

LEE COUNTY REGULATES BLASTING

By Steve Hartsell, January 22, 2004

The hottest topic pending seems to be the Blasting Ordinance. In December the BOCC considered whether to extend the present Moratorium on blasting in the Winkler Road corridor for another 6 months, and whether to impose a similar moratorium on the entire Lee County.

The Board was unanimous in its intention to extend the Winkler Road moratorium. The emergency ordinance to extend the moratorium to County-wide, as recommended by the County Attorney's Office, required a super-majority vote to be adopted. Commissioner Judah's motion to extend the blasting moratorium county-wide, but to exempt public works projects, failed to gain the super-majority needed to pass (Coy and Albion dissenting).

Commissioner Coy's subsequent motion was to direct preparation of ordinance amendments for 1st public hearing by April 13th that included :

- creating a County Blasting Inspector position
- reducing the permitted PPV from 0.5 inches per second to 0.3 ,
- requiring the Blasting Inspector to be onsite for each blast,
- imposing an 80% rule that requires the adoption of new standards/procedures for an individual site if the blasting exceeds 80% of the proposed PPV,
- imposing a fee for the cost of each blasting inspection required by a County Inspector
- providing for availability of pre-blast surveys of interested neighbors within the prescribed area, and post-blast surveys as well
- creating a process to investigate and resolve damage claim disputes, and
- providing insurance to cover claims if a blaster does not remedy damage after a claim is determined to be valid.

The motion passed with dissents by St.Cerny and Janes. On January 13, 2004, the Board considered and adopted an emergency ordinance to reduce the PPV to 0.30 for the entire county while the Blasting Ordinance amendments are being processed. The schedule for the hearings and meetings for the proposed ordinance is attached.

Assistant County Attorney Dawn Lehnert has drafts of the ordinance for distribution to interested parties.

UPCOMING MEETINGS ON BLASTING

The blasting ordinance is now being revised. The hearing schedule is listed below. Each of these meetings is open to the public. Opportunity for comment will vary depending on the procedures applicable to the meeting or hearing. To view the draft ordinance(s), please go to Lee County Community Development website at <http://www.lee-county.com/dcd1/Downloads/OrdinanceReviews.htm>.

For additional information, please contact Karen Hutcherson at 479-8543 or by e-mail at hutchedk@leegov.com.

March 10, 2004 - 2:00pm

Executive Regulatory Oversight Committee (EROC)
at Community Development/Public Works Building
1500 Monroe Street, Conference Room 1B

March 12, 2004 - 8:00am

Land Development Code Advisory Committee (LDCAC)
at Community Development/Public Works Building
1500 Monroe Street, Conference Room 1B

March 22, 2004 - 8:30am

Local Planning Agency (LPA)
at Board Chambers, 2120 Main Street

April 13, 2004 - 5:00pm

First Public Hearing
at Board Chambers, 2120 Main Street

April 27, 2004 - 5:00pm

Second Public Hearing
at Board Chambers, 2120 Main Street

MANATEE PROTECTION PLAN

By Jake Slot, March 7, 2004

A meeting of the Dock Moratorium Coalition Committee was held on Tuesday, March 2, 2004 at Cape Coral City Managers conference room. The following issues were discussed.

- The City of Cape Coral has spent in excess of \$400,000 in legal fees in their lawsuit against the U.S. Fish & Wildlife Service.
- The Marine Industry has filed a separate suit against the U.S. Fish & Wildlife service.

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MANATEE PROTECTION PLAN – continuation

- Duval & Clay counties on Monday March 1, 2004 started the process to sue the federal government over manatee protection zones local officials said are too restrictive. http://www.jacksonville.com/tu-online/stories/030204/met_14966919.shtml
- On Monday March 1, 2004 at the regular City Council meeting, the Cape Coral City Council approved a resolution to Governor Jeb Bush and the Florida Fish & Wildlife Conservation Commission to promptly approve the Lee County Manatee Protection Plan. In order to advance the regulatory certainty on which the city's economic development depends.
- Justin McBride, Lee County Senior Environmental Specialist informed the group attending that a letter of invitation of participation of all local jurisdiction was sent out on April 2, 2003 to all local municipalities. The invitation was to arrange a meeting to specifically outline the responsibilities of the municipalities as far as their participation and involvement in the Lee County Manatee Protection Plan approval process
- Justin McBride, Lee County Senior Environmental Specialist informed the group attending that a letter of invitation of participation of all local jurisdiction was sent out on April 2, 2003 to all local municipalities. The invitation was to arrange a meeting to specifically outline the responsibilities of the municipalities as far as their participation and involvement in the Lee County Manatee Protection Plan approval process. Since the subsequent meeting of April 17, County staff has been in contact with staff from all municipalities at various levels on the subject of their participation and sign-off. (Please see attached document).
- The Lee Manatee Protection plan is only for the unincorporated areas of Lee County, municipalities have to sign off on the plan or prepare and submit their own.

This is just a broad overview of the Manatee issue to date. Please be aware that this issue seems to change from day to day.

FLOWWAYS UPDATE

By Rich McCormick, January 27, 2004

Lee County Environmental Sciences Department is planning a change to the Land Development Code to provide new environmental protection requirements for Flowway Preservation and Green Infrastructure on all new projects requiring a Development Order. The rule could affect any new projects in Lee County that have wetlands onsite, have historically conveyed sheetflow runoff, or are currently conveying runoff via onsite ditches or natural features

Background: Lee County initiated an amendment to the County's comprehensive plan, (the Lee Plan) in 2002 that became effective in January 2003. The 2003 Lee Plan includes goals to incorporate green infrastructure. Specifically, *Objective 40.5 -Incorporation of Green Infrastructure into the Surface Water Management System* encourages new developments to design surface water management systems to utilize best management practices including but not limited to filtration marshes, grassed swales with native vegetation, lakes with enlarged littoral zones, preserved or restored wetlands and meandering flowways. The goal also encourages the preservation of existing natural flowways and the restoration of historic natural flowways.

In the summer of 2003, members of the development community attended workshops sponsored by Lee County in order to represent the development interests in the rulemaking.

Current Status: Lee County has not released a draft of the rulemaking for public review. It is expected that during the 2004 round of changes to the land development code, flowway preservation and green infrastructure criteria will be included. Lee County has not yet announced the LDC amendment schedule, but members of the Real Estate Investment Society (REIS) and the Economic Development Coalition of Lee County (EDC) are monitoring this issue and will continue to stay involved in the process to ensure our comments provided during the workshops are incorporated into any final rulemaking. For further information contact Rich McCormick (REIS) at 498-7711, Mitch Hutchcraft (EDC Chairman) or Kim Trebatoski (Lee County).

FGCU SCHOLARSHIP AWARDED

The Real Estate Investment Society (REIS) proudly announces that its 2004 scholarship, for \$500, has been awarded to Julie Chronister, a 19-year old resident of Fort Myers and a full-time student at Florida Gulf Coast University (FGCU).

Ms. Chronister is a 2002 graduate of Fort Myers High School. She is currently a sophomore, majoring in Marketing at FGCU with a grade point average (GPS) of 3.25 - 3.49. Julie intends to pursue a career in marketing in the local community and possibly start her own marketing firm some day.

REIS established the scholarship program in 1999 to benefit local students seeking business-oriented education. REIS President Russell Schropp announced that "This scholarship program represents REIS's commitment to our profession and our community. For years we have brought outstanding high school students to our meetings, to meet local business and civic leaders and to learn more about issues that affect economic development. We further support student interest in business by providing financial assistance for their higher education. Our goal is to promote the professionalism of our future business leaders, and thereby the economic vitality of our community."

Gerald Hendry, chairman of the REIS scholarship committee, explained that the scholarship awards are an annual event. "The program was funded initially with a \$5,000 endowment from REIS, which was matched by the State of Florida's Ethics and Business Scholarship Program. The scholarship fund is structured to continue in perpetuity. Applicants must be graduates of a local high school and have completed the freshman year of college. They must also be enrolled in the School of Business." The scholarships may be awarded to multiple students each year and the funds may be used for tuition or course materials. Students interested in applying for scholarships may do so by contacting the Financial Aid and Scholarship Office (FASO) of Florida Gulf Coast University. Qualified applicants are reviewed by the university scholarship committee and the REIS Board of Governors.

"We are looking forward to a long term relationship with the University and with the students," said Schropp. "



REIS President Russell Shropp (left) and Scholarship Chairman Gerald A. Hendry present Julie Chronister with honorary REIS membership.

Scholarship recipients become honorary members of the Real Estate Investment Society and are welcome to attend our meetings, not only to recognize their achievements, but to foster relationships between business students and the business community."

2004 DIRECTORIES PUBLISHED

The 2004 Real Estate Investment Society directories have been published and are available at the monthly luncheon meetings.

The popular pocket-sized directories include contact information on the organization's 235 members, including email and web site addresses as available. There is a cross-reference index of members categorized by profession, in addition to the alphabetical listings. A handy directory of elected officials and local government offices is also included.

The annual publication is provided free to members of REIS, with complimentary copies also offered to elected officials and the press.
