

**MINUTES REPORT  
EXECUTIVE REGULATORY OVERSIGHT COMMITTEE  
(EROC)  
Wednesday, September 10, 2025  
2:00 p.m.**

**Committee Members Present:**

Bill deDeugd  
Victor Dupont  
Sam Hagan  
Tracy Hayden, Vice-Chair

Bob Knight  
Randal Mercer, Chairman  
Ian Moore  
Michael Roeder

**Excused / Absent:**

Carl Barraco, Jr.  
Annette Carrasquillo

Scott Edwards  
David Gallaher

**Lee County Staff Present:**

Joe Adams, Asst. County Attorney  
Pablo Adorno, Animal Services  
Erika Garcia, DCD Administration  
Rob Holborn, Asst. County Attorney  
Adam Mendez, Zoning

Janet Miller, DCD Planning  
Marc Mora, Asst. County Manager  
Anthony Rodriguez, Zoning Manager  
Brandon Scribner, Animal Services

**AGENDA ITEM 1 - CALL TO ORDER/REVIEW OF AFFIDAVIT OF POSTING:**

Mr. Randal Mercer, Chairman, called the meeting to order at 2:00 p.m. The meeting was held in the Administration East Building, 2201 Second Street, Room 118, First Floor, Fort Myers, FL 33901. 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 and the meeting could proceed.

**AGENDA ITEM 2 - APPROVAL OF MINUTES – May 14, 2025**

Mr. Mercer asked if anyone had any comments or changes to the minutes from the May 14, 2025 meeting. There were none. He asked for a motion to approve.

**Mr. Knight made a motion to approve the May 14, 2025 minutes, as written. The motion was seconded by Mr. Moore. The Chair called the motion, and it passed 8-0.**

**AGENDA ITEM 3 – LAND DEVELOPMENT CODE AMENDMENTS – DOCK AND SHORELINE REGULATIONS (BOATHOUSES AND DOCK PAVILIONS)**

At this juncture of the meeting, Mr. Mercer turned the meeting over to Ms. Hayden to Chair in his place.

Mr. Mendez gave an overview of the amendments.

Ms. Hayden referred to Page 2 of 5, Sec. 26-74, c.1.a., where it states, "...*subject property by any waterbody, right-of-way, or easement....*" She asked if this section refers to when an applicant is required to get letters of no objection from their neighbors. She asked for clarification that there is an exception where they would not be required to get letters of no objection from their neighbor if their neighbor's property is separated from the subject property, right-of-way, or easement.

Mr. Mendez stated this is correct.

Ms. Hayden gave an example where someone lives in a subdivision that has a 7½ foot easement on the subject property and another 7½ foot easement on another property (such as a drainage easement). If someone has a drainage easement, does this mean they would not be required to get a letter of no objection from their neighbor on the other side of that easement?

Mr. Mendez stated that staff thought about that particular interpretation, but he explained staff's rationale for not feeling that scenario met the guidelines. He stated that the common lot line is still abutting that other property. This particular section refers to situations where there is an easement in between the lot line and the abutting property's lot line, such as a street easement or a canal IDD easement, where there is a physical separation. He stated that staff is comfortable with this language, but they can clarify it further to ensure that a 6-foot P.U.E. on a platted subdivided lot does not constitute an exemption from obtaining a letter of no objection from their neighbor.

Ms. Hayden felt that if this language is not further clarified, it might provide an opportunity for someone to form an argument.

Ms. Hayden referred to a.i. on Page 3 of 5 and felt it was a similar situation with the easement language.

Mr. Hagan asked for confirmation that the applicant would still need to meet all the state and federal regulations.

Mr. Mendez stated that is correct. There will be other regulatory caps with those processes.

Mr. Moore asked if these amendments preclude situations where people are tearing down a house and new construction takes place over the years.

Mr. Adams stated there are a couple of properties that have docks that are being built before the house is built, but they cannot build the cover over the dock before building the house.

Mr. Moore asked if the main issue is the timing of construction and having it coincide with dock construction.

Mr. Adams stated part of it is the timing of it. There is also a size limitation and having to send an applicant through the special exception public hearing process to have an alternative route, which is not exactly timely.

The Committee had no further questions, so the Vice Chair asked for a motion.

**Mr. Hagan made a motion to approve the Land Development Code amendments for the Dock and Shoreline regulations (Boathouses and Dock Pavilions). The motion was seconded by Mr. Knight. The Vice Chair called the motion, and it passed 8-0.**

#### **AGENDA ITEM 4 – REPEALING AND REPLACING ORD. 14-22, ANIMAL CONTROL ORDINANCE**

Mr. Adams introduced staff that were in attendance for this item (Marc Mora, Assistant County Manager, Rob Holborn, Assistant County Attorney, Pablo Adorna and Brandon Scribner from Animal Services).

Mr. Rob Holborn, Assistant County Attorney, stated that due to all the changes to the current ordinance, staff decided to repeal the current ordinance and replace it. He gave an overview of the major changes and the rationale behind them.

Mr. Hagan referred to 5. E. where it states, *“Any animals impounded under the provisions of this ordinance and not redeemed by its owner/agent after five (5) consecutive days shall become the property of the Animal Control Agency.”* He asked what would happen in an instance where someone cannot pick their animal up promptly due to something such as a heart attack. He asked if there were any exceptions.

Mr. Holborn stated it is not Animal Control’s preference to take ownership of these animals, so if they are aware of a situation, such as someone having a heart attack, part of their job is to reach out to the owner and find out what is going on. Animal Services will hold on to the animal until they can work with the owner and have them reclaim their animal. Staff will also try to ascertain if the owner has any family or a friend that can take the animal while they are recuperating.

Mr. Knight stated he was surprised to see rabies vaccinations include not only dogs and cats but also ferrets. Several people have peculiar choices for pets. He asked how staff includes them all.

Mr. Holborn stated this ordinance is not all inclusive because the purpose of this ordinance is not to control all of the animals that could be pets. It only regulates dogs, cats, or ferrets, (generally domestic animals).

Mr. Scribner stated that the wording of *“dogs, cats, and ferrets,”* comes from the State Statutes.

Mr. Hagan referred to Page 14 (Surrender or Notice of Stray Animal to Animal Services) and asked if there were any penalties if someone does not comply with this. He felt that most people would not be aware that they are supposed to do this.

Mr. Holborn confirmed that there is a penalty (a fine) if someone keeps an animal without surrendering it to Animal Services or notifying them that they found a stray animal. However, he noted that this language was already in place. Staff only changed the timelines to allow someone a chance to utilize the self-help route before turning the animal over to Animal Services. Staff still want timelines included so that there is some sort of mechanism in place because unfortunately there are people who steal animals.

Mr. Hagan asked if it was the County's responsibility to notify owners on the portal in instances where an animal that is brought into them is chipped.

Mr. Adorno stated that if the animal is microchipped, Animal Services will make every effort to contact the owner, including going to their home, because the goal is to reunite animals with their owners.

Mr. Holborn stated that the portal is not meant to be a substitute for the processes Animal Services staff adheres to. If someone loses their animal, they can go online to see if someone found it. They can also go on the Animal Services website to see if they have their animal impounded. The portal is meant to give citizens the ability to self-help as well as help each other. He noted that the portal also has the ability to upload a picture and information. It will then ask if you want to prepare a flyer. The program will create a flyer that the owner can print and post/distribute.

Mr. Mercer stated that the last time this Committee reviewed this ordinance several years ago, there were a fair number of people that liked Muscovy ducks. He felt that staff might want to prepare themselves for that.

Mr. Holborn stated he was familiar with that because he lived in Orlando, and many residents were fond of them there as well.

Ms. Hayden referred to 13.A. on Page 16. She asked how guard dogs would be addressed but she felt the last sentence might address it because it says, *"This shall not apply to animals contained in a secure enclosure, under the direct control of the owner/agent, or when the animal is on its owner's property."*

Mr. Holborn stated this is correct. They want to allow homeowners to have an animal to protect their property but not in areas where the public has a right to be because the County would not want them to be in harm's way. So that there is a balance between the two, verbiage was added stating that the animal(s) would need to be in a secure enclosure, under the direct control of the owner/agent, or when the animal is on its owner's property.

Mr. Moore referred to Section 13 on Page 16 where the word *"Threatening"* is used. He expressed concern over this term because there are people who will nefariously use a term such as that. Many calls that Animal Services receive are for this type of allegation that tend to be false in nature by an angry neighbor.

Mr. Holborn stated it is hard for staff to come up with a definition that will cover everything, so they established exemptions such as *"This shall not apply to animals contained in a secure enclosure, under the direct control of the owner/agent, or when the animal is on its*

*owner's property.*" He also noted that Animal Services officers always have some discretion.

Mr. Mora stated that the Animal Control Officers are trained in behavior as well as people that work in the shelters, so they are able to identify true aggressive or threatening behavior over just behavior.

Mr. Scribner stated that staff can typically tell when it is an angry dispute. It is something staff navigates on a daily basis.

Ms. Hayden asked for clarification on Items D, E, and F on Page 22. She noted that in the past veterinarians used to be able to give out county licenses. For instance, they would give a rabies vaccination to an animal and also be able to give the pet owner a county license as well. She was unclear with the current verbiage if this practice would still be allowed or if the pet owner would now be required to go to the county to get the license.

Mr. Scribner stated there is no requirement that says the pet owner must come to the county to receive the license. If the vet, in their business model, chooses to sell the county license as an add on service, they may do so, and Animal Services encourages it because it provides a point of sale and allows the vet owner to charge a \$5 processing fee for the service. However, there are two advantages if someone chooses to get their license directly from the county. It is cheaper and the county has a license formula that has been in operation for several years, which has made the process easier than it used to be. However, if people want the convenience of getting it done through their veterinarian's office, the County does work with veterinarians as well as the City of Cape Coral to process those licenses.

Mr. Holborn stated that the main key with Item F is it requires veterinarians to notify pet owners of the requirements.

Mr. Hagan asked if pet owners are required to register their pet.

Mr. Scribner stated they are required to have a county license which runs concurrent with the rabies vaccination. When the rabies vaccination expires, so does the county license. It also depends on the vaccination history that the vet actually has.

Mr. Knight referred to Section 25 on Page 26. He asked what happens once Animal Services impounds an animal. For instance, does the animal get euthanized in 3 days?

Mr. Holborn stated the animal does not get euthanized.

Mr. Adorno stated the hope is that the owner will come forward, but when it is first impounded, it goes in for evaluation.

Mr. Knight stated this is another reason to encourage pet owners to microchip their pets.

Mr. Adorno stated there are many times that the County microchips pets for free. There is normally a \$10 fee, but there are different times in the year that it is done for free. This is another cost savings for pet owners.

Ms. Hayden referred to Section 27, C.2. on Page 29, where it says, "*The Animal Services Director shall establish written guidelines for the issuance of permits.*" She noted that it does not say what the permits are for.

Mr. Holborn stated the words "*without a permit*" were somehow removed after Number 1. The sentence should read, "...or private parking **without a permit.**"

Mr. Hagan referred to Item D. on Page 29 and felt it excluded homes where the pet, such as a dog, lives in the house.

Mr. Holborn referred to the definition of "*Animal Facility*" on Page 3, which staff felt is robust. He reviewed it with the Committee and stated that pets who are kept in homes are a different scenario.

Mr. DeDeugd referred to Section 23. B. on Page 25 (Animals in Motor Vehicles) that addresses a requirement of constraining your pet in your vehicle while traveling. It seemed to apply within Lee County only.

Mr. Holborn stated that was correct. It only applies to Lee County borders.

Mr. DeDeugd asked how the County would enforce this especially when there are many tourists who would be unaware of this requirement.

Mr. Holborn stated it provides law enforcement with the ability to pull the vehicle over and site the driver for having an animal that is not fastened in. It does not say that they must give the person a ticket. They may stop the vehicle, educate the occupants, and cite them if needed.

Mr. Dupont asked if this mainly applies to people who have their dogs in the back of their truck.

Mr. Holborn stated that is correct.

Ms. Hayden referred to the definition of "*Guard Dog Registration*" on Page 5 and felt it read more like a guideline than a definition.

Mr. Scribner stated this section that references guard dogs is in Section 30. This language mirrors language from another registration section. It gives staff the ability to say, "*this is a dog, this is what it is doing, and why it is here.*"

Mr. Holborn stated he agreed with Ms. Hayden and recommended it be removed from the definitions section and instead be incorporated under Section 28 on Page 30.

Mr. Dupont asked for confirmation that a dog left at a business is considered a guard dog.

Mr. Holborn stated it refers to a dog that is primarily for the purpose of defending, patrolling, or protecting property.

Mr. Dupont asked if there were certain breeds that are considered guard dogs.

Mr. Holborn clarified that the definition of a guard dog is any type of dog used primarily for the purpose of defending, patrolling, or protecting property or life.

Mr. Scribner stated the County only has one property owner that has two guard dogs on their property, so this type of scenario is very rare. However, it is still a legacy item that has gone by the waste side, yet it is still utilized from time to time although rarely.

Mr. Dupont asked if someone has to register their dog if it is a “*junkyard dog*” on 5 acres of property.

Mr. Holborn stated that they would not have to register the dog if it is located at a residence. This only applies to businesses.

Mr. DuPont asked why this ordinance would be for a business.

Mr. Adorno stated it protects the property owner. The property owner must abide by other rules such as posting a sign that they have a guard dog, etc. They must inform the public that they have guard dogs on site. Again, there are only two in the county.

Mr. Holborn believed it stems from state law as well. He noted that a business is not a person. If someone is an owner of an animal, they can be held responsible whereas if it is a business, you cannot hold the business personally responsible. He also stated that with guard dogs, staff has more rights to review the condition that the animal is in to ensure that the animal is being kept properly, it gives staff the right to enter and inspect kennels, and to ensure there is inoculation.

Mr. Moore referred to an earlier comment about there being some enforcement on behalf of the Sheriff's office. He asked if there was cross jurisdictional enforcement involved with animal control such as the City of Cape Coral. He also asked if all participating jurisdictions had been advised and if they are in support.

Mr. Holborn stated this was a change that was requested at a ground level. Once this goes through the process, staff plans to notify all of their partners. Staff will be meeting with the different rescue groups, and other organizations so that they are aware of these changes. Staff will also seek their feedback before presenting this to the Board of County Commissioners.

Mr. Mercer asked if this ordinance has been brought before any other advisory committees.

Mr. Holborn stated it has not been brought before any other committees.

Mr. Roeder referred to A.1. on the top of Page 16, (Prohibiting Animals From Running At-Large) and asked for more specifics because there are cat owners whose cats roam around outside during the day and/or night.

Mr. Scribner stated the following: 1) It is unlawful to have any animal leave your property. Once an animal leaves your property, you are technically in violation; 2) when it comes to community cats that are generally out in the public and do not have an actual owner but there is a caretaker associated with those animals, it becomes a nuisance. Staff is allowed to investigate to see if it qualifies as a nuisance. Staff's goal would be to get them adopted; 3) If there is a cat around the area, staff encourages people to trap them and report it to Animal Services. Staff investigates to see if the animal is microchipped. If the animal is not microchipped, then it will either get put up for adoption or sent to a rescue group; 4) Animal Services has spayed and neutered many cats in the community for a long time and it will continue for a long time until some cost effective and faster operation comes along; 5) Even though a pet owner is in violation, staff educates them first before it gets to the point of a fine/ticket.

Mr. DuPont asked if the county still nips the ear of cats.

Mr. Scribner stated this still takes place. It is called TNR (Trap, Neuter, Release). It helps staff in the field identify cats that have been spayed/neutered.

Mr. Knight asked if the county deals with coyotes or other types of animals.

Mr. Scribner stated they do not.

The Committee had no further questions.

**Mr. Moore made a motion to approve the new Animal Control Ordinance with revisions discussed today: 1) Remove “Guard Dog Registration” from the definitions on Page 5 and instead incorporate it under Section 28 on Page 30; and 2) Add “without a permit” in Section 27, at the end of C.1. on Page 29, so that it reads “...or private parking without a permit.” The motion was seconded by Mr. Knight. The Vice Chair called the motion, and it passed 8-0.**

Mr. Mercer and Mr. Knight complimented staff on the work they did with this ordinance.

#### **AGENDA ITEM 4 - Adjournment**

There was no further discussion. Ms. Thibaut noted the next meeting is tentatively scheduled for Wednesday, November 12, 2025.

**The meeting adjourned at 3:03 p.m.**