

Captiva Community Panel
MINUTES
Jan. 10, 2012

Attending: Jim Boyle, Jay Brown, Jack Cunningham, Rick Hayduk, Mike Kelly, Paul McCarthy, Jerry McClure, Mike Mullins, David Rohn, Susan Stuart

Audience: ~10

The meeting convened at 9:05 a.m. with panel photos being taken. Hayduk offered a welcome to new panel members and initiated a roll call. A motion (Kelly/Boyle) was made to waive reading of the Dec. 13 minutes and approve them, to unanimous approval.

CEPD: Kathy Rooker offered thanks to the Captiva Holiday Village committee for their work on a successful event. She noted that the state Legislature was starting its 2012 session this morning, and its budget negotiations would be crucial for CEPD funding. In all, 74 beach projects had been submitted, and while Captiva was at top of the list there was a lot of competition for limited funds. There's a good chance for matching federal funds if the state funds our project. Now is the time to contact state legislators to urge them to fund our project; the district has prepared a sample letter and a contact list was also included. Rooker said they also needed local support for funding. Contact the CEPD at mycepd@gmail.com for electronic versions of letters. A discussion of lobbying and letter writing to elected officials followed. Rene Miville noted that a recent Blind Pass change order by the county will save money and time to get Blind Pass work started, to allow for removal of the accreted sand on the Gulf side left over from the re-opening project. He urged people to lobby the county commissioners to approve this proposed change. Mullins noted the problem stemming from a lack of unity among island organizations, and hoped they would encourage their members to participate any lobbying efforts.

Panel orientation: Gooderham offered an overview of the panel's efforts and history working from handouts he had prepared. He also covered the ground rules for Sunshine Law compliance and what was accessible under the Open Records Law. Discussion and questions followed. Mullins asked if the panel should consider staying in the sunshine vs. the benefit of getting county funds.

Visioning: Max Forgey noted that a LDC update would be addressed later on the agenda, but that he and Gooderham had met with staff twice since the last panel meeting and that he was working on various versions for staff in advance of county hearings.

As to visioning, Forgey cautioned that he had been told the county is not going to be inclined to approve funding for any visioning project while we're in the process of amending the LDC. County planner Kathie Ebaugh said the typical sequence was to write a plan, implement that plan, then see what needs to be changed and undertake those changes. Forgey said what had been discussed was not a new comp plan for the island, but a clarification of values to consolidate services needed for the island in the future -- virtual governments vs. creating a municipality. Ebaugh said county grants had a specific purpose, such as to write Lee Plan policies. If you can find another funding source, we would be supportive. When asked for an example, Ebaugh pointed to the Estero panel re-visioning its plan from the 1990s. They had instituted their code and are now updating both the plan and the code based on their experiences working with both.

Kelly said he thought visioning was foisted on the county by the state as part of the Evaluation and

Appraisal Report (EAR) process and the Horizon 2035 vision. He hoped the panel could look at coastal community issues now and into the future, to recognize the unique needs and vision of the islands. Ebaugh said the county is addressing this as part of its Lee Plan update, doing it in a vision-based way since last update was 1984. Not every planning community has developed Lee Plan goal and policies, as you have. You have written your own vision, which we have documented in the Lee Plan document. Staff was working to combine community visions into a new “Communities” element. We have invited local communities to make changes to your goals and visions to incorporate in our update. We would normally do updates after the LDC had been implemented, so you'd know what changes you need to make to Lee Plan policies and goals. The panel would need to establish goals as part of pre-application meeting: How much are you asking for, what kind of match, what deliverables, how long to accomplish, who is involved? The question would be: Why does community think this is appropriate to do this now?

Kelly said he thought it was a step further, beyond sundry plans to look at future issues on the island within a reasonable planning horizon. The task in the past was not to create a vision for the future of Captiva. If it doesn't mean anything to the county to produce this, then it's not a good use of our time. Ebaugh suggested they could meet with staff to explain why this important to the island now in your pre-application meeting -- current needs vs. future needs. That may be reason enough for us to approve this. Kelly said he thought this was a county-driven issue; he was trying to follow the county structure to look at island needs in the future, to be helpful to the county. Miville said the code is current, nothing to do with visioning. Estero is wide open, so planning has a greater impact on that area. Discussion followed about the aesthetic qualities of Captiva and dealing with build-out, beaches, waterways, vegetation, and redevelopment. The things most people came to Captiva to enjoy – the grandeur. To set a vision to govern future actions.

Hayduk asked if the county has a box, how do we fit into it. Captiva's future as it relates to the balance of residential, commercial, environmental, etc. What do we today see as the future of Captiva? Gordon Hullar said you need a vision before you have a plan, but we did it the other way around. He urged the panel not to throw away eight years of work, to finish the LDC and then work on a vision. Don't distract yourselves. Hayduk said the panel still had a finish line to cross, thought it was time to look forward. Rohn asked when was the county deadline for vision updates. Ebaugh said the vision section is part of goals, objectives and policies. A lot of county vision has to do with in-fill and redevelopment, so there is a good fit there. Discussion followed of the schedule for hearings. Ebaugh suggested the panel could instruct staff and send a panel member to schedule a pre-application meeting to define any project and benefits.

Forgey said these comments took away a sense of urgency. He recommended the panel pursue LDC adoption first. He noted that the Lee Plan update has looked at three designations – urban, suburban and rural. Has overlooked coastal, which is the reason Captiva needs its own mini-plan. The island is nearing build-out but still has planning issues...consolidating or addressing nodes of government, best bang for considerable bucks contributed to Lee County. Doesn't have to be grand and elaborate, but it's appropriate here. Ebaugh said the Community element would be considered in March-May of this year. Mullins said the panel should not let the work of the past eight years fall by the wayside, but could establish a separate track to pursue visioning. Ebaugh urged them to schedule a meeting with county staff to discuss what parts of the current plan needs to be changed. McCarthy said the island did not want to be left out of any vision discussion in the larger county discussion. If we want a say, we need to address this by April. Look at our vision, affirm or amend it by April or the train has left the station. Ebaugh noted the draft date vs. adoption date. Discussion followed of code vs. plan visioning.

Kelly said the county needs a coastal program, treat two communities that are very unique in Lee County – Captiva and Boca Grande. That's the first step. He urged this to be an agenda item for the next panel meeting. Cunningham suggested they take all the vision comments and develop an initial draft. Mullins said the panel would need a plan to get something together by the end of the year, to present something by the end of the year to incorporate into county vision. Cunningham suggested they address this at the next meeting for an initial vision by the March deadline. Mullins said they need to keep the LDC approval moving forward. We can't get anything substantial done in time for March, but can develop a timeline by March. Forgey reminded the panel that the county can amend the Lee Plan once a year, that this is an ideal time but not the only time.

Hayduk urged panel members to review the collected vision statements and add their own if they had not done so, and make it an item for the February meeting. Mullins asked to target a timeline by March. Hayduk reiterated that Gooderham would send out the current vision statement in the Lee Plan, Kelly's memo, the collected vision statements. Agenda time would be scheduled for the February meeting. Mullins reiterated the need for a timeline for any visioning process, and made a motion to set up a visioning committee to produce a timeline for a Captiva visioning project (McClure second). Kelly said these materials would give you a feeling of some people's visions for the island. Mullins worried that visioning would get in the way of the work we need to complete now. He said a timeline needed to document steps and process. Kelly felt that the panel did not need a committee; just let the panel vote to act or not act. Develop a timeline by the March meeting, and substitute panel for committee in the motion. That amendment was agreed to by the maker and seconder, and approval was unanimous.

Hurricane Committee: Doris Holzheimer wanted to give the new panel members some background on the committee, that it was a volunteer committee rather than a panel committee. Its goals were education in advance of storms; communication and evacuation plans/coordination with first responders; to sponsor Structural Safety Inspection training and volunteers. She urged people to save March 6 for Daniel Noah's SkyWarn training, which was necessary for the island to reapply for its Storm Ready designation. The training would be held 10 a.m.-noon in the Ding Darling Room at Tween Waters Inn. Training was planned later in the year. The committee was not going to send out another authorization letter request, but continued to receive the authorizations and still collecting those if you have changes. Mullins made a motion (Hayduk second) to thank Holzheimer and the committee for the great work they have been doing. Approval was unanimous.

LDC: Miville offered a status report, noting that the process and intent language is being kept in the current draft until county lawyers ask for its removal. The draft would be reviewed by the Land Development Code Advisory Committee at a Feb. 10 hearing and by the Executive Regulatory Oversight Committee in March. If things went well, the draft might go before the Local Planning Agency in late March. Brown asked if was any controversy pending or is this all bureaucratic issues at this point. Miville noted the panel had held a lot of meetings and developed a lot of consensus. Mullins asked if there were any objections from the audience. Captiva Civic Association president Jeff Morgan noted in the RSC-2 language, the issues of a minimum rental period was unclear – that “less than 30 days” could imply less than 7 days. He asked if that was the panel's intent. He also noted some issues with the proposed signage regulation, which grandfathered illegal signage. Cunningham concurred with the lack of clarity in length of rentals in the code draft. Miville said that no one wants to rent for less than a certain period. Mullins said it was important to flush out issues that may be raised prior to county hearings. Discussion followed. It was noted that county staff had expressed concern that rental lengths might be viewed as unenforceable as there was no way to verify such rentals easily. Mullins

said the panel intent was never to go below seven days. An audience member asked if there was any way to include directive language to indicate that rentals of less than seven days were not desired. Paul Garvey suggested the panel change that sentence to conform to current language so as not to change the status quo, which he felt limited rentals to no less than seven days. Ebaugh said if it is already in the code, it takes precedence unless it is specifically stated in the Captiva section of Chapter 33. Hayduk suggested that a goal for 2012 would be “Not one voice for Captiva but that everyone has spoken.” The county can delay action if there is not enough consensus to suit them. Rohn asked what the existing rules were and how does this code proposes to change them. Could the panel see an original version of the code vs. the proposed version? Forgey noted he was working on a draft that might achieve that at the request of county staff.

Cunningham said the signage regulations will be a trigger point with the public. Mullins raised the issue about Captiva Landings’ rezoning issues under the RSC-2 rules. Discussion of this issue and county administrative remedy followed, with Mullins asking whether those properties are grandfathered under the code. Ebaugh said that adoption triggers new rules. Miville said we have ability to change code language that does not work. Boyle said he didn't want us to get blindsided down the road. Are we confident we have the community behind us here, no major unresolved issues? Miville said there will always be people who object, that's their right. Mullins asked if there are issues we need to be sure we are clear on. Boyle felt there was a need for one last discussion to address these issues. Miville asked if we really need to take the “30 days” phrase out. Mullins asked if the panel could specifically ask the county attorney to interpret the rental terms. Garvey said the CCA had responded to issues and will meet with panel staff on those. Mullins asked what issues the CCA had with the proposed sign regulations. Garvey noted signs on top of buildings and the rules’ application to South Seas Island Resort. The septic language was raised, and Gooderham noted that the county’s Natural Resources department was drafting language in conjunction with the Health Department that might be the avenue to accomplish the intent behind the code language (which staff had sought to remove since the county does not regulate septic systems. DNR staff was waiting to see what came out of this legislative session before finalizing the draft, and Gooderham would stay in touch with them to see if Captiva’s concerns could be included. Garvey said he would provide comments from CCA attorney Matt Uhle to the panel before the February meeting.

Communications: Stuart said she planned to have a plan to present to the panel next month, to find ways to simplify language, improve website, communicate with absentee owners and more.

Financials: Gooderham noted the report provided by handout to the panel.

Water quality: Gooderham noted that Dave Jensen had asked to set up a meeting with Lee DOT staff to discuss Andy Rosse Lane drainage, perhaps in February.

Fund-raising: Hayduk said planning would begin for a fund-raiser tied to the panel’s 10-year anniversary.

Other business: Holzheimer asked for the panel to send a letter to thank the Captiva Holiday Village committee for their efforts. Mullins also suggested offering thanks to all the retiring panel members for their hard work. Hayduk made a motion (Boyle second) for formal recognition in a letter to all former panel members, thanking them for their tenure and service to the community; approval was unanimous. Mullins said he would like to discuss the Captiva tax situation at a future meeting, to discuss the issues and his research on the extent of taxes we pay correlated to services we receive. Not dollar for dollar,

but some sense of return on investment, to be included on the March or April agenda. Hayduk said this should be publicized to make this a community discussion, to energize discussion about return on investment. Cunningham ask if we could get this information sooner to help us influence state and local representatives as discussed in the CEPD update. Hayduk said if there was a unifying issue on this island, perhaps that's it.

The meeting adjourned at noon.

-- Ken Gooderham, administrator