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**APPROVED BY COUNCIL**

**JANUARY 3, 2024**

**VILLAGE COUNCIL REGULAR MEETING**

**Village of Estero Council Chambers**

**9401 Corkscrew Palms Circle**

**Estero, FL 33928**

**December 13, 2023 9:30 a.m.**

**1. CALL TO ORDER**

**INVOCATION**

Pastor Kyle Strom, Ocean Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**Also present**

Village Attorney Robert Eschenfelder, Village Land Use Attorney Nancy Stroud, Community Development Director Mary Gibbs, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

**2. PUBLIC HEARING (Quasi Judicial)**

**(a) Appeal of Brooks Town Center Apartments Development Order  
DOS2022-E010 (PZDB)**

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

No conflicts of interest were noted. Mayor McLain stated he met with some residents of Brooks to discuss their concerns. Councilmember Ward spoke with Ms. Wyrofsky prior to the appeal being noted and has not spoken to her since.

Community Development Director Gibbs briefly introduced the matter, including the staff's analysis regarding who would qualify as Affected Parties.

Attorney Hartsell representing the Applicant /Developer objected to the people being Affected Parties.

Appellant Kathy Wyrofsky objected that they were not all considered aggrieved parties.

### **Appellants/Affected Parties Presentation**

- **Presentation/Information by**  
Kathy Wyrofsky, Shadow Wood  
David Small, Shadow Wood  
Bill Clark, Shadow Wood  
Maryann Blakeley, Shadow Wood
- **Cross Examination of any witness**
  - **Staff**  
None.
  - **Applicant/Developer**  
None.
  - **Board Questions or Comments**  
None.

### **Village Staff Presentation**

- **Staff Presentation/Comments**  
Nancy Stroud, Land Use Attorney  
Mary Gibbs, Community Development Director
- **Cross Examination of any witness**
  - **Appellants/Affected Parties**  
Kathy Wyrofsky, Shadow Wood
  - **Applicant/Developer**  
None.
  - **Board Questions or Comments**  
None.

**Recess at 11:04 am and Convene 11:16 am.**

### **Applicant/Developer Presentation**

- **Applicant/Developer**  
Steve Hartsell, Esq, Pavese Law Firm  
Charles Krebs, PE, Hole Montes  
Tom Cavanaugh, PAC Land Development Corp.

- **Cross Examination of any witness**
  - **Appellants/Affected Parties**
    - Kathy Wyrofsky, Shadow Wood
    - David Small, Shadow Wood

### **Council Questions or Comments**

Councilmembers Ward, Fayhee, and Mayor McLain

### **Public Comments**

#### **In Person**

Tammy Rose, Brooks Town Center (A Cut Above of Estero)  
 William Clark, Shadow Wood  
 Sandy Small, Shadow Wood  
 David Small, Shadow Wood  
 Kathy Wyrofsky, Shadow Wood  
 Gayleen Clark, Shadow Wood  
 MaryLou Kennedy, Shadow Wood  
 Susan Nicoletti, Shadow Wood  
 Gregory Lewis, Shadow Wood  
 Bob Dolwick, Spring Run  
 Maryann Blakeley, Shadow Wood  
 Glenn Korfhage, Shadow Wood  
 Ron Mishko, Lighthouse Bay  
 Max Robinson, Shadow Wood  
 Clark McKenzie, Highlands Ave

#### **eComments**

Lisa and Seth Shaine, Copperleaf at the Brooks  
 Chris McMillin, Estero Place  
 Linda Lambert, Lighthouse Bay  
 Thomas Maguire, Shadow Wood  
 Richard Schirripa, Shadow Wood  
 Donna Maguire, Shadow Wood  
 Michael Walsman, Shadow Wood  
 Mario Lucarelli, Lighthouse Bay  
 Mary Jean Ambrose, Copperleaf  
 Terri Wesselman, Shadow Wood  
 Ronald Ferguson, Brooks  
 Steve Dulieu, Shadow Wood  
 Dennis Blakeley, Shadow Wood  
 Mike Jacobson, Shadow Wood  
 Patricia O'Toole, Shadow Wood  
 Sam and Barbara Westbladh, Spring Run  
 Greg Lewis, Shadow Wood  
 Michael Carbone, Shadow Wood

## **Appellants/Affected Parties Rebuttal Statement**

- **Appellants/Affected Parties**  
Kathy Wyrofsky, Shadow Wood

### **Council Discussion**

Councilmembers Ward, Fayhee, Zalucki, Lopez, and Mayor McLain

### **Staff Presentation/Comments**

Rob Eschenfelder, Village Attorney

**Motion:** Motion to affirm the decision of the Planning Zoning & Design Board to issue the development order, including the conditions that have been set forth therein.

**Motion by:** Councilmember Fiesel

**Seconded by:** Councilmember Lopez

**Action:** Affirmed the decision of the Planning Zoning & Design Board to issue the development order, including the conditions that have been set forth therein.

**Vote:** (Roll Call)

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

**Nay:**

**Abstentions:**

### **3 . ADJOURNMENT at 12:37 pm**

Motion by Councilmember Fiesel.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: \_\_\_\_\_

By: \_\_\_\_\_

Carol Sacco, CMC, Village Clerk

Jon McLain, Mayor

(td/CS)

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