

Captiva Community Panel
MINUTES
March 12, 2013

Attending: Baugh, Brown, Cunningham, McCarthy, McClure, Mullins, Rohn, Stilwell, Stuart

Audience: 12

The meeting convened 9 a.m. with introductions and a roll call.

Mullins introduced Jason Maughn, a Sanibel-based attorney who specializes in BP settlement claims. Maughn offered background on the claims process, noting that 2009 numbers were used to determine any losses related to the BP oil spill. Using month-on-month donations, you pick three consecutive months compared to 2010 and you could be eligible to recover up to 1.5 times the actual loss. Those interested in further information can contact him at 472-2424 or Jason@sanibellaw.com.

Lee County Sheriff's Office: Deputy Mike Sawicki introduced himself, to discuss complaints about fishing on the Blind Pass Bridge. This really falls under the purview of the Lee DOT, since that agency controls fishing activity on bridges and can post "No Fishing" signs if they determine there is a public hazard. In the daytime, the issues have been pedestrian interface issues; at night, it's on bridge vs. on boat. Overall, the complaints have centered on trash and broken glass being left on the bridge; dead fish on bridge and road; issues of car/bike/stroller interaction on roadway. He urged people to contact him if they have any issues with fishing from bridge, and he will pass those along to DOT. Mullins noted that DOT is responsive on signage, and asked what we could add to help this situation? Sawicki said any signs and rules posted have to be enforceable. Brown asked whether this board had any ability to act. Mullins said they could approach commissioners to draft an ordinance if a specific action was targeted. Sawicki said the most timely action would be to declare the bridge off limits for fishing. The DOT guiding principle is safety. Mullins asked whether the county could designate one side for fishing and one side for walking. Rohn asked who controls the bridge. Sawicki said Lee County. Nathalie Pyle asked if the LCSO patrols the beach at night for fires. Sawicki said yes, but it had been a while since their ATV is being replaced. He noted there are two ordinances at work here: one covers open fires but not food, the other controls fires in parks, which is limited on island. Of course, any conduct forbidden by sign is prohibited, which meant they were actually sending a mixed message at Hagerup Park.

Captiva Fire District: Chief Rich Dickerson said the district had found a replacement for the reservist who was being called to duty – it was Zach Van Dyke, who had worked for the district before. He noted that the new EMT passed on his first attempt, which was rare; that gave the district six total paramedics in department. For a building update, Dickerson said the district would go to the county for the first rezoning meeting this upcoming Friday. (Stuart joined meeting.) The district would be moving to its temporary quarters next to LCSO next week, and that the temporary permit for new quarters would take 2-4 months to secure. They planned construction on the new building after the end of hurricane and rainy season. To clarify a question from a prior meeting, Dickerson said transport costs for the helicopter service was \$8,500 now and would be \$12,000-13,000 soon, depends on your insurance and how much it will pay.

CEPD: Administrator Kathy Rooker said the board had recent received a briefing on the beach project, including Chairman Jim Boyle's DC visit to lobby for federal funding. Boyle got an optimistic report from the Corps, with a good chance of getting emergency funding for the project. The district is

working with the Jacksonville District office of the Corps on plants and surveys. Notice for the emergency project is expected in March; the Corps will award a contract July 1, so things are moving forward very quickly. The Corps is fast-tracking to get work done this summer, with construction by Aug. 1 if possible. Mullins asked where sand would be placed with this project. Rooker said mainly on the north end where the worst erosion from Debbie occurred. Mullins asked if the district had received any clue of project funding. Rooker said \$3.8 million, could compliment with funds from the Construction General fund to total \$7.8 million. Once the district gets federal funding set, it will develop a schedule with the Corps. Check on the CEPD website on a weekly basis. Looking at a community meeting in June perhaps, once we get facts to give you. Work would finish sometime in December. Discussion of project funding followed.

Hurricane Committee: Doris Holzheimer reminded everyone that tomorrow Daniel Noah will offer his SkyWarn training at 10 a.m. (beginner) and 11 a.m. (advanced) at Tween Waters Inn in the Ding Darling Room. The Structural Safety Inspection training was now set for March 14 at South Seas in the Cone Room at 9 a.m. This was required to be an inspector. We still need SSI volunteers, call the Captiva Fire District to sign up. On May 2, there will be a general education program at South Seas at 3:30 p.m.

Community Center: Cunningham made a presentation of the planned changes at the center, mainly that the structure would be brought up to code and expanded to allow more space for events and catering. The expansion would also allow a new home for the Historical Society, with changes in the library to include a reading area and expanded offices. They would install better lighting for art shows, and would plan to bring the ABC event back to the center from the Sanctuary. The fund-raising would also re-roof the deputy's house and allow them to bring in a generator for emergency use. He noted the center had some roof problems, and that the last renovation was 20 years ago. They hope to make it a more attractive and inviting facility. He said there were also some footing and support problems. He felt this was important to the island, and that our generation needs to step forward and do this for the library, historical society and hall uses. The CCA is working to bring more and different activities to Captiva. In terms of status: Benchmark has been hired as contractor, and they are finalizing drawings. Permits will be next. They expect to start at the end of May, and be complete by December. Estimated cost is \$800,000 and they are looking for donations from the community. Ann Bradley noted that while the library was looking forward to improvements, they were not being done because of the library. McCarthy noted there would be three projects under way at the same time: the new fire station, the Community Center and the beach project. He asked if a presentation had been made to the center's neighbors. Discussion followed on holding meeting for neighbors. McCarthy said it was great to inform us, but better to inform neighbors.

Communications: Stuart made a motion to send Tween Waters Inn a letter of commendation for the undergrounding of the power lines in front of the resort (McCarthy second). Approval was unanimous.

Financials: No questions.

Bylaws: McClure said the ongoing Bylaws Committee meetings had been discussing panel structure. Since he had also served on the last nominating committee, he said there could be the need for some changes as to how process works. A discussion of appointed positions followed, reminding everyone that on the panel the CPOA appointed five seats and the CCA appointed two seats – which meant the nominating committee really only had three positions to look at. He said there was a need to broaden this approach to reflect Captiva in the future. The committee drafted a straw man structure on how to

nominate panel members in the future, and was asking to see whether the panel feels it is on the right track. The committee did not want to proceed with this work only to find out later that the necessary super-majority of the panel is not supportive of bylaws changes. Mullins noted that in previous years the CPOA had offered the panel committee the option to fill its seats in the past. He observed that any change in bylaws requires a 2/3 vote to approve, as well as requiring 60 days' notice before any vote. He said the committee understood there were other things in the bylaws that need work as well, but it was looking only for a vote of confidence today to decide whether to keep working on this. Cunningham offered a discussion of the draft versions and an explanation of the proposal being presented. The nominating committee would be comprised of five people appointed by the panel, and they could serve two concurrent terms which would be staggered. They had to be a resident, property owner, business owner or full-time employee. Nominations for open panel seats would be made at the October meeting, and the panel would not be bound by the slate of nominees. If rejected, the committee would be asked to submit a new slate. All panel members will come from nominating committee selection, not designated organization seats. The panel would vote on the slate in November by a simple majority vote with a quorum present. Brown said the big change is that all panel members will come through committee, which he felt would make the panel more representative of the whole island.

McCarthy said this was a foolish proposal and asked if the Bylaws Committee was saying that the current process does not work. Brown said he felt there needed to be a change in perception relating to the panel. McCarthy said the process in place has served its purpose to represent the island, and asked who was missing? Brown said the main group he had heard about was owners at South Seas Island Resort. A discussion ensued of current panel members of who own at SSIR. McCarthy said no evident of a problem had been presented, just a solution that was complicated and ultimately meaningless. Mullins said the sole purpose for the CPOA is only this panel; otherwise it is a de minimus organization and has never thrown out nominees suggested to it for its seats. He said this proposal was trying to deal with perceptions. Brown said the perception was of two organizations at war. Diane Szambecki said there were a lot of repeated names serving on the panel, that seats do not see change. Mullins said there has been turnover of people after they termed out, and some had come back while others had not.

McCarthy said that bylaws change reality, but communications change perception. Stilwell asked how the nominating committee would be staffed. Mullins said there may not be a quorum at the May meeting, since seven votes are needed to amend, so this will end up being voted on in the fall anyway. He said the committee needed to do more work on the rationale for any changes prior to any vote in the fall. Brown said the Bylaws Committee needed an endorsement of strategic effort now. McClure said under the current procedure the CPOA could appoint half of the panel members all the time. McCarthy said that was a potential threat, not just a perception, which was a different issue. Rene Miville said as one of the founders, he understood the panel to be a trickle-up process, meaning if you come to meeting and interact we asked you to participate. He did not believe this was a flawed process, that there was not one case of people wanting to be on panel being refused. Discussion of how the panel expanded in the past ensued.

Miville said the focus needs to be on planning and the future. Mullins said there was no shame in questioning the process, but that this proposal was fixing theoretical problems instead of the reality. We're open to listening to people's concerns. He asked for a motion for a vote of confidence to allow the committee to continue its work. Brown said the group wanted to change the nominating process. McCarthy said he was open to positive change. Brown said there was not sufficient feedback now to move forward. Cunningham said the panel should not vote right now. McCarthy said he reacted to the presentation made, not the concept. Baugh said he liked the basics and did not want to spend extra

energy worrying about mumbo jumbo but wanted to get something done on this panel. End the divisiveness and get something done. Mullins said the committee needed to draft something that can pass the panel at large. Would like to get input to help the bylaws committee forge something better than we have today. Cunningham made a motion not to go forward, but allow the bylaws committee time to continue to work (??? second). This was approved by an 8-1 vote (McClure objected). McClure said he felt the committee won't come up with anything that will satisfy two-thirds of the panel. He said the panel violated its bylaws by asking Rick Hayduk to nominate someone from South Seas to replace him. Baugh said if the process is broken, fix it. Mullins said he felt they can get to seven votes; it's a communications issue right now. McCarthy said don't make the process meaningless. Mullins said that is how it works today. Miville said the community was active and then it was not. Trickle up works, and the panel needs to respect the people who wish to participate.

Historic preservation: Planner Max Forgey said that as part of the proposed funding for the next phase of community planning, historical preservation section would be part of that process. He introduced Gloria Sajgo, who is the historic preservation expert with Lee County, to discuss how it works and how we can work with the county. Sajgo said the county's historic preservation ordinance enables us to designate properties as historic. Such sites on Captiva already include places inside South Seas, on Binder and Andy Rosse Lanes, the Chapel By The Sea and cemetery, Jensens' Twin Palms, the Tween Waters Inn cottages, the Dickey house, the deputy's house, the old Belton Johnson house, and sites on Buck Key. Designation allows the property owner relief from current zoning regulations. Cindy Brown asked for a definition of "historic." Sajgo said it varied...: 50 years or older, or with historic or geologic significance. She said preservation was another layer of regulation, meaning properties have to come before the historic preservation board for permits or anything other than maintenance and repair. Discussion of process ensued.

Sajgo said one can designate historic preservation status against the owner's will, but the county has never done that. It's really a demand driven program. She said there had been talk about a Captiva historic district for a while, but it could be an issue in a coastal area due to FEMA base flood elevation regulations. You adopt design guidelines for nonhistoric properties to keep new construction in character with the district. Mullins asked if the designation applied to the building or the entire property. Sajgo said archeological significance is tied to the land, historic significance is tied to a building and it can be relocated while maintaining that designation. Cunningham asked who could request a Captiva historic district. Sajgo said the county committee could designate one based on community input.

Dave Jensen noted that any designation is all voluntary. There has been a list of potential properties done for the historical society, but this was just to make people aware of the option – not to prod someone to become part of it. Jeff Morgan asked what would define such a district. Sajgo said a boundary area would be established that would include both historic and nonhistoric properties, and design guidelines for properties within that district would be established. McCarthy asked if such a designation was permanent. Sajgo said mostly it was, but they would look at each property. The goal is preservation – the county wants to meet current lifestyles, but have changes reviewed by a board. McCarthy asked if you needed a donor site if you wanted to move a historic building. Sajgo said that with an old building, you'll bump into modern regulations which will restrict what you can do with it due to nonconformance. Discussion followed.

LDC: Forgey said the draft scope for the new planning effort was being reviewed by county staff, and that he expected it would be back to the panel for review at the April 9 meeting.

Fund-raising: Mullins said the “Masters After The Masters” event would be held on Monday, April 15. There would be some changes this year, and he asked people to help by sponsoring and volunteering. Baugh said they would target more tents; for \$1,000 you get a tent, our food, sign, and foursome. A foursome along was \$600. There would be unlimited hole sponsors at \$300 each. Shotgun start time is 3 p.m., to finish by sunset. They planned to send a “save the date” email with a sponsorship PDF. We will need two volunteers per hole. Target to raise \$20,000-\$25,000. Mullins said the panel needed to pursue sponsorships as well. Cunningham asked if there would be limits on the people who could attend from off island. Baugh said no, and they planned to reach out to the Sanctuary and other area course. McCarthy said he also wanted to do a mailing to property owners about the panel’s service to our community. He was worried about donor fatigue when you keep going to the same businesses for support and sponsorship. Mullins said this would be a fun event as well as fund-raiser, and asked it be put on the April 9 agenda for more discussion. McCarthy said that with a general mailing, we need to address any animosity against the panel as well since that was brought up as a reason to revise the nomination process. Brown said the vast majority of the island doesn't know the panel exists. Jensen said that rental homeowners need to be engaged as well, ask rental agencies to send letters to their owners. Cindy Brown said this was an opportunity to increase awareness of the panel, but at a different time -- perhaps at the beginning of season. Stuart suggested a bullet-point sign at the Masters event covering what the panel has done. Cunningham said if you can't attend golf event, try to send a check anyway. He asked if any mailing could wait until CCA fund-raising drive is done, if possible.

Mullins asked people to remember the San-Cap Cares drive to raise funds for the new Children’s Hospital, which was a chance to be matched by a very generous Golisano donation. There would be an April 7 auction at the Sanctuary. Discussion followed.

The meeting adjourned at 11 a.m.

-- Ken Gooderham, administrator

Bylaws Committee meeting

Attending: Mike Mullins/Jack Cunningham/Jerry McClure/David Rohn/Cindy Brown/Jay Brown/Doris Holzheimer/ Ken Gooderham/ Max Forgey

Mullins: Next steps? Cunningham: Fix structure and everything else falls into place. JBrown: Not broke vs. more traditional governance. Holzheimer: Perceptions only... CPOA controls panel vs. why change what works? McClure: Make bylaws changes we feel need to be made. Mullins: This is the one controversial point, rest of it is moot. Gooderham: Have you looked at the rest of the bylaws? Mullins: Another perception issue. Discussion of CPOA-CCA panel issues and background. Double standard on what is required of governance. Cunningham: Almost no overlap between the two groups, should be working together. CBrown: When comparing CCP and CCA missions, it's confusing to an outside person why there are two groups. Cunningham: Impression of two competing organizations trying to control land use. Discussion of power line issue. Mullins: CCA is more supportive of its panel representatives now. Cunningham: Overlap on mission. Both organizations have an important place here. Issue of perception with CCA and weighting of panel seats. Mullins: Perception goes both ways, CCA not working with panel nor supporting its issues downtown undercuts island's effectiveness with county. Gooderham: Will this nomination change address perceptions issues? Cunningham: We're close to resolving this: 3 vs. 5 members, final authority to panel? Schedule another meeting on March 19 at 10 a.m. Work on drafts beforehand. Work from Mullins and Cunningham email versions.

Adjourned at noon