

**MINUTES REPORT
EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
(ERO)
Wednesday, July 14, 2021
2:00 p.m.**

Committee Members Present:

Randal Mercer, Chairman	Mike Roeder
Tracy Hayden, Vice Chair	Jim Ink
Matthew Roepstorff	Tim Keene
Michael Reitmann	

Excused / Absent:

Victor DuPont	Ian Moore
Sam Hagan	Bob Knight
Buck Ward	Bill deDeugd
Carl Barraco Jr.	Bill Ennen

Lee County Government Staff Present:

David Loveland, Director, Community Development
Commissioner Kevin Ruane
Joe Adams, Assistant County Attorney
Amanda Swindle, Assistance County Attorney
Dirk Danley, Jr., Sr. Planner, Zoning
Mikki Rozdolski, Manager, Planning
Tyler Griffin, Planner, Planning
Deborah Carpenter, DCD Admin, Recorder

Outside Consultants/Members of the Public Present:

David Mintz, Captiva Community Panel
Ken Gooderman, Captiva Community Panel

CALL TO ORDER AND AFFIDAVIT:

The meeting was held in the Admin East Building, Room 118, 2115 Second Street, Fort Myers, Florida. Mr. Randal Mercer, Chair called the meeting to order at 1:59 p.m.

Mr. Joe Adams reviewed the Affidavit of Publication and found it legally sufficient as to form and content.

APPROVAL OF MINUTES – MARCH 10, 2021

Ms. Tracy Hayden made a motion to approve the March 10, 2021 minutes. Mr. Michael Reitmann seconded. The motion was called and carried unanimously.

CAPTIVA LDC AMENDMENTS

Ms. Tyler Griffin, DCD Planning Section, introduced the Captiva Amendments stating they were being proposed by the Captiva Community Planning Panel. In June, the Board of County Commissioners recommended that the amendments be reviewed by Committees. The Land Development Code Advisory Committee (LDCAC) reviewed the amendments on 7/9/21 and had a couple of technical comments and asked for clarification of definitions in a couple of sections, but otherwise, moved for approval. She said Mr. David Mintz representing the Captiva Community Planning Panel was present to answer any questions about the proposed amendments.

Mr. Mintz provided background information and gave an overview of the amendments and said he was available for questions, as was Mr. Ken Gooderman, the administrator of the Captiva Community Panel.

Mr. Mercer asked how many members were on the Captiva Panel and which other committees had looked at the amendments so far. Mr. Mintz said there were 11 panel members. The LDCAC reviewed the amendments on July 9th (2021) and had 2 suggestions, one was grammatical, the other was to define Florida Friendly in connection with plants that are not exotics or invasive. He said the term has been adopted by the State and although that terminology is currently used by County staff it is not defined in the LDC. Staff agreed to look at adding that definition.

Mr. Matthew Roepstorff had two questions in connection with Division 3. The first was about Sec 33-1638(a)(3) and the change from lock-off *units* to *accommodations*. Ms. Mikki Rozdolski, Planning Manager, explained that this was to maintain consistency with density as defined elsewhere in Chapter 34. Mr. Dirk Danley explained that lock-off unit is not a defined term in the Code whereas lock-off accommodation is defined in Sec 34-2. In Chapter 33, lock-off accommodation is counted as a dwelling unit. Elsewhere, it may be considered an accessory apartment, in Ch34 this is a defined term.

His other question was about heritage trees and who makes the decision with respect to preserving or relocating trees. Mr. Mintz responded that this is not a new provision; the language was moved here from Chapter 34, however, he suspected that anything of this nature would be reviewed during the development review process.

Mr. Tim Keene referred to lighting standards in **Sec. 33-1623**. He was concerned that the proposed language in subsection **(a)(5)** would be hard to enforce unless terminology such as “shine, shining” and “immediately” were better defined or a numeric value added, as well as outlining what penalties would be applied if not corrected. Mr. Mintz explained that following adoption of this language, the Panel would provide a summary of the changes which would be sent to property owners, real estate developers and rental agencies asking for voluntary compliance. If there is a complaint, a formal code enforcement complaint will be filed and Code Enforcement will determine if there is a violation. If a violation is filed, normal code enforcement procedures and penalties will follow. Staff agreed to look at clarifying the language and get rid of ambiguity.

Mr. Jim Ink agreed with Mr. Keene about the lighting standards because he too deals with that issue on a fairly common basis.

Mr. Mercer reviewed the amendments page by page and asked for Committee comments as necessary.

Mr. Roepstorff asked about the size requirements for the unpermitted signs and Mr. Mintz said the size of the signs had actually been increased to make them more readable.

Mr. Mercer reviewed the recommended changes/clarifications – staff will look at adding a definition for Florida Friendly, and will look at clarifying the lighting standards to include language or definitions of the terminology “shine, shining, illumination and immediately” .

Mr. Roepstorff made a motion to move the amendments forward with proposed changes as noted. Mr. Keene seconded. The motion was called and passed unanimously.

There was no other business. Mr. Mercer asked if there were any public comments; hearing none, he adjourned the meeting at 2:26 p.m.

The next meeting was tentatively scheduled for September 8, 2021.