

Captiva Community Panel
MINUTES
March 10, 2015

Attending: Sandy Stilwell, David Rohn, Dave Jensen, David Mintz, Jack Cunningham, Jay Brown, Jerry McClure, Mike Boris, Bob Walter, Mike Kelly

Audience: 25?

Meeting convened at 9 a.m. After introductions, approval of Feb. 10 minutes (Rohn/Walter) was unanimous.

CEPD: *Kathy Rooker:* Accepted contract from engineers for Year 1 post construction monitoring, a survey of the shoreline to see how the beach is performing in project area, and adjacent beaches as well. To check damage to adjacent shoreline, see how the beach is performing. Survey from the top of the berm and dune to the waterline, also offshore monitoring towards the beach by boat. Determine which areas are erosional, which are accretional. Will be sent to FDEP, we have to do in year 1, 2, 3 5 and 7 post construction. CEPD meeting tomorrow in Wakefield Room, 1 p.m. *Mintz:* Status of Blind Pass? *Rooker:* Met with county staff two weeks ago, very aware of infilling. Planning another dredging project, but not in 2015. There are constraints on how often they can take sand out of the pass. DEP has to approve dredging. Looks worse in winter, improves in summer. Question about Turner Beach, LCEC replaced pole there, top was flaking off.

CFD: *Deputy Chief Jeff Pawlus:* Fill the boot drive for MDA March 20-22? Andy Rosse Lane. Station awaiting finishing touches, awaiting CO as well, expect it shortly.

LCSSO: *Deputy First Class Joe Caiazza:* Call volume up, mostly traffic and parking, minor accidents. Crime down. Checking dogs on the beach as called, some spring break complaints. *Cindy Brown:* Traffic data? *Caiazza:* Crazy all through Lee County. Response time can be slower due to volume. *Kelly:* Golf carts? *Caiazza:* If licensed, they can drive them. We do stop those who look too young. If blatant, we will write a ticket. Discussion of incident, OD and suicide attempt.

Hurricane prep: *Doris Holzheimer:* On March 17, at 10 a.m. Daniel Noah will do an event at Captiva Island Yacht Club on "Environment and the Weather," how to read the weather, here and back home. Also free cruise to be offered on Captiva Cruises, meteorologist on board to apply what you learn. Also photo contest. No date set for cruise yet. On May 7 there will be an educational program for hurricanes featuring Jim Borestead with county Emergency Operations Center, Gerald Campbell's replacement. 2 p.m. at new CFD station. *Rohn:* Hurricane passes? *Holzheimer:* Same as used last few years, will get more details from Sanibel. Apps there, not passes. ????: Was told 2012 pass still valid.

Financial: Gooderham noted that the monthly report was included in the packet.

South Seas: *Kelly:* Had several panel meetings to ask questions, plan has been modified from the first submission. The resort has listened to your concerns, but there are no changes since last month. Panel is interested in talking to the project architect about his experience in expansions and traffic/alternate transportation options. Our opportunity to ask him questions. Plans have not been submitted to county, will make forum available when that happens. *Jose Gonzalez:* Actually we have submitted revised plans to county last Friday, reflects what we presented last month. Staff reviews application in context

of codes and amendment. If they find all the criteria have been met, they can administratively approve an amendment to 2008 plan. Everything here is done under a Planned Unit Development, with specific overlay requirements that dictate how things can be done. Can be amended in a certain way, as was done in 2002 and 2008 and as is being sought now. Within constraints of that order, can be done administratively; if it exceeds those constraints, it would trigger a lot of other reviews. Read quote from existing amendment and LDC. Density and intensity, number of units, buffers or open space. More open space in this new plan than in the 2008 plan. Same number of units. We have taken your input and tried to accommodate concerns within our plan amendment. *Brown*: As long as there is no change over the entire resort, you can win admin approval? Change in location density is not a relevant issue? *Rohn*: What was 2008 plan? *Gonzalez*: Reiterated 2008 plan. *Rohn*: Employee housing was located where then? *Gonzalez*: Allocation of units, ability to use regular units for employee housing. *McClure*: Includes numbers and schedules and dates? *Gonzalez*: No, but have discussed before. 15 month construction estimated, subject to when plan is approved. Plan details and further review 5-6 months from approval to new construction.

Jensen: Does county set date to make decision? *Gonzalez*: No. *Jensen*: Concerned with the road inside the resort, prompted by neighbors and friends who live inside South Seas. Is improvement a part of plan? *Gonzalez*: Not in plan now, probably in final plans. What can we do about traffic, road will be addressed but we don't know how right now. *Mintz*: South end drawings, were they final? Entrance, how they interface with Captiva Drive? *Gonzalez*: Entrance inside the gate. Description of current site. Sealing off entrance to outside. *Mintz*: Panel has not seen any drawings. Have you thought about how construction will affect resort, other units and Captiva? *Gonzalez*: We have set some limits on movement of workers, trucks, etc. Construction will have an impact, no avoiding that. We will develop a logistics plan when appropriate. *Mintz*: Sewage treatment capacity sufficient? *Gonzalez*: Working on full report to bring back to you, not to capacity, some operational issues we are looking into. Required to submit certification of capacity for county approval. *Kelly*: You'll have a battle if you want to expand that plant, discussion of past issues. *Boris*: I live in a community with a similar plant, a lot of issues over the years. Issue is peak usage, not average usage. Capacity needs to speak to the highest demand, not average. *Gonzalez*: Sometimes not used to capacity, less efficient if not fully used. Not looking to expand plant, not necessary for this project. *Walter*: Power surge fried pump, affected backflow. Asked them to include a backup on station. Panel should ask them to come and update on plans to update outdated equipment.

Mintz: The 2008 plan included a 20-acre Plantation Preserve parcel, walkways and exhibit. Still a commitment? *Gonzalez*: We have not addressed it, but we can if necessary. We can meet commitment. *Mintz*: Where is preserve parcel? *Gonzalez*: Don't know. Obligated to conform fully with the agreement. Habitat we need to protect, parcels where we can look into this. *Mintz*: Could county ask for units to be moved to south end to reduce density? *Gonzalez*: Not desired by client, so no. Zoning does not dictate size, you have the right to build within constraints of property as long as you abide by the rules. Property value is tied to zoning and location. *Mintz*: Current plan could be made better in discussion with the county. *Gonzalez*: What is best for the client within the constraints of the law. *Brown*: Still not comfortable with rearranging density within resort, from low density to high density area. *Gonzalez*: Think of this as one parcel, moving within. *Brown*: But there are other owners within that parcel. *Gonzalez*: 2008 plan also had other assumptions, one resort overall. *Brown*: Within your rights as proposed? Not an alternative plan with density in south as economically attractive? *Gonzalez*: A reasonable proposal that complies with the law. *Cunningham*: New units will be taxable? Can you determine what in new taxes that will be generated? New money to the county that could be used on Captiva? *Gonzalez*: Ad valorem rate times property value times number of units. Plus sales tax that

goes to state and bed tax component as well. Estimate approx. \$50 million in new taxable properties. Discussion.

Mintz: Traffic... zero increase in auto traffic desired. In the 2002 amendment, pedestrian traffic movement was emphasized. In the 2008 narrative, the applicant emphasized keeping people tied to north end and out of cars. Biggest construction project out of the box, no emphasis of pedestrians over autos. Impact of construction on traffic will be considerable. How can we mitigate to traffic impact? Creative green approach? *Brown*: Does that come from an architect? Or through management? *Gonzalez*: I'm here, so ask. Intent is good, but building code does not encourage good acts. Certain parking requirements, etc. Hardest thing is to convince residents to commit to reducing traffic. Force all residents to agree to stop driving at peak times? Options discussed. Unique opportunity to deal with one resort, perhaps. Discussion. *Mintz*: Are there consultants who address this? *Gonzalez*: Yes, they evaluate all your movements, compile data, then ask you how far are you willing to go? It hurts a little to do it. If you improve road, how do you handle options? More bike/ped and less driving lanes? Commitment that has to be communal in nature. *Mintz*: Things you could do right now. Food options can be broadened at both ends of resort. Discussion. With new units at the north end, will there be options offered to keep them there? *Gonzalez*: Commercial always follows demand, so more units should bring more service. *Stilwell*: Trolleys would make it a lot easier to move. Also consider a park-n-ride off island for workers and tourists. Enable people to do things without vehicles. *Gonzalez*: Have water shuttles ever been looked at? Much more reasonable now. Or amphibian planes. Explore all your avenues to alleviate traffic. *Walter*: Need to change mindset before we spent millions on infrastructure. A lot of cost involved. Discussion of shuttle use and costs, access.

Brown: Percentage of business from South Seas? *Stilwell*: Don't know, we pick up a lot of people throughout the Village. A good percentage. *Mintz*: Education to encourage people to use the trolley, at check-in and through rentals. Could make an impact in season. *Walter*: Impact only during season. *Stilwell*: If they're underutilized right now, a good opportunity for an experiment. *Kelly*: I cringe at the walkers in the dark. Start with the resort to invest in moving people throughout the island. Safety factor will be overwhelming, will get some bad accidents and it will be our fault. *Gonzalez*: Need everyone's input on how we improve the road. Opportunity to make it a better roadway for how it works. More trolleys, more lighted pedestrian components which some will object to. We need your guidance. Reduce traffic, encourage trolley use, make walking safer, look of road in the future. *Mintz*: What's timing to design road? *Gonzalez*: Now and when project is complete, all done at the same time. *Walter*: Identify what we can't do to the road. *Gonzalez*: Can't widen it due to habitat. How you stripe it, light it? Narrower lanes and more walk/bike lanes. ??? Jams are getting off resort, internal traffic can be managed, but external roads will see impact from increased density. *Gonzalez*: Roads designed for island capacity, but not timing of use. Regardless of our units, capacity of the islands is an issue. Overall planning needs to be addressed as a community. Discussion of Periwinkle Way and four-way cops – where traffic fixes actually slow down traffic flow.

Walter: Prudent for us to look at some of the things you've suggested. *Kelly*: Golf carts? Maintained, lighted, driven by adults. *Gonzalez*: Resort could self-police, by residents. *Walter*: There are rules right now we enforce. *Mintz*: Sometimes carts double up on traffic, use car as well as carts. *Gonzalez*: Develop the most draconian set of rules, let everyone thing that's what you approve, and you'll see compromises and accommodations made. *Mintz*: Make Captiva less car-dependent, offer options and make it a signature of the island. *Jensen*: Sense of enlightenment, thanks for your comments. *Kelly*: Conclusion. Get plan before the community? How will south end look, entrance, beach, parking. Send contact information for the appropriate county staff to the panel email list, post plans on website.

Terry O'Sullivan: South Seas Club... isn't an inside the gate problem, but a problem for the island. 2008 amendment said 20 units at north end 80 at south. We bought into resort based on what we say then, not at a higher density north end. South end has more room, more walkable, more convenient. More density should be at south end. Everything funnels south into the island and Village. If allowed to proceed as planned, traffic will be more of a problem. If you can't expand road, why dump more density on the north end? *Mike Frascati*: Sounds NIMBY to me. Difference between 2002 and 2008 amendments? *Gonzalez*: 2002 had no design changes, just density. *Frascati*: Units density, not location. Six people times 140 units equals 840, impact on waste treatment? *Gonzalez*: Can meet demand. *Mary Ann Cowart*: Road owned by associations and resort? Will resort pay for improvements? *Gonzalez*: No, we need to agree on design before we can make commitments on renovations. *Vern Polladero*: South Seas Club... in a timeshare poll of 290 owners, 87% said density shift is negative impact to owners on north end. *Gonzalez*: Empty lot analogy for neighbors. His rights vs. my desires. Discussion of rights and relief. Shift of density, all within the resort. Who is final arbiter? The county. Zoning is something you can go to the bank with, it's a right and denying it is considered a taking. Discussion. Within the laws a community accepts. ??? To Blackstone, doesn't it make sense to move things to the north end, what is business reason? Long-term benefit vs. short-term creation of value. *Walter*: People at south end will want to go to the north end for amenities.

Sarah Spector: South Seas Club lawyer: Issues include open space calculation. No administrative approval if you cannot show impact to buffers and surrounding lands. No traffic study, only report. Discussion of language. Open space, south end existing and what's approved in north end? Why not compare approved and approved, or existing and existing? *Gonzalez*: Do not increase what's approved in the requirement. *Carol Crantz*: Timeshare owner since 1987... own 50 weeks a year, feel we should have a voice. We drive when we can't use the resort amenities. Who regulates occupancy of main pool? Dept. of Health but for in-pool only and not deck? *Walter*: North pool amenities will be added in new construction to keep them in the complex or on the beach, could take load off main pool. *Jim Simpson*: Also timeshare, getting people out of cars, need viable alternatives. Trolley not conducive to use by some, not best to get people out of cars. Carts and trolleys available but not best thought out for impact on people and community. Alternative to encourage use. Electric alternatives, quieter and slower. Better access to trolleys, electric would be nice too. *Walter*: Resort is working toward that end as well. *Frascati*: Downside to open use for trolleys? *Walter*: Looking at options. ??? Amenities fees an issue. Discussion. Make them free and add more trolleys.

Bylaws: *Cunningham*: Read statement. (Walter left meeting.) Bylaws require 2/3 vote for approval, 60 days or two meetings between motion and final vote. *Mintz*: Major changes... Increased panel to 11 members, which was proposed earlier, unsure of status but good to have odd number for votes. No change in appointments, extra would be panel appointment. Went to three-year terms, lessens turnover. Second term is not automatic. Everyone on panel extended one year except David Rohn and Jerry McClure, then goes to normal staggering. Nomination process, clarified and streamlined process. Nominating Committee makes presentation at October meeting with submitted resumes. If no appointment from CPOA and CCA, that becomes at-large position. Additional names at November meeting, plus CCA/CPOA/NC suggestions. December vote. Officers elected in January. *Boris*: Individual terms, not tied to seats so that can't roll over from one to the other. *Mintz*: Midterm vacancies filed in 30 days, either by panel or appointment. *Cunningham*: Midterm appointment reverts back to original status when the seat is up again. *Mintz*: Officer election in January, one-year terms but can be re-elected. Quorum: Majority of panel members with four physically present. So 6 with 4 present. *Rohn*: Need to improve telephonic links. *Mintz*: Included mission statement from plan. Notice

7 days. President interprets Robert's Rules/procedural, panel determines bylaws. Panel member must be accessible to the community, invite constituency groups to present positions as part of meetings. *Jensen*: Why a concern? *Cunningham*: Want to encourage more of that. *Mintz*: Indemnification provision. Attendance... meetings in person or telephonic. *Kelly*: Analyze the review at next meeting. *McClure*: Significant change will restart clock. Discussion. *Mintz*: Expectation is there will be other changes and we will address them as we move forward. Send issues to Gooderham prior to next meeting.

Monday After The Masters: Gooderham explained the current situation and request from South Seas for panel volunteer to spearhead event. Limited time, a lot of work for all. *McClure*: Sponsors may be reticent to participate due to treatment by resort in past. *Brown*: Hard way to raise \$20,000. *Stilwell*: Paul McCarthy's cruise was nicer. *Cunningham*: Cruise for 100 people at \$200 each would make our goal. *Kelly*: Would prefer that. *Cunningham*: Tourney a lot of work for resort. Would they be willing to donate? Kelly agreed to pursue. *Cunningham*: McCarthy was instigator for fund-raising. Need someone to replace him. *Mintz*: Finance and fund-raising committee. Bring people from community in to assist, but make committee responsible for meeting financial needs. Get out another mailing. Look at more money from the county. *Cunningham*: Get McCarthy on committee, Boris agreed to serve on finance committee, *Brown* as well. Discussion in April on different levels of sponsorship.

Plan updates: Forgey did a Lee Plan update review, asked for comments from panel and audience. Panel asked to invite LCEC and FGUA to discuss utility issues and usage. Discussion of who is responsible for review of wastewater treatment capacity: Florida DEP or DOH? *Mintz*: Set panel priorities, short/middle/long. When to discuss. Rauschenberg property as an example, could it be sold and developed? Raising money to preserve property. *Brown*: What about public concerns as expressed in the survey and input? *Mintz*: Which ones do we want to address first? *Kelly*: Don't want panel to end up being a proxy for South Seas, providing a public forum for community instead. Discussion of issues needed. *Cunningham*: Put on the agenda to decide panel action next month. *Kelly*: Key issues representing the county on what we've heard. *Mintz* to do summary of key points to use in review. *McClure*: Their view is we're OK, do we want to take a different position than that? *Brown*: Do we want to take a position at all? *Mintz*: Key planning elements, should it go to hearing or not, taking as position in general. Willing to do a synthesis of issues to start the discussion. *Kelly*: County expects us to give them some feelings on this major project. *Stilwell*: Road is a bone of contention with associations. Discussion. Should panel be involved in resort road? *Kelly*: This is a money issue. Should be a requirement to upgrade road.

The meeting adjourned at 12:45 p.m.

-- *Ken Gooderha*, administrator