

Captiva Community Panel
MINUTES
Feb. 14, 2012

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

Audience: 10

The meeting convened at 9:05 a.m. After a roll call, minutes from the Jan. 10 meeting were unanimously approved on a motion by Rohn (McClure second).

CEPD update: Administrator Kathy Rooker provided an update on the current state legislative session and next beach project. She thanks those who have reached out to contact lawmakers in Tallahassee on behalf of funding for the Captiva project, noting that Sen. Richter and Rep. Aubuchon have supported our project in the House and the Senate. Both houses have to reconcile their budgets which then go to the governor for his signature. CEPD has been working with FSBPA and Debbie Flack almost daily as she has gone to bat for Captiva. The news is more disappointing at the federal level: No more earmarks, lump-sum funding from the Corps. The Jacksonville District has prioritized our project and asked for \$6 million in work plan; the district did well last year, not so good this year. We're talking with Corps and federal representatives to get funds for our ready-to-go project this year. If you have any contacts in DC, please use them. On Blind Pass: Working to get a change order to move dredges over from Fort Myers Beach project, earliest time is after Easter. The dredging after that could take 3-5 months, latest end would be November. This change still needs to be considered by the county commission... does project need to be done, how do we fund it? The next CEPD meeting is set for March 7, Commissioner John Manning is planning to attend. He was also very supportive at the state level.

Vision statement: Gooderham made a presentation running through the current Lee Plan language affecting Captiva to discuss possible short-term changes. Aside from the vision statement, which all agreed needed to be updated, the only other areas discussed were:

- The need for "Dark Skies" language – this was deemed a long-range item for later discussion.
- Updating the landscaping language, and developing Land Development Code language to implement. Also a long-range effort.
- Add the phrase "and passes" to Policy 13.1.4
- Whether mention of Blind Pass should be included in Policy 13.1.5. No clear consensus was evident, so this will be a long-range item.
- Revising Policy 13.1.9, including LDC language to implement. Another long-range item.
- Update Policy 13.1.13 to reflect more recent events. A suggested rewrite will be discussed at the March meeting.

After this presentation, a discussion on how to preserve and incentivize commercial properties ensued. Also discussed was the feasibility of establishing "coastal communities" as a planning section in the Lee Plan on a par with the Urban, Suburban and Rural categories. County planner Kathie Ebaugh suggested the better approach was to deal with coastal uniqueness through the Lee Plan goals, objectives and policies. Returning to the vision statement, Cunningham suggested that Gooderham and panel planner Max Forgey put together a proposed draft, including Kelly in the writing. Send it to all panel members by Feb. 24 to comment and edit, receive edits back and send a new version back out a

week prior to the next meeting. Diane Szambecki said she supported the current mixed use, but the community needed to look at future needs. An ad hoc committee was suggested to discuss mixed use commercial issues.

Hurricane readiness: Doris Holzheimer reminded the group that the March 6 SkyWarn session with Daniel Noah would meet in the Ding Darling Room at Tween Waters at 10 a.m. (beginning session) and 11 a.m. (advanced session). A trip to the National Weather Service in Ruskin was being planned. A Structural Safety Inspector signup sheet was circulated both for volunteers to inspect and support staff for those who can't do the actual inspections. A March 29 SSI session was planned.

LDC: Forgey and Rene Miville lead a discussion of the status of the LDC review as of Feb. 10, and the county Land Development Code Advisory Committee met to review the language. A copy of the revised LDC draft in strikethrough/underscore format had been provided to the panel members prior to the meeting. McClure asked if the panel should accept changes in general. Forgey said there were technical changes vs. major issues that Captivans feel strongly about. The LDCAC review was the first of four groups that review proposed changes to the county LDC. These are volunteers who are design professionals – engineers, planners, architects, etc. -- plus staff input. The next review will be by the Executive Regulatory Oversight Committee, which look at the economic impact of proposals; then it moved to the Local Planning Agency and finally the county commission.

A discussion of the major issues raised by the LDCAC review began. Ebaugh noted that the proposed water quality language was under scrutiny by the county attorney, and that the panel might want to hold off on pursuing this until later to keep the LDC approval process moving forward? Hayduk said he'd rather see the group try to retain that language, but be ready to pull it if there is too much pushback. Kelly said the island has a basic need for clean water. There's no mechanism to review septic systems, we need to be able to monitor those. Ebaugh said what was being proposed was above and beyond what is already written in county code, but you should know what is in the current rules so you don't ask for it again. Plus, jurisdictional conflicts will be difficult to resolve since the Department of Health is a state agency. She reiterated the panel should make this part of a longer term effort, and learn more about the current process.

Discussion continued on a number of points in the handout, but finally panel members asked that a page-by-page review of the language be undertaken to ensure clarity on any changes was enhanced. The references are to the 2/10/12 draft version of the Captiva Code language:

- **Page 2:** Remove signs from the list of application requiring community review. Move South Seas (A) section to Applicability. Other changes accepted.
- **Page 3:** Was a definition for "guest" necessary? Yes, Forgey would include. Number of domestic employees to be specified? Not necessary. All others OK.
- **Page 4:** The concerns raised at the LDCAC meeting about the mangrove language were explained, and Ray Pavelka was on hand to discuss his concerns about the proposed language in terms of potential takings issues, encroachment of mangroves increasing the loss of developable area, and the difficulties of enforcing what was being proposed. After extensive discussion, the panel members agreed to remove the mangrove section altogether to allow for further research and drafting of the suggestions proposed by county staff. All other changes OK.
- **Page 5:** The Purpose and Intent language for the RSC-2 section will be retained until (or if) the attorneys ask for its removal, to provide important history and context. Other changes OK.
- **Page 6:** Discussion of the 30-day requirement ensured, and the panel agreed to add: *Property*

owners may not rent or lease for periods of less than seven (7) days any combination of principal or accessory dwelling units on a single RSC-2 zoned lot, and may not rent or lease said units to more than one (1) renter or lessee at a time. This will replace the current (D)3 text. Including an illustration for the building height section was approved. All other changes OK.

- **Page 7:** All changes OK.
- **Page 8:** The panel agreed there was no need to define a bounce house, that the current “amusement device” definition excluded them clearly. They saw no difficulties with the 501c mention as possibly being too broad. They left the issue of where to put the “clearinghouse” language to the county attorney.
- **Page 9:** All changes OK.
- **Pages 10-11:** The issue of regulating sign content was a county attorney issue, but the panel felt it was permissible. All other changes OK.
- **Page 12:** They agreed to delete the nonconforming sign phrase. They asked to remove “vandalism” from (B), and said the intent of “standards in place at that time” meant the time of destruction of the sign. They agreed to delete the penalty section. All other changes OK.
- **Page 13:** All changes OK.

Gooderham noted that the revised LDC draft based on this discussion would be submitted to county staff by Feb. 24 in order to stay on schedule for hearings before the EROC on March 14 and a return to the LDCAC on April 13. Panel members would be given a revised draft at the same time

Communications: Stuart noted the recent discussions on increasing Captiva coverage with the *Island Sun* had elicited a very positive response. This would be starting ASAP, with island news, social events, and neighborhood updates as well as news from as many community organizations as possible.

Financial: No questions beyond the monthly update handout.

Other business: Kathy Lash asked to speak, noting that she and her family own property on Laika Lane. She references a discussion by a Mr. Scott at the December panel meeting about easement issues on Dickey Lane concerning the Nani Li'l condominium. She said that easement had always been privately owned. The owners needed a permit for an existing seawall to be rebuilt, and discovered that Nani Li'l did not own it but needed to acquire rights to use the easement to rebuild the wall. She said Mr. Scott was not blindsided or landlocked, that section of Dickey Lane has always been used by Nani Li'l owners. McClure asked if Scott's new lot was now locked in. Lash said he could maintain access using his old lot which he sold to another owner. His legal issues are with the person he sold the bigger house to... never had other access that way as Dickey Lane has always been private. Boyle noted he had a county map for water access, which came from the Parks & Rec Department. Lash said the county did not have a role. They urged us to research records, hire attorney, get a deed, and helped us in the process to get a permit to get the seawall rebuilt. Boyle said if Scott was not using Dickey Lane to access his property, is this even a panel issue? McCarthy discussed his conversation with the owner, who had to acquire land to prevent that property from flooding. He wondered if they could work on an easement with Scott, but said the panel had no role in this.

McClure asked if it was possible to put committee reports first and put the vision item last for the next meeting, since it would take the longest. Terry McClure asked about the new V-shaped head table setup, and was told a panel member had requested the change. The meeting adjourned at noon.

-- Ken Gooderham, administrator