

**MINUTES REPORT**  
**LOCAL PLANNING AGENCY**  
**September 23, 2013**

**MEMBERS PRESENT:**

Noel Andress  
Steve Brodtkin  
Wayne Daltry  
Jim Green (Chair)

Mitch Hutchcraft  
Ann Pierce (Vice Chair)  
Roger Strelow

**STAFF PRESENT:**

Brandon Dunn, Planning  
Kathie Ebaugh, Planning  
Michael Jacob, Managing Asst. Cty. Atty.

Janet Miller, Recording Secretary  
Matt Noble, Planning  
Paul O'Connor, Planning Director

**Agenda Item 1 – Call to Order, Certificate of Affidavit of Publication**

Mr. Green, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

Mr. Michael Jacob, Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

**Agenda Item 2 - Pledge of Allegiance**

**Agenda Item 3 – Public Forum** - None

**Agenda Item 4 – Approval of Minutes – August 26, 2013**

Mr. Green referred to the 9<sup>th</sup> paragraph on Page 10 of the minutes and corrected a typo. The word “Kohler,” should be “Kolter.” He referred to the last paragraph on Page 11 of the minutes and asked that the paragraph be corrected as follows to more accurately convey what he stated at the August 26<sup>th</sup> meeting:

Mr. Green stated that the staff ~~report~~ **recommendation** for today’s case was inconsistent with their great work over the past five years, the work being done as part of the EAR process, ~~and~~ the current Comprehensive Plan, **and their well done staff report**. He cautioned that if staff does not stand up for what they believe in, the need for them will be diminished.

**Mr. Andress made a motion to approve the August 26, 2013 meeting minutes with the above corrections, seconded by Mr. Strelow. The motion was called and passed 6-0.** Mr. Daltry arrived late and was not present during this vote.

Mr. Green announced that staff asked to move Agenda Item 7 to the top of the agenda, which is only an informational briefing, meaning it will not be voted on. The LPA members did not object to the change of order.

## **Agenda Item 7 – Land Use Scenarios – Criterion Planners**

Mr. Ned Byer from the Jacobs Planning Group stated the following:

- They have been retained by the Lee MPO to undergo this land use scenario planning effort. He noted that Don Scott, Executive Director of the MPO, is here today, as well as Bill Spikowski. Criterion Planners is retained by Jacobs Planning Group and are also doing some work on this project.
- They have been working with Lee County Planning staff, as well as other local government staff members.
- This land use scenario planning work has been underway for approximately two months. They hope to build upon Lee County's efforts with the EAR process. They are trying to integrate the MPO's Long Range Transportation Plan with better land use planning. They will be updating the MPO plan to 2040. They are also going through a visioning process that involves looking at different land use scenarios. This project will involve incorporating a lot of land use data from the communities and the County. An analysis will be performed comparing different growth scenarios over this 20 year time horizon.
- The work on this project will be completed by June of 2014. The results will be presented before the Lee County MPO Board for their adoption of the technical process through the MPO update. Essentially, they will be integrating land use and transportation in a way that has not been done in Lee County before, but is being done nationwide both by metropolitan planning organizations and transportation plans.

Mr. Spikowski gave a Power Point presentation. This was followed by a discussion, question, and answer segment between the LPA, Mr. Byer, and Mr. Spikowski.

Mr. Green thanked Mr. Byer and Mr. Spikowski for their presentation. He also noted that the sense of the LPA is that they would like to be involved, to the extent possible, as this project moves forward.

Mr. Spikowski stated he could arrange to come back this spring after the scenarios are developed so that the LPA could make a recommendation to the MPO.

## **Agenda Item 5 – 2013 Regular Lee Plan Amendment Cycle**

- A. **CPA2013-00002 – Policy 9.2.1** - Allowing rezoning to Agricultural land uses in the Suburban land use categories.

Mr. Noble gave a brief overview of the staff report and recommendations.

Mr. Andress referred to Page 2 of 8 of the staff report where it states, "*Prior to 1989, one could obtain the exemption regardless of the zoning of the property.*" He was under the impression that whether or not you got a green space zoning on your property or a tax exemption on your property, it had to do with the use of the property and not the zoning of the property.

Mr. Noble stated this was correct. The zoning is one factor that is used by the Property Appraiser's office to determine eligibility for the exemption. Therefore, it is not necessarily true that if you do not have it zoned as "*agriculture*" that you will not get the tax exemption.

Mr. Andress felt staff may want to clarify this section because, as currently written, it gives the impression that if you do not have it zoned “*agriculture*,” you will not be able to get the tax exemption.

Mr. Brodtkin referred to item b. on Page 7 (compatibility of the existing future land uses). He asked for clarification on whether staff was talking about the current parcel or surrounding parcels.

Mr. Noble stated there are functions of both. You look at the proposed use and determine how it is compatible with the uses occurring around it.

Mr. Green suggested adding the word “*surrounding*” to the verbiage.

Mr. Hutchcraft felt it was appropriate to have a condition in here to allow an opportunity for someone to rezone to Agriculture in an urban category. However, he did not believe it should become precedent to preclude adjacent properties from utilizing their full rights under the urban category. Staff was in agreement with this statement.

Mr. Robert Pritt, with the law firm of Roetzel and Andress, stated he was representing the applicant. He reviewed the application with the LPA and gave some background information.

Mr. Green opened this item for public comment. No public input was received.

**Mr. Hutchcraft made a motion to recommend transmittal of CPA2013-00002, seconded by Mr. Andress.**

Mr. Strelow asked for clarification from staff regarding comments made by Mr. Hutchcraft to which staff agreed. He asked if it was clear enough under current law that there would not be some perverse result where a Rural “down zoning” occurs and then some adjacent well established urban use is called into question or unreasonably limited because of that change. There could also be a situation where a certain type of project could cause pollution and noise. There are some types of pollution that can affect plant life instead of people. An industrial type activity may be proceeding under standards that are perfectly reasonable for their impact on humans, but then if you have an established rural activity that has plants of a sort that are more sensitive, you could end up creating greater requirements on the established urban activity. He felt staff should research this further.

Mr. Andress noted that a lot of uses that are permissible in AG-2 zoning are not permissible in Suburban zoning such slaughter houses, hog farms, chicken farms, etc. Are those uses going to be compatible with the other adjoining suburban uses? If so, how is that going to impact the water quality that comes off of that property and all of the other farm activities that would have an adverse impact on existing residential? He asked how the County would deal with the issue of impact to adjacent properties.

Mr. Noble stated once the property is rezoned, they have the right to have the uses allowed by that zoning. If things rise to a nuisance level, it can be handled in a Code Enforcement manner. He asked the Board to keep in mind that these are being proposed in suburban areas too so it involves dwelling unit rights (i.e. 6 units an acre, 2 units an acre, or somewhere in between). Although you cannot have industrial uses in a Suburban area, you are allowed to have shopping centers. All of this gets factored in as part of the rezoning process and staff did consider this when preparing the staff report being presented today.

Due to a question by Mr. Green, staff confirmed that if this property is rezoned, it would extinguish the RPD currently on the property. If someone wanted to reinstate the RPD, they would have to go through a zoning process again.

Mr. Green confirmed a statement made earlier by the applicant that the East Lee County Council unanimously endorsed this. Mr. Green noted he lives in this Community and is active in it. The community thanks the applicant and feels they are doing the community a favor with this change. It was an adversarial RPD in the past, which the community was against. This change will remove the RPD from the map.

**The motion was called and passed 7-0.**

## **Agenda Item 6 – New Horizon 2035: Plan Amendments**

### **A. CPA2011-00014 – Vision Statement**

Ms. Ebaugh stated that Mr. Chris Ressler is here from the Community Sustainability Advisory Committee (CSAC). He requested that he be able to provide his comments on all three elements being presented today so he could return to work.

The LPA agreed to this, so Mr. Ressler reviewed his comments (attached).

Mr. Green noted that the LPA received two statements in their packet. The first is dated March 15<sup>th</sup> and the second is dated September 13<sup>th</sup>.

Mr. Ressler clarified that CSAC voted as a whole to approve the March 15<sup>th</sup> version. The working group for CSAC (5 volunteers from the CSAC Committee) met on the September 15<sup>th</sup> version and had no issues with it, but it has not been voted on as a whole from CSAC yet. The working group meets specifically with staff to help speed things along at the CSAC meetings so that the entire meeting is not spent on reviewing the Lee Plan elements. The working group makes recommendations to CSAC as a whole and a vote is made as a Committee. The complete CSAC group did vote on the March 15<sup>th</sup> version, but has not yet had an opportunity to vote on the September version due to a meeting conflict with the budget hearings.

Mr. Dunn reviewed the staff report and recommendations.

Mr. Green noted that references to community plans have been taken out.

Mr. Dunn explained that it was moved to the “Communities Element.” Staff is comfortable with it being taken out of here.

Ms. Ebaugh stated staff could add back in a reference to the Communities element to indicate that each of the individual communities have their own vision statement as part of the Communities element.

Ms. Pierce suggested the following language: *“Lee County has developed a unique and robust system of localized community plans. This system more fully engages citizens in the overall planning process. Every effort will be made to continue meaningful interaction with community planning panels to balance and align local priorities with the adopted goals of the county wide Lee Plan.”*

Staff asked that Ms. Pierce forward this language to them so it can be incorporated into the Vision Statement.

Mr. Hutchcraft stated he had no objection to adding Ms. Pierce's language as he is supportive of increased dialog and participation in the community. He was concerned with one of the risks of community plans, which is that they can become the will of the vocal over everyone. He wanted the process to help achieve something rather than it creating a hostile environment, which staff needs to be aware of.

Overall, the LPA felt it was important to have the community plans referenced in the Vision Statement as they believed it was a strong part of our Lee Plan.

Mr. Strelow referred to the fourth bullet point on Page 4 of the original staff report dated March 15, 2012 where it states, "*These plans have been designed to capture the unique character of each community. Within each community, smaller neighborhoods may exist.*" He suggested removing that particular verbiage, but felt there should be some explicit recognition that we do have community plans and encourage them.

The LPA expressed concern over the differences between the March 15, 2012 staff report and the one presented at today's meeting. They referred to the cover memo which notes that staff believed the Business Issues Task Force (BITF) document addressed all the comments from the various committees and the public. Although the Board valued and appreciated input from the BITF, they noted the BITF meetings are not open to the public whereas the Local Planning Agency meetings are.

Mr. O'Connor explained that since March of 2012, this document has gone through much review including, but not limited to, the Business Issues Task Force, which represents the development community. The BITF put together a version of the Vision Statement that staff felt encapsulated all the input heard from them and other groups. Staff felt they could use it as a base document.

Mr. Brodtkin did not feel there was enough information in this document on quality of life and safety issues. He felt something should be incorporated that refers to the quality of life issues being user friendly or people friendly as far as our future vision goes. He preferred to see a company like Hertz come to Lee County because they feel it is a great place to locate rather than it being because they are given large sums of money to locate here. He felt large companies would locate here if the quality of life is here. He also referred to the last two sentences "*As with any system in transition, the changes envisioned will bring challenges. The County's challenges will be balancing the competing interests to evolve a resilient and flexible growth management system that will result in positive outcomes.*" He did not feel these two sentences say much.

Ms. Pierce also noted that the March 15<sup>th</sup> version used the term "community of choice," which she did not see in the September version. She was in favor of having some verbiage added such as "greater choice," "land use," and "infrastructure."

Mr. O'Connor stated it was listed in the 3<sup>rd</sup> paragraph of Attachment 1 (Page 1 of 2).

Ms. Pierce felt it should be moved to the 1<sup>st</sup> paragraph instead of the 3<sup>rd</sup>.

Mr. Green asked that staff consider going back to the original staff version as he felt it was more eloquent and visionary. He recommended staff mark up their March 15<sup>th</sup> version as they see fit and bring it back to the LPA for review.

The LPA was in support of Mr. Green's request. Although they were appreciative of any input from outside sources that staff received, they felt the March 15<sup>th</sup> version gave more direction and was more robust. They also wanted a reference to the community plans put back in the document.

**Mr. Andress made a motion to re-send this to staff and for staff to take the LPA's comments from today and comments received from other groups and incorporate them into a revised Vision Statement that incorporates the comments made today for the LPA to vote on at a separate meeting, seconded by Mr. Daltry.**

Mr. Hutchcraft also felt the September version diminished recognition in the value of agriculture. It talks about anticipated growth in the coming decades within its urban areas, but completely precludes the opportunity for growth in the rural areas. The September version also talks exclusively about an urban/rural boundary. He felt our vision for what we are going to create is a boundary line whereas the March 15<sup>th</sup> version talked about vibrant and distinct land uses or urban areas - a preferred approach.

Mr. Green felt it would be helpful to see a mark-up and strikethrough of the March 15<sup>th</sup> document and he asked that this be included in the motion.

**Mr. Andress and Mr. Daltry agreed to amend their motion to include Mr. Green's request and Mr. Hutchcraft's comments.**

**The motion was called and passed 7-0.**

**Mr. Daltry made a second motion that at future meetings staff include a sheet of comments they received with each element. The LPA will assume these comments are incorporated into the draft, but it helps if the LPA can view the list of comments to review what those comments are and to know the source, seconded by Mr. Andress. The motion was called and passed 7-0.**

Mr. O'Connor stated that, to the extent possible, staff will comply.

This item was not opened for further public comment because no public were present other than Mr. Ressler from the Community Sustainability Advisory Committee (CSAC) who spoke earlier.

## **B. CPA2011-00009 – Historic Preservation**

Ms. Sajgo explained that Attachment 1 includes Mr. Strelow's change to the sustainability objective, which she believed was the only change the LPA made. She noted the CSAC Committee made some suggested changes (last two pages of the handout - attached). She did not feel there was a big difference between their issues and staff's. Attachment 1 is a brief synopsis. The top page of the handout is staff's response to CSAC's recommendations. Ms. Sajgo noted she had not met with CSAC yet regarding her response/comments.

Mr. Green was comfortable with staff working with CSAC and then coming back to the LPA with a condensed version of what was changed and what items staff disagrees with.

Ms. Pierce referred to the Intent Statement on the top page of the handout where it starts with "*In general historic preservation has been documented to have a significant effect not only locally, but on a regional and statewide level.*" She felt the entire paragraph could be removed because it is not necessary and makes it sound as if staff is trying to prove the case that historic preservation is of economic value. This

is a given and not something that most people would argue about. Staff could simply state that *“historic preservation is and can be of significant economic value in Lee County.”*

Staff agreed with this suggestion.

Ms. Pierce also felt it was important to begin and at least address the deconstruction process. She noted it is being vigorously pursued and processed in other areas of the country. It is lucrative and highly sustainable. She was in favor of having some language in here to address it.

Ms. Sajgo was not sure about including something on deconstruction practices. It is important, but it would be difficult to single out historic preservation especially since they have the least demolition of any other building activity in Lee County. So far, there have only been two demolitions in twenty years of designated historic buildings. It should be broader than historic preservation to address solid waste and the entire building industry so that you would have government review deconstructive practices. She referred to the CDBG program and stated it was very flexible. Ms. Sajgo stated she would like that program to encourage the preservation of historic resources in blighted areas using money as their program allows. Ms. Sajgo also stated she felt there was enough information presented today for the LPA to vote on, but she was happy to proceed in whatever manner the LPA preferred.

Mr. Green thanked staff for their great work and continuing work in this area. He had personally experienced a benefit from the Historic Preservation Board due to their rework of an old house in Alva. He commended staff on their great work as shown on the list of all the projects taking place.

Mr. Green opened this item for public comment. No further public input was received other than Mr. Chris Ressler from the Community Sustainability Advisory Committee (CSAC) who spoke earlier.

**Mr. Andress made a motion to adopt the proposed changes to the historic preservation element (CPA2011-00009), seconded by Mr. Strelow.**

It was further clarified that the motion includes removing the sustainability language from the intent statement and including Ms. Pierce’s suggestion about removing a paragraph from the intent statement as mentioned above.

Mr. Daltry also clarified that this item would not be coming back to the LPA for further review. It will be sent to the Board of County Commissioner’s with the LPA’s suggestions.

**The motion was called and passed 7-0.**

### **C. CPA2011-00012 – Parks, Recreation, and Open Space**

Ms. Ebaugh reviewed the staff report and recommendations.

Mr. Andress referred to Policy 1.2.2 on Page 3 of 12 where it talks about utilizing programs such as the Conservation 20/20 program to expand the county’s protected natural preserve lands. He felt there were two competing programs. Parks and Recreation has a program where they are concerned with the items listed on this page (a. through d). There is also the 20/20 program that has its own parks division, maintenance staff, and officers that patrol 20/20 lands. When the 20/20 program buys a piece of land, they need a program to address water quality projects. Currently, they do not have something in place, which is upsetting to the Commissioners. The funds come out of the Parks and Recreation’s budget to handle water quality projects that are located on 20/20 land yet no funds come from the 20/20 program to

help contribute towards it. Instead of saying “*Utilize programs,*” he suggested adding language that says, “*Lee County put forth policies that require the two programs work together for these benefits.*” Staff can continue to list a. through d.

Mr. Daltry thought another option might be to incorporate it as part of Goal 1. An objective or policy could be added to include some type of integrated management system to coordinate the two programs.

Ms. Ebaugh stated staff would develop some sort of policy under Objective 1.1 that deals with management systems and coordination.

Ms. Pierce referred to Policy 1.1.1 where it states “*to all residents and visitors.*” She suggested deleting the word “all” and that staff add some measurement in there such as is used in Transportation (the walk shed measurements). Staff should include what they feel would be an acceptable distribution.

Ms. Ebaugh believed that was something the Parks staff would like to evaluate on a case-by-case basis because it depends on the type of facility. However, she did agree to delete the word “all.”

Ms. Pierce referred to Policy 1.2.4 on Page 3 that says, “*improve public access to natural preserve and Conservation 20/20 lands by evaluating the appropriate activity levels and types.*” She asked: Who is responsible for this evaluation? What is the time frame? What type of reporting procedure is done?

Mr. Noble stated the county creates management plans that come through public hearings for all preserves that the county manages (including 20/20 preserves). These management plans set what types of activities may occur on the property and what types of facilities are going to be developed on the property. It is the actual management plan that controls those items.

Ms. Pierce referred to Policy 1.2.4 and asked why it is included in this document if staff is indicating that they already take care of this on a regular basis.

Ms. Ebaugh explained this was an existing policy. Since this is a clean version (not strikethrough and underline), the LPA is unable to see what policies currently exist. However, Policy 1.2.4 is an existing policy.

Mr. Noble also clarified that not all county preserves have adopted management plans yet. Staff feels this policy is valuable. It is merely a county policy that states we are going to develop management plans at the appropriate time. Sometimes the county has determined not to develop a management plan at this point in time because there does not seem to be an expressed need for the management plan.

Ms. Pierce still suggested that staff expound upon this Policy as it is vague as currently written.

Ms. Ebaugh suggested changing the word “*improve*” to “*maintain*” or “*provide.*”

Mr. Noble stated we had to be careful because sometimes public access in some of these preserves is not desired, not intended, and will most likely never happen.

Mr. Brodtkin referred to Policy 1.2.1 on Page 3 of 12 where it says, “*Areas of special consideration include the habitats of natural species...*” He felt staff could remove the word “*natural*” as unnatural species are not generally considered threatened or endangered.

Staff stated they missed that in editing. They will remove that word.

Ms. Pierce referred to Policy 1.5.6 c. on Page 6 and stated staff might want to change “*power lines*” to “*utility lines*” because there might be gas lines in the future. She referred to Objective 1.7 on Page 7 and suggested it say, “Interagency *and Intergovernmental* Coordination.” A policy should be added that says, “*Utilize all possible opportunities to coordinate with other county departments to achieve efficiencies of dual purposing such as stormwater management or roadside linear parks.*” Even though staff indicates partnering with local, regional, state, and federal organizations, Ms. Pierce felt staff should still specify “*efficiencies of dual purposing or multiple purposing.*”

Mr. Green asked why Policy 1.6.2 was highlighted in yellow.

Ms. Ebaugh stated that was only an editorial comment from herself to another staff person asking them to take a look at it. It was not supposed to be in this document.

Mr. Green spoke of a large island in Alva east of the Alva bridge. The owner of that property built a home on it and has title to part of that island. Since then, he has taken adverse possession of the island from the county. The community has asked the County Attorney to address the possibility or probability of taking it back because it has a lot of attributes that fit within this county owned water access property. He asked if Policy 1.6.2 gives the County the purview to attempt and reclaim that island.

Mr. Noble believed it would, but thought it could be changed to say, “*reclaim county owned property that has or may provide water access.*”

Mr. Green recommended staff work with the County Attorney’s office to reword that policy so that it includes attempting to reclaim this island.

Mr. Jacob stated this language will have no effect on the County’s ability to make a decision to purchase land, condemning, or whether or not the county is going to get the land.

Mr. Hutchcraft stated, as a point of order, that he was concerned with talking about a specific case that he, personally, had no knowledge of or background information on. Discussing how we can address this issue on this particular property might be better handled outside of today’s forum. Mr. Hutchcraft stated that, otherwise, he will have to vote against anything that is specifically tailored to a project that he had no details about.

Mr. Green accepted that comment on not making this site specific and was fine with going back to a more general issue of whether or not staff is comfortable with this wording for how the county deals with county owned water access property.

Mr. Brodtkin asked if Mr. Noble’s solution would address determining whether the county actually owns the property or not.

Mr. Noble stated that in talking with Mr. O’Connor he felt we should add some language to further clarify the intent. In addition to adding “*reclaim county owned property that has or may provide water access,*” staff wants to add to the end “*including removing encroachments and private restrictions.*”

Ms. Pierce referred to Policy 2.3.1 on Page 10 and suggested reversing the order of that wording because as currently written it makes it sound as if the intent of new development is to promote healthy lifestyles.

However, a developer may or may not have that intention. She suggested moving “*to promote healthy lifestyles*” and put it at the beginning of that sentence. The intent is to promote healthy lifestyles and to link new developments and you are going to do that by leveraging new developments and promoting the construction of multi-use trails, sidewalks, and bikeways.

Staff stated they could make that change.

Mr. Strelow referred to Objective 1.7 on Page 7. He noted that this objective and policies under it have references to either interagency coordination across levels of government. In Policy 1.7.1 it mentions partnering with private agencies and organizations. He recommended putting the part about private agencies and organizations in the objective itself. The subsequent policies can simply refer back to that. Otherwise, he felt it was inconsistent there. He referred to Policy 1.7.3 which has possibilities of private sector partnering. He recommended adding that policy language into the Objective, which is currently limited to intergovernmental coordination.

Staff stated they were fine with those recommended changes.

Mr. Hutchcraft referred to Policy 1.5.6 on Page 6, Policy 2.3.5 on Page 11, and Policy 2.4.2 on Page 11 and stated the following:

- Policy 1.5.6 and Policy 2.3.5 both talk about linear trails and greenways, but they have language that says, “...*where appropriate so as to not conflict with protected and/or threatened species or wetlands.*” There is a linear park that goes along SR80 out to Hendry County. It goes through gopher tortoise and panther habitats. There are people that would say that is a conflict. He suggested language for both Policy 1.5.6 and Policy 2.3.5 that would say, “*where not incompatible with protected and threatened species.*”
- Staff changed the word “*encourage*” to “*ensure*” in Policy 2.4.2. This means that applicants must ensure for every development order that they have utilized an innovative open space design that preserves existing native vegetation, promotes the development’s character and beauty, helps transition the different sections from one to another, provides connection between adjacent developments, and supports the overall character of the community. He felt this was a high burden on every single development order. There might be instances where a buffer would be appropriate, but would not be considered an innovative approach. He preferred going back to “*encourage*” to allow for more flexibility.

Mr. Brodtkin suggested leaving the language as is but adding “*as appropriate*” to the end.

Mr. Hutchcraft stated it needed a modifier but that he was not particular on what that modifier is and was not opposed to Mr. Brodtkin’s suggestion.

Mr. Daltry and Ms. Pierce suggested it say, “*Utilize the zoning and development order processes to ensure that new developments ~~incorporate innovative open space design that~~ preserve existing native vegetation, improve the development’s character and beauty, help transition the different sections from one to another, provide connections between adjacent developments, and support the overall character of the community.*”

Ms. Pierce referred to Objective 1.1 on Page 1 and asked Mr. Noble if he wanted to specify something about trailhead parks because he was adamant at a previous meeting that they were a legitimate park.

Mr. Noble stated the greenways trail he was talking about would fit under d. Multi-use paths and trails and that it had been on the plan since 2007.

Ms. Pierce stated she only mentioned it because some people were unaware that it was on that plan.

Mr. Green opened this item for public comment. No further public input was received other than Mr. Chris Ressler from the Community Sustainability Advisory Committee (CSAC) who spoke earlier.

**Mr. Andress made a motion to transmit CPA2011-00012 Parks, Recreation, and Open Space with all the changes recommended by the LPA this morning, seconded by Mr. Strelow. The motion was called and passed 7-0.**

## **Agenda Item 8 - Other Business**

### **Conservation 20/20 Program**

Mr. Andress expressed concern with the position taken by the Board of County Commissioners in relation to 20/20 funding. The voters approved a dedicated funding source of five tenths of a mil for this program and agreed to tax themselves for this program. These funds were put into a general fund and can be put to uses other than what the tax payers agreed upon. Mr. Andress asked if the LPA wanted to make a recommendation to the Commissioners to honor the commitment made by the voters of Lee County and not make any changes in the program until the voters themselves make the change in the program rather than unilaterally making a change and taking money. If we want a sustainable future, we need about 40% of Lee County to be open space. Right now, we have less than 20% and out of that we have about 4% in the 20/20 program. He reviewed the background on this program.

Mr. Brodtkin was in agreement with making a recommendation. Part of the recommendation could be to reinstate this as soon as possible for next year until there is another referendum.

Mr. Strelow stated Lee County was far down the list of all Florida counties in terms of the amount of land preserved.

Mr. Daltry stated his concern is that the public education part of this might have been injured by the budget cuts. Without the education element, we can lose through attrition and time, the county ethic and sense of identity for the environment.

Mr. Andress stated there was still opportunity to get some of the \$26 million back into a line item for the 20/20 program. There are Commissioners that are going to attempt this, but they need the LPA's help.

Mr. Hutchcraft stated his concern was with moving dollars that are targeted for management. If you do not keep up with the management, the acquisition is worthless. He felt there were two issues: 1) Is a public land acquisition important on an on-going basis; and 2) Does the LPA want to make a statement that it was inappropriate for the Commissioners to move dollars to the general fund. With the second issue, Mr. Hutchcraft stated he would not be prepared to support that. It was a discretionary fund and the Commissioners have a difficult time balancing the budget and are having to make tough decisions in a difficult time. His recommendation was to ask the Board to get back to a land acquisition program as soon as possible.

Mr. Address was in agreement and stated he brought this issue up to get some input and direction from other LPA members. He felt it was statement enough if the LPA is in favor of continuing the land acquisition program.

**After further discussion, Mr. Address made a motion to recommend that the Board of County Commissioners continue to progressively pursue the 20/20 land acquisition program and as soon as possible restore full funding to the program, seconded by Mr. Strelow. The motion was called and passed 7-0.**

### LPA Meeting Protocol

Mr. Hutchcraft referred to his e-mail dated August 28, 2013 where he commented on the proceedings that took place at the August 26<sup>th</sup> Local Planning Agency meetings. He noted his comments were directed towards protocol used at future meetings so that everyone is working under the same guidelines and understanding.

The LPA discussed: 1) how much time to allocate for public speakers; 2) discouraging public displays, both good and bad (i.e. clapping, booing, or shouting out); 3) discouraging negative and unsubstantiated comments towards individuals or organizations by the public; and 4) allowing applicants to complete their presentation in its entirety before asking questions.

The outcome was that the LPA agreed it would be appropriate to encourage applicants to stay within 3 minutes, but flexibility is needed due to certain citizens being nervous and inexperienced with speaking in public, thereby, causing them to need more time to collect their thoughts and express their concerns and some of the public are reading statements for themselves as well as others who asked them to represent them at the meeting. The LPA was in favor of asking them to “wrap things up” if they begin to speak for too long.

Mr. Noble noted he had three citizens contact him the next day indicating they were going to speak in favor of the project, but due to the crowd reaction, decided not to speak.

Mr. Green wanted it on the record that those individuals did not submit any public comment cards.

Mr. Brodtkin concurred that there was only one extra card where the citizen decided not to speak because their comments had already been stated by other speakers.

Mr. Strelow stated that proper decorum at a meeting is important but that he is mindful of freedom of speech. When you are talking about things that involve the public’s homes and property values, you are going to have emotional responses. It is difficult to prevent someone from making negative comments because they might be accurate. It is difficult to know whether a statement from the public might be fact or not. There needs to be a sensitivity of balance.

Mr. Brodtkin felt citizens should have the right to state their facts or opinions. It is up to the LPA to decide if it is based in fact or not. He was not in favor of limiting the public in that way.

Mr. Hutchcraft stated he was not questioning whether the actual vote by the LPA was fair or not because the Board members are entitled to their vote. His comments were merely on the treatment the applicant received, which he felt was different from other applicants that have come before the Board.

Ms. Pierce noted that through the staff report and the applicant's presentation there was a constant insinuation (veiled threat) that this will be a failed subdivision and the county will be stuck with a failed subdivision if their request is not approved and that this was the only financial path for the applicant. She did not feel the LPA should have been privy to their financial information. When reviewing a proposal, she considers whether or not it is in alignment with the Comprehensive Plan as it exists today. She is not concerned with their financial information.

Mr. Green felt some latitude was needed with public speakers and he asked that it be left to the Chair to make the judgment calls, especially since there is no Florida Statute that states the public may only speak for 3 minutes. He encouraged LPA members to speak up as a point of order if they are unhappy with something that is taking place. Regarding questions taking place during the applicant's presentation, he felt it was appropriate to do because sometimes the information being presented is confusing. It is hard to remember your questions after the fact. Although he would not accept interruptions by the public, he was in favor of the LPA being able to ask questions during the presentation.

Mr. Daltry suggested asking the presenter beforehand whether they would accept questions during the presentation.

Mr. Brodtkin felt it would be a good idea when presentations are being made if each LPA member would consider whether it is important for their question to be made at that moment or if it can wait until after the presentation. This would help minimize the interruptions.

Mr. Green thanked Mr. Hutchcraft for bringing these issues to everyone's attention. He felt the points were good and going forward everyone would strive to improve.

### **Agenda Item 9 – Adjournment**

The next Local Planning Agency meeting is scheduled for Monday, October 28, 2013, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

The meeting adjourned at 12:40 p.m.