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**APPROVED BY COUNCIL
NOVEMBER 17, 2021**

VILLAGE COUNCIL MEETING

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

October 27, 2021 9:30 a.m.

1. CALL TO ORDER

INVOCATION: Pastor Chris Mueller Legacy Church.

PLEDGE OF ALLEGIANCE: Led by Councilmember Ward.

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 (left meeting at 9:40 a.m.), and Councilmember Jim Wilson - District 7 (via Zoom).

Also present: Village Manager Steve Sarkozy, Village Attorney Derek Rooney, Village 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 permit Councilmember Wilson to participate remotely in Zoom Presentation.

Motion by: Councilmember Ribble

Seconded by: Councilmember Fiesel

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

Vote:

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

Nay:

Abstentions:

Council Questions or Comments:

Councilmember Ward stated he would be recusing himself from the Brooks Town Center items based on the advice of the Village Attorney, and for that reason he would be leaving the meeting.

Motion: Motion to approve agenda.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ribble

Action: Approved agenda.

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

Nay:

Abstentions:

3. ACTION ITEMS

(a) Brooks Town Center – Request to Intervene

Staff Presentation/Comments:
Nancy Stroud, Land Use Attorney

Village Attorney Comments
Derek Rooney, Village Attorney

Presentation/Information by:
Beverly Grady, Attorney for Intervenors
Neale Montgomery, Pavese Law Firm, Attorney for Applicant

Council Questions or Comments:
Councilmember Boesch and Vice Mayor McLain

Public Comments:
None.

Motion: Motion to allow the proposed intervenors to participate in the quasi-judicial proceedings to follow.

Motion by: Councilmember Boesch
Seconded by: Councilmember McLain

Action: Approved motion to allow legal representative of homeowners' associations a limited time to speak on each item.

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

4. QUASI-JUDICIAL HEARING
(a) Brooks Town Center -- Vested Rights Determination

Village Attorney Rooney provided information regarding Board business and quasi-judicial hearings. All audience members, parties and staff providing testimony for both quasi-judicial hearings were sworn in by Village Clerk Carol Sacco. Council Members noted they had a conversation with Staff regarding this matter and received email from the public and Ms. Grady and the Intervenors who submitted a list of persons who object to the Project

Staff Presentation/Comments:

Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney
Gary Oldehoff, Attorney
Walter Keller, Registered Professional Engineer in the state of Florida

Attorney Comments:

Derek Rooney, Village Attorney

Presentation/Information by:

Neale Montgomery, Pavese Law Firm, Attorney for Applicant
Beverly Grady, Attorney for Intervenors
Greg Stuart, Stuart and Associates
Mark Staines, President of Copper Leaf Golf Club
Robert Block, President of Lighthouse Bay
Jim Rock, 9201 Spring Run Blvd
John "Rod" Woolsey, 10240 Orchid Ridge Lane

Council Questions or Comments:

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

Public Comments:

In-Person:

Frank Duke, The Brooks
Julie McCann, 2380 Copper Leaf Blvd

eComments:

Susan Bippen, The Brooks
Patrick McGarry, Spring Ridge
Leah Scodras, Spring Run Golf at The Brooks
Bernard Bippen, Shadowood
Patrick McGarry, Spring Ridge
Rod Woolsey, The Brooks
Glenn H. Korhage
Gerald R O'Connor, Oak Hammock
Shelly Frank

Motion: Motion to acknowledge based on substantial competent evidence and applicable laws the vesting for the use of “multifamily low rise” for the property owner Long Bay Partners, LLC only, as to use only. No vested rights exist for any specific number of units in the Town Center or the Proposed project, and no vested rights exist for an administrative (staff) final plan review process.

Motion by: Councilmember Boesch
Seconded by: Councilmember Fiesel

Action: Acknowledged based on substantial competent evidence and applicable laws the vesting for the use of “multifamily low rise” for the property owner Long Bay Partners, LLC only, as to use only. No vested rights exist for any specific number of units in the Town Center or the Proposed project and no vested right exist for an administrative (staff) final plan review process.

Vote: (Roll Call)

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

Nay:

Abstentions:

Council Recessed at 12:08 pm and Reconvened at 12:24 pm

(b) Brooks Town Center -Appeal of Administrative Decision by staff

Council Members noted they had a conversation with Staff regarding this matter and received email from the public.

Staff Presentation/Comments:

Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney

Village Attorney Comments

Derek Rooney, Village Attorney

Presentation/Information by:

Neale Montgomery, Pavese Law Firm, Attorney for Applicant
Paula McMichael, Hole Montes
Beverly Grady, Attorney for Intervenor
Mark Staines, President of Copper Leaf Golf Club

John “Rod” Woolsey, 10240 Orchid Ridge Lane

Council Questions or Comments:

Councilmember Boesch

Public Comments:

eComments:

Susan Bippen, The Brooks
Patrick McGarry, Spring Ridge
Leah Scodras, Spring Run Golf at The Brooks
Bernard Bippen, Shadowood
Patrick McGarry, Spring Ridge
Rod Woolsey, The Brooks
Glenn H. Korhage
Gerald R O’Connor, Oak Hammock
Shelly Frank

Motion: Motion based on substantial competent evidence, to affirm the Staff’s decision that a final plan approval is not an Administrative Decision and that a Minor Planned Development Amendment is necessary for the project.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Boesch

Action: Based on substantial competent evidence, affirmed the Staff’s decision that a final plan approval is not an Administrative Decision and that a Minor Planned Development Amendment is necessary for the project.

Vote: (Roll Call)

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

Nay:

Abstentions:

15. ADJOURNMENT at 1:09 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.