

**MINUTES REPORT
EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
(ERO)
Wednesday, March 11, 2026
2:00 p.m.**

Committee Members Present:

Annette Carrasquillo
Scott Edwards
Sam Hagan
Tracy Hayden, Vice-Chair

Randal Mercer, Chairman
Ian Moore
Michael Roeder
Ben Smith

Excused / Absent:

Carl Barraco, Jr.
Bill deDeugd
Victor Dupont

David Gallaher
Bob Knight

Lee County Staff Present:

Joe Adams, Assistant County Attorney
Dirk Danley, Jr., Economic Development
Brandon Dunn, Planning Manager

Erika Garcia, DCD Administration
Nicholas Larson, Development Services
Janet Miller, DCD Planning

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

Mr. Randal Mercer, Chair, 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 asked Mr. Joe Adams, Assistant County Attorney, if we had a legal meeting.

Mr. Adams, Assistant County Attorney, confirmed the Affidavit of Posting was legally sufficient and the meeting could proceed.

AGENDA ITEM 2 - APPROVAL OF MINUTES – November 12, 2025

Mr. Mercer asked if anyone had any comments or changes to the minutes from the November 12, 2025 meeting. There were none. He asked for a motion to approve.

Mr. Moore made a motion to approve the November 12, 2025 minutes, as written. The motion was seconded by Ms. Hayden. The Chair called the motion, and it passed 8-0.

AGENDA ITEM 3 – LAND DEVELOPMENT CODE AMENDMENTS

A. OFF-STREET PARKING AND LOADING REQUIREMENTS

Mr. Dunn stated staff would need a separate motion for each of the three Land Development Code items on the agenda today. He noted that for the first item dealing with Off-Street Parking and Loading Requirements, the amendment mainly relocates parking design requirements from Chapter 34 to Chapter 10. The requirement for parking

and the required number of parking spaces will remain within Chapter 34. However, the design requirements will be moved to Chapter 10. He explained this is being done to provide additional clarity and that it will help streamline the process. Mr. Dunn noted that Chapter 10 is typically reviewed by the Development Services section when they are reviewing the development order. Today's change puts all those requirements that are reviewed at the time of the development order in Chapter 10.

Ms. Hayden, Vice Chair, stated she would go through the document page by page and asked that board members interject if they have a comment or question on any particular page.

Page 4 of 22

Ms. Hayden referred to (2) c. on Page 4 of 22 where it says, "*Temporary parking lots (see Section 34-2022)...*" She asked if that is still a valid section number because she was unable to find that particular section.

Mr. Dunn stated staff would verify that after today's meeting.

Mr. Smith noted that Section 10-104 did not seem to be a part of this. However, he noted that this particular section provides a list of section numbers from Chapter 10 that the Director is authorized to grant deviations from.

Mr. Dunn stated there might be certain sections that staff adds to Section 10-104 to allow for administrative deviations.

Mr. Moore asked if the Land Development Code Advisory Committee (LDCAC) had reviewed these amendments.

Mr. Dunn confirmed that the LDCAC has already reviewed these amendments.

Mr. Moore asked if they had any position on this particular section.

Mr. Dunn stated there were not many comments on this section, but the LDCAC did have some comments/questions on the Outdoor Lighting section.

Mr. Moore stated that since the LDCAC deals with Land Development Code amendments specifically and are more suited for these amendments, he wanted to make sure that we heed anything they may have suggested.

Mr. Moore made a motion to approve the Off-Street Parking and Loading Requirements amendments. The motion was seconded by Ms. Carrasquillo. The Chair called the motion, and it passed 8-0.

B. OUTDOOR LIGHTING STANDARDS

Mr. Dunn noted these amendments are somewhat similar to the previous item in that we are moving some standards from Chapter 34 to Chapter 10. However, with this section, many of the requirements that are internal to the site are being eliminated because they do not have offsite impacts.

As with the last section, Ms. Hayden, Vice Chair, stated she would go through the document page by page and asked that board members interject if they have a comment or question on any particular page.

Page 2 of 15

Ms. Hayden referred to Item (2) Lamp standards on Page 2 of 15 under Section 10-262 where it states, *“Mercury vapor lamps are prohibited. The installation, safe, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting in the County is specifically prohibited.”* She stated the verbiage does not indicate what is approvable. She also noted that what was taken out of Chapter 34 has changed somewhat. Ms. Hayden felt that if we are prohibiting something, there should also be something included outlining what staff would like to see, which was what was taken out of Chapter 34.

Mr. Larson stated that initially staff meant to take out that entire section because it was not typically reviewed or enforced. However, they left the mercury vapor lamps verbiage in there because it is a state law that was recently passed as well as a federal law. Beyond that, staff felt the rest was unnecessary.

Page 8 of 15

Ms. Hayden referred to (a) under Section 33-1623 Outdoor Lighting on Page 8 of 15 where it says *“...the outdoor lighting standards found in Section 34-625.”* She believed staff meant to cross out Section 34-625 and add 10-262 because all of the other areas in this section crossed out Section 34-625 and added 10-262.

Mr. Dunn stated she was correct. Staff will make that correction.

Ms. Carrasquillo made the motion to approve the Outdoor Lighting Standards amendments. The motion was seconded by Mr. Moore. The Chair called the motion, and it passed 8-0.

C. TURN LANE EXTENSION EXEMPTION

Mr. Dunn stated this section is a clarification of who has the decision making authority for turn lane extension exemptions. He noted it is a one-time exemption that could be allowed. He stated that the changes being added to Section 10-288 clarify that on private roads it would be the Manager of Development Services and on public roads it would be the Director of DOT or their designees that can make those decisions.

Mr. Hagan asked who was making the decision before.

Mr. Dunn stated it was handled the same in the past as it is currently. He explained that staff added the language to clarify it better because there has been confusion where the general public did not know who to ask if they were making that request.

Mr. Hagan asked for clarification that their decisions are not appealable.

Mr. Dunn stated that was correct.

Mr. Moore felt that by not having the decision appealable, it might open up the county to potential litigation.

Mr. Dunn stated that particular comment came up during discussion with the LDCAC. Staff is looking into that issue.

Mr. Moore felt this might be an issue that comes up because infill development and new calculations are not as easy as they once were. If it is appealed, he asked if it would go before the Hearing Examiner.

Mr. Adams stated he was not at the LDCAC meeting, so he was not certain exactly what was discussed, but he believed there is an administrative appeal process that goes before the Hearing Examiner. He noted that if someone filed a lawsuit with the Circuit Court, it could be considered an appeal, but it is not something we would govern by Code, so staff will look into this further.

Mr. Moore was concerned that if there was an appeal process, it could become cumbersome because many people would want to take advantage of that option and it could substantially take up a lot of time if staff has to oversee every turn lane exemption.

Mr. Dunn stated staff will take that into consideration as they look into this issue further.

Mr. Smith made a motion to approve the Turn Lane Extension Exemption amendments. The motion was seconded by Ms. Hayden. The Chair called the motion, and it passed 8-0.

AGENDA ITEM 4 - ADJOURNMENT

Mr. Mercer brought up an issue that he felt needed some attention at some point. He noted that there are many two-wheel vehicles on the roads (i.e. bikes, mini-bikes, scooters, etc.), some being motorized and others that are not, where the person operating the vehicle is not paying attention to the crossing signals. They proceed through the crossing signals at intersections to where it is scary to other motorists. He asked what would happen in an instance where there is an accident and someone is hurt due to their own negligence. Who would be held responsible?

Mr. Dunn stated he understood what Mr. Mercer was referring to, but that it is not something that is within the Land Development Code.

Mr. Larson stated that he believed the same laws that apply to bikes, also apply to other two-wheel vehicles.

The next meeting is scheduled for Wednesday, May 13, 2026.

There was no further business.

The meeting adjourned at 2:19 p.m.