



Village of
ESTERO

VILLAGE OF ESTERO
VILLAGE COUNCIL MEETING
PACKET
NOVEMBER 16, 2022, 09:30 AM



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

AGENDA
VILLAGE COUNCIL MEETING
9401 Corkscrew Palms Circle, Estero, Florida
November 16, 2022, 09:30 am

1. CALL TO ORDER

INVOCATION

Pastor Phil McMillan from Ocean Church

PLEDGE OF ALLEGIANCE

ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. RECOGNITION

a. Howard Levitan -- Florida Chapter American Planning Association Outstanding Local Elected Official

Attachment: [Howard Levitan.jpg](#)

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

5. CONSENT AGENDA

a. November 2, 2022 Village Council Meeting Minutes

Attachment: [11022022 minutes.pdf](#)

b. Financial Report for Month ended September 2022

Attachment: [Agenda Item Summary Sheet Monthly Financial Report 09302022.pdf](#)

Attachment: [Village Council Report Sep 2022.pdf](#)

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

7. ACTION ITEMS

a. Greater Estero Chamber of Commerce approval of financial support for Strategic Plans for Future Growth and Impact.

Recommended Action

Motion to approve Greater Estero Chamber of Commerce approval of financial support of \$12,500 remaining balance for Strategic Plans for Future Growth and Impact.

Financial Impact

The funding request for 2022 is again at \$25,000. Funds are included in the Village's 2021-22 Annual Budget for this expenditure. \$12,500 was distributed in March 2022.

Given the strong role of the Greater Chamber in the Village in support of our business community, their focus on economic development, and the strong support provided the community during the COVID Pandemic a continued contribution from the Village would seem appropriate.

Based on the support indicated by the Village Council at the Workshop discussion the \$25,000 allocation is on the Council Agenda for final approval.

Attachment: [SS Greater Estero Chamber.pdf](#)

Attachment: [Presentation to Village Council 51 .pdf](#)

Attachment: [Balance sheet Septemer 2022.pdf](#)

Attachment: [Profit Loss 2022.pdf](#)

b. Resolution No. 2022-35 Confirming the Appointment of Robert M. Eschenfelder, Esq., as Village Attorney

A Resolution Confirming the Appointment of Robert M. Eschenfelder, Esq., with the Law Firm of Trask Daigneault, LLP, as Village Attorney; Authorizing Village Mayor to Execute Agreement; and Providing an Effective Date.

Recommended Action

Motion to approve Resolution No. 2022-35

Financial Impact

The Firm shall be compensated for attorney services at the rate of \$220 per hour for attorney work. Paralegal services shall be billed at the rate of \$90 per hour for all work performed under this Agreement. Again, the billing rate is the lowest among the final two firms.

The Village shall pay all costs incurred or advanced by the Firm in representing the Village pursuant to this Agreement. Such costs include, but are not limited to, court filing fees, deposition charges, document

scanning and photocopying charges, express delivery (FedEx, UPS, etc.) charges, travel time, computer research fees, and other out-of-pocket costs. These and other terms of the agreement are generally consistent with our previous agreement for legal services.
This Agreement is terminable by either the Village Council or the Firm for any or no reason with thirty (30) days written notice to the other Party.

Attachment: [SS Res No. 2022 -35 Robert Eschenfelder.pdf](#)

Attachment: [Res No. 2022 -35 Robert Eschenfelder.pdf](#)

Attachment: [Estero Village Attorney Services Agreement.pdf](#)

Attachment: [Vendor Disclosure Form_Trask Daigneault .pdf](#)

c. Resolution No. 2022-36 Approving the Final Budget Amendment for Fiscal Year 2021- 2022

A Resolution of the Village Council of Village of Estero, Florida, Approving the Final Budget Amendment for Fiscal Year 2021- 2022; and Providing an Effective Date.

Recommended Action

Motion to approve Resolution 2022-36.

Financial Impact

No additional appropriations are proposed within the resolution. New transfers and transfers to deficient account line items will be increased from budgeted line items with sufficient remaining budgeted dollars.

Attachment: [Res 2022-36 Agenda Item Summary Sheet Final Budget Amendment _002_.pdf](#)

Attachment: [Res No. 2022-36 Final Budget Amendment FY 2021-2022.pdf](#)

Attachment: [FY 22 Budget Amendment _2 Detail.pdf](#)

8. SECOND READINGS AND PUBLIC HEARING

a. Second Reading of Ordinance 2022-11, Milan Villas Rezoning

Ordinance 2022-11 An Ordinance of the Village Council of the Village of Estero, Florida, Rezoning a 10 Acre Property at the Northwest Corner of Three Oaks Parkway and Williams Road from Commercial Planned Development (CPD) to Residential Planned Development (RPD); Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Recommended Action

Motion to adopt Ordinance No. 2022-11.

Financial Impact

No cost for continued public hearing.

Attachment: [SS Milan Villas 2nd read.pdf](#)

Attachment: [Village Council Hearing 11-16.pdf](#)

Attachment: [Milan Villas Ordinance 2022-11.pdf](#)
Attachment: [DCI2021-E005 Staff Report Council.pdf](#)
Attachment: [Attachment A - Maps.pdf](#)
Attachment: [Attachment B Applicant's Request Statement.pdf](#)
Attachment: [Attachment C - Transcript of PZDB Hearing.pdf](#)
Attachment: [Attachment D - Public Informational Meeting Summary.pdf](#)
Attachment: [Attachment E - Pattern Book 9-6-2022.pdf](#)
Attachment: [Attachment F - MCP 7-22-2022.pdf](#)

b. Second Reading and Public Hearing of Ordinance No. 2022-13, Land Development Code Amendment Flood Hazard Reduction Standards

An Ordinance of the Village Council of the Village Of Estero, Florida, Amending Land Development Code Section 7-3 "Flood Hazard Reduction Standards" to Update the Effective Flood Insurance Study Applicable to the Village, Amend the Process for Determining Substantial Improvement and Substantial Damage Determinations, Update Reference to the Florida Building Code Historic Buildings Chapter, Specify Elevation of and Foundations for Manufactured Homes in Flood Hazard Areas, Provide Standards for Non-Elevated Accessory Structures in Flood Areas, and Amend Definitions; Clarifying and Reenacting the Repeal of Ordinance 2015-16; Providing for Severability; Providing for Conflicts; and Providing for an Effective Date

Recommended Action

Motion to adopt Ordinance No. 2022-13.

Financial Impact

No cost for continued public hearing.

Attachment: [Summary Sheet 11-16-22.pdf](#)
Attachment: [Revised Optional Ordinance Language.pdf](#)
Attachment: [Ordinance 2022-13 with changes.pdf](#)

c. Second Reading and Public Hearing of Ordinance No. 2022-17 Adopting Flood Maps

An Ordinance of the Village Council of the Village of Estero, Florida, Adopting New Flood Insurance Rate Maps (FIRM) for Flood Zones in the Village of Estero; Providing for Severability; and Providing for an Effective Date.

Recommended Action

Motion to approve Ordinance No. 2022-17.

Financial Impact

Minor cost of newspaper advertisement for Second Reading

Attachment: [Agenda SS 11-16-22 Adopting New FIRM.pdf](#)

Attachment: [Ordinance 2022-17 adopted flood maps.pdf](#)

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

10.COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

11.VILLAGE ATTORNEY'S REPORT

12.VILLAGE MANAGER'S REPORT

Adjourn Regular Session and Convene Workshop Items

13.WORKSHOP

a. Village of Estero Utility Expansion Projects Update

Attachment: [UEP Workshop Summary.pdf](#)

Attachment: [20221116 UEP Update.pdf](#)

14.ADJOURNMENT

General Attachments

[- Transcript.pdf](#)

VILLAGE OF ESTERO COUNCIL MEETING
WEDNESDAY, NOVEMBER 16, 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.

09:30:50 >>Mayor Errington: WELCOME.
09:30:52 WELCOME TO OUR MEETING THIS MORNING.
09:30:55 IT IS NOVEMBER THE 16th, 2022.
09:30:59 AND I WOULD NOW LIKE TO CALL THIS MEETING TO ORDER.
09:31:03 I WOULD ASK THAT IF YOU HAVE A CELL PHONE OR ANYTHING THAT
09:31:07 MAKES A SOUND THAT WOULD BE DISTRACTING, PLEASE TURN IT OFF.
09:31:12 THANK YOU.
09:31:12 THIS MORNING WE WILL BEGIN OUR PROGRAM -- PROGRAM -- OUR
09:31:19 COUNCIL MEETING.
09:31:20 THIS IS NOT A PROGRAM.
09:31:21 IT'S A MEETING.
09:31:22 BEGIN OUR MEETING WITH THE INVOCATION FROM PASTOR PHIL
09:31:28 McMILLAN, OCEAN CHURCH.
09:31:32 IF YOU DON'T MIND, TO LEAD US IN THE INVOCATION, WE WOULD
09:31:36 GREATLY APPRECIATE IT.
09:31:38 THANK YOU.
09:31:38 >> BEFORE I DO, I WANT TO THANK YOU, COUNCIL MEMBERS, FOR
09:31:41 YOUR LEADERSHIP DURING THIS SEASON, YOU KNOW, WE'VE ALL SEEN

09:31:44 THE DEVASTATION.
09:31:47 I KNOW YOU GUYS DON'T DO THIS FOR MONEY, BUT YOUR SERVICE IS
09:31:51 FELT.
09:31:51 THANK YOU.
09:31:52 HAPPY TO REPORT ALSO THAT OUR CHURCH WAS ABLE TO HELP CLEAN
09:31:55 OUT 292 HOMES IN SOUTHWEST FLORIDA.
09:31:57 IT'S SOMETHING THAT WE'RE REALLY HONORED AND PROUD TO BE
09:32:00 ABLE TO DO.
09:32:01 THANK YOU GUYS FOR YOUR LEADERSHIP.
09:32:04 LET'S PRAY TOGETHER.
09:32:05 IF YOU BOW YOUR HEADS WITH ME.
09:32:06 HEAVENLY FATHER, WE THANK YOU FOR, GOD, ANOTHER DAY, TO BE
09:32:10 AVAILABLE.
09:32:10 GOD, A DAY TO BE AVAILABLE FOR THIS COMMUNITY TO SERVE.
09:32:14 GOD, AND TO NOT ONLY SERVE GOD, BUT TO ALSO THRIVE.
09:32:17 SO, LORD, I ASK FOR YOUR WISDOM FOR THESE GREAT COUNCIL
09:32:20 MEMBERS, FOR OUR MAYOR, AS THEY ARE LOOKING INTO THE FUTURE,
09:32:25 LORD, AND LOOKING TO WHAT THIS COMMUNITY COULD BE AND SHOULD

09:32:28 BE.
 09:32:28 GOD, I PRAY YOUR WISDOM WOULD BE BESTOWED UPON THEM TODAY
 09:32:31 AND PRAY FOR THIS MEETING TODAY, GOD, THAT THERE WOULD BE
 09:32:34 UNDERSTANDING, THAT THERE WOULD BE INSIGHT THAT WOULD BE
 09:32:36 GIVEN.
 09:32:37 AND, LORD, WE THANK YOU FOR THE LEADERSHIP OF THIS COUNCIL
 09:32:40 AND WE ASK YOUR PEACE THAT WOULD GOVERN EVEN THIS BODY

 09:32:44 TODAY.
 09:32:44 IN JESUS NAME, AMEN.
 09:32:46 >>Mayor Errington: THANK YOU.
 09:32:48 THANK YOU VERY MUCH.
 09:32:48 AT THIS TIME, WILL YOU PLEASE STAND AND JOIN US IN THE
 09:32:52 PLEDGE OF ALLEGIANCE?
 09:32:53 I'M GOING TO ASK COUNCIL MEMBER WARD IF YOU WOULD LEAD US,
 09:32:55 PLEASE.
 09:32:56 [PLEDGE OF ALLEGIANCE]
 09:33:15 WE WAITED.
 09:33:19 >> SORRY, TRAFFIC AGAIN.
 09:33:20 >>Mayor Errington: CORKSCREW TRAFFIC.
 09:33:21 I KNOW.
 09:33:21 WILL YOU PLEASE CALL THE ROLL?
 09:33:25 >>Carol Sacco: YES, MAYOR.
 09:33:27 >>Mayor Errington: WE HAVE TO ACKNOWLEDGE, WE HAVE NO ONE ON
 09:33:30 ZOOM.
 09:33:30 WE HAVE JUST A VISITOR ON ZOOM.
 09:33:32 OKAY.
 09:33:34 >>Joanne Ribble: HERE.
 09:33:35 >>Larry Fiesel: HERE.
 09:33:37 >>Jim Boesch: HERE.
 09:33:38 >>Jim Ward: HERE.
 09:33:40 >>Jim Wilson: HERE.
 09:33:41 >>Vice-Mayor McLain: HERE.

 09:33:43 >>Mayor Errington: HERE.
 09:33:44 ITEM NUMBER 2, APPROVAL OF AGENDA ADDITIONS AND DELETIONS.
 09:33:52 DO WE HAVE ANY COMMENTS, ANYTHING ABOUT THAT?
 09:33:56 IF NOT, I NEED A MOTION.
 09:33:58 MOTION MADE BY COUNCIL MEMBER WARD AND SECONDED BY COUNCIL
 09:34:01 MEMBER RIBBLE.
 09:34:02 WILL YOU PLEASE CALL THE ROLL?
 09:34:04 >>Joanne Ribble: AYE.
 09:34:06 >>Larry Fiesel: AYE.
 09:34:07 >>Jim Boesch: AYE.
 09:34:08 >>Jim Ward: AYE.
 09:34:10 >>Jim Wilson: AYE.
 09:34:12 >>Vice-Mayor McLain: AYE.
 09:34:13 >>Mayor Errington: AYE.

09:34:14 ITEM NUMBER 3, IT IS THE RECOGNITION OF HOWARD LEVITAN,
 09:34:19 FLORIDA CHAPTER AMERICAN PLANNING ASSOCIATION OUTSTANDING
 09:34:23 LOCAL ELECTED OFFICIAL.
 09:34:26 MARY, WOULD YOU LIKE TO INTRODUCE THIS?
 09:34:32 >>Mary Gibbs: GOOD MORNING.
 09:34:34 OH, HOWARD IS THERE.
 09:34:36 OKAY.
 09:34:36 I WANTED TO MAKE SURE HE SHOWED UP FOR HIS AWARD.
 09:34:39 IT LOOKS A LITTLE CHILLY UP THERE, HOWARD.
 09:34:41 >>Howard Levitan: JUST A LITTLE.
 09:34:44 >>Mary Gibbs: THIS AWARD IS A VERY PRESTIGIOUS AWARD.

 09:34:47 IT'S GIVEN OUT ONCE A YEAR BY THE FLORIDA CHAPTER OF THE
 09:34:50 AMERICAN PLANNING ASSOCIATION.
 09:34:52 THE AWARD IS FOR OUTSTANDING LEADERSHIP AND COMMITMENT,
 09:34:56 PARTICULARLY HOW IT RELATES TO PLANNING AND, IN THIS
 09:35:00 PARTICULAR CASE, FOR HOWARD'S WORK ON ESTABLISHING OUR FIRST
 09:35:03 COMPREHENSIVE PLAN AND OUR FIRST LAND DEVELOPMENT CODE FOR
 09:35:06 THE VILLAGE.
 09:35:06 SO IF YOU MIGHT RECALL A FEW MONTHS AGO, HOWARD ACTUALLY WON
 09:35:10 ANOTHER AWARD EARLIER THIS YEAR FROM THE FLORIDA PLANNING
 09:35:13 AND ZONING ASSOCIATION, WHICH IS A LITTLE BIT DIFFERENT.
 09:35:17 THAT WAS FOR HIS YEARS OF CITIZEN INVOLVEMENT AND HIS WORK
 09:35:19 AS VICE-MAYOR AND AS THE CHAIR OF THE PLANNING AND ZONING
 09:35:22 AND DESIGN BOARD.
 09:35:23 SO WE THOUGHT THIS WAS VERY PRESTIGIOUS.
 09:35:27 IT'S REALLY UNHEARD OF TO WIN TWO PLANNING AWARDS IN THE
 09:35:30 SAME YEAR.
 09:35:31 SO HOWARD HAS SET A RECORD, AND WE THINK IT'S JUST A
 09:35:35 TESTAMENT TO HIS COMMITMENT AND HIS VISION AND PASSION, BUT
 09:35:39 IT ALSO REFLECTS VERY POSITIVELY ON THE COUNCIL BECAUSE OF
 09:35:42 THE ESTABLISHMENT OF THE LIAISON POSITION TO COMMUNITY
 09:35:46 DEVELOPMENT THAT ENABLED HIM TO DO THIS.
 09:35:49 SO IT'S REALLY KIND OF JUST A POSITIVE VIBES FOR EVERYBODY.
 09:35:53 AND SO THIS IS THE AWARD.
 09:35:55 I WANT TO HOLD IT UP.
 09:35:56 IT'S BEEN IN MY OFFICE FOR A MONTH AND A HALF.

 09:36:00 HOWARD HASN'T SEEN IT YET.
 09:36:01 HERE IT IS, HOWARD.
 09:36:02 WE SENT HIM A PICTURE.
 09:36:04 I'M ENJOYING IT IN MY OFFICE VERY MUCH.
 09:36:06 I'M NOT SURE -- I GUESS WE'LL MAIL IT LATER, BUT MAYBE NOT.
 09:36:10 AND I WANTED TO CONGRATULATE HOWARD.
 09:36:13 I WONDERED IF ANY COUNCIL MEMBERS WANTED TO MAKE ANY
 09:36:16 COMMENTS.
 09:36:19 >>Jim Boesch: I WOULD LIKE TO SPEAK.
 09:36:20 HOWARD WAS A COUNCILPERSON, BUT ALSO PEOPLE DIDN'T REALIZE

09:36:28 HE WAS A LAND ATTORNEY AS WELL.
 09:36:31 AND WHEN WE BEGAN THIS WHOLE BEAUTIFUL VILLAGE OF ESTERO IT
 09:36:38 WAS REALLY DEMANDED THAT WE HAD TWO MAJOR THINGS,
 09:36:44 COMPREHENSIVE PLAN AND LAND ORDINANCES.
 09:36:48 AND HOWARD SPENT COUNTLESS HOURS, AS YOU KNOW, MARY, WITH
 09:36:53 YOU AND EVERYBODY BRINGING THESE TWO THINGS.
 09:36:58 A LOT OF ATTORNEY HELP.
 09:37:00 NANCY WAS INVOLVED AND EVERYBODY WAS INVOLVED.
 09:37:02 WITHOUT HOWARD, I DON'T THINK WE WOULD HAVE THE
 09:37:07 COMPREHENSIVE PLAN PUT TOGETHER TODAY AND CERTAINLY THE LAND
 09:37:10 ORDINANCES WOULD NOT BE PUT TOGETHER.
 09:37:14 SO HE DESERVES THIS WONDERFUL AWARD THAT HE'S GETTING, BUT
 09:37:19 IT SHOULD BE NOTED PUT COUNTLESS HOURS IN ORDER TO BE
 09:37:24 NOMINATED AND AWARDED THIS HONOR THAT HE'S GETTING THIS
 09:37:29 MORNING.

09:37:31 >>Mary Gibbs: AND AS I RECALL, IT WAS COUNTLESS HOURS.
 09:37:34 I LOST TRACK AFTER A WHILE.
 09:37:37 >>Mayor Errington: ANYONE ELSE HAVE ANY COMMENTS?
 09:37:39 OKAY.
 09:37:41 JON.
 09:37:41 >>Vice-Mayor McLain: HOWARD, I WOULD LIKE TO CONGRATULATE
 09:37:44 YOU AND JUST OFFER YOU THANKS FOR THE GUIDANCE YOU PROVIDED
 09:37:48 TO THE COUNCIL.
 09:37:49 I WAS A NEW COUNCIL MEMBER SITTING BESIDE YOU, AND NOT ONLY
 09:37:52 DID YOU DO COUNTLESS HOURS BEHIND THE SCENES, I THINK DURING
 09:37:56 OUR COUNCIL MEETINGS YOU MADE SOME VERY SIGNIFICANT
 09:37:59 CONTRIBUTIONS AND ARGUMENTS THAT HELPED CLARIFY THE ISSUES
 09:38:03 THAT WERE AT HANDS.
 09:38:04 SO IT'S ALWAYS GREAT TO HAVE A LEADER LIKE HOWARD DO THE
 09:38:10 BEHIND THE WORK SCENE BUT ALSO HELP GUIDE US INTO THE
 09:38:13 FUTURE.
 09:38:14 WHAT WE WILL BE IN THE FUTURE WILL BE BASED ON MANY OF THE
 09:38:17 CONTRIBUTIONS THAT YOU MADE DURING YOUR TENURE HERE.
 09:38:21 I PERSONALLY THANK YOU AND THE VILLAGE THANKS YOU ALSO.
 09:38:24 >>Mayor Errington: THANK YOU.
 09:38:25 ANYONE ELSE?
 09:38:27 >>Mary Gibbs: DID NANCY WANT TO SAY ANYTHING?
 09:38:30 I THOUGHT I SAW YOUR LIPS MOVE.
 09:38:32 NO.
 09:38:33 SHE WAS TRYING TO --

09:38:34 >>Nancy Stroud: I WOULD LIKE TO SAY SOMETHING.
 09:38:36 THIS, AS MARY SAID, IS A VERY PRESTIGIOUS AWARD.
 09:38:39 I WAS THRILLED WHEN I LEARNED THAT HOWARD WAS AWARDED IT
 09:38:44 BECAUSE IT'S NOT ONLY HOWARD'S, IT'S THE WHOLE VILLAGE'S.
 09:38:48 AND IT'S JUST BEEN A WONDERFUL EXPERIENCE WORKING WITH
 09:38:51 HOWARD UNDER HIS LEADERSHIP AND UNDER THE GUIDANCE OF THE

09:38:55 COUNCIL TO BRING ABOUT WHAT I THINK IS JUST AN EXTRAORDINARY
 09:39:00 COMPREHENSIVE PLAN AND SYSTEM IN THE VILLAGE.
 09:39:04 SO THANK YOU, HOWARD.
 09:39:05 >>Mary Gibbs: HOWARD, DID YOU WANT TO SAY ANYTHING?
 09:39:10 >>Howard Levitan: YEAH, I DO HAVE A COUPLE OF WORDS IF
 09:39:14 YOU'LL INDULGE ME, MADAM MAYOR.
 09:39:16 WHEN WE DID THE COMPREHENSIVE PLAN, IT WAS REALLY ALL ABOUT
 09:39:24 THE QUALITY OF LIFE FOR THE CITIZENS OF ESTERO.
 09:39:29 WHEN WE GOT AROUND TO THE LAND DEVELOPMENT CODE, WE STARTED
 09:39:33 TO WORK IN DEPTH IN THE AREA OF STORMWATER MANAGEMENT, AND
 09:39:39 WE CREATED A LOT OF -- MUCH BETTER RULES FOR NEW
 09:39:44 DEVELOPMENTS IN THE ESTERO AREA IN ESTERO PARTICULARLY.
 09:39:49 PARTICULARLY DESIGNED TO INCREASE THE HEIGHT OF NEW
 09:39:56 BUILDINGS, BUT ALL OF THOSE RULES ARE NOT GOING TO HELP WITH
 09:40:01 THE KIND OF CLIMATE IMPACTS THAT WE'RE NOW SEEING AND THAT
 09:40:06 YOU HAVE JUST SUSTAINED.
 09:40:09 AND SO I THINK IF I MIGHT SUGGEST THE COUNCIL MAY WANT TO
 09:40:17 CONSIDER LOOKING AT MORE OF THE CLIMATE RESILIENCY STEPS
 09:40:22 THAT NEED TO BE TAKEN IN ESTERO TO PROTECT THE BUILDINGS

 09:40:26 THAT ALREADY EXIST FROM THE DEVASTATIONS OF CLIMATE IMPACTS,
 09:40:32 PARTICULARLY STORM SURGE ALONG THE RIVERS AND STREAMS.
 09:40:39 I WOULD TELL YOU THAT MOST OF THE STATES OF THE UNITED
 09:40:44 STATES ARE WORKING ON CLIMATE RESILIENCY AS THEIR NUMBER ONE
 09:40:49 OR NUMBER TWO ISSUE, AND I HOPE THAT ON A REGIONAL BASIS IN
 09:40:53 SOUTHWEST FLORIDA AND IN PARTICULARLY IN ESTERO, THAT THAT
 09:40:58 IS CONSIDERED AS WELL.
 09:41:01 AND I WOULD JUST LIKE TO ALSO ADD A THANKS TO MARY AND NANCY
 09:41:05 FOR NOMINATING ME.
 09:41:07 I'M TOTALLY EMBARRASSED BY ALL OF THIS BECAUSE THAT'S NOT
 09:41:12 WHY WE DO WHAT WE DID.
 09:41:13 ALSO, TO THE COUNCIL, FOR SUPPORTING ME ALL THOSE MANY YEARS
 09:41:20 IN ALL OF THESE EFFORTS.
 09:41:22 SO THANK YOU ALL VERY MUCH.
 09:41:24 I REALLY APPRECIATE THIS RECOGNITION.
 09:41:25 I CAN'T TELL YOU HOW MUCH.
 09:41:28 >>Mary Gibbs: I'M WONDERING IF MARILYN COULD GET A PICTURE
 09:41:32 IF WE GET HOWARD'S FACE ZOOMED IN WITH THE PLAQUE SOMEHOW.
 09:41:37 >>Howard Levitan: OF MY VERY COLD CLIMATE.
 09:41:40 [LAUGHTER]
 09:41:43 OH, I HAVE TO SAY SOMETHING, HUH?
 09:41:53 >> YOU HAVE TO SING A SONG.
 09:41:59 >>Howard Levitan: YOU DON'T WANT THAT TO HAPPEN.
 09:42:10 >>Mary Gibbs: THANK YOU, HOWARD.
 09:42:11 YOU CAN GO BACK TO YOUR ICY CLIMATE RESILIENCE LAND.

 09:42:15 >>Mayor Errington: THANK YOU, HOWARD.
 09:42:16 >>Howard Levitan: BYE.

09:42:19 THANK YOU.
 09:42:19 >>Mayor Errington: APPRECIATE EVERYTHING.
 09:42:20 THANK YOU.
 09:42:21 VERY WELL DONE, MARY.
 09:42:25 YOU DID A GREAT JOB.
 09:42:26 THANK YOU.
 09:42:27 ITEM NUMBER 4, PUBLIC COMMENT ON NON-AGENDA ITEMS.
 09:42:33 >>Carol Sacco: YES, MAYOR, WE DO.
 09:42:35 MR. MICHAEL THOME FROM MEADOWBROOK.
 09:42:45 >>Mayor Errington: GOOD MORNING.
 09:42:47 >> GOOD MORNING.
 09:42:47 THAT WAS QUICK.
 09:42:48 I DIDN'T EXPECT THAT.
 09:42:49 MY NAME IS MICHAEL THOME, T-H-O-M-E.
 09:42:54 I REPRESENT MEADOWBROOK COMMUNITY.
 09:42:57 I'M A RESIDENT AND BOARD MEMBER.
 09:42:59 I COME HERE TODAY, MADAM MAYOR AND COUNCIL TO OFFER A LETTER
 09:43:04 OF APPRECIATION AND COMMENDATION FROM OUR COMMUNITY.
 09:43:07 I'LL READ IT, IF I MAY.
 09:43:09 ON BEHALF OF THE RESIDENTS OF MEADOWBROOK, BOARD OF
 09:43:13 DIRECTORS WOULD LIKE TO THANK COUNCIL PERSONS JOANNE RIBBLE,
 09:43:17 JIM WARD, ALONG WITH EXECUTIVE ASSISTANT CAROL SACCO FOR
 09:43:21 THEIR DEDICATION AND SERVICE TO OUR COMMUNITY AND THE

 09:43:23 VILLAGE OF ESTERO AT-LARGE.
 09:43:25 DURING THE RECENT AFTERMATH OF HURRICANE IAN, COUNCIL
 09:43:30 PERSONS RIBBLE AND WARD HAD CONTACT WITH OUR BOARD MEMBERS,
 09:43:33 NOT ONLY KEPT US INFORMED OF EFFORTS IN THE ONGOING RECOVERY
 09:43:36 AND RESTORATION OF SERVICES, BUT ALSO GAVE AWARENESS OF OUR
 09:43:41 COMMUNITY SITUATION TO THE VILLAGE AND COUNTY LEADERSHIP AS
 09:43:45 WELL AS THE UTILITY PARTNERS TO ENSURE EFFECTIVE AND
 09:43:49 EFFICIENT RESTORATION EFFORTS TO BRING THOSE SERVICES BACK
 09:43:52 AS QUICKLY AS POSSIBLE.
 09:43:55 SOMETIMES IN A SMALL COMMUNITY OF 214 HOMES, YOU CAN KIND OF
 09:43:58 GET LOST IN THE SHUFFLE, AND WE TRULY APPRECIATE THAT.
 09:44:01 EXECUTIVE ASSISTANT SACCO ALSO WAS INVALUABLE TO OUR
 09:44:04 MEADOWBROOK BOARD IN FACILITATING A NUMBER OF ISSUES THAT
 09:44:09 OUR COMMUNITY REQUIRED VILLAGE ASSISTANCE WITH DURING THIS
 09:44:12 TIME AS WELL.
 09:44:13 OUR HEARTS GO OUT TO THOSE WHO DEALT WITH DEVASTATING
 09:44:17 CONSEQUENCES BECAUSE OF HURRICANE IAN.
 09:44:19 FORTUNATELY, WE DID NOT SUSTAIN THAT LEVEL OF DEVASTATION;
 09:44:21 HOWEVER, WE ARE GRATEFUL FOR THE ASSISTANCE AND RETURN OF
 09:44:25 SERVICES TO OUR RESIDENTS WHICH TRULY BRINGS RELIEF TO THEM.
 09:44:28 WE COMMEND COUNCILPERSONS JOANNE RIBBLE AND JIM WARD AS WELL
 09:44:33 AS EXECUTIVE ASSISTANT CAROL SACCO FOR THEIR DEDICATION AND
 09:44:37 TIRELESS EFFORTS TO SERVE THE RESIDENTS OF THE VILLAGE OF
 09:44:40 ESTERO.

09:44:40 RESPECTFULLY SUBMITTED, EMANUEL CHAMBERLAIN, PRESIDENT;

09:44:45 ROBERT ALIVERA, VICE PRESIDENT; MICHAEL THOME, TREASURER;

09:44:49 JACK FORKER, RECORDING SECRETARY; JEAN CUOMO, DIRECTOR.

09:44:54 WE REPRESENT THE MEADOWBROOK BOARD, AND WE WOULD LIKE TO

09:44:57 THANK YOU ALL FOR A WONDERFUL JOB.

09:44:59 >>Mayor Errington: THANK YOU.

09:44:59 THANK YOU VERY MUCH.

09:45:00 [APPLAUSE]

09:45:01 ANYONE ELSE?

09:45:06 >>Carol Sacco: NO, MAYOR.

09:45:09 >>Mayor Errington: ITEM NUMBER 5.

09:45:16 5A IS THE CONSENT AGENDA.

09:45:20 ANY COUNCIL MEMBERS HAVE ANY COMMENTS REGARDING THE CONSENT

09:45:23 AGENDA?

09:45:25 IF NOT, I NEED A MOTION.

09:45:33 >>Jim Wilson: I WANTED TO COMMENT ON ITEM 5B, WHICH IS THE

09:45:36 FINANCIAL REPORT.

09:45:37 THIS IS THE YEAR-END REPORT, AND IT'S ALWAYS A PLEASURE

09:45:41 HAVING COME FROM A TOWN UP NORTH WHERE MONEY WAS ALWAYS A

09:45:46 PROBLEM, IS TO READ WITH PLEASURE THE FACT THAT WE HAVE

09:45:50 OPERATING RESERVES AND WE HAVE ENOUGH MONEY TO FUND THE

09:45:57 VILLAGE ON AN ONGOING BASIS.

09:45:58 IT'S JUST A DELIGHT.

09:46:01 WE HAVE \$29 MILLION ALLOCATED FROM OUR RESERVES TO CAPITAL

09:46:06 PROJECTS IN THE COMING YEARS.

09:46:07 I THINK THAT'S OUTSTANDING.

09:46:09 THANK YOU.

09:46:09 >>Mayor Errington: IT IS.

09:46:10 THANK YOU.

09:46:10 ANY OTHER COMMENTS BY COUNCIL?

09:46:15 >>Jim Wilson: I WILL BE HAPPY TO MAKE THE MOTION TO ACCEPT

09:46:17 THE CONSENT AGENDA.

09:46:18 >>Mayor Errington: MOTION HAS BEEN MADE BY COUNCIL MEMBER

09:46:20 WILSON AND SECONDED BY COUNCIL MEMBER FIESEL.

09:46:23 PLEASE CALL THE ROLL.

09:46:26 >>Jim Wilson: AYE.

09:46:28 >>Jim Ward: AYE.

09:46:29 >>Jim Boesch: AYE.

09:46:31 >>Larry Fiesel: AYE.

09:46:32 >>Joanne Ribble: AYE.

09:46:34 >>Vice-Mayor McLain: AYE.

09:46:35 >>Mayor Errington: AYE.

09:46:36 ITEM NUMBER 6, WE HAVE NOTHING DEFERRED FROM THE CONSENT

09:46:42 AGENDA.

09:46:43 ITEM NUMBER 7 IS THE GREATER ESTERO CHAMBER OF COMMERCE

09:46:52 APPROVAL OF FINANCIAL SUPPORT FOR STRATEGIC PLANS FOR FUTURE

09:46:56 GROWTH AND IMPACT.
 09:46:58 STEVE, WILL YOU INTRODUCE THIS PLEASE?
 09:47:01 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
 09:47:03 BACK IN MARCH OF THIS YEAR YOU PROVIDED \$12,500 TO THE
 09:47:09 CHAMBER OF COMMERCE, WHICH WAS HALF OF THEIR ANNUAL REQUEST.

 09:47:14 AT THAT TIME, YOU ASKED THAT THE CHAMBER COME BACK WITH THE
 09:47:18 PROVISION OF SOME SPECIFIC INFORMATION, INCLUDING THEIR
 09:47:21 BUDGET AND OTHER FINANCIAL INFORMATION.
 09:47:25 WE'RE DOING SO NOW AT THEIR REQUEST.
 09:47:29 THEY HAVE PROVIDED THE INFORMATION THAT YOU REQUESTED AND
 09:47:33 I'LL TURN IT OVER TO THE CHAMBER REPRESENTATIVES FOR THEIR
 09:47:37 PRESENTATION AND THEN COUNCIL ACTION.
 09:47:44 >>Mayor Errington: THANK YOU.
 09:47:45 THEY NEED TO MAKE THEIR PRESENTATION.
 09:48:02 WELCOME.
 09:48:03 DO WE HAVE A COPY OF YOUR BUDGET IN OUR PACKET?
 09:48:14 IT'S IN OUR PACKET.
 09:48:15 >> YEAH.
 09:48:19 >> RIGHT BEHIND THE PowerPoint.
 09:48:23 >> IT'S ACTUALLY A BALANCE SHEET.
 09:48:31 >>Mayor Errington: I'M HAVING TROUBLE FINDING IT.
 09:48:33 GO AHEAD.
 09:48:52 >> GOOD MORNING.
 09:48:52 MY NAME IS SHARON VAN RITE.
 09:48:55 I AM THE CHAIR OF THE ESTERO CHAMBER OF COMMERCE.
 09:48:57 THE REASON THAT WE ARE HERE TODAY, AS YOU KNOW, IS WE'VE
 09:49:02 COME BEFORE YOU TO REQUEST THE BALANCE OF THE 2022 IMPACT
 09:49:06 PARTNER DUES THAT HAVE BEEN BUDGETED AND APPROVED BY THE
 09:49:09 CHAMBER'S BOARD OF DIRECTORS.
 09:49:10 I DON'T KNOW.

 09:49:13 DO YOU WANT TO GO THROUGH ANY OF THIS?
 09:49:15 ALL RIGHT.
 09:49:16 WHEN I JOINED THE CHAMBER 22 YEARS AGO, IT WAS COMMONLY
 09:49:20 KNOWN AS THE STEPCHILD IN THE LARGER, MORE ESTABLISHED
 09:49:23 CHAMBERS OF THE SURROUNDING AREAS.
 09:49:26 THROUGH THE YEARS, THE CHAMBER HAS STRUGGLED TO SURVIVE.
 09:49:29 IT WAS A VOLUNTEER ORGANIZATION WITH EVER-CHANGING OFFICE
 09:49:33 SHARING LOCATIONS AND NO VISITOR CENTER.
 09:49:36 AS WE FAST-FORWARD TO 2022 AND THE VAST IMPROVEMENT IS
 09:49:40 OBVIOUS, IN SPITE OF THE MANY OBSTACLES THAT WE HAVE BEEN
 09:49:45 FACED WITH IN RECENT YEARS.
 09:49:47 THE COMBINATION OF STRONG COMMITTED LEADERSHIP AND VALUABLE
 09:49:50 COMMUNITY AND BUSINESS PARTNERSHIPS HAS MADE THIS
 09:49:53 DIFFERENCE.
 09:49:54 THE CHAMBER IS NOW A WELL-RESPECTED ORGANIZATION THAT HAS
 09:49:58 MORE THAN VERIFIED ITS COMMITMENT TO THE ESTERO BUSINESS

09:50:00 COMMUNITY.
 09:50:00 THIS YEAR ALONE, WE HAVE LAUNCHED THE ANNUAL BUSINESS
 09:50:06 SHOWCASE AND ENTERTAINMENT EVENT THAT BENEFITS THE ENTIRE
 09:50:10 COMMUNITY.
 09:50:10 WE ARE KICKING OFF THE CHARTER LEADERSHIP ESTERO CLASS IN
 09:50:15 JANUARY, WHICH WAS MOVED DUE TO THE HURRICANE.
 09:50:17 THE GOAL FOR OUR FIRST CLASS WAS 15 PARTICIPANTS.
 09:50:20 WE NOW HAVE OVER 20 ENROLLED.
 09:50:23 THIS YEAR'S GOLF TOURNAMENT WAS OUR MOST SUCCESSFUL YET IN

 09:50:26 SPITE OF HAVING TO QUICKLY MOVE THE VENUE DUE TO ONE OF THE
 09:50:29 MOST DESTRUCTIVE HURRICANES THAT HAS HIT OUR AREA IN
 09:50:33 DECADES.
 09:50:33 THE CHAMBER IS THE ADVOCATE FOR ALL OF THOSE DOING BUSINESS
 09:50:37 IN THE GREATER ESTERO AREA.
 09:50:40 A STRONG BUSINESS COMMUNITY ATTRACTS BOTH RESIDENTS AND
 09:50:44 LARGER BUSINESSES, AND WE ARE THE ADVOCATE FOR THAT.
 09:50:48 WE'VE BEEN WORKING WITH OTHER ORGANIZATIONS IN ORDER TO MAKE
 09:50:54 THESE THINGS HAPPEN AND ALSO WE ARE WORKING WITH SOME OF THE
 09:50:58 OTHER BIGGER BUSINESSES TO ATTAIN IMPACT PARTNERSHIPS WITH
 09:51:04 THEM, INCLUDING HERTZ, AND WITH OUR PRESIDENT AND CEO PAM
 09:51:10 MUELLER AND OUR BOARD MEMBER AND COMMUNITY LIAISON BILL
 09:51:13 RIBBLE, WE ARE VERY, VERY CLOSE TO WORKING WITH HERTZ AND
 09:51:21 MAKING THEM AN IMPACT PARTNER.
 09:51:23 SO I THINK, AGAIN, IF WE HADN'T HAD THIS NATURAL DISASTER,
 09:51:27 SOME OF THESE THINGS WOULD HAVE COME ABOUT ALREADY.
 09:51:31 SO WHAT WE ARE ASKING IS THAT WE COME BACK TO YOU AND
 09:51:35 RECEIVE THE REST OF THE 2022 IMPACT PARTNER DUES AND TO HELP
 09:51:43 US TO WORK TOWARD GOING TO THE NEXT STEP.
 09:51:48 THANK YOU.
 09:51:53 >>Jim Boesch: AS WE ALL KNOW, I ASKED IF WE COULD HAVE AN
 09:51:58 ACCOUNTING.
 09:51:58 I APPRECIATE YOU GOING TO THE WORK OF GIVING US THIS
 09:52:02 ACCOUNTING.
 09:52:04 IS THE 12,500 INCLUDED IN YOUR INCOME?

 09:52:11 >> YES.
 09:52:12 >> FOR THE 2022 BUDGET, YES.
 09:52:13 >>Jim Boesch: THAT'S IN THERE.
 09:52:15 YOUR NET FOR THE YEAR IS 19,000 OR UP TO THIS POINT, ROUGHLY
 09:52:20 \$19,000, THAT INCLUDES THE \$12,500.
 09:52:24 IS THAT RIGHT?
 09:52:26 164 EXPENSES, I MEAN, INCOME, YOU HAD 143 EXPENSES.
 09:52:39 SO YOU'RE ROUGHLY AT 19,000 THAT YOU HAVE.
 09:52:46 >> THAT'S NOT INCLUDING WHAT WE'RE ASKING --
 09:52:50 >>Jim Boesch: I'M ASKING --
 09:52:52 >> THAT DOES NOT INCLUDE.
 09:52:54 >>Jim Boesch: THIS IS ROUGHLY 31,000.

09:52:58 >> EXACTLY.
 09:52:58 >>Jim Boesch: WHAT DO YOU PLAN TO DO WITH THE -- I KNOW YOU
 09:53:01 NEED A CERTAIN AMOUNT OF INCOME TO OPERATE, BUT AT 31,000,
 09:53:07 IS THERE SOMETHING THAT YOU'LL BE ABLE TO DO NOW THAT YOU
 09:53:12 DON'T HAVE THE INCOME FOR?
 09:53:15 >> WELL, WE HAVE TALKED ABOUT EXPANDING OUR STAFF, YOU KNOW,
 09:53:22 TO HELP INCREASE MEMBERSHIP AND THEN ALSO FOR SOMEBODY TO
 09:53:27 HELP TO MANAGE AND MAINTAIN OUR EVENTS AS WELL.
 09:53:31 SO WE'RE LOOKING TO HOPEFULLY --
 09:53:32 >>Jim Boesch: SO YOUR STAFF WOULD BE PART-TIME.
 09:53:35 >> PART-TIME, YES.
 09:53:37 >>Jim Boesch: OKAY.
 09:53:39 >>Mayor Errington: JIM.

 09:53:41 >>Jim Ward: JUST A POINT OF CLARIFICATION.
 09:53:43 IT WOULD INCLUDE THE ORIGINAL TWELVE FIVE THAT YOU RECEIVE
 09:53:46 BUT NOT THE TWELVE FIVE THAT YOU'RE ASKING FOR NOW.
 09:53:49 >> THAT'S CORRECT.
 09:53:50 >>Jim Ward: WITH RESPECT TO THE 19,000 THAT SHOWS AS A NET
 09:53:53 INCOME AT THIS POINT, THAT'S REFLECTIVE OF THE INCOME THEY
 09:53:57 RECEIVED ALREADY FROM THEIR IMPACT PARTNERS AND THEIR
 09:53:59 MEMBERSHIP, BUT THEY STILL HAVE EXPENSES FOR THE NEXT THREE
 09:54:02 MONTHS THAT WILL GO AGAINST THAT 19,000.
 09:54:04 SO WE DON'T ANTICIPATE THAT THE 19,000 WOULD BE THE NET
 09:54:09 PROFIT AT THE END OF THE YEAR.
 09:54:10 >>Jim Boesch: I ASSUMED THEY NEEDED A CERTAIN AMOUNT OF
 09:54:13 MONEY TO OPERATE THE BUSINESS.
 09:54:15 YOU DON'T WANT TO BE -- LIKE, WE HAVE ONE YEAR IN OUR THING.
 09:54:19 I'M SURE THEY NEED A CERTAIN AMOUNT OF MONEY.
 09:54:21 >>Jim Ward: THREE MORE MONTHS OF EXPENSES FOR SALARIES AND
 09:54:27 FOR RENT AND FOR OTHER EXPENSES.
 09:54:31 >>Jim Boesch: AND INCOME.
 09:54:34 >> WELL, WE WERE ABLE TO NET WITH THIS GOLF TOURNAMENT LIKE
 09:54:39 ELEVEN FIVE.
 09:54:40 AND THAT WAS EVEN AFTER -- YOU KNOW, BECAUSE WE WERE
 09:54:44 ORIGINALLY SCHEDULED AT WEST BAY, AND WE ALL KNOW WHAT
 09:54:48 HAPPENED AT WEST BAY.
 09:54:50 ON OCTOBER 3rd WAS OUR ORIGINAL GOLF TOURNAMENT DATE.
 09:54:53 SO WE QUICKLY WERE ABLE TO FIND ANOTHER LOCATION, SO WE WERE

 09:54:58 OUT AT OLD CORKSCREW GOLF CLUB.
 09:55:02 THEY WERE ABLE TO HOST US.
 09:55:04 AND WE WERE ABLE, THROUGH HARD WORK AND CONTACTING, WE WERE
 09:55:09 ABLE TO KEEP OUR SPONSORS AND THE MAJORITY OF OUR GOLFERS
 09:55:12 AND THEN TO EVEN ENLIST MORE GOLFERS.
 09:55:14 WE WERE ABLE TO STILL HAVE A SUCCESSFUL GOLF TOURNAMENT AND
 09:55:18 STILL, YOU KNOW, BASICALLY, YOU KNOW, MAINTAIN THAT INCOME.
 09:55:23 >>Mayor Errington: ANY OTHER COMMENTS?

09:55:28 >>Jim Ward: CAN I SUGGEST THAT YOU TAKE US THROUGH THE
 09:55:29 PowerPoint THAT YOU'VE GOT HERE SO THE COUNCIL CAN BETTER
 09:55:32 UNDERSTAND SOME OF THE THINGS YOU DO?
 09:55:35 >> OKAY.
 09:55:37 WELL, THIS IS JUST BASICALLY JUST AN OVERVIEW.
 09:55:42 WHEN I STARTED, HOW I'VE TRANSITIONED.
 09:55:45 I'VE BASICALLY BEEN WITH THE CHAMBER NOW -- ACTUALLY, IN
 09:55:49 APRIL, IT WILL BE SIX YEARS THAT I HAVE BEEN WITH THE
 09:55:52 CHAMBER.
 09:55:53 I WORKED MY WAY UP, AS YOU CAN KIND OF SEE.
 09:55:57 I STARTED OUT AS THE PART-TIME BOOKKEEPER WORKING ABOUT 20
 09:56:00 HOURS A WEEK, AND THROUGH A SERIES OF PEOPLE QUITTING AND I
 09:56:07 TOOK THOSE RESPONSIBILITIES ON.
 09:56:09 THEN MY RESPONSIBILITIES HAVE GROWN OVER THE YEARS.
 09:56:12 I'VE BEEN PRESIDENT NOW FOR, WELL, IN APRIL -- WELL, ABOUT A
 09:56:21 YEAR AND A HALF.
 09:56:21 SO BASICALLY WHAT PURPOSE DOES THE CHAMBER SERVE?

 09:56:28 EVERY COMMUNITY SHOULD HAVE A CHAMBER.
 09:56:30 BUSINESSES BELONGING TO THE CHAMBER CAN BOOST THEIR BOTTOM
 09:56:34 LINE.
 09:56:35 JUST KIND OF AN EXAMPLE OF THIS, AND EVEN LIKE THE FREE
 09:56:38 MARKETING TO OUR MEMBERSHIP.
 09:56:42 LAST NIGHT, WE HAD A CANDLE-MAKING CLASS THAT WE HOSTED.
 09:56:48 AND IT WAS FOR NAPLES CANDLE COMPANY.
 09:56:51 AND AFTER THE HURRICANE HIT, BECAUSE THEY DO A LOT OF FARMER
 09:56:57 MARKETS AND THINGS LIKE THAT THEY WERE BASICALLY -- YOU
 09:56:59 KNOW, THEY HAD IMMEDIATELY E-MAILED ME AND SAID, HEY, WE'LL
 09:57:02 HAVE TO CLOSE UP SHOP.
 09:57:05 WE'RE NOT GOING TO BE ABLE TO RUN OUR BUSINESS ANYMORE,
 09:57:09 BASICALLY.
 09:57:09 SO THEY TRANSITIONED INTO NOW GOING INTO DOING THESE
 09:57:15 CANDLE-MAKING CLASSES.
 09:57:17 SO THAT IS SOMETHING JUST AS AN EXAMPLE, WE'RE GOING TO DO
 09:57:23 WHAT WE CAN TO HELP YOU AND HOST YOU AND TRY TO HELP BOOST
 09:57:27 YOUR SMALL BUSINESS AND THINGS LIKE THAT.
 09:57:30 WE HAVE HAD SOME BUSINESSES THAT HAVE STRUGGLED DUE TO THAT.
 09:57:36 AND THEN SHORTLY AFTER THE HURRICANE, WE HOSTED AN EVENT --
 09:57:42 WE HAD SOMEBODY FROM SCORE WHO WAS ASSOCIATED WITH A SMALL
 09:57:46 BUSINESS ADMINISTRATION, SO WE HAD THEM COME IN, AND
 09:57:50 BASICALLY KIND OF SAY, HEY, WHAT CAN WE DO NOW AFTER THE
 09:57:53 HURRICANE TO HELP THESE SMALL BUSINESSES?
 09:57:56 AND IT WAS JUST THE COOLEST LUNCHEON BECAUSE EVERYBODY THERE

 09:58:02 WAS SHARING IDEAS ABOUT LIKE, HEY, WHAT CAN WE DO?
 09:58:07 WE EVEN HAD ONE BUSINESS THAT ACTUALLY FARMED OUT THEIR
 09:58:12 EMPLOYEES TO OTHER BUSINESSES WHO WERE LOOKING FOR WORK,
 09:58:16 LIKE CLEANUP CREWS OR PEOPLE THAT WERE REALLY, REALLY BUSY

09:58:21 THAT WERE NEEDING HELP AND STUFF LIKE THAT.
 09:58:23 IT WAS KIND OF LIKE, OKAY, YOU CAN HAVE MY EMPLOYEES FOR
 09:58:26 THIS AND THIS, BUT ONCE MY TITLE BUSINESS OR MY OTHER TYPE
 09:58:29 OF BUSINESS GETS BACK UP AND ROLLING I WANT MY EMPLOYEES
 09:58:32 BACK BECAUSE THEY DIDN'T WANT TO HAVE TO LAY OFF THEIR
 09:58:35 EMPLOYEES.
 09:58:36 SO THAT'S KIND OF, YOU KNOW, JUST THE ROLE OF THE CHAMBER.
 09:58:40 THAT'S KIND OF WHAT WE DO TO KIND OF JUMP IN AND HELP SMALL
 09:58:45 BUSINESSES, NOT JUST WHEN DISASTERS HAPPEN, BUT THAT IN A
 09:58:49 NUTSHELL.
 09:58:51 SORRY.
 09:58:53 WENT BACKWARDS.
 09:58:53 AGAIN, COMMUNITY RELATIONS.
 09:58:58 THIS IS JUST A LOT OF THINGS THAT WE DO.
 09:59:01 WE PARTICIPATE.
 09:59:06 A LOT OF OUR EVENTS THAT WE'RE WORKING WITH.
 09:59:13 WE'VE BEEN PARTNERING WITH FGCU.
 09:59:18 WE HELP A LOT OF BUSINESSES WITH EMPLOYEES, FIND JOBS.
 09:59:24 LIKE STATE INSURANCE.
 09:59:26 I WAS TALKING TO GAYLE, HEY, WE'RE REALLY LOOKING FOR
 09:59:32 SOMEBODY.

 09:59:32 I WAS ABLE TO RECOMMEND SOME PEOPLE.
 09:59:35 ACTUALLY, I THINK THEY MIGHT HAVE ALREADY HAD THEIR
 09:59:37 INTERVIEW OR SOMETHING LIKE THAT.
 09:59:38 ANYWAY, WE'RE CONNECTORS IS WHAT WE ARE, AND THAT'S WHAT WE
 09:59:43 DO IS WE DO WHATEVER WE CAN TO HELP BUSINESSES.
 09:59:50 AGAIN, LET'S SEE -- WHAT DOES THAT SAY?
 09:59:55 I CAN'T REALLY SEE.
 09:59:56 AGAIN, SAME THING.
 09:59:58 WE'RE A CATALYST FOR BRINGING THE COMMUNITY AND BUSINESSES
 10:00:01 TOGETHER.
 10:00:02 AND THIS IS WHERE YOU GUYS COME IN BECAUSE MEMBERSHIP DUES
 10:00:06 ALONE REALLY CANNOT SUPPORT THE CHAMBER.
 10:00:13 >> MEMBERSHIP DUES ALONE DO NOT SUPPORT ANY CHAMBER, NOT
 10:00:16 JUST THIS CHAMBER.
 10:00:18 >> YES, THAT'S TRUE.
 10:00:19 AND THAT'S BECAUSE MAJORITY OF OUR BUSINESSES ARE SMALL.
 10:00:23 IF YOU LOOK AT OUR BUSINESSES, THEY ARE ALL THE BASIC, YOU
 10:00:27 KNOW, THE SMALL, 349 ANNUAL FEE PER YEAR.
 10:00:32 WE DO HAVE A FEW LARGER ENTITIES THAT CONTRIBUTE.
 10:00:37 BUT ON THE MOST PART, THEY ARE THE SMALL BUSINESSES THAT WE
 10:00:41 SERVE WITH OUR CHAMBER.
 10:00:43 THEN, OF COURSE, NON-DUES.
 10:00:48 WE ARE ALWAYS LOOKING FOR NON-DUES REVENUE, AND THAT'S ONE
 10:00:51 OF THE REASONS THAT I DID COME UP WITH LEADERSHIP ESTERO,
 10:00:56 CREATED THAT PROGRAM.

10:00:58 IT'S BECAUSE THAT IS BRINGING IN PROBABLY WILL NET MAYBE
 10:01:04 10-ISH, MAYBE EVEN MORE THAN THAT, THOUSAND, FROM THAT
 10:01:09 PROGRAM.
 10:01:10 SO I'M ALWAYS LOOKING FOR WAYS TO INCREASE THE CHAMBER'S
 10:01:16 REVENUE.
 10:01:17 >> AT THE SAME TIME, IT DOES DEVELOP THESE FUTURE LEADERS
 10:01:19 AND LEADERS OF THE COMMUNITY TO KNOW MORE ABOUT THE
 10:01:23 COMMUNITY.
 10:01:23 I'VE BEEN THROUGH THREE LEADERSHIP PROGRAMS.
 10:01:25 I CAN TELL YOU RIGHT NOW, YOU THINK YOU KNOW EVERYTHING
 10:01:28 ABOUT THE GREATER ESTERO AREA, BUT YOU DON'T.
 10:01:30 SO IT'S A WONDERFUL PROGRAM.
 10:01:34 >> AND THEN, OF COURSE, WITH YOUR FINANCIAL SUPPORT, THE
 10:01:41 CHAMBER IS ABLE TO ADVOCATE FOR THE GROWTH, BASICALLY, OF
 10:01:45 THE SMALL BUSINESS COMMUNITY.
 10:01:48 HALF OF OUR MEMBERSHIP IS BUSINESSES FROM ESTERO.
 10:01:56 BY PROMOTING EXPOSURE THROUGH ADDITIONAL -- THIS HERE IS
 10:02:01 REGARDING WHAT THE CHAMBER IS KIND OF, LITTLE BIT OF OFFERS
 10:02:11 THROUGH BASICALLY EDITORIAL COVERAGE, WHICH SHARON IS
 10:02:15 ACTUALLY IN CHARGE OF OUR MAGAZINE.
 10:02:16 SO THAT'S PART OF HER JOB IS TO HELP PROMOTE OUR ANNUAL
 10:02:23 MAGAZINE.
 10:02:24 THIS RIGHT HERE IS JUST A LIST OF ALL THE BENEFITS THAT THE
 10:02:30 VILLAGE RECEIVES PER -- IN EXCHANGE FOR FUNDS, BASICALLY,
 10:02:37 FOR YOUR ANNUAL IMPACT PARTNERSHIP.

 10:02:40 AND THEN THAT'S ABOUT IT.
 10:02:47 WE REALLY WOULD LIKE TO CONTINUE OUR PARTNERSHIP WITH THE
 10:02:52 VILLAGE.
 10:02:54 AND WE STAND HERE TODAY, YOU KNOW, NOT ASKING FOR FUNDS OUT
 10:03:01 OF DESPERATION OF ANY SORT.
 10:03:04 WE ARE STANDING HERE TODAY TO ASK FOR FUNDS JUST LIKE ANY
 10:03:12 OTHER IMPACT PARTNER THAT WE HAVE.
 10:03:15 I DO THE SAME THING WITH LEE HEALTH EVERY YEAR.
 10:03:18 WE KIND OF REVIEW WHERE WE ARE.
 10:03:21 THEY CONTRIBUTE \$10,000, LEE HEALTH.
 10:03:25 SAME THING WITH ALL MY IMPACT PARTNERS.
 10:03:27 I VIEW THIS AS A PARTNERSHIP, AND I'D LIKE YOU GUYS TO SEE
 10:03:33 THAT GIVING US THE FUNDING IS MORE OF A PARTNERSHIP AND
 10:03:39 HELPING US TO WORK HARDER AND BETTER FOR THE ESTERO BUSINESS
 10:03:45 COMMUNITY.
 10:03:48 THAT'S ALL I HAVE.
 10:03:52 >>Mayor Errington: OKAY.
 10:03:53 ANY QUESTIONS, COMMENTS?
 10:03:54 JOANNE?
 10:03:56 >>Joanne Ribble: FIRST OF ALL, CONGRATULATIONS ON ALL THE
 10:03:59 SUCCESSES YOU HAD THIS YEAR.
 10:04:00 AND ALL THE WORK YOU'RE DOING WITH ALL THE BUSINESSES IN THE

10:04:04 AREA.
 10:04:05 HAVE YOUR FINANCIALS EVER BEEN AUDITED?
 10:04:08 >> WE HAVE NOT BEEN AUDITED.

10:04:11 >>Joanne Ribble: AND WHERE ON THE FINANCIALS DOES THE COST
 10:04:14 FOR THE MAGAZINE COME IN?
 10:04:18 >> THERE'S NO COST FOR THE MAGAZINE.
 10:04:21 WE DO GET -- SHARON DOES GIVE US A PERCENTAGE OF THE SALES
 10:04:26 FROM THE ADS.
 10:04:27 SO WE RECEIVE ABOUT \$5,000 FROM THAT THIS YEAR.
 10:04:31 >>Joanne Ribble: WONDERFUL.
 10:04:32 I KNOW IN YEARS PAST WHEN MONEY WAS ASKED FOR AND GIVEN TO
 10:04:39 THE CHAMBER, AND IT HAS BEEN DONE QUITE FREQUENTLY IN THE
 10:04:44 PAST, BUT JUST RECENTLY, THE IMPACT PARTNERSHIP THAT HAS
 10:04:49 BEEN CREATED FOR THIS MONEY AND CERTAINLY THE VILLAGE SHOULD
 10:04:55 SUPPORT THE CHAMBER.
 10:05:00 I HAVE NO OBJECTION TO SUPPORTING THE CHAMBER AS A
 10:05:03 COUNCILPERSON.
 10:05:05 I WOULD BE HAPPY TO PAY MY PORTION OF WHATEVER NEEDS TO
 10:05:10 HAPPEN, YOU KNOW, WHATEVER FUND-RAISING YOU DO, I WOULD
 10:05:13 GLADLY SUPPORT IT AND PAY MY PORTION WILLINGLY.
 10:05:17 I JUST HAVE A PROBLEM WITH SUBSIDIZING THE CHAMBER WITH
 10:05:23 TAXPAYER MONEY.
 10:05:24 I'VE DONE SOME RESEARCH, AND I NOTICED THAT NOT MANY
 10:05:27 COUNCILS IN THE AREA SUPPORT THEIR CHAMBERS TO THIS EXTENT
 10:05:31 WITH FINANCIAL OBLIGATIONS.
 10:05:34 I KIND OF SEE THIS, NOT OBLIGATION, BUT THIS SUBSIDY
 10:05:43 HAPPENING YEAR AFTER YEAR AFTER YEAR AFTER YEAR.
 10:05:47 AGAIN, I DON'T APPROVE OF TAXPAYER MONEY GOING TO SUBSIDIZE

10:05:52 IT, BUT I WOULD GLADLY SUPPORT THE CHAMBER ON MY OWN
 10:05:56 PERSONALLY.
 10:05:56 I DON'T NEED TO BE GIVEN A FREE TICKET.
 10:06:00 I WOULD GLADLY PAY FOR ANYTHING THAT I PARTICIPATE IN.
 10:06:02 THAT'S JUST MY COMMENTS.
 10:06:05 >>Mayor Errington: THANK YOU.
 10:06:06 ANY OTHER COMMENTS?
 10:06:07 JON.
 10:06:11 >>Vice-Mayor McLain: I THINK IT'S IMPORTANT, VITALLY
 10:06:13 IMPORTANT THAT WE HAVE OUR OWN CHAMBER OF COMMERCE.
 10:06:19 IT WOULD BE EASY TO BE SWEEPED INTO A LARGER ORGANIZATION
 10:06:21 WHERE WE LOSE OUR IDENTITY AS THE VILLAGE OF ESTERO.
 10:06:27 AND FROM A STANDPOINT OF TAXPAYER MONEY, I DO BELIEVE THAT
 10:06:32 OUR INVESTMENT IN THIS TO SUPPORT THE CHAMBER CAN COME BACK
 10:06:36 IN BENEFITS OF TAXES COMING BACK FROM THE SMALLER BUSINESSES
 10:06:40 THAT THEY ARE PAYING.
 10:06:41 SO I HOPE ANYONE LISTENING TO THAT, I THINK IT'S A MUTUAL
 10:06:47 POTENTIAL RETURN FOR THAT.

10:06:49 WHEN I LOOK AT THE VILLAGE OF ESTERO, IT'S IMPORTANT FOR US
 10:06:53 TO HAVE HIGH QUALITY OF LIFE.
 10:06:56 WE ALWAYS TALK ABOUT THAT.
 10:06:58 AND I LOOK AT THE CHAMBER AS POTENTIALLY THAT'S A VITAL PART
 10:07:02 FOR US TO KEEP OUR BUSINESSES SUPPORTED AND I THINK YOU GUYS
 10:07:05 HAVE GOT A LOT OF OUTREACH PROGRAMS.
 10:07:07 HOPEFULLY IT CAN GET BETTER AND THAT WE ATTRACT MORE SMALL

 10:07:12 BUSINESSES.
 10:07:13 I LOOKED AT ONE PROGRAM THAT WAS INSTRUMENTAL IN MY MIND
 10:07:18 ABOUT THE CHAMBER.
 10:07:21 AND THAT WAS THE ESTERO FEST THAT YOU HAD LAST YEAR.
 10:07:24 THAT WAS A GREAT EVENT FOR THE VILLAGE OF ESTERO.
 10:07:27 I THINK SOME OF OUR MONIES WERE PROBABLY HOPEFUL IN BRINGING
 10:07:30 THAT THROUGH.
 10:07:31 BUT WHEN I WENT TO THAT CONGREGATION OF FOLKS, I DON'T KNOW
 10:07:35 EXACTLY HOW MANY PEOPLE, BUT IT WAS IN THE THOUSANDS --
 10:07:39 >> I THINK WE HAD ABOUT 1200.
 10:07:41 >>Vice-Mayor McLain: 1200.
 10:07:42 AND LOTS OF SMALL BUSINESSES WERE THERE.
 10:07:46 I THINK THEY BENEFITED FROM BEING THERE.
 10:07:48 I THINK OUR CITIZENS BENEFITED BY BEING ABLE TO BE EXPOSED
 10:07:52 TO SOME SMALL BUSINESSES THAT THEY PROBABLY NEVER KNEW
 10:07:55 ABOUT.
 10:07:56 AND I LOOK AT THAT AS A REAL BENEFIT TO THE VILLAGE OF
 10:07:58 ESTERO, TO HAVE AN ACTIVE BUSINESS COMMUNITY, ONE WHERE
 10:08:02 OUTREACH IS PROVIDED.
 10:08:04 I THINK A GREAT VENUE FOR OUR CITIZENS TO ENJOY.
 10:08:08 AND, YEAH, I WOULD LIKE TO HAVE YOU BE SELF-SUFFICIENT.
 10:08:11 BUT WE'VE BEEN THROUGH SOME TOUGH TIMES.
 10:08:13 WE'RE GOING THROUGH SOME TOUGH TIMES AGAIN RIGHT NOW.
 10:08:18 SO I'M IN SUPPORT OF US MOVING FORWARD WITH OUR \$12,500
 10:08:25 CONTRIBUTION FOR THIS YEAR.

 10:08:26 I THINK WE'LL LOOK AT IT EVERY YEAR AND SEE HOW YOUR
 10:08:29 PROGRESS IS, BUT RIGHT NOW, I THINK THAT WILL BE A WISE
 10:08:33 INVESTMENT FOR US.
 10:08:35 >>Mayor Errington: JIM.
 10:08:37 >>Jim Ward: I THINK EVERYBODY KNOWS THAT I'M THE BOARD
 10:08:39 LIAISON TO THE CHAMBER OF COMMERCE.
 10:08:42 I ALSO SERVE ON THEIR BOARD OF DIRECTORS.
 10:08:44 I HAVE A LITTLE BIT MORE INFORMATION AND KNOWLEDGE ABOUT
 10:08:48 WHAT HAPPENS THERE.
 10:08:49 TO JOANNE'S POINT EARLIER ABOUT THE FINANCIALS BEING
 10:08:53 AUDITED, THE BOARD OF DIRECTORS MADE THE DECISION THAT WE
 10:08:57 WILL HAVE THE FINANCIALS AUDITED THIS YEAR, SO THAT IS
 10:09:00 SOMETHING THAT IS GOING TO TAKE PLACE.
 10:09:03 ONE OF THE THINGS THAT I RECOGNIZE AS I LOOK AT THE

10:09:05 FINANCIALS IS THAT THERE'S RECURRING EXPENSES THAT OCCUR, TO
 10:09:11 JIM'S POINT, THAT ARE GOING TO EAT UP THAT \$19,000, AS WELL
 10:09:16 AS THE 12,000.
 10:09:17 OUR BEST GUESS AT THIS POINT IS THAT WE'RE GOING TO BREAK
 10:09:20 EVEN AT THE END OF THE YEAR WITH THE 12,500.
 10:09:25 WHAT I THINK IT REALLY COMES DOWN TO IS A RECOGNITION OF
 10:09:28 WHETHER WE NEED A CHAMBER OF COMMERCE IN THE VILLAGE OF
 10:09:31 ESTERO.
 10:09:32 AND I THINK WHAT THEY HAVE LAID OUT HERE IN THEIR
 10:09:35 PRESENTATION INDICATES TO ME AND SHOULD INDICATE TO THE
 10:09:39 BOARD THAT IT IS A VALUABLE ASSET TO THE COMMUNITY AND IT IS

 10:09:43 A VALUABLE ASSET TO THE SMALL BUSINESS WITHIN ESTERO AND TO
 10:09:47 THE POINT THAT THEY MADE EARLIER, WE'RE NOT UNIQUE IN THE
 10:09:51 SITUATION OF SUPPORTING THE CHAMBER OF COMMERCE.
 10:09:56 CHAMBER OF COMMERCE THROUGHOUT THE NATION ARE GENERALLY
 10:09:59 SUPPORTED BY THEIR COMMUNITY LEADERS.
 10:10:01 I THINK IT'S REALLY IMPORTANT THAT IF WE WANT TO HAVE AN
 10:10:04 ESTERO CHAMBER OF COMMERCE THAT WE RECOGNIZE THAT WE NEED TO
 10:10:08 SUPPORT THEM WITH THE SPONSORSHIP FEES.
 10:10:11 THE OTHER POINT THAT JON MADE, ESTERO FEST WAS PROBABLY --
 10:10:17 WAS, NOT PROBABLY -- WAS THE BIGGEST EVENT THAT WE HAD AT
 10:10:20 THE ESTERO PARK THIS PAST YEAR.
 10:10:25 REALLY A TREMENDOUS SUCCESS WITH A SIGNIFICANT AMOUNT OF
 10:10:28 SMALL BUSINESSES PARTICIPATING WITH SHOWCASING THEIR
 10:10:32 BUSINESS AND THE ABILITY TO GENERATE ADDITIONAL BUSINESS
 10:10:36 THROUGH THAT EVENT.
 10:10:38 I AGREE WITH JON, I BELIEVE IT'S IMPORTANT THAT WE CONTINUE
 10:10:41 TO SUPPORT THE CHAMBER WITH OUR IMPACT FEES.
 10:10:48 >>Mayor Errington: ANY OTHER COMMENTS?
 10:10:50 I HAVE A COUPLE OF QUESTIONS.
 10:10:53 WHAT IS THE IMPACT FEE FOR A BUSINESS TO JOIN?
 10:10:57 WHAT'S IT COST?
 10:11:01 >> YOU MEAN IMPACT PARTNERSHIP?
 10:11:04 WELL, THERE ARE DIFFERENT LEVELS.
 10:11:06 YOU GUYS ARE DEFINITELY AT THE TOP LEVEL OF THE DIAMOND AT
 10:11:09 25.

 10:11:09 >>Mayor Errington: WHO ELSE IS IN THERE WITH US?
 10:11:12 >> YOU'RE THE ONLY ONE.
 10:11:13 >>Mayor Errington: WHO IS IN SECOND?
 10:11:14 >> THEN LEE HEALTH IS 10,000.
 10:11:17 THEY ARE THE ONLY 10,000.
 10:11:20 PAVICH REAL ESTATE IS AT 5, AND THEN EVERYBODY ELSE IS IN
 10:11:25 SILVER AT 2500.
 10:11:26 THAT'S THE LOWEST LEVEL.
 10:11:29 >>Mayor Errington: AND YOU MENTIONED THAT ONLY HALF OF THE
 10:11:32 BUSINESSES ARE IN ESTERO THAT ARE IN THE CHAMBER.

10:11:36 >> YES.
 10:11:37 >>Mayor Errington: WHERE ARE THE OTHER BUSINESSES?
 10:11:39 IN BONITA?
 10:11:40 >> WE'RE SPREAD OUT, ALL THE WAY FROM NAPLES TO NORTH FORT
 10:11:44 MYERS.
 10:11:45 >>Mayor Errington: SO WE HAVE CHAMBER MEMBERS IN NAPLES?
 10:11:49 >> YES.
 10:11:50 >> GREATER ESTERO CHAMBER OF COMMERCE.
 10:11:52 >>Mayor Errington: GREATER.
 10:11:53 OKAY.
 10:11:53 THAT'S INTERESTING.
 10:11:57 HOW MANY BUSINESSES DO WE HAVE NOW IN THE CHAMBER?
 10:12:02 >> WE ARE CURRENTLY AT 225.
 10:12:05 >>Mayor Errington: 225.
 10:12:06 SO ONLY HALF OF THOSE 112 OR WHATEVER.

 10:12:10 13 OR 12 AND A HALF ARE IN ESTERO.
 10:12:14 >> YES, BUT WE'RE STILL HOPING THAT THAT NUMBER GROWS ALSO
 10:12:17 BECAUSE WE STILL HAVE QUITE A FEW BUSINESSES, AND EVEN THE
 10:12:20 NEW ONES COMING IN LIKE BUBBAQUE'S AND CHICKEN SALAD CHICK,
 10:12:30 AND PLACES LIKE THAT, YOU KNOW, SO WE'RE TRYING TO GET THEM
 10:12:31 TO ALSO JOIN, TOO.
 10:12:31 >>Mayor Errington: THEY WOULD JOIN PAYING A MEMBERSHIP FEE.
 10:12:35 THEY WOULD NOT JOIN WITH IMPACT FEE OF ANY SORT.
 10:12:38 >> THEY WOULD PROBABLY JOIN AS A MEMBER, YES, ANYWHERE FROM
 10:12:42 349 TO 949 IS KIND OF --
 10:12:45 >>Mayor Errington: WHAT DO YOU GET FOR 349?
 10:12:48 WHO JOINS AT 349?
 10:12:50 WHAT SIZE BUSINESS THAT.
 10:12:51 >> WE DON'T REALLY GO BY SIZE, BUT AS FAR AS LIKE EMPLOYEES
 10:12:55 AND THINGS LIKE THAT.
 10:12:56 BUT MOST OF IT, IT'S WHAT WE CALL 349 IS JUST THE STARTER
 10:13:01 BASIC MEMBERSHIP.
 10:13:02 >>Mayor Errington: WHAT DO I GET OUT OF THAT IF I JOIN?
 10:13:05 >> YOU GET, IF YOU'RE A NEW BUSINESS, YOU CAN HAVE A RIBBON
 10:13:09 CUTTING.
 10:13:10 YOU CAN ATTEND EVENTS AT MEMBER RATES.
 10:13:15 OF COURSE, YOU'LL GET INTO THE MEMBER DIRECTORY, THINGS LIKE
 10:13:19 THAT.
 10:13:20 I DON'T KNOW.
 10:13:23 I NEED TO LOOK --

 10:13:25 >> YOU GET THE SUPPORT OF THE CHAMBER, TOO.
 10:13:27 EVERY SINGLE BUSINESS WHO IS A MEMBER OF THE CHAMBER OF
 10:13:29 COMMERCE GETS OUR FULL SUPPORT.
 10:13:32 IT'S JUST THAT THERE'S A LITTLE BIT MORE PERKS AS YOU GO UP.
 10:13:35 >>Mayor Errington: DO YOU HAVE OTHER NONPROFITS ON YOUR
 10:13:38 BOARD?

10:13:40 >> NONPROFITS?
 10:13:41 >>Mayor Errington: NOT ON YOUR BOARD.
 10:13:42 SORRY.
 10:13:43 LET ME REPHRASE IT.
 10:13:44 NONPROFIT ORGANIZATIONS AS MEMBERS OF --
 10:13:47 >> A LOT OF THEM.
 10:13:48 >> WE DO HAVE NONPROFITS, YES.
 10:13:49 WE DO GIVE THEM A DISCOUNT.
 10:13:51 THEY COME IN AT 249.
 10:13:56 >>Mayor Errington: YOU HAVE TO GO BACK TO SEVERAL YEARS AGO
 10:14:02 WHEN THIS COUNCIL HAD DIFFERENT FACES UP HERE.
 10:14:07 THE REASONING WAS TO SUPPORT THE CHAMBER OR NOT WAS BECAUSE
 10:14:12 -- YOU KNOW ALL THAT.
 10:14:13 NONPROFIT.
 10:14:14 THERE ARE OVER 200 NONPROFITS IN ESTERO, THE LAST TIME I
 10:14:18 LOOKED.
 10:14:19 AND SO IF EVERYBODY CAME TO US WANTING MONEY OR DONATIONS OR
 10:14:25 FEES OR SOMETHING, YOU REALIZE WHAT KIND OF SITUATION THAT
 10:14:30 WOULD PUT US IN.

 10:14:32 >> RIGHT.
 10:14:32 >>Mayor Errington: I GUESS I'M CONCERNED ABOUT WHY WE HAVE
 10:14:35 TO BE AT THE HIGHEST LEVEL.
 10:14:38 I MEAN, A NONPROFIT TO COME HERE, WHAT HAS HAPPENED IS THAT
 10:14:42 YOU'VE SATURDAY PRECEDENT THEN FOR OTHER NONPROFITS TO COME
 10:14:45 IN AND ASK FOR MONEY.
 10:14:48 SO WHERE DO WE STOP?
 10:14:50 >> WE HAD THE STATEMENT THE LAST TIME AS FAR AS LIKE WE ARE
 10:14:55 NOT A 501(C)(3).
 10:14:58 WE ARE A 501(C)(6).
 10:15:01 WE'RE JUST EXEMPT FROM FEDERAL.
 10:15:02 WE'RE NOT SALES TAX EXEMPT.
 10:15:05 BUT --
 10:15:08 >> AND WE ARE THE ONLY ADVOCATE FOR THE BUSINESSES IN
 10:15:12 ESTERO.
 10:15:12 >> THAT WOULD BE UP TO YOU TO MAKE THAT DECISION IF YOU HAD
 10:15:16 NONPROFITS COMING AND ASKING FOR MONEY.
 10:15:18 I DON'T KNOW HOW TO ANSWER THAT ONE.
 10:15:21 AND THAT'S UP TO THE COUNCIL.
 10:15:24 IF YOU GUYS WANT TO STAY AT THAT LEVEL, THAT'S YOUR
 10:15:28 DECISION.
 10:15:33 >>Mayor Errington: IT'S THE COMMUNITY'S MONEY.
 10:15:37 IT'S WHAT WE'RE GIVING BACK.
 10:15:39 I REALLY BELIEVE IN THE COUNCIL -- OR IN THE CHAMBER, THAT
 10:15:43 THE CHAMBER PLAYS A VITAL ROLE AND EVERY COMMUNITY SHOULD

 10:15:50 HAVE ONE, THE SIZE OF ESTERO, WE SHOULD DEFINITELY HAVE A
 10:15:54 CHAMBER OF COMMERCE.

10:15:56 SO THE QUESTION IS, HOW DO WE FUND IT?
 10:15:59 I GUESS I'M CONCERNED THAT WE WERE PAYING MORE THAN LEE
 10:16:02 HEALTH.
 10:16:03 THEY ARE A LOT BIGGER THAN WE ARE.
 10:16:08 >> RIGHT.
 10:16:11 >> MOVING FORWARD, THIS IS YOUR DECISION.
 10:16:13 CERTAINLY TO SUPPORT US OR NOT SUPPORT US.
 10:16:16 >>Mayor Arroyo: WE HAVE SUPPORTED YOU FOR SIX MONTHS AND
 10:16:19 MANY YEARS, TOO.
 10:16:21 >> RIGHT, YOU CERTAINLY HAVE.
 10:16:22 >>Mayor Errington: I THINK THE SUPPORT COULD CONTINUE, BUT I
 10:16:24 WOULD LIKE TO SEE THE AUDIT, TOO.
 10:16:26 I KNOW THAT'S BEEN BROUGHT UP BEFORE.
 10:16:31 STEVE, DO YOU HAVE SOMETHING TO SAY?
 10:16:38 >>Jim Boesch: I WOULD LIKE TO MAKE IT CLEAR THAT MY
 10:16:44 STANDPOINT FROM GIVING MONEY TO THE CHAMBER, THIS IS THE
 10:16:48 FIRST TIME YOU MADE A FORMAL PRESENTATION WITH ALL THE
 10:16:54 FINANCIAL INFORMATION THERE.
 10:16:56 YOU MUST ACKNOWLEDGE THAT THIS MEETING IS NOT JUST HERE.
 10:17:03 THIS MEETING IS BEING BROADCAST AND PEOPLE ASK US QUESTIONS
 10:17:07 ABOUT THE CHAMBER AND WITHOUT HAVING THIS FINANCIAL
 10:17:14 INFORMATION, THEY ASK, YOU GAVE 25,000 AND YOU DON'T KNOW
 10:17:17 WHAT THEIR FINANCIAL POSITION IS, AND I THINK WE WENT

 10:17:21 THROUGH THAT, AND YOU CAME TO A MEETING WITH FULL DISCLOSURE
 10:17:27 OF YOUR EXPENSES.
 10:17:30 I GIVE YOU A COMMENDATION FOR DOING THAT.
 10:17:33 AND THIS IS THE WAY IF YOU COME FROM MY STANDPOINT, I WANT
 10:17:36 TO KNOW WHAT YOUR FINANCIAL POSITION IS AND IT'S GOOD TO
 10:17:42 KNOW SOME OF THE THINGS YOU'RE DOING AS WELL.
 10:17:44 I APPRECIATE YOU GOING THE EXTRA EFFORT AND MAKING A
 10:17:48 PRESENTATION.
 10:17:49 THAT ANSWERS ALL THE QUESTIONS.
 10:17:51 THAT'S ONLY MY POSITION.
 10:17:52 I WOULD NEVER REJECT THE ACT THAT ANY MUNICIPALITY SHOULD
 10:17:58 NOT -- I WOULD SUBMIT THAT ANY MUNICIPALITY SHOULD HAVE A
 10:18:04 CHAMBER AS ONE OF THE ELEMENTS OF THE INFRASTRUCTURE OF A
 10:18:10 MUNICIPALITY.
 10:18:13 >>Mayor Errington: OKAY.
 10:18:13 ANY OTHER COMMENTS OR QUESTIONS?
 10:18:18 >>Jim Ward: CAN I MAKE THE MOTION PLEASE?
 10:18:21 >>Carol Sacco: YOU HAVE TO GET PUBLIC COMMENT.
 10:18:22 >>Mayor Errington: WAIT.
 10:18:24 WAIT A MINUTE.
 10:18:25 >>Carol Sacco: WE HAVE NONE.
 10:18:26 BUT WE HAVE TO GO THROUGH THE STEPS.
 10:18:29 >>Jim Ward: I WOULD LIKE TO MAKE THE MOTION THAT WE SUPPORT
 10:18:31 THE CHAMBER OF COMMERCE WITH THE ADDITIONAL 12,500 SUPPORT.

10:18:36 >>Jim Boesch: I'LL SECOND IT.

10:18:37 >>Mayor Errington: THE MOTION HAS BEEN MADE BY COUNCIL
 10:18:38 MEMBER JIM WARD AND SECONDED BY COUNCIL MEMBER JIM BOESCH.
 10:18:43 >>Joanne Ribble: NO.
 10:18:46 >>Larry Fiesel: YEAH.
 10:18:48 >>Jim Boesch: AYE.
 10:18:49 >>Jim Ward: AYE.
 10:18:51 >>Jim Wilson: AYE.
 10:18:53 >>Vice-Mayor McLain: AYE.
 10:18:55 >>Mayor Errington: AYE.
 10:18:56 OKAY.
 10:19:00 THANK YOU.
 10:19:01 >> THANK YOU VERY MUCH.
 10:19:10 >>Mayor Errington: ITEM NUMBER 7B IS RESOLUTION NUMBER
 10:19:15 2022-35, CONFIRMING THE APPOINTMENT OF ROBERT M.
 10:19:20 ESCHENFELDER, ESQUIRE, AS VILLAGE ATTORNEY.
 10:19:25 MADAM CLERK, WOULD YOU PLEASE READ THE RESOLUTION?
 10:19:27 >>Carol Sacco: RESOLUTION NUMBER 2022-35, A RESOLUTION
 10:19:32 CONFIRMING THE APPOINTMENT OF ROBERT M. ESCHENFELDER,
 10:19:35 ESQUIRE, WITH THE LAW FIRM OF TRASK DAIGNEAULT, LLP, AS
 10:19:41 VILLAGE ATTORNEY; AUTHORIZING VILLAGE MAYOR TO EXECUTE
 10:19:45 AGREEMENT AND PROVIDING AN EFFECTIVE DATE.
 10:19:47 >>Mayor Errington: THANK YOU.
 10:19:48 STEVE, WOULD YOU INTRODUCE THIS PLEASE?
 10:19:50 >>Steven Sarkozy: THANK YOU, MAYOR, MEMBERS OF COUNCIL.
 10:19:52 THIS ONE HAS BEEN HANGING OUT THERE FOR QUITE SOME TIME.

10:19:56 BACK IN MARCH OF THIS YEAR, BURT SAUNDERS, OUR LONGTIME CITY
 10:20:02 ATTORNEY, LEFT, AND THE COUNCIL DIRECTED STAFF TO ADVERTISE
 10:20:10 FOR THE POSITION OF VILLAGE ATTORNEY.
 10:20:13 THE COUNCIL ALSO ASKED FOR THE STAFF TO INTERVIEW AND THEN
 10:20:19 MAKE A RECOMMENDATION.
 10:20:20 THIS HAS BEEN HANGING OUT THERE FOR SOME TIME FOR A NUMBER
 10:20:24 OF REASONS.
 10:20:25 WE'VE BEEN SHORT STAFFED AND WE'VE ALSO BEEN DEALING WITH A
 10:20:29 NUMBER OF DIFFERENT ISSUES WITHIN OUR FINANCE OPERATIONS AND
 10:20:33 THEN, OF COURSE, HURRICANE IAN.
 10:20:35 AS AN INTERIM MOVE, THE STAFF RECOMMENDED AND COUNCIL
 10:20:41 ACCEPTED BOB PRITT AS OUR INTERIM VILLAGE ATTORNEY.
 10:20:46 AND BOB HAS DONE A GREAT JOB RESPONDING TO THE MANY THINGS
 10:20:50 WE'VE HAD OVER THE LAST SEVEN MONTHS.
 10:20:52 BUT TRYING TO GET BACK ON TRACK, WE'RE BRINGING TO YOU THE
 10:20:56 RECOMMENDATION OF ROBERT ESCHENFELDER.
 10:21:01 HE AND HIS FIRM WERE ONE OF THE FOUR FIRMS THAT SUBMITTED
 10:21:07 PROPOSALS BACK IN APRIL.
 10:21:10 ROBERT HAS A STRONG RECORD IN MUNICIPAL LEGAL AFFAIRS,
 10:21:19 MOSTLY UP IN MANATEE AND PINELLAS COUNTY.

10:21:24 HIS FIRM IS WELL ESTABLISHED UP THERE.
 10:21:30 HE HAS ALSO WORKED IN THIS AREA HAVING BEEN A STAFF ATTORNEY
 10:21:34 FOR FLORIDA GULF COAST UNIVERSITY.
 10:21:36 WE'VE USED ROBERT ON A COUPLE OF PRIVATE MATTERS DEALING
 10:21:42 WITH ISSUES OF THE VILLAGE HERE OVER THE PAST SEVERAL

 10:21:47 MONTHS, YEARS, ACTUALLY, AND ROBERT HAS PERFORMED VERY WELL
 10:21:50 IN THAT REGARD.
 10:21:51 SO ROBERT IS IN THE AUDIENCE, BUT THIS IS A COUNCIL
 10:21:56 APPOINTMENT BY THE CHARTER, AND I SUBMIT IT TO YOU WITH THE
 10:22:03 RECOMMENDATION FOR APPROVAL.
 10:22:04 BUT THIS IS YOUR CHOICE.
 10:22:05 >>Mayor Errington: THANK YOU.
 10:22:06 COUNCIL, ANY QUESTIONS, DISCUSSION?
 10:22:08 COMMENT.
 10:22:11 >>Jim Wilson: I READ WITH INTEREST THAT THE PROPOSAL OF THIS
 10:22:14 INDIVIDUAL AND HIS FIRM IS SUBSTANTIALLY LOWER HOURLY RATE
 10:22:18 THAN OUR PREVIOUS ATTORNEY.
 10:22:20 IT LOOKS LIKE WE MIGHT BE GETTING AN OUTSTANDING ATTORNEY
 10:22:23 AND SAVING MONEY.
 10:22:24 I THINK THAT'S GREAT.
 10:22:26 >>Mayor Errington: THANK YOU.
 10:22:27 ANY OTHER COMMENT?
 10:22:32 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
 10:22:35 >>Mayor Errington: NO E-COMMENTS EITHER.
 10:22:36 >>Carol Sacco: NO, MAYOR.
 10:22:38 >>Mayor Errington: I NEED A MOTION.
 10:22:40 MOTION MADE BY COUNCIL MEMBER JIM WILSON AND SECONDED BY
 10:22:44 COUNCIL MEMBER JOANNE RIBBLE.
 10:22:45 PLEASE CALL THE ROLL.
 10:22:48 >>Jim Wilson: AYE.

 10:22:49 >>Jim Ward: AYE.
 10:22:51 >>Jim Boesch: AYE.
 10:22:52 >>Larry Fiesel: AYE.
 10:22:54 >>Joanne Ribble: AYE.
 10:22:55 >>Vice-Mayor McLain: AYE.
 10:22:57 >>Mayor Errington: AYE.
 10:22:58 WILL YOU PLEASE STAND UP SO WE KNOW WHO YOU ARE?
 10:23:03 WE'VE MET YOU.
 10:23:08 >>Robert Eschenfelder: YOU HAVE, MAYOR, VICE-MAYOR, COUNCIL
 10:23:10 MEMBERS, I'M VERY HONORED TO BECOME YOUR NEXT VILLAGE
 10:23:13 ATTORNEY, EVEN THOUGH MY ALLERGIES HAVE ME WITH A BAD VOICE
 10:23:19 TODAY.
 10:23:20 I'VE BEEN DOING MUNICIPAL LAW SINCE 1994, AND I'VE NEVER
 10:23:24 SEEN A COMMUNITY WITH AS LASER FOCUS THAT YOU ALL HAVE OF
 10:23:28 WHAT YOU WANT THIS COMMUNITY TO BE AND WHERE YOU WANT IT TO
 10:23:31 GO.

10:23:31 AND I'VE HAD GREAT PLEASURE WORKING WITH YOUR MANAGER AND
 10:23:37 YOUR STAFF.
 10:23:38 IT'S ACTUALLY BEEN SINCE 2018 THAT WE'VE WORKED TOGETHER, SO
 10:23:41 IT'S BEEN SOME YEARS NOW.
 10:23:43 BUT I'M VERY CONFIDENT THAT MY FIRM AND I ARE GOING TO HAVE
 10:23:46 A GREAT OPPORTUNITY TO HELP YOU GUYS MOVE THE AGENDA YOU
 10:23:51 HAVE FOR ESTERO FORWARD IN THE YEARS TO COME.
 10:23:53 VERY HONORED AND THANK YOU VERY MUCH.
 10:23:56 >>Mayor Errington: THANK YOU.

10:23:57 BOB PRITT, THANK YOU FOR YOUR -- WHAT YOU'VE DONE FOR THE
 10:24:01 VILLAGE HERE IN THE INTERIM, HELPING US OUT.
 10:24:04 THANK YOU VERY, VERY MUCH.
 10:24:05 WE GREATLY APPRECIATE IT.
 10:24:08 >>Steven Sarkozy: THE TRANSITION DOESN'T OCCUR UNTIL THE
 10:24:10 FIRST OF THE YEAR OR MIDDLE OF DECEMBER.
 10:24:13 BUT WE'RE PLANNING AN ORDERLY TRANSITION.
 10:24:16 BUT I THINK WE OWE A SPECIAL THANKS TO BOB PRITT AND I WOULD
 10:24:21 EVEN LIKE TO SUBJECTING THAT WE HAVE A LITTLE PARTY FOR HIM
 10:24:24 AFTER THE NEXT MEETING OR SOMETHING JUST TO SAY THANK YOU.
 10:24:28 >>Mayor Errington: HE DOESN'T LIKE PARTIES.
 10:24:29 >>Steven Sarkozy: I KNOW.
 10:24:30 [LAUGHTER]
 10:24:32 >>Mayor Errington: ALL RIGHT.
 10:24:33 IF YOU INSIST.
 10:24:34 >>Steven Sarkozy: IF WE HAVE CAKE OR SOMETHING, HE WOULD
 10:24:37 COME.
 10:24:37 >>Mayor Errington: THANK YOU.
 10:24:38 THANK YOU VERY MUCH.
 10:24:38 ITEM NUMBER 7C ON THE AGENDA IS RESOLUTION NUMBER 2022-36
 10:24:52 APPROVING THE FINAL BUDGET AMENDMENT FOR FISCAL YEAR
 10:24:56 2021-2022.
 10:24:57 MADAM CLERK, WILL YOU PLEASE READ THE RESOLUTION?
 10:25:01 >>Carol Sacco: RESOLUTION NUMBER 2022-36, A RESOLUTION OF
 10:25:06 THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA,

10:25:08 APPROVING THE FINAL BUDGET AMENDMENT FOR FISCAL YEAR
 10:25:11 2021-2022; AND PROVIDING AN EFFECTIVE DATE.
 10:25:15 >>Mayor Errington: THANK YOU.
 10:25:16 STEVE?
 10:25:17 >>Steven Sarkozy: THANK YOU, MAYOR, MEMBERS OF COUNCIL.
 10:25:20 THIS ITEM IS REALLY REQUIRED BY STATE STATUTES TO MAKE SURE
 10:25:24 THAT WE TRUE UP OUR YEAR-END BUDGET AND TYPICAL OF WHAT WE
 10:25:31 DO, WE DO A YEAR-END BUDGET AMENDMENT THAT REALLOCATES MONEY
 10:25:37 WITHIN THE BUDGET TO VARIOUS LINE ITEMS SO WE DON'T SPEND
 10:25:42 OVER -- BUDGETS.
 10:25:43 THERE IS NO INCREASE IN THE BUDGET.
 10:25:45 THERE IS NO INCREASE IN THE TAX RATE, OF COURSE, THAT

10:25:49 REQUIRES COUNCIL ACTION.
 10:25:51 THIS IS SIMPLY REAPPORTIONING DOLLARS WITHIN THE BUDGET.
 10:25:58 AND SPECIFICALLY, WE HAVE ADDITIONAL REVENUE THAT THIS WILL
 10:26:02 REFLECT FROM THE AMERICAN RESCUE PLAN ACT OF \$8,482,207.
 10:26:10 WE'VE TRANSFERRED, AS YOU KNOW, 17.2 MILLION FROM OUR DEBT,
 10:26:18 RETIREMENT RESERVE FUND TO PAY OFF OUR DEBT.
 10:26:20 THAT WAS A SIGNIFICANT ACCOMPLISHMENT ON THE FINANCIAL FRONT
 10:26:25 IN THIS LAST YEAR.
 10:26:26 AND THEN WE HAVE ADDITIONAL CAPITAL PROJECTS OF \$10,448,000.
 10:26:32 THAT, AGAIN, REFLECT IN THE FINANCIAL ACCOUNTING, THE FORMAL
 10:26:42 ACTIONS BY THE VILLAGE COUNCIL TO APPROVE CERTAIN CAPITAL
 10:26:44 PROJECTS.
 10:26:45 THIS IS REALLY A RATHER ROUTINE ITEM, BUT OUR NEW FINANCE

 10:26:52 DIRECTOR IS HERE, KEVIN GREENVILLE, SHOULD YOU HAVE ANY
 10:26:57 QUESTIONS.
 10:26:58 BUT I CAN ASSURE YOU THIS HAS BEEN REVIEWED AND COMES TO YOU
 10:27:02 WITH A RECOMMENDATION FOR APPROVAL.
 10:27:03 >>Mayor Errington: THANK YOU.
 10:27:04 BEFORE I CALL ON COUNCIL, THIS IS A SEGUE INTO, WE JUST
 10:27:08 RECEIVED NOTICE FROM THE LEE COUNTY DELEGATION FOR WHAT WE
 10:27:14 WANT TO REQUEST.
 10:27:15 THIS WOULD BE A PERFECT TIME, I THINK, FOR US -- BECAUSE
 10:27:21 PART OF THAT MONEY IN THIS WAS FROM LAST YEAR FROM WHAT WE
 10:27:24 RECEIVED FROM THE STATE.
 10:27:26 WE JUST GOT THIS LATE.
 10:27:28 WE HAVE TO HAVE IT IN BY NOVEMBER THE 30th.
 10:27:33 >>Steven Sarkozy: WE'RE SCRAMBLING ON THAT, YES.
 10:27:36 >>Mayor Errington: IT'S SUCH A LATE NOTICE.
 10:27:37 NOW, THAT'S A COUNCIL DAY WHEN THEY ARE MEETING.
 10:27:40 YOU KNOW THAT, DECEMBER THE 7.
 10:27:43 SO WE HAVE TO FIND SOMEBODY TO REPRESENT US.
 10:27:45 WE'LL MOVE ON WITH THIS, THOUGH.
 10:27:48 >>Steven Sarkozy: WELL, THERE ARE ALSO OTHER GRANT FUNDS
 10:27:50 THAT WE'RE IDENTIFYING RELATED TO HURRICANE IAN RECOVERY.
 10:27:54 AND WE ARE KEEPING OUR EYES ON ALL OF THAT TO TRY TO PROVIDE
 10:28:01 RELIEF, AND NOT ONLY SUPPORT PROJECTS THAT WE HAVE, BUT
 10:28:05 RELIEF IN RESPONSE TO THE HURRICANE.
 10:28:07 THERE'S A LOT OF DAMAGE OUT THERE AND A LOT OF PROJECTS THAT

 10:28:10 WE'VE BEEN DOING THAT WE MAY TRY TO PUSH FORWARD.
 10:28:15 MY SUGGESTION WOULD BE JUST IN GENERAL THAT THE YEAR 2023-24
 10:28:21 BE THE YEAR OF UTILITY EXTENSIONS, SEPTIC TO SEWER.
 10:28:31 WE'RE ONE OF THE FEW COMMUNITIES THAT IS ACTUALLY IN FINAL
 10:28:33 DESIGN FOR ALL OF THE CONVERSION OF OUR AREAS FROM SEPTIC
 10:28:37 SYSTEMS TO SEWER AND THE PROVISION OF POTABLE WATER,
 10:28:43 DOMESTIC WATER THROUGH ALL OF OUR COMMUNITIES.
 10:28:47 AND THIS IS AN IDEAL TIME TO DO THAT, TO BENEFIT

10:28:52 PARTICULARLY THOSE AREAS IMPACTED BY IAN.
 10:28:55 >>Mayor Errington: THANK YOU.
 10:28:56 BACK TO THE ORIGINAL COMMENT ON RESOLUTION NUMBER 2022-36.
 10:29:04 COUNCIL, DO YOU HAVE ANY QUESTIONS OR ANY COMMENTS TO MAKE?
 10:29:09 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
 10:29:12 >>Mayor Errington: I NEED A MOTION THEN.
 10:29:13 MOTION MADE BY COUNCIL MEMBER FIESEL AND SECONDED BY COUNCIL
 10:29:21 MEMBER BOESCH.
 10:29:22 PLEASE CALL THE ROLL.
 10:29:24 >>Joanne Ribble: AYE.
 10:29:26 >>Larry Fiesel: AYE.
 10:29:27 >>Jim Boesch: AYE.
 10:29:29 >>Jim Ward: AYE.
 10:29:30 >>Jim Wilson: AYE.
 10:29:32 >>Vice-Mayor McLain: AYE.
 10:29:33 >>Mayor Errington: AYE.
 10:29:34 THANK YOU.

10:29:36 ITEM NUMBER 8A, QUASI-JUDICIAL.
 10:29:44 SECOND READING AND PUBLIC HEARING OF ORDINANCE NUMBER
 10:29:47 2022-11.
 10:29:49 I'LL TURN THIS OVER TO NANCY STROUD, OUR LAND USE ATTORNEY.
 10:29:54 NANCY?
 10:29:54 >>Nancy Stroud: GOOD MORNING, COUNCIL.
 10:29:56 AND LADIES AND GENTLEMEN, THIS MORNING'S AGENDA HAS SECOND
 10:30:01 READING ON ORDINANCE 2022-11 FOR THE COUNCIL'S DECISION.
 10:30:08 AND IN THIS MATTER, THE COUNCIL SITS IN A QUASI-JUDICIAL
 10:30:11 CAPACITY.
 10:30:12 SO THE DECISION WHETHER OR NOT TO APPROVE THE ORDINANCE LIKE
 10:30:15 ALL QUASI-JUDICIAL ITEMS, MUST BE BASED ON THE CRITERIA IN
 10:30:18 THE LAND DEVELOPMENT CODE AND ON THE SUBSTANTIAL COMPETENT
 10:30:23 EVIDENCE THAT'S PRESENTED AT THE HEARING.
 10:30:25 IF ANYONE INTENDS TO PROVIDE TESTIMONY AT TODAY'S
 10:30:28 QUASI-JUDICIAL HEARING, THAT PERSON MUST BE SWORN IN BY
 10:30:32 MADAM CLERK IN A MOMENT AND SHOULD ALSO FILL OUT A PUBLIC
 10:30:36 SPEAKER'S CARD AND GIVE IT TO THE CLERK BEFORE SPEAKING.
 10:30:39 PLEASE BE ADVISED THAT ANY PERSON WHO PROVIDES TESTIMONY ON
 10:30:42 ANY ITEM MAY BE SUBJECT TO CROSS-EXAMINATION.
 10:30:46 THE GENERAL PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE
 10:30:49 WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO DIRECT
 10:30:53 QUESTIONS ON THEIR BEHALF TO EITHER STAFF OR THE APPLICANT.
 10:30:56 THE APPLICANT AND THE VILLAGE STAFF MAY CROSS-EXAMINE
 10:31:00 WITNESSES.

10:31:00 AND, OF COURSE, THE COUNCIL MEMBERS MAY ASK QUESTIONS OF ANY
 10:31:04 WITNESS.
 10:31:04 FURTHER DETAILS OF THE QUASI-JUDICIAL PROCEDURES MAY BE
 10:31:08 OBTAINED FROM THE CLERK, BUT IN GENERAL AFTER THE CLERK

10:31:12 SWEARS IN WITNESSES, WE FIRST HEAR AN INTRODUCTION FROM THE
 10:31:16 VILLAGE COMMUNITY DEVELOPMENT DIRECTOR, MARY GIBBS, AND THEN
 10:31:18 THE APPLICANT ADDRESSES THE COUNCIL.
 10:31:21 MARY WILL THEN BE CALLED UPON FOR ANY FURTHER TESTIMONY.
 10:31:26 AFTER THIS, THE MAYOR WILL ALLOW THE PUBLIC WHO HAS BEEN
 10:31:31 SWORN IN TO PROVIDE TESTIMONY AND THE PUBLIC COMMENTS SHOULD
 10:31:35 BE CONCISE.
 10:31:36 THEY ARE LIMITED TO THREE MINUTES PER PERSON.
 10:31:39 SO, FINALLY, IF ANY OF THE COUNCIL MEMBERS HAVE HAD EX PARTE
 10:31:43 COMMUNICATIONS ABOUT THIS MATTER, THAT IS THE MILAN VILLAS
 10:31:47 REZONING, WHEN WE GET INTO THIS ITEM, THE COUNCIL MEMBER
 10:31:52 WILL NEED TO DISCLOSE THE SUBJECT MATTER OF THAT
 10:31:55 COMMUNICATION AND THE PERSON TO WHOM THE COUNCIL MEMBER
 10:31:57 SPOKE.
 10:31:58 AND IF THE COUNCIL MEMBER HAS A CONFLICT OF INTEREST ON THIS
 10:32:02 MATTER, THE MEMBER MUST DISCLOSE THE CONFLICT AND RECUSE
 10:32:06 HIMSELF OR HERSELF FROM PARTICIPATION IN THE DISCUSSION OR
 10:32:09 THE VOTING.
 10:32:10 >>Mayor Errington: THANK YOU.
 10:32:11 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
 10:32:16 >>Carol Sacco: YES, MAYOR.

 10:32:16 >>Mayor Errington: WILL YOU PLEASE READ THE TITLE OF THE
 10:32:18 ORDINANCE?
 10:32:19 >>Carol Sacco: ORDINANCE NUMBER 2022-11, AN ORDINANCE OF THE
 10:32:26 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, REZONING
 10:32:29 A 10-ACRE PROPERTY AT THE NORTHWEST CORNER OF THREE OAKS
 10:32:32 PARKWAY AND WILLIAMS ROAD FROM COMMERCIAL PLANNED
 10:32:35 DEVELOPMENT TO RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING
 10:32:37 FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN
 10:32:41 EFFECTIVE DATE.
 10:32:43 >>Mayor Errington: THANK YOU.
 10:32:44 WILL ALL THOSE WHO INTEND TO TESTIFY ON THIS ITEM STAND AND
 10:32:48 RAISE YOUR RIGHT HAND AND OUR CLERK WILL ADMINISTER THE
 10:32:52 OATH.
 10:32:52 >>Carol Sacco: DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE
 10:32:55 TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?
 10:32:58 >>Mayor Errington: THANK YOU.
 10:32:58 COUNCIL MEMBERS, ANY EX PARTE DISCLOSURES OR CONFLICTS OF
 10:33:02 INTEREST?
 10:33:04 >> NO.
 10:33:05 >> NO.
 10:33:05 >> NONE.
 10:33:05 >>Mayor Errington: NONE.
 10:33:06 >> NONE.
 10:33:07 >> NONE.
 10:33:08 >>Mayor Errington: GOOD.

10:33:08 MADAM CLERK, ANY LETTERS OR OTHER WRITTEN COMMUNICATIONS
 10:33:14 THAT HAVE BEEN RECEIVED?
 10:33:15 >>Carol Sacco: I'LL DEFER THAT TO MARY.
 10:33:17 THERE ARE NONE.
 10:33:18 >>Mayor Errington: NONE.
 10:33:21 OKAY.
 10:33:21 I WILL NOW CALL THE COMMUNITY DIRECTOR -- DEVELOPMENT
 10:33:24 DIRECTOR TO THE PODIUM TO INTRODUCE THE ITEM TO THE COUNCIL.
 10:33:28 >>Mary Gibbs: GOOD MORNING AGAIN, COUNCIL.
 10:33:30 THIS IS THE MILAN VILLAS REZONING AND AS THE CLERK SAID,
 10:33:34 IT'S BEEN REZONED FROM COMMERCIAL TO A RESIDENTIAL PLANNED
 10:33:37 DEVELOPMENT.
 10:33:38 THEY ARE PROPOSING A SMALL SUBDIVISION, 44 UNITS ON THE
 10:33:43 10-ACRE TRACT.
 10:33:44 IT'S LOCATED ON WILLIAMS ROAD AT THE NORTHWEST CORNER OF
 10:33:48 THREE OAKS AND WILLIAMS.
 10:33:49 IT'S ADJACENT TO THE LAKES OF ESTERO ACROSS THE STREET FROM
 10:33:52 THE BROOKS.
 10:33:53 THIS WAS ACTUALLY HEARD AT YOUR LAST MEETING ON OCTOBER
 10:33:58 19th.
 10:33:59 IT WAS CONTINUED BECAUSE THE COUNCIL HAD SOME QUESTIONS AND
 10:34:02 YOU HAD SOME THINGS THAT YOU WANTED ADDITIONAL INFORMATION
 10:34:07 ON.
 10:34:07 SO JUST TO REFRESH YOU, I THINK THE CONCERNS BROUGHT UP, YOU
 10:34:11 ASKED ABOUT THE LANDSCAPING AND THE VISIBILITY OF THE

 10:34:14 PROJECT FROM THREE OAKS PARKWAY AND POTENTIAL NOISE THAT
 10:34:18 MIGHT COME FROM THE TRAFFIC, AND THERE WAS A QUESTION OF
 10:34:21 WHETHER THE APPLICANT SHOULD DO A WALL INSTEAD OF THE
 10:34:25 LANDSCAPING OR SOME KIND OF COMBINATION OF WALL AND
 10:34:28 LANDSCAPING TO BLOCK THE VIEW FROM THE ROAD AND HELP TO
 10:34:31 REDUCE THE NOISE FROM THE TRAFFIC ON THREE OAKS.
 10:34:34 AND THEN THERE WAS ALSO A QUESTION ABOUT THE MATERIALS THAT
 10:34:38 WERE GOING TO BE USED ON THE ROOF, IF IT WAS GOING TO BE
 10:34:41 SHINGLE OR COULD IT BE TILE ROOF TO BE COMPATIBLE WITH OTHER
 10:34:44 DEVELOPMENTS IN THE AREA, WHICH YOU GOT THE LAKES OF ESTERO
 10:34:47 AND THE BROOKS, WHICH HAVE THE TILE ROOFS.
 10:34:51 SO THOSE WERE THE MAIN QUESTIONS THAT YOU HAD BROUGHT UP AT
 10:34:56 THAT MEETING.
 10:34:57 AND THEN THE COUNCIL, I THINK YOU WANTED TO MAKE SURE THAT
 10:35:01 IT WAS COMPATIBLE.
 10:35:02 SO SUBSEQUENT TO THAT COUNCIL MEETING, THE STAFF, ME, I MET
 10:35:07 WITH THE APPLICANT TO LOOK AT POSSIBLE OPTIONS.
 10:35:10 THEY WERE GOING TO COME BACK AND PRESENT A COUPLE OF OPTIONS
 10:35:12 TO YOU THAT RELATE TO THE LANDSCAPING AND THE WALL.
 10:35:18 THEY HAVE THE PROPOSAL IN THE PowerPoint AND THEY'LL GO
 10:35:21 OVER THAT IN MORE DETAIL TODAY.
 10:35:24 I THINK THEY PREFER THE LANDSCAPE PROPOSAL, BUT THEY ARE

10:35:26 GOING TO EXPLAIN A LITTLE BIT ABOUT WHAT'S INVOLVED IN THE
 10:35:29 LANDSCAPING, WHAT'S INVOLVED IN THE WALL, AND ABOUT THE COST
 10:35:32 FACTORS.

10:35:33 IF YOU DON'T HAVE ANY QUESTIONS FOR ME, I CAN TURN IT OVER
 10:35:36 TO THE APPLICANT.
 10:35:38 >>Mayor Errington: ANY QUESTIONS FROM COUNCIL?
 10:35:42 >>Mary Gibbs: I THINK DAN DELISI I THINK WILL BE THE FIRST
 10:35:46 SPEAKER.
 10:36:00 >>Daniel DeLisi: THANK YOU.
 10:36:00 FOR THE RECORD, DAN DELISI.
 10:36:04 I AM THE LAND USE PLANNING CONSULTANT FOR THE APPLICANT, DR
 10:36:06 HORTON.
 10:36:07 OF COURSE, NEALE MONTGOMERY IS HERE WITH ME AND AFTERWARDS,
 10:36:13 AFTER I SPEAK, WE'LL HAVE KRISTEN PETRY, WHO IS THE
 10:36:19 LANDSCAPE ARCHITECT, GET UP AND DO THE BULK OF THIS
 10:36:22 PRESENTATION.
 10:36:22 I'M GOING TO GIVE A QUICK BACKGROUND OF WHERE WE WERE LAST
 10:36:29 MEETING, AND THEN WE'LL JUST GET INTO THE MEET OF IT.
 10:36:32 AS MARY SAID, THE PROPERTY IS LOCATED AT THE INTERSECTION OF
 10:36:38 WILLIAMS AND THREE OAKS.
 10:36:39 JUST AS A REMINDER, THIS WAS AN ACTIVE CITRUS GROVE UNTIL
 10:36:43 THE EARLY 2000s.
 10:36:46 RIGHT NOW, YOU CAN STILL SEE THE ROWS, IF YOU LOOK CAREFULLY
 10:36:51 AT THE FORESTED AREA, IT'S NOT A NATURAL FOREST, IF YOU
 10:36:56 WILL, BUT IT IS AN OVERGROWN FORMER CITRUS GROVE.
 10:36:58 IT'S A TEN-ACRE SITE, AS MARY SAID, FOR 44 UNITS.
 10:37:04 IT'S NOT A LARGE DEVELOPMENT.
 10:37:05 WE ARE HAVING SIDEWALKS ON BOTH SIDES OF THE STREET.

10:37:07 THE IDEA IS FOR IT TO BE A SMALL WALKABLE NEIGHBORHOOD.
 10:37:13 IT IS CONSISTENT WITH THE COMPREHENSIVE PLAN.
 10:37:16 THIS IS IN THE VILLAGE NEIGHBORHOOD 2 LAND USE CATEGORY.
 10:37:19 THERE WAS A LOT OF DISCUSSION AT THE BEGINNING OF THIS
 10:37:21 MEETING ABOUT THE COMPREHENSIVE PLAN.
 10:37:24 YOU HAVE A LOT OF POLICIES IN THERE THAT TALK ABOUT
 10:37:27 DIVERSITY OF HOUSING TYPES AND DIVERSITY OF STYLE.
 10:37:34 WHAT I SUBMIT TO YOU IS THIS REQUEST IS CONSISTENT WITH YOUR
 10:37:38 COMPREHENSIVE PLAN AND FOR THIS AREA, VILLAGE NEIGHBORHOOD
 10:37:43 TWO AS I MENTIONED LAST TIME IS DISTINCT FROM VILLAGE
 10:37:46 NEIGHBORHOOD ONE.
 10:37:46 IT JUST ALLOWS A SLIGHTLY HIGHER DENSITY OF DEVELOPMENT.
 10:37:50 WE'RE NOT ASKING FOR THAT HIGHER DENSITY, BUT WE ARE ASKING
 10:37:54 FOR A LITTLE OVER FOUR UNITS AN ACRE, WHICH IS WELL WITHIN
 10:37:57 THE DENSITY RANGE ALLOWED IN THIS LAND USE CATEGORY.
 10:38:00 SO WITH THAT, LET'S JUST JUMP RIGHT INTO THE DISCUSSION
 10:38:09 ABOUT LANDSCAPE ARCHITECT, THE BUFFER, RATHER.
 10:38:15 >>Jim Wilson: CAN I ASK A QUESTION ABOUT THE LAYOUT?

10:38:20 >>Mayor Errington: USUALLY WE DON'T, BUT WE CAN ALLOW -- IS
 10:38:24 THAT PROPER?
 10:38:25 OKAY.
 10:38:25 GO AHEAD.
 10:38:25 >>Jim Wilson: IN THIS PLAN THAT WE'RE SEEING HERE, IT SHOWS
 10:38:31 THAT YOUR PARCEL IS IMMEDIATELY ADJACENT TO COLONIAL OAKS, A
 10:38:36 DRIVE BY OF THAT AREA SHOWS THAT THERE'S A SINGLE-FAMILY

HOME WITH A DRIVEWAY GOING BACK IN THAT APPEARS TO BE NEXT
 10:38:44 TO OR NEAR COLONIAL OAKS.
 10:38:47 AM I CONFUSED OR IS THAT PART OF YOUR PROPOSAL?
 10:38:49 >>Daniel DeLisi: COLONIAL OAKS IS ON RIVER RANCH ROAD, SO
 10:38:55 IT'S TO THE NORTH, BUT IT'S ALSO TO THE WEST.
 10:38:58 IF I REMEMBER CORRECTLY -- YEAH, COLONIAL OAKS IS THIS ONE
 10:39:08 -- HERE WE GO.
 10:39:09 YEAH, THIS IS COLONIAL OAKS RIGHT HERE.
 10:39:12 SO WHAT ARE YOU ASKING?
 10:39:14 >>Jim Wilson: I'M SAYING AT THE VERY TOP OR NORTHERN PORTION
 10:39:20 OF YOUR YELLOW LINE GOING ACROSS IT LOOKS LIKE IT GOES PAST
 10:39:24 WHERE I THOUGHT THIS HOUSE WAS.
 10:39:28 I'M JUST ASKING WHETHER THE HOUSE WAS INCLUDED IN THE TEN
 10:39:32 ACRES THAT'S BEING DEVELOPED?
 10:39:34 >>Daniel DeLisi: IT IS NOT, NO.
 10:39:35 COLONIAL OAKS IS A SEPARATE PROJECT ENTIRELY.
 10:39:40 >>Jim Wilson: THAT I UNDERSTAND.
 10:39:41 SO THE ANSWER IS YOU DON'T KNOW.
 10:39:46 >>Mayor Errington: I DROVE BY THERE, AND THAT HOUSE IS RIGHT
 10:39:50 WHERE YOU'RE TALKING ABOUT.
 10:39:54 >> NOT PART OF COLONIAL OAKS.
 10:39:55 >>Mayor Errington: BUT COLONIAL OAKS IS ON THREE OAKS
 10:39:58 PARKWAY.
 10:40:00 SO THERE IS A HOUSE THERE.
 10:40:06 WHERE DOES THIS PROPERTY START FROM THAT HOUSE?

THERE IS A SINGLE-FAMILY HOME BACK THERE.
 10:40:11 >>Daniel DeLisi: I THINK WHAT YOU'RE TALKING ABOUT IS THIS
 10:40:13 HOUSE HERE, RIGHT HERE ON THE FAR RIGHT WHERE MY MOUSE IS.
 10:40:20 THAT GRAY AREA OFF THE GREEN.
 10:40:28 >>Jim Wilson: THE CONFUSING PART WAS THE PROPERTY LOCATION
 10:40:31 MAP WHICH SHOWS YOUR YELLOW BOX GOING ALL THE WAY, RIGHT TO
 10:40:36 THE EDGE OF COLONIAL, AND THAT'S WHY I WAS CONFUSED.
 10:40:39 NOW I UNDERSTAND.
 10:40:40 >>Mayor Errington: SO THAT HOUSE WILL REMAIN.
 10:40:41 >>Daniel DeLisi: YES.
 10:40:42 THAT'S NOT PART OF OUR DEVELOPMENT.
 10:40:46 >>Larry Fiesel: CAN YOU BACK UP TO THAT YELLOW BOXED AREA
 10:40:48 THAT YOU HAD?
 10:40:49 RIGHT THERE.

10:40:51 I THINK IF I'M UNDERSTANDING CORRECTLY, ABOUT MIDWAY OF THAT
 10:40:58 YELLOW RECTANGLE, THERE IS A LITTLE WHITE DRIVEWAY THAT
 10:41:02 COMES BACK IN THERE.
 10:41:03 THERE IS A HOUSE BACK THERE RIGHT NOW.
 10:41:04 >>Daniel DeLisi: THAT'S CORRECT.
 10:41:05 SO THERE WAS A CARETAKER'S HOME, MR. WILLIAMS, WHO USED TO
 10:41:09 LIVE BACK THERE.
 10:41:10 >>Larry Fiesel: IT'S STILL THERE, ISN'T IT?
 10:41:12 >>Daniel DeLisi: I DON'T KNOW IF THE HOUSE IS STILL THERE.
 10:41:15 IT IS STILL THERE, YEAH.
 10:41:16 >>Larry Fiesel: THAT COMES OUT, OBVIOUSLY.

 10:41:18 >>Daniel DeLisi: IT DOES.
 10:41:20 >>Larry Fiesel: IS THAT THE HOUSE, JIM, THAT YOU WERE
 10:41:22 TALKING ABOUT?
 10:41:23 >>Jim Wilson: I'M NOT SURE.
 10:41:25 >>Larry Fiesel: IT'S IN THE WOODS.
 10:41:27 YOU CAN BARELY SEE IT.
 10:41:28 I THINK RIGHT THERE WHERE YOUR CURSOR IS, IS THE DRIVEWAY TO
 10:41:33 THAT HOUSE.
 10:41:34 I THINK COLONIAL OAKS IS JUST TO THE NORTH OF THAT AND IT'S
 10:41:38 A GATED COMMUNITY WITH AN ENTRANCE OFF OF THREE OAKS.
 10:41:41 >>Daniel DeLisi: THAT'S CORRECT, YEAH.
 10:41:44 >>Jim Wilson: THANK YOU.
 10:41:48 >>Daniel DeLisi: OKAY.
 10:41:50 ALL RIGHT, WHILE KRISTEN GETS UP, LET ME JUST SAY THAT WE'VE
 10:41:54 HAD A LOT OF DISCUSSION.
 10:41:56 WE HEARD THE COMMENTS AT THE LAST COUNCIL MEETING.
 10:41:59 WE GOT TOGETHER WITH OUR LANDSCAPE ARCHITECT, WITH STAFF TO
 10:42:04 TRY AND COME UP WITH TWO DIFFERENT OPTIONS FOR AN ENHANCED
 10:42:11 BUFFER.
 10:42:14 WE UNDERSTOOD THAT THE GOAL WAS TO BOTH PROTECT THE PRIVACY
 10:42:17 OF THE PEOPLE LIVING IN THE HOMES THAT WOULD BACK UP TO
 10:42:21 THREE OAKS AND ALSO TO CREATE A SCREENING FOR PEOPLE DRIVING
 10:42:27 ALONG THREE OAKS.
 10:42:28 WITH THAT, LET ME ASK KRISTEN TO COME UP AND WALK YOU
 10:42:33 THROUGH WHAT THE BUFFERS ARE THAT WE WOULD BE PROPOSING FOR

 10:42:38 THREE OAKS.
 10:42:46 >>Mayor Errington: GOOD MORNING.
 10:42:47 STATE YOUR NAME, PLEASE, FOR THE RECORD.
 10:42:49 >> GOOD MORNING, MAYOR ERRINGTON AND COUNCIL.
 10:42:51 THANK YOU SO MUCH FOR HAVING ME.
 10:42:53 I'M KRISTEN PETRY.
 10:42:55 I OWN PERGOLA LANDSCAPE ARCHITECTURE WITH MY HUSBAND JEFF,
 10:43:00 WHO IS ALSO HERE WITH US TODAY.
 10:43:02 I TELL YOU THAT BECAUSE OUR COMPANY RECENTLY CELEBRATED ITS
 10:43:06 22nd ANNIVERSARY, AND WE'RE DOWN IN NAPLES.

10:43:11 I HAVE BEEN WORKING IN LANDSCAPE ARCHITECTURE SINCE 1993
 10:43:19 WHEN I FINISHED GRADUATE SCHOOL ON PROJECTS LIKE MILAN
 10:43:23 VILLAS AND RECENTLY SPECIFICALLY SINCE SEPTEMBER 28th OF
 10:43:28 THIS YEAR I'VE BEEN HELPING PUT RESIDENTIAL COMMUNITIES,
 10:43:33 ALSO LIKE MILAN VILLAS, ON GULF SHORE BOULEVARD BACK
 10:43:36 TOGETHER IN THE AFTERMATH OF THE STORM.
 10:43:39 LET ME JUST SAY HOW EXCITED I AM TO BE HERE, AND I THINK
 10:43:45 THAT MR. LEVITAN'S AWARD SPEAKS TO WHAT A BRILLIANT PLACE
 10:43:52 ESTERO IS AND HOW FAR YOU'VE COME IN SUCH A SHORT PERIOD OF
 10:43:57 TIME.
 10:43:58 I'M REALLY EXCITED BECAUSE I BELIEVE THAT MILAN VILLAS
 10:44:03 REALLY COULD BE AN ASSET TO YOUR COMMUNITY.
 10:44:07 I COUNTED HOW MANY TIMES I HEARD YOU INDICATE QUALITY OF
 10:44:11 LIFE WHILE I WAS WATCHING THE FORMER PORTION OF THE MEETING,
 10:44:17 AND I COUNTED THREE TIMES.

10:44:20 THAT'S QUITE A LOT, AND I HEAR WHAT YOU SAY.
 10:44:25 I THINK DR HORTON AND I KNOW JEFF AND I HAVE THE SAME GOAL
 10:44:32 FOR YOU IN MIND ALSO.
 10:44:34 SO WITH THAT, I'LL BEGIN.
 10:44:36 I'M GOING TO READ PORTIONS OF THIS, NOT ALL OF IT, BUT I DO
 10:44:40 WANT TO MAKE SURE THAT I GET EVERYTHING IN.
 10:44:45 SO YOU UNDERSTAND REALLY HOW NICE, I THINK, AND HOW HARD
 10:44:49 WE'VE WORKED ON THESE BUFFERS TO MAKE SURE IT DOES PROVIDE A
 10:44:53 GOOD QUALITY OF LIFE, NOT JUST FOR THE PEOPLE WHO LIVE HERE,
 10:44:57 YOUR OWN CITIZENS, BUT YOUR GUESTS.
 10:45:01 WE THINK MILAN VILLAS WILL BE AN ASSET NOT JUST IN TERMS OF
 10:45:08 HOUSING BUT IN TERMS OF APPEARANCE.
 10:45:12 OVER THE LAST MONTH, WE FOCUSED HARD ON DESIGNING BUFFERS ON
 10:45:15 WILLIAMS ROAD AND THREE OAKS PARKWAY THAT CONTRIBUTE TO THE
 10:45:19 QUALITY OF LIFE, THE VILLAGE FABRIC, THE STREETScape, AND
 10:45:22 THE STORY THE VILLAGE TELLS ITS RESIDENTS AND VISITORS.
 10:45:27 WE KNOW THAT QUALITY OF LIFE IS YOUR GOAL, AND THE REASON
 10:45:31 YOU'VE CALLED FOR DRAWINGS TO LET YOU SEE WHAT THE BUFFERS
 10:45:36 LOOK LIKE AND HOW THEY WILL FUNCTION.
 10:45:38 SO, WITH THAT, I WANT TO TOUCH A LITTLE BIT ON WHAT THIS
 10:45:45 FIRST DRAWING IS SHOWING YOU.
 10:45:46 THIS IS THE PLANTING PLAN FOR THE BUFFERS, AND IT INDICATES
 10:45:50 WHERE WE'VE TAKEN SOME SECTIONS AND WHAT PORTIONS OF
 10:45:54 WILLIAMS ROAD AND THREE OAKS PARKWAY WE'LL BE LOOKING AT.
 10:45:58 I'M NOT VERY FAMILIAR WITH PowerPoints.

10:46:04 SO HERE'S THE CURSOR.
 10:46:06 THIS IS WHERE WE'RE GOING TO BE PULLING OUR SECTION AND
 10:46:10 LOOKING AT OUR LANDSCAPE ELEVATION ON THREE OAKS PARKWAY.
 10:46:14 AND THEN WE'RE GOING TO BE MOVING OVER HERE TO WILLIAMS ROAD
 10:46:17 WHERE, AGAIN, WE HAVE PULLED A CROSS-SECTION AND WE HAVE AN
 10:46:20 ELEVATION THAT WILL DEMONSTRATE WHAT THE BUFFER LOOKS LIKE.

10:46:25 BEFORE I MOVE ON FROM THIS PLAN SHEET, I WANT TO TALK TO YOU
 10:46:30 A LITTLE BIT ABOUT THE PLANTING PALETTE.
 10:46:32 ARE ANY OF YOU FAMILIAR WITH THE PLANTS THAT I HAVE HERE OR
 10:46:37 WOULD YOU LIKE ME TO GO OVER THEM WITH YOU A LITTLE BIT?
 10:46:40 I THINK THE MOST IMPORTANT PLANTS THAT YOU SHOULD BE AWARE
 10:46:47 OF ARE THE TREES, WHICH IS A BLACK OLIVE, AND THAT'S BEEN
 10:46:52 CHOSEN BECAUSE IT'S BIG AND FAT AND ROUND IN TERMS OF
 10:46:55 CANOPY, AND IT PROVIDES A GOOD OPAQUE BUFFER.
 10:46:58 TABEBUIA, WHICH IS A GOOD ACCENT TREE, BEAUTIFUL YELLOW
 10:47:03 FLOWERS IN THE SPRINGTIME.
 10:47:06 AND THEY ARE LOCATED IN SUCH A WAY THAT THE FLOWERS WILL
 10:47:10 FALL ON GROUND AREA, GRASS, SO IT WON'T BE SOMETHING THAT
 10:47:16 WILL BE MAKING A MESS ON THE SIDEWALK.
 10:47:18 THIS IS TRUE ALSO FOR THE BLACK OLIVE.
 10:47:20 PEOPLE ARE SOMETIMES CONCERNED THAT THEY CAN BE MESSY.
 10:47:23 ON WILLIAMS ROAD, WE'RE GOING TO BE USING RED MAPLES AND
 10:47:27 BUTTONWOOD TREES, WHICH I THINK ARE WONDERFUL CHOICES.
 10:47:30 THE MAPLE, BECAUSE IT HAS RED FOLIAGE, SO WE GET ACCENT
 10:47:36 COLOR FROM FOLIAGE RATHER THAN FROM FLOWERS, AND BOTH OF

 10:47:39 THOSE SPECIES ARE NATIVE.
 10:47:42 SO THAT'S A TERRIFIC THING TO BE ABLE TO DO IN TERMS OF
 10:47:46 SUSTAINABILITY AND IN TERMS OF GOOD GENERAL PRACTICE.
 10:47:50 I WON'T GO OVER ALL OF THE SHRUBS, EXCEPT FOR ONE.
 10:47:56 THE CLUSIA IS SOMETHING ABOVE AND BEYOND CODE THAT WE'RE
 10:48:02 TALKING ABOUT ADDING.
 10:48:03 THE FIRST OPTION THAT WE'RE GOING TO BE TALKING ABOUT IN
 10:48:06 TERMS OF BUFFERING IS AN ENHANCED BUFFER, AND WE'LL BE USING
 10:48:10 THAT CLUSIA BECAUSE IT IS VERY, VERY THICK.
 10:48:13 THE TEXTURE IS RELATIVELY ROUGH.
 10:48:17 IT HAS A PADDLE-SHAPED LEAF, AND IT CAN BE MAINTAINED AT ANY
 10:48:23 HEIGHT YOU'D LIKE IT TO BE MAINTAINED.
 10:48:25 SO IT GIVES GREAT FLEXIBILITY AND GREAT PRIVACY AT THE SAME
 10:48:30 TIME.
 10:48:31 SO, NOW WE'RE IN THAT FIRST LOCATION ON THREE OAKS PARKWAY,
 10:48:41 AND WHAT WE'RE SHOWING AT FIRST UP AT THE TOP RIGHT HERE IS
 10:48:48 WHAT THE PROJECT WILL LOOK LIKE WHEN IT IS INSTALLED.
 10:48:51 WE'LL HAVE A 16-FOOT TREE BEHIND AND WE WILL HAVE A 12-FOOT
 10:49:01 TREE IN FRONT.
 10:49:03 WE WILL HAVE A 4-FOOT CLUSIA UNDERNEATH THE TALLER TREE, AND
 10:49:08 WE WILL HAVE THE CODE DOUBLE STAGGERED HEDGEROW RIGHT THERE.
 10:49:16 IN FRONT.
 10:49:18 WE INDICATE A CAR DRIVING BY AND ALSO THERE IS A NICE WOMAN
 10:49:27 STANDING ON HER LANAI, AND SHE IS LOOKING OUT, AND THIS IS
 10:49:31 HER VIEW.

 10:49:34 IT COLLIDES WITH THE TREE AND IS BROKEN UP, AND THEN WE SEE
 10:49:39 THE SAME THING OCCURRING WITH THE CAR LOOKING BACK AT THE

10:49:44 PROJECT.
 10:49:46 AFTER THAT, IN I THINK IT WAS THREE YEARS' TIME, WE HAVE --
 10:49:56 AND ASSUMING TWO FEET OF GROWTH A YEAR, WE HAVE A 22-FOOT
 10:50:02 TREE IN THE BACK AND 18-FOOT TREE IN THE FRONT, A 10-FOOT
 10:50:07 CLUSIA UNDERNEATH, AND THEN THE COCOPLUM IN THE FRONT, WHICH
 10:50:13 IS THE DOUBLE STAGGERED HEDGEROW CAN BE MAINTAINED HOWEVER
 10:50:21 THE NEIGHBORHOOD SEES FIT TO MAINTAIN IT.
 10:50:23 AND AGAIN, WE LOOK AT WHERE WE ARE IN TERMS OF VIEW LINES,
 10:50:32 AND WE SEE THE CAR HERE, AND NOW THE PROJECT IS COMPLETELY
 10:50:36 SCREENED FROM VIEW.
 10:50:38 AND WHEN THE PROJECT IS LOOKING BACK AT THE ROAD, IT'S
 10:50:44 SCREENED FROM VIEW THAT WAY, TOO.
 10:50:45 SO IT'S EXTREMELY EFFECTIVE.
 10:50:48 IT'S BEAUTIFUL.
 10:50:49 IT HAS THE BIG FAT CANOPY THAT I DESCRIBED OF THE BLACK
 10:50:51 OLIVE.
 10:50:52 IT'S GOT THAT BEAUTIFUL YELLOW TABEBUIA.
 10:50:54 THE CHARTREUSEY, DENSE FOLIAGE OF THE CLUSIA HERE.
 10:51:01 AND THEN THAT NICE ALSO NATIVE SORT OF A WORKHORSE OF A
 10:51:06 COCOPLUM DOUBLE HEDGEROW.
 10:51:08 AND IF YOU LOOK HERE AT THE BOTTOM, IF YOU WERE STANDING
 10:51:13 ACROSS THE STREET LOOKING AT THE PROJECT, THIS IS WHAT IT
 10:51:15 WOULD LOOK LIKE.

 10:51:16 SO IN THREE YEARS' TIME, ALMOST THE ENTIRE ROOFLINE IS
 10:51:24 OBSCURED FROM VIEW.
 10:51:25 SO I THINK THIS IS PRETTY EFFECTIVE.
 10:51:28 IT'S PRETTY ATTRACTIVE.
 10:51:29 IT GOES TOWARDS THE QUALITY OF LIFE I THINK YOU'RE LOOKING
 10:51:31 FOR, AND I THINK IT'S RESTFUL AND BEAUTIFUL.
 10:51:37 NOW, HERE WE ARE ON WILLIAMS ROAD AND FOLLOWING THE VERY
 10:51:43 SAME TECHNIQUE, EXCEPT THE PLANTING PALETTE HAS CHANGED.
 10:51:46 WE WANT TO TRY TO USE DIVERSITY AND SHAKE IT UP A LITTLE
 10:51:50 BECAUSE IN TERMS OF DESIGN, THAT'S A GOOD THING TO DO.
 10:51:54 IT GIVES MORE INTEREST, AND SO WE HAVE RED MAPLE, AND THEN
 10:52:00 WE HAVE THE SILVER BUTTONWOOD AND UNDERNEATH THE CLUSIA.
 10:52:07 AND IN THIS CASE, WE HAVE A THING CALLED PANAMA ROSE, WHICH
 10:52:10 HAS LITTLE PINKISH FLOWERS.
 10:52:13 IN THREE YEARS' TIME, HERE WE ARE.
 10:52:17 WE'VE GOT A 20-FOOT RED MAPLE -- 22-FOOT RED MAPLE, 18-FOOT
 10:52:26 BUTTONWOOD, A 10-FOOT CLUSIA, AND THEN PANAMA ROSE
 10:52:31 MAINTAINED AT WHATEVER HEIGHT THE NEIGHBORHOOD SEES FIT TO
 10:52:34 MAINTAIN IT.
 10:52:35 WE TRAVEL ON DOWN HERE AGAIN TO THE ELEVATION.
 10:52:40 IF YOU STOOD ACROSS THE STREET FROM THE PROJECT ON WILLIAMS
 10:52:43 ROAD AND YOU LOOKED AT IT, THIS IS WHAT YOU WOULD SEE.
 10:52:45 I THINK IT'S QUITE BEAUTIFUL.
 10:52:48 I DID NEGLECT TO GO OVER THE VIEW LINES WITH YOU.

10:52:51 IF WE POP RIGHT BACK UP HERE AGAIN, WE HAVE OUR CAR AND OUR
 10:52:55 DRIVER LOOKS ACROSS, AND THIS IS WHAT HE SEES OR SHE SEES.
 10:52:59 SHE ONLY SEES A BEAUTIFUL LANDSCAPE, AND THAT IS ALSO WHAT,
 10:53:06 IN THIS CASE, IT'S NOT A LANAI.
 10:53:08 THAT'S GARAGE DOOR.
 10:53:12 IF SOMEONE IS STANDING IN THEIR DRIVEWAY, THEY LOOK OUT,
 10:53:15 THEY LOOK ACROSS THE DRY DETENTION AREA OR RETENTION,
 10:53:20 DETENTION, THIS IS WHAT SHE SEES.
 10:53:27 IN MY MIND, I WAS THINKING THE CIVIL ENGINEER IS BACK THERE
 10:53:30 AND SHE'S CRINGING BECAUSE I CAN'T REMEMBER THE DIFFERENCE
 10:53:32 BETWEEN RETENTION AND DETENTION.
 10:53:34 BUT SHE'S HERE.
 10:53:36 IF YOU NEED THAT CLARIFIED, SHE CAN DO THAT.
 10:53:39 SO I HOPE YOU FORGIVE ME FOR THAT.
 10:53:42 SO HERE WE ARE.
 10:53:44 WE THOUGHT WHAT WE MIGHT DO, A PICTURE IS WORTH A THOUSAND
 10:53:51 WORDS.
 10:53:51 ONE OF OUR TEAM MEMBERS DROVE AROUND AND LOOKED AT SOME
 10:53:57 EXAMPLES OF WHAT A LAYERED, OPAQUE PRIVACY HEDGE CAN LOOK
 10:54:04 LIKE.
 10:54:05 SO THIS ONE UP HERE SHOWS -- INDICATES AN IDEA THAT IS LIKE
 10:54:13 WHAT WE'RE SHOWING, BUT NOT AS NICE, IF I DO SAY SO.
 10:54:17 IT'S A LITTLE CLUMPY TOWARD THE FRONT.
 10:54:20 OURS WILL BE MORE COHESIVE.
 10:54:22 I THINK THERE WILL BE BETTER ACCENT COLOR, CHANGES IN
 10:54:31 TEXTURE, THINGS LIKE THAT.
 10:54:33 OURS WILL BE PRETTIER, BUT THIS IS THE SAME IDEAS IN TERMS
 10:54:35 OF WHAT YOU SEE AND WHAT YOU DON'T, WHICH ISN'T VERY MUCH.
 10:54:39 GOING ON, SAME THING HERE, ALTHOUGH THAT IS TWO-STORY
 10:54:46 PRODUCT BEHIND.
 10:54:48 BUT IT KIND OF GIVES YOU THE IDEA, THERE'S NO WALL THERE,
 10:54:52 AND IT'S VERY WELL COVERED.
 10:54:54 THIS ONE DOES HAVE A FENCE, AND YOU SEE IT SORT OF POKING
 10:55:00 THROUGH THERE.
 10:55:01 AND THEN HERE IT IS AGAIN.
 10:55:04 SO THIS IS KIND OF THE IDEA OF WHAT WE'RE TRYING TO ACHIEVE.
 10:55:11 JUST A NICE SOFT LANDSCAPE FEELING.
 10:55:19 SO HERE WE ARE.
 10:55:20 WE UNDERSTAND THAT YOU HAD CONCERNS ABOUT WHAT ARE PEOPLE
 10:55:24 SEEING, WHAT DO PEOPLE FEEL ABOUT A WALL.
 10:55:27 AND WE KNEW YOU DID WANT TO SEE A WALL.
 10:55:29 WE DID THAT.
 10:55:31 SO FOLLOWED THE SAME PROCEDURE.
 10:55:34 AND WE START UP AT THE TOP.
 10:55:37 WE DID BASICALLY CODE MINIMUM PLANTING BUT ALLOWING FOR THE
 10:55:42 WALL.

10:55:42 AND WE HAVE BROKEN UP THE DOUBLE-STAGGERED HEDGE.
 10:55:47 PUT ONE HALF OF IT ON ONE SIDE, ONE HALF ON THE OTHER, AND
 10:55:50 WE HAVE TREES IN A ROW.
 10:55:52 I THINK PER CODE IT'S EITHER 25 OR -- FORGIVE ME.
 10:55:58 I WOULD HAVE TO ZOOM IN, AND I DON'T THINK I HAVE THAT

 10:56:00 CAPABILITY AT THE TIME.
 10:56:01 IN ANY EVENT, IT IS A SOLDIERED ROW OF TREES.
 10:56:05 IN THIS CASE, IT'S TABEBUIA BECAUSE WE ARE ON THREE OAKS
 10:56:11 PARKWAY, AND THAT'S OUR PALETTE ON THAT SIDE.
 10:56:14 AND THEN WE GET TO THE POINT WHERE WE ARE AT THE THREE-YEAR
 10:56:22 MARK.
 10:56:23 WE HAVE NOW GROWN, AND SO WE CAN SEE WHAT WE SEE, WHICH IS
 10:56:30 THAT THE LADY, THE WOMAN IS ON HER LANAI.
 10:56:34 SHE LOOKS THROUGH.
 10:56:36 HER VIEW IS BAFFLED AND STOPPED BY THE CLUSIA AND THE CAR'S
 10:56:45 VIEW IS BAFFLED AND STOPPED BY THE WALL, SAME AS IT WAS BY
 10:56:52 THE HEDGE.
 10:56:54 AND THEN AT THE BOTTOM IT SHOWS YOU WHAT IT LOOKS LIKE.
 10:57:01 SO YOU HAVE SOMETHING TO COMPARE TO.
 10:57:05 WITH THAT, I GUESS WHAT I WOULD DO IS HAND IT TO DAN.
 10:57:12 >>Daniel DeLisi: BEFORE WE GET TO QUESTIONS, LET ME JUST --
 10:57:18 >>Mayor Errington: HE SAID BEFORE WE GET TO QUESTIONS.
 10:57:21 >>Daniel DeLisi: JUST A QUICK SUMMATION.
 10:57:24 TWO DIFFERENT OPTIONS.
 10:57:26 BOTH ARE ENHANCED OVER CODE.
 10:57:27 I THINK BOTH WILL PROVIDE A NICE BUFFER, AN OPAQUE
 10:57:36 SCREENING.
 10:57:36 OUR PREFERENCE, AND IT'S NOT A COST ISSUE, OUR PREFERENCE IS
 10:57:40 THE LANDSCAPED OPTION.
 10:57:44 AGAIN, IT'S ABOUT THE SAME COST BECAUSE AT THE LEVEL THAT

 10:57:49 WE'RE ENHANCING THE BUFFER, IT'S VERY COSTLY.
 10:57:54 IT JUST LOOKS BETTER.
 10:57:56 FROM MY HOUSE, I ACTUALLY AS A LANDSCAPE -- LANDSCAPED HEDGE
 10:58:04 TO DO SCREENING.
 10:58:05 I PLANTED CLUSIA.
 10:58:06 IT'S A GREAT HEDGE TO BLOCK OUT ALL VIEWS AND GIVE YOU THAT
 10:58:11 PRIVACY.
 10:58:11 WE'LL JUST LEAVE IT AT THAT.
 10:58:14 IF YOU HAVE ANY QUESTIONS, WE'RE ALL HERE TO ANSWER.
 10:58:16 >>Mayor Errington: WE DO.
 10:58:18 >>Neale Montgomery: BEFORE YOU ASK QUESTIONS FOR DAN, IF I
 10:58:20 COULD, JUST BY WAY -- MR. DELISI, ON PAGE 6 OF THE STAFF
 10:58:29 REPORT.
 10:58:30 >>Nancy Stroud: CAN I ASK, PLEASE, WHILE WE HAVE THE
 10:58:32 LANDSCAPE PERSON WHO HAS JUST MADE A PRESENTATION AND THE
 10:58:35 COUNCIL HAS SOME QUESTIONS, CAN WE DO HER FIRST AND THEN YOU

10:58:38 CAN COME BACK TO MR. DELISI?
 10:58:45 >> QUESTIONS?
 10:58:46 >>Mayor Errington: JIM.
 10:58:48 >>Jim Ward: IN THAT SLIDE THAT'S UP NOW AND YOU HAVE THE
 10:58:51 WOMAN THAT'S STANDING ON HER LANAI LOOKING OUT, I JUST WANT
 10:58:56 TO BE CLEAR, BECAUSE EARLIER YOU MADE REFERENCE TO THE WOMAN
 10:58:58 STANDING IN FRONT OF HER GARAGE.
 10:59:01 >> THAT WAS ON WILLIAMS.
 10:59:03 >>Jim Ward: TWO DIFFERENT PERSPECTIVES THERE.

 10:59:05 >> YES, SIR.
 10:59:06 >>Jim Ward: THIS WOMAN IS LOOKING EAST TOWARDS THREE OAKS
 10:59:09 AND ABOUT 82 FEET OF LANDSCAPE OR DEVELOPMENT BETWEEN HER
 10:59:15 AND THREE OAKS, IS THAT CORRECT?
 10:59:16 >> KRISTEN: YES.
 10:59:19 >>Jim Ward: THANK YOU.
 10:59:20 >>Mayor Errington: ANY OTHER QUESTIONS?
 10:59:22 JOANNE.
 10:59:22 >>Joanne Ribble: IN THE ORIGINAL DESIGN, IT INCLUDED A
 10:59:25 FENCE.
 10:59:26 ARE YOU ELIMINATING THE FENCE COMPLETELY IN THE LANDSCAPED
 10:59:30 DESIGN?
 10:59:31 >> KRISTEN: ACTUALLY, I HAVE THE FENCES THERE.
 10:59:35 IT'S SHOWN.
 10:59:36 LET ME SEE IF I CAN POINT TO IT FOR YOU.
 10:59:39 THAT'S IT, RIGHT THERE.
 10:59:40 THE FENCE WOULD BE IN BETWEEN.
 10:59:41 >>Joanne Ribble: WHERE THE WALL IS.
 10:59:45 >>Daniel DeLisi: JUST TO BE CLEAR, SO THAT WOULD BE ON
 10:59:48 OPTION 1.
 10:59:50 YES, THE FENCE.
 10:59:52 >>Joanne Ribble: THE FENCE IS STILL THERE.
 10:59:53 >>Daniel DeLisi: THE FENCE IS STILL THERE.
 10:59:54 >>Joanne Ribble: YOU'RE USING MUCH MORE LANDSCAPING.
 10:59:57 >> KRISTEN: YES, MA'AM.

 10:59:59 >>Joanne Ribble: IN OPTION ONE THAN IN OPTION TWO.
 11:00:01 >> KRISTEN: YES, MA'AM.
 11:00:02 >>Joanne Ribble: YOU ELIMINATED THE CLUSIA IN OPTION TWO,
 11:00:05 WHICH I THINK IS A NICE ADDITION IN OPTION ONE.
 11:00:08 THANK YOU.
 11:00:12 >>Mayor Errington: QUESTION.
 11:00:16 >> THAT WAS MY QUESTION.
 11:00:17 >>Mayor Errington: IS THAT IT?
 11:00:18 I HAVE A QUESTION, THE YELLOW TABEBUIA, THAT ONLY IS IN
 11:00:27 BLOOM FOR ABOUT A MONTH OUT OF THE YEAR.
 11:00:30 >> KRISTEN: FOUR TO SIX.
 11:00:33 >>Mayor Errington: IT'S NOT SIX.

11:00:34 IT'S LESS THAN FOUR.
 11:00:35 IT'S SHORT LIVED.
 11:00:36 SO THAT'S NOT GOING TO BE SHOWING ANYTHING PRETTY.
 11:00:40 IT WILL LOOK LIKE A BARE TREE THERE DURING THE REST OF THE
 11:00:46 TIME.
 11:00:46 AND THE MAHOGANY TREE PRODUCES FRUIT.
 11:00:51 THE MAHOGANY.
 11:00:53 YOU GET MAHOGANY FRUIT ON THE TREE AND THE MAHOGANY, OF
 11:00:56 COURSE, YOU KNOW, HAS A NUT INSIDE AND IT FALLS ON THE
 11:01:00 PATHWAY.
 11:01:01 >> KRISTEN: WE'RE NOT PROPOSING ANY MAHOGANY.
 11:01:04 WE'RE PROPOSING BLACK OLIVE.

 11:01:06 >>Mayor Errington: IT SAYS MAHOGANY HERE.
 11:01:09 >> SHADY LADY, BLACK OLIVE.
 11:01:11 >>Mayor Errington: YOU HAD MAHOGANY HERE.
 11:01:13 THAT WAS BROUGHT UP.
 11:01:15 IN YOUR PALETTE, IT WAS MAHOGANY.
 11:01:19 SO MAHOGANY IS A MESS AND SO IS THE YELLOW TABEBUIA.
 11:01:28 THAT CREATES A REAL MESS TOO.
 11:01:32 >> KRISTEN: WELL, YOU FOUND AN ERROR.
 11:01:34 THAT IS A PICTURE OF A BLACK OLIVE TREE.
 11:01:38 THERE WILL BE NO MAHOGANY TREE SPECIFIED IN THIS BUFFER.
 11:01:43 IT IS LOCATED IN SUCH A WAY THAT WHEN IT DROPS LEAFS IN THE
 11:01:49 SPRINGTIME, THEY WILL FALL ONTO THE GRASS.
 11:01:52 SO THE MESS THAT YOU BRING UP WILL NOT BE ON HARD SURFACES.
 11:01:58 IT WON'T BE CAUSING SAFETY ISSUES, AND I ENTIRELY HEAR YOU
 11:02:02 ABOUT MAHOGANY, AND I APOLOGIZE FOR SORT OF A TYPO OR
 11:02:08 MISLABEL THERE.
 11:02:11 YOU'RE RIGHT.
 11:02:12 THE SEED PODS WOULD BE A BAD PICK, BUT WE ARE NOT DOING
 11:02:16 THAT.
 11:02:16 THE TABEBUIA WILL HAVE LEAFS ALL OF THE TIME, EXCEPT FOR
 11:02:21 WHEN IT HAS FLOWERS.
 11:02:23 WHAT IT DOES IS DROP THE LEAFS AND PUSH THE FLOWERS
 11:02:28 SIMULTANEOUSLY AND THEY BLOOM FOR ROUGHLY FOUR TO SIX WEEKS
 11:02:32 IN THE SPRINGTIME, AND THE REST OF THE TIME THEY HAVE A
 11:02:35 BEAUTIFUL LONG NARROW SORT OF A SILVERY LEAF THAT'S ALMOST

 11:02:40 LIKE A SILVER BUTTONWOOD, IF YOU KNOW THE SILVER BUTTONWOOD.
 11:02:45 >>Mayor Errington: I JUST DON'T THINK THAT IS A VERY PRETTY
 11:02:48 TREE TO PUT THERE.
 11:02:50 >> OKAY.
 11:02:50 I HEAR YOU.
 11:02:51 >>Mayor Errington: BECAUSE OF THE FOUR TO SIX WEEKS AND THEN
 11:02:53 IT'S GONE.
 11:02:54 THEN YOU HAVE TO WAIT FOR IT TO COME BACK OUT A LITTLE BIT.
 11:02:56 AND IT IS EXTREMELY MESSY.

11:03:00 >> KRISTEN: I'M SURE, AND DR HORTON COULD SPEAK TO THIS,
 11:03:04 BUT I'M PRETTY SURE THEY WOULD BE WILLING TO NEGOTIATE A
 11:03:08 DIFFERENT CHOICE.
 11:03:08 >>Mayor Errington: I WOULD HAVE LIKED TO HAVE SEEN THE
 11:03:11 FENCE, A REAL PICTURE.
 11:03:13 DO YOU HAVE A REAL PICTURE OF THE FENCE WITH THIS
 11:03:16 LANDSCAPING THAT YOU PROPOSE?
 11:03:17 ANYBODY HAVE THAT?
 11:03:18 I WOULD LIKE TO SEE WHAT IT LOOKS LIKE.
 11:03:20 THAT FENCE IS CRITICAL, OR WHATEVER.
 11:03:24 >>Daniel DeLisi: SO WE HAD A PICTURE OF THE FENCE IN THE
 11:03:27 LAST --
 11:03:27 >>Mayor Errington: BUT THIS FENCE DOESN'T SHOW.
 11:03:29 >>Daniel DeLisi: YEAH, IT'S HARD.
 11:03:31 >>Mayor Errington: IT'S HARD FOR MY IMAGINATION TO SEE WHAT
 11:03:34 --

 11:03:34 >>Daniel DeLisi: THAT'S ESSENTIALLY WHAT IT'S GOING TO LOOK
 11:03:37 LIKE.
 11:03:38 IT'S GOING TO BE COVERED BY VEGETATION.
 11:03:39 WITH THE AMOUNT OF VEGETATION WE'RE PROPOSING TO DO THAT
 11:03:45 OPAQUE SCREENING, YOU'RE BARELY GOING TO SEE THE FENCE EVEN
 11:03:50 THOUGH IT IS A DECORATIVE FENCE.
 11:03:51 >>Mayor Errington: THREE OAKS AND WILLIAMS ROAD?
 11:03:53 >>Daniel DeLisi: IT'S ON THREE OAKS.
 11:03:55 >>Mayor Errington: WHAT ABOUT WILLIAMS ROAD?
 11:03:58 >>Daniel DeLisi: I'M SORRY.
 11:03:59 THE FENCE IS ON BOTH.
 11:04:00 >>Mayor Errington: AND THE LANDSCAPING TO HIDE IT IS
 11:04:02 TOTALLY, WE WILL NOT SEE THE FENCE?
 11:04:04 >> KRISTEN: YOU WILL NOT SEE THE FENCE.
 11:04:06 WHAT WILL HAPPEN, AS THE SHRUBS GROW, IS THAT THEY PUT THEIR
 11:04:12 FINGERS AND ARMS THROUGH AND ESSENTIALLY IT IS JUST ENGULFED
 11:04:15 AND YOU WON'T EVEN KNOW IT'S THERE.
 11:04:24 >>Joanne Ribble: AND THAT'S THE TYPICAL BLACK POWDERED
 11:04:29 COATED SPINDLE FENCE THAT A LOT OF COMMUNITIES USE, CORRECT?
 11:04:35 >> YES.
 11:04:36 >>Joanne Ribble: IT IS A DECORATIVE FENCE TO BEGIN WITH.
 11:04:39 >>Mayor Errington: OR IS IT A PLASTIC FENCE.
 11:04:42 >> NO.
 11:04:42 >>Mayor Errington: IT WAS ORIGINALLY A PLASTIC FENCE.
 11:04:45 >>Mary Gibbs: I THINK WE NEED TO CLARIFY THAT.

 11:04:48 IT'S SUPPOSED TO BE A DECORATIVE FENCE.
 11:04:49 IT WAS SHOWN ON THE PATTERN BOOK AS ALUMINUM, BUT I'M ASKING
 11:04:53 WAYNE, WERE YOU TALKING ABOUT BLACK?
 11:04:55 I DON'T THINK IT HAD A COLOR.
 11:04:56 >>Mayor Errington: I WANT TO KNOW --

11:04:58 >> I THINK THEY GENERALLY REFERRED TO IT AS BRONZE.
 11:05:00 THIS IS WAYNE EVERETT, DR HORTON.
 11:05:04 THANK YOU.
 11:05:04 THEY CALLED IT BRONZE BUT IT IS BASICALLY BLACK AND IT IS
 11:05:07 ALUMINUM, EXTRUDED ALUMINUM FENCING.
 11:05:11 IN THIS CASE, IT'S MORE OF AN ACCESS CONTROL.
 11:05:14 ONCE THE LANDSCAPING BECOMES MATURE, IN THEORY, YOU DON'T
 11:05:19 EVEN NEED IT.
 11:05:20 YOU WOULDN'T BE ABLE TO GET THROUGH THE LANDSCAPING WITHOUT
 11:05:21 FIGHTING YOUR WAY THROUGH THAT.
 11:05:23 IN MANY CASES, NOT SUGGESTING THIS, BUT WE HAVE USED JUST
 11:05:27 VINYL-COATED CHAIN-LINK KNOWING IN TIME YOU DON'T EVEN SEE
 11:05:31 IT.
 11:05:31 AGAIN, WE'RE NOT PROPOSING THAT.
 11:05:33 BUT THE ALUMINUM FENCE IS LIKE A BRONZE COLOR.
 11:05:36 >>Mayor Errington: I THINK IT NEEDS WHAT QUALITY FENCE THIS
 11:05:41 IS.
 11:05:41 >>Wayne Everett: THIS IS COMMERCIAL GRADE QUALITY FENCING.
 11:05:44 OUR FENCES THROUGH IAN, WE HAD, AS FAR AS I'M BEING TOLD, WE
 11:05:52 HAD NONE OF THIS FENCE BLOW DOWN.

 11:05:56 >>Mayor Errington: I DON'T KNOW HOW TO GAUGE METAL.
 11:05:59 I WANT TO MAKE SURE, MARY, THAT IT'S QUALITY FENCE, A
 11:06:03 HEAVY-DUTY FENCE, NOT A PLASTIC FENCE.
 11:06:04 >>Mary Gibbs: WHAT WAS SHOWN IN THE PATTERN BOOK WAS A
 11:06:07 DECORATIVE FENCE.
 11:06:08 I THINK IF WE CALL IT DECORATIVE ALUMINUM FENCE, THEN IT
 11:06:12 WON'T BE A CHEAP FENCE.
 11:06:17 >>Nancy Stroud: JUST FOR THE RECORD, CAN YOU IDENTIFY THE
 11:06:19 SPEAKER?
 11:06:20 WHO JUST SPOKE.
 11:06:23 >>Mary Gibbs: THE SPEAKER THAT JUST SPOKE WAS WAYNE EVERETT
 11:06:26 FROM DR HORTON.
 11:06:33 >>Mayor Errington: YES, JIM.
 11:06:36 >>Jim Ward: THERE'S BEEN A COUPLE OF REFERENCES TO WHEN IT'S
 11:06:39 MATURE.
 11:06:40 WHAT IS IT GOING TO LOOK LIKE BEFORE IT BECOMES MATURE?
 11:06:44 AND HOW LONG IS IT GOING TO TAKE TO GET TO BE MATURE?
 11:06:46 >> KRISTEN: WELL, WHAT I DID WAS THIS IS WHAT IT WILL LOOK
 11:06:51 LIKE AT A SECTION OR RIGHT AFTER IT'S INSTALLED WHEN IT'S
 11:06:57 BRAND-NEW.
 11:06:58 AND THE TREE BEHIND IT WILL BE 16 FEET TALL, WHICH IS A
 11:07:02 PRETTY BIG TREE.
 11:07:04 AND THEN IN FRONT OF IT, THE TREE WILL BE 12 FEET TALL WHEN
 11:07:08 IT GROWS IN.
 11:07:11 RIGHT THERE.

 11:07:12 AND I'M NOT EVEN TALKING ABOUT MATURITY.

11:07:14 I'M JUST TALKING ABOUT THE PASSING OF THREE YEARS' TIME AND
 11:07:19 ONE CAN ASSUME THAT THERE WOULD BE ABOUT TWO FEET OF GROWTH
 11:07:23 THAT'S PRETTY AVERAGE DURING THAT TIME FRAME.
 11:07:28 SO DOING THE MATH, WE WIND UP WITH A BACK TREE OF 22 FEET
 11:07:34 AND THE TREE IN FRONT WOULD BE 18 FEET.
 11:07:37 THOSE ARE BIG TREES WHEN YOU CONSIDER AN AVERAGE HEIGHT
 11:07:42 PERSON IS SOMEWHERE BETWEEN, I DON'T KNOW, FIVE FEET AND SIX
 11:07:46 FEET TALL, RIGHT?
 11:07:48 IT'S GOING TO BE FROM INCEPTION, IT'S GOING TO BE QUITE A
 11:07:56 BIG CHUNKY, OPAQUE HEDGE THAT IS LAYERED HEDGE OR BUFFER
 11:08:03 THAT'S REALLY THE MORE APPROPRIATE TERM FOR IT.
 11:08:07 THAT'S REALLY AS NICE AS ANYTHING YOU WOULD SEE ANYWHERE
 11:08:11 ELSE AND REALLY BETTER.
 11:08:16 I LIKE IT A LOT.
 11:08:17 >>Mayor Errington: WHAT WOULD BE THE INSTALL BUCKET THAT
 11:08:21 THOSE TREES WOULD COME IN?
 11:08:23 THAT TELLS YOU HOW BIG THE TREE WOULD BE.
 11:08:26 HOW BIG?
 11:08:28 >> KRISTEN: WELL, CONTAINER SIZES ARE A LITTLE CRAZY
 11:08:31 BECAUSE THEY ARE GOVERNED MORE BY SUPPLY AND DEMAND THAN
 11:08:35 ANYTHING ELSE.
 11:08:36 WHEN THE NURSERY GROWERS DECIDE TO UP-POT SO THEY CAN MAKE
 11:08:42 ROOM FOR THE NEW CROP.
 11:08:45 WHAT I WOULD TELL YOU, THE BEST WAY TO GAUGE SIZE OF TREE IS

 11:08:51 BY THE OVERALL HEIGHT.
 11:08:52 SO WHEN WE SPECIFY LIKE ON THE D.O. PLAN WE'LL HAVE THE
 11:08:59 BLACK OLIVE AT 65-GALLON AND 16-FOOT OVERALL.
 11:09:09 BUT THE CONTAINER SIZE, IT COULD BE A 65-GALLON TODAY, IT
 11:09:15 COULD BE 45-GALLON IN TWO MONTHS' TIME, DEPENDING ON WHEN
 11:09:20 THEY UP-POT.
 11:09:21 SO I WOULD SAY TO YOU, WHAT YOU SHOULD COUNT ON AND KNOW
 11:09:26 YOU'RE GOING TO GET AND WHEN THE INSPECTOR GOES TO YOUR JOB
 11:09:30 SITE AND MAKE SURE IT COMPLIES IN THE D.O. STAGE OF THIS
 11:09:33 THING, THAT THEY'LL MEASURE IT TO SEE THAT THAT'S 16-FOOT
 11:09:39 OVERALL, THAT I THINK FIVE FOOT ACROSS IN TERMS OF CANOPY
 11:09:43 AND THAT THE CALIPER IS WHAT THEY SAY IT SHOULD BE.
 11:09:46 AND THEN IN TERMS OF WHAT WE HAVE TO DO ON OUR END, WE NEED
 11:09:49 TO CERTIFY AND WRITE A LETTER THAT SAYS, YES, THIS COMPLIES,
 11:09:56 AND BEFORE THE INSPECTOR WILL EVEN GO AND INSPECT IT, AND
 11:10:00 THEN HE OR SHE HAS TO AGREE THAT, YES, IT IS THE 16-FOOT
 11:10:05 TALL TREE.
 11:10:06 WHAT YOU SEE ON THE DRAWING IS WHAT YOU'RE GOING TO GET.
 11:10:12 >>Joanne Ribble: THAT WOULD BE THE SAME FOR THE CONTAINER
 11:10:14 SIZE OF THE CLUSIA, ALSO, OF WHAT YOU'RE DESCRIBING.
 11:10:18 IT DEPENDS ON WHAT THE NURSERY HAS AT THE TIME AS FAR AS
 11:10:21 CONTAINER SIZE.
 11:10:22 >> KRISTEN: RIGHT.

11:10:24 IT USED TO BE THAT YOU COULD GET A FOUR-FOOT CLUSIA IN A
 11:10:27 THREE-GALLON POT, BUT THAT'S A LOT DIFFERENT NOW.

11:10:31 A FIVE-FOOT CLUSIA IS IN A 25-GALLON POT.
 11:10:35 AND BECAUSE A LOT OF STOCK WAS DESTROYED BY THE HURRICANE,
 11:10:41 STUFF IS ALL OVER THE PLACE.
 11:10:43 AND BECAUSE PLANTS ARE LIVING THINGS, IT CHANGES.
 11:10:48 IT'S NOT LIKE WHEN YOU GO TO POTTERY BARN AND BY A CHAIR.
 11:10:52 A CHAIR IS A CHAIR IS A CHAIR.
 11:10:54 BUT THINGS ARE MUCH MORE FLEXIBLE IN THE LANDSCAPE INDUSTRY
 11:11:00 THAN THAT.

11:11:00 >>Joanne Ribble: MAY I SAY, MAYOR, FOR YOUR CONCERN, OUR
 11:11:03 DEVELOPMENT JUST REPLACED ALL THE CLUSIA BECAUSE IT WAS AT
 11:11:06 THE END OF ITS LIFE, AND WE WERE AMAZED IN ONE YEAR HOW MUCH
 11:11:11 IT HAD GROWN AND FLESHED OUT.
 11:11:14 UNDER THE RIGHT CONDITIONS AND WATERING, IT WILL SPREAD OUT
 11:11:18 QUICKLY.

11:11:19 >>Mayor Errington: I THINK PROBABLY -- I'LL SPEAK FOR MYSELF
 11:11:22 IS THAT WE WERE HOPING THAT WHEN YOU BROUGHT THIS BEFORE US
 11:11:27 THAT IT WAS GOING TO BE SOMETHING LIKE RIGHT NOW AT THE
 11:11:31 HEIGHT, THE HEIGHT OF THE FENCE.
 11:11:34 THREE YEARS FROM NOW, THAT IS A LONG TIME.
 11:11:37 BUT TO HEIGHT THE FENCE WITH WHATEVER YOU PUT IN, AT LEAST
 11:11:41 THREE-QUARTERS AND LIKE WITH WHAT JOANNE WAS SAYING, NEXT
 11:11:44 YEAR BE UP TO THE FENCE.
 11:11:46 WE'RE NOT INTERESTED IN LITTLE TINY PLANTS THAT WILL GROW IN
 11:11:49 THREE TO FIVE YEARS IN HEIGHT.
 11:11:52 WE HAVE TO ANSWER TO OUR CONSTITUENTS NOW WITH THIS FENCE.

11:11:56 WHEN THEY SAY, WHAT DID YOU DO?
 11:11:58 SO LET'S GET THE PLANTS UP THERE.
 11:12:01 PUT THEM IN BIGGER CONTAINERS AND GET THEM TALLER.

11:12:04 >>Mary Gibbs: I HAD A QUESTION THAT I WANT TO VERIFY WITH
 11:12:08 THE APPLICANT BECAUSE THIS DRAWING IS SO SMALL THAT YOU
 11:12:13 CAN'T EVEN ZOOM IN TO ACTUALLY READ THE SPECS.
 11:12:16 BUT WHAT I THINK I'M HEARING IS THAT THEY ARE PROPOSING IS
 11:12:19 THE LAYERED BUFFER, WHICH WOULD BE THE DOUBLE HEDGEROW WHICH
 11:12:23 IS THREE FEET AT TIME OF INSTALLATION AND HAS TO BE
 11:12:28 MAINTAINED AT FOUR FEET.
 11:12:30 BEHIND THAT, THEY ARE TALKING ABOUT THE FOUR-FOOT CLUSIA.
 11:12:33 SO I WANT TO VERIFY THEY ARE TALKING FOUR FOOT AT
 11:12:36 INSTALLATION AND IS THAT A SOLID HEDGE?
 11:12:40 I'LL ASK THAT QUESTION BECAUSE I CAN'T TELL FROM THE PLANS.
 11:12:43 AND THEN THE 12-FOOT TREES IN THE FRONT, I THOUGHT I HEARD
 11:12:49 16, BUT I THINK SHE SAID 15-FOOT TREES BEHIND, ARE THOSE THE
 11:12:53 CODE NUMBERS OR ARE THEY ADDITIONAL, OR JUST THE TREES BY
 11:12:58 CODE?
 11:12:58 >>Daniel DeLisi: IT'S ADDITIONAL.

11:13:02 YEAH, IT'S ADDITIONAL TREES WITH AN ENHANCED BUFFER.
 11:13:07 SO AS MARY SAID, YOUR CODE REQUIRES PLANTING AT THREE FEET
 11:13:13 FOR THE HEDGE.
 11:13:14 WE'RE PROPOSING FOUR FEET.
 11:13:17 SO FROM DAY ONE YOU GET A HIGHER HEDGE THAN YOU WOULD GET
 11:13:21 BASED ON YOUR CODE.

 11:13:22 FROM DAY ONE, YOU GET A TALLER TREE BECAUSE YOUR CODE
 11:13:26 REQUIRES 12 FEET AT THE TIME OF PLANTING.
 11:13:28 WE'RE DOING A STAGGERED 12 AND 16 SO THAT YOU HAVE A CANOPY
 11:13:33 AT DIFFERENT HEIGHTS TO BREAK UP THE VIEW AT THE TIME OF
 11:13:37 PLANTING.
 11:13:38 AND THEN WHEN IT ALL GROWS IN, YOU HAVE AN EVEN HIGHER HEDGE
 11:13:42 MAINTAINED AT WHATEVER HEIGHT WE WANT TO MAINTAIN IT AT.
 11:13:45 BUT RATHER THAN MAINTAINING IT AT FOUR FEET, WE'RE GOING TO
 11:13:48 MAINTAIN IT, AS KRISTEN SAID, AT A MUCH HIGHER HEIGHT SO
 11:13:53 THAT YOU GET A PURE VEGETATIVE WALL ESSENTIALLY.
 11:13:57 AND IT'S ALL ABOVE WHAT YOUR CODE REQUIRES.
 11:14:02 >>Mary Gibbs: YOU MIGHT WANT TO MAINTAIN AT FIVE FEET.
 11:14:05 I THINK THAT'S WHAT WE HAD AT GENOVA, WHEN THEY DID THE
 11:14:09 LANDSCAPE BUFFER ON CORKSCREW.
 11:14:11 SO IF WE SAY MAINTAIN FIVE FEET, AND THEN I THINK THE
 11:14:15 DECORATIVE FENCE IS SUPPOSED TO BE SIX FEET.
 11:14:19 SO IT WOULD BE SIX FEET TALL.
 11:14:23 >> [NOT SPEAKING INTO A MICROPHONE]
 11:14:25 >> WE WOULD MAINTAIN A CLUSIA HIGHER THAN THE FENCE.
 11:14:28 >>Mary Gibbs: AT WHAT HEIGHT.
 11:14:30 >>Nancy Stroud: I DON'T KNOW IF ANYONE IS HEARING THIS, BUT
 11:14:32 YOU NEED TO COME UP TO SPEAK IN FRONT OF THE MICROPHONE.
 11:14:35 >>Daniel DeLisi: THE CLUSIA WE CAN MAINTAIN AT EIGHT FEET.
 11:14:39 YOU HAVE A SIX-FOOT HIGH FENCE.
 11:14:41 EIGHT-FOOT HIGH CLUSIA, AND I SUBMIT TO YOU, THAT'S HUGE.

 11:14:47 WHEN I LOOK AT NEIGHBORHOODS WITH MILLION-DOLLAR HOMES, THEY
 11:14:53 HAVE CLUSIA.
 11:14:57 EIGHT FEET IS WAY BEYOND WHAT YOUR CODE REQUIRES.
 11:15:06 >>Mayor Errington: BOB.
 11:15:10 >>Robert Pritt: IF YOU DON'T MIND, IN THE ORDINANCE, THE
 11:15:13 PATTERN, THERE IS A REFERENCE ON PAGE 2.
 11:15:15 IT'S ON PAGE 2 OF 10 OF THE ORDINANCE.
 11:15:18 IT SAID DEVELOPMENT OF THIS PROJECT MUST BE CONSISTENT WITH
 11:15:21 THE PATTERN BOOK TITLED MILAN VILLAS RPD RESIDENTIAL PATTERN
 11:15:26 BOOK, STAMPED RECEIVED SEPTEMBER 6, 2022.
 11:15:31 I THINK THAT'S GOING TO BE AMENDED --
 11:15:35 >>Nancy Stroud: YES, IT IS.
 11:15:36 WE HAVE LANGUAGE TO AMEND THAT DEPENDING ON WHAT OPTION THE
 11:15:40 COUNCIL DECIDES ON.
 11:15:42 >>Robert Pritt: OKAY.

11:15:42 GOOD.
 11:15:43 SO IT WILL BE AS AMENDED TODAY.
 11:15:45 >>Nancy Stroud: EXACTLY.
 11:15:46 WE'LL REFER TO THE OPTION COUNCIL DECIDES ON.
 11:15:49 >>Robert Pritt: IF I COULD GET CLARIFIED ON THAT BECAUSE THE
 11:15:53 LANDSCAPE PALETTE IN HERE ON 9/6/22 HAS MAHOGANY IN IT AND
 11:16:00 DOES NOT HAVE CLUSIA, ET CETERA.
 11:16:02 I GUESS MY QUESTION WOULD BE, THE PowerPoint THAT WAS UP
 11:16:10 HERE SHOWING THE CLUSIA AND THE OTHER PLANTS AND
 11:16:18 LANDSCAPING, WOULD THAT BE IT INSTEAD OF THE LANDSCAPE

 11:16:24 PALETTE OR WOULD SOME OF THE LANDSCAPE PALETTE FROM
 11:16:28 SEPTEMBER 6 STILL BE AVAILABLE FOR TODAY?
 11:16:33 WE HEARD MAHOGANY IS OUT.
 11:16:37 IT'S ON THE PALETTE.
 11:16:39 >>Nancy Stroud: I THINK THE MAHOGANY WAS CORRECTED ON THE
 11:16:43 RECORD.
 11:16:44 SO IT CAN BE CORRECTED BEFORE IT BECOMES PART OF THE
 11:16:50 ORDINANCE AS STATED ON THE RECORD.
 11:16:52 NEALE, DID YOU HAVE OTHER QUESTIONS OF DAN DELISI OR DID WE
 11:17:01 COVER IT JUST NOW?
 11:17:06 >>Neale Montgomery: [NOT SPEAKING AT A MICROPHONE]
 11:17:09 >>Nancy Stroud: I DON'T HAVE ANY CROSS-EXAMINATION.
 11:17:11 >>Mayor Errington: ANY OTHER QUESTIONS?
 11:17:13 I HAVE ONE MORE QUESTION.
 11:17:15 WHAT'S BEHIND THE DEVELOPMENT FACING THE DEVELOPMENT AS WE
 11:17:22 TALKED ABOUT THE LAST TIME?
 11:17:24 WHAT KIND OF FENCE OR LANDSCAPING?
 11:17:33 >>Mary Gibbs: YOU MEAN TO THE WEST?
 11:17:34 >>Mayor Errington: TO THE WEST.
 11:17:35 >>Mary Gibbs: BUT NEXT TO THE LAKES OF ESTERO.
 11:17:37 >>Mayor Errington: YES.
 11:17:38 WHAT'S THERE?
 11:17:39 >>Mary Gibbs: THERE IS A DITCH, I BELIEVE.
 11:17:41 AND THEN WHAT THEY ARE PROPOSING ON THE WEST AND NORTH SIDE
 11:17:44 IS A CHAIN-LINK KIND OF BLACK-COATED, WITH A BLACK-COATED

 11:17:48 CHAIN-LINK FENCE.
 11:17:50 SO THE DECORATIVE ALUMINUM FENCE IS ON THREE OAKS AND
 11:17:53 WILLIAMS.
 11:17:53 AND THEN THERE WOULD BE A CHAIN-LINK KIND OF BLACK ON LIKE
 11:17:57 WHAT THE BROOKS HAS ON TOP OF THE BERM ON THE WEST AND NORTH
 11:18:00 SIDE.
 11:18:02 >>Mayor Errington: WITH LANDSCAPING?
 11:18:04 >>Mary Gibbs: THERE WILL BE LANDSCAPING, BUT IT'S NOT AS
 11:18:06 MUCH LANDSCAPING ON THAT SIDE BECAUSE IT'S RESIDENTIAL NEXT
 11:18:09 TO RESIDENTIAL.
 11:18:11 SO IT DOESN'T REQUIRE A LOT OF LANDSCAPING BECAUSE IT'S

11:18:15 CONSIDERED A COMPATIBLE USE.
 11:18:17 SO THEY ARE REALLY FOCUSING THE MORE LUSH LANDSCAPING ON THE
 11:18:24 TWO ROADWAYS.
 11:18:25 >>Mayor Errington: HOW MANY HOMES FACE THAT FROM THE OTHER
 11:18:28 DEVELOPMENT LOOKING EAST?
 11:18:29 >>Mary Gibbs: THERE ARE A FEW IN THE LAKES.
 11:18:32 THERE ARE A FEW IN THE LAKES AND THEN I THINK THERE'S ONE ON
 11:18:35 THE NORTH, COLONIAL OAKS BUT PRETTY DENSE VEGETATION ON THE
 11:18:42 NORTH SIDE.
 11:18:42 >>Vice-Mayor McLain: INSTALLATION IS PER CODE.
 11:18:46 >>Mary Gibbs: YES.
 11:18:49 >>Mayor Errington: ANY OTHER COMMENTS?
 11:18:50 QUESTIONS?
 11:18:57 >>Nancy Stroud: IT SHOULD BE TIME FOR PUBLIC HEARING IF

 11:18:59 THERE ARE NO MORE QUESTIONS.
 11:19:01 >>Mayor Errington: MARY HAS ALREADY ADDED WHAT SHE NEEDS TO
 11:19:04 ADD.
 11:19:04 COUNCIL, AGAIN, ANY QUESTIONS OR COMMENTS?
 11:19:10 >>Vice-Mayor McLain: ON COMMENTS, I THINK THE FIRST PLAN
 11:19:13 WITH THE DECORATIVE FENCE, NOT THE WALL, THE UPGRADES YOU
 11:19:17 MADE ON LANDSCAPING I THINK ARE VERY GOOD.
 11:19:22 I THINK THE LOOK IS GOING TO BE GOOD.
 11:19:23 I THINK IT GIVES PRIVACY TO THE OWNERS, AND I THINK WITH THE
 11:19:27 DENSITY OF THE HEDGE IT WILL HELP, NOT ELIMINATE, BUT IT
 11:19:33 WILL HELP THE NOISE.
 11:19:35 EVEN A WALL WOULDN'T ELIMINATE ALL THE NOISE IN THERE.
 11:19:37 I THINK YOU'VE MADE GOOD PROGRESS ON THAT.
 11:19:40 >>Mayor Errington: NANCY HAS A COMMENT.
 11:19:44 >>Vice-Mayor McLain: THE OTHER ITEM, I DON'T KNOW IF WE'LL
 11:19:46 TALK TO IT OR NOT, BUT COUNCIL MEMBER FIESEL BROUGHT IT UP
 11:19:50 ABOUT ROOFING MATERIAL.
 11:19:52 ARE WE GOING TO ADDRESS THAT TODAY ALSO?
 11:19:55 WE TALKED ABOUT TILE VERSUS ASPHALT.
 11:19:58 >>Nancy Stroud: BEFORE YOU OPEN FOR PUBLIC COMMENT, IF YOU
 11:20:02 HAVE OTHER QUESTIONS OF THE APPLICANT, SUCH AS THE TILE,
 11:20:05 THIS WOULD BE THE TIME FOR THEM TO ANSWER THOSE.
 11:20:09 >>Mayor Errington: SO THAT'S NOT A SEPARATE ITEM THEN, THE
 11:20:12 ROOFING.
 11:20:12 THAT'S NOT A SEPARATE ITEM THEN, WE HAVE TO INCLUDE IT NOW.

 11:20:17 >>Nancy Stroud: YES, WE SHOULD HEAR IT.
 11:20:20 THIS IS THE TIME OF TESTIMONY.
 11:20:21 SO IF YOU HAVE QUESTIONS FOR THEM TO ANSWER TO PUT FACTS IN
 11:20:24 THE RECORD.
 11:20:25 >>Mayor Errington: I THOUGHT THEY WERE GOING TO VOLUNTEER TO
 11:20:27 DO THAT.
 11:20:28 OKAY.

11:20:30 WELL, CERTAINLY, WE WANT TO HEAR THAT.
 11:20:36 >>Daniel DeLisi: LET ME JUST START OUT BY SAYING YOUR COMP
 11:20:40 PLAN CALLS FOR DIVERSITY IN ESTERO OF HOUSING TYPE.
 11:20:46 THERE ARE A LOT OF SHINGLE ROOFS IN ESTERO.
 11:20:49 I PUT A METAL ROOF ON MY HOUSE WHEN I WAS IN ESTERO THAT WAS
 11:20:52 MORE EXPENSIVE THAN A BARREL TILE ROOF.
 11:20:56 QUITE FRANKLY, I THOUGHT IT LOOKED NICER.
 11:20:59 I SUBMIT TO YOU THAT REQUIRING ANYONE TO DO TILE ROOFS, I
 11:21:04 JUST DON'T THINK IT'S GOOD POLICY, PERSONALLY.
 11:21:08 AND YOUR COMP PLAN DOESN'T BACK UP THAT TYPE OF REQUEST NOR
 11:21:15 DOES YOUR LAND DEVELOPMENT CODE.
 11:21:17 HAVING SAID THAT, THEY ARE WILLING TO DO A FLAT TILE IF
 11:21:24 THAT'S THE DIRECTION THE COUNCIL IS GOING IN.
 11:21:28 AGAIN, I DON'T THINK IT'S A GOOD IDEA.
 11:21:30 I JUST DON'T THINK THIS IS THE TYPE OF THING WE SHOULD BE
 11:21:33 TALKING ABOUT IN A ZONING HEARING FOR A SINGLE-FAMILY USE.
 11:21:37 BUT THAT'S JUST, AGAIN, MY PERSONAL OPINION.
 11:21:43 AS A PLANNER WHO HAS BEEN WORKING IN ESTERO FOR 22 YEARS.

 11:21:48 >>Mayor Errington: COMMENTS FROM COUNCIL?
 11:21:49 YES, JOANNE.
 11:21:51 >>Joanne Ribble: MR. DELISI, THIS ISN'T BEING MARKETED AS A
 11:21:58 LUXURY DEVELOPMENT, CORRECT?
 11:22:00 >>Daniel DeLisi: IT'S NOT.
 11:22:01 >>Joanne Ribble: YOU'RE TRYING TO HIT A PRICE POINT THAT THE
 11:22:03 AVERAGE PERSON CAN AFFORD.
 11:22:08 WE DO HAVE VERY NICE COMMUNITIES WITH ASPHALT ROOFS, LIKE
 11:22:12 MEADOWBROOK IS ONE.
 11:22:13 I DROVE THROUGH THAT YESTERDAY.
 11:22:16 AND VERY NICE, MID-PRICED HOMES WITH ROOFS THAT ARE NOT
 11:22:23 TILE.
 11:22:23 I THINK THAT VARIETY OF ROOF IS ALLOWED, AND I DON'T THINK
 11:22:29 WE SHOULD HOLD THEM TO THAT STANDARD FOR THE PRICE POINT
 11:22:32 THEY ARE TRYING TO ACHIEVE.
 11:22:34 >>Daniel DeLisi: I DO WANT TO CLARIFY.
 11:22:36 SO WE'RE NOT PROPOSING A WORKFORCE HOUSING PROJECT.
 11:22:38 WE'RE NOT PROPOSING A SUPER LUXURY.
 11:22:43 BUT GIVEN THE LOCATION, LOOK, IT'S RIGHT BY ESTERO HIGH
 11:22:46 SCHOOL.
 11:22:47 I CAN ABSOLUTELY SEE OUR TEACHERS LIVING THERE.
 11:22:50 IT'S GOING TO BE VERY NICE WHEN YOU DRIVE BY IT ALONG THREE
 11:22:55 OAKS.
 11:22:55 IT WILL ENHANCE THE CORRIDOR FOR SURE.
 11:22:58 YOU'RE GOING TO GET THE PRIVACY.

 11:23:02 AND I DON'T THINK THE ROOFS WILL BE THAT OBVIOUS AND CLEAR
 11:23:07 GIVEN THE LANDSCAPING WE'RE PUTTING IN AND THE LINES OF
 11:23:10 SIGHTS FROM THE CARS.

11:23:12 BUT, AGAIN, I JUST -- YOU KNOW, I'VE BUILT TWO HOUSES IN
 11:23:18 THIS COMMUNITY.
 11:23:19 NEITHER OF THEM HAD BARREL TILE ROOFS ON THEM.
 11:23:22 I JUST DON'T -- IT'S JUST A PERSONAL THING FOR ME.
 11:23:27 AND I THINK IF YOU POLLED YOUR RESIDENTS, YOU'D FIND THE
 11:23:30 SAME THING.
 11:23:31 MY NEIGHBORS IN ESTERO RIVER HEIGHTS, NOT A LOT OF TILE BACK
 11:23:35 IN THERE.
 11:23:35 A LOT OF METAL.
 11:23:37 THAT WAS A LOT MORE EXPENSIVE THAN TILE.
 11:23:40 AND THEN THERE'S A LOT OF SHINGLE AS WELL THAT'S LESS
 11:23:43 EXPENSIVE.
 11:23:43 BUT IT'S A MIX.
 11:23:45 DIFFERENT STYLES.
 11:23:47 YOUR COMP PLAN SPECIFICALLY SAYS YOU PROMOTE DIFFERENT
 11:23:51 STYLES OF HOUSING TYPES.
 11:23:54 >>Mayor Errington: COUNCIL, ANY OTHER COMMENTS?
 11:23:56 I HAVE A COMMENT.
 11:24:04 THE NEIGHBORS NEXT DOOR, THE ONES -- MARY, WHAT IS THE NAME
 11:24:09 OF THAT DEVELOPMENT BEHIND THEM TO THE WEST?
 11:24:13 >>Mary Gibbs: THE LAKES OF ESTERO IS DIRECTLY TO THE WEST.
 11:24:19 WHEN WE DO REZONINGS, WE DO SEND OUT A LETTER TO ALL

 11:24:24 PROPERTY OWNERS WITHIN 750 FEET.
 11:24:27 WE DID NOT RECEIVE ANY LETTERS.
 11:24:29 WE DID RECEIVE A LETTER FROM SOMEBODY BEFORE PLANNING AND
 11:24:31 ZONING THAT WAS I THINK IN VILLA PALMERAS OR SOMETHING
 11:24:37 COMPLAINING ABOUT THE TRAFFIC.
 11:24:38 BUT THAT WAS THE ONLY LETTER WE GOT BACK.
 11:24:40 >>Mayor Errington: BUT THEY DON'T HAVE -- MY QUESTION WAS,
 11:24:43 THEY DON'T HAVE SHINGLED ROOFS.
 11:24:45 >>Mary Gibbs: I THINK THEY HAVE TILE.
 11:24:46 >>Mayor Errington: THEY DO HAVE TILE AND SO DOES COLONIAL
 11:24:49 OAKS WHICH IS DOWN THE STREET FROM THEM.
 11:24:51 TO ME, THAT'S PRETTY CRITICAL IF WE WANT TO KEEP THE QUALITY
 11:24:59 THAT WE HAVE BEEN STRIVING FOR IN ESTERO.
 11:25:05 MAYBE NOT BUILD TWO HOUSES.
 11:25:09 MAKE TWO HOUSES LESS AND PUT TILE ROOFS ON IT.
 11:25:12 THIS IS INTERESTING.
 11:25:15 THOSE WERE THE CONDITIONS THAT WE ASKED THE LAST TIME, HAD
 11:25:21 YOU COME BACK, THE LANDSCAPING AND THE ROOFING.
 11:25:24 >>Daniel DeLisi: LOOK, I UNDERSTAND, AND AS I SAID, THEY CAN
 11:25:28 DO TILE, IF THAT'S THE COUNCIL'S PREFERENCE.
 11:25:31 I DON'T THINK IT'S A GOOD IDEA.
 11:25:33 I DON'T THINK AS SOMEONE WHO HAS BUILT TWO HOUSES IN THIS
 11:25:37 COMMUNITY THAT YOU WANT TO GET INTO THE HABIT OF REQUIRING
 11:25:40 IT BECAUSE THE COMP PLAN THAT YOU JUST LAUDED DID SUCH A
 11:25:47 GREAT JOB ON SPEAKS TO DIFFERENT THINGS, DIVERSITY.

11:25:53 BUT THEY CAN DO IT.
 11:25:57 >>Mayor Errington: JON, JUST A MOMENT.
 11:26:02 DO YOU WANT THIS QUESTION DIRECTED TO THE ATTORNEY OR LAND
 11:26:05 USE, DAN --
 11:26:07 >>Neale Montgomery: I'LL BE REALLY QUICK.
 11:26:09 THIS IS NEALE MONTGOMERY FOR THE RECORD.
 11:26:10 IN YOUR LAND DEVELOPMENT CODE UNDER ARCHITECTURAL STANDARDS,
 11:26:15 SINGLE-FAMILY YOU DON'T APPLY ARCHITECTURAL STANDARDS TO
 11:26:18 SINGLE-FAMILY AND TOWNHOMES.
 11:26:19 IT'S BEYOND THE PURVIEW OF THE LAND DEVELOPMENT CODE.
 11:26:23 SO YOU ARE NOT IN COMPLIANCE.
 11:26:27 YOUR STAFF AND YOUR PLANNING BOARD HAVE FOUND AND OUR EXPERT
 11:26:32 PLANNER HAVE FOUND THAT THE PROJECT IS COMPATIBLE.
 11:26:36 COMPATIBLE DOESN'T MEAN THEY HAVE TO BE EXACTLY THE SAME.
 11:26:39 AS MR. DELISI GENTLY POINTED OUT, YOUR COMP PLAN REQUIRES A
 11:26:45 DIVERSITY OF HOUSING TYPE IN TERMS OF STYLE AND IN TERMS OF
 11:26:48 COST.
 11:26:48 YOUR COMP PLAN SAYS YOU ARE -- MANDATORY -- GOING TO PROVIDE
 11:26:54 FOR MODERATE INCOME HOUSING, WHICH INCLUDES TEACHERS,
 11:26:59 FIREFIGHTERS, HEALTH CARE WORKERS.
 11:27:02 SO I'D ASK THAT YOU KEEP THAT IN MIND.
 11:27:05 THANK YOU.
 11:27:06 >>Mayor Errington: JON, DID YOU HAVE --
 11:27:09 >>Vice-Mayor McLain: ON THE ROOF, I THINK THIS IS A GREAT
 11:27:13 AREA.

 11:27:14 YOU'RE EXPOSED TO THREE OAKS AND WILLIAMS IN THERE.
 11:27:17 I DON'T HAVE A PROBLEM NOT PUTTING BARREL ROOFS ON THEM, BUT
 11:27:20 IF YOU COULD PUT FLAT TILE, IN FACT, THAT'S BECOMING MORE
 11:27:25 PROMINENT I THINK BECAUSE OF THE HURRICANES THAT WE END UP
 11:27:29 HAVING HERE.
 11:27:30 WE TALK ABOUT RESILIENCY WITH HOWARD THIS MORNING, SO I
 11:27:34 THINK THAT A FLAT TILE ROOF IF THE BUILDER IS WILLING TO DO
 11:27:38 THAT, I THINK THAT'S A GOOD COMPROMISE IN MY MIND.
 11:27:44 >>Mayor Errington: WE DON'T HAVE ANY PATTERN BOOK AVAILABLE
 11:27:49 WITH THE FLAT TILED ROOF AVAILABLE, DO WE?
 11:27:54 WE CAN'T SEE WHAT IT LOOKS LIKE.
 11:27:55 >>Nancy Stroud: WELL, YOU CAN'T.
 11:27:57 THAT'S SOMETHING ALSO THE PLANNING ZONING AND DESIGN BOARD
 11:28:03 TASKED WITH DOING THOSE KIND OF DETAILS.
 11:28:05 BUT IF YOU SAY, IF THAT'S AN OPTION YOU CHOOSE TO SAY YOU
 11:28:12 REQUIRE A FLAT TILE ROOF, THEN YOU CAN HAVE THE DESIGN BOARD
 11:28:19 APPROVE A TYPE OF FLAT TILE ROOF WHICH IS GOING TO BE
 11:28:23 COMPATIBLE.
 11:28:23 >>Mayor Errington: WE CAN DO THAT WITHOUT ASKING FOR
 11:28:26 CONDITIONS TO COME BACK WITH THIS.
 11:28:28 >>Nancy Stroud: CORRECT.

11:28:29 I WOULD RECOMMEND YOU DO THAT BECAUSE I THINK THAT'S
 11:28:31 SOMETHING THE BOARD IS PERFECTLY SET UP AND TASKED TO DO.
 11:28:36 >>Mayor Errington: JIM BOESCH.
 11:28:38 >>Jim Boesch: MADAM MAYOR, I'M NOT CONVINCED THAT EVERYONE

 11:28:42 HERE WANTS A TILE ROOF.
 11:28:44 >>Mayor Errington: WE'RE TALKING ABOUT FLAT ROOF.
 11:28:47 FLAT TILED ROOF.
 11:28:48 >>Nancy Stroud: WE'LL FIND OUT.
 11:28:51 >>Jim Boesch: PEOPLE MAY BE SATISFIED WITH A REGULAR ROOF AS
 11:28:55 THEY ARE PROPOSING.
 11:28:56 I THINK WE SHOULD GET THAT QUALIFIED BEFORE WE ARE CHANGING
 11:29:01 EVERYTHING.
 11:29:02 IF EVERYBODY WANTS THAT ROOF, OBVIOUSLY WE HAVE TO MOVE
 11:29:06 FORWARD WITH THAT QUESTION.
 11:29:07 FROM MY STANDPOINT THAT THEY PUT ON A DECENT SHINGLE ROOF,
 11:29:14 IT'S FINE.
 11:29:14 >>Nancy Stroud: MADAM MAYOR, IF THERE ARE NO MORE QUESTIONS
 11:29:17 OF THE WITNESSES, THEN I THINK IT'S TIME TO OPEN UP THE
 11:29:20 PUBLIC HEARING BEFORE THE COUNCIL GETS INTO THEIR
 11:29:22 DISCUSSIONS AND THEIR MOTIONS.
 11:29:25 >>Mayor Errington: OKAY.
 11:29:27 DO WE HAVE -- YOU DON'T HAVE ANY.
 11:29:30 >>Carol Sacco: WE HAVE NONE.
 11:29:31 NO PUBLIC COMMENT OR E-COMMENTS.
 11:29:34 >>Mayor Errington: COUNCIL, ANY FURTHER QUESTIONS, COMMENTS?
 11:29:38 JIM WILSON.
 11:29:41 >>Jim Wilson: IF WE DO NOTHING IN TERMS OF CHANGING
 11:29:44 CONDITIONS, WHAT KIND OF ROOF WILL THE UNITS HAVE?
 11:29:47 SHINGLE ASPHALT?

 11:29:49 >>Mayor Errington: I CANNOT ANSWER THAT.
 11:29:50 WHO CAN ANSWER THAT QUESTION?
 11:29:57 >>Wayne Everett: AGAIN, WAYNE EVERETT WITH DR HORTON.
 11:30:00 OUR STANDARD ROOF IS A DIMENSIONAL TILE SHINGLE.
 11:30:06 GENERALLY A 30-YEAR LIFE SPAN SHINGLE.
 11:30:09 AND BY SOME PEOPLE CALL IT AN ARCHITECTURAL SHINGLE,
 11:30:13 DIMENSIONAL SHINGLE.
 11:30:15 IT'S THE ONES THAT WHEN YOU LOOK AT IT, IT LOOKS LIKE IT IS
 11:30:19 MULTILAYERED BECAUSE IT'S NOT JUST THE OLD FLAT, WHAT THEY
 11:30:22 CALL THREE TAB SHINGLE.
 11:30:24 IT'S GOT DIMENSION TO IT, SO IT HAS AN ATTRACTIVE LOOK.
 11:30:27 IT COMES IN MANY, MANY, MANY COLORS.
 11:30:32 SO THAT'S THE PLAN AS MENTIONED PRIOR.
 11:30:40 I CAN AGREE TO A TILE ROOF.
 11:30:45 WE JUST REALLY DO NOT LIKE BARREL TILE.
 11:30:47 WE DON'T THINK IT'S ATTRACTIVE TO US.
 11:30:49 AND WE HAVE TO SELL THIS.

11:30:52 THAT'S KIND OF MY STANCE ON THAT.
 11:30:55 >>Mayor Errington: DO YOU HAVE A PICTURE TO SHOW?
 11:30:58 ANYBODY HAVE A PICTURE?
 11:30:59 CAN'T SHOW US.
 11:31:04 OKAY.
 11:31:05 NO PICTURE.
 11:31:10 >>Vice-Mayor McLain: YOUR STANDARD IS AN ASPHALT TILE THAT
 11:31:14 HAS DIMENSIONS AND TALKING 25, 30 YEAR LIFE.

 11:31:17 >>Wayne Everett: THAT IS CORRECT.
 11:31:19 >>Vice-Mayor McLain: VERSUS A FLAT TILE ROOF MAY HAVE A
 11:31:21 LONGER LIFE THAN THAT?
 11:31:24 >>Wayne Everett: I DON'T REALLY KNOW WHAT THEIR LIFE SPAN
 11:31:29 IS.
 11:31:29 THEY ARE MORE FRAGILE.
 11:31:32 THEY NEED PRESSURE WASHING.
 11:31:34 THEY NEED THINGS LIKE THAT.
 11:31:35 PEOPLE GET UP ON TOP OF THERE THAT DON'T KNOW WHAT THEY ARE
 11:31:39 DOING, THEY CRACK THEM AND THEN THEY LEAK.
 11:31:42 THE SHINGLE IS A LOT EASIER TO CARE FOR.
 11:31:48 >>Joanne Ribble: AND A LOT LESS EXPENSIVE TO REPLACE.
 11:31:51 ARE YOU ASKING FOR CONSENSUS, MAYOR?
 11:31:57 >>Mayor Errington: I'M JUST ASKING IF THERE WERE ANY OTHER
 11:32:00 COMMENTS.
 11:32:03 >>Nancy Stroud: I CAN HELP WITH A MOTION.
 11:32:05 >>Mayor Errington: YES, WE NEED HELP WITH THE MOTION.
 11:32:07 >>Nancy Stroud: IF I UNDERSTAND THE INTENT OF THE COUNCIL,
 11:32:11 SO, WHAT I'M HEARING, AND CORRECT ME, IS THAT YOU WOULD ADD
 11:32:21 TO CONDITION 13 ON PAGE 4 AFTER THE PHRASE, AND THE PATTERN
 11:32:35 BOOK, ADD IN AS FURTHER DEPICTED IN OPTION ONE OF THE
 11:32:42 NOVEMBER 16th PowerPoint.
 11:32:45 AND THAT REFERS YOU BACK TO WHAT YOU'VE SEEN TODAY AND HAD
 11:32:49 DESCRIBED.
 11:32:49 THERE ARE ALSO TWO PLACES WHERE WE NEED TO CHANGE THE DATE.

 11:32:57 SO THAT WOULD REQUIRE A CHANGE TO THE LAST WHEREAS CLAUSE TO
 11:33:03 ADD IN AFTER OCTOBER 5th, 2022 FOR ADOPTION OF THE
 11:33:07 ORDINANCE, COMMA, WHICH WAS CONTINUED TO NOVEMBER 16th,
 11:33:14 2022.
 11:33:16 AND ALSO, ON PAGE 7, IF YOU PASS AND ADOPT IT TODAY WE WOULD
 11:33:22 CHANGE THE DATE TO NOVEMBER 16th.
 11:33:25 AND AS FOR THE TILE ROOF, IF YOU WANT TO ADD A FLAT TILE
 11:33:33 ROOF CONDITION, THEN I THINK THAT WOULD BE UNDER SECTION 2,
 11:33:40 PARAGRAPH 2, AT THE END OF THE FIRST SENTENCE STAMPED
 11:33:47 RECEIVED SEPTEMBER 6, 2022, ADD A SENTENCE TO SAY, A FLAT
 11:33:52 TILE ROOF WILL BE REQUIRED AS APPROVED BY THE PLANNING
 11:33:55 ZONING AND DESIGN BOARD.
 11:34:02 >>Mayor Errington: DOES EVERYBODY UNDERSTAND THE MOTION?

11:34:05 >>Jim Wilson: VOTE ON THAT SEPARATELY?
 11:34:06 >>Mayor Errington: NANCY, HOW DO YOU WANT THOSE -- OR IS
 11:34:09 THAT COMBINED INTO ONE?
 11:34:15 >>Nancy Stroud: WHAT YOU COULD DO IS VOTE ON EVERYTHING
 11:34:17 EXCEPT FOR THE FLAT TILE ROOF AND THEN COME BACK IN AND
 11:34:20 AMEND TO INCLUDE THE FLAT TILE ROOF IF THAT'S THE INTENT OF
 11:34:26 COUNCIL.
 11:34:26 >>Mayor Errington: WE'LL HAVE TWO MOTIONS THEN.
 11:34:28 >>Nancy Stroud: SO THE MOTION WOULD BE TO AMEND THE
 11:34:30 ORDINANCE IN THE LAST WHEREAS CLAUSE AND IN CONDITION 13 AND
 11:34:45 TO CORRECT THE PASSAGE DATE AS PROPOSED BY YOUR ATTORNEY.
 11:34:56 >>Jim Boesch: I'M NOT SURE WHAT THE MOTION --

 11:35:00 >>Nancy Stroud: IT WOULD NOT INCLUDE THE TILE ROOF.
 11:35:02 >>Jim Boesch: THE BASIC MOTION --
 11:35:04 >>Mayor Errington: ABOUT THE LANDSCAPING IS THE --
 11:35:08 LANDSCAPING FIRST.
 11:35:11 >>Joanne Ribble: THAT IS OPTION ONE.
 11:35:12 >>Mayor Errington: WHICH OPTION?
 11:35:13 >>Nancy Stroud: OPTION ONE.
 11:35:15 THAT'S THE ENHANCED LANDSCAPING OPTION.
 11:35:21 >>Robert Pritt: I WAS SCRIBBLING.
 11:35:22 I'M NOT SURE IF I CAUGHT THE ONE -- SO NUMBER TWO ON PATTERN
 11:35:28 BOOK THEN WOULD STILL HAVE THAT AS AMENDED TODAY, RIGHT?
 11:35:36 >>Nancy Stroud: THAT WOULD BE THE FLAT TILE ROOF.
 11:35:37 WE'RE NOT CONSIDERING THAT RIGHT NOW.
 11:35:39 THAT WOULD BE AN ADDITIONAL MOTION.
 11:35:43 SO WE'RE REALLY ONLY CONSIDERING THE LANDSCAPING AND
 11:35:47 CORRECTING THE DATES IN THIS MOTION.
 11:35:48 AND THEN THERE WILL BE TIME TO CONSIDER THE TILE ROOF IN THE
 11:35:52 SECOND MOTION.
 11:35:54 >>Jim Boesch: FIRST WE'LL DO LANDSCAPING.
 11:35:56 >>Nancy Stroud: CORRECT.
 11:35:56 >>Jim Boesch: AND THE OPTION IS ONE, TWO, OR THREE.
 11:35:59 >>Nancy Stroud: OPTION ONE, THE ENHANCED LANDSCAPING.
 11:36:06 >>Vice-Mayor McLain: I'LL MAKE A MOTION IF IT'S TIME.
 11:36:08 >>Mayor Errington: EVERYBODY COMFORTABLE WITH THIS?
 11:36:13 >>Vice-Mayor McLain: I MAKE A MOTION WE ACCEPT OPTION ONE AS

 11:36:16 MODIFIED BY NANCY'S COMMENTS.
 11:36:18 >>Mayor Errington: MOTION HAS BEEN MADE BY VICE-MAYOR JON
 11:36:22 McLAIN AND SECONDED BY COUNCIL MEMBER JOANNE RIBBLE.
 11:36:24 PLEASE CALL THE ROLL.
 11:36:26 >>Jim Wilson: AYE.
 11:36:27 >>Jim Ward: AYE.
 11:36:29 >>Jim Boesch: AYE.
 11:36:30 >>Larry Fiesel: AYE.
 11:36:32 >>Joanne Ribble: AYE.

11:36:33 >>Vice-Mayor McLain: AYE.
 11:36:35 >>Mayor Errington: AYE.
 11:36:35 NOW THE SECOND.
 11:36:37 >>Nancy Stroud: THE SECOND MOTION WOULD BE TO FURTHER AMEND
 11:36:41 THE ORDINANCE TO INCLUDE IN SECTION 2, NUMBER 2, THE PATTERN
 11:36:48 BOOK, A SENTENCE THAT FOLLOWS THE FIRST SENTENCE TO SAY, A
 11:36:53 FLAT TILE ROOF WILL BE REQUIRED AS APPROVED BY THE PLANNING
 11:36:57 ZONING AND DESIGN BOARD.
 11:37:01 >>Jim Boesch: THIS MEANS THE TILE, WE'RE REQUIRING THEM TO
 11:37:06 PUT IN A TILE ROOF, IS THAT THE BOTTOM LINE OF THIS HERE?
 11:37:10 >>Mayor Errington: IT'S A FLAT TILE.
 11:37:11 OKAY.
 11:37:14 ANY COMMENTS?
 11:37:17 >>Larry Fiesel: DO WE DISCUSS THIS?
 11:37:18 AS YOU KNOW AT THE LAST TIME THIS WAS BROUGHT HERE, I HAD AN
 11:37:24 OBJECTION TO THE FLAT SHINGLE ROOF BECAUSE I THOUGHT THAT

 11:37:28 THE TILE MADE A BETTER APPEARANCE IN OUR COMMUNITY.
 11:37:31 AND I THINK HISTORICALLY FROM LOOKING BACK THAT WE HAVEN'T
 11:37:34 HAD ANY NEW RESIDENTIAL CONSTRUCTION IN ESTERO SINCE WE
 11:37:39 BECAME INCORPORATED THAT HAS HAD THE SHINGLE ROOF.
 11:37:42 I THINK IT'S ALL BEEN THE BARREL TILE.
 11:37:44 THE FLAT TILE OPTION THAT IS BEING OFFERED HERE I PERSONALLY
 11:37:49 DON'T LIKE THE LOOK OF THE FLAT TILE MYSELF.
 11:37:54 BUT THE THREE DIMENSIONAL ASPHALT SHINGLE I THINK YOU HAD
 11:37:57 ANOTHER WORD FOR THAT, I HAVE SEEN THAT.
 11:38:00 I THINK IT WOULD ACTUALLY LOOK BETTER THAN THE FLAT TILE
 11:38:03 PERSONALLY.
 11:38:04 SO MY FIRST OBJECTION I'LL WITHDRAW.
 11:38:09 MY VOTE MAY CHANGE WITH THE MOTION.
 11:38:15 >>Mayor Errington: JON.
 11:38:20 >>Jim Boesch: I'M NOT CLEAR OF WHAT HE'S SAYING.
 11:38:23 >>Nancy Stroud: WAS THERE A MOTION MADE AND SECONDED?
 11:38:25 >>Mayor Errington: NO.
 11:38:25 IT'S NOT A MOTION.
 11:38:26 >>Nancy Stroud: NO MOTION YET.
 11:38:28 >>Mayor Errington: NO, NO MOTION YET.
 11:38:29 JON, YOU HAVE A COMMENT.
 11:38:33 >>Vice-Mayor McLain: I THINK WITH THE -- I LIKE THE LOOK OF
 11:38:38 TILE.
 11:38:39 FLAT TILE IS OKAY ALSO.
 11:38:40 BUT I AM WORRIED A LITTLE BIT ABOUT THE COST OF MAINTENANCE.

 11:38:43 THEY ARE EXPENSIVE TO MAINTAIN, AND THIS IS NOT MULTIMILLION
 11:38:48 DOLLAR HOME.
 11:38:50 AND I THINK THE MULTIDIMENSIONAL ASPHALT IN MY MIND WOULD BE
 11:38:55 MAYBE A LESS EXPENSIVE COST LONGER TERM FOR THE RESIDENTS
 11:39:01 THAT ARE GOING TO BE BUYING IN THERE.

11:39:03 I GUESS I'M WILLING TO WITHDRAW MY THOUGHT ABOUT PUTTING A
 11:39:09 FLAT TILE ROOF JUST MAINLY BECAUSE OF THE COST TO MAINTAIN
 11:39:13 IT VERSUS LESS EXPENSIVE ASPHALT VERSUS A FLAT TILE.
 11:39:20 >>Mayor Errington: JIM.
 11:39:22 >>Jim Boesch: I WOULDN'T SUPPORT IF WE PROPOSED A MOTION, I
 11:39:25 WOULDN'T SUPPORT IT BECAUSE WE SPEND SO LONG ON MAKING A
 11:39:29 COMPREHENSIVE PLAN.
 11:39:30 PEOPLE COME TO ESTERO NOW AND SAY, WHAT ARE THE GUIDELINES?
 11:39:36 HERE IS THE COMPREHENSIVE PLAN AND WE DON'T STATE THAT IN
 11:39:39 THE COMPREHENSIVE PLAN.
 11:39:40 AND NOW ALL OF A SUDDEN WE'RE GOING TO SAY TO THE PEOPLE,
 11:39:44 WELL, YOU NEED TO GET TILE ROOFS INSTEAD OF THE
 11:39:48 COMPREHENSIVE PLAN.
 11:39:48 THAT'S NOT WHAT WE TOLD THEM WHEN THEY FIRST CAME HERE, AND
 11:39:52 NOW WE'RE MAKING NEW RULES BECAUSE WE WANT AN AESTHETIC
 11:39:56 APPROACH.
 11:39:57 I COULD NOT SUPPORT MAKING A CHANGE TO THE COMPREHENSIVE
 11:40:02 PLAN.
 11:40:03 THAT'S WHAT WE'RE DOING BASICALLY.
 11:40:05 >>Mayor Errington: JIM WILSON.

 11:40:07 >>Jim Wilson: I'M SATISFIED WITH THE ANSWER WE GOT FROM DR
 11:40:12 HORTON REPRESENTATIVE.
 11:40:16 I THINK THAT THE BUFFERED SHINGLE ROOF IS GOING TO BE FINE.
 11:40:21 I'LL EITHER VOTE AGAINST THE MOTION OR HOPE THAT WE DON'T
 11:40:24 HAVE A MOTION.
 11:40:27 >>Mayor Errington: ANY OTHER COMMENTS?
 11:40:29 NO, WE DON'T HAVE A MOTION.
 11:40:31 >>Nancy Stroud: IF NO ONE WANTS TO MAKE A MOTION --
 11:40:34 >>Mayor Errington: I WANT YOU TO REPEAT NOW.
 11:40:36 YOU REPEAT WHAT THE MOTION IS AND THEN WE'LL GET IT GOING.
 11:40:39 >>Nancy Stroud: THE MOTION COULD BE TO ADD TO SECTION 2,
 11:40:44 PARAGRAPH 2, A SENTENCE THAT SAYS A FLAT TILE ROOF WILL BE
 11:40:49 REQUIRED AS APPROVED BY THE PLANNING ZONING AND DESIGN
 11:40:53 BOARD.
 11:40:53 IF NO ONE WANTS TO MAKE THE MOTION, WE'RE DONE.
 11:40:59 OR SOMEONE CAN MAKE THE MOTION AND YOU CAN VOTE IT UP OR
 11:41:02 DOWN.
 11:41:02 >>Mayor Errington: ANYONE WANT TO MAKE THE MOTION?
 11:41:07 >>Nancy Stroud: IT LOOKS LIKE WE'RE DONE.
 11:41:08 >>Mayor Errington: OKAY.
 11:41:09 SO WE'RE FINISHED.
 11:41:10 WE NEED TO CLOSE THE PUBLIC HEARING.
 11:41:19 >>Nancy Stroud: I THOUGHT YOU OPENED IT AND THERE WAS NO ONE
 11:41:23 THERE.
 11:41:24 SO WE'VE DONE THE PUBLIC HEARING.

 11:41:25 YOU'VE DONE THE VOTE.

11:41:28 AND YOU ARE READY TO MOVE ON TO THE NEXT ITEM.
 11:41:34 >>Carol Sacco: YOU WANT ME TO CALL ROLL AGAIN?
 11:41:37 >>Mayor Errington: CALL THE ROLL.
 11:41:42 >>Joanne Ribble: THIS IS A ROLL CALL?
 11:41:45 >>Mayor Errington: THAT'S WHAT NANCY SAID.
 11:41:47 >>Nancy Stroud: THERE'S NO MOTION.
 11:41:49 YOU VOTED ON THE FIRST MOTION, SO YOU MADE THOSE THREE
 11:41:54 CHANGES, AND NO ONE WANTED TO MAKE A MOTION TO REQUIRE A
 11:41:57 FLAT TILE ROOF.
 11:41:58 YOU'RE DONE.
 11:42:03 >>Mayor Errington: WE'RE DONE WITH THAT.
 11:42:05 OKAY.
 11:42:09 LET'S TAKE A BREAK.
 11:42:12 TEN MINUTES.
 11:42:17 OKAY?
 11:42:19 [TEN-MINUTE BREAK]
 11:54:18 >>Mayor Errington: WELCOME BACK.
 11:54:21 WE'RE GOING WITH THE REST OF THE AGENDA HERE.
 11:54:25 WE ARE AT ITEM 8B.
 11:54:29 IT'S THE SECOND READING AND PUBLIC HEARING OF ORDINANCE
 11:54:32 NUMBER 2022-13.
 11:54:36 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
 11:54:39 >>Carol Sacco: YES, MAYOR.
 11:54:40 >>Mayor Errington: WILL YOU PLEASE READ THE ORDINANCE?

 11:54:42 >>Carol Sacco: ORDINANCE NUMBER 2022-13, AN ORDINANCE OF THE
 11:54:46 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING
 11:54:48 LAND DEVELOPMENT CODE SECTION 7-3, FLOOD HAZARD REDUCTION
 11:54:53 STANDARDS, TO UPDATE THE EFFECTIVE FLOOD INSURANCE STUDY
 11:54:56 APPLICABLE TO THE VILLAGE, AMEND THE PROCESS FOR DETERMINING
 11:55:00 SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE
 11:55:02 DETERMINATIONS, UPDATE REFERENCE TO THE FLORIDA BUILDING
 11:55:05 CODE HISTORICAL BUILDINGS CHAPTER, SPECIFY ELEVATION OF AND
 11:55:09 FOUNDATIONS FOR MANUFACTURED HOMES IN FLOOD HAZARD AREAS,
 11:55:13 PROVIDE STANDARDS FOR NON-ELEVATED ACCESSORY STRUCTURES IN
 11:55:16 FLOOD AREAS AND AMEND DEFINITIONS; CLARIFYING AND REENACTING
 11:55:20 THE REPEAL OF ORDINANCE 2015-16; PROVIDING FOR SEVERABILITY;
 11:55:24 PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE
 11:55:27 DATE.
 11:55:28 >>Mayor Errington: THANK YOU.
 11:55:29 STEVE --
 11:55:31 >>Jim Boesch: DON'T WE HAVE TO VOTE ON THE A, DON'T WE HAVE
 11:55:37 TO VOTE ON THE PROJECT, THE SECOND READING?
 11:55:41 >>Steven Sarkozy: WE DID THAT.
 11:55:42 >>Jim Boesch: WE APPROVED THE PROJECT.
 11:55:46 >>Steven Sarkozy: THIS ITEM IS LAND DEVELOPMENT CODE
 11:55:50 AMENDMENT.
 11:55:51 YOU'VE SEEN THIS BEFORE, AND IT HAS BEEN DISCUSSED.

11:55:56 WE INCLUDED IN THIS THE ELIMINATION OF THE FIVE-YEAR PERIOD
 11:56:00 FOR A CUMULATIVE COST AS YOU APPLY FOR FEMA REIMBURSEMENTS.

11:56:06 WE'RE TRACKING HERE WHAT'S BEEN DONE AT LEE COUNTY, AND MARY
 11:56:12 HAS A REPORT ON THIS AND WHAT THIS OVERALL ORDINANCE WILL
 11:56:15 DO.
 11:56:17 BUT THERE'S SOME GOOD NEWS IN HERE FOR PEOPLE WHO ARE
 11:56:20 AFFECTED BY HURRICANE IAN.
 11:56:23 MARY, I'D LIKE TO ASK TO YOU PROVIDE SOME OF THAT
 11:56:26 INFORMATION FROM THE LEE COUNTY DISCUSSIONS.
 11:56:28 >>Mary Gibbs: ALL RIGHT.
 11:56:29 AND SO THIS WAS CONTINUED FROM THE PRIOR HEARING BECAUSE YOU
 11:56:34 WANTED TO SEE WHAT ADDITIONAL -- WHAT OTHER JURISDICTIONS
 11:56:39 WERE DOING, PARTICULARLY ABOUT THE 50% RULE.
 11:56:43 SO THIS FLOOD ORDINANCE, AGAIN, MOST OF IT WAS AFFECTING THE
 11:56:47 MOBILE HOMES.
 11:56:47 THEY HAVE TO RAISE UP A FOOT, SIMILAR TO SINGLE-FAMILY.
 11:56:50 BUT THE QUESTION CAME UP ABOUT SUBSTANTIAL DAMAGE AND
 11:56:53 SUBSTANTIAL IMPROVEMENT AND WHAT ARE OTHER PLACES DOING.
 11:56:55 SO WE HAD HEARD THAT THE OTHER PLACES WERE CONSIDERING
 11:57:00 REDUCING THE FIVE-YEAR CUMULATIVE CLAUSE TO ONE YEAR OR
 11:57:07 ELIMINATING IT.
 11:57:08 SO THE COUNTY RECENTLY ELIMINATED THE FIVE YEARS SO THAT IF
 11:57:12 YOU'RE MAKING IMPROVEMENTS, YOU DON'T HAVE TO COUNT ALL THE
 11:57:14 THINGS THAT YOU DID.
 11:57:16 YOU DON'T HAVE TO BE PENALIZED IF YOU PUT ON A NEW ROOF OR
 11:57:20 ANYTHING LIKE THAT WITH THE PRIOR FIVE YEARS.
 11:57:23 I KNOW THE COUNCIL WAS LEANING TOWARDS THAT AT THE LAST

11:57:27 MEETING AND SAID PREPARE AN OPTION WHERE WE ELIMINATE THAT,
 11:57:30 BUT LET'S SEE WHAT WE CAN FIND OUT FROM FEMA OR THE OTHER
 11:57:34 AGENCIES IN THE MEANTIME.
 11:57:35 SO WE HAVE SOME NEW INFORMATION, BUT NOT A LOT.
 11:57:39 WE HAD SPOKEN TO DEPARTMENT OF EMERGENCY MANAGEMENT AT THE
 11:57:44 STATE OF FLORIDA, AND WHAT THEY ADVISED US IS THAT IF YOU --
 11:57:48 IF WE DO GET RID OF THAT CLAUSE WITH THE FIVE YEARS, THAT
 11:57:52 IT'S LIKELY THAT OUR CRS RATING, WHICH IS OUR INSURANCE
 11:57:58 RATING, WE WOULD GO FROM A CLASS 6 TO A CLASS 7.
 11:58:02 BECAUSE IF YOU ELIMINATE THAT LANGUAGE, YOU LOSE 40 POINTS.
 11:58:05 WE'VE ONLY GOT ABOUT 13 EXTRA POINTS.
 11:58:07 SO IT'S LIKELY THAT WE WOULD GO DOWN IN A RATING.
 11:58:10 WHAT THAT MEANS IS YOU WOULD LOSE A 5% DISCOUNT ON YOUR
 11:58:15 INSURANCE.
 11:58:16 SO THEY LOOKED AT THE NUMBER OF POLICIES, AND WHAT THEY
 11:58:20 CALCULATED WAS IT COULD BE AN ADDITIONAL \$40 PER POLICY IF
 11:58:25 THAT HAPPENS.
 11:58:26 BUT WE ASKED THEM FURTHER WHERE THEY GOT THE POLICY
 11:58:30 INFORMATION BECAUSE IT DIDN'T LOOK LIKE THEY HAD THAT MANY

11:58:33 POLICIES.
 11:58:34 AND THEY HAVE NOT GOTTEN BACK TO US.
 11:58:36 THEY SAID THEY WEREN'T SURE.
 11:58:38 THAT IS A VERY CRUDE NUMBER.
 11:58:41 IT COULD BE MORE THAN \$40.
 11:58:43 WE JUST DON'T KNOW AT THIS POINT.

11:58:44 BUT THEN WHAT WE ARE WORKING ON AND HAVE BEEN WORKING ON IS
 11:58:50 SOME OPEN SPACE, GETTING SOME INVENTORY OF OUR OPEN SPACE
 11:58:54 BECAUSE THAT WILL HELP US TO GET EXTRA POINTS.
 11:58:57 SO IT'S POSSIBLE THAT IF WE DO GO FROM A 6 TO A 7, THAT
 11:59:01 MAYBE NEXT YEAR WE'LL BE ABLE TO GO BACK UP TO A 6 BECAUSE
 11:59:05 WE WILL ACCUMULATE POINTS FOR OPEN SPACE.
 11:59:07 SO THAT COULD BE OFFSET.
 11:59:09 WE ALSO REACHED OUT TO THE PEOPLE TO SEE IF WE COULD GET
 11:59:13 THEM TO LOOK AT OUR POINTS PRELIMINARILY, AND THEY SAID, NO,
 11:59:16 YOU SENT US TOO MUCH INFORMATION.
 11:59:17 WE CAN'T LOOK AT IT NOW.
 11:59:19 BUT WE'LL GET BACK TO YOU.
 11:59:21 SO THAT'S THE LATEST I KNOW IN TERMS OF THAT.
 11:59:24 I PROVIDED LANGUAGE AND ACTUALLY THE LANGUAGE IN YOUR PACKET
 11:59:31 IS A LITTLE BIT REVISED, SO IF YOU GO TO YOUR DESK PACKET,
 11:59:35 WHAT I DID IS I COORDINATED WITH THE WOMAN AT THE DEPARTMENT
 11:59:39 OF EMERGENCY MANAGEMENT THAT DOES ALL THE WORK FOR FEMA,
 11:59:42 SENT HER THE LANGUAGE THAT WE HAD, IF WE WERE TO ELIMINATE
 11:59:45 THE FIVE YEARS, TO SEE IF THEY WERE OKAY WITH THAT.
 11:59:49 AND THEN SHE SENT BACK SOME SUGGESTED CHANGES, SO WE'VE BEEN
 11:59:52 GOING BACK AND FORTH, BACK AND FORTH ON THAT UP UNTIL
 11:59:55 YESTERDAY.
 11:59:56 IN YOUR DESK PACKET, IF YOU WANT TO PULL OUT YOUR DESK
 12:00:00 PACKET AND LOOK AT THAT, IT'S JUST A PAGE AND A HALF.
 12:00:04 AND ACTUALLY THE MOST IMPORTANT LANGUAGE IS ON THE SECOND

12:00:07 PAGE UNDER DEFINITIONS, AND IT JUST -- WHERE WE STRIKE OUT
 12:00:12 TAKING PLACE DURING THE FIVE-YEAR PERIOD, THE CUMULATIVE
 12:00:15 COST, SO WE'RE STRIKING OUT THAT LANGUAGE THAT SAYS FOR EACH
 12:00:18 BUILDING OR STRUCTURE, FIVE-YEAR PERIOD BEGINS, WE'RE JUST
 12:00:21 STRIKING OUT THAT LANGUAGE.
 12:00:23 AND THE FIRST PAGE IS REALLY JUST CLEAN UP THAT THEY ASKED
 12:00:27 US TO DO IN DIFFERENT SECTIONS OF THE ORDINANCE.
 12:00:29 THEY DIDN'T LIKE OUR WHEREAS CLAUSE.
 12:00:31 THEY WANTED A DIFFERENT WHEREAS CLAUSE.
 12:00:33 THAT'S BASICALLY ALL CLEANUP.
 12:00:35 BUT WE DID PROPOSE IN THIS DESK PACKET, IF YOU WANT TO
 12:00:38 ELIMINATE THE LANGUAGE, THIS WOULD BE THE LANGUAGE THAT YOU
 12:00:41 WOULD ADOPT.
 12:00:42 AND THEN JUST ONE MORE THING THAT WAS KIND OF INTEREST.
 12:00:47 AT A PRIOR MEETING, WE ALSO SAID THE COUNTY ORDINANCE WAS

12:00:51 LOOKING AT ADDING A MARKET ADJUSTMENT FACTOR SO THAT YOU
 12:00:54 COULD HAVE AN INCREASED FACTOR, WHICH WOULD BE A LITTLE MORE
 12:00:58 FLEXIBLE FOR PEOPLE.
 12:01:02 THEY HAD ACTUALLY TALKED TO FEMA AND DEPARTMENT OF EMERGENCY
 12:01:06 MANAGEMENT A COUPLE OF DAYS AGO.
 12:01:07 THIS CAME UP AT THE COUNTY COMMISSION MEETING ON TUESDAY,
 12:01:12 YESTERDAY, AND THEY WERE GOING TO MAKE AN ADDITIONAL MARKET
 12:01:15 ADJUSTMENT FACTOR THAT OTHER CITIES WERE LOOKING AT.
 12:01:17 AND DEPARTMENT OF EMERGENCY MANAGEMENT OF FEMA CAME BACK AND
 12:01:20 TOLD THEM, NO, THEY COULDN'T DO THAT.

12:01:22 ONLY THE PROPERTY APPRAISER CAN MAKE ADJUSTMENTS AND HE
 12:01:24 ALREADY MADE ADJUSTMENTS IN SOME OF THE LETTERS THAT HE HAS
 12:01:28 GIVEN TO PEOPLE.
 12:01:29 SO THE COUNTY HAD A BIG CONFERENCE CALL WITH FEMA,
 12:01:34 DEPARTMENT OF EMERGENCY MANAGEMENT.
 12:01:36 SOMEBODY FROM WASHINGTON, D.C., AND THEIR ATTORNEY'S OFFICE
 12:01:39 AND STAFF AND THE PROPERTY APPRAISER TO KIND OF DISCUSS THAT
 12:01:45 MARKET RATE ADJUSTMENT.
 12:01:46 AND FEMA SAID, NO, YOU CAN'T DO IT.
 12:01:48 SO THE COUNTY ATTORNEY TOLD THE COUNTY COMMISSIONERS
 12:01:52 YESTERDAY, YOU KNOW, THEY ELIMINATED THE FIVE YEARS, BUT
 12:01:56 THEY CAN'T DO THE MARKET ADJUSTMENT.
 12:01:58 SO THAT'S THE LATEST NEWS.
 12:02:01 SO THE ORDINANCE IS IN YOUR PACKET, AND IF YOU WANT TO DO --
 12:02:11 ELIMINATE THE FIVE YEARS, THAT WOULD BE AS AMENDED BY THIS
 12:02:15 DESK PACKET.
 12:02:16 IT'S CALLED REVISED OPTIONAL LANGUAGE, NOVEMBER 15th --
 12:02:21 >>Mayor Errington: IS THAT WHAT STAFF RECOMMENDS?
 12:02:24 >>Mary Gibbs: YOU KNOW, IT'S YOUR DECISION.
 12:02:27 IT'S TOUGH BECAUSE YOU WANT TO PROVIDE FLEXIBILITY FOR
 12:02:30 PEOPLE THAT HAVE BEEN IMPACTED BY THE HURRICANE NOW, BUT
 12:02:33 THEN YOU NEED TO LOOK AT THE BALANCE OF DOES THAT MEAN OTHER
 12:02:36 PEOPLE'S FLOOD INSURANCE WILL BE INCREASED IN THE FUTURE?
 12:02:43 >>Jim Ward: MARY, I'M AWARE OF THE FACT THAT LEE COUNTY
 12:02:47 REDUCED IT FROM THE FIVE YEARS TO ONE YEAR.

12:02:49 I BELIEVE NAPLES IS DOING THE SAME THING.
 12:02:53 IS THERE A REASON WE HAVEN'T GONE FROM FIVE TO ONE AND JUST
 12:02:56 ELIMINATING THAT LANGUAGE ALTOGETHER?
 12:03:00 >>Mary Gibbs: WELL, THE COUNTY DID NOT GO FROM FIVE TO ONE.
 12:03:03 IT WAS I THINK FIRST REPORTED IN THE NEWS THAT THEY WENT
 12:03:05 FROM FIVE TO ONE.
 12:03:06 WHEN I ACTUALLY GOT THEIR ORDINANCE, IT'S GOING FROM FIVE TO
 12:03:09 ZERO.
 12:03:10 SO THE FIVE YEARS IS JUST ELIMINATED.
 12:03:12 SO THE LONG THAT I HAVE IN HERE ON THE SECOND PAGE IS
 12:03:15 ESSENTIALLY THE SAME AS WHAT THE COUNTY HAS.

12:03:19 IF YOU'RE GOING TO LOSE POINTS, IN MY OPINION, IF YOU'RE
 12:03:24 GOING TO LOSE THE POINTS ANYWAY, THEN WHY WOULD YOU LEAVE IT
 12:03:27 AT ONE.
 12:03:28 WHY NOT JUST GO TO ZERO?
 12:03:31 >>Jim Ward: DOESN'T IT LEAVE US OPEN TO A SITUATION WHERE
 12:03:35 PEOPLE CAN STAGGER THEIR REPAIRS TO STAY UNDER THAT 50% AND
 12:03:39 STAGGER IT OVER A PERIOD OF TWO, THREE YEARS?
 12:03:43 >>Mary Gibbs: YOU PROBABLY SHOULD STAGGER.
 12:03:46 THAT FIVE-YEAR PERIOD KEEPS MOVING ANYWAY.
 12:03:51 PEOPLE HAD TO STAGGER ANYWAY.
 12:03:53 PEOPLE HAVE HAD TO STAGGER THAT.
 12:03:55 TO ME, THE DIFFERENCE BETWEEN ONE YEAR, IT DOESN'T MAKE MUCH
 12:04:00 DIFFERENCE.
 12:04:00 IF SOMEBODY IS GOING TO SKIRT AROUND IT, THEY'LL PROBABLY

 12:04:03 FIND SOME WAY TO DO THAT ANYWAY.
 12:04:06 SO WE WOULD SUGGEST IF YOU'RE GOING TO DO IT, I WOULD JUST
 12:04:10 MAKE IT ZERO.
 12:04:10 >>Jim Ward: SO LEE COUNTY IS ZERO.
 12:04:12 >>Mary Gibbs: YES.
 12:04:13 YES.
 12:04:14 THEY ACTUALLY REITERATED THAT YESTERDAY AT THEIR COMMISSION
 12:04:17 MEETING.
 12:04:20 >>Jim Ward: THANK YOU.
 12:04:20 >>Mayor Errington: JOANNE.
 12:04:21 >>Joanne Ribble: MARY, OUR RATING STATUS, GOING FROM 7 TO 6,
 12:04:26 OVER YEARS THEN WE CAN BUILD IT BACK UNDER THE SITUATIONS
 12:04:29 THAT YOU MENTIONED SUCH AS THE OPEN SPACE BENEFIT.
 12:04:36 IS THERE ANYTHING ELSE WE CAN DO TO IMPROVE OUR RATING OVER
 12:04:39 THE YEARS?
 12:04:40 >>Mary Gibbs: ACTUALLY, IT WOULD GO FROM A 6 TO A 7.
 12:04:44 BUT THE OPEN SPACE WOULD BE PROBABLY THE QUICKEST THING THAT
 12:04:48 WE CAN DO.
 12:04:48 THERE ARE OTHER THINGS IF WE DO ANY PROACTIVE PLANNING,
 12:04:53 MITIGATION MEASURES, THERE'S A HANDBOOK THAT HAS A LIST OF
 12:05:00 THINGS THAT ROBERT WILEY, THAT WORKS UPSTAIRS WITH DAVID, IS
 12:05:03 LOOKING AT BECAUSE HE IS A FLOODPLAIN MANAGER AS WELL.
 12:05:05 DIFFERENT THINGS THAT WE CAN DO IN A LONGER TERM TO
 12:05:08 INCREASE, YOU KNOW, TO GET EXTRA POINTS AND MAYBE INCREASE
 12:05:10 OUR RATING.

 12:05:10 BUT I THINK OUR BEST BET FOR GETTING BACK TO A 6 WOULD BE
 12:05:15 THE OPEN SPACE BECAUSE THAT'S PRETTY WELL ALL PREPARED.
 12:05:19 IT'S JUST GOT TO BE REVIEWED BY FEMA.
 12:05:23 >>Joanne Ribble: WE'RE HOPING THAT THIS INCREASE IN
 12:05:25 INSURANCE RATES FOR THE RESIDENTS COULD POSSIBLY BE
 12:05:28 TEMPORARY.
 12:05:28 >>Mary Gibbs: RIGHT.

12:05:29 CORRECT.
 12:05:32 >>Mayor Errington: ANY OTHER COMMENTS?
 12:05:35 >>Jim Ward: JUST A CLARIFICATION.
 12:05:36 THE INCREASE IN INSURANCE IS JUST FOR FLOOD INSURANCE.
 12:05:39 >>Mary Gibbs: CORRECT, CORRECT.
 12:05:44 >>Mayor Errington: THANK YOU.
 12:05:44 NO OTHER COMMENTS?
 12:05:47 ANY PUBLIC?
 12:05:51 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT, AND WE DID HAVE A
 12:05:54 POSITIVE E-COMMENT THAT WAS SENT TO YOU YESTERDAY.
 12:05:56 >>Mayor Errington: OKAY.
 12:05:58 BEFORE WE GO IN FOR A MOTION, I WILL ASK OUR ATTORNEY, BOB
 12:06:04 PRITT, COULD YOU KIND OF PUT THE MOTION TOGETHER AND TELL US
 12:06:09 WHAT IT IS?
 12:06:11 >>Robert Pritt: I THINK YOUR LAND USE COUNCIL HAS DONE THAT.
 12:06:16 I CAN TAKE A SHOT AT IT.
 12:06:18 WHAT YOU'RE GOING TO BE VOTING ON IS THE ORDINANCE EITHER
 12:06:22 WITH OR WITHOUT THE AMENDMENT THAT WAS PROPOSED TODAY THAT

 12:06:26 YOU HAVE IN FRONT OF YOU TODAY.
 12:06:28 IF YOU DO IT WITH THE NEW LANGUAGE, THEN THAT WOULD BE WHAT
 12:06:37 IS ADOPTED.
 12:06:38 I THINK YOU HAVE THE AUTHORITY TO DO THAT.
 12:06:41 >>Mayor Errington: NANCY, WHAT IN YOUR OPINION --
 12:06:45 >>Nancy Stroud: IF YOU WANT TO ALLOW FOR THAT TEMPORARY
 12:06:51 INCREASE IN FLOOD INSURANCE POLICY COST AND CHANGE THE
 12:06:56 SUBSTANTIAL IMPROVEMENT DEFINITION, THEN THE MOTION WOULD BE
 12:07:00 TO APPROVE THE ORDINANCE ON FIRST READING AS AMENDED BY THE
 12:07:09 LANGUAGE PRESENTED FOR CHANGING THE DEFINITION OF
 12:07:14 SUBSTANTIAL IMPROVEMENT.
 12:07:18 >>Robert Pritt: I'M SORRY.
 12:07:19 I THOUGHT THIS WAS A SECOND READING.
 12:07:21 >>Mayor Errington: IT IS A SECOND READING.
 12:07:23 >>Nancy Stroud: SECOND READING.
 12:07:29 >>Mayor Errington: OKAY.
 12:07:30 ANY COMMENTS ON THAT?
 12:07:32 NO COMMENTS.
 12:07:34 WE'VE DONE THE E-COMMENTS AND NOBODY HAS ANY COMMENTS TO
 12:07:43 MAKE THERE.
 12:07:43 NOW WE NEED A MOTION.
 12:07:44 MOTION MADE BY COUNCIL MEMBER RIBBLE AND SECONDED BY COUNCIL
 12:07:50 MEMBER JIM WARD.
 12:07:51 PLEASE CALL THE ROLL.
 12:07:56 >>Robert Pritt: THIS WOULD BE WITH THE AMENDED LANGUAGE.

 12:07:58 >>Joanne Ribble: AMENDED LANGUAGE.
 12:07:59 >>Mayor Errington: AMENDED LANGUAGE.
 12:08:00 LET'S REPEAT TO MAKE SURE NOW WE'RE IN AGREEMENT.

12:08:03 THAT'S WHAT I THOUGHT IT WAS, BUT YOU'VE QUESTIONED IT.
 12:08:06 LET'S MAKE SURE.
 12:08:06 WITH THE AMENDED LANGUAGE.
 12:08:09 >>Joanne Ribble: YES.
 12:08:11 >>Mayor Errington: THIS IS VERY IMPORTANT.
 12:08:12 OKAY.
 12:08:13 WE'VE GOT IT.
 12:08:15 >>Jim Wilson: AYE.
 12:08:17 >>Jim Ward: AYE.
 12:08:19 >>Jim Boesch: AYE.
 12:08:20 >>Larry Fiesel: AYE.
 12:08:21 >>Joanne Ribble: AYE.
 12:08:22 >>Vice-Mayor McLain: AYE.
 12:08:23 >>Mayor Errington: AYE.
 12:08:24 ITEM NUMBER 8C.
 12:08:30 THIS IS THE SECOND READING AND PUBLIC HEARING OF ORDINANCE
 12:08:33 NUMBER 2022-17.
 12:08:36 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
 12:08:39 >>Carol Sacco: YES, MAYOR.
 12:08:41 >>Mayor Errington: WOULD YOU PLEASE READ THIS ORDINANCE?
 12:08:43 >>Carol Sacco: ORDINANCE NUMBER 2022-17, AN ORDINANCE OF THE
 12:08:47 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING

 12:08:49 NEW FLOOD INSURANCE RATE MAPS FOR FLOOD ZONES IN THE VILLAGE
 12:08:53 OF ESTERO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
 12:08:56 EFFECTIVE DATE.
 12:08:57 >>Mayor Errington: THANK YOU.
 12:08:58 STEVE?
 12:08:58 >>Steven Sarkozy: MAYOR AND MEMBERS OF COUNCIL, THIS IS THE
 12:09:03 SECOND READING.
 12:09:04 THESE ARE THE NEW FLOOD MAPS THAT CAME TO US AS A RESULT OF
 12:09:08 UPDATES INITIATED BY FEMA WELL BEFORE HURRICANE IAN.
 12:09:16 THESE COME TO WITH A RECOMMENDATION FOR APPROVAL.
 12:09:18 THE MAPS HAVE BEEN FORWARDED TO YOU PREVIOUSLY WITH DETAILS
 12:09:21 SHOWING THE EXACT STREETS THAT ARE AFFECTED.
 12:09:23 THERE'S NOTHING WE CAN DO IN TERMS OF MODIFYING THESE MAPS.
 12:09:30 I WOULD SAY THAT YOU HAVE TO TAKE ACTION TODAY AND THEY HAVE
 12:09:32 TO BE OUT BACK TO FEMA I THINK TOMORROW.
 12:09:35 EFFECTIVE TOMORROW.
 12:09:38 THERE IS A TIMELINE ON THIS.
 12:09:41 >>Mayor Errington: THANK YOU.
 12:09:42 ANY PUBLIC COMMENT?
 12:09:47 >>Carol Sacco: NO PUBLIC COMMENT AND NO E-COMMENTS, MAYOR.
 12:09:50 >>Mayor Errington: COUNCIL MEMBERS, ANY COMMENTS, QUESTIONS,
 12:09:53 ANYTHING?
 12:09:53 NOW, LET'S HAVE A REPEAT -- ALWAYS WANT TO MAKE SURE WE KNOW
 12:09:59 WHAT THE MOTION IS.
 12:10:00 WHAT IS THE MOTION?

12:10:06 >>Robert Pritt: IT WOULD BE TO APPROVE ORDINANCE 2022-17.
 12:10:12 >>Mayor Errington: AND THAT'S IT.
 12:10:13 OKAY.
 12:10:13 NOW I NEED SOMEONE TO MAKE THE MOTION.
 12:10:19 >>Larry Fiesel: I'LL MAKE THE MOTION.
 12:10:21 >>Mayor Errington: MOTION HAS BEEN MADE BY COUNCIL MEMBER
 12:10:23 LARRY FIESEL AND SECONDED BY VICE-MAYOR JON McLAIN.
 12:10:26 PLEASE CALL THE ROLL.
 12:10:26 >>Joanne Ribble: AYE.
 12:10:28 >>Larry Fiesel: AYE.
 12:10:29 >>Jim Boesch: AYE.
 12:10:31 >>Jim Ward: AYE.
 12:10:32 >>Jim Wilson: AYE.
 12:10:33 >>Vice-Mayor McLain: AYE.
 12:10:34 >>Mayor Errington: AYE.
 12:10:36 OKAY.
 12:10:40 WE ARE NOW DOWN TO ITEM NUMBER 9, PUBLIC COMMENT ON
 12:10:43 NON-AGENDA ITEMS.
 12:10:45 DO WE HAVE ANY?
 12:10:45 >>Carol Sacco: WE HAVE NONE, MAYOR.
 12:10:47 >>Mayor Errington: WE DON'T HAVE ANY.
 12:10:48 NUMBER 10, COUNCIL COMMENTS, COMMUNICATIONS, FUTURE AGENDA
 12:10:56 ITEMS AND SO FORTH.
 12:10:57 LET'S START WITH COUNCIL MEMBER WILSON, DO YOU HAVE ANYTHING
 12:11:01 YOU WOULD LIKE TO REPORT?

 12:11:02 >>Jim Wilson: YES, MA'AM, MAYOR.
 12:11:04 JUST A QUICK THANK YOU TO LEE COUNTY.
 12:11:06 I READ EVERY WEEK WITH INTEREST THEIR REPORT ON THE PROGRESS
 12:11:13 IN NEW -- [INAUDIBLE] -- THAT ARE PREVAILING ON CORKSCREW
 12:11:15 ROAD DURING THEIR ROAD CONSTRUCTION PROJECT, AND I KNOW THAT
 12:11:18 THE RESIDENTS WHO LIVE EAST OF BEN HILL FIND IT VERY
 12:11:24 INTERESTING AND VALUABLE TO KNOW EXACTLY WHAT'S GOING ON
 12:11:26 WITH THEIR DRIVEWAYS AND THE CONSTRUCTION OUT THERE.
 12:11:29 SO THANK YOU.
 12:11:30 >>Mayor Errington: THANK YOU.
 12:11:34 >>Jim Ward: A COUPLE OF THOUGHTS.
 12:11:35 ONE, I WANTED TO THANK HOWARD FOR HIS CONTRIBUTIONS.
 12:11:39 I DIDN'T HAVE THE OPPORTUNITY TO WORK WITH HOWARD DURING THE
 12:11:43 PRIOR COUNCIL, BUT I OFTEN UNDERSTOOD HIS CONTRIBUTIONS.
 12:11:47 BUT ONE OF THE THINGS HE REFERENCED WAS THE QUALITY OF LIFE.
 12:11:51 IT JUST STRUCK ME THAT EVERYTHING WE DO HERE RELATES TO
 12:11:56 THAT, TO THE QUALITY OF LIFE OF OUR RESIDENTS, TO THE
 12:11:58 QUALITY OF LIFE OF THE COMMUNITY THAT WE'RE BUILDING AND
 12:12:01 CONTINUING TO BUILD OUT.
 12:12:03 I JUST WANTED TO PASS ON THAT THOUGHT.
 12:12:07 I ALSO WANT TO THANK THE GENTLEMAN FROM MEADOWBROOK THAT

12:12:10 MADE SOME COMMENTS RELATIVE TO MYSELF AND JOANNE WORKING
 12:12:14 WITH HIM TO GET BACK POWER WITHIN HIS COMMUNITY.
 12:12:17 BUT I ALSO DID WANT TO RECOGNIZE THAT EVERYBODY ON THIS
 12:12:22 COUNCIL DID THE SAME THING FOR THAT PERIOD OF TIME, FOR THAT

 12:12:25 WEEK THAT WE WERE IN AN EMERGENCY SESSION.
 12:12:28 WHILE HE COMMENDED JOANNE AND I, I THINK IT WAS IMPORTANT TO
 12:12:31 RECOGNIZE THAT THIS ENTIRE COUNCIL WORKED VERY DILIGENTLY TO
 12:12:36 GET BACK POWER AND TO HELP THE RESIDENTS DURING A VERY
 12:12:40 DIFFICULT PERIOD OF TIME.
 12:12:42 THIRDLY, I WANTED TO THANK THE COUNCIL FOR APPROVING THE
 12:12:46 ADDITIONAL SUPPORT OF THE CHAMBER OF COMMERCE.
 12:12:49 WE WILL BE HAVING A STRATEGIC PLANNING -- THE CHAMBER IS
 12:12:54 HAVING A STRATEGIC PLANNING MEETING ON FRIDAY.
 12:12:57 AND I WILL BE BRINGING FORTH SOME OF YOUR CONCERNS AND SOME
 12:13:00 OF YOUR THOUGHTS RELATIVE TO WHAT WE DISCUSSED TODAY.
 12:13:04 DAVID, I WANTED TO THANK DAVID FOR HIS HELP WITHIN THE
 12:13:08 COMMUNITY AND HELPING WITH FEMA, THE PICKUP OF DEBRIS WITHIN
 12:13:14 THE COMMUNITIES.
 12:13:15 I'VE WORKED WITH THE COMMUNITIES IN DISTRICT 6 AND MAKE SURE
 12:13:18 THAT THEY WERE AWARE OF THE PICKUP AND IT WAS VERY
 12:13:22 SUCCESSFUL.
 12:13:24 AND LASTLY, HAPPY THANKSGIVING TO EVERYONE HERE AND ON THE
 12:13:28 COUNCIL.
 12:13:29 >>Mayor Errington: THANK YOU.
 12:13:30 JIM BOESCH.
 12:13:30 >>Jim Boesch: I HAVE NO COMMENTS.
 12:13:32 I WOULD LIKE TO THANK JIM FOR HIS INVITATION, THAT WE ALL
 12:13:39 WORK TOGETHER, ON ALL THE WORK OF THE HURRICANE.
 12:13:42 AND I THINK EVERYTHING WORKED OUT PERFECT FOR THE COUNCIL

 12:13:46 AND FOR THE RESIDENTS, TOO.
 12:13:48 >>Mayor Errington: THANK YOU.
 12:13:49 >>Jim Boesch: I WANT TO WISH EVERYBODY HAPPY THANKSGIVING.
 12:13:55 >>Mayor Errington: JOANNE.
 12:13:56 >>Joanne Ribble: NO COMMENT, EXCEPT TO REITERATE WHAT JIM
 12:13:59 SAID AND THANK THE COUNCIL AND CAROL FOR ALL THE WORK THEY
 12:14:03 DID.
 12:14:03 IT WASN'T JUST A TWO-PERSON EFFORT.
 12:14:05 IT WAS A COMMUNITY EFFORT.
 12:14:06 >>Mayor Errington: LARRY.
 12:14:08 >>Larry Fiesel: YES.
 12:14:11 AS YOU KNOW, I AM THE LIAISON TO THE TOURIST DEVELOPMENTAL
 12:14:18 COUNCIL AND HORIZON LEAGUE.
 12:14:19 UNFORTUNATELY, THE LAST FEW MEETINGS HAVE BEEN CANCELED FOR
 12:14:23 OBVIOUS REASONS.
 12:14:24 I DID RECEIVE AN E-MAIL THIS MORNING FROM THE HORIZON
 12:14:26 COUNCIL.

12:14:28 LOOKING FORWARD TO 2023, WHO THE APPOINTMENT FROM THIS
 12:14:32 COUNCIL WOULD BE.
 12:14:34 THEY WOULD LIKE TO KNOW THAT.
 12:14:36 I DON'T KNOW IF I CAN SAY I'D LIKE TO CONTINUE FOR ANOTHER
 12:14:40 YEAR OR IF WE HAVE TO TAKE THAT UP FOR A VOTE, BUT WE --
 12:14:44 THEY WOULD LIKE TO BE NOTIFIED WHO THAT PERSON IS GOING TO
 12:14:46 BE.
 12:14:48 >>Mayor Errington: UNLESS SOMEONE SELLS INTERESTED IN

 12:14:50 STEPPING FORWARD, COULD WE TAKE THIS AS A CONSENSUS?
 12:14:53 WHAT'S THE RULE?
 12:15:00 >>Steven Sarkozy: IN THE PAST, COUNCIL MEMBERS, YOU'VE TAKEN
 12:15:03 THE VILLAGE ASSIGNMENTS OR LIAISON ASSIGNMENTS IN EARLY --
 12:15:10 IN THE CALENDAR YEAR.
 12:15:12 IT'S NOT INAPPROPRIATE TO DO IT NOW, BUT THAT'S WHAT YOUR
 12:15:16 PAST PRACTICE HAS BEEN.
 12:15:17 >>Mayor Errington: COULD THIS CONTINUE UNTIL YOU DO THOSE
 12:15:21 ASSIGNMENTS?
 12:15:21 >>Steven Sarkozy: I DON'T KNOW WHAT THE TIMELINE IS, AND I
 12:15:24 DON'T KNOW IF ANYONE ELSE WOULD BE INTERESTED IN THE HORIZON
 12:15:27 COUNCIL.
 12:15:27 IT'S YOUR CALL, COLLECTIVELY, HOW YOU WANT TO DEAL WITH IT.
 12:15:33 >>Mayor Errington: DO WE HAVE A CONSENSUS THEN?
 12:15:37 ONE HERE, HERE.
 12:15:38 HERE.
 12:15:39 JIM?
 12:15:40 >>Jim Boesch: YES.
 12:15:41 >>Mayor Errington: YOU'RE IN.
 12:15:43 >>Larry Fiesel: I'M IN.
 12:15:44 THAT WAS AN EASY ELECTION.
 12:15:46 I DIDN'T EVEN HAVE TO CAMPAIGN FOR THAT ONE.
 12:15:48 >>Carol Sacco: MAYOR, CAN YOU REPEAT THE CONSENSUS?
 12:15:51 FOR LARRY -- COUNCIL MEMBER FIESEL TO JOIN THE HORIZON
 12:15:55 COUNCIL?

 12:15:57 I THOUGHT YOU WERE ON THAT.
 12:15:59 >>Mayor Errington: IT'S A RENEWAL.
 12:16:01 >>Larry Fiesel: THEY WANT TO KNOW WHO THE REPRESENTATIVE
 12:16:03 WILL BE FOR NEXT YEAR.
 12:16:05 >>Mayor Errington: IT WAS UNANIMOUS.
 12:16:12 >>Larry Fiesel: THAT'S ALL.
 12:16:13 >>Mayor Errington: JON?
 12:16:14 >>Vice-Mayor McLain: I WOULD JUST LIKE TO WISH EVERYBODY A
 12:16:16 HAPPY THANKSGIVING AND A SAFE THANKSGIVING IF YOU'RE GOING
 12:16:19 TO BE TRAVELING.
 12:16:20 IT'S REALLY IMPORTANT.
 12:16:22 I THINK, OBVIOUSLY, I HAVE A MASK ON.
 12:16:26 I THINK EVERYBODY NEEDS TO BE CAREFUL AS THEY GO TO AIRPORTS

12:16:29 AND THE LIKE.
 12:16:30 DO YOUR DUE DILIGENCE.
 12:16:32 MAKE SURE YOU'RE KEEPING YOUR HANDS CLEAN AND IF NEED BE,
 12:16:35 COVER UP.
 12:16:36 >>Mayor Errington: THANK YOU.
 12:16:36 YOU KNOW WHAT HAS HAPPENED TO ME IN THE PAST WHEN I'VE BEEN
 12:16:42 INVITED TO DO A FIRST PITCH AT THE BALL GAMES, IT ALWAYS
 12:16:47 RAINS.
 12:16:47 SO THAT HAPPENED TWICE.
 12:16:49 THEN I WAS SUPPOSED TO BE -- TAKE THE GRAND MARSHAL FOR BEST
 12:16:55 BUDDIES AND THE WINDSTORM CAME THROUGH AND BLEW OUT
 12:17:02 EVERYTHING THEY HAD.

 12:17:02 THE RISERS.
 12:17:04 THEY HAD TO CANCEL THAT.
 12:17:05 HOWEVER, I WILL BE THROWING OUT THE FIRST HOCKEY PUCK THIS
 12:17:09 FRIDAY NIGHT.
 12:17:10 AND YESTERDAY, I ACCEPTED THIS INVITATION LIKE THREE MONTHS
 12:17:14 AGO, AND THEN LAST NIGHT I THOUGHT, AM I STILL DOING THAT?
 12:17:18 IT'S STILL ON MY CALENDAR.
 12:17:18 I CONTACTED MIKE KELLY.
 12:17:20 I CAME HERE TODAY, AND HERE ARE THE TICKETS AND EVERYTHING
 12:17:23 FOR ME TO GET IN.
 12:17:24 I GUESS I'M DOING IT.
 12:17:27 >>Carol Sacco: HE DID CONFIRM IT THIS MORNING.
 12:17:29 >>Mayor Errington: HE DID.
 12:17:30 OKAY.
 12:17:30 I WILL BE DOING THAT.
 12:17:32 I'VE NEVER DONE THAT.
 12:17:33 I HOPE NOTHING HAPPENS.
 12:17:35 THEY WILL HOLD ME -- THEY ARE SUPERSTITIOUS.
 12:17:37 THEY WILL HOLD ME ACCOUNTABLE IF SOMETHING HAPPENS.
 12:17:41 >> THE ICE WILL PROBABLY MELT.
 12:17:42 [LAUGHTER]
 12:17:44 >>Mayor Errington: SO ANYWAY, THAT WILL BE THIS FRIDAY
 12:17:46 NIGHT.
 12:17:47 I WANT TO PRESENT TO THE COUNCIL WHAT THE ROTARY CLUB OF
 12:17:53 ESTERO IS DOING.

 12:17:54 WE ARE WORKING ON THIS LIGHT UP ESTERO.
 12:17:57 AS YOU KNOW, I TOLD YOU LAST TIME WE'RE DOING IT AT THE
 12:18:01 OCEAN CHURCH IN THE PARKING LOT.
 12:18:03 THIS EVENT IS REALLY TAKING OFF, AND WE HAVE -- WE'RE
 12:18:09 EXPECTING 500 PEOPLE.
 12:18:12 AND IT'S GOING TO BE A VERY, VERY BIG EVENT.
 12:18:15 WE WILL HAVE -- LET ME JUST QUICKLY GO THROUGH IT.
 12:18:20 WE WILL HAVE THE WHOLE PARKING LOT.
 12:18:27 THE CHURCH IS SPONSORING THE PARKING LOT.

12:18:31 THEY WILL PROVIDE THE RISERS, THE PA SYSTEM, EVERYTHING THAT
 12:18:36 WE NEED.
 12:18:37 AND THEY ARE ALSO GOING TO FEED THE CROWD OF PEOPLE WHO
 12:18:42 COME.
 12:18:43 SO WE WILL HAVE FOOD TRUCKS THERE AND WE WILL HAVE VOUCHERS
 12:18:47 FOR PEOPLE TO USE.
 12:18:49 THE NEW HORIZONS CHILDREN'S CHOIR WILL COME AND SING THREE
 12:18:54 SONGS, AND THEN SANTA CLAUS WILL COME IN ON A FIRE TRUCK.
 12:19:00 IN THE INTERIM, THE PROGRAM IS ABOUT ALL THE HOUSES OF
 12:19:04 WORSHIP COMING TOGETHER IN ESTERO AND INCLUDING THE
 12:19:09 OUTSKIRTS, THE PEOPLE WHO COME IN AND GIVE INVOCATION FOR
 12:19:14 US, THEY HAVE BEEN INVITED.
 12:19:15 BUT EVERYBODY WHO'S IN ATTENDANCE WE HOPE THAT PARTICIPATED
 12:19:21 IN SOME WAY DURING HURRICANE IAN, THE AFTERMATH, WILL BE
 12:19:26 ACKNOWLEDGED.
 12:19:29 AND THE DIFFERENT CLERGY PEOPLE WILL SAY SOME KIND OF

 12:19:33 BLESSING ON THOSE PEOPLE AND A PRAYER FOR ALL THOSE PEOPLE.
 12:19:38 SO IT'S GOING TO BE A VERY, VERY UNIQUE, SOMEONE HAS CALLED
 12:19:43 IT UNITY IN THE COMMUNITY.
 12:19:45 IT'S GOING TO BE VERY, VERY NICE, I THINK.
 12:19:48 AND AT THE END, USUALLY WHEN WE LIGHT UP THE CHRISTMAS TREE,
 12:19:52 WE HAVE THIS LITTLE TREE ABOUT SIX FEET TALL.
 12:19:55 THIS YEAR, THE WHOLE CHURCH HAS WHITE LIGHTS AROUND THE
 12:20:01 TREES IN THE FRONT, SO WHEN YOU LIGHT UP THE TREE,
 12:20:04 EVERYTHING IS GOING TO LIGHT UP, INCLUDING THE TREE.
 12:20:06 SO WE WILL HAVE A PROGRAM.
 12:20:12 NOW, WHAT I'M ASKING YOU, AS I SAID EARLIER TODAY, I'VE
 12:20:16 ALWAYS BEEN ONE, NONPROFITS NOT TO ASK FOR MONEY.
 12:20:21 SO I'M NOT ASKING YOU FOR ANY MONEY.
 12:20:22 I AM A ROTARIAN.
 12:20:24 HAVE BEEN FOR 20-SOME YEARS.
 12:20:26 WHAT I AM ASKING IS THIS BEAUTIFUL BAG -- RECOGNIZE THIS --
 12:20:30 THIS BAG WAS PURCHASED TO BE USED AT THE VETERANS DAY EVENT.
 12:20:35 AND, OF COURSE, WE HAD TO CANCEL THE EVENT.
 12:20:38 I AM ASKING THAT THE VILLAGE PROVIDE -- YOU HAVE ABOUT 500
 12:20:46 OF THESE.
 12:20:46 PROVIDE UP TO 500 THAT WE COULD USE AT THE EVENT.
 12:20:53 MY GOAL IS -- I CHANGED WHAT I WANT TO DO.
 12:20:58 I WOULD LIKE FOR US TO HAVE INPUT, PUT A LIST OF EVERYTHING
 12:21:05 THIS VILLAGE OF ESTERO HAS ACCOMPLISHED THAT WE CAN THINK OF
 12:21:09 IN THE PAST AFTER THE HURRICANE IAN.

 12:21:12 WE ARE NOT GETTING ENOUGH CREDIT.
 12:21:15 AND WE PUT IN THERE LIKE WHAT WAS SAID TODAY.
 12:21:19 YOU WORKED THE ESTERO OPERATIONS CENTER.
 12:21:21 LOOK AT ALL THE WORK.
 12:21:23 LOOK AT THE THOUSANDS OF PHONE CALLS THAT CAROL AND THE

12:21:26 STAFF HAVE TAKEN.
 12:21:27 WE NEED FOR THE PUBLIC TO SEE THIS.
 12:21:30 AND THIS WILL BE IN THIS BAG, AND THEY CAN TAKE IT HOME AND
 12:21:35 HOPEFULLY USE IT.
 12:21:36 IT'S INSULATED.
 12:21:38 BUT I'M ASKING YOUR PERMISSION.
 12:21:41 IF YOU DON'T GIVE THEM AS AN IN-KIND DONATION TO THE ROTARY
 12:21:46 CLUB, THEN THEY ARE GOING TO STAY IN STORAGE FOR A WHOLE
 12:21:50 YEAR.
 12:21:51 AND I DON'T KNOW WHAT WILL HAPPEN.
 12:21:53 SO THAT'S MY ASK.
 12:21:58 >>Jim Boesch: CHRISTMAS TYPE OF CELEBRATIONS?
 12:22:00 WE DON'T WANT BLUE --
 12:22:02 >>Mayor Errington: WE'VE ALREADY GOT THEM.
 12:22:04 THIS IS US.
 12:22:05 THIS IS FOR US.
 12:22:07 THIS IS FOR SAYING WHAT THE VILLAGE OF ESTERO HAS DONE, THE
 12:22:11 COUNCIL, EVERYBODY.
 12:22:12 PUT EVERYBODY'S NAMES IN THERE THE STAFF AND EVERYBODY.
 12:22:16 >>Jim Boesch: I THINK THAT'S OUR JOB TO MAKE SURE EVERYTHING

 12:22:23 IS SAFE IN HERE.
 12:22:24 FOR RESIDENTS, I THINK IT'S WONDERFUL THAT YOU'RE PUTTING ON
 12:22:29 A FESTIVITY FOR THEM CELEBRATING CHRISTMAS --
 12:22:35 >>Mayor Errington: IT'S FOR EVERYBODY.
 12:22:37 >>Jim Boesch: I UNDERSTAND.
 12:22:44 >>Mayor Errington: IN AGREEMENT?
 12:22:45 >>Joanne Ribble: YES.
 12:22:46 >>Mayor Errington: DO I HAVE A CONSENSUS?
 12:22:50 >>Larry Fiesel: THEY ARE INSULATED?
 12:22:52 >>Mayor Errington: THEY ARE.
 12:22:52 >>Larry Fiesel: ARE THEY GOING TO COME WITH ICE CREAM?
 12:22:55 >>Mayor Errington: YOU CAN GET AN ICE CREAM THERE AND STICK
 12:22:57 IT IN IT.
 12:22:58 IF YOU WANT.
 12:22:59 CARRY IT AROUND.
 12:23:00 WE WANT THE COUNCIL THERE, AND YOU ARE INVITED, AND WE WILL
 12:23:10 SEE THAT YOU HAVE RESERVED SEATS AND WHOEVER YOU BRING WITH
 12:23:15 YOU.
 12:23:17 THIS SHOULD BE A VERY FESTIVE NIGHT.
 12:23:21 DECEMBER THE 3rd, SATURDAY.
 12:23:23 IT'S 4 UNTIL 7:00, AND THERE WILL BE FOOD TRUCKS THERE.
 12:23:27 I THINK WHAT WE NEED IS JUST BRINGING PEOPLE TOGETHER.
 12:23:34 WE'VE BEEN THROUGH SO MUCH.
 12:23:38 THE PLACES THAT SOME OF US HAVE ATTENDED AND BEEN TO ON
 12:23:42 BROADWAY WEST AND THE STRUGGLES THAT SO MANY PEOPLE ARE

 12:23:46 HAVING, IT'S JUST TRYING TO BRING PEOPLE TOGETHER IN UNITY.

12:23:53 THAT'S WHAT WE NEED RIGHT NOW.
 12:23:54 SO WE'RE THINKING ABOUT THEM.
 12:23:57 GET THEIR MINDS OFF EVERYTHING.
 12:23:59 THE OTHER THING IS, HAPPY THANKSGIVING.
 12:24:02 WE HAVE TO HEAR FROM OUR VILLAGE ATTORNEY.
 12:24:10 >>Robert Pritt: I HAVE NOTHING FURTHER TO REPORT.
 12:24:12 >>Mayor Errington: OKAY.
 12:24:12 THANK YOU.
 12:24:13 STEVE?
 12:24:14 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
 12:24:17 WE GOT A COUPLE OF INTERESTING OPTIONS COMING UP.
 12:24:22 IN YOUR DESK PACKET, YOU'LL SEE THIS ANNOUNCEMENT OF A
 12:24:25 DISASTER RECOVERY CENTER COMING HERE TO THE VILLAGE.
 12:24:28 WHAT WE'VE HEARD OUT IN THE COMMUNITY IS THAT PEOPLE HAVE A
 12:24:34 VERY DIFFICULT TIME ACCESSING FEMA RESOURCES.
 12:24:39 AND AS THEY ARE TRYING TO REBUILD, THEY ARE LOOKING FOR AS
 12:24:44 MUCH INFORMATION AS THEY CAN.
 12:24:49 I DON'T KNOW, IT'S BEEN FOUR WEEKS AGO NOW OR MAYBE FIVE
 12:24:52 WEEKS AGO, WE REQUESTED THAT FEMA COME IN HERE AND PROVIDE
 12:24:56 AN EASILY ACCESSIBLE RESOURCE CENTER.
 12:25:00 IT'S FINALLY BEEN APPROVED -- IT'S BEEN APPROVED BEFORE, BUT
 12:25:03 WE NOW HAVE SOME CERTAINTY THAT THIS WILL BE HERE STARTING
 12:25:08 TOMORROW.
 12:25:08 THEY WILL BE HERE -- IF YOU GOT THIS NOTICE, YOU'LL SEE ON

 12:25:13 THE VERY BOTTOM, STARTING TOMORROW, THURSDAY, FROM 1:30 TO
 12:25:17 6:00, AND THEN FOR EVERY DAY FOR ABOUT A WEEK, THEY WILL BE
 12:25:25 HERE FROM 9 A.M. TO 6 P.M.
 12:25:28 WHAT THEY ARE GOING TO DO IS SET UP IN THIS ROOM WITH TABLES
 12:25:32 AND PROVIDE INDIVIDUAL ASSISTANCE TO RESIDENTS WHO HAVE BEEN
 12:25:36 AFFECTED BY FEMA.
 12:25:37 THE WHOLE IDEA IS GET INFORMATION IN THE HANDS OF THE FEMA
 12:25:42 FOLKS SO THAT THE RESIDENTS CAN GET AS MANY FINANCIAL
 12:25:46 RESOURCES OR OTHER HELP THAT THEY NEED.
 12:25:48 ORIGINALLY, THE IDEA WAS TO PUT THIS OUT IN THE COMMUNITIES
 12:25:55 THAT WAS MOST AFFECTED, OUT ON WEST BROADWAY, TO HAVE A
 12:26:01 SERIES OF SIX TRAILERS OUT THERE WHERE RESIDENTS COULD
 12:26:05 ACTUALLY WALK TO THE TRAILERS BECAUSE A LOT OF THE RESIDENTS
 12:26:08 LOST THEIR VEHICLES AND SO FORTH.
 12:26:10 FEMA DIDN'T GO FOR THAT.
 12:26:16 THEY WANTED TO COME TO A DIFFERENT LOCATION.
 12:26:18 AND WE'VE CHOSEN THIS BECAUSE WE HAVE EASY ACCESS TO OUR
 12:26:22 PLANNING AND PERMITTING STAFF ACROSS THE HALL.
 12:26:25 BUT TO FACILITATE THE TRANSPORTATION BACK AND FORTH, WHAT
 12:26:29 WE'RE SUGGESTING IS WE'LL GET THE INFORMATION OUT.
 12:26:32 WE'RE HOPING THAT NEIGHBORS AND VOLUNTEERS WILL MOVE PEOPLE
 12:26:36 BACK AND FORTH TO THIS LOCATION, BUT IF NOT, AND IF WE HAVE
 12:26:40 PEOPLE THAT ARE UNDER FINANCIAL DURESS, WE'LL PAY FOR THE

12:26:44 TRANSPORTATION TO GET PEOPLE HERE TO GAIN ACCESS TO FEMA.
 12:26:47 THIS IS THE HIGHEST LEVEL OF SUPPORT THAT WE CAN RALLY TO
 12:26:58 PROVIDE RESIDENTS ASSISTANCE.
 12:27:03 WE THINK IT'S LONG OVERDUE, BUT, OF COURSE, FEMA HAS BEEN
 12:27:10 PULLED IN OTHER DIRECTIONS.
 12:27:11 OUR ORIGINAL REQUEST FOR THIS, LIKE I SAY, ABOUT FIVE WEEKS
 12:27:15 AGO, WAS DIVERTED BY THE STATE EMERGENCY MANAGEMENT CENTER
 12:27:19 THAT TOOK THREE DISASTER RECOVERY CENTERS AND ALLOCATED THEM
 12:27:24 TO THE ISLANDS THAT WERE IMPACTED, OF COURSE.
 12:27:28 AND OURS WAS PUT -- AND OTHERS WERE PUT DELAYED.
 12:27:32 SO THIS SHOULD BE A BIG HELP TO RESIDENTS.
 12:27:37 WE'LL KEEP IT GOING AS LONG AS WE CAN, AS LONG AS WE GET
 12:27:40 ACTIVITY, AND WHEN THE ACTIVITY STOPS I'M SURE THAT FEMA
 12:27:44 WILL REALLOCATE THIS TO SOME OTHER IMPACTED AREA.
 12:27:49 >>Mayor Errington: THANK YOU VERY MUCH.
 12:27:51 >>Steven Sarkozy: THE OTHER THING IS THAT WE DO HAVE A
 12:27:54 DEADLINE COMING UP THAT WAS GIVEN TO US ON SHORT NOTICE.
 12:27:59 AND, AGAIN, ANOTHER CASUALTY OF HURRICANE IAN, BUT THAT'S
 12:28:03 THE LEGISLATIVE AGENDA THAT IS BEING FORMULATED FOR LEE
 12:28:09 COUNTY.
 12:28:10 WHAT HAPPENS EVERY YEAR IS THAT WE ARE REQUESTED TO PUT
 12:28:15 TOGETHER OUR LEGISLATIVE AGENDA WITH OUR ASKS BOTH FOR
 12:28:21 GRANTS AND FOR STATE STATUTE LANGUAGE TO THE LEGISLATURE.
 12:28:29 AND MOST OF THE TIME WE HAVE BEEN REQUESTING GRANTS.
 12:28:34 REALLY, THE ONLY SIGNIFICANT ONE I GUESS THAT HAS COME UP
 12:28:37 WAS THE ONE LAST YEAR AND WE RECEIVED 1.75 MILLION FROM THE
 12:28:41 LEGISLATURE.
 12:28:41 THIS YEAR, IT LOOKS LIKE EVERYTHING IS GOING TO BE GEARED
 12:28:47 TOWARD THE RECOVERY EFFORT.
 12:28:50 AND WE UNDERSTAND THIS KIND OF TIES IN WITH THE NEXT ITEM IN
 12:28:54 THE WORKSHOP, BUT IT SOUNDS LIKE THERE'S GOING TO BE ABOUT
 12:28:58 \$500 MILLION ALLOCATED TO LEE COUNTY FOR DISASTER RECOVERY.
 12:29:05 AND WE THINK THAT THAT WILL BE AVAILABLE IN THE FORM OF
 12:29:09 GRANTS TO LOCALITIES.
 12:29:13 AND WE THINK ALSO THAT THE FOCUS SHOULD PROBABLY BE TO
 12:29:17 PROVIDE A GRANT TO DO OUR SEPTIC TO SEWER.
 12:29:21 I MENTIONED THIS PREVIOUSLY, AND THAT'S COMING UP.
 12:29:24 BUT WE SHOULD HAVE A MORE FORMAL LEGISLATIVE AGENDA PUT
 12:29:30 TOGETHER, AND IT'S DUE ON THE 30th, SO THERE'S NOT A WHOLE
 12:29:36 LOT OF TIME AND WE DON'T HAVE ANOTHER COUNCIL MEETING BEFORE
 12:29:40 THEN.
 12:29:41 SO I'M LOOKING FOR YOUR CONSENSUS TO KIND OF FOCUS IN ON THE
 12:29:45 SEPTIC TO SEWER.
 12:29:48 HONESTLY, BECAUSE OF HURRICANE IAN, WE HAVEN'T GIVEN A LOT
 12:29:52 OF THOUGHT TO THE LEGISLATIVE AGENDA OTHER THAN RECOVERY,
 12:29:56 BUT IT SEEMS LIKE WE'RE WAY OUT AHEAD OF THE -- OF DOING THE

12:30:01 DESIGN THAN MOST COMMUNITIES, AND WE SHOULD HAVE A PRETTY
 12:30:04 GOOD SHOT AT GETTING SOME GOOD GRANTS HERE.
 12:30:08 WE'LL TALK MORE ABOUT THAT, BUT THAT'S SOMETHING FORWARD
 12:30:15 THIS TO YOU VIA E-MAIL AND THEN JUST SOLICIT A THUMBS UP
 12:30:20 BEFORE WE SUBMIT THAT.
 12:30:23 >>Mayor Errington: WE ALSO NEED TO DECIDE WHO WILL GO BEFORE

 12:30:26 THE COMMITTEE BECAUSE WE HAVE A COUNCIL MEETING THAT DAY,
 12:30:29 THE 7th OF DECEMBER.
 12:30:31 SO THINK ABOUT THAT.
 12:30:33 >>Steven Sarkozy: OKAY.
 12:30:33 DECEMBER 7th IS WHEN -- YOU HAVE TO HAVE YOUR MATERIALS IN
 12:30:38 EARLY, BUT THEN YOU HAVE TO GO FOR A 15, 20 MINUTE
 12:30:42 INTERVIEW.
 12:30:43 >>Mayor Errington: THE 30th IS WHEN EVERYTHING HAS TO BE
 12:30:45 IN.
 12:30:46 NOVEMBER 30th AND THEN GO BEFORE THE COMMITTEE.
 12:30:48 I THINK THAT'S REALLY IMPORTANT TO GO BEFORE THE COMMITTEE.
 12:30:50 SOMEBODY NEEDS TO BE THERE.
 12:30:53 >>Steven Sarkozy: YES.
 12:30:53 >>Mayor Errington: THANK YOU.
 12:30:54 >>Joanne Ribble: STEVE, GOING BACK TO THE FEMA CENTER THAT
 12:30:57 WE'RE GOING TO HAVE HERE, AND I DON'T KNOW IF THIS IS A
 12:30:59 POSSIBILITY, BUT COULD WE POSSIBLY USE ANY BUSES THAT ANY OF
 12:31:04 THE CHURCHES HAVE TO PICK UP AND BRING PEOPLE?
 12:31:08 >>Steven Sarkozy: WE JUST GOT NOTIFICATION OF THIS I THINK
 12:31:11 YESTERDAY OR THE DAY BEFORE.
 12:31:13 IT'S PANIC -- ALWAYS PANIC RESPONDING TO THESE THINGS.
 12:31:19 WE DO HAVE -- LET ME TELL YOU WHAT I THINK THE LOGISTICAL
 12:31:24 PROBLEMS ARE.
 12:31:25 THEY'LL COME HERE WITH EIGHT TO TEN PEOPLE AND THEY ARE
 12:31:27 GOING TO HOPE AND EXPECT A CONSTANT LINE OF PEOPLE ACCESSING

 12:31:32 THE DATA.
 12:31:33 SO TRANSPORTATION IS ONE PROBLEM.
 12:31:35 WHOEVER CAN PROVIDE IT WOULD BE GREAT.
 12:31:37 BUT WE DON'T KNOW WHO NEEDS IT AND WHEN.
 12:31:44 THE OTHER THING THAT WE NEED TO DO IS GET AN INFORMATION
 12:31:47 FLYER OUT.
 12:31:50 THIS WAS JUST PUT TOGETHER YESTERDAY, AND WE NEED TO BE ABLE
 12:31:55 TO GET THESE TO EVERY RESIDENT IN THAT AREA.
 12:32:00 AND I MIGHT ASK IF ANYONE'S INTERESTED TO HELP US TAPE THESE
 12:32:05 TO EVERYBODY'S MAILBOX.
 12:32:09 JUST RIDING ALONG THE STREET, I DON'T HAVE A BETTER
 12:32:13 SOLUTION, SAD TO SAY.
 12:32:16 WE DON'T HAVE GOOD E-MAIL CONTACTS OUT THERE TO REACH
 12:32:18 EVERYBODY AND A LOT OF PEOPLE DON'T HAVE E-MAIL OUT THERE.
 12:32:22 SO THAT'S ANOTHER LOGISTICAL ISSUE.

12:32:26 AND THERE MAY BE MORE AS WE GET INTO THIS, BECAUSE THEY ARE
 12:32:30 COMING IN TOMORROW MORNING TO SET UP AND THEN WE'RE TRYING
 12:32:35 TO FIGURE OUT HOW BEST TO MAKE THIS WORK.
 12:32:40 BUT IF THE CHURCHES HAD BUSES, THAT WOULD BE A GREAT ADD.
 12:32:49 >>Mayor Errington: PROBABLY DROP SOME OFF AT THE ESTERO
 12:32:52 BAPTIST CHURCH.
 12:32:53 FRANK, HE'S KIND OF MADE THAT A COMMUNICATION CENTER.
 12:32:58 SOME OF THOSE, I'D BE HAPPY TO DROP THEM OFF.
 12:33:00 ANYPLACE ELSE?
 12:33:05 IT NEEDS TO HAPPEN.

12:33:12 >>Steven Sarkozy: IT SHOULD HAPPEN LATER TODAY OR TOMORROW
 12:33:17 MORNING.
 12:33:18 ACTUALLY, ANYTIME, BECAUSE THEY WILL BE HERE FOR A WEEK.
 12:33:23 >>Mayor Errington: DO THAT TODAY OR TOMORROW.
 12:33:27 GIVE THEM TO HIM.
 12:33:30 HE'S GOT THE CONNECTIONS.
 12:33:32 >>Joanne Ribble: CAROL, WHEN YOU HAVE FLYERS READY, YOU NEED
 12:33:36 SOMEBODY TO TAPE, I WOULD BE WILLING --
 12:33:39 >>Carol Sacco: FLYERS.
 12:33:41 >>Joanne Ribble: WHEN YOU HAVE FLYERS READY.
 12:33:43 >>Carol Sacco: AS SOON AS YOU APPROVE IT, WE'LL PUT OUT 500
 12:33:47 AND YOU CAN PICK UP AS MANY AS YOU LIKE.
 12:33:49 >>Steven Sarkozy: SO THE INFORMATION THAT WE DID HERE WAS
 12:33:53 DONE YESTERDAY, I THINK, OR THIS MORNING.
 12:33:55 IT CHANGED AGAIN THIS MORNING ON THE WAY IN.
 12:33:57 I'M TAKING PHONE CALLS ON IT.
 12:34:01 IT'S GOING TO BE THE BEST EFFORT TO GET INFORMATION OUT
 12:34:04 GIVEN THAT THIS IS VERY FLUID.
 12:34:07 >>Mayor Errington: THANK YOU.
 12:34:08 IS THAT IT?
 12:34:09 >>Steven Sarkozy: THAT'S IT.
 12:34:14 >>Mayor Errington: AT THIS POINT IN TIME WE WILL ADJOURN THE
 12:34:17 MEETING.
 12:34:17 [SOUNDING GAVEL]
 12:34:17 AND GO INTO OUR WORKSHOP.

12:34:19 IT IS ITEM 13A.
 12:34:23 IT RELATES TO THE VILLAGE OF ESTERO UTILITY EXPANSION
 12:34:27 PROJECTS UPDATE.
 12:34:28 BACK TO STEVE ON THIS.
 12:34:29 >>Steven Sarkozy: SO THIS IS SIMPLY AN UPDATE OF THE
 12:34:34 PROGRESS THAT WE'RE MAKING ON THE UTILITY EXPANSIONS.
 12:34:38 THE TIMING OF THIS IS IMPORTANT BECAUSE IN CONVERSATIONS
 12:34:44 WITH THE PEOPLE IMPACTED BY HURRICANE IAN, PARTICULARLY
 12:34:48 THOSE ON WEST BROADWAY WHERE WE HAVE A LOT OF OUR DISTRICTS,
 12:34:53 A LOT OF OUR NEIGHBORHOODS THAT HAVE SEPTIC SYSTEMS AND
 12:34:58 WELLS, MANY OF THOSE HOMES ARE GOING TO HAVE TO REBUILD AS A

12:35:04 RESULT OF HURRICANE IAN.
 12:35:06 AND IF THEY HAVE TO BUILD AT THE NEW FLOOD ELEVATION PLUS
 12:35:10 ONE FOOT, THEN THEY ARE GOING TO HAVE TO MAKE SOME
 12:35:15 MODIFICATIONS TO THEIR UTILITY LINES.
 12:35:19 SO THE UGLY SCENARIO MAY BE THAT THEY REBUILD AND THEN
 12:35:25 AFTERWARDS WE COME IN WITH OUR PROJECT THAT PUTS IN SEPTIC
 12:35:29 TO SEWER.
 12:35:30 WE TEAR OUT THE STREET, WE BRING IN NEW WATER AND SEWER, AND
 12:35:34 THEY HAVE THE ADDED COST OF CONNECTING TO OUR NEW SYSTEMS.
 12:35:37 IDEALLY WE COULD DO THIS ALL AT THE SAME TIME.
 12:35:42 THE HOUSING REBUILDS AND MANY OF THOSE ARE GOING TO BE VERY
 12:35:48 SUBSTANTIAL.
 12:35:48 COULD OCCUR AT THE SAME TIME THAT WE'RE DOING THE SEPTIC TO
 12:35:54 SEWER CONVERSION.

12:35:57 SO WE'RE REALLY OUT IN FRONT OF THIS BECAUSE YOU'VE
 12:36:00 INITIATED ALREADY THE SEPTIC TO SEWER FINAL DESIGN PLANS
 12:36:04 THAT DAVID IS GOING TO GO THROUGH.
 12:36:06 THE IDEA IS IF BOTH OF THESE CAN COME TOGETHER, WE'RE REALLY
 12:36:14 PROVIDING AN EXCEPTIONAL OPPORTUNITY FOR THE RESIDENTS TO
 12:36:18 MAKE THE BEST OF A BAD SITUATION.
 12:36:20 AND ALSO, WITH THE GRANTS AVAILABLE, BECAUSE WE'RE DOING THE
 12:36:26 FINAL DESIGN, WE THINK THAT THIS COULD BE THE TARGET FOR US,
 12:36:34 BUT TIME AND AGAIN, THE COUNCIL IS TO BE COMMENDED FOR
 12:36:39 ACTUALLY INITIATING AN EFFORT TO TAKE ALL OF OUR AREAS IN
 12:36:44 THE VILLAGE THAT ARE -- THAT HAVE SEPTIC SYSTEMS AND CONVERT
 12:36:49 EVERYTHING IN THE VILLAGE TO MUNICIPAL SEWER AND WATER
 12:36:57 SYSTEMS.
 12:36:58 SO THIS ONE MAY COME BACK AND REALLY PROVIDE DIVIDENDS TO
 12:37:01 US.
 12:37:01 BUT I WOULD LIKE DAVID TO REVIEW THE GENERAL PROJECT, THE
 12:37:08 STATUS OF THE ENGINEERING, AND THEN THE LOW-HANGING FRUIT,
 12:37:13 IF YOU WILL.
 12:37:13 IF YOU'LL RECALL, WE HAD THREE NEIGHBORHOODS THAT WE
 12:37:16 TARGETED UP FRONT.
 12:37:21 >>Mayor Errington: WELCOME, DAVID.
 12:37:22 >>David Willems: HELLO.
 12:37:23 JUST REAL QUICK BY WAY OF BACKGROUND, I WANTED TO GO OVER
 12:37:26 WHY WE'RE DOING THIS.
 12:37:27 IT'S REALLY FOR WATER QUALITY.

12:37:29 THE ESTERO RIVER IS IMPAIRED FOR NUTRIENTS AND ESTERO BAY --
 12:37:32 OR BACTERIA, AND ESTERO BAY IS IMPAIRED FOR NUTRIENTS.
 12:37:37 WITH THAT, WE HAD FGCU DO A STUDY.
 12:37:41 THEIR STUDY SHOWS THAT THERE IS EFFLUENT COMING FROM BOTH
 12:37:44 THE PACKAGE WASTEWATER TREATMENT PLANTS AND THE SEPTIC TANKS
 12:37:48 THAT'S GETTING INTO THE RIVER.
 12:37:50 THAT EFFLUENT BOTH HAS NUTRIENTS AND BACTERIA.

12:37:53 SO THAT'S WHY WE'RE TRYING TO GET THEM OFF THE PACKAGE
 12:37:57 WASTEWATER TREATMENT PLANTS AND THE SEPTIC SYSTEMS.
 12:38:00 THE ONES THAT WE'RE TALKING ABOUT, MOST OF THEM ARE RIGHT
 12:38:02 ALONG THE ESTERO RIVER, SO THE LIKELIHOOD OF IMPACT IS A LOT
 12:38:06 GREATER THAN SOMETHING THAT WOULD BE FIVE MILES AWAY FROM
 12:38:08 THE RIVER.
 12:38:10 SO THIS IS JUST A BRIEF OUTLINE OF WHAT WE'RE GOING TO TALK
 12:38:13 ABOUT.
 12:38:14 WE'LL TALK ABOUT ALL THE PROJECTS ALONG BROADWAY WEST AND
 12:38:16 EAST.
 12:38:17 SO EVERYTHING THAT WE'RE PROPOSING TO GET ON CENTRAL SEWER.
 12:38:21 THIS IS A MAP OF ALL OF THE LOCATIONS.
 12:38:24 AND IF YOU LOOK AT THIS, A LARGE PORTION OF THESE RESIDENTS
 12:38:28 WERE IMPACTED BY HURRICANE IAN.
 12:38:30 THE BROADWAY WEST AREA, ESTERO BAY VILLAGE AND SONNY GROVE
 12:38:36 ALL HAD STORM SURGE FLOODING IN THOSE COMMUNITIES.
 12:38:39 IT ACTUALLY KIND OF GIVES A REASON TO EVEN PUSH THIS FORWARD
 12:38:43 FASTER FROM A WATER QUALITY STANDPOINT.

12:38:46 YOU CAN IMAGINE DURING THAT STORM SURGE ALL OF THEIR SEPTIC
 12:38:50 TANKS, ALL OF THEIR DRAIN FIELDS AND ALL OF THEIR WELLS WENT
 12:38:53 UNDERWATER.
 12:38:54 SO ALL OF THAT WATER IS MIXED IN.
 12:38:56 IT'S JUST NOT A GOOD SITUATION.
 12:38:58 SO THE SOONER WE CAN GET THEM OFF OF THAT, THE BETTER FOR
 12:39:00 EVERYBODY.
 12:39:01 AND THAT'S WHY IT MIGHT QUALIFY FOR SOME OF THOSE GRANTS
 12:39:04 BECAUSE THE HURRICANE DID AFFECT THOSE SYSTEMS.
 12:39:06 SO JUST TO KIND OF RESET THE TIME FRAME A LITTLE BIT,
 12:39:14 OBVIOUSLY THE HURRICANE HAS PUSHED US BACK SOME.
 12:39:18 ONE OF OUR PARTNERS IS LEE COUNTY UTILITIES.
 12:39:19 AS YOU CAN IMAGINE, THERE WAS ABOUT A MONTH THERE THAT THEY
 12:39:23 DID NOTHING BUT RESPOND TO THE UTILITY ISSUES THAT THEY WERE
 12:39:28 HAVING WITH THEIR SERVICE.
 12:39:29 ACTUALLY, OUR CONSULTANT THAT WE'RE USING FOR THE PACKAGE
 12:39:33 WASTEWATER TREATMENT PLANTS AND FOR THE EAST PART WAS THE
 12:39:37 CONSULTANT THEY HIRED TO HELP THEM FIX THEIR SYSTEM.
 12:39:40 BOTH LEE COUNTY UTILITIES AND OUR CONSULTANT WERE KIND OF
 12:39:43 OUT OF HAND FOR A WHILE.
 12:39:45 THEY ARE GETTING BACK INTO IT NOW AND WE'RE WORKING WITH
 12:39:47 THEM TO GET IT MOVING FORWARD, BUT THERE IS SOME DELAY
 12:39:50 THERE.
 12:39:50 I'M GOING TO FIRST FOCUS ON THE PACKAGE WASTEWATER TREATMENT
 12:39:54 PROJECTS, WHERE WE'RE AT AND WHAT WE'RE DOING.

12:39:57 ONE OF THE THINGS THAT THE COUNTY -- SO THESE ARE THE
 12:40:00 PROJECTS.
 12:40:01 THEY ARE ALL MOBILE HOME COMMUNITIES.

12:40:02 TWO OF THE THREE WERE IMPACTED SIGNIFICANTLY BY THE
 12:40:06 HURRICANE.
 12:40:08 JUST AS THE HURRICANE HIT, WE HAD SCHEDULED FOR A COMPANY TO
 12:40:12 GO TO ALL THREE OF THOSE SITES AND DO TESTING ON THEIR
 12:40:16 GRAVITY SEWER SYSTEMS.
 12:40:18 OBVIOUSLY, THAT DIDN'T HAPPEN, AND WE WANTED TO WAIT QUITE A
 12:40:22 WHILE BEFORE WE EVEN ACTUALLY ASKED THE COMMUNITIES WHETHER
 12:40:25 WE COULD GO IN THERE AND TEST BECAUSE TWO OF THOSE, THEY ARE
 12:40:27 JUST TRYING TO CLEAN EVERYTHING UP.
 12:40:30 NOW THAT WE'RE GETTING CLOSE, MONTH AND A HALF, TWO MONTHS
 12:40:33 OUT, WE ACTUALLY CONTACTED ALL OF THE COMMUNITIES AND THEY
 12:40:36 ARE FINE WITH US COMING IN TO DO THE TESTING.
 12:40:40 WE HAD THAT SCHEDULED JUST AFTER THANKSGIVING.
 12:40:43 SO THAT'S REALLY TWO MONTHS, BASICALLY, PAST WHERE WE WERE
 12:40:46 ORIGINALLY HOPING TO BE ABLE TO DO THAT.
 12:40:49 AFTER THEY DO THAT TESTING, WE'LL UNDERSTAND WHAT THEIR
 12:40:52 SYSTEM LOOKS LIKE AND IF THERE ARE ANY IMPROVEMENTS THAT THE
 12:40:55 COUNTY IS GOING TO REQUIRE TO THEIR ON-SITE GRAVITY SEWER.
 12:40:59 WE REALLY DON'T KNOW THAT YET.
 12:41:00 THAT MAY HAVE TO BE ADDED TO THE PLANS LATER ON AS WE GET
 12:41:05 THROUGH THE PROCESS.
 12:41:06 AND NOW -- SO THAT'S JUST A GENERAL OVERVIEW OF WHERE WE'RE

 12:41:10 AT.
 12:41:11 SO JUST FOR EACH PROJECT, THERE ARE COMPLEXITIES OBVIOUSLY
 12:41:15 WITH EACH ONE.
 12:41:16 ESTERO BAY VILLAGE, THE ONE ON THE LEFT THERE, WE HAVE IT
 12:41:20 DESIGNED, BUT THERE IS, JUST TO GIVE YOU A LITTLE BIT OF
 12:41:24 WHAT THE COMPLEXITY IS, WHEN THEY BUILT ONE OF THE HOMES,
 12:41:28 TRYING TO GET A PERMIT, THEY ACTUALLY PUT IT ON WHERE WE
 12:41:30 WERE GOING TO PUT THE UTILITY LINE.
 12:41:32 WE'RE WORKING WITH THEM TO GET THAT TRAILER WHERE IT SHOULD
 12:41:35 BE BECAUSE IT'S INSIDE THE SETBACKS.
 12:41:37 SO HOPEFULLY WE'RE WORKING TO GET THAT OVER SO WE CAN PUT
 12:41:40 THE UTILITY LINE WHERE IT NEEDS TO GO.
 12:41:42 SO THAT'S ONE OF THE COORDINATIONS ON THAT.
 12:41:45 BUT OTHER THAN THAT, THAT ONE IS FAIRLY SIMPLE.
 12:41:48 THE EASEMENTS, IF WE CAN GET THAT TRAILER MOVED, THE
 12:41:51 EASEMENTS WILL MOSTLY BE ON THE COMMUNITY'S PROPERTY, AND IT
 12:41:55 GOES STRAIGHT UP TO A FORCE MAIN THAT'S RIGHT ALONG
 12:41:58 BROADWAY.
 12:41:58 THE SECOND ONE, SONNY GROVES, THAT ONE HAS SOME COMPLEXITIES
 12:42:02 IN THAT IT'S GOING TO SHARE INFRASTRUCTURE WITH THE STATE
 12:42:06 PARK.
 12:42:08 WHEN WE PUT IN THE FORCE MAIN, THE FORCE MAIN WILL SERVICE
 12:42:11 THE STATE PARK AND IT WILL ALSO SERVICE OUR PROPERTY ON THE
 12:42:14 EAST SIDE OF 41.
 12:42:16 RIGHT NOW, WE'RE WORKING TO GET A PERMIT TO PUT THE PIPE

12:42:20 UNDERNEATH THE RIVER.
 12:42:23 WE HAVE THAT SUBMITTED.
 12:42:25 HOPEFULLY HERE IN THE NEXT MONTH OR TWO, WE'LL BE ABLE TO
 12:42:27 GET THAT PERMIT APPROVED SO WE CAN MOVE FORWARD WITH THE
 12:42:29 REST OF THE PERMITTING AND THE DESIGN.
 12:42:31 THE LAST ONE THAT WE'RE WORKING ON IS CYPRESS BEND.
 12:42:35 THAT ONE WILL CONNECT INTO A FORCE MAIN ON ESTERO PARKWAY.
 12:42:39 THAT'S PROBABLY THE ONE THAT IS KIND OF THE MOST -- IT
 12:42:43 SHOULD BE THE EASIEST BUT ACTUALLY TURNED INTO ONE OF THE
 12:42:45 MORE DIFFICULT, AND IT'S BECAUSE WE HAVE TO CROSS THE
 12:42:48 RAILROAD TRACKS.
 12:42:49 LEE COUNTY UTILITIES AND THE VILLAGE WENT TO THE SEMINOLE
 12:42:55 GULF TO TALK ABOUT THE CROSSING.
 12:42:59 THERE'S ACTUALLY ALREADY UTILITIES THERE RIGHT NOW.
 12:43:01 AND THEY HAVE TOLD THE COUNTY UTILITIES THAT THEY WILL NOT
 12:43:03 GIVE THEM AN EASEMENT.
 12:43:04 THEY WANT TO DO A LICENSE AGREEMENT, WHICH OUR ATTORNEY
 12:43:10 KNOWS BETTER THAN I DO WHAT THAT MEANS.
 12:43:13 THE LICENSE AGREEMENT GIVES THE RAILROAD A LOT MORE CONTROL,
 12:43:18 AND THE COUNTY A LOT LESS CONTROL.
 12:43:21 THE COUNTY IS NOT WILLING TO DO THAT BECAUSE THEY NEED
 12:43:23 CONTROL OF THEIR UTILITIES, SO WE'LL HAVE TO WORK THROUGH
 12:43:26 THAT BACK AND FORTH THERE.
 12:43:27 THE SECOND ISSUE IS THE RAILROAD IS REQUESTING A PAYMENT OF
 12:43:33 \$800,000 FOR THAT LICENSE AGREEMENT.

 12:43:37 WHICH BASICALLY DOUBLES THE COST OF THE PROJECT.
 12:43:43 >>Steven Sarkozy: THIS IS THE SAME RAILROAD ASKING \$29
 12:43:45 MILLION FROM THE GOVERNMENT FOR HURRICANE IAN RECOVERY
 12:43:50 EFFORTS.
 12:43:51 JUST A COMMENT.
 12:43:53 >>David Willems: SO, OBVIOUSLY, IT'S JUST NOT A REALISTIC
 12:43:57 COST.
 12:43:58 THAT'S SO HIGH JUST TO PUT IN TWO SMALL PIPES.
 12:44:01 ACTUALLY, IT'S JUST TO GET THE ABILITY TO USE TWO PIPES THAT
 12:44:04 ARE ALREADY THERE.
 12:44:05 SO WE'LL TRY TO WORK WITH THE RAILROAD, BUT THERE IS THE
 12:44:08 POTENTIAL THAT FROM OUR -- FROM THE VILLAGE STANDPOINT,
 12:44:12 WE'RE JUST GOING TO REDESIGN THE FORCE MAIN, AND THERE IS A
 12:44:15 WAY TO GET IT TO THE FORCE MAIN ON ESTERO PARKWAY WITHOUT
 12:44:19 GOING ON THE RAILROAD PROPERTY.
 12:44:20 IT'S MORE EXPENSIVE TO BUILD IT.
 12:44:22 IT'S LONGER.
 12:44:23 IT DOESN'T REALLY MAKE ANY SENSE BECAUSE IT'S NOT DIRECT,
 12:44:26 BUT WE COULD DO THAT WITHOUT THE RAILROAD'S APPROVAL.
 12:44:29 WE'LL GO THAT ROUTE.
 12:44:31 THE COUNTY WILL HAVE TO DEAL WITH THE OTHER PART OF IT WITH

12:44:33 THE WATER --
 12:44:36 YES, A WHOLE LOT LESS THAN \$800,000.
 12:44:39 AND WITH IT BEING A LICENSE, THEY HAVE SOME ABILITY TO
 12:44:42 REVOKE IT.

 12:44:43 SO WE HAVE TO LOOK AT THE REDESIGN OF THAT.
 12:44:47 UNFORTUNATELY, THAT ONE IS MOVING FORWARD LIKE IT COULD HAVE
 12:44:50 BEEN READY TO GO PRETTY QUICKLY.
 12:44:52 NOW THAT WE HAVE TO REDESIGN IT, IT WILL BE PUSHED BACK.
 12:44:56 BASICALLY WHAT I'M TALKING ABOUT FOR THE SCHEDULE FOR THESE
 12:44:59 IS THAT HOPEFULLY WE'LL BE IN A POSITION TO START
 12:45:02 CONSTRUCTION IN THE APRIL TIME FRAME.
 12:45:04 OBVIOUSLY, THAT DEPENDS ON SOME OF THE APPROVALS AND THINGS
 12:45:07 LIKE THAT.
 12:45:08 AND IF WE'RE ABLE TO NOT NEED THE RAILROAD APPROVAL, THIS
 12:45:11 ONE SHOULD GO PRETTY QUICKLY.
 12:45:13 AND THEN JUST FROM -- SO WE HAD OUR CONSULTANT UPDATE THE
 12:45:20 COST FOR EACH OF THESE.
 12:45:21 AND I JUST WANTED TO PROVIDE WHAT THEIR ESTIMATE IS RIGHT
 12:45:24 NOW.
 12:45:25 CYPRESS BEND IS ABOUT \$1.3 MILLION FOR THE IMPROVEMENTS.
 12:45:31 THAT'S THE ONE ON THE UPPER RIGHT.
 12:45:34 ESTERO BAY VILLAGE IS ABOUT 2 MILLION, JUST UNDER 2 MILLION.
 12:45:38 AND THEN SONNY GROVES IS 1.8 MILLION.
 12:45:41 AND THE REASON THAT IT FLUCTUATES SOME IS JUST WHERE IT HAS
 12:45:45 TO CONNECT.
 12:45:46 ESTERO BAY VILLAGE WILL GO UP A LITTLE BIT.
 12:45:49 BUT THE REASON THEIRS WAS THE LOWEST, THEY WERE THE CLOSEST
 12:45:52 TO THE FORCE MAIN CONNECTION.
 12:45:55 >>Jim Boesch: ARE THEY GOING TO HAVE TO CONNECT NOW TO THE

 12:45:59 PLANT?
 12:46:00 THE PEOPLE WHERE YOU'RE GOING TO BUILD THESE PLANTS, WILL
 12:46:03 THEY HAVE CONNECTIONS TO THE PLANT?
 12:46:05 >>David Willems: YEAH.
 12:46:06 THAT'S WHAT WE'RE GOING TO DO, IS WE'RE GOING TO GET RID OF
 12:46:08 THEIR LITTLE PACKAGE WASTEWATER TREATMENT PLANTS ON-SITE AND
 12:46:11 CONNECT THEM INTO THE SEWER PLANT THAT'S ON THREE OAKS
 12:46:15 PARKWAY.
 12:46:15 >>Jim Boesch: IF THEY DON'T HAVE THE CONNECTION CHARGE,
 12:46:19 CHARGING THEM SOMETHING AS PART OF THIS COST.
 12:46:30 >>David Willems: THE COUNTY, PART OF THE COST IS A
 12:46:32 CONNECTION FEE TO THE COUNTY THAT THE RESIDENTS -- THE IDEA
 12:46:35 IS THE RESIDENTS OR GRANTS WOULD PAY FOR MOST OF THIS COST.
 12:46:38 THE RESIDENTS WOULD BE ASSESSED FOR A PORTION OF THOSE
 12:46:43 COSTS.
 12:46:43 AND AS STEVE HAD MENTIONED, THERE ARE GRANTS OUT THERE.
 12:46:48 MAYBE SOME OF THIS COULD BE FEMA RELATED BECAUSE IT IS AN

12:46:52 IMPORTANT THING FROM A FLOOD STANDPOINT THAT THESE PACKAGE
 12:46:54 WASTEWATER TREATMENT PLANTS AND LATER ON WHEN WE TALK ABOUT
 12:46:57 SEPTIC TANKS, THAT THEY DON'T GET FLOODED.
 12:47:00 YOU CAN SEE HOW CLOSE -- SO ESTERO BAY VILLAGE AND SONNY
 12:47:05 GROVES, THEIR PONDS WHERE THEY PERCOLATE THE WATER INTO THE
 12:47:08 GROUND IS RIGHT NEXT TO THE RIVER.
 12:47:11 SONNY GROVES IS WITHIN PROBABLY 20 FEET OF THE RIVER.
 12:47:15 SO WHEN YOU GET A STORM SURGE, IT'S NOT A GOOD THING TO HAVE

 12:47:18 THERE.
 12:47:18 AND IF WE CAN GET THEM ON CENTRAL SEWER, THEY WON'T HAVE
 12:47:21 THOSE SYSTEMS THERE.
 12:47:22 ANY OTHER QUESTIONS ABOUT THE PACKAGE PLANTS?
 12:47:31 >>Larry Fiesel: WHAT WAS THE SONNY GROVES PRICE?
 12:47:35 >>David Willems: ABOUT 1.8.
 12:47:42 >>Jim Ward: WERE ANY OF THE FACILITIES SEVERELY DAMAGED BY
 12:47:45 THE STORM THAT WE NEED TO DEAL WITH?
 12:47:49 >>David Willems: THE TREATMENT PLANT FACILITIES?
 12:47:51 >>Jim Ward: OR CONNECTIONS.
 12:47:55 >>David Willems: NO.
 12:47:56 IT MESSES UP THEIR WHOLE SYSTEM WHEN IT FLOODS AND THEY HAVE
 12:47:59 SO MUCH WATER GOING INTO THEIR SEWERS.
 12:48:01 SO THERE'S A WHOLE THING TO REDO IT PROBABLY IN SOME CASES
 12:48:05 BUT NOT THAT I'M AWARE OF.
 12:48:07 >>Jim Ward: NO PHYSICAL DAMAGE.
 12:48:09 >>David Willems: WELL, I'M SURE THINGS HAPPENED.
 12:48:11 THEY WERE WITHOUT POWER, SO THEIR PLANT PROBABLY WAS NOT
 12:48:13 WORKING.
 12:48:14 I HAVE NOT HEARD OF EMERGENCY FIXES TO THEIR PLANTS.
 12:48:18 THEY DID HAVE A LOT OF HOMES THAT WERE FLOODED OR DESTROYED
 12:48:22 DURING THE STORM SURGE.
 12:48:28 >>Mayor Errington: ANY OTHER QUESTIONS, COMMENTS?
 12:48:32 >>David Willems: SO THIS IS THE AREA, BROADWAY WEST.
 12:48:35 THE ESTERO RIVER HEIGHTS AND CHARING CROSS WERE

 12:48:39 SIGNIFICANTLY IMPACTED BY THE HURRICANE.
 12:48:42 MY UNDERSTANDING IS IN ESTERO RIVER HEIGHTS BASICALLY EVERY
 12:48:45 HOME FLOODED.
 12:48:47 AND WE HAVE PHASE ONE PLANT -- PHASE ONE GOING ON.
 12:48:53 THEY HAVE GOTTEN THE SURVEY.
 12:48:54 THEY HAVE A KIND OF CONCEPTUAL LAYOUT OF WHAT THE UTILITIES
 12:48:57 WILL LOOK LIKE SO WE KNOW WHERE WE NEED LIFT STATIONS AND
 12:49:00 THINGS LIKE THAT.
 12:49:01 THEY ARE WORKING ON THE PLANS NOW SO WE CAN START
 12:49:04 PERMITTING.
 12:49:06 THESE AREAS ARE SO LARGE, IT TAKES A LITTLE BIT OF TIME, SO
 12:49:08 WHAT WE'RE HOPING TO IS BY THE MIDDLE OF NEXT YEAR WE'LL
 12:49:12 HAVE THE PLANS AND REALLY KNOW WHAT THE PROJECT IS GOING TO

12:49:16 COST AND WHAT IT'S GOING TO LOOK LIKE.
 12:49:18 THAT SHOULD PUT US IN PRETTY GOOD PLACE FROM A GRANT AND
 12:49:24 LOOKING TO GET MONEY STANDPOINT.
 12:49:25 BUT ALSO, AS STEVE SAID, WE REALLY NEED TO BE COGNIZANT OF
 12:49:30 WHAT EVERYBODY OUT THERE WENT THROUGH.
 12:49:34 AND IT COULD REALLY GO A LONG WAY TO DEFRAYING -- PUT ON
 12:49:39 THOSE RESIDENTS.
 12:49:40 MAYBE WE CAN GET IT A LOT LOWER THAN WE WOULD HAVE
 12:49:43 OTHERWISE.
 12:49:46 >>Joanne Ribble: DAVID IT WOULD BE INTERESTING TO SEE IN LEE
 12:49:48 COUNTY, ALL THE IMPACTED AREAS, AND WE KNOW THERE ARE A
 12:49:52 GREAT MANY OF THEM, HOW MANY ARE AS AFFECTED AS ESTERO WAS

12:49:58 WITH MOST OF THE HOMES THAT WERE FLOODED WERE ON SEPTIC.
 12:50:02 FOR EXAMPLE, SANIBEL ISLAND, THEY ARE ALL SEWER.
 12:50:05 SO OUR ASK TO THE LEGISLATIVE DELEGATION, WE COULD IMPACT
 12:50:13 THAT ASK BY SAYING THIS IS HOW DIFFICULT IT WAS FOR ESTERO
 12:50:17 ALONE AND THE REPERCUSSIONS TO OUR RIVER AND THEN TO THE
 12:50:21 BAY.
 12:50:21 BECAUSE WE KNOW THEY ALL GOT -- ALL THEIR SEPTIC SYSTEMS GOT
 12:50:26 FLOODED OUT.
 12:50:26 AND THEN WHEN THE FLOOD RECEDED, IT ALL WENT BACK --
 12:50:30 >>David Willems: I THINK THAT IS A VERY GOOD POINT.
 12:50:33 >>Joanne Ribble: GOOD TALKING POINT.
 12:50:35 I DON'T KNOW WHAT CAPE CORAL'S SITUATION IS.
 12:50:38 I DON'T KNOW WHAT FORT MYERS SITUATION IS.
 12:50:40 >>David Willems: MOST OF FORT MYERS IS ON CENTRAL SEWER.
 12:50:43 I BELIEVE SOUTH CAPE IS GENERALLY ON CENTRAL SEWER.
 12:50:45 >>Joanne Ribble: WE MAY BE THE ONES MOST IMPACTING THE RIVER
 12:50:48 BY THAT FLOODING SITUATION.
 12:50:50 >>David Willems: IT'S A VERY GOOD POINT.
 12:50:52 BASICALLY PROBABLY 70, 80 PERCENT OF THE AREAS THAT WE'RE
 12:50:55 TALKING ABOUT WERE THE AREAS THAT WERE DIRECTLY IMPACTED BY
 12:50:58 THE STORM SURGE.
 12:51:01 >>Mayor Errington: ANY OTHER COMMENTS?
 12:51:06 >>Larry Fiesel: I HAVE A COUPLE OF QUESTIONS.
 12:51:07 REVIEW FOR ME.
 12:51:08 WE HAVE MARINER'S COVE AND RIVER WOOD PLANTATION.

12:51:11 THEY ARE NOT INCLUDED IN THIS.
 12:51:13 >>David Willems: THAT'S A REALLY GOOD POINT BECAUSE BOTH OF
 12:51:16 THOSE COMMUNITIES HAD PACKAGE WASTEWATER TREATMENT PLANTS
 12:51:19 WHEN THEY WERE BUILT.
 12:51:21 THEY ACTUALLY CONVERTED THEMSELVES.
 12:51:23 THEY GOT RID OF THEIR PACKAGE WASTEWATER TREATMENT PLANTS
 12:51:26 AND ARE ON CENTRAL SEWER NOW WITHOUT THE VILLAGE OR COUNTY
 12:51:30 DOING ANYTHING TO REQUIRE THAT.
 12:51:33 IF YOU LOOK AT RIVERWOODS PLANTATION, YOU CAN SEE THAT

12:51:35 TRIANGLE UP IN THE UPPER LEFT CORNER.
 12:51:38 THAT IS WHERE THEIR PACKAGE WASTEWATER TREATMENT PLANT USED
 12:51:41 TO BE, AND NOW IT'S A STORAGE AREA.
 12:51:43 IT'S A LITTLE BIT HARDER ON MARINER'S COVE, BUT DOWN BY THE
 12:51:47 RIVER THERE WAS A PACKAGE WASTEWATER TREATMENT PLANT, AND
 12:51:50 THEY TURNED THAT INTO A KIND OF AMENITY-TYPE AREA WITH
 12:51:54 DIFFERENT THINGS THERE.
 12:51:55 SO THEY ARE ABLE TO CONVERT THESE OLD PACKAGE WASTEWATER
 12:51:58 TREATMENT PLANTS INTO SOMETHING THAT'S USEFUL FOR THOSE
 12:52:02 RESIDENTS.
 12:52:05 >>Larry Fiesel: THOSE TWO ARE CURRENTLY ON THE SEWER.
 12:52:06 >>David Willems: YEP, YEP.
 12:52:07 THEY CONVERTED THEMSELVES.
 12:52:09 >>Mayor Errington: GOOD.
 12:52:10 ANY OTHER COMMENTS?
 12:52:12 >>David Willems: JUST REAL QUICKLY, THE OTHER AREA THAT

 12:52:15 WE'RE TALKING ABOUT IS TO THE EAST.
 12:52:19 IT'S PROBABLY A COUPLE OF THINGS THEY WERE NOT AS IMPACTED
 12:52:22 BY THE HURRICANE, THANKFULLY.
 12:52:24 AND REALISTICALLY, THEIR IMPACT ON WATER QUALITY IS PROBABLY
 12:52:28 NOT AS SIGNIFICANT AS THE AREAS WE TALKED ABOUT PREVIOUSLY.
 12:52:31 BUT IT STILL IS IMPORTANT TO LOOK AT GETTING THEM OFF OF
 12:52:34 SEPTIC BECAUSE THEY DO HAVE AN IMPACT.
 12:52:38 WE'VE HAD SOME QUESTIONS ABOUT PEOPLE THINKING THAT YOU HAVE
 12:52:41 A SEPTIC TANK AND THE WATER GOES DOWN INTO THE GROUND, HOW
 12:52:44 WOULD IT EVER GET TO THE RIVER?
 12:52:47 WHAT I THINK WE LEARNED FROM FGCU STUDY IS THE WATER DOESN'T
 12:52:50 GET THERE THROUGH THE GROUNDWATER.
 12:52:52 WHAT'S HAPPENING IS THE GROUNDWATER IS FLOWING INTO THE
 12:52:54 SURFACE WATER AND THEN IT'S GETTING SHORT-CIRCUITED TO THE
 12:52:57 RIVER.
 12:52:58 SO EVEN THESE AREAS THAT ARE A LITTLE BIT FURTHER OFF, IF
 12:53:02 THE GROUNDWATER IS INTERCEPTED BY A SWALE, IT STILL COULD
 12:53:06 POTENTIALLY HAVE AN IMPACT ON THE RIVER.
 12:53:08 THAT'S ALL I HAD.
 12:53:12 >>Mayor Errington: QUESTIONS?
 12:53:13 I HAVE A COMMENT.
 12:53:16 I WOULD LIKE TO REQUEST THAT THIS WOULD GO TO MARILYN.
 12:53:24 ARE YOU ABLE TO SUMMARIZE ALL THIS AND GET IT OUT INTO THE
 12:53:29 NEWSLETTER LIKE QUICKLY?
 12:53:31 THIS IS REALLY GREAT INFORMATION THAT OUR RESIDENTS --

 12:53:37 >>David Willems: WE'LL WORK TOGETHER TO GET THAT THERE.
 12:53:40 >>Mayor Errington: YES, PLEASE DO.
 12:53:41 BECAUSE THEY ARE LOOKING FOR ANSWERS TO SOME QUESTIONS.
 12:53:46 THAT WOULD BE GREAT.
 12:53:47 THANK YOU.

12:53:47 ANYTHING ELSE?
12:53:53 >>Steven Sarkozy: THAT'S IT.
12:53:53 >>Mayor Errington: ARE WE FINISHED?
12:53:54 ANYBODY WANT TO ADJOURN?
12:53:58 >> SO MOVED.
12:53:58 >>Mayor Errington: THANK YOU.
12:53:59 [SOUNDING GAVEL]

DISCLAIMER:

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

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

[Howard Levitan.jpg \(LINK\)](#)

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

DRAFT MINUTES

VILLAGE COUNCIL MEETING

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

November 2, 2022 9:30 a.m.

1. CALL TO ORDER

INVOCATION

Jan Chance River of Life 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.

Also present

Village Manager Steve Sarkozy, Interim Village Attorney Robert Pritt, Land Use Attorney Nancy Stroud, Community Development Director Mary Gibbs, Public Works Director David Willems, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda with item 6a deferred to the November 16th agenda.

Motion by: Councilmember Fiesel

Seconded by: Councilmember Boesch

Action: Approved agenda with item 6a deferred to the November 16th 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

In Person

George Zalucki, Estero Forever Foundation

4. CONSENT AGENDA

- (a)** October 19, 2022, Council Meeting Minutes

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Wilson

Seconded by: Councilmember Ribble

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 ITEM

- (a)** Greater Estero Chamber of Commerce approval of financial support for Strategic Plans for Future Growth and Impact.

Item deferred to the November 16, 2022 agenda.

7. FIRST READINGS

- (a)** First Reading of Ordinance No. 2022-17 adopting new Flood Insurance Rate Maps.

An Ordinance of the Village Council of the Village of Estero, Florida, Adopting New Flood Insurance Rate Maps (FIRM) for Flood Zones in the Village of Estero; Providing for Severability; and Providing for an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director
David Willems, Public Works Director

Council Questions or Comments

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

Public Comments

None.

Motion: Motion to pass first reading of Ordinance No. 2022-17 and set second reading and public hearing for November 16, 2022.

Motion by: Councilmember Boesch

Seconded by: Councilmember Ward

Action: Passed first reading of Ordinance No. 2022-17 and set second reading and public hearing for November 16, 2022.

Vote: (Roll Call)

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

Nay:

Abstentions:

8. SECOND READINGS AND PUBLIC HEARINGS

- (a)** Second Reading and Public Hearing of Ordinance No. 2022-12 Land Development Code Amendment for Lot Coverage

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Village Land Development Code to Amend Section 10-3 Rules of Measurement to Revise the Definition of Lot Coverage; Providing a Severability Clause, a General Repealer Clause, and an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director

Council Questions or Comments

Vice Mayor McLain.

Public Comments

None.

Motion: Motion to approve Ordinance No. 2022-12.

Motion by: Councilmember Fiesel

Seconded by: Councilmember Boesch

Action: Approved Ordinance No. 2022-12.

Vote: (Roll Call)

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

Nay:

Abstentions:

(b) Second Reading and Public Hearing of Ordinance No. 2022-13, Land Development Code Amendment Flood Hazard Reduction Standards

An Ordinance of the Village Council of the Village Of Estero, Florida, Amending Land Development Code Section 7-3 "Flood Hazard Reduction Standards" to Update the Effective Flood Insurance Study Applicable to the Village, Amend the Process for Determining Substantial Improvement and Substantial Damage Determinations, Update Reference to the Florida Building Code Historic Buildings Chapter, Specify Elevation of and Foundations for Manufactured Homes in Flood Hazard Areas, Provide Standards for Non-Elevated Accessory Structures in Flood Areas, and Amend Definitions; Clarifying and Reenacting the Repeal of Ordinance 2015-16; Providing for Severability; Providing for Conflicts; and Providing for an Effective Date

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director

Nancy Stroud, Land Use Attorney

Council Questions or Comments

Councilmembers Ward, Wilson, and Vice Mayor McLain.

Public Comments

None.

Motion: Motion to continue Ordinance 2022-13 until the November 16, 2022 Village Council Agenda

Motion by: Councilmember Wilson

Seconded by: Councilmember Ribble

Action: Approved continuance of Ordinance 2022-13 until the November 16, 2022 Village Council Agenda.

Vote: (Roll Call)

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

Nay:

Abstentions:

Village Land Use Counsel Stroud provided information regarding Board business and quasi-judicial hearings. All audience members and staff providing testimony for the hearings were sworn in by Village Clerk Sacco.

(c) Second Reading and Public Hearing of Ordinance No. 2022-14 Coconut Trace Commercial Planned Development Zoning Amendment.

No ex parte communication or conflicts of interest were noted.

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Coconut Trace Commercial Planned Development (CPD) Zoning to Allow a Real Estate Sales Center for Off-Site Sales on a 3.5-Acre Property on the West Side of US 41 North of Coconut Road across from Coconut Point Mall; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney

Presentation/Information by

Mark Mclean, MHK Architecture
Josephine Medina, AICP, RVI Planning + Landscape Architecture
Sabrina McCabe, PLA, RVI Planning + Landscape Architecture

Council Questions or Comments

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

Public Comments

eComment

Scott Stryker, Bella Terra

Motion: Motion to approve Ordinance No. 2022-14 with the addition that the applicant will modify the proposed white color to a white tone acceptable to the Village staff.

Motion by: Vice Mayor McLain

Seconded by: Councilmember Ribble

Action: Approved Ordinance No. 2022-14 with the addition that the applicant will modify the proposed white color to a white tone acceptable to the Village staff.

Vote: (Roll Call)

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

Nay:

Abstentions:

(d) Second Reading and Public Hearing of Ordinance No. 2022-15 for Pelican Sound Residential Planned Development Zoning Amendment

No ex parte communication or conflicts of interest were noted.

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Pelican Sound Residential Planned Development (RPD) Zoning To Allow Recreation Uses, Including Pickleball, In the Golf Maintenance and Storage Area on a 150.23-Acre Property on the South Side of the Estero River, North of Williams Road and West of US 41; Providing for Severability; Providing for Conflicts; And Providing an Effective Date

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director

Nancy Stroud, Land Use Attorney

Council Questions or Comments

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

Presentation/Information by

Ken Gallander, AICP, the Neighborhood Company

Public Comments

eComment

George Molnar, The Villages at Country Creek

Motion: Motion to approve Ordinance No. 2022-15 with staff conditions.

Motion by: Councilmember Fiesel

Seconded by: Councilmember Ward

Action: Approved Ordinance No. 2022-15 with staff conditions.

Vote: (Roll Call)

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

Nay:

Abstentions:

Recess 10:48 a.m. and convene at 11:00 a.m.

(e) Second Reading and Public Hearing of Ordinance No. 2022-16 Genova Zoning Amendment

No conflicts of interest were noted. Councilmember Fiesel and Vice Mayor McLain met with Brian Goguen and Steve Sammons to the listen to timeline of the whole development.

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Estero Planned Development Zoning Adopted by Ordinance 2016-08 For “Genova”, for a 3.6-Acre Property Parcel Within the Genova EPD at the Southeast Corner of Corkscrew Road and Via Coconut; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney
Robert Pritt, Interim Village Attorney

Council Questions or Comments

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

Presentation/Information by

Jaime Lopez, Barron Collier Companies
Brian Goguen, Barron Collier Companies
Neale Montgomery, Pavese Law Firm
John English, Peninsula Engineering
Steve Sammons, Peninsula Engineering
Chris Scott, Peninsula Engineering

Public Comments

In-Person

Jeff Bristol, Genova
Hal Korbee, Genova
Susan Majka, Genova
Sharon Stump, Genova

eComment

Donna Brown, Genova

Motion: Motion to approve Ordinance No. 2022-16 with two changes; one to condition 8 regarding significant construction and the second to condition 7 to enhance the landscape along the linear park on Corkscrew Road with a bench on Via Coconut.

Motion by: Councilmember Wilson

Seconded by: Vice Mayor McLain

Action: Approved Ordinance No. 2022-16 with two changes; one to condition 8 regarding significant construction and the second to condition 7 to enhance the landscape along the linear park on Corkscrew Road with a bench on Via Coconut.

Vote: (Roll Call)

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

Nay: Councilmember Boesch

Abstentions:

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

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

Tentative consensus by Council to have the Lighting of the Tree event. The mayor will come back next Council meeting with more details on the event.

11. VILLAGE ATTORNEY'S REPORT

None.

13. VILLAGE MANAGER'S REPORT

None.

14. ADJOURNMENT at 1:43 pm

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
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
November 16, 2022**

Agenda Item:

Financial Report for the month ended September 30, 2022.

Description:

This financial report provides budget to actual comparisons for the month ending September 30, 2022, which is the **final** month of the 2021-2022 fiscal year. Twelve months of activity represent 100.00% of the fiscal year. General Fund revenues are trending ahead of budget through month ended September 30th, 2022.

- *Ad valorem (real estate) taxes:* 100% of budgeted ad valorem revenue was collected during the fiscal year.
- *General Fund:* State Revenue Sharing Sales Tax (125%) and Half-Cent Sales Tax (116%) outperformed budgeted revenue for FY 2022. 99% of budgeted State Revenue Sharing Fuel Tax was collected during the fiscal year.
- *Reserved Funds:* The General Fund has \$1,721,747 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 calculated based on the new Fund Balance Policy of retaining 3 months of operating expenses. The remaining funds are allocated to Capital Projects and total \$29,191,937.
- *Available funds:* total funds categorized as available are \$43,543,730 which includes the General Fund Capital Projects reserve.

Action Requested:

Accept financial reports.

Financial Impact:

There is no financial impact of this report.

Attachments:

1. September 30, 2022 Financial report



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	Date	Amended	<u>Variance</u>	Year to
		<u>Actual</u>	Budget		Date
					<u>Percent</u>
Ad Valorem Taxes	-	5,280,762	5,281,886	(1,124)	100%
Local Communications Svcs Tax	99,522	893,653	878,542	15,111	102%
Local Business Tax	6,076	16,894	21,900	(5,006)	77%
Franchise Fees-Electric	239,862	2,267,241	2,130,400	136,841	106%
Franchise Fees-Solid Waste	-	129,174	161,100	(31,926)	80%
Franchise Fees-Natural Gas	7,709	18,457	-	18,457	100%
Rev Sharing Sales tax	62,235	752,467	601,500	150,967	125%
Mobile Home License	33	3,645	3,600	45	101%
Alcohol Beverage Tax	-	32,258	32,300	(42)	100%
Half Cent Sales Tax	283,709	3,501,862	3,021,973	479,889	116%
Convenience Fee Clover	-	(438)	-	(438)	100%
Fines & Forfeitures	25	330	500	(170)	66%
Interest Income	498	6,095	32,400	(26,305)	19%
Rental income	3,000	36,000	36,000	-	100%
Miscellaneous Revenue	-	49,557	25,000	24,557	198%
Administrative Fee	59,262	84,172	18,000	66,172	468%
Cost Recovery-Admin Charge	2,000	25,000	9,000	16,000	278%
Dev & Zoning-Fixed Fees	5,403	88,633	40,400	48,233	219%
Dev & Zoning-Cost Recovery Fee	17,315	131,834	43,800	88,034	301%
Planning-Miscellaneous Revenue	2,200	795,025	-	795,025	100%
Code Comp & Contractor License	-	60,000	6,300	53,700	952%
Local Option Gas Tax-1-6 Cent	43,999	523,933	531,529	(7,596)	99%
ROW Permits	200	1,450	1,500	(50)	97%
Rev Sharing-Fuel Tax	15,666	197,802	-	197,802	100%
FDOT US 41 Light Maintenance	-	132,728	122,100	10,628	109%
ARPA Funding	-	16,964,413	8,482,207	8,482,206	200%
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	848,714	31,993,492	21,615,137	10,378,355	148%
Building Fees	191,924	1,113,450	1,042,200	71,250	107%
Surcharge Fee Retained	977	3,169	3,300	(131)	96%
Convenience Fee	2,221	33,977	15,000	18,977	227%
Interest income	10	129	1,000	(871)	13%
Total Revenues-Building Fee Fund	195,131	1,150,725	1,061,500	89,225	108%
Interest Income	-	934	10,000	(9,066)	9%
Total Revenues-Debt Serv	-	934	10,000	(9,066)	9%



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	Date <u>Actual</u>	Budget	<u>Variance</u>	Year to Date <u>Percent</u>
Local Option Gas Tax 1-5 Cent	31,963	376,358	387,933	(11,575)	97%
Interest Income-Gas Tax	26	345	-	345	100%
Lee Cty Funding-Estero Prkway	-	-	-	-	0%
Developer Contributions-Inters	-	53,695	132,000	(78,305)	41%
FDOT Funding-US 41 Landscaping	-	114,670	1,100,000	(985,330)	10%
Road Imp Fee-Residential	931,596	1,088,534	145,800	942,734	747%
Road Imp Fees-Commercial	173,747	668,611	145,800	522,811	459%
Park Imp Fees-Residential	1,535	25,634	43,800	(18,166)	59%
Park Imp Fee-Commercial	237,048	237,048	80,200	156,848	296%
Interest Income-Rd Impact	142	1,505	42,000	(40,495)	4%
Interest Income-Com Prk Impact	2	161	-	161	100%
Interest Inc-Com Prk Contr	1	18	-	18	100%
Interest Inc-Public Land	2	26	-	26	100%
Interest Income-Park Imp	7	85	-	85	100%
	-	-	-	-	
Total Revenues-Capital Projects Fund	1,376,070	2,566,689	2,077,533	489,156	124%
Convenience Fee	(284)	(276)	-	(276)	100%
Charges for Svcs-Driving Range	4,029	13,146	-	13,146	100%
Interest Income	2	7	-	7	100%
Cash Over / Short	(5)	84	-	84	100%
	-	-	-	-	
Total Revenues-Driving Range Fund	3,742	12,961	-	12,961	100%
Total Revenues-All Funds	2,423,657	35,724,801	24,764,170	10,960,631	144%
Debt Serv Fd Trans from Gen Fd	-	12,359,317	12,360,133	(816)	100%
Proceeds from Debt Issue	-	-	-	-	0%
Cap Projects Trans from Gen Fd	51,938	2,532,176	14,896,400	(12,364,224)	17%
Transfer from General Fund	-	4,400,000	-	4,400,000	100%
	-	-	-	-	100%
Total Revenues and Other Financing Sources-All Funds	2,475,595	55,016,293	52,020,703	2,995,590	106%
Executive Salaries	10,356	124,277	124,300	23	100%
FICA Taxes	792	9,507	9,600	93	99%
Workers Comp	95	317	300	(17)	106%
Unemployment Comp	207	2,005	2,000	(5)	100%
Travel and Per Diem	787	2,250	22,000	19,750	10%
Books Pub & Memberships	-	8,145	5,000	(3,145)	163%
Training	300	2,265	2,000	(265)	113%
<i>Total Village Council</i>	<i>12,538</i>	<i>148,767</i>	<i>165,200</i>	<i>16,433</i>	<i>90%</i>



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	Date <u>Actual</u>	Amended Budget	<u>Variance</u>	Year to Date <u>Percent</u>
Executive Salary	21,197	216,229	205,000	(11,229)	105%
Car Allowance	554	6,982	7,200	218	97%
Regular Salaries & Wages	16,203	123,689	137,100	13,411	90%
FICA Taxes	1,528	21,479	26,200	4,721	82%
Retirement Contributions	3,985	32,141	36,000	3,859	89%
Group Insurance	6,129	76,293	69,900	(6,393)	109%
Worker's Compensation	191	618	800	182	77%
Unemployment Comp	93	975	1,200	225	81%
Miscellaneous Professional Srv	3,000	8,600	75,000	66,400	11%
Contractual Srvs-Adm Assist	-	-	-	-	0%
Communication Services	3,000	33,000	32,760	(240)	101%
Miscellaneous Contractual Srvs	-	500	35,000	34,500	1%
Travel & Per Diem	34	633	12,000	11,367	5%
Public Relations	-	18,372	15,000	(3,372)	122%
Books Pub & Memberships	-	2,575	3,000	425	86%
Training	(600)	1,545	4,000	2,455	39%
<i>Total Village Manager</i>	<i>55,314</i>	<i>543,631</i>	<i>660,160</i>	<i>116,529</i>	<i>82%</i>
Village Attorney	3,920	181,090	200,000	18,910	91%
Land Use Legal	-	37,194	85,000	47,806	44%
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%
Miscellaneous legal	-	36,108	-	(36,108)	100%
<i>Total Village Attorney</i>	<i>3,920</i>	<i>255,122</i>	<i>327,000</i>	<i>71,878</i>	<i>78%</i>
Regular Salaries & Wages	2,989	37,729	121,000	83,271	31%
FICA Taxes	229	2,886	9,300	6,414	31%
Retirement Contributions	-	-	12,800	12,800	0%
Group Insurance	-	-	8,300	8,300	0%
Worker's Compensation	-	(26)	300	326	-9%
Unemployment Compensation	62	609	600	(9)	102%
Codification	-	1,225	-	(1,225)	100%
Election Services	-	-	-	-	0%
Travel & Per Diem	-	-	1,000	1,000	0%
Legal Notices	-	1,482	5,000	3,518	30%
Book, Pub & Membership	200	440	500	60	88%
Training	-	75	100	25	75%
<i>Total Village Clerk</i>	<i>3,480</i>	<i>44,421</i>	<i>158,900</i>	<i>114,479</i>	<i>28%</i>



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	Date <u>Actual</u>	Amended Budget	<u>Variance</u>	Year to Date <u>Percent</u>
Regular Salaries & Wages	12,424	217,129	275,800	58,671	79%
FICA Taxes	950	16,610	21,100	4,490	79%
Retirement Contributions	-	7,727	29,000	21,273	27%
Group Insurance	-	9,922	26,100	16,178	38%
Worker's Compensation	127	406	600	194	68%
Unemployment Compensation	114	1,132	1,100	(32)	103%
Accounting Services	7,000	75,305	5,000	(70,305)	1506%
Auditing & Actuarial Services	-	39,199	49,000	9,801	80%
Books, Publications & Members	-	670	586	(84)	114%
<i>Total Finance</i>	<i>20,616</i>	<i>368,100</i>	<i>408,286</i>	<i>40,186</i>	<i>90%</i>
Regular Salaries & Wages	31,655	282,227	154,200	(128,027)	183%
FICA Taxes	2,304	20,660	11,800	(8,860)	175%
Retirement Contributions	2,751	33,979	16,200	(17,779)	210%
Group Insurance	4,408	65,111	26,700	(38,411)	244%
Worker's Compensation	1,558	5,339	1,900	(3,439)	281%
Unemployment Compensation	93	931	500	(431)	186%
Land Development Code	-	7,301	40,000	32,699	18%
Comp Plan/Land Dev Regulations	-	-	30,000	30,000	0%
Growth Model Svcs	-	-	10,000	10,000	0%
Development Svcs 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	-	341	2,000	1,659	17%
Legal Notices-Plan & Zoning	-	910	6,000	5,090	15%
Books, Pub & Memberships	-	5,648	10,000	4,352	56%
Training	-	970	600	(370)	162%
Capital Outlay	-	-	112,500	112,500	0%
<i>Total Development Services</i>	<i>42,769</i>	<i>435,629</i>	<i>587,400</i>	<i>151,771</i>	<i>74%</i>
Cost Recovery-Wages	13,066	117,852	228,300	110,448	52%
Cost Recovery FICA Taxes	1,000	8,810	17,500	8,690	50%
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	3,250	5,172	17,518	12,346	30%
Planning & Zoning-Fixed Fee	-	292,459	364,000	71,542	80%
<i>Total Planning, Zoning and Development Review Services</i>	<i>17,315</i>	<i>424,293</i>	<i>665,318</i>	<i>241,025</i>	<i>64%</i>



Village of Estero
Budget Report-All Funds
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	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	Date <u>Actual</u>	Amended Budget	<u>Variance</u>	Year to Date <u>Percent</u>
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	-	10,138	16,000	5,863	63%
Code Compliance Contract Srvs	-	124,000	160,160	36,160	77%
Other Chrges-Filing Fees	14	193	1,200	1,007	16%
<i>Total Code Compliance Services</i>	14	134,331	227,260	92,929	59%
Lee Cty Animal Control Srvs	-	31,479	38,000	6,521	83%
<i>Total Animal Control</i>	-	31,479	38,000	6,521	83%
Regular Salaries & Wages	-	-	87,800	87,800	0%
FICA Taxes	-	-	6,700	6,700	0%
Retirement Contributions	565	565	9,200	8,635	6%
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	13,192	75,777	130,000	54,223	58%
Estero River Sediment Analysis	-	-	30,000	30,000	0%
Water & Sewer Expansion	7,848	275,463	-	(275,463)	100%
Community Monitoring	-	-	20,000	20,000	0%
Miscellaneous Stormwater Maint	-	206	300,000	299,794	0%
Estero River Maintenance	-	-	-	-	0%
Miscellaneous Stormwater Maint	-	9,900	-	(9,900)	100%
Water Quality Joint Advocacy	-	5,000	5,000	-	100%
<i>Total Public Works/ Physical Environment</i>	21,606	373,861	771,000	397,139	48%



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	Date <u>Actual</u>	Amended Budget	<u>Variance</u>	Year to Date <u>Percent</u>
Regular Salaries & Wages	-	-	79,800	79,800	0%
Public Works Wages	25,751	201,865	-	(201,865)	100%
FICA Taxes	1,922	14,842	6,100	(8,742)	243%
Retirement Contribution	1,256	14,576	8,400	(6,176)	174%
Group Insurance	3,105	39,394	19,400	(19,994)	203%
Worker's Compensation	1,208	3,928	2,600	(1,328)	151%
Unemployment Compensation	62	623	300	(323)	208%
Traffic Counts	-	21,686	16,500	(5,186)	131%
Misc Professional Services	7,300	8,512	60,000	51,488	14%
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	-	11,867	-	(11,867)	100%
Landscape Maintenance	-	111,220	152,500	41,280	73%
Mowing Maintenance	-	34,863	-	(34,863)	100%
Ditch Maintenance	86,093	91,841	-	(91,841)	100%
Sidewalk Maintenance	-	17,988	-	(17,988)	100%
Street Light Maintenance	-	-	80,400	80,400	0%
Street Sweeping Services	1,400	13,206	22,000	8,794	60%
Traffic Sign Maintenance	-	10,084	5,000	(5,084)	202%
Traffic Signal Maintenance	-	5,139	-	(5,139)	100%
Right-of-Way Permit Review	-	11,182	20,000	8,818	56%
Railroad Maintenance	-	18,000	18,000	-	100%
Misc Traffic Safety Projects	-	-	-	-	0%
Misc Landscape Projects	-	29,500	-	(29,500)	100%
Sandy Lane Bridge Maint/Access	1,431	16,922	-	(16,922)	100%
Resurf/Drainage-Poinciana Trail	-	-	-	-	0%
Road Maintenance	-	60,513	250,000	189,487	24%
US41 Traffic Signal Maint	-	-	30,000	30,000	0%
US41 Landscape Maint	-	131,835	333,026	201,191	40%
Estero Parkway Landscape Maint	8,285	178,073	364,856	186,783	49%
Travel	252	2,853	5,000	2,147	57%
Communications	53	554	500	(54)	111%
Utilities	4,024	58,475	35,270	(23,205)	166%
Equipment & leases	255	3,008	2,500	(508)	120%
Street Light Insurance	3,214	12,857	16,500	3,643	78%
Operating Supplies	844	4,921	3,000	(1,921)	164%
Books, Publications & Members	-	1,242	1,500	258	83%
Training	-	349	2,000	1,651	17%
<i>Total Public Works/ Transportation</i>	<i>146,454</i>	<i>1,145,344</i>	<i>1,605,152</i>	<i>459,808</i>	<i>71%</i>



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	Date <u>Actual</u>	Amended Budget	<u>Variance</u>	Year to Date <u>Percent</u>
Webmaster Svcs & Maintenance	1,763	13,538	9,000	(4,538)	150%
Software Licensing	28,220	103,261	30,000	(73,261)	344%
Information Technology Svcs	425	121,161	130,000	8,839	93%
Audio Visual Services	2,873	126,810	46,000	(80,810)	276%
Small tools & equipment	-	-	13,800	13,800	0%
Capital Outlay	-	-	10,000	10,000	0%
<i>Total Information Technology</i>	<i>33,280</i>	<i>364,770</i>	<i>238,800</i>	<i>(125,970)</i>	<i>153%</i>
Lee Cty Law Enforcement	-	3,504	10,000	6,496	35%
<i>Total Law Enforcement/ Security</i>	<i>-</i>	<i>3,504</i>	<i>10,000</i>	<i>6,496</i>	<i>35%</i>
Parks Master Plan	-	-	-	-	0%
YMCA Operating Agreement	5,295	62,453	63,000	548	99%
Utilities	560	5,897	6,000	103	98%
Equipment Rent & Leases	-	4,875	1,100	(3,775)	443%
Repairs & Maint	3,977	4,333	20,000	15,667	22%
<i>Total Parks & Recreation</i>	<i>9,832</i>	<i>77,558</i>	<i>90,100</i>	<i>12,542</i>	<i>86%</i>
Recruitment Services	34,500	34,500	-	(34,500)	100%
Lobbying Services	3,000	38,833	100,000	61,167	39%
State Administrative Fees	1,270	8,486	9,500	1,014	89%
Tax Collector Fees	-	0	3,750	3,750	0%
Audio Visual Services	899	20,980	-	(20,980)	100%
Misc Contractual Svcs	-	14,200	250,000	235,800	6%
Communications	345	4,359	5,000	641	87%
Freight & Postage	277	1,704	3,500	1,796	49%
Utilities	1,747	23,211	17,500	(5,711)	133%
Equipment Rental & Leases	408	9,515	10,000	485	95%
Office Lease-Corkscrew Palms	21,092	249,446	257,400	7,954	97%
Insurance	21,726	77,002	78,700	1,698	98%
Repairs & Maintenance	1,153	14,762	20,000	5,238	74%
Printing	-	-	1,500	1,500	0%
Contingency	-	-	104,200	104,200	0%
Office Supplies	361	3,868	6,500	2,632	60%
Operating Supplies	749	20,065	11,000	(9,065)	182%
Books Pub & Membership	47	13,021	2,000	(11,021)	651%
Capital Outlay	-	1,528	-	(1,528)	100%
<i>Total General Government</i>	<i>87,573</i>	<i>535,482</i>	<i>880,550</i>	<i>345,068</i>	<i>61%</i>



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	Date <u>Actual</u>	Amended Budget	<u>Variance</u>	Year to Date <u>Percent</u>
Covid Contractual Expenditures	-	-	-	-	0%
Repair and Maintenance	-	-	-	-	0%
Covid Supplies	-	-	-	-	0%
Capital Outlay	-	-	-	-	0%
<i>Total COVID</i>	-	-	-	-	0%
Lee Cty Marine Patrol	-	-	43,860	43,860	0%
<i>Total Lee County Marine Patrol</i>	-	-	43,860	43,860	0%
	-	-	-	-	0%
Disaster Preparedness Services	-	-	10,000	10,000	0%
<i>Total Disaster Services</i>	-	-	10,000	10,000	0%
Total Expenditures-General Fund	454,710	4,886,290	6,886,986	2,000,696	71%
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	-	841,938	954,100	112,162	88%
Laserfiche Software	-	-	8,100	8,100	0%
Building IT Contract Services	-	4,500	5,300	800	85%
Records Imaging Services	-	-	-	-	0%
Inkforce Software	1,275	14,025	15,300	1,275	92%
Communications	146	1,510	1,400	(110)	108%
Freight & Postage	72	432	600	168	72%
Utilities	270	2,709	3,000	291	90%
Equipment Lease	604	7,508	9,800	2,292	77%
Office Lease-Corkscrew Palms	4,320	51,091	52,800	1,709	97%
Repairs & Maintenance	191	2,316	3,800	1,484	61%
Credit Card Fees	2,325	36,126	27,800	(8,326)	130%
Office Supplies	213	1,775	3,000	1,225	59%
Operating Supplies	-	5,439	4,800	(639)	113%
Capital outlay	-	-	211,530	211,530	0%
Total Expenditures-Building Fee Fund	9,416	969,370	1,322,630	353,260	73%
Principal Payments	-	16,919,830	17,850,113	930,283	95%
Interest Expense	-	744,887	744,887	(0)	100%
Total Expenditures-Debt Service	-	17,664,717	18,595,000	930,283	95%



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	<u>Date</u> <u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>Year to</u> <u>Date</u> <u>Percent</u>
Estero Parkway Improvements	4,650	298,039	360,000	61,961	83%
River Ranch Rd Improvements	-	223,849	4,977,800	4,753,952	4%
Corkscrew Rd Widening	-	55,279	4,426,000	4,370,722	1%
Bridge Maintenance	-	318,691	400,000	81,309	80%
Williams Rd Widening	-	-	867,500	867,500	0%
	-	-	-	-	0%
	-	-	-	-	0%
	-	-	-	-	0%
Total Roadway Projects	4,650	895,857	11,031,300	10,135,443	8%
Corkscrew Rd Signal-Puente Ln	-	-	-	-	0%
Williams Rd Intersection Improv	22,406	208,999	-	(208,999)	100%
Williams Rd High School Turn	-	2,668	-	(2,668)	100%
US41 Pelican Colony Signal	-	-	132,000	132,000	0%
	-	-	-	-	0%
Total Intersection Improve Proj	22,406	211,667	132,000	(79,667)	160%
Coconut Rd Crosswalks	-	1,429	177,800	176,371	1%
Williams Rd Bike/Sidewalks	-	43,660	2,213,700	2,170,040	2%
Intersect Safety Improv Study	-	-	110,000	110,000	0%
Sandy Ln Bike-Ped Improv	50,840	108,335	400,000	291,665	27%
Broadway E Shared Use Path	-	1,733	340,000	338,268	1%
Broadway W Bus Stop Improv	206	60,627	100,000	39,373	61%
Total Bicycle & Ped Improv Proj	51,046	215,784	3,341,500	3,125,716	6%
US 41 FDOT Landscape	-	3,167	-	(3,167)	100%
US 41 Landscaping Enhancement	22,425	115,307	-	(115,307)	100%
Monument Sign/Branding	-	10,726	-	(10,726)	100%
US 41 Monument Signs	200	12,300	-	(12,300)	100%
Three Oaks Prkwy Monument Signs	943	43,745	-	(43,745)	100%
Via Coconut Pt Landscap Improv	-	185,871	-	(185,871)	100%
Ben Hill Griff Pkwy Landsc Imp	-	67,571	-	(67,571)	100%
I-75 Interchange Landscaping	-	-	-	-	0%
Landscaping Misc	-	-	3,706,000	3,706,000	0%
	-	-	-	-	0%
Total Landscaping & Beauti Proj	23,568	438,688	3,706,000	3,267,312	12%
Park Capital Projects	-	3,000	-	(3,000)	100%
Estero on River Master Plan	2,481	52,264	252,000	199,736	21%
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 Improvem	-	-	1,000,000	1,000,000	0%
	-	-	-	-	0%
Total Parks & Recreation Proj	2,481	55,264	2,900,000	2,844,736	0%



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month <u>Actual</u>	2021-2022 Year to Date <u>Actual</u>	2021-2022 Amended Budget	2021-2022 Budget <u>Variance</u>	2022 Year to Date <u>Percent</u>
Estero River N Brnch Drainage	-	92,924	-	(92,924)	100%
Package WWTP UEP Design & Perm	-	-	420,000	420,000	0%
Broadway W UEP Design & Permit	-	21,478	1,170,000	1,148,523	2%
Broadway E Design & Permitting	9,680	9,680	1,250,000	1,240,320	1%
Estero Rvr Sediment Removal	-	-	-	-	0%
Stormwater Misc	-	-	354,000	354,000	0%
Total Stormwater Projects	9,680	124,082	3,194,000	3,069,918	4%
Land Purchase-Estero on River	-	18,225	-	(18,225)	100%
Williams Road - Driving Range	-	-	4,250,000	4,250,000	0%
River Oaks Preserve Land	11,353	1,220,131	1,100,000	(120,131)	111%
Total Land Acquisitions	11,353	1,238,356	5,350,000	4,111,644	23%
Total Expenditures-Capital Project Fund	125,184	3,179,697	29,654,800	26,475,103	11%
Misc Contracted Services	-	2,180	-	(2,180)	100%
Communications	141	309	-	(309)	100%
Utilities	377	437	-	(437)	100%
Repairs & Maintenance	75	1,156	-	(1,156)	100%
Total Expenditures-Driving Range Fund	593	4,082	-	(4,082)	100%
Total Expenditures-All Funds	589,902	26,704,157	56,459,416	29,755,259	47%
Gen Fd Trans to Debt Service	-	12,359,317	12,360,133	816	100%
Gen Fd Trans to Cap Projects	51,938	2,532,176	14,896,400	12,364,224	17%
Transfer to Driving Range Fund	-	4,400,000	-	(4,400,000)	100%
Debt Serv Trans to Cap Projects	-	-	-	-	0%
CIP Tran from Gas Tax-300-000	-	(2,668)	-	2,668	100%
CIP Tran from RdImp 300-990	(73,246)	(641,853)	-	641,853	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	-	(3,000)	-	3,000	100%
Gas Tax Trans to CIP-300-266	-	2,668	-	(2,668)	100%
Rd Imp Fee Trans to CIP-300-990	73,246	641,853	-	(641,853)	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	-	3,000	-	(3,000)	100%
Total Expenditures and Other Financing Uses-All Funds	641,840	45,995,649	83,715,949	37,720,300	55%
Excess Revenue over Expenditures	1,833,755	9,020,644	(31,695,246)	40,715,890	
Estimated Prior Year Surplus		41,382,050	41,382,050	-	
Fund Balance		50,402,694	9,686,804	40,715,890	



Village of Estero
Budget Report-All Funds
For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	<u>Date</u>	<u>Amended</u>	<u>Variance</u>	<u>Year to</u>
		<u>Actual</u>	<u>Budget</u>		<u>Date</u>
					<u>Percent</u>
General Fund					
Revenues	848,714	31,993,492	21,615,137	10,378,355	148%
Expenditures	454,710	4,886,290	6,886,986	2,000,696	71%
Operating Excess (deficit)	394,004	27,107,202	14,728,151	12,379,051	
Transfers out to Debt Service	-	(12,359,317)	(12,360,133)	816	100%
Transfers out to Capital Projects	(51,938)	(2,532,176)	(14,896,400)	12,364,224	17%
Transfer out to Driving Range	-	(4,400,000)	-	(4,400,000)	100%
Operating Excess (deficit)	342,066	7,815,710	(12,528,382)	20,344,092	
Building Fee Fund					
Revenues	195,131	1,150,725	1,061,500	89,225	108%
Expenditures	9,416	969,370	1,322,630	353,260	73%
Operating Excess (deficit)	185,716	181,355	(261,130)	442,485	
Debt Service Fund					
Revenues	-	934	10,000	(9,066)	9%
Expenditures	-	17,664,717	18,595,000	930,283	95%
Operating Excess (deficit)	-	(17,663,784)	(18,585,000)	921,216	
Debt Service Proceeds	-	-	-	-	0%
Transfers in from General Fund	-	12,359,317	12,360,133	(816)	100%
Transfers out to Capital Projects	-	-	-	-	0%
Operating Excess (deficit)	-	(5,304,467)	(6,224,867)	920,400	
Capital Projects Fund					
Revenues	1,376,070	2,566,689	2,077,533	489,156	124%
Expenditures	125,184	3,179,697	29,654,800	26,475,103	11%
Operating Excess (deficit)	1,250,886	(613,008)	(27,577,267)	26,964,259	
Transfers in from Other Funds	51,938	6,932,176	14,896,400	(7,964,224)	47%
Operating Excess (deficit)	1,302,824	6,319,168	(12,680,867)	19,000,035	
Driving Range Fund					
Revenues	3,742	12,961	-	12,961	100%
Expenditures	593	4,082	-	(4,082)	0%
Operating Excess (deficit)	3,149	8,879	-	8,879	
Transfers in from Other Funds	-	-	-	-	0%
Operating Excess (deficit)	3,149	8,879	-	8,879	



Village of Estero
 Budget Report-All Funds
 For the Month Ending September 2022

	Current Month	2021-2022 Year to	2021-2022	2021-2022 Budget	2022
	<u>Actual</u>	Date	Amended	<u>Variance</u>	Year to
		<u>Actual</u>	Budget		Date
					<u>Percent</u>
Reserved and Available Funds Report					
General Fund Reserves		\$ 1,721,747			
Litigation Defense Reserve		670,000			
Major Road Maintenance Reserve		148,000			
Total Reserved Funds		<u>\$ 2,539,747</u>			
General Fund Capital Projects		\$ 29,191,937			
Building Fee Fund		871,994			
Gas Tax Capital Projects		1,897,862			
Developer Contribution		386,458			
Road Impact Fees		9,969,766			
Community Park Impact Fees		107,871			
Regional Park Impact Fees		-			
Estero Park Entry Contribution		101,027			
Park Imp Fees		727,373			
Public Land Purchase		143,161			
Driving Range		146,281			
Total Available Funds		<u>\$ 43,543,730</u>			

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 16, 2022

Agenda Item:

Greater Estero Chamber of Commerce approval of financial support for Strategic Plans for Future Growth and Impact.

Motion to approve Greater Estero Chamber of Commerce approval of financial support of \$12,500 remaining balance for Strategic Plans for Future Growth and Impact.

Background:

Each year in the past the Greater Chamber of Commerce has attended or provided the Village with their plans for the coming year. In March 2022 the Village provided \$12,500 to the Chamber.

Description:

Annually a request from the Greater Estero Chamber of Commerce for financial support for Strategic Plans for Future Growth and Impact.

Action Requested:

Motion to approve Greater Estero Chamber of Commerce approval of financial support of \$12,500 remaining balance for Strategic Plans for Future Growth and Impact.

Process and Timeline:

The Village has contributed \$25,000 annually to the Estero Chamber of Commerce starting in fiscal year 2018-19.

Financial Impact:

The funding request for 2022 is again at \$25,000. Funds are included in the Village's 2021-22 Annual Budget for this expenditure. \$12,500 was distributed in March 2022.

Given the strong role of the Greater Chamber in the Village in support of our business community, their focus on economic development, and the strong support provided the

community during the COVID Pandemic a continued contribution from the Village would seem appropriate.

Based on the support indicated by the Village Council at the Workshop discussion the \$25,000 allocation is on the Council Agenda for final approval.

Prepared by: _____

Attachments:

1. Greater Estero Chamber of Commerce Presentation
2. Greater Estero Chamber of Commerce Balance Sheet
3. Greater Estero Chamber of Commerce Profit & Loss

Greater Estero Chamber of Commerce

- VILLAGE COUNCIL MEETING
- November 16, 2022

Mission Statement and Brief Overview

**Enhance a vibrant business community
that creates dynamic economic growth!**

I have been with the Greater Estero Chamber
for 5 years.

Started out as a part-time bookkeeper and
soon became full – time

Only full-time employee with two part time
employees.

Chamber office now located in Brooks
Executive Center. Moved in May of this year.

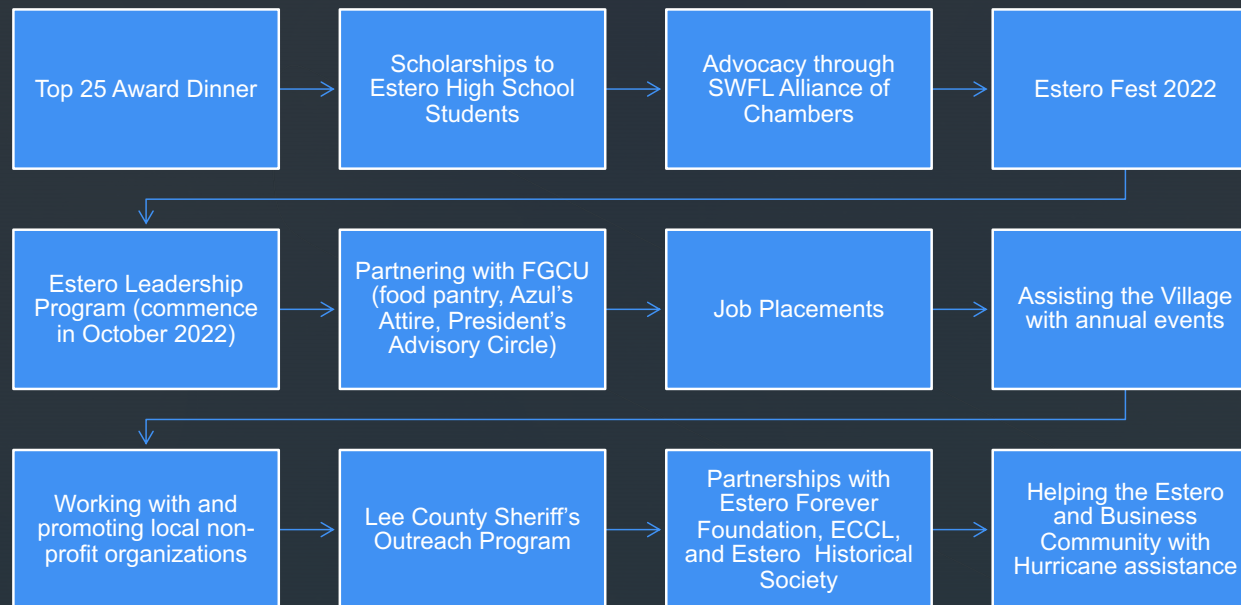
Served with 2 Presidents and 5 Chairs of the
Board

Installed as President & CEO April 2021 (in
the middle of a pandemic)

What purpose does the Chamber Serve?



Community Relations



Why Should the Village of Estero Partner With the Chamber?



The Chamber is the catalyst for bringing the community and businesses together



Membership dues alone cannot support the Chamber



Non-dues revenue is essential to every Chamber of Commerce



With the Village's financial support, the Chamber is able to advocate for the growth of the small business community and continue to offer valuable information and education.



The Chamber supports the Village by assisting and promoting events, by providing exposure through editorial coverage in its magazine and on its website, and by being proactive in the support of our businesses and the community we serve.

Impact Partner Benefits:

- Promoted at all Chamber events and in all Chamber publications throughout the year
- Public Recognition and **program presentation time (3 minutes)** at the Annual Chamber Meeting and Awards Luncheon and on the screens and a **sponsor level table for 12 at the luncheon.**
- Six (6) Free tickets to the Holiday Party
- Free participation (12 individuals) in all regularly scheduled monthly events.
- Chamber membership for the year
- **Position (1) on the Chamber of Commerce Board of Directors**
- **Sponsor table at the Estero Fest**
- Annual Impact Partner Appreciation Dinner

Current benefits only come with the \$25,000 annual impact partnership.



Summary:

- The Greater Estero Chamber of Commerce would like to continue to partner with the Village of Estero through financial and community support
- November 2022 pay remainder of \$12,500
- In conclusion, through the Village of Estero being an active impact partner with the chamber we are able to serve our members and community with events, educational programs, scholarships, and business development resources.
- With continued support from the Village the Chamber will be able to hire additional staff



3:17 PM

10/26/22

Accrual Basis

Estero Chamber of Commerce**Balance Sheet****As of September 30, 2022**

	Sep 30, 22
ASSETS	
Current Assets	
Checking/Savings	
VNB OP 6345	11,627.50
VNB Payroll 6426	365.84
VNB Money Market 6566	34,240.83
Petty Cash	205.00
Total Checking/Savings	46,439.17
Accounts Receivable	
Accounts Receivable	24,787.75
Total Accounts Receivable	24,787.75
Total Current Assets	71,226.92
Fixed Assets	
Computer Equipment	
Cost	-849.99
Accum Depreciation	-3,037.71
Computer Equipment - Other	6,686.92
Total Computer Equipment	2,799.22
Furniture and Equipment	
Cost	1,648.37
Furniture and Equipment - Other	1,640.46
Total Furniture and Equipment	3,288.83
Total Fixed Assets	6,088.05
TOTAL ASSETS	77,314.97
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	69.19
Total Current Liabilities	69.19
Total Liabilities	69.19
Equity	
Unrestricted Net Assets	46,547.84
Net Income	30,697.94
Total Equity	77,245.78
TOTAL LIABILITIES & EQUITY	77,314.97

4:33 PM

10/26/22

Cash Basis

Estero Chamber of Commerce
Profit & Loss
 January through September 2022

	<u>Jan - Sep 22</u>
Ordinary Income/Expense	
Income	
Event Income	
EsteroFest 2022	21,833.82
Estero Forever Gala	0.00
After Hours	2,095.86
Annual Awards & Business Lunch	11,590.00
Virtual Golf Tournament 2020	16,315.00
Food for Thought Luncheons	2,589.37
Event Income - Other	20,277.36
Total Event Income	74,701.41
Membership Directory	5,000.00
Membership Dues	
Memberships	15,026.64
Renewal	37,779.00
Non-Renewal	-2,940.00
Membership Dues - Other	798.00
Total Membership Dues	50,663.64
Sponsorship Income	
Impact Partners	32,500.00
Total Sponsorship Income	32,500.00
Total Income	162,865.05
Gross Profit	162,865.05
Expense	
Mileage	20.20
Online/Bank Fees	3,171.65
Phone	2,524.71
Dues & Subscriptions	2,081.64
Event Expenses	
EsteroFest 2022	18,213.91
Annual Awards & Luncheon	8,487.91
Entertainment	49.40
Business After Hours Networking	319.06
Food for Thought Luncheons	3,553.93
Event Expenses - Other	10.00
Total Event Expenses	30,634.21
HR Administration	
Payroll Processing	3,516.93
Total HR Administration	3,516.93
In Kind Membership	38.50
Insurance	
Workers Comp	189.80
Insurance - Other	1,642.80
Total Insurance	1,832.60
Licenses & Fees	111.25
Marketing	1,973.25
Meals & Entertainment	473.42

4:33 PM

10/26/22

Cash Basis

Estero Chamber of Commerce Profit & Loss

January through September 2022

	<u>Jan - Sep 22</u>
Office Expense	
Other Expenses	1,469.88
Furniture & Equipment	531.20
Office Supplies	1,722.20
Other Office	509.93
Office Expense - Other	2,705.70
Total Office Expense	6,938.91
Payroll Expense	
Health Insurance	1,500.00
Retirement	1,000.00
Gross Wages	47,439.23
Total Payroll Expense	49,939.23
Payroll Tax Expense	
Social Security - Employer	3,651.85
Medicare - Employer	658.91
FL Unemployment	106.40
Total Payroll Tax Expense	4,417.16
Printing and Copying	756.06
Rent Expense	
Public Storage Unit	746.88
Visitor Center	21,517.92
Rent Expense - Other	2,464.50
Total Rent Expense	24,729.30
Scholarship Awards	1,000.00
Travel & Meetings	
Conference, Convention, Meeting	3,400.00
Travel	14.66
Total Travel & Meetings	3,414.66
Miscellaneous	38.54
Web/IT Expense	5,483.71
Total Expense	143,095.93
Net Ordinary Income	19,769.12
Net Income	<u><u>19,769.12</u></u>

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 16, 2022

Agenda Item:

Resolution No. 2022-35 appointing Robert M. Eschenfelder, Esq., and the firm of Trask Daigneault, LLP as Village Attorney.

Motion to approve Resolution No. 2022-35

Background:

The Village Council has the authority in the Charter to appoint and remove the Village Attorney. In early 2022, the decision was made to change Village Attorney to address a potential conflict of interest with our previous firm. The last meeting for Burt Saunders was April 20, 2022.

Village Manager was authorized to advertise for a new Village Attorney and Requests for Proposals were received on March 25, 2022. To provide interim attorney services after the departure of Burt Saunders, the Village Council approved Robert Pritt to the role by Resolution #2022-04 on April 20, 2022.

In response to the open solicitation (4) firms provided proposals for the position. The Village Council delegated the interviews and recommendation of a finalist to the Village Manager and staff. The recommendation from staff is to select Robert Eschenfelder as the principal attorney and the firm of Trask Daigneault LLP as the firm. The transition is recommended to be complete on December 19, 2022. The first Council meeting for Mr. Eschenfelder would be on Wednesday, January 4, 2023.

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

Description:

The Village of Estero retains an outside firm to perform or provide Village Attorney legal services as set forth in Section § 5(2) of the Estero Village Charter. While any of the Firm's attorneys may be assigned to provide services to the Village, as proposed in the Firm's proposal, the primary Village Attorney shall be Robert Eschenfelder, Esq. The actual first date of the assignment would begin at 12:01 a.m. on Monday, December 19, 2022.

Page 1 of 2

Action Requested:

Robert Eschenfelder was originally recommended to the Village by the Florida League of Cities for his expertise in municipal law. He has considerable experience as a municipal attorney in various cities in Manatee and Pinellas County. Staff has worked with him over the past several years on select assignments. His work and advice have been of a very high quality, very professional, and very timely. The proposal by the Mr. Eschenfelder and the firm of Trask Daigneault LLP is also at a substantially lower hourly rate than our previous attorney and is the lowest among the two finalist firms. Any actual savings in the contract costs will depend on the amount of work assigned by the Village.

Motion to approve Resolution No. 2022-35**Financial Impact:**

The Firm shall be compensated for attorney services at the rate of \$220 per hour for attorney work. Paralegal services shall be billed at the rate of \$90 per hour for all work performed under this Agreement. Again, the billing rate is the lowest among the final two firms.

The Village shall pay all costs incurred or advanced by the Firm in representing the Village pursuant to this Agreement. Such costs include, but are not limited to, court filing fees, deposition charges, document scanning and photocopying charges, express delivery (FedEx, UPS, etc.) charges, travel time, computer research fees, and other out-of-pocket costs. These and other terms of the agreement are generally consistent with our previous agreement for legal services.

This Agreement is terminable by either the Village Council or the Firm for any or no reason with thirty (30) days written notice to the other Party.

Prepared by: Steve Sarkozy

Attachments:

1. Resolution No. 2022-35
2. Agreement
3. Village of Estero, Florida Vendor Disclosure Form

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022 - 35

A RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERT M. ESCHENFELDER, ESQ., WITH THE LAW FIRM OF TRASK DAIGNEAULT, LLP, AS VILLAGE ATTORNEY; AUTHORIZING VILLAGE MAYOR TO EXECUTE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 5(2) of the Estero Charter provides that there shall be a Village Attorney who shall be a member in good standing of The Florida Bar, who shall be appointed by the Village Council, who shall serve as the chief legal advisor to the Council and Village administrators, departments, and agencies; who shall attend all Council meetings unless excused by Council, and who shall perform such professional duties as may be required by law or by the Council in the furtherance of law; and

WHEREAS, on March 1st 2022, the Village issued RFP 2022-02 seeking proposals from qualified law firms for the provision of Village Attorney services; and

WHEREAS, the Village's staff conducted initial qualifications reviews and reference checks for each proposing firm, and conducted in-person interviews on April 11th 2022 with the lead and secondary attorneys proposed in each proposal; and

WHEREAS, based on the qualification's reviews and in-person staff interviews, the Village narrowed the field to two finalist firms and, thereafter, Village staff performed additional reference reviews; and

WHEREAS, in late June, 2022, the finalist attorneys were individually interviewed by each member of the Village Council; and

WHEREAS, on July 27th 2022, the two finalist attorneys were further interviewed by the Village Manager; and

WHEREAS, having received the feedback of the various stakeholders, and having performed sufficient due diligence regarding the status, capabilities, qualifications, and overall fit of the candidates and their respective firms, the Village Manager has recommended that the Council select the Firm to provide Village Attorney services to the Village; and

WHEREAS, on October 6th 2022, the Village Manager and the Firm met to discuss and agree to business terms, as set forth in this Agreement; and

WHEREAS, the Village Council, having reviewed the initial proposals, taken into account the feedback and recommendations of the Village's administrative stakeholders, and having been informed by the individual Council member meetings with the finalist firms, determines that is in the Village's best interests to retain the Firm to provide Village Attorney services.

Page 2 of 2

**AGREEMENT BETWEEN THE VILLAGE OF ESTERO AND
TRASK · DAIGNEAULT, LLP, FOR VILLAGE ATTORNEY SERVICES**

THIS AGREEMENT is entered into this 16th day of November, 2022, between the Village of Estero, a Florida municipal corporation (“Village”) and Trask · Daigneault, LLP (“the Firm”).

WHEREAS, § 5(2) of the Estero Charter provides that there shall be a Village Attorney who shall be a member in good standing of The Florida Bar, who shall be appointed by the Village Council, who shall serve as the chief legal advisor to the Council and Village administrators, departments, and agencies; who shall attend all Council meetings unless excused by Council, and who shall perform such professional duties as may be required by law or by the Council in the furtherance of law; and

WHEREAS, on March 1st 2022, the Village issued RFP 2022-02 seeking proposals from qualified law firms for the provision of Village Attorney services; and

WHEREAS, the Village received four proposals from qualified firms including the proposal of the Firm, received on March 21st 2022; and

WHEREAS, the Village’s staff conducted initial qualifications reviews and reference checks for each proposing firm, and conducted in-person interviews on April 11th 2022 with the lead and secondary attorneys proposed in each proposal; and

WHEREAS, based on the qualifications reviews and in-person staff interviews, the Village narrowed the field to two finalist firms and, thereafter, Village staff performed additional reference reviews; and

WHEREAS, in late June, 2022, the finalist attorneys were individually interviewed by each member of the Village Council; and

WHEREAS, on July 27th 2022, the two finalist attorneys were further interviewed by the Village Manager; and

WHEREAS, having received the feedback of the various stakeholders, and having performed sufficient due diligence regarding the status, capabilities, qualifications, and overall fit of the candidates and their respective firms, the Village Manager has recommended that the Council select the Firm to provide Village Attorney services to the Village; and

WHEREAS, on October 6th 2022, the Village Manager and the Firm met to discuss and agree to business terms, as set forth in this Agreement; and

WHEREAS, the Village Council, having reviewed the initial proposals, taken into account the feedback and recommendations of the Village’s administrative stakeholders, and having been informed by the individual Council member meetings with the finalist firms, determines that is in the Village’s best interests to retain the Firm to provide Village Attorney services.

NOW THEREFORE, and in consideration of the mutual promises and covenants set forth in this Agreement, the Parties agree as follows:

1. The Village retains the Firm to perform or provide Village Attorney legal services as set forth in § 5(2) of the Estero Village Charter, to begin at 12:01 a.m. on Monday, December 19th 2022. While any of the Firm's attorneys may be assigned to provide particular services to the Village, as proposed in the Firm's proposal, the primary Village Attorney shall be Robert Eschenfelder, Esq.
2. The Firm shall be compensated for attorney services at the rate of \$220 per hour for attorney work. Paralegal services shall be billed at the rate of \$90 per hour for all work performed under this Agreement.
3. The Village shall pay all costs incurred or advanced by the Firm in representing the Village pursuant to this Agreement. Such costs include, but are not limited to, court filing fees, deposition charges, document scanning and photocopying charges, express delivery (FedEx, UPS, etc.) charges, travel time, computer research fees, and other out-of-pocket costs.
4. The Firm will bill the Village on a monthly basis for all legal fees and costs incurred in the prior month under this Agreement, and the Village shall pay these invoices in accordance with the Florida Local Government Prompt Payment Act. For any month in which no services are requested or costs incurred, no bill will be sent.
5. This Agreement is terminable by either the Village Council or the Firm for any or no reason on thirty (30) days written notice to the other Party.
6. In the event the Village terminates the Firm's services under this Agreement, the Firm shall be entitled to be compensated according to the terms of this Agreement for all services rendered or costs incurred prior to the effective date of the termination.
7. All notices and communications required under this Agreement shall be in writing and shall be deemed to have been duly given when delivered personally or by registered or certified mail to the following persons:

For the Village: Steven R. Sarkozy, Village Manager
Village Hall
9401 Corkscrew Palms Circle
Estero, FL 33928

For the Firm: Jay Daigneault, Esq., Managing Partner
Trask · Daigneault, L.L.P
1001 South Fort Harrison Avenue, Suite 201
Clearwater, FL 33756

Either Party may change the person or address to which notices and other communications are to be sent by giving written notice of the change in the manner specified in this paragraph.

8. This Agreement shall be effective upon the date set forth in the introductory paragraph of this Agreement notwithstanding the actual date(s) of approval or execution by the Parties, and shall be effective until terminated by either Party.

9. This Agreement contains the complete agreement between the Parties. Any other prior written or verbal agreements between the Parties are superseded by this Agreement.

10. This Agreement is entered into for the sole and exclusive benefit of the Parties. The Parties expressly confirm that they have not entered into this Agreement for the benefit of any other third party.

11. This Agreement may not be amended except in a written Amendment approved by the Council and Firm.

The Parties have caused this Agreement to be executed on the date set forth in the introductory paragraph.

VILLAGE OF ESTERO, FLORIDA

TRASK · DAIGNEAULT, L.L.P

By: _____
Steven R. Sarkozy,
Village Manager

By: _____
Jay Daigneault, Esq.
Managing Partner

Proposal No.: RFP 2022-02

VILLAGE OF ESTERO, FLORIDA
VENDOR DISCLOSURE FORM

Project No.: RFP 2022-02

Project Name: VILLAGE ATTORNEY SERVICES

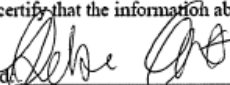
Please check as appropriate:

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

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

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

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

Signed: 

Vendor

Printed Name ROBERT M. ESCHENFELDER, ESQ.

Company Name: TRASK DAIGNEAULT, L.L.P.

Date: MARCH 25, 2022

NAMES & ADDRESSES OF OWNERS

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

THE FIRM IS A FLORIDA LIMITED LIABILITY PARTNERSHIP. THE FIRM IS OWNED

IN EQUAL SHARES BY ITS FOUR PARTNERS:

- 1) JAY DAIGNEAULT (MANAGING PARTNER)
- 2) THOMAS J. TRASK
- 3) RANDOL D. MORA
- 4) ERICA F. AUGELLO

Trask Daigneault, L.L.P.
Village of Estero RFP 2022-02

Page 26

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 16, 2022

Agenda Item:

Resolution No. 2022-36, final amendment to the Fiscal Year 2021-2022 Village Budget.

A resolution of the Village Council of the Village of Estero, Florida, approving the second and final budget amendment for Fiscal Year 2021-2022 to approve the use of Village Funds and to align certain budgeted line items within the General Fund, Debt Service Fund, Capital Projects Fund, and Driving Range Fund.

Background:

On September 22, 2021, Village Council approved Resolution No. 2021-22 establishing the Fiscal Year 2021-2022 Village Budget. On May 18, 2022, Village Council approved Resolution No. 2022-09, amending the Fiscal Year 2021-2022 Budget.

Description:

The Village performs budget amendments throughout each fiscal year as new appropriations, transfers, or increased revenue occur. Resolution No. 2022-36 is the second and final budget amendment for fiscal year 2021-2022.

The following is a summary of each proposed change:

Although within the Village's level of budgetary control, best practices recommend seeking action to ensure that no individual department appropriation within the General Fund is insufficient to cover expenditures. The only department within the General Fund which had actual expenditures exceeding appropriation was Information Technology. The resolution proposes reducing unused appropriations in the Village Manager department by \$90,000 and the Development Services department by \$80,000 and reallocating these to Information Technology expenditures totaling \$170,000.

Resolution No. 2022-09, amended the budget to include the purchase of the Gulf Coast Driving Range property. The prior resolution appropriated these funds in the Capital Projects Fund. Resolution No. 2022-36, proposes establishing a new Driving Range Fund.

The final two proposed changes amend the budget to align with actual expenditures within the Debt Service Fund and Capital Projects Fund.

Action Requested:

Approve Resolution No. 2022-36.

Financial Impact:

No additional appropriations are proposed within the resolution. New transfers and transfers to deficient account line items will be increased from budgeted line items with sufficient remaining budgeted dollars.

Prepared by: Kevin Greenville

Attachments:

1. Resolution No. 2022-36
2. FY 22 Budget Amendment #2 Detail

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022 - 36

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, APPROVING THE
FINAL BUDGET AMENDMENT FOR FISCAL YEAR
2021-2022; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Resolution No. 2021-22, adopted the 2021-2022 fiscal year budget; and

WHEREAS, Resolution No. 2022-09, adopted the first budget amendment to the 2021-2022 fiscal year budget for additional revenue of \$8,482,207 in American Rescue Plan Act Funds; transfer of \$17,219,171 from debt retirement reserve fund, general fund unassigned fund balance, and capital project reserves to retire the debt on the Estero on the River Property; and additional capital projects expenditures totaling \$10,448,600 and;

WHEREAS, the capital project expenditures included \$4,250,000 in funding for the purchase of the Gulf Coast Driving Range property and;

WHEREAS, the activities of the driving range will be recorded in its own fund and;

WHEREAS, as provided in the Village Charter Section 8(6)(d), the following transfer of unencumbered appropriations will be transferred within the 2021-2022 Budget.

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

Section 1. The Village Council approves the final amendment to the 2021-2022 budget as follows:

Transferring already appropriated funding of \$170,000 in the General Fund to provide adequate funding for Information Technology expenditures.

Reducing expenditures within the Debt Service Fund of \$930,000 to align with actual expenditures.

Reducing expenditures within the Capital Projects Fund of \$1,750,000 to align with actual expenditures.

Reducing expenditures and revenue within the Capital Projects Fund of \$4,250,000 for the purchase of the Gulf Coast Driving Range property.

Transferring already appropriated funding of \$4,400,000 from the General Fund to establish the Driving Range Fund.

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

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, Interim Village Attorney

FY 22 Budget Amendment #2 Detail Resolution No. 2022-36

Account	Description	Acct Type	Increase	Decrease	Net Effect on Fund Balance
001-270-5133402	Software Licensing	Expense	80,000		
001-270-5133404	Audio Visual Services	Expense	90,000		
001-200-5123150	Miscellaneous Professional Srv	Expense		60,000	
001-200-5123450	Miscellaneous Contractual Srvs	Expense		30,000	
001-239-5153104	Comp Plan/Land Dev Regulations	Expense		30,000	
001-239-5153105	Growth Model Srvs	Expense		10,000	
001-239-5153106	Development Srvcs Manager	Expense		40,000	⇒ 0
<i>Amend budget to provide adequate funding for Information Technology expenditures.</i>					
300-770-5196102	Driving Range Property - Williams Rd	Expense		4,250,000	⇒ 0
300-000-3810001	Cap Projects Trans from Gen Fd	Revenue		4,250,000	⇒ 0
001-000-5810300	Gen Fd Trans to Cap Projects	Expense		4,250,000	
001-800-5133450	Equipment Rental & Leases	Expense		150,000	
001-000-5810405	Transfer to Driving Range Fund	Expense	4,400,000		⇒ 0
<i>Amend budget to set up new Driving Range Fund 405 (initially transferred to Capital Projects Fund 300)</i>					
405-000-3472000	Charges for Services - Driving Range	Revenue	10,000		
405-000-3810001	Transfer from the General Fund	Revenue	4,400,000		
405-000-1610000	Land	Expense	4,250,000		
405-600-5724300	Utilities	Expense	900		
405-600-5724400	Equipment Rental & Leases	Expense	250		
405-600-5724901	Credit Card Fees	Expense	250		
405-600-5723450	Misc Contractual Services	Expense	9,000		
405-600-5724600	Repairs & Maintenance	Expense	5,000		
405-600-5725200	Operating Supplies	Expense	300		↑ 144,300
<i>Amend budget to add revenues and expenditures for new Driving Range Fund 405</i>					
201-000-5177100	Principal Payments	Expense		930,000	↑ 930,000
<i>Amend budget to align with actual expenditures within Debt Service Fund</i>					
300-730-5419999	Landscaping Misc	Expense		1,000,000	
300-700-5416310	River Ranch Rd Improvements	Expense		750,000	↑ 1,750,000
<i>Amend budget to align with actual expenditures within Capital Projects Fund</i>					

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 16, 2022

Agenda Item:

Second reading of Ordinance No. 2022-11, Milan Villas Rezoning (continued from October 19, 2022 meeting).

Motion to adopt Ordinance No. 2022-11.

Background:

The applicant requests a rezoning from Commercial Planned Development to Residential Planned Development (RPD) for Milan Villas to develop a 44-unit residential subdivision on a 10-acre tract located at the northwest intersection of Three Oaks Parkway and Williams Road.

At the Council second reading on October 19, 2022, Councilmembers requested additional information and continued the request to the November 16th Council meeting.

Council had questions about adequate screening of the project from Three Oaks Parkway, in terms of both noise and visibility, including the use of a wall or combination landscaping and wall. Questions were also raised about the roof material.

Subsequent to the Council meeting, staff met with the applicant to review possible options pertaining to landscaping, a wall or combination wall/landscaping along Three Oaks Parkway. The applicant's proposals are contained in the attached PowerPoint presentation. The applicant prefers the enhanced landscape proposal and will explain both options at the upcoming Council meeting.

Description:

The attached staff report dated September 21, 2022 contains more background information.

The Planning, Zoning, and Design Board recommended approval with conditions at a public hearing held on August 9, 2022.

Action Requested:

Motion to adopt Ordinance No. 2022-11.

Process and Timeline:

- Public Information Meeting April 12, 2022
- Planning, Zoning and Design Board Hearing August 9, 2022
- First Reading September 21, 2022
- Second Reading and Public Hearing October 19, 2022, continued to November 16, 2022

Financial Impact:

No cost for continued public hearing

Prepared by: Mary Gibbs

Attachments:

1. Applicant's updated PowerPoint
2. Ordinance 2022-11
3. Staff Report

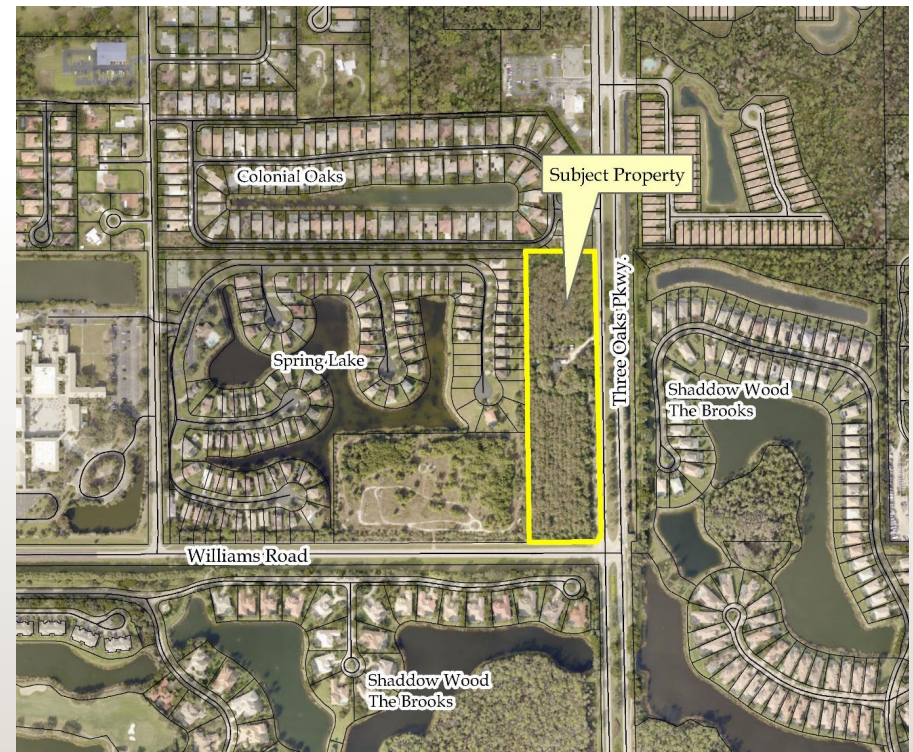
MILAN VILLAS RPD

VILLAGE COUNCIL HEARING

NOVEMBER 16, 2022

PROPERTY LOCATION

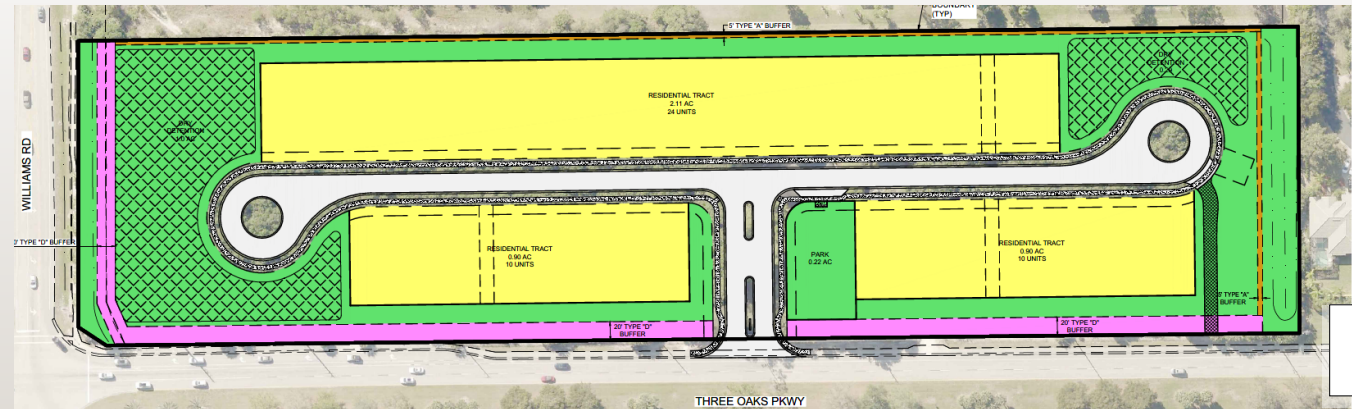
- ❑ Corner of Williams Rd. and Three Oaks Blvd.
- ❑ East of Spring Lake, South of Colonial Oaks, North and west of Shadow Wood – separated by Williams Rd. and Three Oaks Blvd.
- ❑ Active citrus grove until the early 2000s



ZONING REQUEST

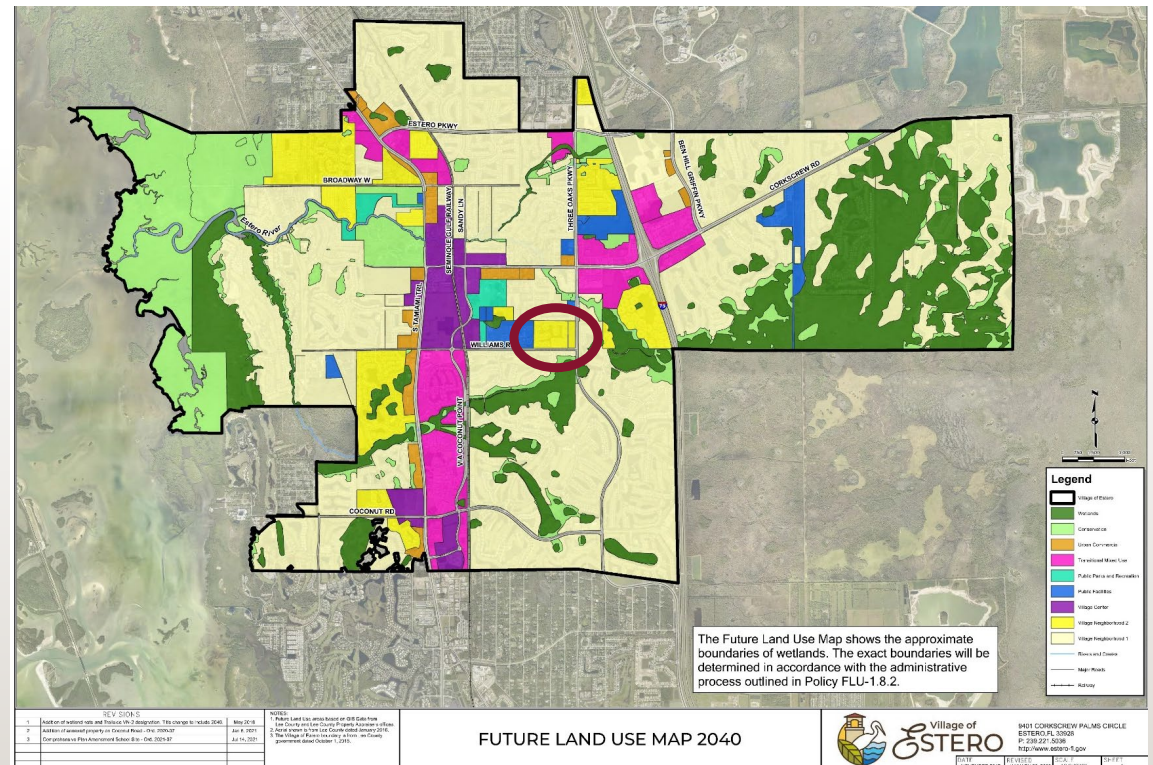
- ☐ 10-acre site
- ☐ 44 units
- ☐ 4 acres of required open space
 - ☐ 4.26 acres provided
- ☐ Passive Park
- ☐ Secondary Emergency Access
- ☐ Sidewalks on both sides of street

LEGEND	
	PAVEMENT & SIDEWALK
	RESIDENTIAL
	AMENITY
	OPEN SPACE
	20 FT TYPE "D" BUFFER
	5 FT TYPE "A" BUFFER

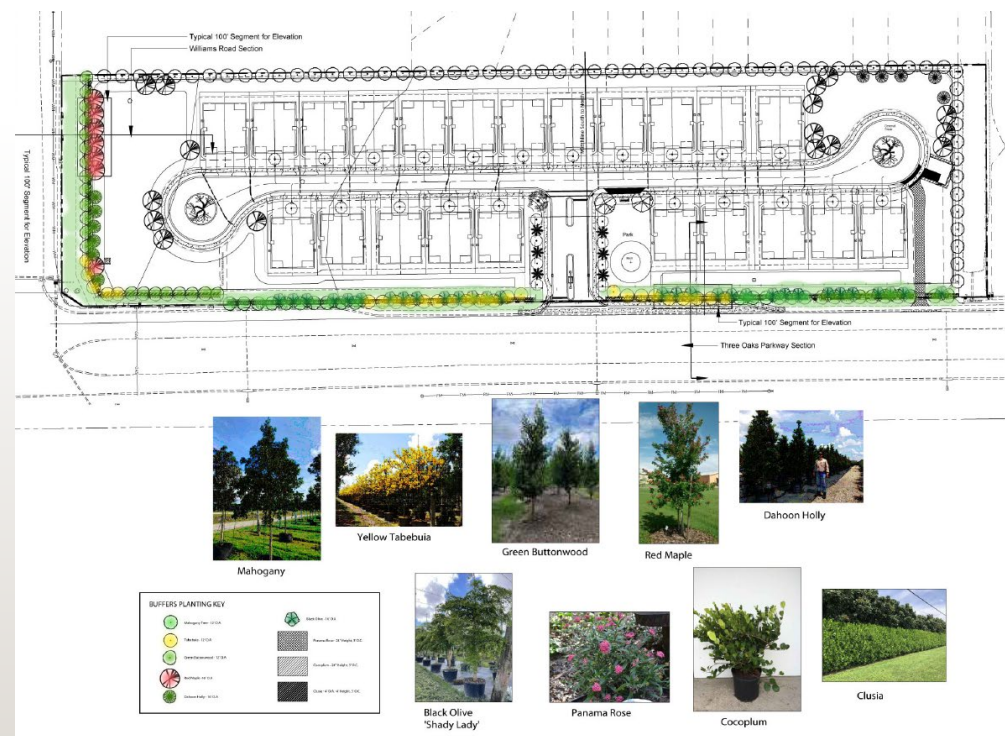


ZONING REQUEST

☐ Residential Planned
Development Consistent
with the Estero FLUM –
Village Neighborhood 2

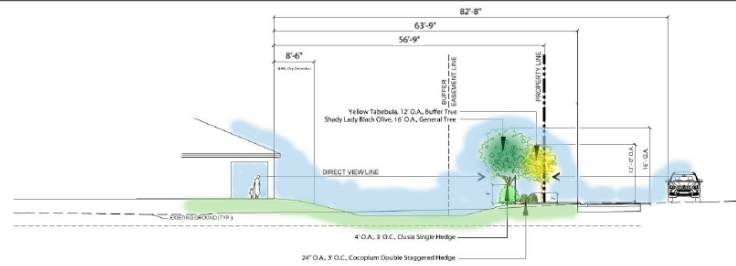


COUNCIL DISCUSSION – THREE OAKS BUFFER



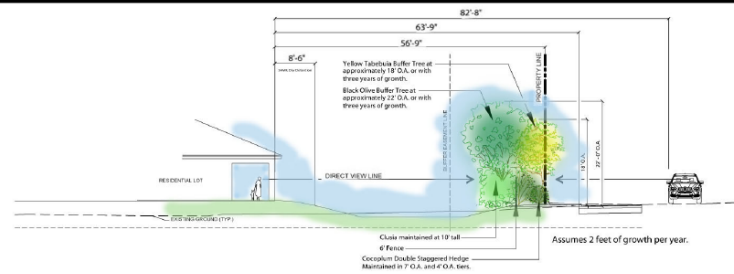
BUFFER INTENT

- Option 1 - Enhanced landscaping - Dense vegetation to block views of backyards and create opaque privacy screening



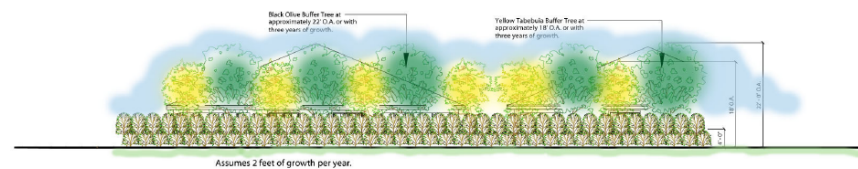
Illustrative Section Showing the View Line Between the Rear of a Typical Building and a Passing Car on Three Oaks Parkway at the Time of Planting.

Scale - 1/8" = 1' - 0"



Illustrative Section Showing the View Line Between the Rear of a Typical Building and a Passing Car on Three Oaks Parkway at Year Three.

Scale - 1/8" = 1' - 0"

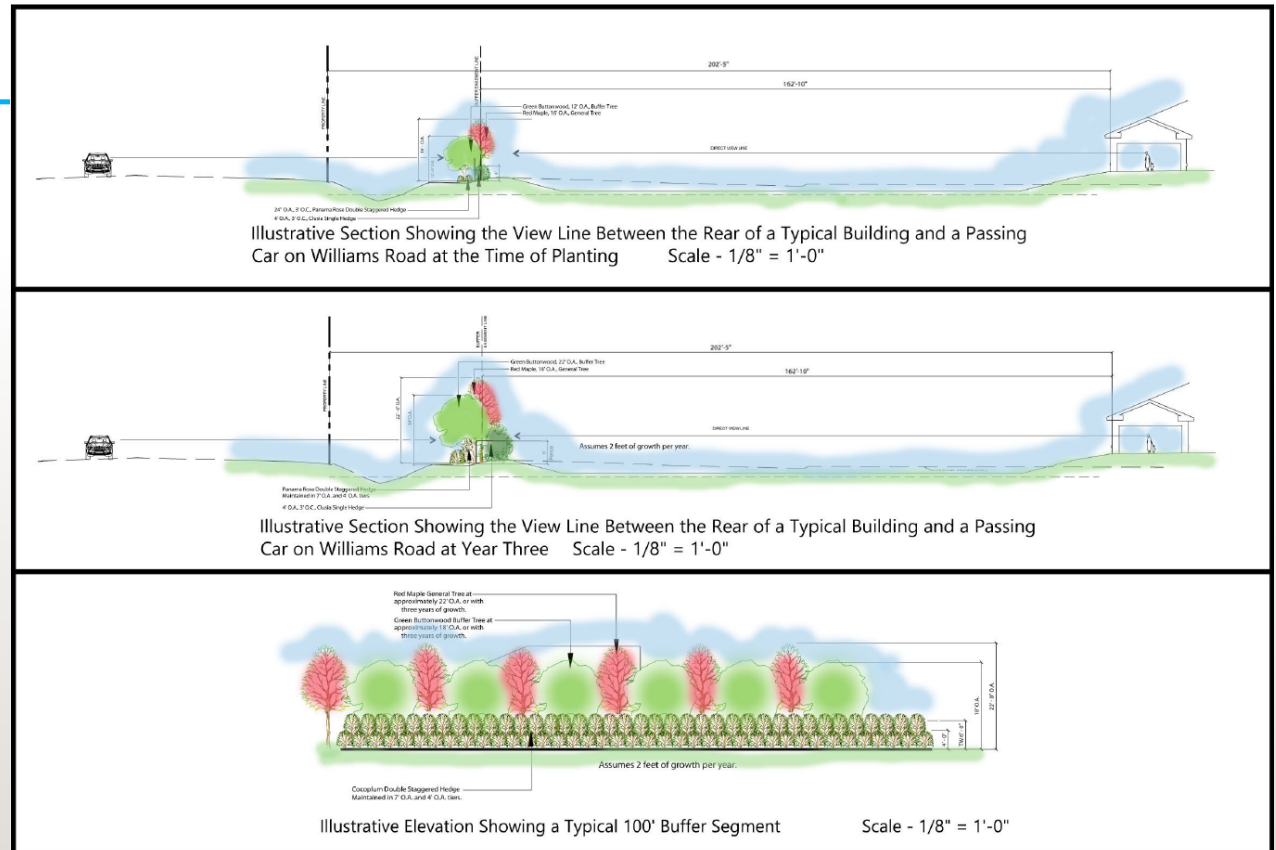


Illustrative Elevation Showing a Typical 100' Buffer Segment

Scale - 1/8" = 1'-0"

LINE OF SIGHT

- Views obscured by buffer at the time of planting by tree canopy and at maturity by layered hedge



SIMILAR DRIVE BY EXPERIENCE



Car-view of 2-story product
w/ layered buffer

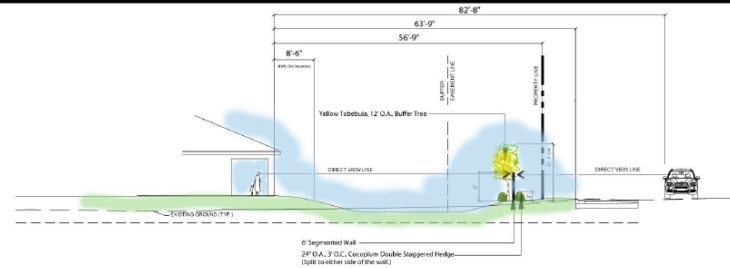


Car-view of 1-story
product



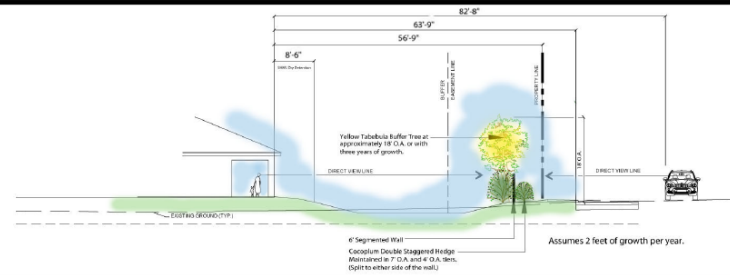
BUFFER INTENT

- Option 2 – Code buffer enhanced with a wall



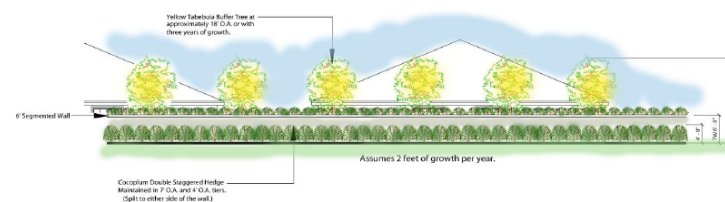
Illustrative Section Showing the View Line Between the Rear of a Typical Building and a Passing Car on Three Oaks Parkway at the Time of Planting.

Scale - 1/8" = 1' - 0"



Illustrative Section Showing the View Line Between the Rear of a Typical Building and a Passing Car on Three Oaks Parkway at Year Three.

Scale - 1/8" = 1' - 0"



Illustrative Elevation Showing a Typical 100' Buffer Segment

Scale - 1" = 10'

QUESTIONS?

**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 11**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REZONING
A 10 ACRE PROPERTY AT THE NORTHWEST
CORNER OF THREE OAKS PARKWAY AND
WILLIAMS ROAD FROM COMMERCIAL
PLANNED DEVELOPMENT (CPD) TO
RESIDENTIAL PLANNED DEVELOPMENT (RPD);
PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICTS; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Pawlet Associates, LLC represented by DR Horton and Dan DeLisi of DeLisi, Inc., (the “Applicant”) filed an application for a rezoning of the Williams Three Oaks Commercial Planned Development (CPD) to Residential Planned Development (RPD) for a property of approximately 10-acres (the “Property”); and

WHEREAS, the property STRAP number is 34-46-25-E3-0100C.0010 and is legally described in Exhibit A; and

WHEREAS, at a duly noticed public hearing held on August 9, 2022, the Planning, Zoning, and Design Board recommended approval with conditions of the rezoning; and

WHEREAS, a duly noticed first reading was held before the Village Council on September 21, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on October 5, 2022 for adoption of the Ordinance; and

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

Section 1. Rezoning.

The Village Council approves with conditions the rezoning of the property from Commercial Planned Development to Residential Planned Development, subject to the following conditions.

Section 2. Conditions

1. Master Concept Plan and Number of Units

Development of this project is limited to a maximum of 44 single-family attached single-story units. Development must be consistent with the Master Concept Plan (MCP) titled "Milan Villas RPD Master Concept Plan", stamped "Received July 22, 2022".

2. Pattern Book

Development of this project must be consistent with the Pattern Book titled "Milan Villas RPD Residential Pattern Book", stamped "Received September 6, 2022". The amenity area will be further refined at the time of development order.

3. Schedule of Uses

The following is the approved Schedule of Uses within the RPD:

Accessory uses and structures
 Dwelling units: single-family attached/villas, limited to one-story in height
 Entrance gates and gatehouses
 Essential services (Utility, Minor)
 Excavation, water retention
 Fences, walls
 Home occupation, in compliance with LDC
 Model home - See condition #14
 Real estate sales office - See condition #14
 Recreational facilities, personal and private
 Signs, in compliance with LDC

4. Dimensional Standards

The following is the approved Development Standards within the RPD:

<u>Development Standards</u>	<u>Single-Family Attached</u>	<u>Park</u>
Lot Coverage (%)	70	70
Minimum Lot Area (SF)	3,750	9,325
Minimum Lot Width (FT)	35.5	75
Minimum Lot Depth (FT)	106	125
Building Height (FT)	35	35
Limited to one story		
Setbacks		
Street/Front	20	15
Side	0/5	5
Rear	10	5
Rear Accessory	5	5

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5. Emergency Access

As part of local development order approval, the development order plans must include an emergency access, constructed to Village and Fire Department specifications, from the development to Three Oaks Parkway.

6. Turn Lane and Access on Three Oaks Parkway

The developer must obtain a Limited Development Order (LDO) from Lee County pursuant to Section 10-297, Lee County LDC. A copy of the LDO must be provided to the Village prior to the start of construction.

7. Fencing

As part of local development order approval, the development order plans must include the required aluminum perimeter fencing shown in the Pattern Book around the south and east property boundary and black vinyl-coated chain link fencing on the west property boundary.

8. Gopher Tortoises

The applicant shall provide copy of the Gopher Tortoise Relocation Plan at the time of issuance by FWC.

9. Amenity Area

The applicant shall provide details of the amenity area at the time of development order, to include items such as a gazebo, building, or dog park.

10. Heritage Trees

The two identified heritage trees on the site must be retained or replaced pursuant to the requirements of the LDC at the time of development order.

11. Utilities

The development must connect to water and sewer as part of any local development order.

133 12. Sidewalk & Pedestrian Connections

134
135 Sidewalks and pedestrian connections must be provided consistent with the Pattern
136 Book and Land Development Code.

137
138 13. Buffers

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140 As part of local development order approval, the development order plans must
141 demonstrate buffering consistent with the Master Concept Plan, the Land
142 Development Code, and the Pattern Book.

143
144 As part of local development order approval, all required buffer plantings must be
145 100% native vegetation.

146
147 14. Model Homes and Real Estate Sales

148
149 A. The number of model homes or units will be limited to no more than 4
150 within the development.

151
152 B. Model homes or units may be developed within lots 35 -38 within the
153 development. Model homes or units must be shown on the development
154 order plans.

155
156 C. Real estate sales will be limited to the sale of lots or units within the
157 development only.

158
159 D. Model homes cannot be of the same floor plan, and each must be a separate
160 and different design.

161
162 E. Hours of operation for both models and real estate sales are limited to
163 Monday through Saturday 8:00 a.m. to 7:00 p.m. and Sunday 8 a.m. to 5
164 p.m.

165 **Section 3. Deviations**

- 166
167 1. Deviation 1 seeks relief from LDC Section 5-304.A.4.C (Development Entry
168 Points) which requires that residential development of more than five acres provide
169 more than one means of ingress or egress for the development, to allow for a single
170 access and an emergency access.

171 APPROVED, with a condition that the emergency access has an Electric Gate
172 controlled by EVAC, and that the access is able to support fire apparatus in both
173 width and weight, to be reviewed at the time of development order.
174

2. Deviation 2 seeks relief from LDC Appendix C.A.2.A (Privately Maintained Roads) which requires that the minimum right-of-way width for a privately maintained roadway shall be 60 feet, to allow for the right-of-way width to be 50 feet.

APPROVED

3. Deviation 3 seeks relief from LDC Appendix C.B.7.A.2 (Street Design and Engineering – Cul-de-Sacs) which requires that the minimum diameter of the right-of-way for a roadway with curb and gutter shall be 130 feet, to allow for a right-of-way diameter to be 120 feet.

APPROVED

4. Deviation 4 seeks relief from LDC Appendix C.B.7.C (Street Design and Engineering – Cul-de-Sacs) and Appendix D.H. (Illustrations and Cross-Sections – Cul-de-Sacs) which requires that the minimum diameter of the right-of-way for a roadway with curb and gutter shall be 130 feet, to allow for a right-of-way diameter to be 120 feet.

APPROVED

Section 4. Findings and Conclusions

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

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.

- 216 7. Would result in development that is adequately served by public facilities (road,
217 potable water, wastewater, solid, waster, storm water, schools, parks, police, and
218 fire and emergency medical facilities.
219
220 8. Would not result in significantly adverse impacts on the natural environment –
221 including, but not limited to water air, noise, storm water management, wildlife,
222 vegetation, wetlands, environmentally critical area, and the natural functioning of
223 the environment.
224
225 9. Is compatible with existing or planned uses in the surrounding area.
226
227 10. The deviations approved:

228 a) Will improve the quality of the proposed RPD;
229 b) Will preserve and promote the general intent of the Land Development Code to
230 protect the public health, safety, and welfare;
231 c) Will be compatible with uses on surrounding property;
232 d) Will not create an undue burden on essential public facilities.

233 **Section 6. Exhibits**

234
235 The following exhibits are attached to this Ordinance and incorporated by reference:
236

- 237 Exhibit A Legal Description
238
239 Exhibit B Master Concept Plan, received and date stamped July 22, 2022
240
241 Exhibit C Pattern Book, received and date stamped September 6, 2022.
242

243 **Section 7. Severability.**

244
245 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance
246 subsequent to its effective date be declared by a court of competent jurisdiction to be
247 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
248 portion thereof, other than the part so declared to be invalid.
249

250 **Section 8. Effective Date.**

251
252 This ordinance shall take effect upon adoption at second reading.
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257 **PASSED** on first reading this 21st day of September, 2022.

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259 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
 260 Florida this 19th day of October, 2022.

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262

263 Attest:

VILLAGE OF ESTERO, FLORIDA

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266 By: _____
 267 Carol Sacco, Village Clerk

By: _____
 Katy Errington, Mayor

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270 Reviewed for legal sufficiency:

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

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279 Vote: AYE NAY

280 Mayor Errington _____

281 Vice Mayor McLain _____

282 Councilmember Ribble _____

283 Councilmember Fiesel _____

284 Councilmember Boesch _____

285 Councilmember Ward _____

286 Councilmember Wilson _____

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Ordinance No. 2022- 11
 DCI2021-E005

Page 7 of 10

EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF LOT 1, BLOCK "C", OF THAT CERTAIN SUBDIVISION KNOWN AS FLORIDA GULF LAND COMPANY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89°57'26" WEST ALONG THE SOUTH LINE OF SAID LOT 1, ALSO BEING THE SOUTH LINE OF SAID SECTION 34 AND THE NORTH RIGHT-OF-WAY OF WILLIAMS ROAD FOR 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°57'26" WEST ALONG SAID LINE FOR 309.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°40'10" WEST ALONG THE WEST LINE OF SAID LOT 1 FOR 1320.47 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°42'15" EAST ALONG THE NORTH LINE OF SAID LOT 1 FOR 331.52 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE EAST LINE OF SAID SECTION 34 AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY; THENCE SOUTH 00°35'12" EAST ALONG THE EASTERLY BOUNDARY OF SAID LOT 1, SAID SECTION 34, AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY FOR 1,291.91 FEET; THENCE SOUTH 33°16'13" WEST FOR 35.90 FEET TO THE POINT OF BEGINNING.

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EXHIBIT B
MASTER CONCEPT PLAN

Ordinance No. 2022- 11
DCI2021-E005

Page 9 of 10

322
323

EXHIBIT C
PATTERN BOOK

Ordinance No. 2022- 11
DCI2021-E005

Page **10** of **10**



**Milan Villas
Zoning Staff Report
for
Village Council
1st Reading September 21, 2022**

PROJECT NAME:	Milan Villas
CASE TYPE:	Rezoning from Commercial Planned Development to Residential Planned Development
CASE NUMBER:	DCI2021-E005
VILLAGE COUNCIL:	1st Reading: September 21, 2022, 2nd Reading October 5, 2022

SUMMARY OF REQUEST

Rezone a 10-acre parcel from Commercial Planned Development (CPD) to Residential Planned Development (RPD) with deviations, to allow for 44 single-family attached one-story units. The site is located at the northwest corner of Three Oaks Parkway and Williams Road.

STAFF AND PLANNING, ZONING, AND DESIGN BOARD RECOMMENDATION

Staff recommends approval with conditions in the Ordinance.

The Planning, Zoning, and Design Board reviewed this case on August 13, 2022 and by a vote of 5-2 recommended approval with conditions. An excerpt of the hearing is in Attachment C.

GENERAL INFORMATION

Owner
Pawlet Associates, LLC

Applicant
J. Wayne Everett, DR Horton

Authorized Agent
Dan DeLisi – DeLisi, Inc.

Village Council September 21, 2022

DCI2021-E005

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Additional Agents

Christopher Mitchell, PE – J.R. Evans Engineering
Neale Montgomery – Pavese Law Firm
Ted Treesh – TR Transportation
Tyler King – Dex Bender and Associates

Location

21750 Three Oaks Parkway

STRAP Number

34-46-25-E3-0100C.0010

Size of Property

10-acres

Surrounding Zoning/Land Use

North Colonial Oaks RPD / Village Neighborhood 1

East Three Oaks Parkway then Shadow Wood at the Brooks MPD / Village Neighborhood 1

South Williams Road then Shadow Wood at the Brooks MPD / Village Neighborhood 1

West Undeveloped and Lakes of Estero PUD / Village Neighborhood 2

Existing Zoning

Commercial Planned Development (CPD)

Comprehensive Plan Land Use Category

Village Neighborhood 2

Project History

In 2003 Lee County approved the Williams Three Oaks Commercial Planned Development (CPD) for a maximum of 100,000 square feet of commercial use including offices, medical office, banks, and personal services. The project was not developed.

Public Information Meeting

A Public Information Meeting was held on April 12, 2022, and the applicant provided a summary of the meeting which is attached.

STAFF ANALYSIS

Project Description

The applicant requests a rezoning from Commercial Planned Development (CPD) to Residential Planned Development (RPD) to allow 44 single-family attached units on the 10-acre parcel. The structures are proposed to be single-story with a maximum height of 35-feet.

The property is a long and narrow parcel at the northwest intersection of Three Oaks Parkway and Williams Road. There is approximately 1,300 feet of frontage on Three Oaks Parkway and 325 feet of frontage on Williams Road. Proposed access is in the central portion of the site from Three Oaks Parkway. The proposed internal road has a north-south orientation terminating with cul-de-sacs at the north and south ends. The 44 single-family attached residential units are on

both sides of the internal road, and the proposed park area is immediately north of the project entry.

In addition to the residential units, the Schedule of Uses also lists Model Home and Real Estate Sales Office as allowed uses. The applicant has stated that they plan to utilize Lots 35-38 for these purposes. Staff recommends a condition regarding requirements for these uses.

Pattern Book

The proposed Pattern Book, stamped "Received September 6, 2022", includes a Master Concept Plan, an Illustrative and Pedestrian Circulation Plan, and an Open Space and Buffers plan. A pattern book is required to illustrate the anticipated visual character of the new development.

The Planning, Zoning, and Design Board discussed the site entry and proposed landscaping which were conceptual in nature at the time of the public hearing. The applicant has since provided a revised Pattern Book which includes the anticipated plant palette, and landscape plans proposed. Additional detail has also been provided for the project entry.

Master Concept Plan (MCP)

The MCP, received July 22, 2022, shows the single-story residential lots will be approximately 3,780-square feet per attached unit. The project is compact, with minimal side yard setbacks and a 10-foot rear yard setback.

The Land Use Summary indicates that 2.75-acres of open space is provided which, combined with the dry detention area of 1.29-acres results in 40.4% open space provided for the project, compliant with LDC requirements.

Architecture

The applicant provided a General Villa Concept which shows a brown-toned single-story structure. The applicant proposes a single story structure with a maximum height of 35-feet.

Pedestrian Circulation

The applicant proposes five-foot concrete sidewalks adjacent to the roadway. These sidewalks would connect to the existing six-foot concrete sidewalks on Three Oaks Parkway. No pedestrian access is proposed to Williams Road. Staff would prefer to have an access onto Williams Road to provide adequate pedestrian circulation for the site, however the placement of the dry detention at the south end of the site precludes a second pedestrian access to the site.

Access

The site is located at the corner of two collector roads, Three Oaks Parkway and Williams Road. Three Oaks Parkway is under the jurisdiction of Lee County Department of Transportation and Williams Road is under the jurisdiction of the Village of Estero. Current road conditions include a median on Three Oaks Parkway between the northbound and southbound lanes and a right turn lane onto Williams Road.

The property has approximately 1,300 feet of frontage on Three Oaks Parkway and 325 feet of frontage on Williams Road. The applicant proposes one centrally located access from Three Oaks Parkway; however, an access onto Williams Road is not desirable due to insufficient frontage on Williams Road to meet distance separation requirements at the intersection. No access to residential development to the west is proposed. The LDC requires a second access for a development of this size therefore the applicant proposes an emergency only access from the cul-de-sac at the north end of the property to Three Oaks Parkway. The Fire Department has stated that this is acceptable in lieu of a second access to the site, however the emergency access

must be built to Village and Fire Department standards. Staff recommends a condition of approval regarding this requirement.

The existing median on Three Oaks Parkway limits access to the site to a right-in, right-out only configuration with U-turns necessary to enter the site from the south or to exit the site to go north on Three Oaks Parkway.

Staff review has noted that a turn lane may be required for the entrance onto Three Oaks Parkway which will be reviewed by Lee County. This issue will be further reviewed at the time of development order.

Signs

One project monument sign is proposed along Three Oaks Parkway at the entry to the project.

Buffers

The MCP shows the required buffers; a 20-foot Type "D" buffer along both Three Oaks Parkway and Williams Road, and 5-foot Type "A" buffers on the north and west property boundaries.

A 6-foot high aluminum fence is proposed along Williams Road and Three Oaks Parkway, while a 6-foot chain link fence is proposed on the north and west property boundaries which abut existing residential developments. Staff recommends that the chain link fence be black and vinyl coated and that no fencing is required on the northern boundary due to both vegetation and a ditch.

Environmental

The site currently has one single-family home, and the site was historically used as a citrus grove. The site is heavily vegetated. DexBender has performed a Protected Species Assessment for the applicant which described the citrus grove vegetation as dominated by laurel oak with brazilian pepper, cabbage palm, carrotwood, and slash pine. Two slash pines were found meeting the heritage tree criteria; however, the applicant's assessment did not indicate where these trees were located or if they will be preserved or impacted. It appears that one of the heritage trees, a live oak, is located on the park parcel and is proposed to be preserved.

Endangered, threatened, or species of special concern were surveyed, and no known protected species were found on or immediately adjacent to the site. It is estimated that two potentially occupied Gopher Tortoise burrows could occur in the general area, and one gopher tortoise is estimated to be present within the property, however no sign of gopher tortoises were found on-site.

Staff recommends that this rezoning approval include conditions regarding these two issues: review of heritage trees at the time of development order for retention or replacement, and provision of a Gopher Tortoise Relocation Plan to the Village when it is received from the State.

Flood Area

The site is located in the Special Flood Hazard Area AH, which is a moderate to high flood risk for shallow flooding with average depths between one and three feet. Buildings will need to meet flood requirements.

Stormwater Management

The applicant provided information that "Storm water runoff from the proposed Milan Villas community will be routed to the proposed on-site pond via curb and gutters, drainage inlets, drainage pipes and swales. A control structure will convey discharge from the pond to the existing

on-site swale that runs along the community's south property line. The existing swale is connected via existing drainage infrastructure to the Halfway Creek-South Branch Bypass Canal that runs along the east side of Three Oaks Parkway. The bypass canal ultimately conveys the project's runoff to the South Branch of the Estero River."

The original proposal was to provide ponds for storm water runoff, but the applicant amended the plan to provide dry detention instead.

Dry detention areas are proposed at the north and south ends of the site. The site drainage will be further reviewed at the time of development order.

Transportation

Access to the site will be from Three Oaks Parkway and will have a controlled access entry. The applicant provided a Traffic Impact Statement (TIS) that analyzed existing conditions, trip generation based on the currently approved but unbuilt commercial use, as well as from the proposed development to determine potential impact or the necessity of required improvements based upon the new trips generated by the proposal.

The proposed RPD zoning for 44 single-family attached units will result in 474 trips per day. The applicant has stated this is a reduction of 85% in trips that could be generated by the existing CPD zoning if it was developed. The TIS states that the analyzed roadways will operate at a level of Service "D" or better in the year 2025, therefore no road capacity improvement will be required. The requirement for provision of turn lane improvements is under Lee County Department of Transportation, which will require a Lee County Limited Development Order. A condition is recommended regarding the requirement for LDO from Lee County for the access from Three Oaks Boulevard.

Utilities

The following utility services are proposed, and service letters have been provided:

- Potable Water from Lee County Utilities Pinewood Water Treatment Plant.
- Wastewater will be from Lee County Utilities Three Oaks Water Reclamation Facility.

Agency Review Comments

1. Lee County School District – The District response included a review of the concurrency and noted that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, but that capacity is available in the adjacent CSA
2. Lee County Transit – The developer will not be required to connect to or improve transit facilities since the subject property is not within the ¼ mile of a fixed-route corridor and is not adjacent [to existing or proposed transit facilities].
3. Estero Fire Rescue – The applicant has provided an auto-turn analysis as requested by Fire, as well as a secondary access to the development for emergency vehicles. Estero Fire will continue to work with the developer regarding provision of the emergency access for the site.

Comprehensive Plan Considerations

The site is designated in the Comprehensive Plan as Village Neighborhood 2. This designation consists primarily of moderate density residential uses with minor or neighborhood scale commercial.

FLU-1.2.7 VILLAGE NEIGHBORHOOD 2. The Village Neighborhood 2 areas are characterized by predominantly residential uses of moderate densities with the potential for commercial uses of minor commercial or neighborhood center scale. These areas have urban services available and are typically smaller, more compact sites that were designated Urban Community or Suburban (and not within the Mixed-Use Overlay) in the Village's Transitional Comprehensive Plan. These areas have been developed with residential communities with gross densities ranging from over four dwelling units per acre (4 du/acre) to a maximum of ten dwelling units per acre (10 du/acre). Included among them, for example, are Coconut Shores, Fountain Lakes, Corkscrew Woodlands, Copper Oaks, Breckenridge, and Villaggio.

Staff Comment: The proposed rezoning would result in a residential density of 4.4 units/acre which is within the recommended density range of one dwelling unit per acre to 6 dwelling units per acre.

Policy FLU-1.11.2, RESIDENTIAL DEVELOPMENT STANDARDS. This policy provides several factors that should be evaluated to ensure that development proposals address including whether the proposed use is compatible with adjacent uses, and other factors which include whether the proposal contributes to the overall design, landscaping, and aesthetics that make up the community's character as a harmonious place with beauty, spaciousness, and a diversity of high quality residential and commercial development that positively contributes to the quality of life of Estero's residents.

Staff Comment: The location is surrounded by residential developments including Shadow Wood at the Brooks, Colonial Oaks, and Lakes of Estero. The proposed residential use is compatible with the surrounding residential uses and preferable to the current commercial zoning.

HOU-1.1.4. Protect residential neighborhoods from encroachment and detrimental impacts from other more intensive land uses and continue to enforce existing regulations that provide buffering from more intensive uses.

Staff Comment: The proposed rezoning for single-family attached dwelling units is compatible with the surrounding residential uses if conditions of approval are adopted.

Deviations Requested

The applicant has requested four deviations:

1. Deviation 1 seeks relief from LDC Section 5-304.A.4.C (Development Entry Points) which requires that residential development of more than five acres provide more than one means of ingress or egress for the development, to allow for a single access and an emergency access.

Applicant Justification: The proposed development is located at the northwest corner of Three Oaks Parkway and Williams Road. The total frontage on Williams Road is approximately 300 feet, which would place an access on Williams Road too close to the intersection of Three Oaks Parkway to meet safety standards. The Three Oaks Parkway frontage is approximately 1,300 feet. However, the southern approximately 450 feet consists of a right turn lane for Williams Road. If two access points were to be located along Three Oaks Parkway, one would need to be placed within the turn lane, also causing an unsafe condition. The proposed development is approximately 450 feet consists of 44 units on 10 acres. The access point is located toward the middle of the development. Given the very small scale of the proposed development a second access would provide minimal safety or

circulation benefit but would cause an on-going, regular concern safety concern with vehicles entering or exiting the development either too close to the intersection of an arterial and collector road or within an existing turn lane. The proposed deviation therefore serves to protect the public's health, safety and welfare.

Staff Comment: A site access on Williams Road cannot meet safety separation standards, therefore the applicant proposes an emergency access on Three Oaks Parkway that meets Fire Department standards. Staff has no objection to this deviation but recommends a condition of approval regarding the requirement for an emergency access for the development.

2. Deviation 2 seeks relief from LDC Appendix C.A.2.A (Privately Maintained Roads) which requires that the minimum right-of-way width for a privately maintained roadway shall be 60 feet, to allow for the right-of-way width to be 50 feet.

Applicant Justification *The 50' ROW will be abutted by 10' Public Utility Easements on each side of the ROW provided public utilities, water/sewer connections, fire protection, and pedestrian and vehicular mobility. Utilization of a 40' ROWs and 50' ROWs is typical within the Village... Locating the Public Utility Easements outside of the right-of way is common practice and does not detract for the character of the community. To protect the health, safety and welfare of the public, fire protection is provided by hydrants located within the ROW and spacing per code. The Master Concept Plan includes a cross section for the proposed 50' ROW.*

Staff Comment: This is for the internal street. Staff has no objection to this deviation.

3. Deviation 3 seeks relief from LDC Appendix C.B.7.A.2 (Street Design and Engineering – Cul-de-Sacs) which requires that the minimum diameter of the right-of-way for a roadway with curb and gutter shall be 130 feet, to allow for a right-of-way diameter to be 120 feet.

Applicant Justification: *There are no homes, utilities, or sidewalks wrapping around the cul-de-sac that will require area behind the back-of-curb. Within the cul-de-sac, the minimum pavement radii can be accommodated to ensure proper fire apparatus movement. The reduced ROW diameter around the cul-de-sac can accommodate the required minimum pavement radii and does not impact access within the subdivision. The smaller radius aids in designing a community that maintains slow vehicle movement and a safe comfortable environment for the enjoyment of families. The proposed deviation does not have a negative impact on the health, safety, or general welfare of the public.*

Staff Comment: This is for the internal street; therefore, staff has no objection to this deviation.

4. Deviation 4 seeks relief from LDC Appendix C.B.7.C (Street Design and Engineering – Cul-de-Sacs) and Appendix D.H. (Illustrations and Cross-Sections – Cul-de-Sacs) which requires that the minimum diameter of the right-of-way for a roadway with curb and gutter shall be 130 feet, to allow for a right-of-way diameter to be 120 feet.

Applicant Justification: Deviation 3 and 4 are related and therefore have the same justification.

Staff Comment: This is for the internal street; therefore, staff has no objection to this deviation.

STAFF IDENTIFIED ISSUE

The proposed rezoning to Residential Planned Development would allow for 44 single-family attached units on 10 acres. The community will be compact, with small lots and small setbacks resulting in small yards. The sole amenity proposed is a small unimproved grassy area at the development entrance. Staff recommends the amenity area provide some feature such as a gazebo, patio area, dog park and walkway for residents as a community gathering area.

The original submittal included a swimming pool on the park parcel, but this improvement was subsequently removed from the proposal and the parcel will be unimproved except it will contain the mail kiosk for the development.

The small, compact lot sizes and the attached unit configuration may not allow for individual swimming pools or other amenities to be constructed in the rear yard.

CONCLUSION

Staff believes that this request meets the review standards with the staff recommended conditions of approval. The proposed conditions are in Attachment C.

Section 2-501.C.2 of the LDC provides review standards for rezonings which include whether the project:

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, as conditioned, is consistent with the Comprehensive Plan.

2. Is not in conflict with any portion of the LDC.

Staff Comment: The proposed rezoning, as conditioned, is not in conflict with the LDC.

3. Addresses a demonstrated community need

Staff Comment: The proposed single-family attached units are a different unit type than the standard single-family unit and may fulfill a community need not met by single-family detached units.

4. Is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

Staff Comment: The proposed rezoning, as conditioned, is compatible with the surrounding area.

5. Would result in a logical and orderly development pattern.

Staff Comment: The proposed rezoning, as conditioned, will result in a logical and orderly development pattern.

6. Would not adversely affect the property values in the area.

Staff Comment: The proposed rezoning, as conditioned, will not adversely affect property values.

7. Would result in development that is adequately served by public facilities (road, potable water, wastewater, solid, waste, storm water, schools, parks, police, and fire and emergency medical facilities).

Staff Comment: The proposed rezoning, as conditioned, will be adequately served by public utilities.

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 proposed rezoning, as conditioned, will not result in significant adverse impacts on the natural environment.

9. Is compatible with existing or planned uses in the surrounding area.

Staff Comment: The proposed rezoning, as conditioned, is compatible with the surrounding area.

DEVIATION STANDARDS FOR VILLAGE COUNCIL DECISION

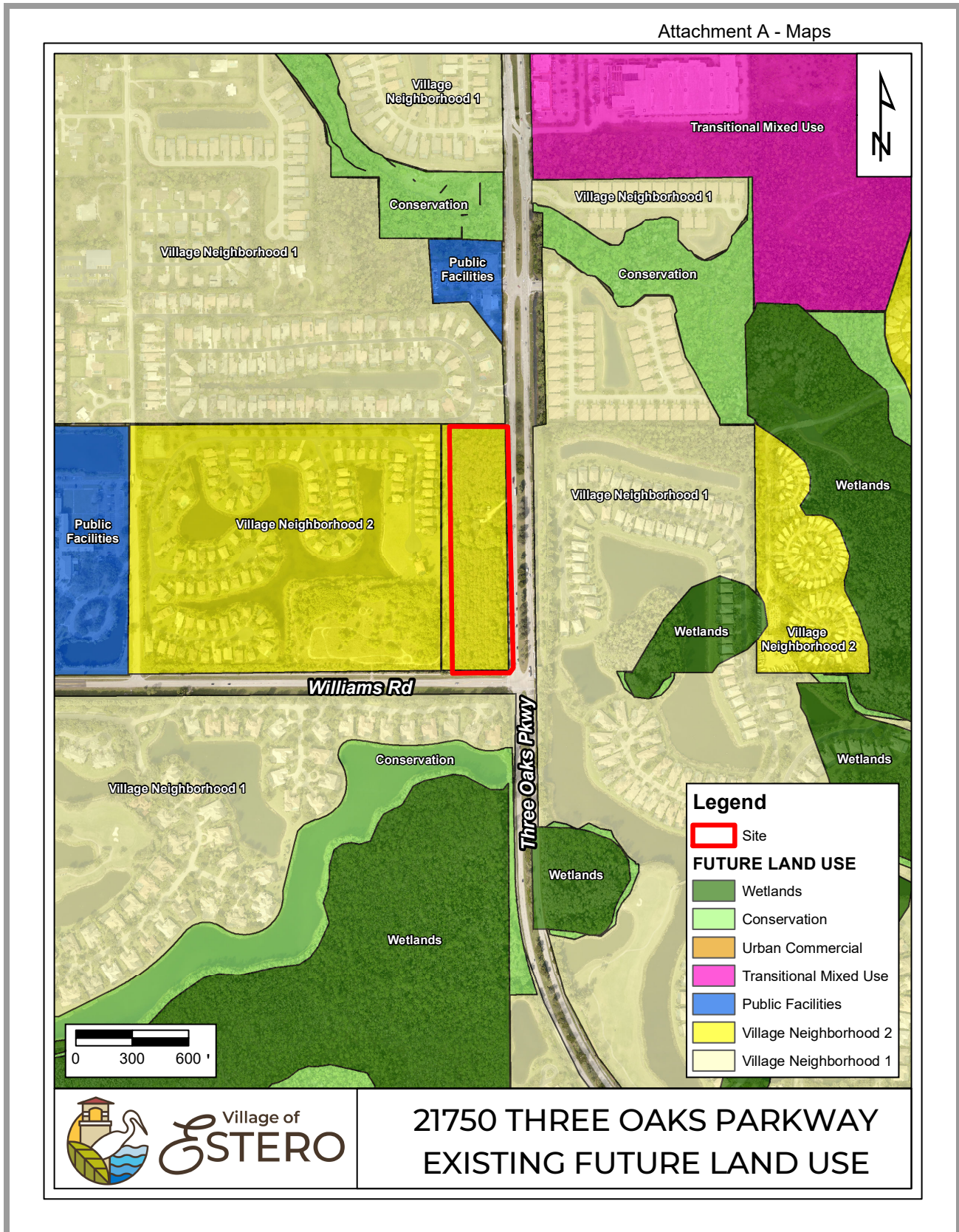
In reaching a decision, the Village Council shall consider whether the proposed deviation will or will not:

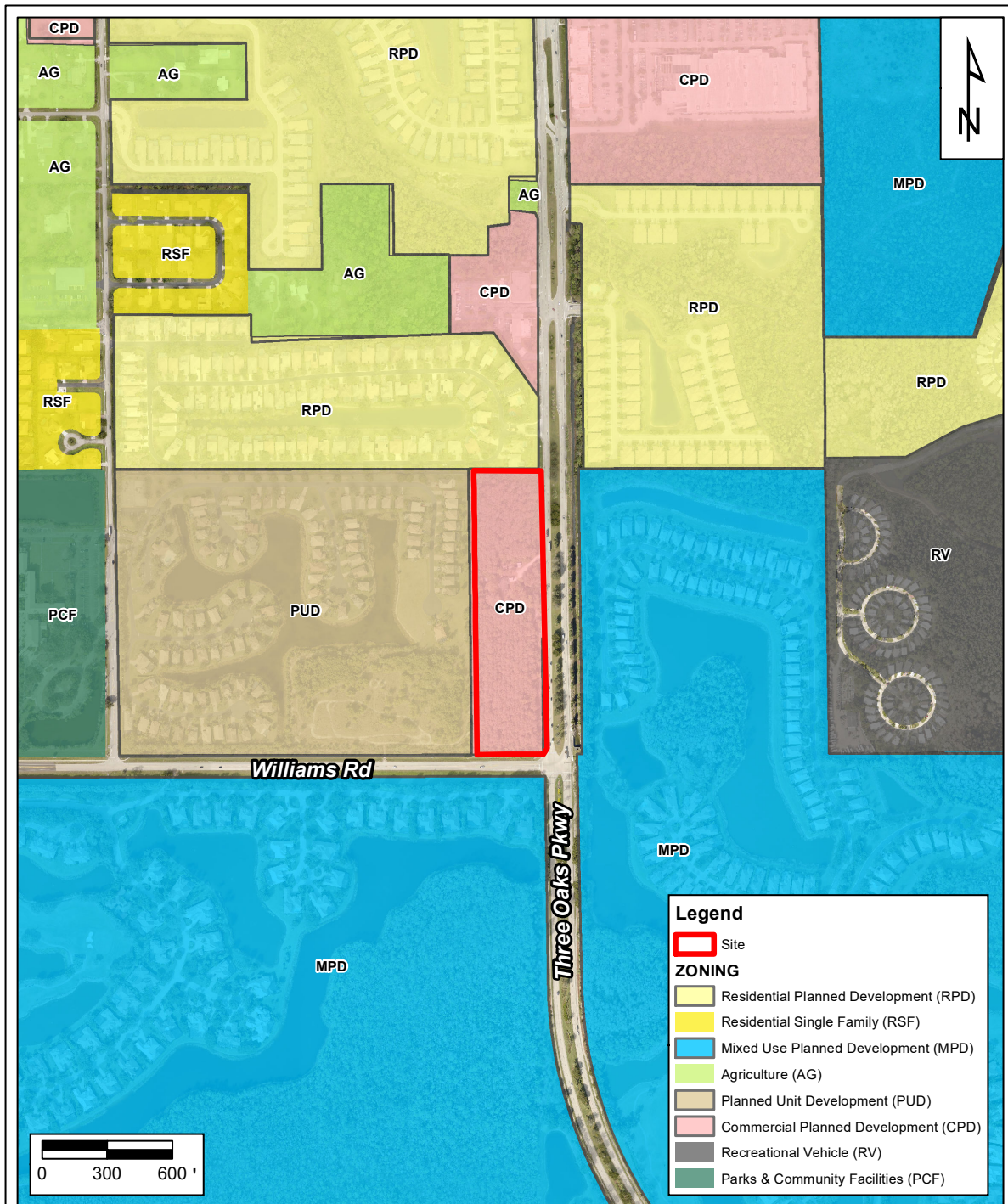
1. Improve the quality of the proposed development under review;
2. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare;
3. Be compatible with uses on surrounding property; and
4. Create an undue burden on essential public facilities.

If Council wishes to approve the rezoning, staff recommends the conditions in Ordinance 2022-11. Depending on the Council's motion, the Ordinance language may need to be revised.

ATTACHMENTS:

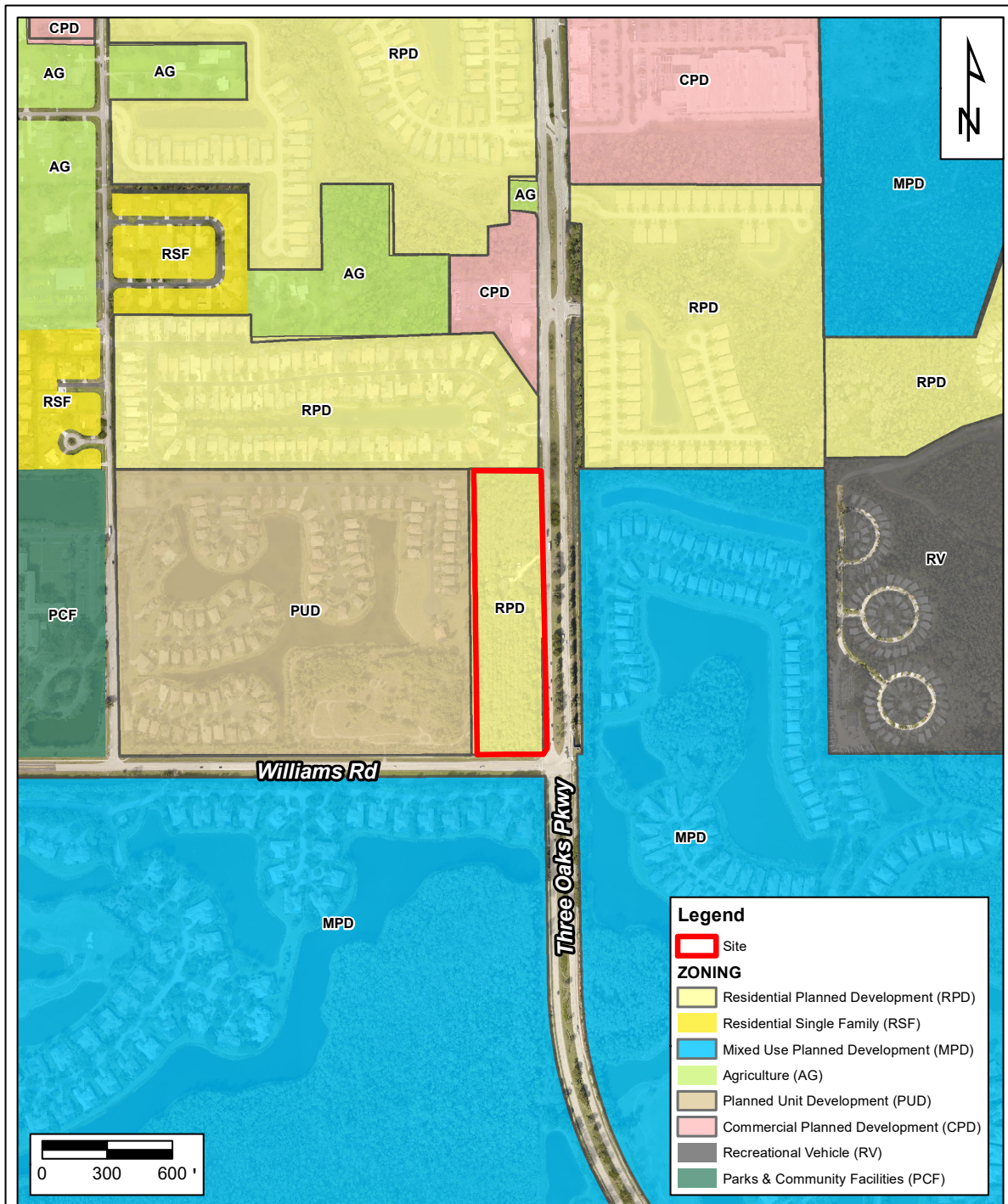
- A. Future Land Use and Zoning Maps
- B. Applicant's Request Statement
- C. Excerpt from Planning, Zoning, and Design Board Hearing
- D. Public Information Meeting Applicant Summary
- E. Pattern Book
- F. Master Concept Plan





Village of
ESTERO

21750 THREE OAKS PARKWAY EXISTING ZONING



Village of
ESTERO

21750 THREE OAKS PARKWAY PROPOSED ZONING

Attachment B

**MILAN VILLAS RPD
REQUEST STATEMENT****Introduction**

The attached application is to rezone the subject property from CPD to RPD to allow for the development of a residential community consistent with both the comprehensive plan and the residential uses in the surrounding neighborhoods. The total number of units requested is 44 at a density of 4.4 units per acre. The property is approximately 10 acres and is located at the northwest corner of Williams Road and Three Oaks Parkway. The property is in the Village Neighborhood 2 future land use category and zoned as Commercial Planned Development.

Entitlement History

The subject property was historically used as a citrus grove and prior to the extension of Three Oaks Parkway, accessed the grove via River Ranch Road. Following the extension of Three Oaks Parkway and the completion of Williams Road to Three Oaks Parkway, the subject property rezoned from agriculture to Commercial Planned Development in 2004. The current CPD zoning allows for a mix of general and medical office uses at a total maximum intensity of 100,000 square feet.

Adjacent Uses

The subject property is in an area of existing development and infrastructure that supports the proposed use. The subject property is located along Williams Road at the northwest corner of the Three Oaks Parkway. The subject property is surrounded on all sides by residential development and vacant land. To the north is the Colonial Oaks development. To the south, across from Williams Road, and to the east, across from Three Oaks Parkway is Shadow Wood in The Brooks. To the west is the Lakes of Estero development and vacant land. Surrounded completely by residential development, make the development of residential an appropriate use of the subject property.

Access:

The subject property is located along both Williams Road and Three Oaks Parkway. Access is provided via Three Oaks Parkway where frontage is sufficient to allow for separation from the intersection.

Zoning Justification:

The proposed development of the subject property complies with the Village of Estero Land Development Code. A brief description of how the proposed development satisfies these criteria is presented below:

1. Is consistent with and furthers the goals, objectives, and policies of the comprehensive plan and all other applicable Village-adopted plans;

Below is a description of how the proposed amendment is consistent with the Comprehensive Plan.

FLU-1.2.1 FUTURE LAND USE CATEGORIES. The Village shall designate on the Future Land Use Map (see Map FLU-1) 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. Village future land use categories are summarized as follow:

The subject property is entirely located within the Village Neighborhood 2 land use category. The table in Policy FLU 1.2.1 allows for residential development of up to 6 dwelling units per acre consistent with FLU 1.2.7. The proposed residential community is for 4.4 dwelling units per acre, consistent with the density range in Village Neighborhood 2.

FLU-1.2.7 VILLAGE NEIGHBORHOOD 2. The Village Neighborhood 2 areas are characterized by predominantly residential uses of moderate densities with the potential for commercial uses of minor commercial or neighborhood center scale. These areas have urban services available and are typically smaller, more compact sites that were designated Urban Community or Suburban (and not within the Mixed-Use Overlay) in the Village's Transitional Comprehensive Plan. These areas have been developed with residential communities with gross densities ranging from over four dwelling units per acre (4 du/acre) to a maximum of ten dwelling units per acre (10 du/acre). Included among them, for example, are Coconut Shores, Fountain Lakes, Corkscrew Woodlands, Copper Oaks, Breckenridge, and Villagio.

A. Uses: Predominant land uses in Village Neighborhood 2 will be moderate density residential uses with the potential to allow minor commercial or neighborhood center scale commercial, assisted living facilities, and public and quasi-public uses, in each case through a public hearing process. Higher densities greater than 6 du/ac, commercial development greater than neighborhood centers, and industrial land uses are not permitted.

The proposed residential community consists of moderate density residential development and is well within the density range allowed.

B. Development type: Future development in this category is encouraged to be developed in a way that maintains and enhances the variety and mix of residential unit types (multifamily, townhome, mid-rise, villas, and single family) while accommodating neighborhood oriented uses such as eating places, personal and convenience services, and office when approved through a public hearing process. Such commercial uses may be developed as single use buildings or centers or as mixed-use, subject to compatibility standards described in the Community Design Sub-Element.

The proposed villa development adds to the mix of unit types in the neighborhood of predominantly traditional single family. This is consistent with this policy that promotes a mix of housing types in the community.

C. Density/Intensity: Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). Commercial development must not exceed 1 FAR and must not exceed neighborhood center criteria of 30,000 to 100,000 square feet as described in Objective FLU-1.5.

As stated above, the proposed development density is 4.4 dwelling units per acre, well within the density range of 1 – 6 dwelling units per acre.

FLU-1.11.1 RESIDENTIAL DEVELOPMENT FORM. New residential development should accommodate the mix and variety of housing types and configurations suitable to meet the needs and desires of current and future residents, with emphasis on safe means for residents to connect by walking or bicycling within neighborhoods and to the larger community.

The proposed villa development adds to the mix of unit types in the neighborhood of predominantly traditional single family. As shown on the pedestrian circulation plan in the pattern book, there will be sidewalks within the development and a connection to the external sidewalk system to connect residents by walking or bicycling within the neighborhood to the larger community consistent with this policy.

FLU-1.11.2 RESIDENTIAL DEVELOPMENT STANDARDS. Support and enhance Estero's residential character by ensuring that development proposals address how they:

A. Are compatible with adjacent uses, public facilities, and infrastructure systems;

The subject property is surrounded on all sides by residential development. To the north and west are residential communities. To the south and east are public roads with residential development on the other side of the roads. The proposed development is compatible with surrounding uses. As evidenced by the development surrounding the property on all sides, public facilities and infrastructure are in place to serve the proposed development. Furthermore, the existing zoning allows for 100,000 sq. ft. of medical office, a use at an intensity that would have greater impact on road infrastructure.

B. Impact surrounding environmental and natural resources, with specific controls to ensure preserved areas that are designated preserve through the development permitting process are not encroached upon and are only able to be altered or changed upon approval of amendments or modifications to applicable development orders and permits;

The subject property was previously cleared for an active citrus grove. Although the grove has not been in operation for several years, there are no significant environmental or natural resources on the subject property.

C. Access, where applicable, nearby parks, public spaces, recreational facilities, greenways, blueways, and natural open spaces;

As shown on the pedestrian circulation plan in the pattern book, there will be sidewalks within the development and a connection to the external sidewalk system providing access for residents by walking or bicycling within the neighborhood to the larger community's recreational facilities, such as the Estero Community Park and other public spaces.

D. Connect to adjacent residential developments, mixed-use centers, economic areas, public facilities, natural resources, and other community facilities; and

Through the on-site sidewalk system, which will connect to the external sidewalk system on Three Oaks Parkway, pedestrian and vehicular connections will be available to developments and destinations throughout the Estero community.

E. Contribute to the overall design, landscaping, and aesthetics that make up the community's character as a harmonious place with beauty, spaciousness, and a diversity of high quality residential and commercial development that positively contributes to the quality of life of Estero's residents.

The proposed development will comply with Estero's landscape code and applicable design guidelines, which will result in the development of a quality residential community. The villa units will add to the mix of housing types in the area providing a greater diversity of residential that will contribute to the quality of life of Estero's residents.

2. Is not in conflict with any portion of the LDC;

The proposed Planned Development is not in conflict with any portion of the Land Development Code. Where there are deviations that are required, that are or will be requested as part of the proposed application.

3. Addresses a demonstrated community need;

The proposed development is for a residential community consistent with the intent of FLU Policy 1.2.7 and the stated goal of providing for a diversity of housing types in the community. The development of office uses at this location is demonstrably not needed as evidenced by the vacant property nearly 20 years after the original zoning. The development of a residential community is much more consistent with the surrounding uses.

4. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

The subject property is surrounded on all sides by residential development. To the north and west are residential communities. To the south and east are public roads with residential development on the other side of the roads. The proposed development is compatible with surrounding uses. The current zoning is for commercial uses is less consistent with the surrounding development than the proposed zoning. The proposed RPD is the most appropriate zoning for the subject property.

5. Would result in a logical and orderly development pattern;

The proposed rezoning would allow for residential development on the subject property, consistent with properties on all sides of the subject property. The zoning therefore represents a logical and orderly development pattern by filling in residential development consistent with uses surrounding the property on all sides.

6. Would not adversely affect the property values in the area;

The proposed amendments would have no impact on property values in the area.

7. Would result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities);

Water and sewer service is currently available in the area via Lee County Utilities as evidenced by the surrounding development. The property is within the Estero Fire District and fire/EMS service are available with a fire station within 600 feet to the north on Three Oaks Parkway. As demonstrated by the attached transportation Impact Study, the proposed rezoning will generate

fewer trips than the existing zoning, which allows for 100,000 sq. ft. of medical office uses. All other services are adequate to accommodate the proposed changes.

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 areas, and the natural functioning of the environment;

The subject property was previously cleared for an active citrus grove. Although the grove has not been in operation for several years, there are no significant environmental or natural resources on the subject property.

9. Is compatible with existing or planned uses in the surrounding area.

The subject property is surrounded on all sides by residential development. To the north and west are residential communities. To the south and east are public roads with residential development on the other side of the roads. The proposed development is compatible with surrounding uses.

Summary:

As detailed in the Village of Estero Land Development Code, the attached application demonstrates the following:

1. The applicant is compliant with the Land Development Code and other applicable codes or regulations;
2. The request will meet or exceed all performance and location standards;
3. The requested plan is consistent with the intensities and general uses set forth in the Estero Comprehensive Plan;
4. The request is compatible with the existing uses in the surrounding areas;
5. Adequate infrastructure exists to accommodate this development; and
6. The request will not adversely affect environmentally critical areas and natural resources.

Based on compliance with these, and other regulations, we respectfully submit that this zoning application will not place an undue burden upon existing transportation or planned infrastructure facilities. Similarly, the proposed use is appropriate at the subject location, and is compatible with existing uses in the surrounding area. For these reasons, the requested amendment should be approved.

Attachment C – Planning, Zoning, and Design Board Hearing Transcript for Milan Villas (August 9, 2022)

05:52:14 OKAY.
05:52:18 OUR NEXT ITEM IS THE MILAN VILLAS.
05:52:26 THIS IS A REZONING OF A TEN ACRE PARCEL, JIM, NOT FOUR, TEN
05:52:34 ACRES, JUST FOR YOUR BENEFIT, JIM WALLACE.
05:52:36 >>Jim Wallace: OKAY.
05:52:38 THANK YOU.
05:52:40 >>Scotty Wood: FIRST OF ALL, I SEE NEALE IS HERE.

05:52:44 NEALE AND I HAD AN EXCHANGE AT OUR LAST MEETING ABOUT THE
05:52:48 QUASI-JUDICIAL READING.
05:52:50 DO YOU WANT ME TO READ IT?
05:52:55 >>Neale Montgomery: I THINK WE KNOW WHAT THE QUASI-JUDICIAL
05:52:57 -- [INAUDIBLE]
05:53:00 [NOT SPEAKING AT A MICROPHONE]
05:53:13 >>Nancy Stroud: CAN YOU REPEAT THAT BECAUSE I DID NOT HEAR
05:53:16 IT?
05:53:16 IT WAS NOT SPOKEN INTO THE MICROPHONE.
05:53:18 >>Scotty Wood: GO AHEAD AND SPEAK INTO THE MICROPHONE,
05:53:21 NEALE.
05:53:21 >>Neale Montgomery: YES, I INDICATED THAT I BELIEVE
05:53:24 EVERYBODY HERE IS AWARE OF THE QUASI-JUDICIAL REQUIREMENT.
05:53:28 I ALSO INDICATED THAT DAN DELISI IS ATTENDING BY ZOOM
05:53:33 BECAUSE HE HAS COVID AND HE AGREED NOT TO GIVE IT TO ALL OF
05:53:37 US AND WE'RE HAPPY ABOUT THAT.
05:53:39 I SAID I'M GOING TO TRY TO MOVE THE PowerPoint AS HE
05:53:43 SPEAKS.
05:53:44 HE HAS BEEN QUALIFIED HERE BEFORE AS AN EXPERT IN PLANNING
05:53:47 AND ZONING.
05:53:49 >>Nancy Stroud: THANK YOU.
05:53:51 >>Scotty Wood: NOW, DO WE HAVE ANY SPEAKERS WHO HAVE NOT
05:53:53 BEEN SWORN IN?
05:53:55 >>Mary Gibbs: YES, THE APPLICANTS WERE NOT HERE.
05:53:59 THE APPLICANTS WERE NOT HERE WHEN WE SWORE THEM IN.

05:54:02 >>Neale Montgomery: GO FIRST -- DO YOU WANT MARY TO GO FIRST
05:54:05 AND DO THE INTRO --

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05:54:08 >>Nancy Stroud: WE WOULD LIKE TO SWEAR IN ALL WITNESSES.
 05:54:10 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY THAT YOU'RE ABOUT
 05:54:14 TO GIVE WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT
 05:54:17 THE TRUTH?
 05:54:18 >> YES, MA'AM.
 05:54:18 >> I DO.
 05:54:19 >>Scotty Wood: THANK YOU.
 05:54:20 ANY EX PARTE COMMUNICATIONS?
 05:54:24 >> NO.
 05:54:25 >> NO.
 05:54:25 >>Scotty Wood: ANY CONFLICTS?
 05:54:27 >> NO.
 05:54:28 >> NO.
 05:54:28 >> NO.
 05:54:30 >>Scotty Wood: OKAY.
 05:54:37 >>Mary Gibbs: ALL RIGHT.
 05:54:37 IN THIS CASE TONIGHT FOR MILAN VILLAS IS A REZONING.
 05:54:42 SO IN THIS PARTICULAR CASE, YOU WILL MAKE RECOMMENDATIONS TO
 05:54:45 THE COUNCIL AND THEY MAKE THE FINAL DECISION.
 05:54:47 THIS IS A PROPERTY THAT'S 10 ACRES AT THE NORTHWEST CORNER
 05:54:52 OF WILLIAMS ROAD AND THREE OAKS PARKWAY.
 05:54:54 IT'S KIND OF A LONG KIND OF RECTANGULAR PIECE OF PROPERTY.
 05:54:58 THE APPLICANT IS ASKING TO REZONE IT.

05:55:02 IT'S ACTUALLY ZONED FOR COMMERCIAL FOR 100,000 SQUARE FEET
 05:55:06 OF COMMERCIAL USE, BUT IT WAS NEVER DEVELOPED AND IT'S JUST
 05:55:09 GOT A HOUSE ON IT.
 05:55:11 THEY ARE ASKING TO REZONE TO DO RESIDENTIAL PLANNED
 05:55:13 DEVELOPMENT.
 05:55:14 RESIDENTIAL SUBDIVISION, 44, I THINK 44 SINGLE-FAMILY
 05:55:18 ATTACHED UNITS.
 05:55:20 THERE WILL BE ACCESS ON THREE OAKS AND THERE WILL BE A GATE
 05:55:25 FOR THE GATED ACCESS.
 05:55:26 THE LOTS ARE A LITTLE BIT SMALL, BUT THE STAFF BELIEVES THAT
 05:55:30 THIS RESIDENTIAL USE IS REALLY MORE COMPATIBLE THAN THE
 05:55:33 COMMERCIAL USE BECAUSE IT'S SURROUNDED BY RESIDENTIAL.
 05:55:36 SO WE ARE RECOMMENDING APPROVAL WITH SOME CONDITIONS.
 05:55:41 WE THINK THAT IT IS A BETTER USE AND IT'S MORE CONSISTENT
 05:55:44 WITH THE COMPREHENSIVE PLAN.
 05:55:49 AGAIN, WE'RE RECOMMENDING APPROVAL WITH CONDITIONS AND THERE
 05:55:53 ARE SOME DEVIATIONS THAT WE'RE RECOMMENDING APPROVAL OF AS
 05:55:55 WELL.
 05:55:55 WE DID MAKE A SUGGESTION ON A CONDITION.
 05:56:00 THEY HAVE A PROPOSED AMENITY AREA THAT THEY CALL A PARK, BUT
 05:56:03 IT DOESN'T SEEM TO HAVE ANY AMENITIES ON IT.
 05:56:06 SO WE'RE RECOMMENDING A CONDITION THAT THEY PROVIDE SOME
 05:56:11 DETAIL BACK AT DEVELOPMENT ORDER STAGE BECAUSE THE LOTS ARE
 05:56:14 REALLY SMALL.

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05:56:15 YOU DON'T HAVE A LOT OF ROOM ON YOUR LOTS TO PUT AN AMENITY.

05:56:17 SO WE'VE RECOMMENDED THAT.

05:56:19 AND THEN THE APPLICANT IS GOING TO GO OVER I THINK THEY ARE

05:56:26 GOING TO EXPLAIN.

05:56:27 THERE ARE THREE CONDITIONS THAT WE HAD A LITTLE BIT OF

05:56:29 DISAGREEMENT ON.

05:56:30 I THINK WE'VE GOT THAT WORKED OUT.

05:56:32 SO I'LL LET THE APPLICANT TOUCH ON THAT.

05:56:34 AND WE HAD RECEIVED ONE E-COMMENT THAT WE FORWARDED TO YOU

05:56:39 YESTERDAY.

05:56:39 IT WAS FROM ONE OF THE NEIGHBORS IN THE LAKES THAT WAS

05:56:42 AGAINST IT BECAUSE THE TRAFFIC NOISE ON WILLIAMS ROAD.

05:56:46 BUT I THINK THEY WERE -- THE LOT WAS FURTHER AWAY FROM NOT

05:56:52 REALLY CLOSE TO THIS PROPERTY.

05:56:53 SO I THINK THEY MAY HAVE BEEN THINKING IT WAS THE VACANT

05:56:56 PROPERTY IN BETWEEN.

05:56:57 OTHER THAN THAT, I'LL TURN IT OVER TO THE APPLICANT.

05:57:02 I GUESS IT WILL BE DAN SPEAKING AND NEALE RUNNING THE

05:57:05 PowerPoint.

05:57:07 >>Anthony Gargano: BEFORE THE APPLICANT TAKES IT, I HAVE A

05:57:08 QUESTION FOR STAFF.

05:57:11 I WAS JUST A LITTLE BIT CONFUSED.

05:57:13 MAYBE YOU CAN HELP ME.

05:57:15 WHEN I READ THE APPLICANT'S EIGHT-DAY LETTER, AND THE

05:57:19 COMMENT ABOUT CONDITION 8 AND THE CONDITION 8 THAT'S LISTED

05:57:23 IN THE STAFF REPORT, I DIDN'T SEE A CONNECTION.

05:57:29 I SAW A DISCONNECT.

05:57:31 MAYBE YOU CAN CLARIFY THAT FOR ME.

05:57:32 MAYBE SOMETHING I MISSED.

05:57:33 >>Mary Gibbs: WAS IT THE GOPHER TORTOISE CONDITION?

05:57:43 >>Anthony Gargano: YEAH, AND THE APPLICANT'S EIGHT-DAY

05:57:47 LETTER REQUESTING THAT THE CONDITION BE REMOVED BECAUSE OF

05:57:54 THE INCONSISTENCY.

05:57:56 >>Mary Gibbs: THEY WERE REQUESTING THE CONDITION BE REMOVED

05:58:00 BECAUSE THERE'S SOMETHING IN THE STATE STATUTE THAT SAYS YOU

05:58:03 CAN'T REQUIRE A PERMIT FROM A FEDERAL AGENCY OR A STATE

05:58:08 AGENCY -- YOU KNOW, WE CAN'T HOLD UP A DEVELOPMENT ORDER

05:58:12 ISSUE BECAUSE WE DON'T HAVE A PERMIT FROM THE STATE AGENCY

05:58:15 ON THE GOPHER TORTOISES.

05:58:17 BUT WE PROPOSE REWORDING THAT CONDITION.

05:58:20 I THINK THEY AGREE.

05:58:21 SO WE WERE GOING TO EXPLAIN THAT WE HAVE THREE CONDITIONS TO

05:58:24 REWORD.

05:58:25 WE WERE GOING TO SAY THE APPLICANT SHALL PROVIDE A COPY OF

05:58:28 THE GOPHER TORTOISE WE LOCATION PLAN OR PERMIT ONCE ISSUED

05:58:31 BECAUSE WE CANNOT HOLD IT UP.

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05:58:33 I THINK WE'VE GOT THE CONDITIONS WORKED OUT FROM THAT
 05:58:36 LETTER.
 05:58:36 >>Anthony Gargano: ALL RIGHT.
 05:58:38 THANKS FOR THE CLARIFICATION.
 05:58:41 >>Scotty Wood: ANYTHING ELSE?

05:58:42 OKAY.
 05:58:43 NEALE, SLASH, DAN.
 05:58:45 >>Neale Montgomery: DAN, YOU'RE UP.
 05:58:48 >>Daniel DeLisi: GREAT.
 05:58:49 THANK YOU.
 05:58:49 CAN YOU ALL HEAR ME OKAY?
 05:58:51 >> YES.
 05:58:51 >>Daniel DeLisi: PERFECT.
 05:58:53 THANK YOU FOR ALLOWING ME THE ABILITY TO ZOOM INTO THIS
 05:58:58 MEETING.
 05:58:59 OBVIOUSLY NOT IDEAL CIRCUMSTANCES.
 05:59:01 I'D LOVE TO BE THERE IN PERSON, BUT NOT IN ANYONE'S BEST
 05:59:05 INTEREST.
 05:59:05 I'M GOING TO GO THROUGH AND GIVE THE INITIAL PRESENTATION,
 05:59:10 BUT NEALE MONTGOMERY AND CHRIS MITCHELL, THE PROJECT
 05:59:14 ENGINEER ARE THERE.
 05:59:16 THEY'LL FIELD ALL OF THE QUESTIONS.
 05:59:17 I'LL BE HERE TO ANSWER ANY QUESTIONS IF YOU HAVE ANY.
 05:59:20 BUT CHRIS AND NEALE WILL HANDLE ALL OF THOSE HOPEFULLY.
 05:59:24 NEXT SLIDE.
 05:59:27 SO THE PROPERTY IS LOCATED AT THE CORNER OF WILLIAMS ROAD
 05:59:31 AND THREE OAKS PARKWAY AT THE NORTHWEST CORNER.
 05:59:36 YOU CAN SEE IT THERE.
 05:59:37 THE PROPERTY IS 10 ACRES IN SIZE.
 05:59:44 I THINK THERE WAS SOME CONFUSION ON THE ACREAGE, BUT IT'S 10

05:59:48 ACRES.
 05:59:50 IT'S ON THE EAST SIDE OF SPRING LAKE, AND THEN THERE IS THAT
 05:59:55 VACANT PROPERTY THAT MARY JUST MENTIONED ON THE SOUTHERN
 06:00:00 PORTION OF OUR PROPERTY ON THE EAST SIDE.
 06:00:02 YOU CAN SEE IT THERE SOUTH OF SPRING LAKE AND NORTH OF
 06:00:05 WILLIAMS ROAD.
 06:00:06 SHADOW WOOD IS ACROSS THE STREET, ACROSS THREE OAKS PARKWAY
 06:00:11 AND ACROSS WILLIAMS ROAD TO THE SOUTH.
 06:00:13 AND THEN YOU HAVE COLONIAL OAKS TO THE NORTH.
 06:00:17 JUST TO GIVE YOU AN ORIENTATION.
 06:00:18 NEXT SLIDE.
 06:00:19 SO THE ZONING REQUEST IS FOR 44 UNITS ON TEN ACRES.
 06:00:29 THAT'S 4.4 UNITS AN ACRE.
 06:00:32 IT'S WITHIN THE VILLAGE NEIGHBORHOOD TWO FUTURE LAND USE
 06:00:37 CATEGORY ON THE VILLAGE'S FUTURE LAND USE MAP.
 06:00:41 THE ONLY DISTINCTION BETWEEN VILLAGE NEIGHBORHOOD ONE AND

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06:00:44 VILLAGE NEIGHBORHOOD TWO THAT I COULD TELL IS VILLAGE
 06:00:46 NEIGHBORHOOD TWO ALLOWS FOR SLIGHTLY HIGHER DENSITY THAN
 06:00:50 VILLAGE NEIGHBORHOOD ONE.
 06:00:52 VILLAGE NEIGHBORHOOD ONE ALLOWS FOR UP TO FOUR UNITS AN
 06:00:54 ACRE.
 06:00:55 VILLAGE NEIGHBORHOOD TWO ALLOWS FOR UP TO SIX UNITS AN ACRE.
 06:00:59 WE'RE ASKING FOR 4.4, WHICH IS WELL WITHIN THAT DENSITY
 06:01:03 RANGE.
 06:01:03 AS MARY SAID, THE CURRENT ZONING IS COMMERCIAL PLAN

 06:01:10 DEVELOPMENT.
 06:01:10 THAT WAS APPROVED IN 2003 FOR HUNDRED THOUSAND SQUARE FEET
 06:01:14 OF MEDICAL AND GENERAL OFFICE.
 06:01:15 IT HAS NOT BEEN DEVELOPED FOR THAT.
 06:01:20 THAT'S VACANT FOR -- WELL, FOR THE LAST 19 YEARS.
 06:01:25 SO WE'RE REZONING FROM CPD TO AN RPD.
 06:01:29 NEXT.
 06:01:29 SO THIS IS THE SITE PLAN.
 06:01:37 JUST TO GIVE YOU SOME ACREAGE AGAIN.
 06:01:40 10-ACRE SITE.
 06:01:41 ON 10 ACRES YOU HAVE TO PROVIDE 40% OPEN SPACE.
 06:01:45 THAT COMES OUT TO FOUR ACRES OF REQUIRED OPEN SPACE.
 06:01:50 THIS PLAN SHOWS A LITTLE BIT MORE THAN THAT.
 06:01:52 4.26 ACRES.
 06:01:53 IT INCLUDES THE PASSIVE PARK THAT WE TALKED ABOUT, AND WE
 06:01:58 ARE FINE WITH THE CONDITION THAT MARY TALKED ABOUT.
 06:02:03 JUST FROM A PERSONAL STANDPOINT, I'M A FAN OF UNPROGRAMMED
 06:02:08 OPEN SPACE.
 06:02:08 YOU CAN GO OUT THERE AND PLAY FRISBEE OR DO WHATEVER YOU
 06:02:12 WANT TO.
 06:02:13 YOU'RE NOT CONSTRAINED BY SOMEONE ELSE'S PROGRAM, BUT WE
 06:02:19 ALSO UNDERSTAND THE DESIRE OF THE VILLAGE TO HAVE SOMETHING
 06:02:24 OUT THERE.
 06:02:24 SO WE'RE FINE WITH THAT CONDITION.
 06:02:27 THE SECONDARY -- THERE IS A SECONDARY EMERGENCY ACCESS, AS

 06:02:32 YOU CAN SEE ON THE NORTH SIDE OF THE PLAN WHICH IS ON THE
 06:02:35 RIGHT THAT COMES OFF OF THAT CUL-DE-SAC, AND AS SHOWN ON THE
 06:02:40 PLAN, YOU HAVE SIDEWALKS ON BOTH SIDES OF THE STREET.
 06:02:43 NEXT.
 06:02:44 SO AS PART OF THE PATTERN BOOK, WE HAVE PROVIDED EXAMPLES OR
 06:02:56 CONCEPTUALS OF THE COMMUNITY ENTRY.
 06:03:00 THE NEXT SLIDE.
 06:03:01 WITH THE GATE DESIGN.
 06:03:05 AND THEN IF WE MOVE ON TO THE NEXT SLIDE --
 06:03:12 >> DAN, LET ME STOP YOU.
 06:03:15 >>Daniel DeLisi: YES.
 06:03:16 >>Scotty Wood: THE TWO SLIDES REGARDING LANDSCAPING.

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06:03:19 THE ONLY PALM TREES THAT ARE BEING PROPOSED ARE ROYAL PALMS.
 06:03:22 IS THAT CORRECT?
 06:03:26 >>Daniel DeLisi: I DON'T KNOW THAT WE'VE DONE A LANDSCAPE --
 06:03:30 FULL LANDSCAPE PLAN.
 06:03:31 >>Scotty Wood: THE PALETTE HAS A ROYAL PALM IN IT, AND IT'S
 06:03:35 THE ONLY PALM TREE IN THE PALETTE.
 06:03:39 >> CHRIS MITCHELL FOR THE RECORD, JR EVANS.
 06:03:41 WE SUBMITTED -- ACTUALLY, WE RESUBMITTED THE DEVELOPMENT
 06:03:42 ORDER APPLICATION, AND I BELIEVE THERE ARE NO PALMS IN THE
 06:03:46 RESUBMITTAL.
 06:03:47 I'LL HAVE TO LOOK AT THE LDO.
 06:03:50 >>Scotty Wood: THEN WHY DO WE HAVE THIS SLIDE IN FRONT OF
 06:03:53 US?

06:03:56 >>Chris Mitchell: I CAN'T ANSWER THAT.
 06:03:57 IT WAS PRODUCED BY THE LANDSCAPE ARCHITECT.
 06:03:59 IT PROBABLY WAS NOT UPDATED BASED ON THE COMMENTS.
 06:04:07 >>Neale Montgomery: IT EVOLVED.
 06:04:15 >>Daniel DeLisi: SHOULD I CONTINUE?
 06:04:16 >>Scotty Wood: YEAH, GO AHEAD.
 06:04:17 >>Daniel DeLisi: OKAY.
 06:04:19 SO AS MARY POINTED OUT, THERE WERE FOUR DEVIATIONS
 06:04:23 REQUESTED.
 06:04:24 THE FIRST DEVIATION WAS ON THE REQUIREMENT TO PROVIDE TWO
 06:04:30 ACCESS POINTS FOR ANY RESIDENTIAL DEVELOPMENT GREATER THAN
 06:04:34 FIVE ACRES.
 06:04:35 WE ARE PROVIDING THE EMERGENCY ACCESS POINT TO ALLEVIATE THE
 06:04:41 CONCERN ABOUT ACCESS IN AN EMERGENCY.
 06:04:45 BUT GIVEN THE LOCATION OR THE CONFIGURATION OF THE PROPERTY,
 06:04:52 IT'S NOT FEASIBLE TO PROVIDE ONE JUST WEST OF THE
 06:04:56 INTERSECTION OF WILLIAMS AND THREE OAKS, NOR IS IT FEASIBLE
 06:05:01 TO SPACE THE FULL ACCESS POINTS ON THE PROPERTY WITH TURN
 06:05:07 LANE ON THREE OAKS.
 06:05:08 SO THIS WAS A GOOD ALTERNATIVE THAT STAFF HAS AGREED TO AND
 06:05:12 WORKS WELL WITH THIS COMMUNITY, WHICH IS NOT A LARGE
 06:05:16 COMMUNITY.
 06:05:17 NEXT SLIDE.
 06:05:20 >>Jim Wallace: THIS IS JIM WALLACE.
 06:05:21 CAN WE GO BACK TO THAT PREVIOUS ONE?

06:05:24 YOU DON'T HAVE A DECELERATION LANE ON THREE OAKS PARKWAY.
 06:05:31 SO DO YOU HAVE ENOUGH STACKING BETWEEN THE GATES AND THREE
 06:05:40 OAKS PARKWAY TO GET FIVE CARS?
 06:05:43 ISN'T IT A REQUIREMENT FIVE CARS OR FOUR CARS?
 06:05:47 >>Neale Montgomery: THEY'LL HAVE TO MEET THE LDC WHICH SETS
 06:05:50 FORTH THE DISTANCE FROM THE ROAD TO THE GATE.
 06:05:53 >>Jim Wallace: AND SATISFY THAT?
 06:05:57 >>Chris Mitchell: CHRIS MITCHELL FOR THE RECORD.

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06:05:59 WE MEET THE CODE REQUIREMENT FOR THE DEPTH TO THE GATES, BUT
 06:06:02 THERE'S NO DECEL OR TURN LANE SHOWN ON THE ZONING.
 06:06:07 LEE COUNTY MAINTAINED ROAD AND BASED ON OUR INITIAL
 06:06:11 SUBMITTAL AND CORRESPONDENCE WITH STAFF, WE DIDN'T WANT TO
 06:06:14 HAVE A ZONING REQUIREMENT FOR SOMETHING THE VILLAGE IS NOT
 06:06:17 RESPONSIBLE FOR APPROVAL AND REVIEW OF.
 06:06:20 SO THE DEVELOPMENT ORDER PLANS ACTUALLY HAVE A TURN LANE
 06:06:26 THAT WILL REQUIRE A SEPARATE LIMITED DEVELOPMENT ORDER
 06:06:30 THROUGH LEE COUNTY FOR REVIEW AND APPROVAL.
 06:06:32 SO WE DO HAVE A DECEL LANE AND WE MEET THE CODE FOR THE
 06:06:37 LENGTH OF DISTANCE BETWEEN THE RIGHT-OF-WAY, OR THE ROADWAY
 06:06:42 AND THE GATES.
 06:06:49 >>Jim Wallace: YOU DO HAVE ENOUGH DISTANCE TO THE GATES FOR
 06:06:52 STACKING?
 06:06:54 >>Chris Mitchell: ACTUALLY, I CAN'T ATTEST TO THAT.
 06:06:57 I DON'T KNOW THE CODE.
 06:06:57 I'D HAVE TO READ THE CODE AND GET BACK TO YOU.

 06:07:01 I KNOW THE DEPTH OF OUR GATES MEETS THE MINIMUM CODE DEPTH
 06:07:04 FOR THAT LOCATION.
 06:07:08 >>Neale Montgomery: I'M NOT THE ENGINEER, BUT I BELIEVE IT'S
 06:07:10 A HUNDRED FEET.
 06:07:12 >>Chris Mitchell: I BELIEVE THAT'S CORRECT.
 06:07:13 >>Jim Wallace: I THINK IT'S NORMALLY A HUNDRED FEET.
 06:07:18 >>Neale Montgomery: I WOULD SAY AS LONG AS WE'RE ON THAT
 06:07:20 TOPIC, ONE OF THE CLARIFICATIONS THAT MARY PROVIDED IS THE
 06:07:24 FACT THAT SECTION 10-297 OF THE COUNTY'S REGULATIONS SAY DO
 06:07:28 YOU HAVE A PARCEL WHOLLY LOCATED WITHIN A MUNICIPALITY BUT
 06:07:31 IS ACCESSING A COUNTY ROAD, IT REQUIRES YOU TO GET A LIMITED
 06:07:35 DEVELOPMENT ORDER.
 06:07:35 THAT IS THE GENESIS OF THAT CONDITION.
 06:07:40 >>Scotty Wood: BY THE WAY, A QUESTION ON THE EMERGENCY
 06:07:43 ACCESS.
 06:07:46 IS THERE ANY KIND OF A SURFACE THE CONSTRUCTION?
 06:07:52 >>Chris Mitchell: THEY CALL IT LIKE GRASSCRETE OR A GRASS
 06:07:57 BLOCK.
 06:07:57 IT MEETS REQUIREMENTS FOR FIRE TRUCK LOADING, YES.
 06:08:01 >>Scotty Wood: WHAT ABOUT CURB CUTS BOTH IN THE DEVELOPMENT
 06:08:03 ITSELF AND ALSO ON THREE OAKS?
 06:08:05 DO YOU DO CURB CUTS?
 06:08:08 >>Chris Mitchell: IT WILL BE VALLEY GUTTER INSIDE THE
 06:08:10 DEVELOPMENT.
 06:08:11 YES, WE'LL HAVE TO HAVE AN ACCESS IN THAT LDO, WE'LL HAVE

 06:08:14 THAT, YES, SIR.
 06:08:16 >>Barry Jones: DO YOU HAVE TO PROVIDE COMPENSATING
 06:08:18 RIGHT-OF-WAY FOR THAT RIGHT TURN?
 06:08:20 IS THERE SUFFICIENT ROOM TO GET THE SIDEWALK AROUND THE

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06:08:23 OUTSIDE OF IT.
 06:08:24 >>Chris Mitchell: THERE IS SUFFICIENT.
 06:08:25 THAT IS THE WHOLE CORRIDOR IS THE SAME WAY.
 06:08:27 IT'S ALL WITHIN THE RIGHT-OF-WAY, SO THERE IS ROOM BASED ON
 06:08:32 THAT.
 06:08:32 >>Barry Jones: SO NO COMPENSATING RIGHT-OF-WAY FOR THE TURN
 06:08:35 LANE THEN.
 06:08:36 >>Chris Mitchell: WE'RE NOT PLANNING ON IT.
 06:08:38 I HAVEN'T GOTTEN OFFICIAL COMMENTS FROM LEE COUNTY.
 06:08:42 BUT THAT WHOLE CORRIDOR, EVEN THE ACCOMMODATING TURN LANES
 06:08:45 AND THE TURN LANE TO THE SOUTH THAT HAS ACCESS ONTO WILLIAMS
 06:08:49 ROAD, ALL OF THAT IS WITHIN THE RIGHT-OF-WAY.
 06:08:50 >>Barry Jones: THOSE LOTS HAVE A GREENSPACE BEHIND THEM
 06:08:53 WHERE IF THEY DID PUSH COMPENSATE ON YOU, YOU WOULD HAVE
 06:08:58 ROOM?
 06:08:58 >>Chris Mitchell: THERE IS GREENSPACE.
 06:09:00 PROBABLY HAVE TO REENGINEER STUFF, BUT THERE IS GREENSPACE
 06:09:03 BEHIND THE LOTS.
 06:09:04 >>Barry Jones: THANK YOU.
 06:09:09 >>Scotty Wood: GO AHEAD, DAN.
 06:09:10 DEVIATION NUMBER 2.

 06:09:13 >>Daniel DeLisi: DEVIATION 2 REQUIRES -- THE REQUIREMENT OF
 06:09:19 ESTERO IS FOR 60-FOOT RIGHT-OF-WAY.
 06:09:20 WE'RE REQUESTING 50 FEET IN THE DESIGN OF THE CROSS SECTION.
 06:09:28 YOU CAN SEE THE CROSS SECTION ON THE SCREEN AND CHRIS CAN
 06:09:31 TALK TO YOU ABOUT IT IN MORE DETAIL.
 06:09:33 BUT THE PUBLIC UTILITIES EASEMENTS ARE OUTSIDE OF THE
 06:09:37 RIGHT-OF-WAY, AND WE BELIEVE NARROWER STREETS ARE MORE
 06:09:41 CONDUCIVE TO SLOWER SPEEDS, ESPECIALLY IN SMALLER
 06:09:45 RESIDENTIAL COMMUNITIES LIKE THIS.
 06:09:49 DEVIATIONS THREE AND FOUR ARE --
 06:09:54 >>Jim Wallace: WHILE WE'RE GOING THROUGH THIS, THIS IS JIM
 06:09:58 WALLACE AGAIN, ON DEVIATION TWO, MY EXPERIENCE HAS BEEN WHEN
 06:10:02 YOUR PAVEMENT IS ONLY 20 FEET WIDE, YOU USUALLY DO NOT ALLOW
 06:10:06 PARKING ON THE STREET.
 06:10:08 SO MY QUESTION THEN IS, ARE YOU COMFORTABLE WITH THAT?
 06:10:17 >>Barry Jones: IT WOULD HAVE TO BE A DEED RESTRICTION THAT
 06:10:19 OVERNIGHT PARKING BE ALLOWED ON THE STREETS.
 06:10:21 AND ONE OTHER QUESTION I HAD ON THAT SECTION, IF YOU WANT TO
 06:10:27 DO STREET TREES, WHICH REALLY HELPS, TYPICALLY AT LEAST SIX
 06:10:31 FOOT IS REQUIRED.
 06:10:33 I DON'T KNOW IF THERE IS ROOM TO MOVE THAT SIDEWALK ONE FOOT
 06:10:36 TO THE OUTSIDE TO CREATE A SIX FOOT CORRIDOR TO GET STREET
 06:10:39 TREES OR IF THAT'S RIGHT WHERE UTILITY PIPES ARE GOING.
 06:10:42 ANYTHING THAT CAN BE DONE FOR STREET TREES CERTAINLY HELPS
 06:10:45 THE NEIGHBORHOOD WITH LONG STRAIGHT ROADS, IT HELPS.

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06:10:49 >> I HAVE TO REVIEW IT.
 06:10:51 I DON'T KNOW OFF THE TOP OF MY HEAD.
 06:10:53 THERE IS SOME SPACE IN THE RIGHT-OF-WAY BETWEEN THE BACK OF
 06:10:58 SIDEWALK.
 06:10:59 I ASSUME WE COULD MOVE IT A FOOT.
 06:11:01 BUT I CAN'T ATTEST.
 06:11:06 I DIDN'T LOOK AT THAT SECTION.
 06:11:08 PARKING AND MAYBE THE APPLICANT WANTS TO EXPAND ON IT, BUT
 06:11:15 THERE IS TWO-CAR GARAGES WITH EACH OF THE UNITS AND THEN A
 06:11:20 DRIVEWAY FOR PARKING.
 06:11:24 >> THERE WOULD BE NO OVERNIGHT PARKING ON THE STREET.
 06:11:30 >>Chris Mitchell: CORRECT.
 06:11:32 >> WHAT IS THE DEPTH OF THE DRIVEWAYS?
 06:11:37 >>Chris Mitchell: YOU ASK SOME TOUGH D.O.-LEVEL QUESTIONS
 06:11:40 THAT, I'M SORRY, I DID NOT LOOK AT.
 06:11:43 THE FRONT SETBACK IS 20 FEET, I BELIEVE, PER THE ZONING.
 06:11:52 SO I BELIEVE BARRY INDICATED, I THINK ON THE CROSS SECTION
 06:11:58 THREE FEET SO IT WOULD BE 23 FEET BASICALLY FROM BEHIND THE
 06:12:01 SIDEWALK TO THE GARAGE FACE.
 06:12:08 >>Jim Wallace: CAN WE GO BACK TO DEVIATION TWO SO WE'RE
 06:12:13 SEEING WHAT WE'RE TALKING ABOUT?
 06:12:15 ONE OF THE THINGS THAT I KNOW IS JUST ZONING AND YOU'RE
 06:12:22 MAYBE NOT THERE YET, BUT I'M TRYING TO GET -- I DON'T SEE
 06:12:24 ANY BUILDING FOOTPRINT ON THE LOTS.
 06:12:28 SO IT'S HARD TO SAY, OKAY, HERE'S THE LOT, AND THE UTILITY

 06:12:33 EASEMENT IS TEN FEET IN AND WHERE ARE THE BUILDINGS?
 06:12:38 ARE THEY 15 FEET IN?
 06:12:40 ARE THEY RIGHT AT THE 10-FOOT UTILITY EASEMENT?
 06:12:44 IT'S HARD TO GET A FEELING FOR WHERE YOU'LL PUT TREES HERE.
 06:12:48 YOU CAN'T PUT THEM IN A UTILITY EASEMENT.
 06:12:50 YOU'VE GOT SIDEWALKS AND SETBACKS, WHERE ARE THE PHYSICAL
 06:12:53 STRUCTURES GOING TO BE?
 06:12:55 >>Neale Montgomery: IF YOU LOOK AT THE TOP OF PAGE 2 OF THE
 06:12:57 STAFF CONDITIONS, IT HAS THE SETBACK.
 06:13:00 SO YOU KNOW THAT THE BUILDING HAS GOT TO BE SET BACK FROM
 06:13:04 THE STREET, FROM THE SIDE AND REAR AND REAR ACCESSORY
 06:13:12 CONSISTENT WITH THOSE.
 06:13:14 >>Chris Mitchell: I BELIEVE IN THE MATERIALS THAT HAVE BEEN
 06:13:16 SUBMITTED OVER THE COURSE OF THE APPLICATION THAT WE DID
 06:13:18 HAVE A TYPICAL LOT DETAIL ON THE MASTER CONCEPT PLAN.
 06:13:24 I'M FAIRLY CERTAIN.
 06:13:25 SO IT DID SHOW THE BUILDING LOCATION.
 06:13:32 GOING FROM MEMORY, BUT I BELIEVE THAT HAS -- NEALE WAS
 06:13:36 CORRECT, THERE'S A 20-FOOT SETBACK FROM THE FRONT
 06:13:39 RIGHT-OF-WAY.
 06:13:40 SO YOU'LL BE 10 FEET BACK FROM THE TEN-FOOT UE AT A MINIMUM.
 06:13:47 >>Jim Wallace: THERE WILL BE ROOM TO PLANT CANOPY TREES OR

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06:13:51 WHATEVER ELSE.
 06:13:52 NOT THAT YOU WILL, BUT THERE WILL BE ROOM TO DO THAT.
 06:13:54 OKAY.

06:13:54 THE OTHER QUESTION I HAD, DAN, MAYBE YOU CAN ANSWER THIS, WE
 06:14:01 SHOW 44 LOTS, BUT THE BUILDING EXAMPLE IS DUPLEXES.
 06:14:08 IS THERE ANY WAY THAT IN THE NEXT PRESENTATION OR THE FINAL
 06:14:11 PRESENTATION WE CAN SEE A FOOTPRINT OF THE BUILDING ON THE
 06:14:15 SITE PLAN?
 06:14:18 >>Neale Montgomery: WE'RE HERE FOR THE SINGLE-FAMILY
 06:14:20 ATTACHED, AND THAT'S DEFINED DIFFERENTLY IN YOUR CODE.
 06:14:24 THIS IS A RECOMMENDATION TO THE CITY COUNCIL.
 06:14:29 AT D.O. STAGE, THE TOWNHOMES, SINGLE-FAMILY ATTACHED,
 06:14:36 SINGLE-FAMILY DETACHED DON'T REQUIRE APPROVAL BY THE
 06:14:41 PLANNING BOARD ON THEIR DESIGN.
 06:14:45 >>Jim Wallace: BUT THE ELEVATION THAT WE'VE BEEN SHOWN IS A
 06:14:47 DUPLEX, A TWIN VILLA.
 06:14:50 >>Neale Montgomery: SINGLE FAMILY ATTACHED IS A VILLA
 06:14:53 PRODUCT.
 06:14:53 THERE IS A PROPERTY LINE THAT GOES THROUGH THE MIDDLE.
 06:14:55 DUPLEX IS WHEN YOU HAVE TWO UNITS THAT ARE CONJOINED WITHOUT
 06:14:57 A FIREWALL UNDER COMMON OWNERSHIP.
 06:14:58 THAT'S NOT WHAT THIS IS.
 06:15:00 >>Jim Wallace: ALL RIGHT.
 06:15:01 THANKS, NEALE.
 06:15:04 >>Daniel DeLisi: CHRIS IS CORRECT.
 06:15:05 ON THE MASTER CONCEPT PLAN THERE WAS A TYPICAL BUILDING
 06:15:09 LAYOUT THAT SHOWED THE VILLA PRODUCT AS IT'S SITUATED ON THE
 06:15:17 LOT.

06:15:18 YOU SHOULD HAVE THAT.
 06:15:19 SO THE 8-DAY LETTER, AS MARY HAD POINTED OUT BEFORE, THERE
 06:15:25 WERE THREE CONDITIONS THAT WE HAD SUGGESTED ALTERNATIVE
 06:15:29 WORDING ON.
 06:15:31 AT THIS POINT, I THINK WE'RE IN AGREEMENT WITH -- MARY HAD
 06:15:36 SENT US SOME REVISED LANGUAGE.
 06:15:38 WE'RE IN AGREEMENT WITH ALL OF THAT.
 06:15:41 SHE HAD EXPLAINED CONDITION 8 BEFOREHAND.
 06:15:46 CONDITION 6 WAS JUST ABOUT PROVIDING THE LEE COUNTY LIMITED
 06:15:52 DEVELOPMENT ORDER TO THE VILLAGE AND WE'RE FINE WITH STAFF'S
 06:15:58 REVISED WORDING, AS WE ARE FINE WITH CONDITION 7, REVISED
 06:16:02 WORDING.
 06:16:02 SO WITH THAT, I THINK WE'LL TAKE ANY ADDITIONAL QUESTIONS
 06:16:07 YOU HAVE.
 06:16:08 >>Mary Gibbs: MAY I ASK A QUESTION, DAN?
 06:16:10 IT'S MARY.
 06:16:10 ON THE FENCING, WHAT WE SUGGESTED -- YOU'RE OKAY WITH THE
 06:16:19 CONDITION -- I DON'T THINK I'VE READ IT TO THE PLANNING AND

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06:16:22 ZONING BOARD.
 06:16:23 IT SAID WHAT WE'RE AGREEING TO IS THAT THE APPLICANT WILL
 06:16:26 HAVE THE DECORATIVE FENCING ON THE EAST SIDE, ON THE SOUTH
 06:16:31 SIDE OF THE PROPERTY.
 06:16:32 AND THEN ON THE NORTH SIDE, BECAUSE THERE'S A 40-FOOT I
 06:16:36 THINK DRAINAGE DITCH AND A LOT OF TREES, THERE'S REALLY NO
 06:16:40 REASON TO HAVE A FENCE ON THAT SIDE.

06:16:42 WE'RE SUGGESTING ON THE WEST SIDE IS LIKE A CHAIN-LINK BUT
 06:16:48 NOT THE ALUMINUM, KIND OF LIKE A BLACK COATED CHAIN-LINK
 06:16:51 FENCE, SIMILAR TO WHAT THE BROOKS HAS EXCEPT WITHOUT THE
 06:16:55 BIG, GIANT BERM.
 06:16:57 VINYL COATED, YEAH.
 06:17:00 >>Daniel DeLisi: YEAH, WE ARE FINE WITH THAT, UNLESS SOMEONE
 06:17:04 FROM DR HORTON JUMPS UP AND SAYS OTHERWISE.
 06:17:07 BUT I CHECKED YESTERDAY AND WE ARE FINE WITH THAT.
 06:17:11 IF YOU'D LIKE, I HAVE IN FRONT OF ME YOUR REVISED
 06:17:15 CONDITIONS, IF YOU WANT ME TO READ THEM INTO THE RECORD, I'D
 06:17:18 BE HAPPY TO.
 06:17:20 >>Mary Gibbs: I HAVE THEM, TOO.
 06:17:21 I ALREADY READ THE GOPHER TORTOISE ONE AND YOU HAD ON THE
 06:17:25 PowerPoint THE ONE ABOUT THE LIMITED DEVELOPMENT ORDER.
 06:17:30 I CAN READ THEM AGAIN IF YOU WANT.
 06:17:32 >>Daniel DeLisi: YEAH, THAT WOULD BE FINE.
 06:17:34 >>Scotty Wood: WANT TO GET COMMENTS BEFORE WE DO THAT.
 06:17:38 ANY COMMENTS?
 06:17:39 >>Jim Wallace: THE ONLY THING I WOULD SAY ON YOUR CHAIN-LINK
 06:17:42 FENCE IN TERMS OF MARKETABILITY, DO YOU REALLY WANT TO BE
 06:17:45 SELLING HOMES WHERE THE BACK OF SOMEONE'S YARD IS A
 06:17:48 CHAIN-LINK FENCE, UNLESS YOU HAVE A HEDGE IN FRONT OF IT?
 06:18:00 >>Mary Gibbs: DAN, I THINK THERE IS AN "A" BUFFER, BUT
 06:18:05 THAT'S NOT REALLY A SOLID HEDGE.
 06:18:07 I THINK IT'S TREES.

06:18:08 DAN, DID YOU WANT TO ANSWER THAT?
 06:18:19 >>Daniel DeLisi: YEAH, THERE ARE PLANTINGS REQUIRED WITH THE
 06:18:24 TYPE "A" BUFFER.
 06:18:27 IT'S NOT A SOLID HEDGE, BUT A BLACK CHAIN-LINK FENCE DOES
 06:18:35 NOT LOOK BAD AT ALL IN MY OPINION AND CERTAINLY IN THE
 06:18:38 OPINION OF SHADOW WOOD ON THE SOUTH SIDE OF WILLIAMS ROAD AS
 06:18:43 WELL.
 06:18:44 SO A NUMBER OF DEVELOPMENTS HAVE USED BLACK CHAIN-LINK
 06:18:50 FENCE.
 06:18:50 THEY ARE NOT THE ALUMINUM THAT MARY WAS CONCERNED ABOUT AND
 06:18:53 THAT CERTAINLY WASN'T OUR INTENT.
 06:18:57 >>Scotty Wood: ANY OTHER COMMENTS?
 06:18:58 JIM.
 06:19:02 >>James Tatoes: I'M GOING TO PIGGYBACK ON JIM WALLACE'S

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06:19:05 COMMENT.
 06:19:06 IF SOMEBODY HAS A BIRTHDAY PARTY AND THERE'S TEN LITTLE KIDS
 06:19:09 THAT COME THERE AND THEIR PARENTS ARE GOING TO DRIVE THEM
 06:19:12 AND SOME ARE GOING TO STAY, I DON'T SEE WHERE THEY COULD
 06:19:15 PARK THEIR CARS.
 06:19:31 >>Scotty Wood: OKAY.
 06:19:32 I HAVE A COMMENT.
 06:19:33 THE GENERAL VILLA CONCEPT, WHICH IS A PICTURE OF A DUPLEX
 06:19:40 HOME, WHICH, BY THE WAY, I THINK THE ARCHITECTURE IS QUITE
 06:19:43 ATTRACTIVE, BUT I HAVE TWO QUESTIONS.
 06:19:45 FIRST OF ALL, IT DOESN'T SHOW A PARAPET BETWEEN THE UNITS,

 06:19:51 NUMBER ONE.
 06:19:51 AND NUMBER TWO, IT DOESN'T SHOW WHERE THE FRONT DOORS ARE.
 06:19:56 AND WHERE IS THE ENTRANCE TO THESE UNITS?
 06:19:59 THE VILLAGE COUNCIL IS GOING TO BE LOOKING AT A PATTERN
 06:20:05 BOOK, AND IF YOU LOOK AT THIS IN A PATTERN BOOK, IT'S A
 06:20:09 PROBLEM.
 06:20:11 THE FRONT DOORS AREN'T EVEN SHOWN THERE.
 06:20:15 >>Chris Mitchell: CHRIS MITCHELL FOR THE RECORD.
 06:20:16 I'M NOT THE ARCHITECT, BUT THE ENTRIES ARE ON THE SIDE.
 06:20:21 SO THE ENTRY IS ON EITHER SIDE.
 06:20:24 AND I DO WANT TO CLARIFY THAT THIS IS FEE SIMPLE OWNERSHIP
 06:20:27 PER UNIT.
 06:20:28 SO THEY ARE ATTACHED VILLAS BUT THEY ARE FEE SIMPLE.
 06:20:32 EACH OWNER OWNS THE DIRT AND THE STRUCTURE.
 06:20:36 I DON'T KNOW HOW THAT RELATES TO ZONING.
 06:20:39 I'LL LET DAN AND NEALE.
 06:20:44 IT'S FEE SIMPLE AND ACCESS IS ON EITHER SIDE OF THE
 06:20:47 STRUCTURE.
 06:20:47 >>Scotty Wood: IS THERE A PARAPET DIVIDING THE UNITS?
 06:20:52 >>Chris Mitchell: THERE IS A FOUR-HOUR FIREWALL.
 06:20:59 >>Scotty Wood: ANY OTHER COMMENTS?
 06:21:01 I'LL OPEN THE PUBLIC HEARING.
 06:21:06 ANY COMMENT CARDS?
 06:21:08 >>Tammy Duran: WE DO NOT.
 06:21:09 >>Scotty Wood: NOTHING.

 06:21:10 ANYBODY WISH TO SPEAK.
 06:21:11 >>Marlene Naratil: I HAD A QUESTION ON --
 06:21:15 >>Scotty Wood: IT'S A PUBLIC HEARING.
 06:21:16 I'LL CLOSE THE PUBLIC HEARING.
 06:21:18 NOW YOU CAN TALK.
 06:21:20 >>Marlene Naratil: I HAD A QUESTION ON THE COLORS.
 06:21:22 THERE WAS SOME COMMENT MADE ABOUT THE COLOR SCHEME WAS GOING
 06:21:27 TO BE DIFFERENT THAN WHAT WE HAD SEEN.
 06:21:30 I THOUGHT I READ THAT IN THE LATEST.
 06:21:34 >>Neale Montgomery: I WASN'T AWARE --

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06:21:36 >>Mary Gibbs: YOU MIGHT BE THINKING OF THE ONE WE JUST DID,
 06:21:40 ARCOS, WHERE THE COLOR WAS A LITTLE DIFFERENT.
 06:21:42 >>Marlene Naratil: IT WAS THIS ONE.
 06:21:45 >>Mary Gibbs: IN THIS PARTICULAR CASE, BECAUSE THESE ARE
 06:21:47 SINGLE-FAMILY, EVEN THOUGH YOU HAVE TO DO A PATTERN BOOK,
 06:21:51 THEY ARE EXEMPT FROM REVIEW FOR THE BUILDING.
 06:21:54 SO WE DON'T REALLY REGULATE THE COLORS OR THE DESIGN OF THE
 06:21:57 SINGLE-FAMILY, BUT WE JUST HAD THEM PUT IN LIKE A SAMPLE OF
 06:22:02 WHAT ONE COULD LOOK LIKE TO FILL OUT THE PATTERN BOOK.
 06:22:07 >>Marlene Naratil: THEY DON'T ANTICIPATE THAT THE ENTIRE
 06:22:09 COMMUNITY WOULD HAVE THE SAME COLOR SCHEME ON EACH BUILDING
 06:22:12 OR WOULD THEY VARY?
 06:22:15 >>Mary Gibbs: WE MIGHT ASK SOMEBODY TO ANSWER THAT.
 06:22:22 >>Neale Montgomery: YES, IT'S ANTICIPATED IT WOULD BE
 06:22:23 COORDINATED COHESIVE COLOR SCHEME WITHIN THE COMMUNITY.

 06:22:27 >>Marlene Naratil: ARE WE GOING TO GET TO SEE WHAT THE
 06:22:30 COLORS ARE?
 06:22:30 >>Neale Montgomery: NO.
 06:22:31 I AGREE WITH WHAT MS. GIBBS SAID.
 06:22:34 UNDER YOUR LAND DEVELOPMENT CODE, SINGLE-FAMILY,
 06:22:37 SINGLE-FAMILY ATTACHED, AND TOWNHOMES ARE NOT SUBJECT TO
 06:22:41 ARCHITECTURAL REVIEW.
 06:22:42 ONLY MULTIFAMILY AND COMMERCIAL AND INDUSTRIAL, PRESUMABLY,
 06:22:47 IF YOU HAD IT.
 06:22:49 >>Mary Gibbs: WE KNOW THEY ARE GOING TO MAKE THEM BE
 06:22:51 BEAUTIFUL, YES?
 06:22:52 I SEE HEADS NODDING.
 06:22:54 I SEE HEADS NODDING.
 06:22:56 BEAUTIFUL AND COHESIVE.
 06:22:58 I SEE HEADS NODDING.
 06:23:06 >>Scotty Wood: WHAT IS THE PRICE POINT OF THESE UNITS?
 06:23:17 >> WAYNE EVERETT WITH DR HORTON.
 06:23:20 ACTUALLY, WE WILL NOT SET ANY PRICES UNTIL, NUMBER ONE THEY
 06:23:24 ARE ALMOST COMPLETED.
 06:23:28 WITH TODAY'S MARKET CHANGING, WE WOULD BE -- WE COULD LOSE
 06:23:33 MONEY.
 06:23:33 WE COULD BE TOO HIGH IN THE MARKET.
 06:23:35 SO UNTIL WE'RE PRETTY MUCH AT WHAT WE CALL STAGE 5, WHICH IS
 06:23:43 DRYWALL AND ROUGH MECHANICALS, WE WILL NOT SET PRICES.
 06:23:47 AT THAT POINT WE'LL KNOW MORE ABOUT WHAT THE SUPPLY CHAIN IS

 06:23:51 DOING AND WHAT THE MARKET RATES ARE DOING.
 06:23:54 >>Scotty Wood: DO YOU HAVE A BALLPARK?
 06:23:56 NOT THAT WE'LL HOLD YOU TO IT?
 06:23:59 >> I DON'T.
 06:24:00 WE HAVE THIS PRODUCT THAT'S SELLING AS MUCH AS \$550,000
 06:24:06 TODAY.

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06:24:06 BUT I DON'T THINK THAT'S SUSTAINABLE AND GOING TO CONTINUE.
 06:24:13 >>Scotty Wood: FAIR ENOUGH.
 06:24:13 >>Marlene Naratil: WHO IS YOUR TARGET AUDIENCE TO SELL THESE
 06:24:16 HOMES TO?
 06:24:19 WOULD THEY BE BABY BOOMERS, PEOPLE WHO ARE RETIRED AND JUST
 06:24:23 WANT A SMALLER BUILDING?
 06:24:26 >> PROBABLY MORE SO THE RETIREMENT AND WANT MAYBE THEIR
 06:24:32 SECOND HOME.
 06:24:33 WANT A NICE LOCATION, WHICH WE FEEL LIKE THIS IS.
 06:24:37 AND WANT -- THE UNITS GOING TO BE THREE BEDROOM, THREE --
 06:24:44 THREE BEDROOM, TWO BATH.
 06:24:46 SO THEY CAN HAVE FAMILY MEMBERS COME VISIT.
 06:24:51 >>Scotty Wood: WILL YOU FORM A HOMEOWNERS ASSOCIATION?
 06:24:55 >> YES.
 06:24:57 >>Scotty Wood: AND YOU'LL CONTROL IT UNTIL 7% OF THE UNITS
 06:24:59 ARE SOLD?
 06:25:00 >> 90% PER STATE STATUTE.
 06:25:08 >> SWEET SPOT IN THE MARKETPLACE.
 06:25:10 GOOD FOR YOU.

 06:25:16 >> THANK YOU.
 06:25:17 >>Scotty Wood: ANY OTHER COMMENTS?
 06:25:18 MARY, NOW YOU CAN READ THE CONDITIONS.
 06:25:22 >>Mary Gibbs: SO THE CONDITIONS THAT ARE BEING REVISED ARE
 06:25:25 CONDITIONS 6, 7, AND 8.
 06:25:28 6 IS THE ONE OF THE ACCESS ON THREE OAKS PARKWAY.
 06:25:32 THE DEVELOPER MUST OBTAIN A LIMITED DEVELOPMENT ORDER FROM
 06:25:35 LEE COUNTY PURSUANT TO SECTION 10-297 LEE COUNTY LDC.
 06:25:40 A COPY OF THE LDO MUST BE PROVIDED TO THE VILLAGE PRIOR TO
 06:25:43 THE START OF CONSTRUCTION.
 06:25:48 NUMBER 7, FENCING.
 06:25:53 THE APPLICANT WILL CONSTRUCT ALUMINUM PERIMETER FENCING AS
 06:25:59 SHOWN IN THE PATTERN BOOK ON THE EAST AND SOUTH SIDES OF THE
 06:26:03 PROPERTY.
 06:26:03 BLACK CHAIN-LINK FENCING WILL BE INSTALLED ON THE WEST SIDE
 06:26:06 OF THE PROPERTY.
 06:26:07 NUMBER 8 IS GOPHER TORTOISES.
 06:26:09 THE APPLICANT SHALL PROVIDE A COPY OF THE GOPHER TORTOISE
 06:26:12 RELOCATION PLAN OR PERMIT ONCE ISSUED BY FWC.
 06:26:15 THE OTHER CONDITIONS ARE THE SAME.
 06:26:24 >>Scotty Wood: OKAY.
 06:26:24 CAN I HAVE A MOTION TO APPROVE THE REZONING -- ACTUALLY, NOT
 06:26:31 TO APPROVE BUT TO RECOMMEND APPROVAL OF THE REZONING TO THE
 06:26:36 VILLAGE COUNCIL SUBJECT TO THE CONDITIONS AS AMENDED THAT
 06:26:39 MARY HAS JUST ENUMERATED?

 06:26:43 >> SO MOVED.
 06:26:43 >>Scotty Wood: SECOND?

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06:26:46 >>Barry Jones: SECOND.
 06:26:47 >>Scotty Wood: ANY DISCUSSION?
 06:26:48 TAMMY, PLEASE CALL THE ROLL.
 06:26:53 >>Tammy Duran: BOARD MEMBER GARGANO?
 06:26:55 >>Anthony Gargano: YEAH, I'M GOING TO VOTE NO.
 06:26:58 MY TAKE AWAY FROM LOOKING AT THIS PROJECT IS THE
 06:27:03 ARCHITECTURAL APPROACH TO THE USE OF THE LAND, WE'RE JUST
 06:27:08 TRYING TO CRAM TOO MUCH INTO THAT FOOTPRINT, AND I REALLY
 06:27:16 QUESTION WHAT THE ULTIMATE LOOK IS GOING TO BE BASED ON THIS
 06:27:20 ARCHITECTURAL APPROACH.
 06:27:21 SO MY VOTE IS NO.
 06:27:26 >>Kristin Jeannin: YES.
 06:27:28 >>Barry Jones: I'M GOING TO VOTE YES.
 06:27:31 I ASK THAT THE STAFF GIVE US SOME FEEDBACK ON REMAINING
 06:27:38 COMMERCIAL ALONG THAT CORRIDOR MOVING FORWARD THAT WE DON'T
 06:27:41 ACCUMULATE A LOSS OF COMMERCIAL SPACE GOING INTO MORE
 06:27:44 RESIDENTIAL AND A CAPE CORAL SCENARIO WHERE WE DON'T HAVE
 06:27:50 ENOUGH COMMERCIAL TO SUPPORT ALL THE RESIDENTIAL WE BUILT.
 06:27:53 BUT VOTE YES ON THIS.
 06:27:56 >>Marlene Naratil: YES.
 06:27:59 >>James Tatoes: YES.
 06:28:02 >>Jim Wallace: I WOULD SAY YES WITH A CONDITION ON THE WIDTH
 06:28:07 OF THE ROAD.

 06:28:08 IF THE ROAD IS ONLY 20 FEET WIDE, I WOULD HAVE TO SAY NO.
 06:28:15 >>Scotty Wood: WELL, THAT'S WHAT IS BEING PROPOSED.
 06:28:17 >>Jim Wallace: THEN I VOTE NO.
 06:28:23 >>Scotty Wood: YES.
 06:28:23 IT CARRIES 6-2.
 06:28:33 >>Tammy Duran: 5-2.
 06:28:34 >>Scotty Wood: 5-2.
 06:28:35 EXCUSE ME.
 06:28:36 MATH ERROR.
 06:28:37 WE WILL SUBMIT THE RECOMMENDATION WITH THE CONDITIONS AS
 06:28:44 AMENDED.
 06:28:51 >>Daniel DeLisi: THANK YOU AND GOOD NIGHT.
 06:28:53 >>Scotty Wood: I HOPE YOU FEEL BETTER.
 06:28:55 >>Daniel DeLisi: THANK YOU.
 06:28:56 I APPRECIATE THAT.
 06:28:59 >>Mary Gibbs: GOOD JOB FOR BEING SICK, DAN.
 06:29:01 YOU SHOULD BE SICK MORE OFTEN.
 06:29:04 OH, SORRY.
 06:29:05 >>Daniel DeLisi: ALL RIGHT.
 06:29:06 BYE-BYE.

Attachment D

**MILAN VILLAS RPD
PUBLIC INFORMATIONAL MEETING****Meeting Date:** April 12, 2022**Time:** 4:30pm, meeting start**Location:** 9401 Corkscrew Palms Circle, 1st FL, Estero, FL 33928**Attendees:**

Planning and Zoning Board Members:

Co-Chairman Scotty Wood and Board Members Anthony Gargano, Kristin Jeannin, Marlene Naratil, Michael Sheeley, James Tatooles, and Jim Wallace.

Also present: Community Development Director Mary Gibbs and Village Land Use Counsel Nancy Stroud.

Meeting Summary:

Mr. DeLisi gave an overview presentation. He provided an overview of the proposed project which included the location, the surrounding uses, the existing zoning of the property (CPD), the future land use category, the request – 44 villa units, and the conceptual site plan.

Board Questions or Comments and Response:

- **Question:** What is the emergency access?

Response: A stabilized surface.

- **Question:** Is the hatched area dry detention? Will you be able to meet your nutrient loading criteria for the water management district?

Response: Yes. We are looking at that and will make sure it meets the criteria for the Environmental Resource Permit and the development order.

- **Question:** Do you have to have a right turn lane?

Response: Will probably will need one.

- **Question:** Will the right turn lane push back the sidewalk and impact your buffers and site plan?

Response: It could have the potential. It can work with the right turn lane to the south. We think there is room in the right of way.

- **Question:** Are these duplexes? How many buildings?

Response: They are attached single family units. There is a common wall, but they are single family units. There will be 22 buildings, 44 units.

- **Question:** Will you be putting in a full lift station for 44 units?

Response: That is the only option we have.

- **Question:** Is the architecture the proposed architecture or a sample of a prior unit type?

Response: A sample of a type of unit DR Horton has built.

- **Question:** Will you have details on the pocket park?

Response: It is unprogrammed space for passive recreation.

- **Question:** Is that the only entrance? How will it function with the existing turn lane?

Response: Yes. The existing turn lane is south of the proposed project entrance. So there will be no interference.

Received September 6, 2022

Milan Villas RPD

Residential Pattern Book

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Property Location

Location: Corner of Three Oaks Parkway and Williams Road.



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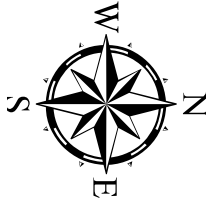
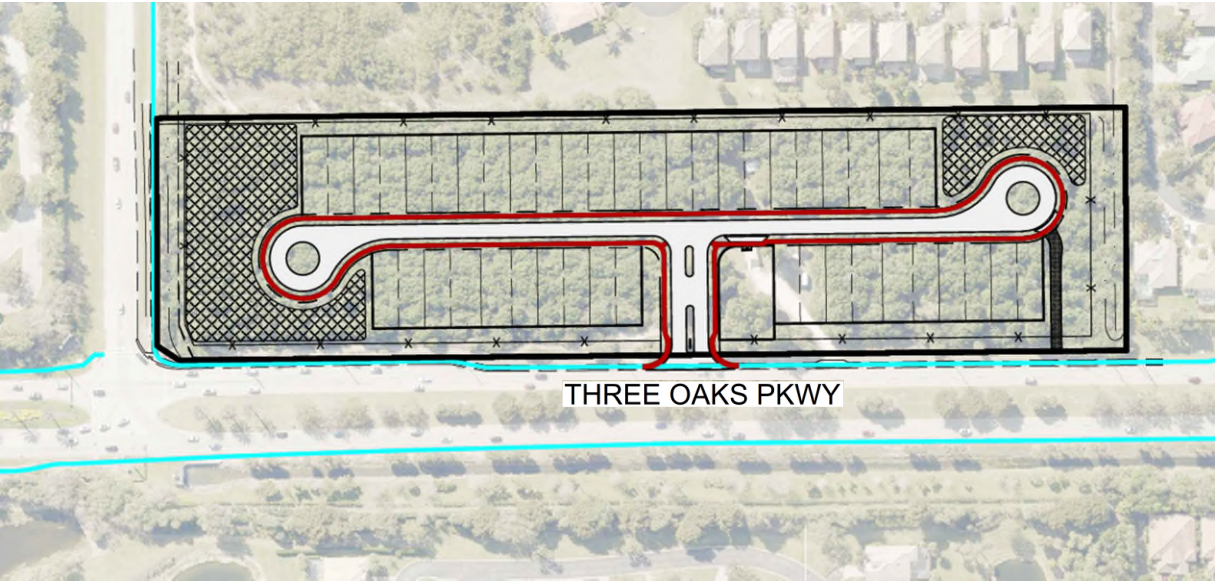
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Pedestrian Circulation

Access: To the east along Three Oaks Parkway

Amenity: At entrance to development

Circulation: An internal sidewalk will be provided in front of each residence creating a connection to the external sidewalk system along Three Oaks Parkway.



LEGEND

 EXISTING SIDEWALK

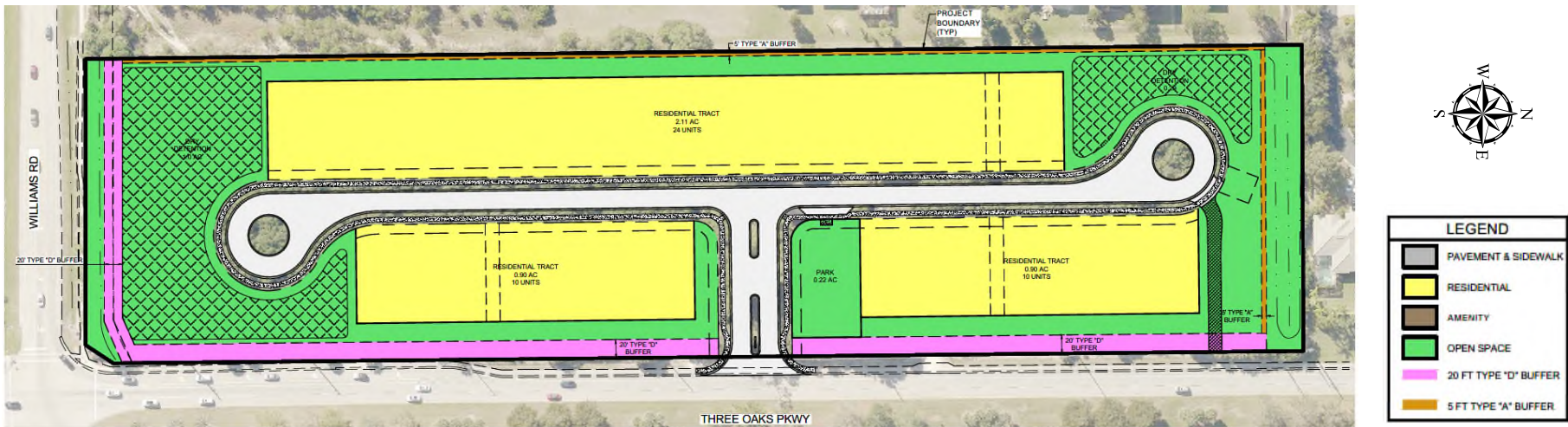
 PROPOSED SIDEWALK

Illustrative Plan & Open Space and Buffers

Passive Open Space: Approximately 4 acres within the development as amenity for residents.

Dry Detention: Mostly along Williams Road, with additional area at the north.

Buffers: Located on the street side of the fence line.



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General Villa Concept



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Roadway Perimeter Fencing



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Landscape Palette

Project Plant Palette



AC - Acer rubrum -
Bismarck Palm



AB - Aechmea blanchetiana
Blanche Bromeliad



BM - Bismarckia nobilis -
Bismarck Palm



CE - Conocarpus erectus -
Green Buttonwood



CI - Chrysobalanus icaco -
Cocoplum



DS - Dombeya 'Seminole Pink'
- Seminole Pink Dombeya



EC - Eugenia confusa -
Red Berry Stopper



HP - Hamelia patens -
Fire Bush



IC - Ilex cassine -
Dahoon Holly



LEG - Liriope 'Super Blue' -
Super Blue Liriope



MA - Meuhlenbeckia
axillaris - Creeping Wire
Vine



PR - Phoenix roebellini -
Pygmy Date Palm



PW - Purotis wrightii -
Purotis Palm



QV - Quercus virginiana -
Live Oak



RL - Rondeletia leucophylla -
Panama Rose



SM - Swietenia mahoganii -
Mahogany



SC - Seasonal Color



TA - Tabebuia argentea -
Yellow Tabebuia



TD - Tripsacum dactyloides -
Dwarf Fakahatchee



TI - Tabebuia impetiginosa -
Purple Tabebuia



VM - Vietchia merilii -
Christmas Palm

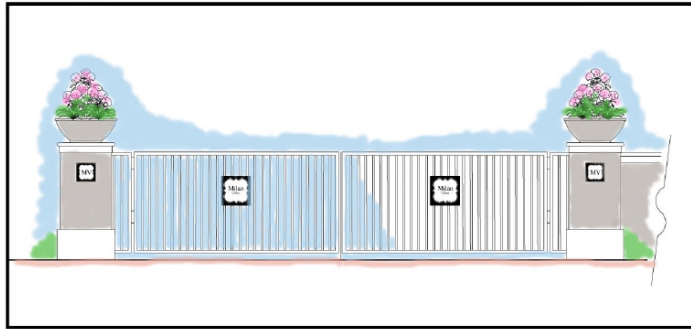
Entryway / Landscaping



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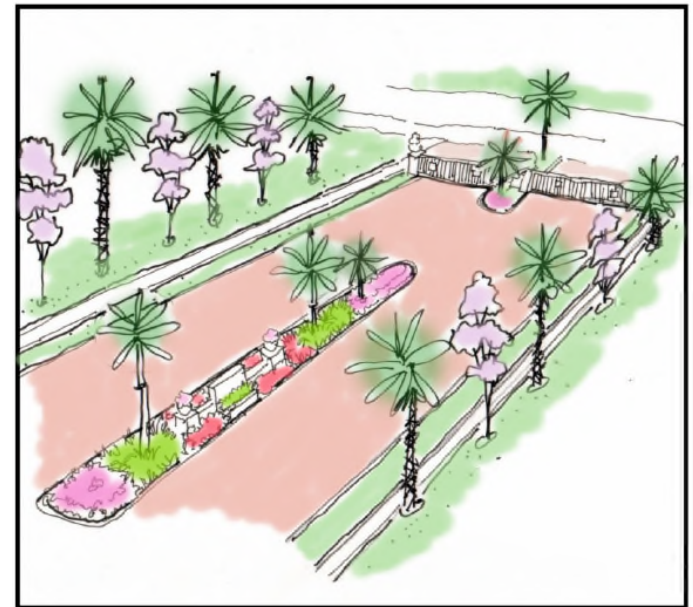
Entry Gate



Illustrative Entry - North Gate: Scale 1/2" = 1'-0"



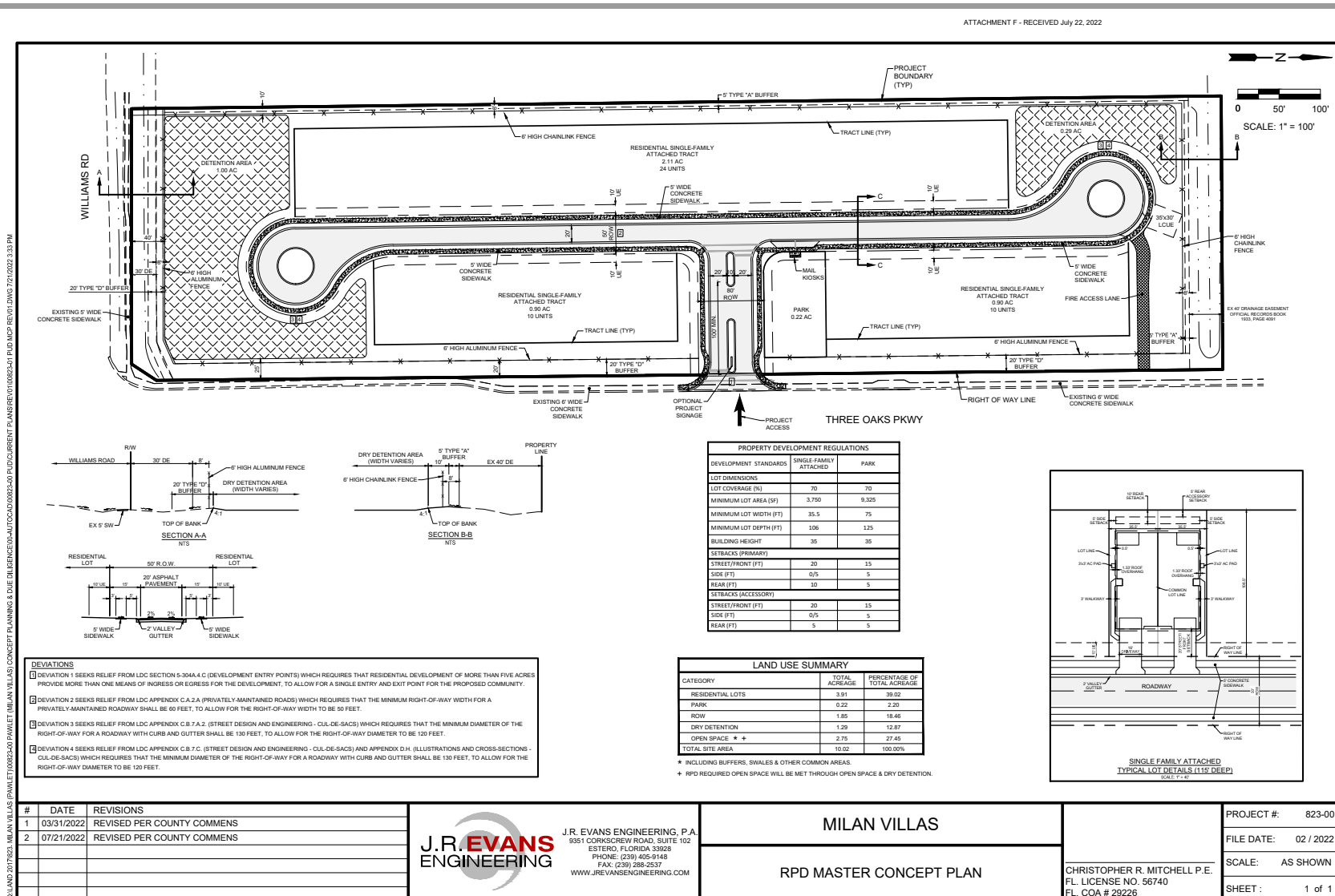
Illustrative Entry Plan: 1/16" = 1'-0"



Illustrative Entry Sketch: Not to Scale

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**AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 16, 2022**

Agenda Item:

Second Reading of Ordinance No. 2022-13, Land Development Code Amendment - Flood Hazard Reduction Standards (continued from November 2, 2022).

Motion to adopt Ordinance No. 2022-13.

Background:

The Land Development Code was adopted by the Council in January, 2021. Flood Hazard Reduction Standards were included. This amendment is necessary to comply with Federal Emergency Management Agency ("FEMA") Policy #104-008-03 in order for the Village to continue to participate in the NFIP Community Rating System program.

The Planning Zoning and Design Board reviewed the Ordinance on October 25, 2022 and recommended approval.

The Council continued the second reading on November 2 to November 16, 2022 to obtain additional information about what other jurisdictions were doing. Lee County recently adopted its flood regulations ordinance and revised the "substantial improvement" language to eliminate the 5-year period for cumulative costs. Staff is providing optional language if the Council desires to use this option to provide some relief to homeowners. Please note that this may affect our CRS rating for flood insurance policy discounts. Staff is researching this and should have additional information at the Council meeting.

Description:

Other changes to flood standards in this Ordinance include:

- Restrictions on mobile homes and RVs in flood hazard areas (additional elevation requirements)
- Changes in accessory structure elevations
- Changes to definitions

FEMA has suggested several changes to the draft Ordinance. The most recent changes made after the Council first reading are highlighted in yellow.

Action Requested:

Motion to adopt Ordinance No. 2022-13.

Process and Timeline:

Planning, Zoning and Design Board Review October 25, 2022

Council 1st Reading October 19, 2022

Council 2nd Reading November 2, 2022 continued to November 16, 2022

Financial Impact:

No cost for continued public hearing.

Prepared by: Mary Gibbs

Attachments:

1. Optional Language
2. Ordinance No. 2022-13

ORDINANCE No. 2022-13

Land Development Code Amendment – Flood Hazard Reduction Standards

Revised Optional Language - November 15, 2022

Remove WHEREAS Clause from Ordinance and add new WHEREAS clause.

~~WHEREAS, The Village Council determined it appropriate to incorporate into Chapter 7 amendments to the Florida Building Code that were previously adopted by ordinance 2015-16; and~~

WHEREAS, the Village Council determined it appropriate to repeal local amendments to the definition of Substantial Improvement, which restores the definition in the Florida Building Code.

7-301.C.4. Duties and Powers of the Floodplain Administrator.

C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of ~~previous permits issued for improvements and repairs as specified in the definition of “substantial improvement” and~~ previous permits issued for repair of flood-related damage; and

7-302.A. Flood Resistant Development.

2. Amend the definitions of “substantial damage” ~~and “substantial improvement”~~ in the Florida Building Code, Building Section 202, and Florida Building Code. Existing Building Section 202 ~~and repeal the amendment to the definition of “substantial improvement” to restore to the definition in the Building Code as follows:~~

~~**SUBSTANTIAL IMPROVEMENT.** For the purposes of determining compliance with the flood provision of this Code, any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a five year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins with the first improvement or repair of each building is permitted subsequent to November 18, 1992. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

~~1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.~~

~~2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.~~

7-303. Definitions.

Substantial Improvement means any combination of repair, reconstruction, rehabilitation, ~~alteration,~~ addition, or other improvement of a building or structure, ~~taking place during a five-year period;~~ the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. ~~For each building or structure, the five-year period begins on the date of the first improvement or repair of the building or structure subsequent to November 18, 1992.~~ If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 13

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 7-3 "FLOOD HAZARD REDUCTION STANDARDS" TO UPDATE THE EFFECTIVE FLOOD INSURANCE STUDY APPLICABLE TO THE VILLAGE, AMEND THE PROCESS FOR DETERMINING SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS, UPDATE REFERENCE TO THE FLORIDA BUILDING CODE HISTORIC BUILDINGS CHAPTER, SPECIFY ELEVATION OF AND FOUNDATIONS FOR MANUFACTURED HOMES IN FLOOD HAZARD AREAS, PROVIDE STANDARDS FOR NON-ELEVATED ACCESSORY STRUCTURES IN FLOOD AREAS, AND AMEND DEFINITIONS; CLARIFYING AND REENACTING THE REPEAL OF ORDINANCE 2015-16; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125 – County Government or Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Village of Estero participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 6, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the Village of Estero to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

Note: Yellow highlighting depicts most recent changes.

Ordinance No. 2022-13

Page 1 of 34

43 **WHEREAS**, the Federal Emergency Management Agency released FEMA Policy
 44 #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory
 45 Structures; and

46
 47 **WHEREAS**, the Village Council has determined it appropriate to modify requirements for
 48 accessory structures to be consistent with the FEMA Policy to allow issuance of permits for non-
 49 elevated wet floodproofed accessory structures that are not larger than the sizes specified in the
 50 FEMA Policy; and

51
 52 **WHEREAS**, the Village Council determined that it is in the public interest to amend the
 53 floodplain management regulations to better protect manufactured homes and to continue
 54 participating in the Community Rating System at the current class rating; and

55
 56 **WHEREAS**, The Village Council determined it appropriate to incorporate into Chapter 7
 57 amendments to the Florida Building Code that were previously adopted by ordinance 2015-16;
 58 and

59
 60 **WHEREAS**, the Village wishes to clarify that the adoption of the Village Land
 61 Development Code by Ordinance 2020-10, specifically Section 1-902 adopting the Florida
 62 Building Code as codified in Chapter 553, Florida Statutes, was intended to repeal earlier building
 63 code regulations adopted by Ordinance 2015-16, and to clarify any doubt that Ordinance 2015-16
 64 is no longer in effect.

65
 66 **NOW THEREFORE, BE IT ENACTED BY THE VILLAGE COUNCIL OF THE**
 67 **VILLAGE OF ESTERO, FLORIDA, THAT:**

68
 69 **Section 1. Amendments to Section 7-3 Flood Hazard Reduction Standards.**

70
 71 Section 7-3 “Flood Hazard Reduction Standards” of the Village Land Development Code
 72 is hereby amended, as shown in strikethrough and underline text, by the following amendments.

73
 74 **SECTION 7-3. FLOOD HAZARD REDUCTION STANDARDS**

75
 76 **7-301. Administration.**

77
 78 **A. General.**

- 79 1. *Scope.* This section applies to all development that is wholly within or partially within
 80 any flood hazard area or special flood hazard area (see Sec. 7-303, Definitions),
 81 including but not limited to the subdivision of land; filling, grading, and other site
 82 improvements and utility installations; construction, alteration, remodeling,
 83 enlargement, improvement, replacement, repair, relocation or demolition of buildings,
 84 structures, and facilities that are exempt from the Florida Building Code; placement,
 85 installation, or replacement of manufactured homes and manufactured buildings;

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- 86 installation or replacement of tanks; placement of recreational vehicles; installation of
 87 swimming pools; and any other development.
 88
- 89 2. *Purpose and Intent.* The purpose and intent of this section and the flood load and flood
 90 resistant construction requirements of the Florida Building Code are to establish
 91 minimum requirements to safeguard the public health, safety, and general welfare, and
 92 to minimize public and private losses due to flooding through regulation of development
 93 in flood hazard areas to:
 94
- 95 A. Minimize unnecessary disruption of commerce, access, and public service during
 - 96 times of flooding;
 - 97 B. Require the use of appropriate construction practices in order to prevent or
 - 98 minimize future flood damage;
 - 99 C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations,
 - 100 storage of equipment or materials, and other development which may increase flood
 - 101 damage or erosion potential;
 - 102 D. Manage the alteration of flood hazard areas, watercourses, and shorelines to
 - 103 minimize the impact of development on the natural and beneficial functions of the
 - 104 floodplain;
 - 105 E. Minimize damage to public and private facilities and utilities;
 - 106 F. Help maintain a stable tax base by providing for the sound use and development of
 - 107 flood hazard areas;
 - 108 G. Minimize the need for future expenditure of public funds for flood control projects
 - 109 and response to and recovery from flood events; and
 - 110 H. Meet the requirements of the National Flood Insurance Program for community
 - 111 participation as set forth in 44 CFR 59.22.
 112
- 113 3. *Coordination with Florida Building Code.* This section is intended to be administered
 114 and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24
 115 refers to the edition of the standard that is referenced by the Florida Building Code.
 116
- 117 4. *Warning.* The degree of flood protection required by this section and the Florida
 118 Building Code, as amended by the Village of Estero, is considered the minimum
 119 reasonable for regulatory purposes and is based on scientific and engineering
 120 considerations. Larger floods can and will occur. Flood heights may be increased by
 121 man-made or natural causes. This section does not imply that land outside of mapped
 122 special flood hazard areas, or that uses permitted within such flood hazard areas, will be
 123 free from flooding or flood damage. The flood hazard areas and base flood elevations
 124 contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and
 125 the requirements of 44 CFR Secs. 59 and 60, may be revised by the Federal Emergency
 126 Management Agency, requiring this community to revise these regulations to remain
 127 eligible for participation in the National Flood Insurance Program. No guaranty of vested
 128 use, existing use, or future use is implied or expressed by compliance with this section.

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- 129 5. *Disclaimer of Liability.* This section will not create liability on the part of the Village of
 130 Estero or by any officer or employee of the Village for any flood damage that results
 131 from reliance on this section or any administrative decision lawfully made under it.
 132
- 133 **B. Applicability.**
- 134 1. *General.*
- 135
- 136 A. Where there is a conflict between a general requirement and a specific requirement,
 137 the specific requirement will be applicable.
 138
- 139 B. This section applies to all flood hazard areas within the Village of Estero, as
 140 established in subsection C below.
 141
- 142 C. The Flood Insurance Study for Lee County, Florida and Incorporated Areas,
 143 effective November 17, 2022~~August 28, 2008~~, and all subsequent amendments and
 144 revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all
 145 subsequent amendments and revisions to such maps, are adopted by reference as a
 146 part of this section and will serve as the minimum basis for establishing flood hazard
 147 areas. Studies and maps that establish flood hazard areas are on file at the Village
 148 ~~Hall~~ Department of Community Development.
 149
- 150 2. *Submission of Additional Data to Establish Flood Hazard Area.* To establish flood
 151 hazard areas and base flood elevations, in accordance with Sec. 7-301.E, Site Plans and
 152 Construction Documents, the Floodplain Administrator may require submission of
 153 additional data. Where field surveyed topography prepared by a Florida licensed
 154 professional surveyor or digital topography accepted by the community indicates that
 155 ground elevations:
 156
- 157 A. Are below the closest applicable base flood elevation, even in areas not delineated
 158 as a special flood hazard area on a FIRM, the area will be considered as a flood
 159 hazard area and subject to the requirements of this section and, as applicable, the
 160 requirements of the Florida Building Code.
 161
- 162 B. Are above the closest applicable base flood elevation, the area will be regulated as
 163 a special flood hazard area unless the applicant obtains a Letter of Map Change that
 164 removes the area from the special flood hazard area.
 165
- 166 3. *Other Laws.* The provisions of this section will not be deemed to nullify any provisions
 167 of local, state, or federal law.
 168
- 169 4. *Abrogation and Greater Restrictions.* This section supersedes any regulations in effect
 170 for management of development in flood hazard areas. However, it is not intended to
 171 repeal or abrogate any existing regulations including but not limited to land development

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172 regulations, zoning resolutions, stormwater management regulations, or the Florida
 173 Building Code. In the event of a conflict between this section and any other regulations,
 174 the more restrictive will govern. This section will not impair any deed restriction,
 175 covenant, or easement, but any land that is subject to such interests will also be governed
 176 by this section.

177
 178 **5. Interpretation. In the interpretation and application of this article, all provisions will be:**

- 179
 180 **A. Considered as minimum requirements;**
 181 **B. Liberally construed in favor of the governing body; and**
 182 **C. Deemed neither to limit nor repeal any other powers granted under state statutes.**
 183

184 **C. Duties and Powers of the Floodplain Administrator.**
 185

- 186 1. *Designation.* The Village Manager is designated as the Floodplain Administrator and
 187 may delegate another person to serve in this capacity. The Floodplain Administrator may
 188 delegate performance of certain duties to other employees.
 189
 190 2. *General.* The Floodplain Administrator is authorized and directed to administer and
 191 enforce the provisions of this section. The Floodplain Administrator will have the
 192 authority to render interpretations of this section consistent with the intent and purpose
 193 of this section and may establish policies and procedures in order to clarify the
 194 application of its provisions. Such interpretations, policies, and procedures will not have
 195 the effect of waiving requirements specifically provided in this section without the
 196 granting of a variance pursuant to Sec. 7-301.G, Variances and Appeals.
 197
 198 3. *Applications and Permits.* The Floodplain Administrator, in coordination with other
 199 pertinent offices of the community, will:
 200
 201 A. Review applications and plans to determine whether proposed new development
 202 will be located in flood hazard areas;
 203 B. Review applications for modification of any existing development in flood hazard
 204 areas for compliance with the requirements of this section;
 205 C. Interpret flood hazard area boundaries where such interpretation is necessary to
 206 determine the exact location of boundaries; a person contesting the determination
 207 will have the opportunity to appeal the interpretation;
 208 D. Provide available flood elevation and flood hazard information;
 209 E. Determine whether additional flood hazard data will be obtained from other sources
 210 or will be developed by an applicant;
 211 F. Review applications to determine whether proposed development will be
 212 reasonably safe from flooding;
 213 G. Issue floodplain development permits or approvals for development other than
 214 buildings and structures that are subject to the Florida Building Code, including

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- 215 buildings, structures and facilities exempt from the Florida Building Code, when
 216 compliance with this section is demonstrated, or disapprove the same in the event
 217 of noncompliance; and
- 218 H. Coordinate to assure that applications, plan reviews, and inspections for buildings
 219 and structures in flood hazard areas comply with the applicable provisions of this
 220 section.
- 221
- 222 4. *Substantial Improvement and Substantial Damage Determinations.* For applications for
 223 building permits to improve buildings and structures, including alterations, movement,
 224 enlargement, replacement, repair, change of occupancy, additions, rehabilitations,
 225 renovations, substantial improvements, repairs of substantial damage, and any other
 226 improvement of or work on such buildings and structures ~~such that the value or size of~~
 227 ~~the buildings increases by at least 50 percent, calculated over the preceding five years,~~
 228 the Floodplain Administrator shall:
- 229
- 230 A. ~~Estimate the market value or require the applicant to obtain an appraisal of the~~
 231 ~~market value prepared by using the Building Cost Value in the property appraiser's~~
 232 ~~records unless a qualified independent appraiser of just the structure is submitted,~~
 233 of the building or structure before the start of construction of the proposed work; in
 234 the case of repair, the market value of the building or structure will be the market
 235 value before the damage occurred and before any repairs are made;
- 236
- 237 B. Compare the cost to perform the improvement, the cost to repair a damaged
 238 building to its pre-damaged condition, or the combined costs of improvements and
 239 repairs, if applicable, to the market value of the building or structure;
- 240
- 241 C. Determine and document whether the proposed work constitutes substantial
 242 improvement or repair of substantial damage; the determination requires evaluation
 243 of previous permits issued for improvements and repairs as specified in the
 244 definition of "substantial improvement" and previous permits issued for repair of
 245 flood-related damage; and
- 246
- 247 D. Notify the applicant if it is determined that the work constitutes substantial
 248 improvement or repair of substantial damage and that compliance with the flood
 249 resistant construction requirements of the Florida Building Code and this section is
 250 required.
- 251
- 252 5. *Modifications of the Strict Application of the Requirements of the Florida Building Code.*
 253 The Floodplain Administrator will review requests submitted to the Building Official
 254 that seek approval to modify the strict application of the flood load and flood resistant
 255 construction requirements of the Florida Building Code to determine whether such
 256 requests require the granting of a variance in accordance with Sec. 7-301.G, Variances
 257 and Appeals.

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6. *Notices and Orders.* The Floodplain Administrator will coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.
 7. *Inspections.* The Floodplain Administrator will make the required inspections as specified in Sec. 7-301.F, Inspections, for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator will inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
 8. *Other Duties of the Floodplain Administrator.* The Floodplain Administrator will have other duties, including but not limited to:
 - A. Establishing procedures for administering and documenting determinations of substantial improvement and substantial damage in accordance with Sec. 7-301.C.4, Substantial Improvement and Substantial Damage Determinations;
 - B. Requiring that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - C. Requiring applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions will be made within six months of such data becoming available;
 - D. Reviewing required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete;
 - E. Notifying FEMA when the corporate boundaries of the Village are modified; and
 - F. Advising applicants for new buildings and structures, including substantial improvements, which are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

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301 9. *Floodplain Management Records.* Regardless of any limitation on the period required
 302 for retention of public records, the Floodplain Administrator will maintain and
 303 permanently keep and make available for public inspection all records that are necessary
 304 for the administration of this section and the flood resistant construction requirements of
 305 the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map
 306 Change; records of issuance of permits and denial of permits; determinations of whether
 307 proposed work constitutes substantial improvement or repair of substantial damage;
 308 required design certifications and documentation of elevations specified by the Florida
 309 Building Code and this section; notifications to adjacent communities, FEMA, and the
 310 state related to alterations of watercourses; assurances that the flood carrying capacity
 311 of altered watercourses will be maintained; documentation related to appeals and
 312 variances, including justification for issuance or denial; and records of enforcement
 313 actions taken in accordance with this section and the flood resistant construction
 314 requirements of the Florida Building Code. These records are available for public
 315 inspection at the Village Hall.

316
 317 **D. Permits.**

- 318
 319 1. *Permits Required.* Any owner or owner's authorized agent also referred to as "applicant"
 320 who intends to undertake any development activity within the scope of this section,
 321 including buildings, structures and facilities exempt from the Florida Building Code,
 322 which is wholly within or partially within any flood hazard area shall first make
 323 application to the Floodplain Administrator and obtain the required permits and
 324 approvals. No such permit or approval will be issued until compliance with the
 325 requirements of this section and all other applicable codes and regulations has been
 326 satisfied.
 327
 328 2. *Floodplain Development Permits or Approvals.* Floodplain development permits or
 329 approvals will be issued in accordance with this section for any development activities
 330 not subject to the requirements of the Florida Building Code including buildings,
 331 structures, and facilities exempt from the Florida Building Code. Depending on the
 332 nature and extent of proposed development that includes a building or structure, the
 333 Floodplain Administrator may determine that a floodplain development permit or
 334 approval is required in addition to a building permit.
 335
 336 3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code.* In
 337 accordance with the requirements of federal regulation for participation in the National
 338 Flood Insurance Program (44 CFR Secs. 59 and 60), floodplain development permits or
 339 approvals will be required for buildings, structures and facilities that are exempt from
 340 the Florida Building Code and any further exemptions provided by law, which are
 341 subject to the requirements of this section.
 342

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- 343 4. *Application for a Permit or Approval.* To obtain a floodplain development permit or
 344 approval the applicant shall first file an application in writing on a form furnished by the
 345 Village. The information provided shall:
 346
 347 A. Identify and describe the development to be covered by the permit or approval.
 348
 349 B. Describe the land on which the proposed development is to be conducted by legal
 350 description, street address or similar description that will readily identify and
 351 definitively locate the site.
 352
 353 C. Indicate the use and occupancy for which the proposed development is intended.
 354
 355 D. Be accompanied by a site plan or construction documents as specified in Sec.
 356 7-301.E, Site Plans and Construction Documents.
 357
 358 E. State the valuation of the proposed work.
 359
 360 F. Be signed by the applicant or the applicant's authorized agent.
 361
 362 G. Give such other data and information as required by the Floodplain Administrator.
 363
 364 5. *Validity of Permit or Approval.* The issuance of a floodplain development permit or
 365 approval in accordance with this section shall not be construed to be a permit for, or
 366 approval of, any violation of this section, the Florida Building Codes, or any other
 367 Village regulations. The issuance of permits based on submitted applications,
 368 construction documents, and information will not prevent the Floodplain Administrator
 369 from requiring the correction of errors and omissions.
 370
 371 6. *Suspension or Revocation.* The Floodplain Administrator is authorized to suspend or
 372 revoke a floodplain development permit or approval if the permit was issued in error; on
 373 the basis of incorrect, inaccurate, or incomplete information; or in violation of this
 374 section or any other section, regulation, or requirement of the Village.
 375
 376 7. *Other Permits Required.* Floodplain development permits and building permits shall
 377 include a condition that all other applicable state or federal permits be obtained before
 378 commencement of the permitted development, including but not limited to the following:
 379
 380 A. SFWMD; F.S. § 373.036.
 381
 382 B. Florida Department of Health for onsite sewage treatment and disposal systems;
 383 F.S. § 381.0065 and Ch. 64E-6, F.A.C.
 384
 385 C. FDEP for activities subject to the Joint Coastal Permit; F.S. § 161.055.

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- D. FDEP for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Sec. 404 of the Clean Water Act.
 - E. Federal permits and approvals.
 - E. Site Plans and Construction Documents.**
 - 1. *Information for Development in Flood Hazard Areas.*
 - A. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and include, as applicable to the proposed development:
 - 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - 2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Sec. 7-301.E.2.B or Sec. 7-301.E.2.C.
 - 3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Sec. 7-301.E.2.A.
 - 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 - 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - 6. If the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 - 7. Extent of any proposed alteration of mangrove stands, provided such alteration is approved by FDEP.
 - 8. Existing and proposed alignment of any proposed alteration of a watercourse.

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- 429 9. Estimated labor and material costs.
 430
 431 B. The Floodplain Administrator is authorized to waive the submission of site plans,
 432 construction documents, and other data that are required by this section but that are
 433 not required to be prepared by a registered design professional if it is found that the
 434 nature of the proposed development is such that the review of such submissions is
 435 not necessary to ascertain compliance with this section.
 436
 437 2. *Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone*
 438 *A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data
 439 have not been provided, the Floodplain Administrator shall:
 440
 441 A. Require the applicant to include base flood elevation data prepared in accordance
 442 with currently accepted engineering practices.
 443
 444 B. Obtain, review, and provide to applicants base flood elevation and floodway data
 445 available from a federal or state agency or other source or require the applicant to
 446 obtain and use base flood elevation and floodway data available from a federal or
 447 state agency or other source.
 448
 449 C. Where base flood elevation and floodway data are not available from another
 450 source, where the available data are deemed by the Floodplain Administrator to not
 451 reasonably reflect flooding conditions, or where the available data are known to be
 452 scientifically or technically incorrect or otherwise inadequate:
 453
 454 1. Require the applicant to include base flood elevation data prepared in
 455 accordance with currently accepted engineering practices; or
 456
 457 2. Specify that the base flood elevation is two feet above the highest adjacent
 458 grade at the location of the development, provided there is no evidence
 459 indicating flood depths have been or may be greater than two feet.
 460
 461 D. Where the base flood elevation data are to be used to support a Letter of Map
 462 Change from FEMA, advise the applicant that the analyses shall be prepared by a
 463 Florida licensed engineer in a format required by FEMA, and that it shall be the
 464 responsibility of the applicant to satisfy the submittal requirements and pay the
 465 processing fees.
 466
 467 3. *Additional Analyses and Certifications.* As applicable to the location and nature of the
 468 proposed development activity, and in addition to the requirements of this section, the
 469 applicant shall have the following analyses signed and sealed by a Florida licensed
 470 engineer for submission with the site plan and construction documents:
 471

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- 472 A. For development activities proposed to be located in a regulatory floodway, a
 473 floodway encroachment analysis that demonstrates that the encroachment of the
 474 proposed development will not cause any increase in base flood elevations; where
 475 the applicant proposes to undertake development activities that do increase base
 476 flood elevations, the applicant shall submit such analysis to FEMA as specified in
 477 Sec. 7-301.E.4, Submission of Additional Data, and shall submit the Conditional
 478 Letter of Map Revision, if issued by FEMA, with the site plan and construction
 479 documents.
 480
 481 B. For development activities proposed to be located in a riverine flood hazard area
 482 for which base flood elevations are included in the Flood Insurance Study or on the
 483 FIRM and floodways have not been designated, hydrologic and hydraulic analyses
 484 that demonstrate that the cumulative effect of the proposed development, when
 485 combined with all other existing and anticipated flood hazard area encroachments,
 486 will not increase the base flood elevation more than one foot at any point within the
 487 community. This requirement does not apply in isolated flood hazard areas not
 488 connected to a riverine flood hazard area or in flood hazard areas identified as Zone
 489 AO or Zone AH.
 490
 491 C. For alteration of a watercourse, an engineering analysis prepared in accordance with
 492 standard engineering practices which demonstrates that the flood-carrying capacity
 493 of the altered or relocated portion of the watercourse will not be decreased, and
 494 certification that the altered watercourse shall be maintained in a manner which
 495 preserves the channel's flood-carrying capacity; the applicant shall submit the
 496 analysis to FEMA as specified in Sec. 7-301.E.4, Submission of Additional Data.
 497
 498 D. For activities that propose to alter ~~sand dunes or~~ mangrove stands in coastal high
 499 hazard areas (Zone V), an engineering analysis that demonstrates that the proposed
 500 alteration will not increase the potential for flood damage.
 501
 502 4. *Submission of Additional Data.* When additional hydrologic, hydraulic or other
 503 engineering data, studies, and additional analyses are submitted to support an
 504 application, the applicant has the right to seek a Letter of Map Change from FEMA to
 505 change the base flood elevations, change floodway boundaries, or change boundaries of
 506 flood hazard areas shown on FIRMs, and to submit such data to FEMA for such
 507 purposes. The analyses shall be prepared by a Florida licensed engineer in a format
 508 required by FEMA. Submittal requirements and processing fees will be the responsibility
 509 of the applicant.
 510 F. **Inspections.**
 511 1. *General.* Development for which a floodplain development permit or approval is
 512 required will be subject to inspection.
 513

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- 514 2. *Development Other than Buildings or Structures.* The Floodplain Administrator will
 515 inspect all development to determine compliance with the requirements of this section
 516 and the conditions of approval of a floodplain development permit.
 517
- 518 3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code.* The
 519 Floodplain Administrator will inspect buildings, structures, and facilities exempt from
 520 the Florida Building Code to determine compliance with the requirements of this section
 521 and the conditions of approval of a floodplain development permit.
 522
- 523 4. *Building Structures and Facilities Exempt from the Florida Building Code, Lowest Floor*
 524 *Inspection.* Upon placement of the lowest floor, including basement, and prior to further
 525 vertical construction, the owner of a building, structure, or facility exempt from the
 526 Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain
 527 Administrator:
 528
- 529 A. If a design flood elevation was used to determine the required elevation of the
 530 lowest floor, the certification of elevation of the lowest floor prepared and sealed
 531 by a Florida licensed professional surveyor; or
 532
- 533 B. If the elevation used to determine the required elevation of the lowest floor was
 534 determined in accordance with Sec. 7-301.E.2, Information in Flood Hazard Areas
 535 without Base Flood Elevations (Approximate Zone A), the documentation of height
 536 of the lowest floor above highest adjacent grade, prepared by the owner or the
 537 owner's authorized agent.
 538
- 539 5. *Buildings, Structures, and Facilities Exempt from the Florida Building Code, Final*
 540 *Inspection.* As part of the final inspection, the owner or owner's authorized agent shall
 541 submit to the Floodplain Administrator a final certification of elevation of the lowest
 542 floor or final documentation of the height of the lowest floor above the highest adjacent
 543 grade; such certifications and documentations shall be prepared as specified in Sec.
 544 7-301.F.4, Building Structures and Facilities Exempt from the Florida Building Code,
 545 Lowest Floor Inspection.
 546
- 547 6. *Manufactured Homes.* The Building Official shall inspect manufactured homes that are
 548 installed or replaced in flood hazard areas to determine compliance with the
 549 requirements of this section and the conditions of the issued permit. Upon placement of
 550 a manufactured home, certification of the elevation of the lowest floor shall be submitted
 551 to the Building Official.
 552
- 553 **G. Variances and Appeals.**
 554
- 555 1. *General.* The Planning, Zoning and Design Board ("PZDB"), acting as the Board of
 556 Adjustment and Appeals pursuant to Section 553.73(5), F.S., shall hear and decide on

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- 557 requests for appeals and requests for variances from the strict application of this section.
 558 This section does not apply to Sec. 3109 of the Florida Building Code, Building.
 559
- 560 2. *Appeals.* The PZDB shall hear and decide appeals when it is alleged there is an error in
 561 any requirement, decision, or determination made by the Floodplain Administrator in
 562 the administration and enforcement of this section. Any person aggrieved by the decision
 563 may appeal such decision to the Circuit Court, as provided by state law.
 564
- 565 3. *Limitations on Authority to Grant Variances.* The PZDB will base its decisions on
 566 variances on technical justifications submitted by applicants, the considerations for
 567 issuance in Sec. 7-301.G.7, Considerations for Issuance of Variances, the conditions of
 568 issuance set forth in Sec. 7-301.G.8, Conditions for Issuance of Variances, and the
 569 comments and recommendations of the Building Official. The PZDB has the right to
 570 attach such conditions as it deems necessary to further the purposes and objectives of
 571 this section.
 572
- 573 4. *Restrictions in Floodways.* A variance will not be issued for any proposed development
 574 in a floodway if any increase in base flood elevations would result, as evidenced by the
 575 applicable analyses and certifications required in Sec. 7-301.E.3, Additional Analyses
 576 and Certifications.
 577
- 578 5. *Historic Buildings.* A variance is authorized to be issued for the repair, improvement, or
 579 rehabilitation of a historic building that is determined eligible for the exception to the
 580 flood resistant construction requirements of the Florida Building Code, Existing
 581 Building, Chapter 12 ~~44~~ Historic Buildings, upon a determination that the proposed
 582 repair, improvement, or rehabilitation will not preclude the building's continued
 583 designation as a historic building and the variance is the minimum necessary to preserve
 584 the historic character and design of the building. If the proposed work precludes the
 585 building's continued designation as a historic building, a variance will not be granted and
 586 the building and any repair, improvement, and rehabilitation will be subject to the
 587 requirements of the Florida Building Code.
 588
- 589 6. *Functionally Dependent Uses.* A variance is authorized to be issued for the construction
 590 or substantial improvement necessary for the conduct of a functionally dependent use,
 591 as defined in this section, provided the variance meets the requirements of Sec.
 592 7-301.G.4, Restrictions in Floodways is the minimum necessary considering the flood
 593 hazard, and all due consideration has been given to use of methods and materials that
 594 minimize flood damage during occurrence of the base flood.
 595
- 596 7. *Considerations for Issuance of Variances.* In reviewing requests for variances, the PZDB
 597 will consider all technical evaluations, all relevant factors, all other applicable provisions
 598 of the Florida Building Code, this section, and the following:
 599

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- 600 A. The danger that materials and debris may be swept onto other lands resulting in
- 601 further injury or damage;
- 602 B. The danger to life and property due to flooding or erosion damage;
- 603 C. The susceptibility of the proposed development, including contents, to flood
- 604 damage and the effect of such damage on current and future owners;
- 605 D. The importance of the services provided by the proposed development to the
- 606 community;
- 607 E. The availability of alternate locations for the proposed development that are subject
- 608 to lower risk of flooding or erosion;
- 609 F. The compatibility of the proposed development with existing and anticipated
- 610 development;
- 611 G. The relationship of the proposed development to the comprehensive plan and
- 612 floodplain management program for the area;
- 613 H. The safety of access to the property in times of flooding for ordinary and emergency
- 614 vehicles;
- 615 I. The expected heights, velocity, duration, rate of rise and debris and sediment
- 616 transport of the floodwaters and the effects of wave action, if applicable expected
- 617 at the site; and
- 618 J. The costs of providing governmental services during and after flood conditions
- 619 including maintenance and repair of public utilities and facilities such as sewer, gas,
- 620 electrical and water systems, streets and bridges.
- 621
- 622 8. *Conditions for Issuance of Variances.* Variances may be issued only upon:
- 623
- 624 A. Submission by the applicant of a showing of good and sufficient cause that the
- 625 unique characteristics of the size, configuration, or topography of the site limit
- 626 compliance with any provision of this section or the required elevation standards;
- 627
- 628 B. Determination by the PZDB that:
- 629
- 630 1. Failure to grant the variance would result in exceptional hardship due to the
- 631 physical characteristics of the land that render the lot undevelopable; increased
- 632 costs to satisfy the requirements or inconvenience do not constitute hardship;
- 633
- 634 2. The granting of a variance will not result in increased flood heights, additional
- 635 threats to public safety, extraordinary public expense, nor create nuisances,
- 636 cause fraud on or victimization of the public or conflict with existing local
- 637 laws and regulations; and
- 638 3. The variance is the minimum necessary, considering the flood hazard, to
- 639 afford relief;
- 640
- 641 C. If the request is for a variance to allow construction of the lowest floor of a new
- 642 building, or substantial improvement of a building, below the required elevation, a

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copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

H. **Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, will be deemed a violation of this LDC. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

1. *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
2. *Unlawful Continuance.* Any person who continues any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, will be subject to penalties as prescribed by law.

7-302. Flood Resistant Development.

A. **Buildings and Structures Exempt from Florida Building Code.**

1. *Building and Structures Exempt from Florida Building Code.* In accordance with Sec. 7-301.D.3, Buildings, Structures, and Facilities Exempt from the Florida Building Code, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec. 7-302.G, Other Development.

2. *Amend the definitions of "substantial damage" and "substantial improvement" in the Florida Building Code, Building Section 202, and Florida Building Code. Existing Building Section 202, as follows:*

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SUBSTANTIAL DAMAGE. For the purposes of determining compliance with the flood provisions of this Code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes buildings and structures that have experienced repetitive loss.

SUBSTANTIAL IMPROVEMENT. For the purposes of determining compliance with the flood provision of this Code, any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins with the first improvement or repair of each building is permitted subsequent to November 18, 1992. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

B. Subdivisions.

1. *Minimum Requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. *Standards for Subdivision and Other Development Proposals.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

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- 728 A. Where the subdivision is greater than 50 lots or five acres and base flood elevations
729 are not included on the FIRM, base flood elevations determined in accordance with
730 Sec. 7-301.E.2.A; and
731
- 732 B. Compliance with the site improvement and utilities requirements of Sec. 7-302.C,
733 Site Improvements, Utilities and Limitations.
734
- 735 **C. Site Improvements, Utilities and Limitations.**
736
- 737 1. *Minimum Requirements.* All proposed new development will be reviewed to determine
738 that:
739
- 740 A. Such proposals are consistent with the need to minimize flood damage and will be
741 reasonably safe from flooding;
742
- 743 B. All public utilities and facilities such as sewer, gas, electric, communications, and
744 water systems are located and constructed to minimize or eliminate flood damage;
745 and
746
- 747 C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH
748 and AO, adequate drainage paths shall be provided to guide floodwaters around and
749 away from proposed structures.
750
- 751 2. *Sanitary Sewage Facilities.* All new and replacement sanitary sewage facilities, private
752 sewage treatment plants (including all pumping stations and collector systems), and on-
753 site waste disposal systems shall be designed in accordance with the standards for onsite
754 sewage treatment and disposal systems in Ch. 64E-6, F.A.C. and ASCE 24 Ch. 7 to
755 minimize or eliminate infiltration of floodwaters into the facilities and discharge from
756 the facilities into floodwaters, and impairment of the facilities and systems.
757
- 758 3. *Water Supply Facilities.* All new and replacement water supply facilities shall be
759 designed in accordance with the water well construction standards in Ch. 62-532.500,
760 F.A.C. and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the
761 systems.
762
- 763 4. *Limitations on Sites in Regulatory Floodways.* No development, including but not
764 limited to site improvements, and land disturbing activity involving fill or regrading,
765 may be authorized in the regulatory floodway unless the floodway encroachment
766 analysis required in Sec. 7-301.E.3.A, demonstrates that the proposed development or
767 land disturbing activity will not result in any increase in the base flood elevation.
768
- 769 5. *Limitations on Placement of Fill.* Subject to the limitations of this section, fill shall be
770 designed to be stable under conditions of flooding, including rapid rise and rapid

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drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

6. *Limitations on Sites in Coastal High Hazard Areas (Zone V).* In coastal high hazard areas, alteration of ~~sand dunes and~~ mangrove stands will be permitted only if such alteration is approved by the FDEP and only if the engineering analysis required by Sec. 7-301.E.3.D demonstrates that the proposed alteration will not increase the potential for flood damage.

D. **Manufactured Homes.**

1. *General.*

A. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed in accordance with F.S. § 320.8249, and shall comply with the requirements of Ch. 15C-1, F.A.C. and the requirements of this section.

B. The placement of manufactured homes or recreational vehicles is prohibited in coastal high hazard areas (Zone V), except in an existing manufactured home or recreational vehicle park or subdivision. A replacement manufactured home or recreational vehicle may be placed on a lot in an existing manufactured home or recreational vehicle park or subdivision, provided the anchoring standards of Sec. 7-302.D.3, Anchoring, and the elevation standards of Sec. ~~7-302.D.4, Elevation, 7-302.D.5, General Elevation Requirement, and Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, as applicable,~~ are met. New or expanded manufactured home or recreational vehicle parks or subdivisions are prohibited until such time, if ever, that Village of Estero Plan Policy 80.1.2 is amended or repealed so as to allow such new or expanded manufactured home or recreational vehicle development.

2. *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

A. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this section. ~~Foundations for manufactured homes subject to Sec. 7-302.D.6.B are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

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- 813 B. In coastal high hazard areas (Zone V), are designed in accordance with the
 814 foundation requirements of the Florida Building Code, Residential Section R322.3
 815 and this section.
 816
- 817 3. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be
 818 installed using methods and practices which minimize flood damage and shall be
 819 securely anchored to an adequately anchored foundation system to resist flotation,
 820 collapse, or lateral movement. Methods of anchoring include, but are not limited to, use
 821 of over-the-top or frame ties to ground anchors. This anchoring requirement is in
 822 addition to applicable state and local anchoring requirements for wind resistance.
 823
- 824 4. *Elevation.* All manufactured homes that are placed, replaced, or substantially improved
 825 in flood hazard areas shall be elevated such that the bottom of the frame is at or above
 826 the elevation required, as applicable to the flood hazard area, in the *Florida Building*
 827 *Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A*
 828 *Zone).* Manufactured homes that are placed, replaced, or substantially improved shall
 829 comply with Sec. 7 302.D.5, General Elevation Requirement, and Sec. 7 302.D.6,
 830 Elevation Requirement for Certain Existing Manufactured Home Parks and
 831 Subdivisions, as applicable.
 832
- 833 ~~5. *General Elevation Requirement.* Unless subject to the requirements of Sec. 7 302.D.6,~~
 834 ~~Elevation Requirement for Certain Existing Manufactured Home Parks and~~
 835 ~~Subdivisions, all manufactured homes that are placed, replaced, or substantially~~
 836 ~~improved on sites located: (a) outside of a manufactured home park or subdivision; (b)~~
 837 ~~in a new manufactured home park or subdivision; (c) in an expansion to an existing~~
 838 ~~manufactured home park or subdivision; or (d) in an existing manufactured home park~~
 839 ~~or subdivision upon which a manufactured home has incurred "substantial damage" as~~
 840 ~~the result of a flood, shall be elevated such that the top or the lowest floor is at or above~~
 841 ~~the elevation required, as applicable to the flood hazard area, in the Florida Building~~
 842 ~~Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~
 843
- 844 ~~6. *Elevation Requirement for Certain Existing Manufactured Home Parks and*~~
 845 ~~*Subdivisions.* Manufactured homes that are not subject to Sec. 7 302.D.5, General~~
 846 ~~Elevation Requirement, including manufactured homes that are placed, replaced, or~~
 847 ~~substantially improved on sites located in an existing manufactured home park or~~
 848 ~~subdivision, unless on a site where substantial damage as result of flooding has occurred,~~
 849 ~~shall be elevated such that either the:~~
 850
- 850 A. ~~Top or the lowest floor of the manufactured home is at or above the elevation~~
 851 ~~required, as applicable to the flood hazard area, in the Florida Building Code,~~
 852 ~~Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
 853
- 854 B. ~~Bottom of the frame is supported by reinforced piers or other foundation elements~~
 855 ~~of at least equivalent strength that are not less than 36 inches in height above grade.~~

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- 856
857 5.7- Enclosures. Enclosed areas below elevated manufactured homes shall comply with the
858 requirements of the Florida Building Code, Residential Sections R322.2 or R322.3, for
859 such enclosed areas, as applicable to the flood hazard area.
860
- 861 6.8- Utility Equipment. Utility equipment that serves manufactured homes, including electric,
862 heating, ventilation, plumbing, and air conditioning equipment and other service
863 facilities, shall comply with the requirements of the Florida Building Code, Residential
864 Section R322, as applicable to the flood hazard area.
865
- 866 **E. Recreational Vehicles and Park Trailers.**
867 1. *Temporary Placement.* Recreational vehicles and park trailers placed temporarily in
868 flood hazard areas shall:
869
- 870 A. Be on the site for fewer than 180 consecutive days; or
871
- 872 B. Be fully licensed and ready for highway use, which means the recreational vehicle
873 or park model is on wheels or jacking system, is attached to the site only by quick-
874 disconnect type utilities and security devices, and has no permanent attachments
875 such as additions, rooms, stairs, decks, and porches.
876
- 877 2. *Permanent Placement.* Recreational vehicles and park trailers that do not meet the
878 limitations in Sec. 7-302.E.1, Temporary Placement, shall meet the requirements of Sec.
879 7-302.D, Manufactured Homes.
880
- 881 **F. Tanks.**
882
- 883 1. *Underground Tanks.* Underground tanks in flood hazard areas shall be anchored to
884 prevent flotation, collapse, or lateral movement resulting from hydrodynamic and
885 hydrostatic loads during conditions of the design flood, including the effects of buoyancy
886 assuming the tank is empty.
887
- 888 2. *Above-Ground Tanks, Not Elevated.* Above-ground tanks that do not meet the elevation
889 requirements of Sec. 7-302.F.3, Above Ground Tanks, Elevated, shall:
890
- 891 A. Be permitted only in flood hazard areas (Zone A) other than coastal high hazard
892 areas, provided the tanks are anchored or otherwise designed and constructed to
893 prevent flotation, collapse, or lateral movement resulting from hydrodynamic and
894 hydrostatic loads during conditions of the design flood, including the effects of
895 buoyancy assuming the tank is empty and the effects of flood-borne debris.
896
- 897 B. Not be permitted in coastal high hazard areas (Zone V).
898

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- 899 3. *Above Ground Tanks, Elevated.* Above-ground tanks in flood hazard areas shall be
 900 attached to and elevated to or above the design flood elevation on a supporting structure
 901 that is designed to prevent flotation, collapse, or lateral movement during conditions of
 902 the design flood. Tank-supporting structures shall meet the foundation requirements of
 903 the applicable flood hazard area.
 904
- 905 4. *Tank Inlets and Vents.* Tank inlets, fill openings, outlets, and vents shall be:
 906
- 907 A. At or above the design flood elevation or fitted with covers designed to prevent the
 908 inflow of floodwater or outflow of the contents of the tanks during conditions of
 909 the design flood; and
 910
- 911 B. Anchored to prevent lateral movement resulting from hydrodynamic and
 912 hydrostatic loads, including the effects of buoyancy, during conditions of the design
 913 flood.
 914
- 915 G. **Other Development.**
 916
- 917 1. *General Requirements for Other Developments.* All development, including man-made
 918 changes to improved or unimproved real estate for which specific provisions are not
 919 specified in this section or the Florida Building Code, shall:
 920
- 921 A. Be located and constructed to minimize flood damage;
 922
- 923 B. Meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory
 924 Floodways, if located in a regulated floodway;
 925
- 926 C. Be anchored to prevent flotation, collapse, or lateral movement resulting from
 927 hydrostatic loads, including the effects of buoyancy, during conditions of the design
 928 flood;
 929
- 930 D. Be constructed of flood damage-resistant materials; and
 931
- 932 E. Have mechanical, plumbing, and electrical systems above the design flood
 933 elevation, except that minimum electric service required to address life safety and
 934 electric code requirements is permitted below the design flood elevation provided
 935 it conforms to the provisions of the electrical part of the Building Code for wet
 936 locations.
 937
- 938 2. ~~*Accessory Structures.* Accessory structures are not required to meet the elevation~~
 939 ~~requirements if they meet all of the following requirements, in addition to those set forth~~
 940 ~~in Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways:~~
 941

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- 942 A. The structure is securely anchored to resist flotation, collapse, and lateral
 943 movement;
 944
 945 B. The building is a minimal investment, and the total size of the building does not
 946 exceed 1,000 square feet in floor area;
 947
 948 C. The structure is used exclusively for uninhabitable parking or storage purposes;
 949
 950 D. All electrical or heating equipment is elevated above the base flood elevation or
 951 otherwise protected from intrusion of floodwaters; and
 952
 953 E. For accessory structures located in coastal high hazard areas (V zones), breakaway
 954 walls are used below the lowest floor;
 955
 956 Non-elevated accessory structures. Accessory structures are permitted below elevations
 957 required by the Florida Building Code provided the accessory structures are used only
 958 for parking or storage and:
 959
 960 A. If located in special flood hazard areas (Zone A/AE) other than coastal high
 961 hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in
 962 accordance with Section R322.2 of the Florida Building Code, Residential.
 963
 964 B. If located in coastal high hazard areas (Zone V/VE), are not located below
 965 elevated buildings and are not larger than 100 sq. ft.
 966
 967 C. Are anchored to resist flotation, collapse or lateral movement resulting from flood
 968 loads.
 969
 970 D. Have flood damage-resistant materials used below the base flood elevation plus
 971 one (1) foot.
 972
 973 E. Have mechanical, plumbing and electrical systems, including plumbing fixtures,
 974 elevated to or above the base flood elevation plus one (1) foot.
 975
 976 3. *Fences in Regulated Floodways.* Fences in regulated floodways that have the potential
 977 to block the passage of floodwaters shall meet the limitations of Sec. 7-302.C.4,
 978 Limitations on Sites in Regulatory Floodways.
 979
 980 4. *Retaining Walls, Sidewalks and Driveways in Regulated Floodways.* Retaining walls and
 981 sidewalks and driveways that involve the placement of fill in regulated floodways shall
 982 meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways.
 983

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- 984 5. *Roads and Watercourse Crossings in Regulated Floodways.* Roads and watercourse
 985 crossings, including roads, bridges, culverts, low-water crossings, and similar means for
 986 vehicles or pedestrians to travel from one side of a watercourse to the other side, that
 987 encroach into regulated floodways, shall meet the limitations of Sec. 7-302.C.4,
 988 Limitations on Sites in Regulatory Floodways. Alteration of a watercourse that is part of
 989 a road or watercourse crossing shall meet the requirements of Sec. 7-301.E.3, Additional
 990 Analyses and Certifications.
 991
- 992 6. *Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways,*
 993 *Patios, and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V).* In
 994 coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings,
 995 decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent
 996 to buildings and structures, provided the concrete slabs are designed and constructed to
 997 be:
 998
- 999 A. Structurally independent of the foundation system of the building or structure;
 1000
 1001 B. Frangible and not reinforced, so as to minimize debris during flooding that is
 1002 capable of causing significant damage to any structure; and
 1003
 1004 C. Have a maximum slab thickness of not more than four inches.
 1005
- 1006 7. *Decks and Patios in Coastal High Hazard Areas (Zone V).* In addition to the
 1007 requirements of the Florida Building Code, in coastal high hazard areas, decks and patios
 1008 shall be located, designed, and constructed in compliance with the following:
 1009
- 1010 A. A deck that is structurally attached to a building or structure shall have the bottom
 1011 of the lowest horizontal structural member at or above the design flood elevation
 1012 and any supporting members that extend below the design flood elevation shall
 1013 comply with the foundation requirements that apply to the building or structure,
 1014 which shall be designed to accommodate any increased loads resulting from the
 1015 attached deck.
 1016
- 1017 B. A deck or patio that is located below the design flood elevation shall be structurally
 1018 independent from buildings or structures and their foundation systems and shall be
 1019 designed and constructed either to remain intact and in place during design flood
 1020 conditions or to break apart into small pieces to minimize debris during flooding
 1021 that is capable of causing structural damage to the building or structure, or to
 1022 adjacent buildings and structures.
 1023
- 1024 C. A deck or patio that has a vertical thickness of more than 12 inches or that is
 1025 constructed with more than the minimum amount of fill necessary for site drainage
 1026 shall not be approved unless an analysis prepared by a qualified registered design

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- 1027 professional demonstrates no harmful diversion of floodwaters or wave runup and
 1028 wave reflection that would increase damage to the building or structure or to
 1029 adjacent buildings and structures.
 1030
 1031 D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural
 1032 grade or on nonstructural fill material that is similar to and compatible with local
 1033 soils and is the minimum amount necessary for site drainage may be approved
 1034 without requiring analysis of the impact on diversion of floodwaters or wave runup
 1035 and wave reflection.
 1036
 1037 8. *Other Development in Coastal High Hazard Areas (Zone V)*. In coastal high hazard
 1038 areas, development activities other than buildings and structures may be permitted only
 1039 if it is also authorized by the appropriate federal, state, or local authority; if located
 1040 outside the footprint of, and not structurally attached to, buildings and structures; and if
 1041 analyses prepared by qualified registered design professionals demonstrate no harmful
 1042 diversion of floodwaters or wave runup and wave reflection that would increase damage
 1043 to adjacent buildings and structures. Such other development activities include but are
 1044 not limited to:
 1045
 1046 A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control
 1047 structures;
 1048
 1049 B. Solid fences and privacy walls. and fences prone to trapping debris. unless designed
 1050 and constructed to fail under flood conditions less than the design flood or otherwise
 1051 function to avoid obstruction of floodwaters; and
 1052
 1053 C. On-site sewage treatment and disposal systems defined in Rule 64E-6.002, F.A.C.,
 1054 as filled systems or mound systems.
 1055
 1056 9. *Nonstructural Fill in Coastal High Hazard Areas (Zone V)*. In coastal high hazard areas:
 1057
 1058 A. Minor grading and the placement of minor quantities of nonstructural fill may be
 1059 permitted for landscaping and for drainage purposes under and around buildings.
 1060
 1061 B. Nonstructural fill with finished slopes that are steeper than one unit vertical to five
 1062 units horizontal may be permitted only if an analysis prepared by a qualified
 1063 registered design professional demonstrates no harmful diversion of floodwaters or
 1064 wave runup and wave reflection that would increase damage to adjacent buildings
 1065 and structures.
 1066
 1067 10. *Critical Facilities*. Critical facilities shall be located outside the limits of the special
 1068 flood hazard area where feasible. Construction of new critical facilities shall be
 1069 permissible within the special flood hazard area if no feasible alternative site is available.

Note: Yellow highlighting depicts most recent changes.

1070 If permitted, critical facilities shall be elevated or protected to or above the base flood
 1071 elevation, plus two feet, or the 500-year (0.2 percent chance) flood elevation, whichever
 1072 is higher. Flood proofing and sealing measures shall be implemented to ensure that toxic
 1073 substances will not be displaced by or released into floodwaters. Access routes elevated
 1074 to or above the base flood elevation shall be provided to all critical facilities, to the
 1075 maximum extent practicable. Critical facilities shall be designed to remain operable
 1076 during such an event.
 1077

1078 11. *Standards for Areas in the B, C, and X Zones.* All new buildings not located in the areas
 1079 of special flood hazard established in Sec. 7-301.B.1.C, shall have the lowest floor
 1080 elevation (including basement) constructed at least 12 inches above the crown of the
 1081 nearest local street, unless the Building Official determines there are extenuating
 1082 circumstances that would preclude meeting that elevation.
 1083

1084 **7-303. Definitions.**

1085 **A. General.**

- 1086 1. *Terms Defined in the Florida Building Code.* Where terms are not defined in this section
 1087 and are defined in the Florida Building Code, such terms will have the meanings ascribed
 1088 to them in that code.
 1089
 1090 2. *Terms Not Defined.* Where terms are not defined in this section or the Florida Building
 1091 Code, such terms will have ordinarily accepted meanings such as the context implies.
 1092
 1093
 1094

1095 **B. Definitions.** Unless otherwise expressly stated, the following words and terms, for the
 1096 purposes of this section only, have the meanings shown in this subsection.
 1097

1098 *Accessory structure* means a structure on the same parcel of property as a principal structure and
 1099 the use of which is limited to parking and storage incidental to the use of the principal structure.
 1100

1101 *Alteration of a Watercourse* means a dam, impoundment, channel relocation, change in channel
 1102 alignment, channelization, or change in cross-sectional area of the channel or the channel capacity,
 1103 or any other form of modification which may alter, impede, retard or change the direction and/or
 1104 velocity of the riverine flow of water during conditions of the base flood.
 1105

1106 *Appeal* means a request for a review of the Floodplain Administrator's interpretation of any
 1107 provision of this section.
 1108

1109 *ASCE 24* means a standard titled Flood Resistant Design and Construction that is referenced by
 1110 the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil
 1111 Engineers, Reston, VA.
 1112

Note: Yellow highlighting depicts most recent changes.

1113 *Base Flood* means a flood having a one percent chance of being equaled or exceeded in any given
 1114 year. [Also defined in Florida Building Code, B, Section 1612.2.] The base flood is commonly
 1115 referred to as the "100-year flood" or the "one-percent-annual chance flood."

1116
 1117 *Base Flood Elevation* means the elevation of the base flood, including wave height, relative to the
 1118 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other
 1119 datum specified on the Flood Insurance Rate Map (FIRM).

1120
 1121 *Basement* means the portion of a building having its floor subgrade (below ground level) on all
 1122 sides.

1123
 1124 *Coastal High Hazard Area* means a special flood hazard area extending from offshore to the inland
 1125 limit of a primary frontal dune along an open coast and any other area subject to high velocity
 1126 wave action from storms or seismic sources. ~~Coastal high hazard areas are also referred to as "high~~
 1127 ~~hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood~~
 1128 ~~Insurance Rate Maps (FIRM) as Zone VI-V30, VE, or V.~~

1129
 1130 *Conditional Letter of Map Revision (CLOMR)* means a formal review and comment as to whether
 1131 a proposed flood protection project or other project complies with the minimum NFIP
 1132 requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR
 1133 does not revise the effective FIRM or Flood Insurance Study; upon submission and approval of
 1134 certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the
 1135 effective FIRM.

1136
 1137 *Critical Facility* means one or more of the following:

- 1138
 1139 (1) Structures or facilities that commercially produce, use, or store highly volatile,
 1140 flammable, explosive, toxic and/or water-reactive materials that are defined as extremely
 1141 hazardous substances by the EPA under Sec. 302 of the Emergency Planning and
 1142 Community Right-to-Know Act, Title III of the Superfund Amendments and
 1143 Reauthorization Act of 1986, 42 USC;
 1144
 1145 (2) Nursing homes, hospitals, and social service homes;
 1146 (3) Structures used as law enforcement stations, fire stations, governmental vehicle and
 1147 equipment storage facilities, and emergency operations centers that are needed for
 1148 emergency response activities before, during, and after a flood incident; and
 1149 (4) Public or private utility facilities that are vital to maintaining and restoring normal
 1150 services to flooded areas before, during, and after a flood incident.

1151
 1152 *Design Flood* means the flood associated with the greater of the following two areas:

- 1153
 1154 (1) Area with a floodplain subject to a one percent or greater chance of flooding in any year;
 1155 or

Note: Yellow highlighting depicts most recent changes.

1156 (2) Area designated as a flood hazard area on the FIRM or otherwise legally designated.

1157

1158 *Design Flood Elevation* means the elevation of the "design flood," including wave height, relative
1159 to the datum specified on the FIRM. In areas designated as Zone AO, the design flood elevation
1160 will be the elevation of the highest existing grade of the building's perimeter plus the depth number
1161 (in feet) specified on the FIRM. In areas designated as Zone AO where the depth number is not
1162 specified on the map, the depth number will be taken as being equal to two feet.

1163

1164 *Development* means any man-made change to improved or unimproved real estate, including but
1165 not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent
1166 storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling
1167 operations, or any other land disturbing activities.

1168

1169 *Encroachment* means the placement of fill, excavation, buildings, permanent structures, or other
1170 development into a flood hazard area which may impede or alter the flow capacity of riverine flood
1171 hazard areas.

1172

1173 *Existing Building and Existing Structure* means any buildings and structures for which the "start
1174 of construction" commenced before September 19, 1984.

1175

1176 *Existing Manufactured Home Park or Subdivision* means a manufactured home park or
1177 subdivision for which the construction of facilities for servicing the lots on which the manufactured
1178 homes are to be affixed (including, at a minimum, the installation of utilities, the construction of
1179 streets, and either final site grading or the pouring of concrete pads) is completed before September
1180 19, 1984.

1181

1182 ~~*Expansion to an Existing Manufactured Home Park or Subdivision* means the preparation of~~
1183 ~~additional sites by the construction of facilities for servicing the lots on which the manufactured~~
1184 ~~homes are to be affixed (including the installation of utilities, the construction of streets, and either~~
1185 ~~final site grading or the pouring of concrete pads).~~

1186

1187 *Federal Emergency Management Agency (FEMA)* means the federal agency that, in addition to
1188 carrying out other functions, administers the National Flood Insurance Program.

1189 *Flood or Flooding* means a general and temporary condition of partial or complete inundation of
1190 normally dry land from:

1191

1192 (1) The overflow of inland or tidal waters.

1193

1194 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

1195

1196 *Flood Damage-Resistant Materials* means any construction material capable of withstanding
1197 direct and prolonged contact with floodwaters without sustaining any damage that requires more
1198 than cosmetic repair.

Note: Yellow highlighting depicts most recent changes.

- 1199
 1200 *Flood Hazard Area* means the greater of the following two areas:
 1201
 1202 (1) The area within a floodplain subject to a one percent or greater chance of flooding in any
 1203 year.
 1204
 1205 (2) The area designated as a flood hazard area on the FIRM or otherwise legally designated.
 1206
 1207 *Flood Insurance Rate Map (FIRM)* means the official map of the Village on which FEMA has
 1208 delineated both special flood hazard areas and the risk premium zones applicable to the Village.
 1209
 1210 *Flood Insurance Study (FIS)* means the official report provided by FEMA that contains the FIRM,
 1211 the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base
 1212 flood, and supporting technical data.
 1213
 1214 *Floodplain Administrator* means the office or position designated and charged with the
 1215 administration and enforcement of this section (may be referred to as the Floodplain Manager).
 1216 The Village Manager serves as the Floodplain Manager in accordance with this section.
 1217
 1218 *Floodplain Development Permit or Approval* means an official document or certificate issued by
 1219 the Floodplain Administrator, or other evidence of approval or concurrence, which authorizes
 1220 performance of specific development activities that are located in flood hazard areas and that are
 1221 determined to be compliant with this section.
 1222
 1223 *Floodway* means the channel of a river or other riverine watercourse and the adjacent land areas
 1224 that shall be reserved in order to discharge the base flood without cumulatively increasing the
 1225 water surface elevation more than one foot.
 1226
 1227 *Floodway Encroachment Analysis* means an engineering analysis of the impact that a proposed
 1228 encroachment into a floodway is expected to have on the floodway boundaries and base flood
 1229 elevations. The evaluation shall be prepared by a qualified Florida licensed engineer using standard
 1230 engineering methods and models.
 1231
 1232 *Florida Building Code* means the family of codes adopted by the Florida Building Commission,
 1233 including the Florida Building Code, Building; the Florida Building Code, Residential; the Florida
 1234 Building Code, Existing Building; the Florida Building Code, Mechanical; the Florida Building
 1235 Code, Plumbing; the Florida Building Code, Fuel Gas.
 1236
 1237 *Functionally Dependent Use* means a use which cannot perform its intended purpose unless it is
 1238 located or carried out in close proximity to water, including only docking facilities, port facilities
 1239 that are necessary for the loading and unloading of cargo or passengers, and ship building and ship
 1240 repair facilities; the term does not include long-term storage or related manufacturing facilities.
 1241

Note: Yellow highlighting depicts most recent changes.

1242 *Highest Adjacent Grade* means the highest natural elevation of the ground surface prior to
 1243 construction next to the proposed walls or foundation of a structure.

1244

1245 *Historic Structure* means any structure that is determined eligible for the exception to the flood
 1246 hazard area requirements of the Florida Building Code, Existing Building, Chapter 12-44: Historic
 1247 Buildings.

1248

1249 *Letter of Map Amendment (LOMA)* means an amendment based on technical data showing that a
 1250 property was incorrectly included in a designated special flood hazard area. A LOMA amends the
 1251 current effective FIRM and establishes that a specific property, portion of a property, or structure
 1252 is not located in a special flood hazard area.

1253

1254 *Letter of Map Change (LOMC)* means an official determination issued by FEMA that amends or
 1255 revises the FIRM or FIS. The LOMCs include: Letter of Map Amendment (LOMA), Letter of Map
 1256 Revision (LOMR), Letter of Map Revision Based on Fill (LOMR-F), and Conditional Letter of
 1257 Map Revision (CLOMR).

1258

1259 *Letter of Map Revision (LOMR)* means a revision based on technical data that may show changes
 1260 to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations,
 1261 and other planimetric features.

1262

1263 *Letter of Map Revision Based on Fill (LOMR-F)* means a determination that a structure or parcel
 1264 of land has been elevated by fill above the base flood elevation and is, therefore, no longer located
 1265 within the special flood hazard area. In order to qualify for this determination, the fill shall have
 1266 been permitted and placed in accordance with this section.

1267

1268 *Light-Duty Truck* means as defined in 40 CFR 86.082-2, any motor vehicle rated at 8,500 pounds
 1269 gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less
 1270 and which has a basic vehicle frontal area of 45 square feet or less, which is:

1271

1272 (1) Designed primarily for purposes of transportation of property or is a derivation of such
 1273 a vehicle;

1274

1275 (2) Designed primarily for transportation of persons and has a capacity of more than 12
 1276 persons; or

1277

1278 (3) Available with special features enabling off-street or off-highway operation and use.

1279

1280 *Lowest Floor* means the lowest floor of the lowest enclosed area of a building or structure,
 1281 including basement, but excluding any unfinished or flood-resistant enclosure, other than a
 1282 basement, usable solely for vehicle parking, building access or limited storage provided that such
 1283 enclosure is not built to render the structure in violation of the non-elevation requirements of the
 1284 Florida Building Code or ASCE 24.

1284

Note: Yellow highlighting depicts most recent changes.

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1285 *Manufactured Home* means a structure, transportable in one or more sections, which is eight feet
 1286 or more in width and greater than 400 square feet, and which is built on a permanent, integral
 1287 chassis and is designed for use with or without a permanent foundation when attached to the
 1288 required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park
 1289 trailer".

1290
 1291 *Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels) of land divided
 1292 into two or more manufactured home lots for rent or sale.

1293
 1294 *Market Value* means ~~the price at which a property will change hands between a willing buyer and~~
 1295 ~~a willing seller, neither party being under compulsion to buy or sell and both having reasonable~~
 1296 ~~knowledge of relevant facts. As used in this section, the term refers to the market~~ the value of
 1297 buildings and structures, excluding the land and other improvements on the parcel. Market value
 1298 ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind
 1299 replacement cost depreciated for age, wear and tear, neglect, and quality of construction)
 1300 determined by a qualified independent appraiser, or tax assessment value adjusted to approximate
 1301 market value by a factor provided by the Property Appraiser.

1302
 1303 *New Construction* means for the purposes of this section and the flood resistant construction
 1304 requirements of the Florida Building Code, structures for which the "start of construction"
 1305 commenced on or after September 19, 1984 and includes any subsequent improvements to such
 1306 structures.

1307
 1308 ~~*New Manufactured Home Park or Subdivision* means a manufactured home park or subdivision~~
 1309 ~~for which the construction of facilities for servicing the lots on which the manufactured homes are~~
 1310 ~~to be affixed (including at a minimum, the installation of utilities, the construction of streets, and~~
 1311 ~~either final site grading or the pouring of concrete pads) is completed on or after September 19,~~
 1312 ~~1984.~~

1313
 1314 *Park Trailer* means a transportable unit which has a body width not exceeding 14 feet and which
 1315 is built on a single chassis and is designed to provide seasonal or temporary living quarters when
 1316 connected to utilities necessary for operation of installed fixtures and appliances.

1317
 1318 *Permanent Construction* means does not include land preparation (such as clearing, grading, or
 1319 filling), the installation of streets or walkways, excavation for a basement, footings, piers, or
 1320 foundations, the erection of temporary forms or the installation of accessory buildings such as
 1321 garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial
 1322 improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor
 1323 or other structural part of a building, whether or not that alteration affects the external dimensions
 1324 of the building.

1325
 1326 *Recreational Vehicle* means a vehicle, including a park trailer, which is:
 1327

Note: Yellow highlighting depicts most recent changes.

- 1328 (1) Built on a single chassis;
 1329
 1330 (2) 400 square feet or less when measured at the largest horizontal projection;
 1331
 1332 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
 1333 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters
 1334 for recreational, camping, travel, or seasonal use.
 1335
 1336 *Repetitive Loss* means flood-related damage sustained by a structure on two separate occasions
 1337 during a ten-year period for which the cost of repairs at the time of each flood event, on the average,
 1338 equals or exceeds 25 percent of the market value of the structure before the damage occurred.
 1339
 1340 *Special Flood Hazard Area* means an area in the floodplain subject to a one percent or greater
 1341 chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A,
 1342 AO, AI-A30, AE, A99, AH, VI-V30, VE or V.
 1343
 1344 *Start of Construction.* The date of issuance of permits for new construction and substantial
 1345 improvements, provided the actual start of construction, repair, reconstruction, rehabilitation,
 1346 addition, placement, or other improvement is within 180 days of the date of the issuance. The
 1347 actual start of construction means either the first placement of permanent construction of a building
 1348 (including a manufactured home) on a site, such as the pouring of slab or footings, the installation
 1349 of piles, the construction of columns.
 1350
 1351 *Substantial Damage* means damage sustained by a building or structure whereby the cost of
 1352 restoring the building or structure to its before-damaged condition would equal or exceed 50
 1353 percent of the market value of the building or structure before the damage occurred. The term also
 1354 includes buildings and structures that have experienced repetitive loss.
 1355
 1356 *Substantial Improvement* means any combination of repair, reconstruction, rehabilitation,
 1357 alteration, addition, or other improvement of a building or structure, taking place during a five-
 1358 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the
 1359 building or structure before the improvement or repair is started. For each building or structure,
 1360 the five-year period begins on the date of the first improvement or repair of the building or structure
 1361 subsequent to November 18, 1992. If the structure has incurred "substantial damage," any repairs
 1362 are considered substantial improvement regardless of the actual repair work performed. The term
 1363 does not include either:
 1364
 1365 (1) Any project for improvement of a building required to correct existing health, sanitary,
 1366 or safety code violations identified by the Building Official and that are the minimum
 1367 necessary to assure safe living conditions.
 1368
 1369 (2) Any alteration of a historic structure provided the alteration will not preclude the
 1370 structure's continued designation as a historic structure.

Note: Yellow highlighting depicts most recent changes.

1371

1372 *Variance* means a grant of relief from the requirements of this section, or the flood resistant
 1373 construction requirements of the Florida Building Code, which permits construction in a manner
 1374 that would not otherwise be permitted by this section or the Florida Building Code.

1375

1376 *Watercourse* means a river, creek, stream, channel, or other topographic feature in, on, through, or
 1377 over which water flows at least periodically.

1378

1379 **Section 2. Repeal of Ordinance 2015-16.**

1380

1381 The Village Council hereby confirms that the adoption of the Land Development Code by
 1382 Ordinance 2020-10, specifically Section 1-902 adopting the Florida Building Code as codified in
 1383 Chapter 553, Florida Statutes, was intended to repeal earlier building code regulations adopted by
 1384 Ordinance 2015-16, and that to eliminate any doubt declares that Ordinance 2015-16 is no longer
 1385 in effect.

1386

1387 **Section 3. Severability.**

1388

1389 If any provision of this ordinance or its application to any person or circumstance is held
 1390 invalid, the invalidity does not affect other provisions or applications of this ordinance which can
 1391 be given effect without the invalid provision or application, and to this end the provisions of this
 1392 ordinance are severable.

1393

1394 **Section 4. Conflicts.**

1395

1396 All ordinances, resolutions, official determinations or parts thereof previously adopted or
 1397 entered by the Village or any of its officials and in conflict with this ordinance are hereby repealed
 1398 to the extent inconsistent herewith.

1399

1400 **Section 5. Effective Date.**

1401

1402 This Ordinance shall take effect immediately upon adoption.

1403

1404 **PASSED** on first reading this 19th day of October, 2022.

1405

1406 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
 1407 Florida this 2nd day of November, 2022.

1408

1409 Attest:

VILLAGE OF ESTERO, FLORIDA

1410

1411

1412 By: _____
 1413 Carol Sacco, Village Clerk

By: _____
 Katy Errington, Mayor

Note: Yellow highlighting depicts most recent changes.

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1414
 1415
 1416 Reviewed for legal sufficiency:
 1417
 1418
 1419 By: _____
 1420 Nancy E. Stroud, Esq.
 1421 Village Land Use Attorney
 1422
 1423
 1424 Vote: AYE NAY
 1425 Mayor Errington _____ _____
 1426 Vice Mayor McLain _____ _____
 1427 Councilmember Ribble _____ _____
 1428 Councilmember Fiesel _____ _____
 1429 Councilmember Boesch _____ _____
 1430 Councilmember Ward _____ _____
 1431 Councilmember Wilson _____ _____

Note: Yellow highlighting depicts most recent changes.

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Page **34** of **34**

**AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 16, 2022**

Agenda Item:

Second reading of Ordinance No. 2022-17 adopting new Flood Insurance Rate Maps.

Motion to approve Ordinance No. 2022-17.

Background:

The Federal Emergency Management Agency (FEMA) has advised the Village that the revised Flood Insurance Rate Maps effective November 17, 2022 must be adopted by ordinance.

Description:

There is a series of eight maps on the Village Website that depict the changes. These maps generally expand the floodway and floodplain areas in the Village and set higher flood elevations. The maps were revised to reflect updated storm modeling.

The maps were presented and explained at the first reading and can be found at the following link: [Preliminary Flood Maps.pdf \(estero-fl.gov\)](#)

Action Requested:

Motion to approve Ordinance No. 2022-17.

Process and Timeline:

- Planning, Zoning and Design Board Review not required
- Council 1st Reading November 2, 2022
- Council 2nd Reading November 16, 2022

Financial Impact:

Minor cost of newspaper advertisement for 2nd Reading

Prepared by: Mary Gibbs

Attachments:

1. Ordinance No. 2022-17

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 17

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, ADOPTING NEW
FLOOD INSURANCE RATE MAPS (FIRM) FOR FLOOD
ZONES IN THE VILLAGE OF ESTERO; PROVIDING
FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Village of Estero participates in the National Flood Insurance Program (NFIP) and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 6, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, as a result of the most recent Flood Insurance Study for Lee County and Incorporated Areas by the Federal Emergency Management Agency (FEMA), effective November 17, 2022, the current Flood Insurance Rate Maps for flood zones in the Village of Estero are required to be revised with new maps; and

WHEREAS, the Village Council at a duly noticed hearing on November 2, 2022 passed this Ordinance on first reading; and

WHEREAS, the Village Council at a duly noticed hearing on November 16, 2022, considered public comment, the recommendation of the Village staff, and the public health, safety and welfare of the Village;

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

Section 1. Adoption of Flood Insurance Rate Maps.

The Village Council hereby adopts the November 17, 2022 Flood Insurance Rate Maps, attached as Exhibit A hereto, consisting of a set of ten maps, and available on file at the Village Department of Community Development.

Section 2. Severability.

If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 16, 2022

Agenda Item:

Village of Estero Utility Expansion Projects Update

Description:

Village of Estero Staff will provide an update on the Village's utility expansion projects including, Estero Bay Village, Sunny Groves, Cypress Bend, Broadway Ave. West, and Broadway Ave. East.

The update will include the current project status, project schedule, and estimated project costs for the package wastewater treatment plant projects.

Financial Impact:

The project updates will include updated costs estimates for the Estero Bay Village, Sunny Groves, and Cypress Bend projects.

Prepared by: David Willems, P.E.

Attachments:

1. Presentation



Utility Projects Update

David Willems, P.E.

Slide 1



Outline

- Project Locations
- Package Treatment Plant Projects
 - Estero Bay Village
 - Sunny Groves
 - Cypress Bend
- Broadway Ave. West
- Broadway Ave. East

Slide 2



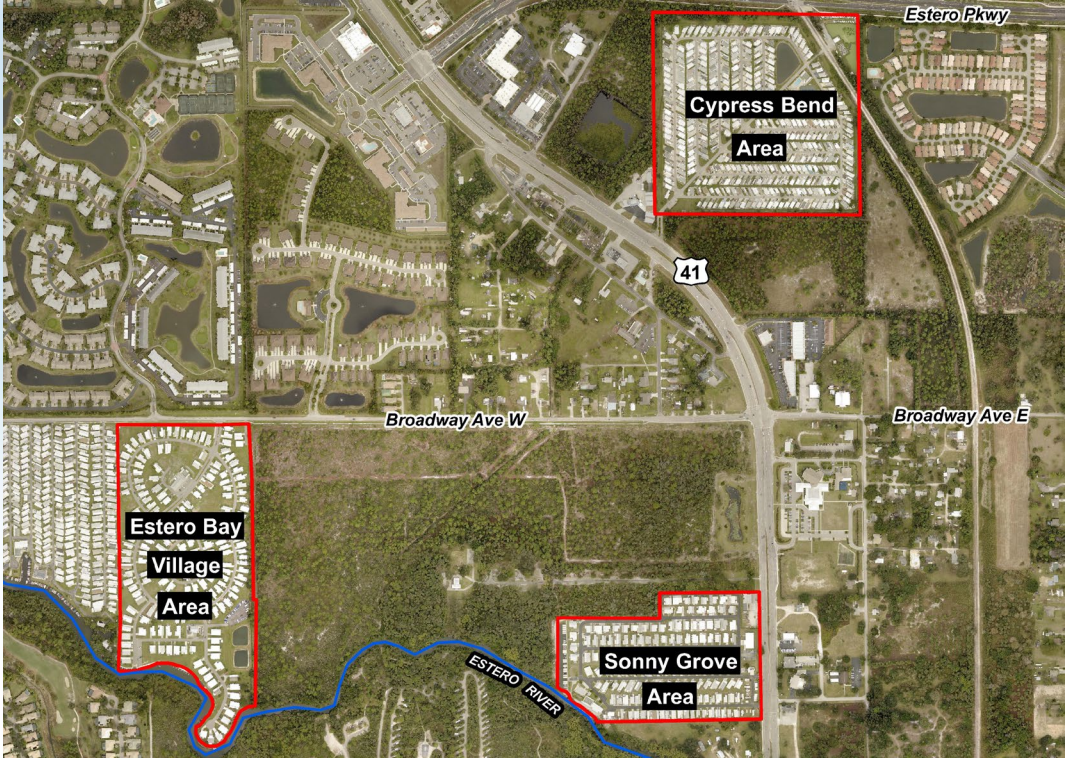
Locations Map



Slide 3



Package Treatment Plants



Slide 4



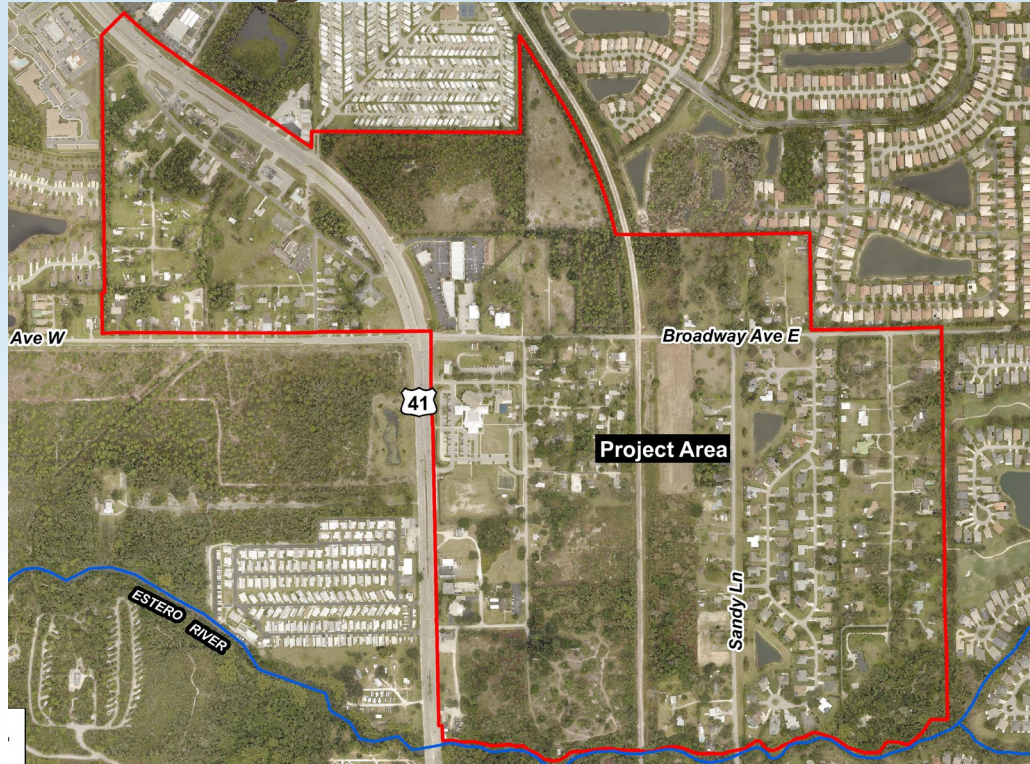
Broadway Ave. West



Slide 5



Broadway Ave. East



Slide 6



QUESTIONS?

Slide 7