

**MINUTES REPORT
EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
(EROC)
Wednesday, January 12, 2022
2:00 p.m.**

Committee Members Present:

Randal Mercer, Chairman
Tracy Hayden, Vice Chair
Mike Roeder
Bob Knight

Buck Ward
Ian Moore
Bill deDeugd
Carl Barraco Jr.

Excused / Absent:

Victor DuPont
Sam Hagan
Mike Reitmann
Tim Keene

Matthew Roepstorff
Bill Ennen
Jim Ink

Lee County Government Staff Present:

David Loveland, Director, Community Development
Mikki Rozdolski, Manager, Planning Section
Michael Jacob, Deputy County Attorney
Joe Adams, Assistant County Attorney
Cheryl Simpson, DCD Admin, Recorder

Outside Consultants/Members of the Public Present:

Ron Inge, Bell Road Mine
Al Townsend, Titan Mine

CALL TO ORDER AND AFFIDAVIT:

The meeting was held in the Commission Chambers, 2120 Main Street, Fort Myers, Florida. Mr. Randal Mercer, Chair called the meeting to order at 2:00 p.m.

Mr. Joe Adams, Assistant County Attorney confirmed the Affidavit of Publication was legally sufficient as to form and content and the meeting could proceed

APPROVAL OF MINUTES – NOVEMBER 10, 2021

Mr. Mercer confirmed that all had received the corrected version of the minutes which made a slight change to the meeting attendance but did not change the text. Mr. Buck Ward made a motion to approve the corrected November 10, 2021 minutes. Mr. Bob Knight seconded. The motion was called and carried unanimously.

LDC AMENDMENTS

Mr. David Loveland, Director, Community Development, introduced a proposed amendment of Chapter 12 which would establish a procedure to expand the limited procedures for processing a zoning amendment for Existing Mines. Currently the LDC permits Existing Mines to amend their current zoning approvals to allow for dewatering and/or extension of the mine duration. The proposed amendments would add a mechanism to allow Existing Mines to pursue an increase in maximum permitted depth by amending their current zoning approvals, instead of

rezoning to an MEPD as is currently required in Chapter 12.

At Mr. Mercer's request, Mr. Loveland reviewed the process and the documentation that would be required to be submitted for a zoning amendment for a depth increase within the approved mine footprint. Amendments to bring the existing mine into greater compliance with current mining regulations, including Chapter 12, may be requested in conjunction with a request for dewatering, extension of mine duration or increase of depth. A mine development order amendment must also be approved prior to commencing activities authorized by the zoning amendment. Review of the mine development order amendment will be limited to incorporating the specific changes approved by the zoning amendment.

Mr. Mercer recognized Mr. Ron Inge, owner of the Bell Road Mine located off SR82. Mr. Inge reiterated that the proposed amendment was intended to address one change only, an increase in depth. Many of the existing mines have been in operation for many years (Bell Road was permitted in 1990) and at that time not as much soil boring or geotechnical work was done, whereas now the procedures and analyses are much better in determining if there is more material available under an existing lake. With respect to the submittal requirements, extensive analysis such as a traffic impact analysis, hydrogeologic modeling, monitoring reports and extensive soil boring analyses to verify that the material to dig is there, and confirm the location of the clay layer to insure that neither the clay layer nor the aquifer underneath is penetrated. A HEX hearing and two public hearings will still be required. The proposed amendment is designed to allow an existing, permitted lake to be dug deeper because there is confirmed evidence that more material is available. He asked that the committee recommend approval because the procedure provides a well analyzed process to allow a change in depth to occur on existing mines in Industrial Planned Developments.

Mr. Knight asked about the alternative should the proposed amendment not be approved. Mr. Inge said that he and staff had worked closely over the past several months to come up with this process, but should it not be approved, then the mine would have to be rezoned to MEPD, treating it as if it were a new mine in accordance with Chapter 12 requirements, with the likelihood of multiple waivers requested for submittal requirements.

Mr. deDeugd asked about Mr. Inge's comment about the clay layer. Mr. Inge confirmed that digging must not penetrate the clay layer and that the soil boring analyses has to verify the location and distance from the clay layer. The surficial aquifer is the first layer (which is where mining occurs) then the clay layer, then aquifer under that.

Mr. deDeugd had questions about blasting operations and there was a brief discussion. Mr. Loveland did not think there were any residential subdivisions in close proximity to the Bell Road Mine and could not speak to the rest.

In response to Mr. Mercer's question, Mr. Loveland confirmed the proposed amendment had not been reviewed by any other committees.

Ms. Tracy Hayden had questions related to bringing an existing mine into greater compliance, wondering to what degree, and how many mines this might affect. Mr. Loveland confirmed that if an applicant asked to bring an existing mine into greater compliance in conjunction with a request for increased depth, that compliance with current standards would not be required.

Mr. Ward said he likes streamlining and this seems good on the surface but asked if there were

any interests of the public that would not be addressed as a result. Mr. Loveland said the procedure still requires a HEX hearing and two public hearings for public input.

Mr. Mercer suggested a line by line review of the proposed amendment, with committee comments as needed (there were none).

Mr. Barraco Jr.. and Michael Jacob discussed a possible conflict of interest. Mr. Barraco will abstain from voting and subsequently will submit a signed Conflict of Interest form to the secretary.

Ms. Hayden made a motion to approve the proposed amendment, seconded by Mr. Knight. Mr. Mercer called the question. Motion passed by majority with one abstaining.

There was no other business. **After a first and second from Ms. Hayden and Mr. Barraco, Mr. Mercer adjourned the meeting at approximately 2:40 p.m.**

The next meeting was tentatively scheduled for March 9, 2022.