

Captiva Community Panel

MINUTES

Jan. 11, 2011

Attending: Jim Boyle, Mike Mullins, Rick Hayduk, Paul McCarthy, Susan Stuart, Mike Kelly, Sandy Stilwell, Gordon Hullar, Harry Silverglide, Rene Miville

Audience: 20

The meeting convened 9:05 a.m. Minutes from the Dec. 14 meeting were unanimous approved on a motion by Mullins, Hayduk second.

CEPD: District administrator Kathy Rooker started with an explanation of the Tourist Development Council (TDC) bed tax, how it is collected and used. The TDC has recognized value of beach and shoreline, contributed to restoration for many years, Rooker said, with a focus on critically eroded beaches. The bed tax raised \$22 million in 2009-2010; 53.6% goes to operations and marketing; 20% is for debt service for sports complexes and 26.4% goes to beach and shoreline capital improvement projects. The ratios changed in 2009, used to be 33.3% to beaches; this meant a loss of \$2.7 million annually to beaches in the county. She explained funding for restoration projects: The recreational portion is based on public access, while the storm protection benefit is the responsibility of homeowners. The CEPD is worried about whether the county beach trust fund will be able to support all the needs of the county's beaches, due to a shortage of between \$500,000 and \$3 million possible. She will be working with county staff and commissioners to explore this further.

Mullins noted he came on CEPD board in 2006, now serves on the Coastal Advisory Council, which advises the TDC on how to spend beach money. Back then, \$0 allocated to Captiva except for big projects. The island was generating a lot of bed tax without getting much of a return. County would not divulge bed tax revenues; we were finally able to deduce it as being about \$2 million a year from Captiva alone. Research showed that Captiva wasn't getting much from county bed tax overall. There really is no such thing as a beach trust fund, as it all goes into general fund which county is able to raid at will -- as was seen in the purchase of a Fort Myers Beach beachfront parcel for a park recently. We've seen a huge shift in priority toward baseball and other non-beach issues. We're seeking a formula from the county on beach funding. We think county officials will listen to Captiva groups and citizens, businesses are also important. An audience member asked if the county was getting any oil funding. Hayduk said there no, but a class action suit is ongoing. Indirect spill effect will not be compensated so far.

LDC: Introduction by Gooderham, noting that the focus will be on staff comments from the May 2010 draft dated Dec. 27. Planner Max Forgey said he will schedule a meeting with county staff shortly where he and Gooderham will go

over the comments in greater depth and report back on any areas of concern that remain after that. Today, he wanted to offer an explanation or context for some of the staff comments included here. Most of the comments were procedural, not policy-based:

- Section 511b...this section applies to the entire island, not just RSC-2 zoned properties, which was why it was included here.
- Section 515 on variances... this language is in the Lee Plan already.
- Section 521 on mangrove protection... "greatest extent possible" phrase comes from Lee Plan.

Kathie Ebaugh noted that this was meant to raise the issue of the difference between policy and enforcement language, that you're allowed a higher level for ambiguity in plan language but need to define ambiguity more closely in code. Looking for so many feet setback, something that can be measured. Mullins said he thought this was stronger wording than that. Keep it in policy, be more specific in code. Kelly asked if there was other language that touches mangroves, other language that might work? Gooderham asked whether setbacks could be enforced by the county since it does not otherwise regulate mangroves. Ebaugh was not sure. Forgey noted that staff provided some alternate language. Gooderham said they could discuss with staff and perhaps bring them out to address if necessary. Kelly said this was an important issue; we need to see what the county can propose and actually enforce. Hullar said any specifics would be a reduction from "the greatest extent possible." (Miville joined the meeting at 9:35 a.m.)

- Section 532...landscaping, not part of original scope.
- Water quality: Mullins asked what the status of state action was on this issue. Gooderham said all indications were that the rules, which had been delayed late last year, would either be eliminated or severely weakened during the next Legislature. Forgey said any local regulations would also have more importance if DCA/state oversight is further weakened.
- Section 522B. will clarify with staff. Panel should propose intent language for BoCC to consider wherever possible.
- RSC enforcement... Complaint driven to code enforcement.
- Density...no change being proposed, need to explain to staff. Bill Fennimen asked whether the proposed language could be construed as allowing rentals for less than 30 days. Mullins noted that the CCA attorney said existing plan language barred rentals of "no less than 7 days" already, so the panel saw no need to replicate current language.
- Section 532 on height restrictions ...not confusing, will explain to staff.
- Section 533 on meeting requirements... draws on plan language, but is not plan language.
- Section 541 on clearinghouse... builds on plan language.
- Section 554 on sign exceptions... they do not apply, not sure why it's confusing.

- Section 55(12)... the island does have roof signs now. Mullins noted that the language would grandfather existing signs instead of adding new ones. Miville thought they provided a certain ambience to the community at times.

Hullar asked whether commercial signs would be allowed in the Captiva Drive right of way. Forgey said they would, dependent on staff comments. Mullins asked how the panel needed to proceed, what direction was needed from panel and what was the deadline on the necessary Lee Plan revision? Ebaugh said the code needed to be revised based on a meeting with staff, and the plan changes needed to be ready by February to bring a draft to the Local Planning Agency as part of the plan revision submittal. Mullins said the panel already voted to treat the Village as a separate entity in terms of height restrictions at the last meeting. The panel agreed to define the Village and say the new building height rules apply outside these boundaries. Stilwell said the Village is unique and needs to be treated separately.

Miville asked what has happened on this issue since the last meeting. Gooderham said Forgey and Silverglide met right after the last meeting. Forgey said the Village was exempt for the time being from these actions, with the intent that it can move quickly on defining its own standards. Kelly asked if that would address height only. Forgey said that was the panel motion. Silverglide said he felt the Village could consider density, setbacks, emergency vehicles accommodations and more in its recommendations. Mullins said height was all that has been discussed so far. Stilwell asked if those efforts could move forward soon. Silverglide said it will move at its own pace, when it comes to consensus it can be done. We need to be thoughtful and diligent. Looking at density and setbacks is not outside the purview of the Village group. An audience members noted there was a small group in attendance today and hoped for more participation in these deliberations. She also asked for an acronyms breakdown for the audience to help them follow along.

Mullins made a motion (Miville second) to develop Lee Plan language on building heights based on the panel vote at the Dec. 14, 2010, meeting, and for Forgey and Gooderham to meet with county planning staff to review LDC issues for discussion at the next panel meeting. Silverglide asked whether the panel had the necessary expertise to tackle Village issues. Forgey said it could look at other communities and define its need if we need to draw in other talents to fulfill them. The vote was called and approval was unanimous. Gooderham said a Village committee could meet and help define the expertise we need at that point. Stilwell noted that Sheila Turner on Laika Lane was interested. Silverglide agreed to chair the village committee.

Hurricane Preparation: Doris Holzheimer said the Hurricane Response and Preparedness Committee would meet next week on Jan. 17. On March 2, a SkyWarn training was schedule; on March 12, a general education program on

preparedness with Gerald Campbell was planned, offering a report on separating wind and water projections in reporting -- all at South Seas. She was glad we did not have to use the committee's preparations this past season. Sanibel's hurricane passes good for the upcoming season, will need them to get on to Sanibel. The committee will not be mailing the homeowner letter this year, after a very successful response in 2010. If nothing has changed in terms who can access your property, you don't have to do anything. If there has been a change or there is no authorization in place, you can print the authorization form from the website and send it in to the Captiva Fire District. We still need Structural Safety Inspection volunteers for training, and she explained the duties they should expect. Dave Jensen asked what property owners would need to get on to Captiva? Holzheimer said a driver's license with your Captiva address and a hurricane pass with the correct zone. Kim Herres said you could have a copy of your property tax statement if your license does not show a Captiva address.

Captiva Holiday Village: Hayduk offered compliments to Paul McCarthy and Denice Beggs for herding cats. He said it was an incredible event, laid the foundation for something good to come. It had good energy and achieved all its first-year objectives. He said he asked for this item to be on the agenda so the panel could discuss whether there is a role for the CCP to contribute or partner with the event next year, within the bylaws and other restrictions. Stilwell said she was planning a fundraiser for the Holiday Village effort, and that the group had considered whether to get its own tax status eventually. McCarthy said there was a lot of satisfaction from participants. Events were designed to be inclusive, and we were looking for anyone who wanted to participate. Stilwell said the goal was to get more people involved in the holiday spirit all throughout the island. Miville said the opera arias on the beach were fabulous. He wondered whether the CCP role could be on a cultural basis, and working with homeowners. Mullins asked if TDC money might be a possibility, and said any event would be stronger if people are cooperating. Better marketing would help, and better funding. Gooderham explained the process to create a separate 501c3 entity.

Silverglide asked whether holiday lights could be a code issue, and pondered that if Holiday Village wants to be its own entity, should we let them ask us for help? Mullins said he group should define what it wants. McCarthy said the group wanted to be nonaffiliated, that's why it worked. It wanted to be able to move fast and make decisions quickly, and wanted to do arts and entertainment as well as cultural events. Starting now, they have enough time to blue sky some events for the next year... such as do we want to block off more time... Thanksgiving to New Year's. He stressed that all meetings are open to anyone, that's the spirit that made it successful. Silverglide suggested that the panel table it for now and have McCarthy give us updates.

CenturyLink: Gooderham opened by saying that a representative had agreed to come to the Feb. 8 panel meeting, but had asked for a sense of what questions might be asked so they could prepare appropriately. Mullins said that reliability of

phones and Internet service was awful. He thought that fiber optics was installed during the last upgrade, but cannot see evidence of that in terms of service. He had been testing both CenturyLink and Comcast regularly. His question area suggestions:

- What is their capacity and infrastructure status?
- What can be done to get us better service: Performance, reliability, expand the bandwidth?

Financial/budget: Gooderham offered a brief explanation of the financial reports, and noted that the panel had in their packet a 2011 budget revised based on their motions at the Dec. 14 meeting.

Water quality: Gooderham noted that a summary of the two-year water quality monitoring project by the SCCF Marine Lab was to be the focus of an upcoming presentation, probably in March. In addition, a county presentation on Blind Pass was possible, that the Bayous Preservation Association was looking into scheduling one in the next few weeks. Jensen said that citizens need to communicate with the county about their concern over the condition of the pass. Mullins suggested they contact Commissioner John Manning and let his office direct your comments as necessary. A discussion ensued of Blind Pass issues.

Boyle made a motion (Stilwell second) for the panel to draft a letter on Blind Pass issues and requesting county action to Commissioner Manning. Miville suggested it identify the problem and hand the county a solution. Boyle felt the county was not following their obligations. Miville said a permit modification was in the works, but it could take 6-7 months... and that he was not comfortable with the process. Mullins explained CEPD process and efforts with the county on this issue, and urged Captivans to express concern and support the CEPD based on a letter its board would review and approve at its Jan. 18 meeting. Panel members suggested the panel urge the CEPD as the lead on this for Captiva, and support the stances taken in that on letter to the county. The vote was called and approval was unanimous.

Fund-raising: Hayduk said April 20 was tentatively set for the next festival, which would keep it before Easter. He expected it to have a similar format as before, but might expand the reach with local businesses.

Trees: Gooderham gave a brief summary of the project to date, and said letters had gone to the 15 Captiva Drive property owners adjacent to the proposed sites. He had heard from three of them -- one in favor, two asking that no trees be planted that could obscure their view of oncoming traffic -- and the deadline for reply was Jan. 31. He would update the panel at the February meeting.

Other business: Ebaugh noted that the county's Evaluation Appraisal Report update would be released by 1/21, on website or on CD or at libraries. The Local Planning Agency hearing would be held on Monday, Jan. 31, beginning at 8:30

a.m.; it would probably head to the county commission in February or March. She said all are invited and participation encouraged.

The meeting adjourned 11:15 a.m.

-- Ken Gooderham, administrator