

Captiva Community Panel
MINUTES
March 8, 2011

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

Audience: 15

The meeting convened at 9:05 a.m. Following introductions, the minutes from the Feb. 8, 2011, meeting were unanimously approved (Mullins motion, Hullar second).

CEPD update: CEPD administrator Kathy Rooker started her remarks by saying that some tilling would be done on the beach, as required by the Florida DEP permit to improve turtle nesting. It would start March 16 by Blind Pass, then move to the area where the Corps added sand in 2008 after that; work will be done in the evening when possible. She said a dune planting program was planned for the island, where flat of sea oats will be provided to Captiva residents for free. Residents can call the CEPD office or email mycepd@gmail.com to order sea oats by March 11; delivery would be on March 25, 9 a.m. to 2 p.m., at the Celebration Center. The district will include directions on planting as well. The sea oats were left over from the last renourishment project. In a Blind Pass update, the county has answered questions from the 2/9 BPA meeting. As far as using a backhoe to remove sediment from the pass, this still requires a biological opinion and would cost \$30 per cubic yard (as compared to dredge cost of \$10 per cubic yard plus mobilization fee of \$1 million). Staff has determined it is still more cost effective to use a dredge; less chance of things going wrong as well, less dangerous and easier to move (backhoe would need to use trucks).

SCCF update: Erick Linblad, Mark Thompson, Loren Coen were present on behalf of SCCF to provide an update on Year 2 of the water quality monitoring study. The plan was to give a presentation with a focus on Year 2 and a recap of Year 1, get feedback, then finish a final report and discuss that at the April panel meeting. Thompson conducted the presentation, which is available online at the panel website, www.captivacommunitypanel.com. Among the points made:

- Ground water flow mainly towards estuary on Captiva.
- No bacteria issues found.
- More bacteria after rain events, higher in estuary than in Gulf and ground water – same time and location typically.
- Soil removes bacteria as it percolates.
- Nitrogen...higher in ground water than Gulf/estuary. Human Indicator Bacteria (HIB) also found in things other than humans; that is what they use to determine beach safety.
- Nitrogen...higher in developed area, higher during high season.

- Bacteria higher in runoff. Nitrogen higher in runoff as well. More after rain events for both.
- Less developed landscape, less irrigation will lower runoff.

Silverglide affirmed that recommendations would be part of the next presentation. Kelly asked the analysis to include where Captiva ranks in terms of pollution, and do we need to worry; what can the panel do respond to these issues? A discussion of the next steps for April presentation followed.

Village building height: Boyle opened the discussion of the panel's exemption decision at the December meeting. A key point was how the Village was defined. Gooderham offered a discussion of FEMA zones and impacts on heights due to the different requirements in determining base flood elevations. He reiterated that every property would have to rebuild to the current codes in the event of destruction totaling more than 50% of the structure's value. Max Forgey said that his first assignment was to create one standard what was equitable for everyone, that would work for everyone in the event of a disaster. Boyle said that the discussions included looking at how Sanibel deals with building height, as well as structural bulk, second-story setbacks, tying heights to lot sizes, etc. The conclusion from the workshops was not to change the proposed language. Mullins said the panel went through a complex process, sent out a survey where legitimate questions were raised about the Village impact. options were discussed but never voted upon. He hoped this discussion did not detract from the effort to establish the islandwide standard as proposed, reviewed and revised through the workshop and meeting process, and that there could be a vote on the rule and then discuss the exemptions.

Boyle asked the panel to define the Village in land use terminology. McCarthy reviewed how the panel got to this point... there was a vote in December on the LDC as presented, two panel members voiced their objections, the panel acquiesced to those members. Boyle moved to define the Village as ending with a northern boundary at 14846 Captiva Drive and 14837 Captiva Drive (the last Rauschenberg properties at the S curve) and the southern portion ending at 15300 Captiva Drive (Jensens on the Gulf) (Mullins second). McCarthy asked if there was a consensus in the Village that it wants to be treated separately. Nathalie Pyle said the Rauschenberg property is developable, where does that fit in your definition? McCarthy asked whether anyone had spoken to the trust about this, their plans for the property or their preference in terms of height standards? Miville said he asked them to get involved, they chose not to.

Mullins said the panel should move the ball forward on what we have worked on and vetted, and let them move forward on the exception separately. Silverglide said the panel was acting in a dysfunctional fashion without all the information. Hullar said they needed a lot more research and surveying of those affected. We were getting the cart before the horse, not opposed to this proposal but we need to engage in the process to look at this far more closely. Silverglide said there

was not enough expertise here to make this decision, and suggested letting people ask for variances. A discussion about a Village survey followed. The question was called and rejected in a 6-3 vote (Boyle abstained on a declared conflict; paperwork was filed at the beginning of the meeting).

Stilwell said we needed to define this request better, what boundaries need to be, whether to include the Rauschenberg properties. Miville urged the panel to pursue more planning expertise/experience and an unbiased survey. Mullins said this was a functional process derailed by exception. We should tell the county that there is a portion of the community looking to exempt themselves from this proposed language, which was discussed extensively at workshops. It was the responsibility of the panel to complete the process and move the issue forward, not to put the exception in front of the process. It can be further defined by the people who want this exception, and can include all the science

Gooderham gave a summary of the LDC and Lee Plan status with the county and recent meetings he and Forgey attended. Silverglide said the panel has voted to exempt the Village twice. Discussion followed on how the Village committee meeting was noticed and met. McCarthy said the panel did vote to exempt the Village, not trying to make this into personal attacks. If a consensus is, there it should be allowed. What is percentage we would find acceptable? Panel should decide on what response is necessary. Stilwell asked about Sunset Captiva's deed restrictions; how did they affect the height standard? Hullar said they should apply the standard, and allow a more restrictive exemption. Doris Holzheimer asked if height was the only issue in the Village, and we still awaiting input from the county. What is the deadline to act? Gooderham noted that the Lee Plan material was submitted and awaiting review, and that the deadline was imminent but had not been explained by county staff. The LDC deadline was whenever we were ready, since that process is not tied to a date or state review.

Gooderham continued on how the panel could approach a Village survey, as something smaller to get a better response than the electronic survey done last fall. McCarthy said that would give everyone an opportunity to vote and participate, whether to be part of the entire island vs. having a separate standard for the Village. Stilwell said the panel could make an official notification, have a meeting, conduct a survey or give them an opportunity to make a decision. Silverglide said the committee did a legal and thorough meeting in advance. A discussion of the meeting process followed. Kelly suggested the panel send out the survey with no pre-meeting, a simple letter to all Village addresses asking if they want building height language as is vs. what is being proposed. Hayduk reminded them this was a survey, not a vote.

Holzheimer asked if the panel could go forward with the code. Gooderham said that the panel needed to be satisfied with its proposal and it needed to get the county to buy in to your process. Any discussion or dissension should be

addressed on the island, not downtown. Anne Bradley suggested they use an online information link to allow people to see more data. Kelly moved to send out a survey ASAP to what the panel defined as the Village, which will still allow exceptions at the end, to a simple and single question. (Mullins second.) Hullar said they needed to define the Village first. Mullins said to ask if they would prefer the new or existing language. Mullins offered an amendment to define the Village as defined before by Boyle. Approval was unanimous (three abstained...Boyle, Silverglide and Stilwell). The motion on the survey was approved unanimously. Gooderham said he would work with Forgey and Kelly on the language and circulate it to the panel before it is sent out.

Hurricane preparedness: Holzheimer noted there were no residents at the March 2 SkyWarn training, only people from South Seas. She urged everyone to attend the May 10 presentation by Gerald Campbell at 2:20 p.m. -- the same day as the May panel meeting. The Hurricane committee will meet next week; Campbell will attend to see if we can work with him on questions.

Budget: Gooderham provided a brief summary. McCarthy asked that the panel write a check to the Holiday Village group to reflect the funds raised at the Feb. 9 event.

Fund-raising: Hayduk reminded everyone that the event was set for Wednesday, April 20, entitled "Chefs in Shorts" to start at 2 p.m. with wine tastings and seminars leading to a live auction, for which the committee would be soliciting items. Auctions items will ring Chadwicks Square. He thought this could evolve into our community spring event, to complement Holiday Village. Stilwell noted there would be a conflict with an event to honor Tony Lapi at Junior Achievement that evening, 6-7 p.m. Could the auction move earlier? Hayduk said past experience showed the live auction has to be at the end to be effective.

Trees: Gooderham said no further action had occurred since the survey of property owners, he hoped to focus more on it by the April meeting.

Other business: Mullins asked everyone to wish Doris Holzheimer a happy birthday. He said the CEPD would plan a town hall meeting on the economic impact of beaches. The district had conducted two surveys and asked its economist to analyze island and county data; he concluded that the beaches generate \$100 million in economic activity on the island. Total beach contribution \$2.2 billion in those communities. \$3.5 billion total to Lee County. He stressed we need to understand how important our industry is to Lee County.

The meeting adjourned at 11:40 a.m.

-- Ken Gooderham, administrator