

**MINUTES REPORT
EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
(EROC)**

**Wednesday, December 11, 2024
2:00 p.m.**

Committee Members Present:

David Gallaher
Scott Edwards
Tracy Hayden, Vice-Chair
Tim Keene

Bob Knight
Randal Mercer, Chairman
Ian Moore
Mike Roeder

Excused / Absent:

Carl Barraco, Jr.
Annette Carrasquillo
Bill De Deugd

Victor Dupont
Sam Hagan

Lee County Staff Present:

Joe Adams, Assistant County Attorney
Aixa Cruz, Dev. Services Supervisor
Sandy David, DCD Administration
Adam Mendez, Zoning
Janet Miller, DCD Administration
Cassandra O'Donnel, Facilities Mgt.

Brian Roberts, Planning
Anthony Rodriguez, Zoning Manager
Katie Woellner, Planning
Tatum Walker, Economic Development
Beth Workman, Zoning

CALL TO ORDER AND AFFIDAVIT:

Mr. Randal Mercer, Chairman, called the meeting to order at 2:00 p.m. The meeting was held in the Community Development/Public Works Building, 1500 Monroe Street, Fort Myers, Florida, Conference Room 1B. Mr. Mercer stated we have a quorum and asked Mr. Joe Adams, Assistant County Attorney, if we had a legal meeting.

Mr. Joe Adams, County Attorney's Office, confirmed the Affidavit of Posting was legally sufficient as to form and content and the meeting could proceed.

APPROVAL OF MINUTES – July 10, 2024

Mr. Mercer asked if anyone had any comments or changes to the Minutes from the May 8, 2024, meeting. There were none. He asked if there was a motion to approve.

Ms. Hayden made a motion to approve the July 10, 2024, minutes as written. The motion was seconded by Mr. Moore. The Chair called the motion, and it passed 8-0.

Mr. Mercer welcomed our newest member, Scott Edwards from Lennar Homes.

AGENDA ITEM 3 – LAND DEVELOPMENT CODE AMENDMENTS

Mr. Mercer turned the meeting over to Ms. Hayden since she was able to review the materials in more depth than he was able to do.

Mr. Rodriguez stated that there was a correction made to the Cover Memo for Item F on Page 2. It was originally listed as Street Design and Construction Standards, which was incorrect. It was corrected on the Community Development website. Mr. Rodriguez stated staff's preference was to review each item separately and to have a separate vote on each item.

A. Food Truck Parks

Ms. Woellner gave an overview of this section.

Ms. Hayden thanked staff for their red highlighted staff notes on each section and felt it was very helpful.

The Committee had no questions on this section.

Mr. Knight made a motion to approve the amendments to Group 4, Item A. The motion was seconded by Mr. Moore. The motion was called and passed 8-0.

B. Fences and Walls

Mr. Mendez gave an overview of this section.

Mr. Moore asked if the discretion on grade applied to other areas besides Lehigh.

Mr. Mendez stated that section primarily refers to Lehigh, although he believed San Carlos Island had the same scenario with 3 to 1 slopes and 80 foot wide lots.

Mr. Moore made a motion to approve the amendments to Group 4, Item B. The motion was seconded by Mr. Knight. The motion was called and passed 8-0.

C. Pools, Pool Decks, and Screen Enclosures

Mr. Mendez gave an overview of this section.

Mr. Moore referred to the 3 ½ foot above grade requirement. He asked if it should be tied more specifically to the base flood elevation because this tends to be a more standard tie.

Mr. Mendez clarified that this particular section is for areas that are not in special flood hazard areas. He referred the Committee to c.1. on Page 5 of 5 where it says, *“Facilities located in a special flood hazard area which are designed and constructed at or below the lowest minimum habitable floor elevation for which a building permit may be issued and may be located a minimum of 10 feet from an artificial body of water or seawalled natural body of water or 25 feet from a nonseawalled natural body of water.”* He explained that

the intent is that the 3 ½ feet above grade does not apply to anyone in a special flood area. Applicants will be able to come up to the first habitable floor within the setback requirements that staff provided.

Mr. Moore made a motion to approve the amendments to Group 4, Item C. The motion was seconded by Mr. Knight. The motion was called and passed 8-0.

D. Entrance Gates and Gatehouses

Mr. Rodriguez gave an overview of this section.

The Committee had no questions on this section.

Mr. Roeder made a motion to approve the amendments to Group 4, Item D. The motion was seconded by Mr. Knight. The motion was called and passed 8-0.

E. Density

Ms. Woellner gave an overview of this section.

The Committee had no questions on this section.

Mr. Moore made a motion to approve the amendments to Group 4, Item E. The motion was seconded by Mr. Knight. The motion was called and passed 8-0.

F. Airport Wildlife Hazard Protection Zone Requirements

Ms. Workman gave an overview of this section.

Ms. Hayden asked if the reason for this is to prevent littoral bird nests.

Ms. Workman stated that was correct. It builds habitats. The county wants to prevent bird strikes in the 10,000-foot airport wildlife hazard protection zone.

Mr. Moore made a motion to approve the amendments to Group 4, Item F. The motion was seconded by Mr. Knight. The motion was called and passed 8-0.

G. General Provisions for Surface Water Management

Mr. Rodriguez gave an overview of this section.

The Committee had no questions on this section.

Mr. Moore made a motion to approve the amendments to Group 4, Item G. The motion was seconded by Mr. Roeder. The motion was called and passed 8-0.

H. Required Street Access

Mr. Rodriguez gave an overview of this section.

Mr. Moore asked if there might be backlog issues with review times since these will be administratively going through the Director of Public Safety and the Director of the Department of Transportation.

Mr. Rodriguez stated it would not cause a backlog to review times because the public hearing zoning action will have already taken place before these items go to the two directors. He explained this is streamlining the process to cut down the review times.

Mr. Moore made a motion to approve the amendments to Group 4, Item H. The motion was seconded by Mr. Knight. The motion was called and passed 8-0.

I. Public Projects Coordinator

Mr. Roberts gave an overview of this section.

The Committee had no questions on this section.

Mr. Knight made a motion to approve the amendments to Group 4, Item I. The motion was seconded by Mr. Moore. The motion was called and passed 8-0.

Mr. Knight complimented staff on their streamlining efforts and noted that it saves a significant amount of money on the construction side. There is a perception that the government does not care, so it is nice to see that staff does care and that they are looking for ways to streamline.

Mr. Mercer concurred with an earlier comment by Ms. Hayden that staff notes and highlights are appreciated and help expedite the review of these amendments.

4. Adjournment

The next meeting is scheduled for Wednesday, January 10, 2025.

There was no further business.

Mr. Moore made a motion to adjourn. The motion was seconded by Mr. Knight. The motion was called and passed 8-0.

The meeting adjourned at 2:23 p.m.