$73,702	$78,700	0%
Repairs & Maintenance	$16,710	$20,000	$14,186	$20,000	0%
Printing	$0	$1,500	$0	$1,500	0%
Contingency	$0	$104,200	$0	$104,200	0%
Office Supplies	$4,748	$6,500	$3,673	$6,500	0%
Operating Supplies	$36,388	$11,000	$11,466	$11,000	0%
Books Pub & Membership	$101	$2,000	$17,175	$2,000	0%
Total Operating Expenses:	**$474,559**	**$880,550**	**$472,051**	**$882,550**	**0.2%**
Capital Outlay					
Capital Outlay	$350	$0	$0	$0	0%
Total Capital Outlay:	**$350**	**$0**	**$0**	**$0**	**0%**
Total Expense Objects:	**$474,909**	**$880,550**	**$472,051**	**$882,550**	**0.2%**

Disaster Response

Expenditures Summary

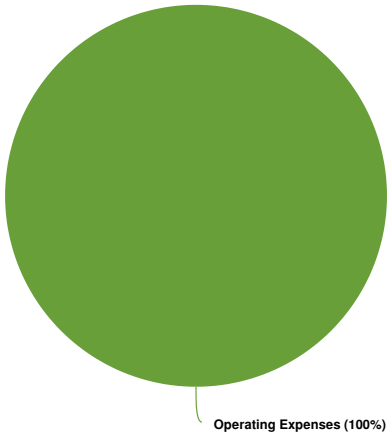
$10,000 $0
(0.00% vs. prior year)

Disaster Response Proposed and Historical Budget vs. Actual

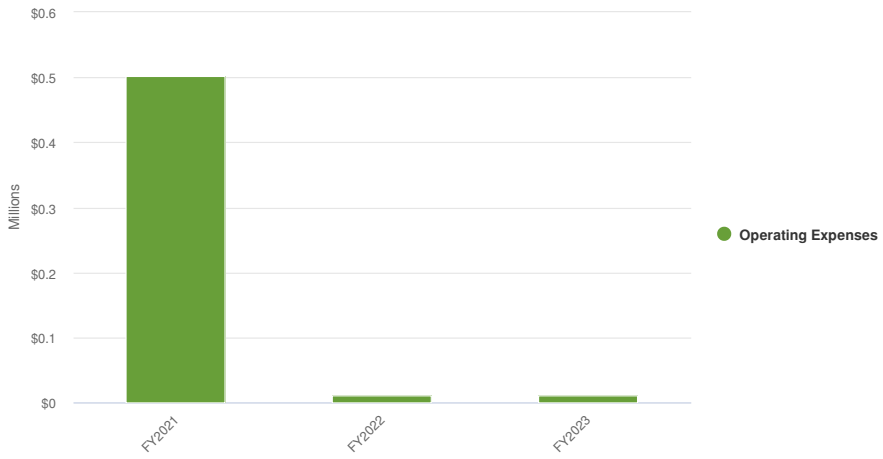


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



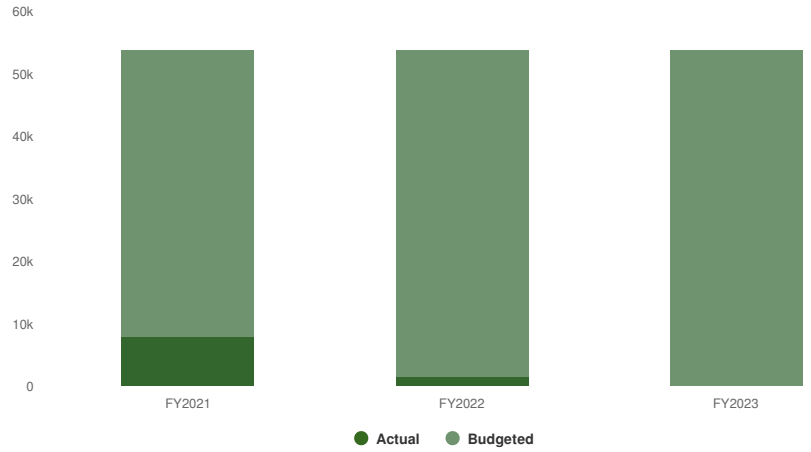
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Operating Expenses					
Covid Contractual Expenditures	$192,496	$0	$0	$0	0%
Repair and Maintenance	$4,950	$0	$0	$0	0%
Covid Supplies	$304,409	$0	$0	$0	0%
Disaster Preparedness Services	$0	$10,000	$0	$10,000	0%
Total Operating Expenses:	**$501,855**	**$10,000**	**$0**	**$10,000**	**0%**
Total Expense Objects:	**$501,855**	**$10,000**	**$0**	**$10,000**	**0%**

Law Enforcement/Marine Services

Expenditures Summary

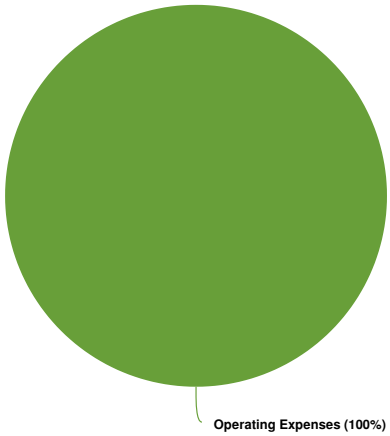
$53,860 $0
(0.00% vs. prior year)

Law Enforcement/Marine Services Proposed and Historical Budget vs. Actual

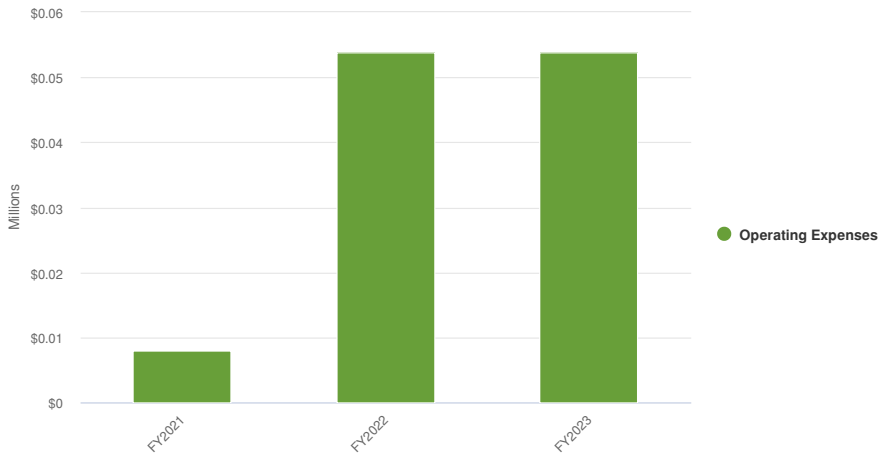


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



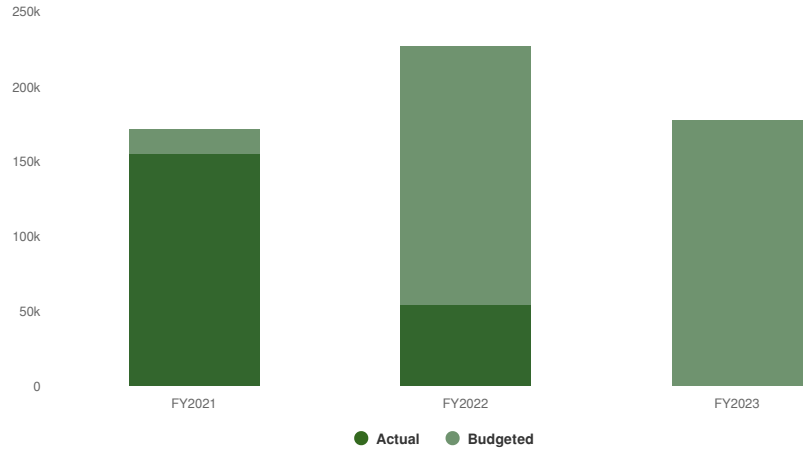
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Operating Expenses					
Lee Cty Law Enforcement	$5,184	$10,000	$4,000	$10,000	0%
Lee Cty Marine Patrol	$2,720	$43,860	$0	$43,860	0%
Total Operating Expenses:	**$7,904**	**$53,860**	**$4,000**	**$53,860**	**0%**
Total Expense Objects:	**$7,904**	**$53,860**	**$4,000**	**$53,860**	**0%**

Code Compliance

Expenditures Summary

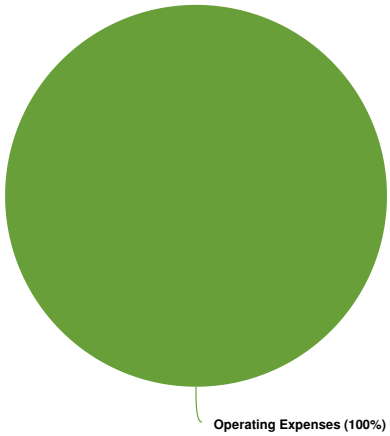
$177,360 -$49,900
(-21.96% vs. prior year)

Code Compliance Proposed and Historical Budget vs. Actual

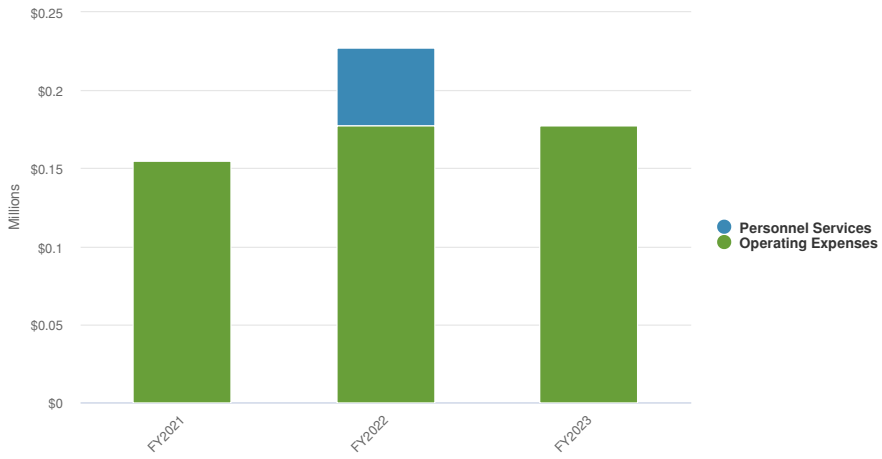


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



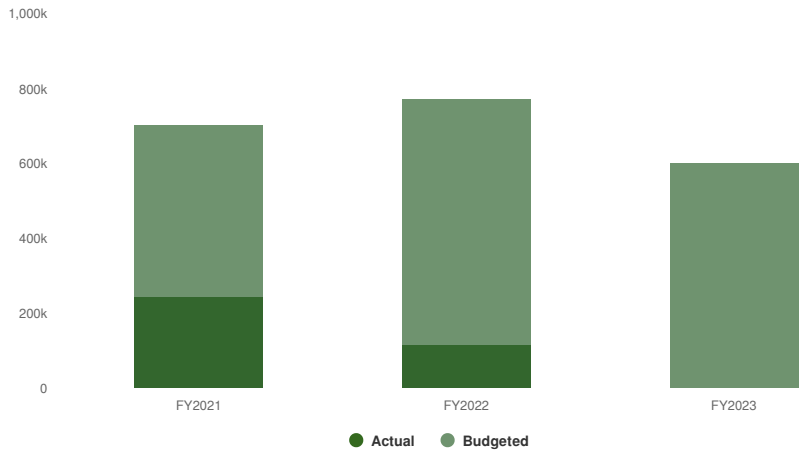
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Regular Salaries & Wages	$0	$36,300	$0	$0	-100%
FICA Taxes	$0	$2,800	$0	$0	-100%
Retirement Contributions	$0	$3,800	$0	$0	-100%
Insurance	$0	$6,200	$0	$0	-100%
Workers Compensation	$0	$500	$0	$0	-100%
Unemployment Compensation	$0	$300	$0	$0	-100%
Total Personnel Services:	**$0**	**$49,900**	**$0**	**$0**	**-100%**
Operating Expenses					
Special Magistrate Srvs	$10,938	$16,000	$12,500	$16,000	0%
Code Compliance Contract Srvs	$144,051	$160,160	$130,000	$160,160	0%
Other Chrges-Filing Fees	$170	$1,200	$300	$1,200	0%
Total Operating Expenses:	**$155,159**	**$177,360**	**$142,800**	**$177,360**	**0%**
Total Expense Objects:	**$155,159**	**$227,260**	**$142,800**	**$177,360**	**-22%**

Public Works

Expenditures Summary

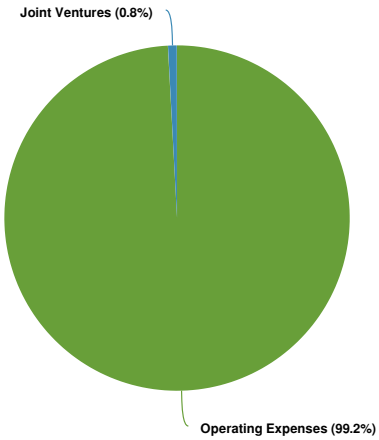
$600,000 -$171,000
(-22.18% vs. prior year)

Public Works Proposed and Historical Budget vs. Actual

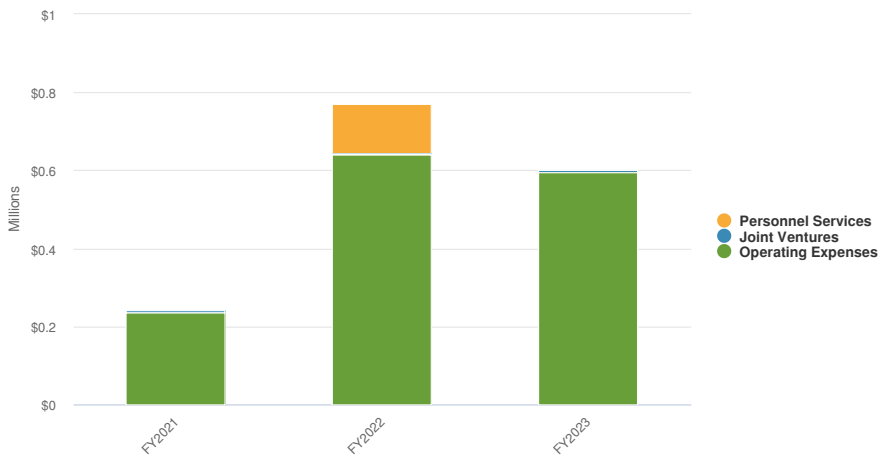


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



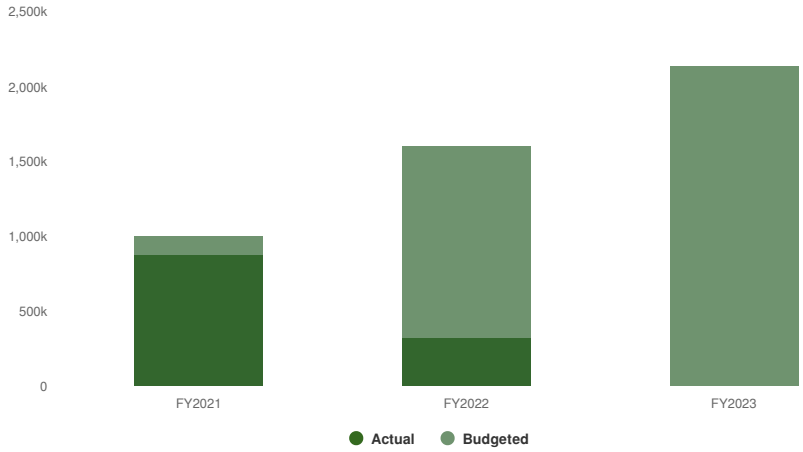
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Regular Salaries & Wages	$0	$87,800	$0	$0	-100%
FICA Taxes	$0	$6,700	$0	$0	-100%
Retirement Contributions	$0	$9,200	$0	$0	-100%
Insurance	$0	$19,400	$0	$0	-100%
Workers Compensation	$0	$2,600	$0	$0	-100%
Unemployment Compensation	$0	$300	$0	$0	-100%
Total Personnel Services:	**$0**	**$126,000**	**$0**	**$0**	**-100%**
Operating Expenses					
Flood Plain-Com Rating System	$16,824	$150,000	$10,425	$150,000	0%
NPDES Compliance	$0	$10,000	$0	$5,000	-50%
Water Level & Quality Monitor	$72,697	$130,000	$63,605	$100,000	-23.1%
Estero River Sediment Analysis	$0	$30,000	$0	$20,000	-33.3%
Community Monitoring	$0	$20,000	$275	$20,000	0%
Miscellaneous Stormwate Maint	$13,826	$300,000	$338,664	$300,000	0%
Estero River Maintenance	$250	$0	$0	$0	0%
Miscellaneous Stormwate Maint	$132,511	$0	$0	$0	0%
Total Operating Expenses:	**$236,108**	**$640,000**	**$412,969**	**$595,000**	**-7%**
Joint Ventures					
Water Quality Joint Advocacy	$5,000	$5,000	$5,000	$5,000	0%
Total Joint Ventures:	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**0%**
Total Expense Objects:	**$241,108**	**$771,000**	**$417,969**	**$600,000**	**-22.2%**

Public Works Transportation

Expenditures Summary

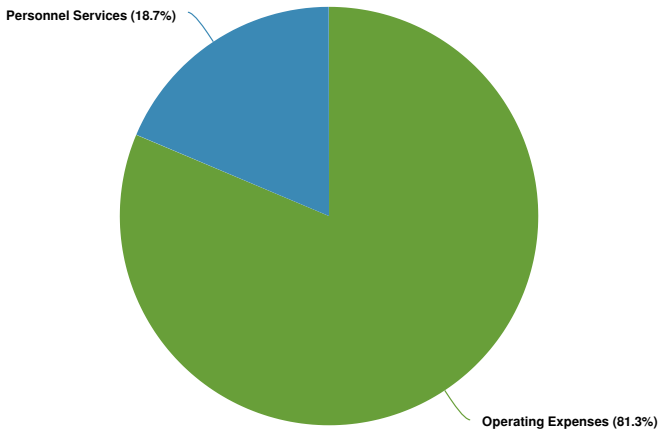
$2,136,170 $531,018
(33.08% vs. prior year)

Public Works Transportation Proposed and Historical Budget vs. Actual

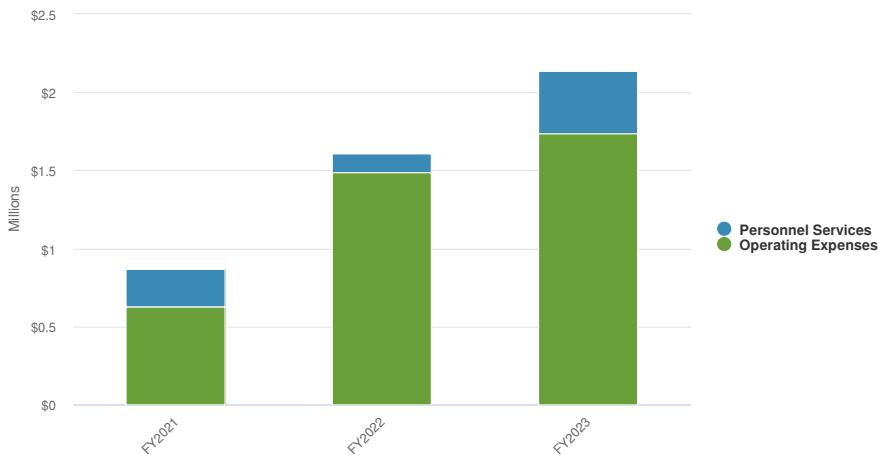


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Regular Salaries & Wages	$0	$79,800	$169,714	$301,300	277.6%
Public Works Wages	$172,861	$0	$0	$0	0%
FICA Taxes	$12,652	$6,100	$11,787	$22,000	260.7%
Retirement Contribution	$13,111	$8,400	$12,849	$20,600	145.2%
Group Insurance	$39,035	$19,400	$39,096	$44,900	131.4%
Worker's Compensation	$4,439	$2,600	$3,626	$8,700	234.6%
Unemployment Compensation	$590	$300	$527	$900	200%
Total Personnel Services:	**$242,688**	**$116,600**	**$237,599**	**$398,400**	**241.7%**
Operating Expenses					
Traffic Counts	$11,763	$16,500	$24,985	$16,500	0%
Misc Professional Services	$84,942	$60,000	$1,616	$60,000	0%
Misc Engineering Srvc	$46,711	$0	$0	$0	0%
Misc Construction Services	$29,850	$60,000	$17,133	$60,000	0%
Bridge Maintenance	$0	$10,000	$0	$10,000	0%
Guardrail Maintenance	$0	$0	$767	$0	0%
Irrigation Maintenance	$8,763	$0	$15,823	$0	0%
Landscape Maintenance	$51,000	$152,500	$108,993	$152,500	0%
Mowing Maintenance	$108,425	$0	$46,484	$0	0%
Ditch Maintenance	$2,500	$0	$7,664	$0	0%
Sidewalk Maintenance	$0	$0	$23,802	$0	0%
Street Light Maintenance	$11,296	$80,400	$0	$50,000	-37.8%
Street Sweeping Services	$19,000	$22,000	$11,627	$22,000	0%
Traffic Sign Maintenance	$4,989	$5,000	$3,366	$5,000	0%
Traffic Signal Maintenance	$45,143	$0	$6,852	$6,000	N/A
Right-of-Way Permit Review	$16,904	$20,000	$13,427	$20,000	0%
Railroad Maintenance	$18,000	$18,000	$24,000	$150,000	733.3%
Misc Traffic Safety Projects	$8,163	$0	$0	$0	0%
Misc Landscape Projects	$5,588	$0	$36,433	$20,000	N/A
Sandy Lane Bridge Maint/Access	$24,818	$0	$20,655	$0	0%
Resurf/Drainage-Poinciana Trai	$51,857	$0	$0	$0	0%
Road Maintenance	$2,040	$250,000	$8,373	$250,000	0%
US41 Traffic Signal Maint	$0	$30,000	$0	$30,000	0%
US41 Landscape Maint	$0	$333,026	$179,290	$333,000	0%
Estero Parkway Landscape Maint	$0	$364,856	$235,078	$486,500	33.3%
Travel	$2,992	$5,000	$3,010	$5,000	0%
Communications	$499	$500	$554	$500	0%
Utilities	$53,590	$35,270	$55,107	$35,270	0%

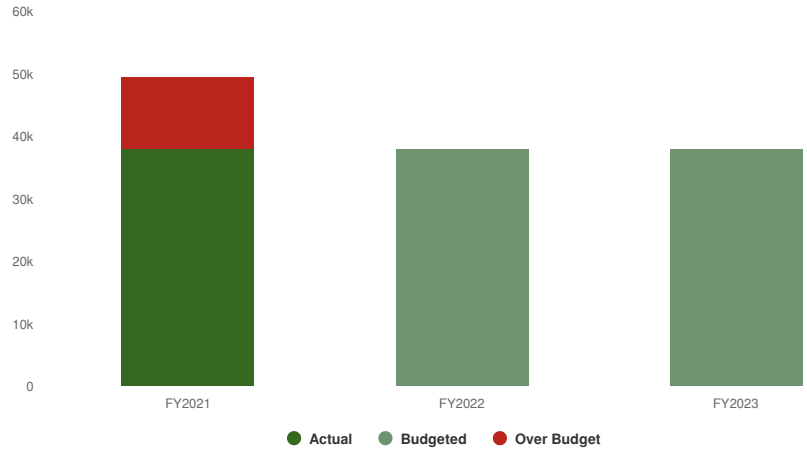
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Equipment & leases	$2,604	$2,500	$2,500	$2,500	0%
Street Light Insurance	$12,857	$16,500	$12,857	$16,500	0%
Operating Supplies	$1,730	$3,000	$4,986	$3,000	0%
Books, Publications & Members	$435	$1,500	$1,347	$1,500	0%
Training	$427	$2,000	$465	$2,000	0%
Total Operating Expenses:	**$626,886**	**$1,488,552**	**$867,194**	**$1,737,770**	**16.7%**
Total Expense Objects:	**$869,574**	**$1,605,152**	**$1,104,793**	**$2,136,170**	**33.1%**

Animal Control

Expenditures Summary

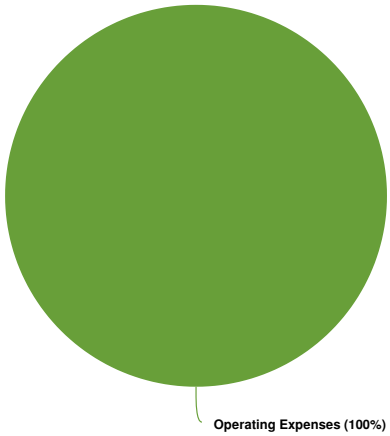
$38,000 $0
(0.00% vs. prior year)

Animal Control Proposed and Historical Budget vs. Actual

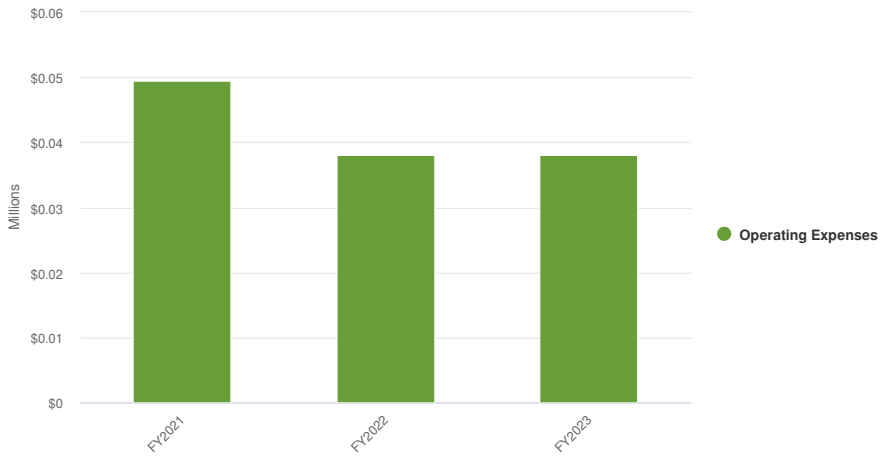


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



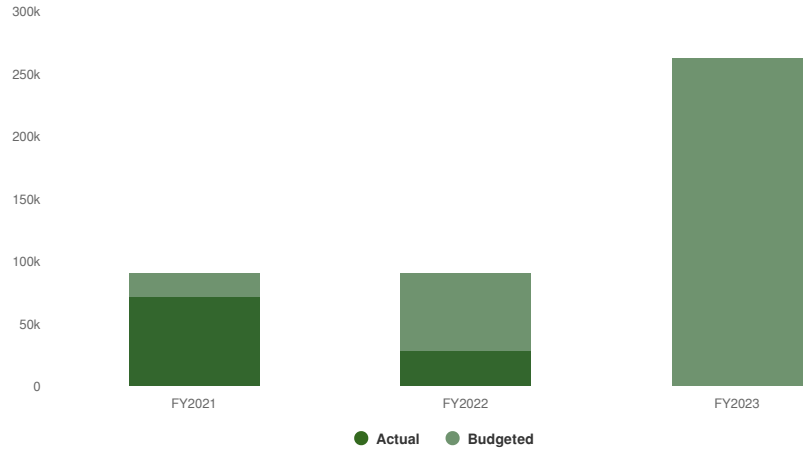
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Operating Expenses					
Lee Cty Animal Control Srvs	$49,523	$38,000	$0	$38,000	0%
Total Operating Expenses:	**$49,523**	**$38,000**	**$0**	**$38,000**	**0%**
Total Expense Objects:	**$49,523**	**$38,000**	**$0**	**$38,000**	**0%**

Parks & Recreation

Expenditures Summary

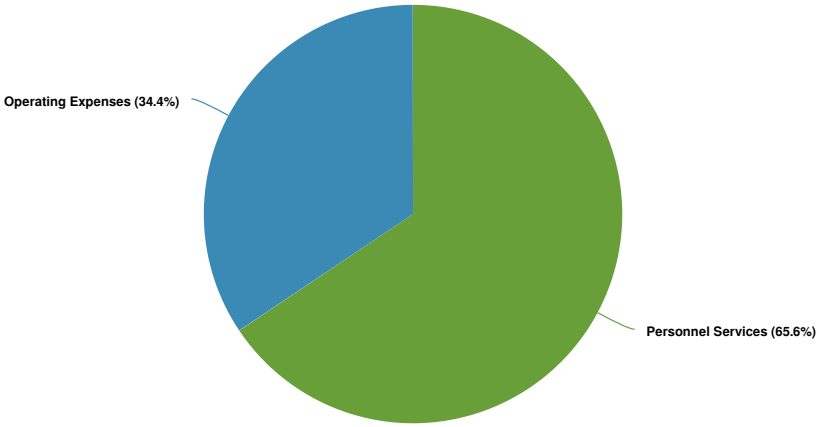
$262,000 $171,900
(190.79% vs. prior year)

Parks & Recreation Proposed and Historical Budget vs. Actual

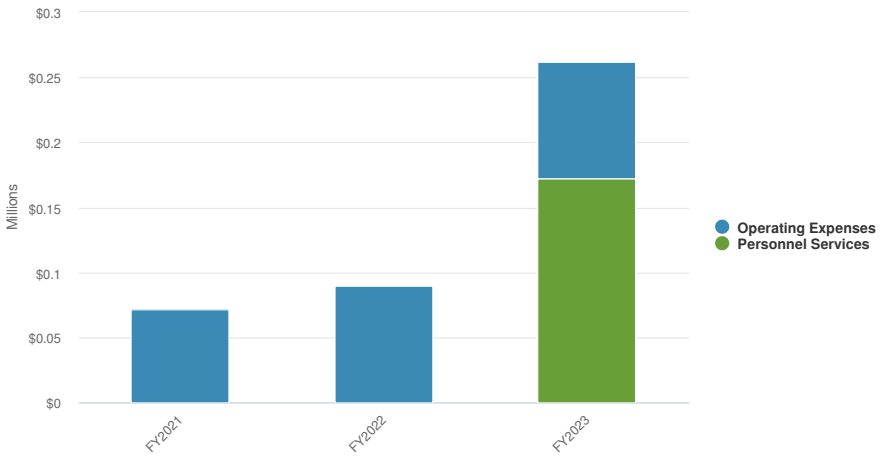


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



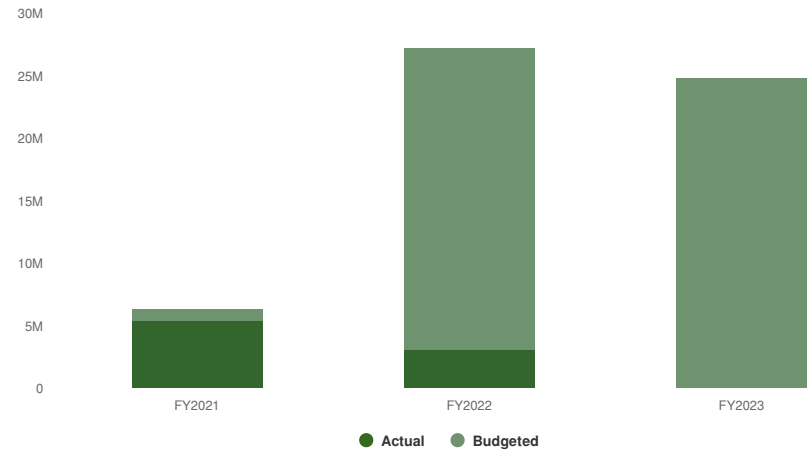
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Regular Salaries & Wages	$0	$0	$0	$115,000	N/A
FICA Taxes	$0	$0	$0	$8,800	N/A
Retirement Contributions	$0	$0	$0	$14,400	N/A
Group Insurance	$0	$0	$0	$30,000	N/A
Worker's Compensation	$0	$0	$0	$3,400	N/A
Unemployment Compensation	$0	$0	$0	$300	N/A
Total Personnel Services:	**$0**	**$0**	**$0**	**$171,900**	**N/A**
Operating Expenses					
YMCA Operating Agreement	$62,630	$63,000	$62,092	$63,000	0%
Utilities	$6,127	$6,000	$5,000	$6,000	0%
Equipment Rent & Leases	$559	$1,100	$767	$1,100	0%
Repairs & Maint	$2,530	$20,000	$2,500	$20,000	0%
Total Operating Expenses:	**$71,845**	**$90,100**	**$70,359**	**$90,100**	**0%**
Total Expense Objects:	**$71,845**	**$90,100**	**$70,359**	**$262,000**	**190.8%**

Transfers

Expenditures Summary

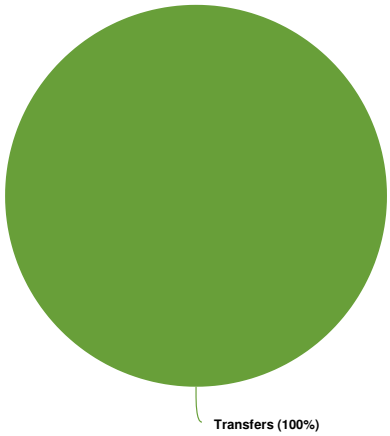
$24,817,030 -$2,439,503
(-8.95% vs. prior year)

Transfers Proposed and Historical Budget vs. Actual

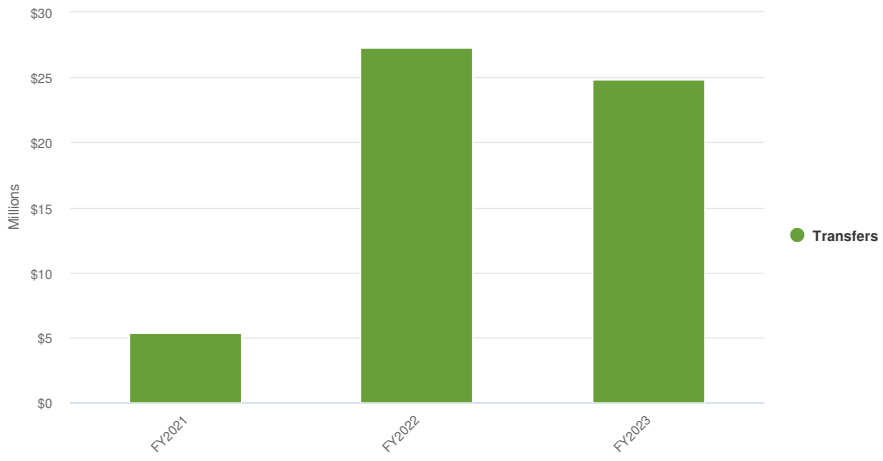


Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Transfers					
Gen Fd Trans to Debt Service	$2,515,197	$12,360,133	$12,359,424	$0	-100%
Gen Fd Trans to Cap Projects	$2,849,019	$14,896,400	$6,186,489	$24,817,030	66.6%
Total Transfers:	**$5,364,216**	**$27,256,533**	**$18,545,913**	**$24,817,030**	**-9%**
Total Expense Objects:	**$5,364,216**	**$27,256,533**	**$18,545,913**	**$24,817,030**	**-9%**

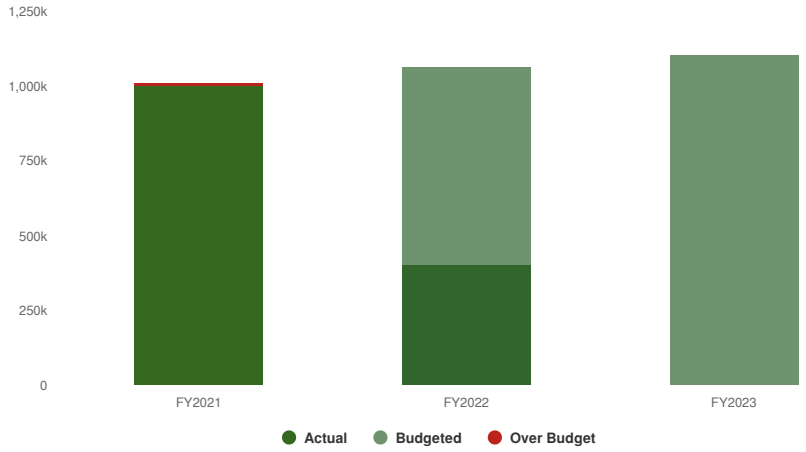
Building Fee Fund

The Community Development Department provides a comprehensive range of services to the public and the development community including, but not limited to, review of development proposals; building permits; changes to the Village's Comprehensive Plan and redevelopment plans; and compliance with Village ordinances. Building permit services operate within the Community Development Department.

Revenues Summary

$1,102,000 **$40,500**
(3.82% vs. prior year)

Building Fee Fund Revenues Budget vs. Actual



Revenues by Source

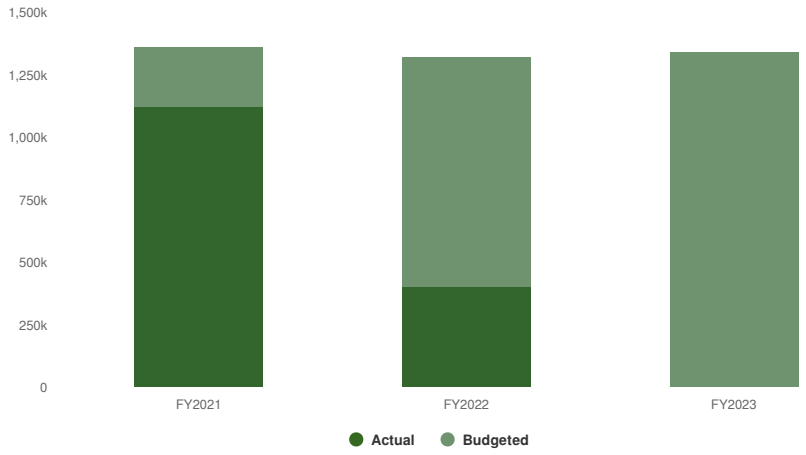
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Revenue Source					
Permits, Fees, and Special Assessments					
Building Fees	$972,678	$1,042,200	$1,013,950	$1,064,600	2.1%
Surcharge Fee Retained	$2,890	$3,300	$929	$1,000	-69.7%
Total Permits, Fees, and Special Assessments:	**$975,568**	**$1,045,500**	**$1,014,879**	**$1,065,600**	**1.9%**
Charges for Services					
Convenience Fee	$33,961	$15,000	$35,252	$36,300	142%

Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Total Charges for Services:	**$33,961**	**$15,000**	**$35,252**	**$36,300**	**142%**
Misc Revenues					
Interest income	$161	$1,000	$115	$100	-90%
Total Misc Revenues:	**$161**	**$1,000**	**$115**	**$100**	**-90%**
Total Revenue Source:	**$1,009,690**	**$1,061,500**	**$1,050,246**	**$1,102,000**	**3.8%**

Expenditures Summary

$1,342,000 $19,370 (1.46% vs. prior year)

Building Fee Fund Expenditures Budget vs. Actual



Expenditures by Expense Type

Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Personnel Services					
Regular Salaries & Wages	$0	$12,100	$0	$0	-100%
FICA Taxes	$0	$1,000	$0	$0	-100%
Retirement Contributions	$0	$1,300	$0	$0	-100%
Insurance	$0	$6,200	$0	$0	-100%
Workers Compensation	$0	$500	$0	$0	-100%
Unemployment Compensation	$0	$200	$0	$0	-100%
Total Personnel Services:	**$0**	**$21,300**	**$0**	**$0**	**-100%**
Operating Expenses					
Building Service Contract	$977,116	$954,100	$871,339	$897,500	-5.9%
Laserfische Software	$6,104	$8,100	$0	$0	-100%
Building IT Contract Services	$5,267	$5,300	$4,792	$5,000	-5.7%
Records Imaging Services	$15,309	$0	$0	$0	0%
Inkforce Software	$15,300	$15,300	$15,300	$15,800	3.3%

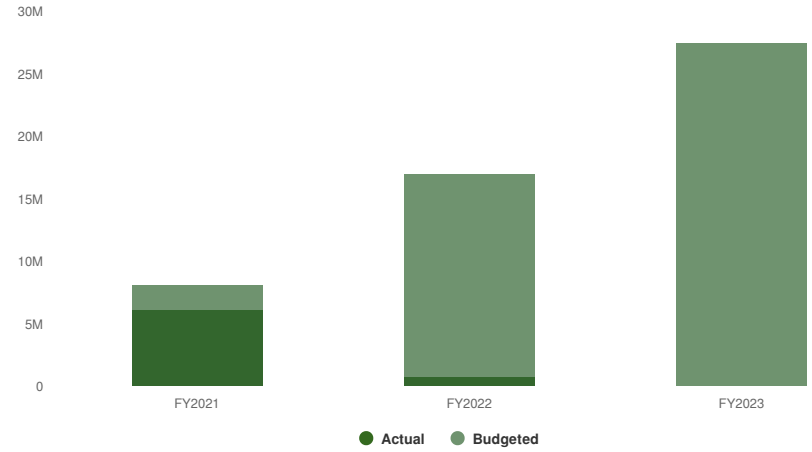
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Communications	$1,561	$1,400	$1,600	$1,600	14.3%
Freight & Postage	$662	$600	$432	$500	-16.7%
Utilities	$2,682	$3,000	$2,875	$3,000	0%
Equipment Lease	$9,906	$9,800	$8,227	$8,600	-12.2%
Office Lease-Corkscrew Palms	$46,939	$52,800	$56,272	$53,100	0.6%
Repairs & Maintenance	$2,319	$3,800	$2,300	$3,000	-21.1%
Credit Card Fees	$34,975	$27,800	$37,434	$38,600	38.8%
Office Supplies	$2,697	$3,000	$2,032	$2,100	-30%
Operating Supplies	$1,449	$4,800	$7,949	$8,200	70.8%
Total Operating Expenses:	**$1,122,289**	**$1,089,800**	**$1,010,552**	**$1,037,000**	**-4.8%**
Capital Outlay					
Capital outlay	$0	$211,530	$50,600	$305,000	44.2%
Total Capital Outlay:	**$0**	**$211,530**	**$50,600**	**$305,000**	**44.2%**
Total Expense Objects:	**$1,122,289**	**$1,322,630**	**$1,061,152**	**$1,342,000**	**1.5%**

Capital Projects Fund

Revenues Summary

$27,408,730 $10,434,797
(61.48% vs. prior year)

Capital Projects Fund Revenue Budget vs. Actual



Revenues by Source

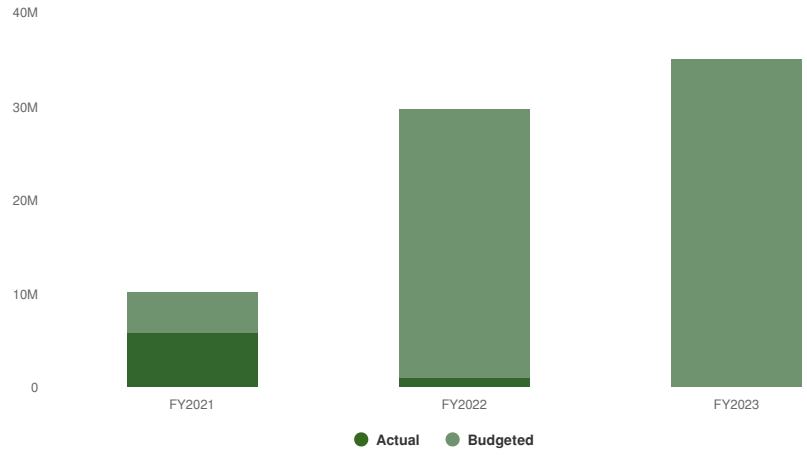
Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Revenue Source					
Taxes					
Local Option Gas Tax 1-5 Cent	$392,913	$387,933	$359,400	$370,200	-4.6%
Total Taxes:	**$392,913**	**$387,933**	**$359,400**	**$370,200**	**-4.6%**
Permits, Fees, and Special Assessments					
Road Imp Fee-Residential	$313,656	$145,800	$85,467	$88,000	-39.6%
Road Imp Fees-Commercial	$80,394	$145,800	$412,761	$425,100	191.6%
Park Imp Fees-Residential	$38,589	$43,800	$13,123	$13,500	-69.2%
Park Imp Fee-Commercial	$9,296	$80,200	$0	$40,000	-50.1%
Total Permits, Fees, and Special Assessments:	**$441,935**	**$415,600**	**$511,351**	**$566,600**	**36.3%**

Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Intergovernmental Revenue					
Lee Cty Funding-Estero Prkway	$2,196,213	$0	$0	$0	0%
FDOT Funding-US 41 Landscaping	$0	$1,100,000	$172,006	$825,000	-25%
Total Intergovernmental Revenue:	**$2,196,213**	**$1,100,000**	**$172,006**	**$825,000**	**-25%**
Misc Revenues					
Interest Income-Gas Tax	$308	$0	$322	$300	N/A
Developer Contributions-Inters	$290,954	$132,000	$80,543	$828,000	527.3%
Interest Income-Rd Impact	$1,744	$42,000	$1,305	$1,300	-96.9%
Interest Income-Com Prk Impact	$21	$0	$231	$200	N/A
Interest Inc-Com Prk Contri	$20	$0	$17	$0	0%
Interest Inc-Public Land	$28	$0	$24	$0	0%
Interest Income-Park Imp	$88	$0	$79	$100	N/A
Total Misc Revenues:	**$293,162**	**$174,000**	**$82,521**	**$829,900**	**377%**
Other Sources					
Cap Projects Trans from Gen Fd	$2,849,019	$14,896,400	$6,186,489	$24,817,030	66.6%
Total Other Sources:	**$2,849,019**	**$14,896,400**	**$6,186,489**	**$24,817,030**	**66.6%**
Total Revenue Source:	**$6,173,242**	**$16,973,933**	**$7,311,767**	**$27,408,730**	**61.5%**

Expenditures Summary

$35,105,430 $5,450,630
(18.38% vs. prior year)

Capital Projects Fund Expenditures Budget vs. Actual



Expenditures by Expense Type

Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Expense Objects					
Capital Outlay					
Coconut Rd Crosswalks	$84,032	$177,800	$1,429	$177,800	0%
Williams Rd Bike/Sidewalks	$37,220	$2,213,700	$44,370	$2,914,150	31.6%
Intersect Safety Improv Study	$0	$110,000	$0	$110,000	0%
Sandy Ln Bike-Ped Improv	$0	$400,000	$67,175	$2,056,380	414.1%
Broadway E Shared Use Path	$0	$340,000	$2,600	$0	-100%
Broadway W Bus Stop Improv	$11,195	$100,000	$16,340	$0	-100%
US 41 FDOT Landscape	$114,670	$0	$5,067	$540,000	N/A
US 41 Landscaping Enhancement	$74,869	$0	$132,352	$0	0%
Monument Sign/Branding	$0	$0	$10,726	$0	0%
US 41 Monument Signs	$0	$0	$16,088	$480,000	N/A
Three Oaks Prkwy MonumentSigns	$0	$0	$48,457	$420,000	N/A
Via Coconut Pt Landscap Improv	$5,620	$0	$277,619	$0	0%

Name	FY2021 Actual	FY2022 Amended	FY2022 Projected	FY2023 Budgeted	FY2022 Amended vs. FY2023 Budgeted (% Change)
Ben Hill Griff Pkwy Landsc Imp	$56,067	$0	$21,804	$2,094,000	N/A
I-75 Interchange Landscaping	$9,000	$0	$0	$925,000	N/A
Landscaping Misc	$0	$3,706,000	$0	$0	-100%
Park Capital Projects	$29,200	$0	$3,000	$0	0%
Estero on River Master Plan	$75,297	$252,000	$74,674	$252,000	0%
Estero Com Prk Master Plan	$0	$150,000	$0	$150,000	0%
Estero Com Prk Expansion	$0	$1,498,000	$0	$5,550,000	270.5%
Estero on the River Improvemen	$0	$1,000,000	$123,481	$2,250,000	125%
Estero River N Brnch Drainage	$14,345	$0	$0	$1,964,250	N/A
Package WWTP UEP Design & Perm	$0	$420,000	$0	$105,000	-75%
Broadway W UEP Design & Permit	$0	$1,170,000	$0	$885,000	-24.4%
Broadway E Design & Permitting	$0	$1,250,000	$0	$930,000	-25.6%
Estero Rvr Sediment Removal	$26,740	$0	$0	$30,000	N/A
Stormwater Misc	$0	$354,000	$0	$0	-100%
Land Purchase-Estero on River	$41,050	$0	$0	$0	0%
Williams Road - Driving Range	$0	$4,250,000	$4,250,000	$0	-100%
River Oaks Preserve Land	$0	$1,100,000	$0	$0	-100%
Estero Parkway Improvements	$3,760,905	$360,000	$816,760	$0	-100%
Park-School New Roadway	$0	$0	$242,965	$0	N/A
River Ranch Rd Improvements	$52,905	$4,977,800	$64,319	$5,675,350	14%
Corkscrew Rd Widening	$56,231	$4,426,000	$0	$5,441,000	22.9%
Bridge Maintenance	$0	$400,000	$388,691	$0	-100%
Williams Rd Widening	$0	$867,500	$0	$867,500	0%
Corkscrew Rd Signal-Puente Ln	$1,159,356	$0	$0	$0	0%
Williams Rd Intersection Impro	$116,814	$0	$186,540	$460,000	N/A
Williams Rd High School Turn	$83,791	$0	$0	$0	0%
US41 Pelican Colony Signal	$0	$132,000	$0	$828,000	527.3%
Total Capital Outlay:	**$5,809,309**	**$29,654,800**	**$6,794,457**	**$35,105,430**	**18.4%**
Gas Tax Trans to CIP-300-266	$101,958	$0	$0	$0	0%
Rd Imp Fee Trans toCIP-300-990	$225,514	$0	$0	$0	0%
CIP Tran from Gas Tax-300-000	-$101,958	$0	$0	$0	0%
CIP Tran from RdImp 300-990	-$225,514	$0	$0	$0	0%
Total Expense Objects:	**$5,809,309**	**$29,654,800**	**$6,794,457**	**$35,105,430**	**18.4%**