

## Captiva Community Panel

# MINUTES

*March 14, 2017*

**Attending:** David Mintz, Peter Koury, Dave Jensen, Tom Rathbone, Mike Lanigan, Mike Boris, Mike Mullins, Bob Walter, Sandy Stilwell (phone and in person)

**Audience:** 12?

The meeting convened 9 a.m., Mintz presiding. *Mintz:* Rae Ann Wessel here, will provide legislative update after LCSO report. Feb. 14, 2017, minutes: Mintz noted a few typos. Motion to approve as amended (Rathbone/Boris), unanimous approval.

**CEPD:** Not present

**CFD:** *Chief Rich Dickerson:* Single-family homes and renters, occupancy. CFD has no jurisdiction over single-family homes, just commercial and hotel. Private property, off limits to us. *Mullins:* When we were remodeling our home, it was inspected and required sprinklers *Dickerson:* Sprinklers are required if home is three stories and above, unless you have required fire separation. District will hold an open house April 1, 11 a.m. to 2p.m. New engine will be on hand, now being manufactured. Current engine will become reserve. Food and refreshments, everyone welcome. Christen new engine by pushing it into the bay, an old tradition. *Jay Brown:* Had a fire on our property last Saturday, CFD response was terrific. Discussion.

**LCSO:** Not present

**Legislative update:** *Rae Ann Wessel:* Bill tracker on front page of SCCF newsletter. Can watch online, or see summary. Two bills on septic laws: HB 285, require inspections before real estate transfer. Had this kind of rule before, hopefully know more to support it now. *Brown:* Chances it will pass? *Wessel:* Aske me later today. *Brown:* Letter of support? *Wessel:* Sign up for alert system, can customize letters. (Stilwell on phone). Second bill, SB Young... one we like, one we don't. Impact requires remediation which is good, but how they pay for it not so much. Basin Management Action Plan, TMDL planning. Funding comes out of Land Acquisition Trust Fund, takes it away from Glades restoration. SB 10... Negron bill for southern reservoir for Lake Okeechobee. Complete rewrite, still has southern storage, broadens to appeal statewide, carve-out of other areas. Bonding to a new water resources trust fund. Waiting to see what happens. Also have seen that U.S. Sugar said it will honor contract with the state. *Boris:* Septic rules... functional only or to meet new standards? *Wessel:* Don't know, Dept. of Health sets standards and jurisdiction needs to be clarified. *Mullins:* Votes? *Wessel:* Two committees today, first of three committee hearings. Discussion of schedules. *Mullins:* Letters? *Wessel:* Don't wait too long, committee action is crucial to final passage. Always personalize letter, you can customize letter as needed. *Mullins:* Can panel respond. *Gooderham:* Yes, but also everyone needs to respond, quantity matters over quality. *Mintz:* Get updates so panel can respond. *Mullins:* Respond in a timely manner both as individuals and as the panel. *Wessel:* Generate your own list of things you want to track, easier for staff to follow.

- **ACTION:** Include legislative agenda on April agenda, pursue bill text as appropriate.

**CEPD:** *Kathy Rooker:* Blind Pass meeting March 24, 10 a.m. at Sanibel Rec Center. Blind Pass inlet management plan, Florida DEP to adopt for the pass. Bring ID to enter building. Will hear different alternatives engineer has developed. Combination of several approaches to make plan work. Dredging a week later due to wind conditions last week. Pulling water out of pass so contractor was unable to set up pipes, completion pushed to middle of May now.

**LCSSO:** *Sgt. Mike Sawicki:* Doris Holzheimer leaving island soon, chair of hurricane committee is open, volunteers welcomed. Let me know if you're interested. *Mike Frascati:* Accidents on Captiva Drive? *Sawicki:* By Tween Waters Inn, hit someone in crosswalk. Mental error. *Frascati:* People walking the wrong way, back to traffic. Discussion of roadways. *Mintz:* Trying to improve conditions on Captiva Drive in Village. Worse if people park in S curve. *Sawicki:* Have written several tickets so far this year. I have spoken to Matt Hall about issues, and asking Lee DOT to put sign there. Discussion. *Nathalie Pyle:* With Daylight Saving Time back, we're back in the dark, appreciate deputies on road in the morning.

**Plan:** *Gooderham:* We had expected staff report to be in our hands prior to this meeting, was informed it was not complete Monday morning. Had already requested our Captiva Plan amendment be moved to April 24 LPA agenda to ensure sufficient time, will follow up with director to find out status and ETA for report. Discussion of issues and urgency to get report back while community is still engaged and present.

- **ACTION:** Follow up with Planning Manager Mikki Rozdolski.

**Charitable Foundation of the Islands grant:** *Boris:* Background... Cindy Brown on CFI board, suggest opportunity to apply for grant. Group is interested in helping Captiva. Our needs don't fit their plans in a tidy way, but we have developed a proposal based on the Depew proposal (to strengthen the Captiva Plan language). Asked for \$5,000, but deadline is March 16 so time was of the essence. *Mintz:* Motion in support of submitting? (Mullins/Jensen) Motion to support efforts to make CFI application. *Koury:* Good idea, but what will BoCC think? Hits me the wrong way. Discussion. *Mullins:* Motion doesn't indicate support. Not worried about BoCC, but that we have to ask for charity at all. A bit awkward. *Mike Kelly:* Long-time member of foundation. Panel is different kind of animal than our usual requests. Discussion of purpose and process. Specific need for specific assistance. Vote called, 7-2 (Koury/Mullins opposed), motion passed.

- **ACTION:** Complete and submit CFI grant application.

**Legislative update:** *Mintz:* Outlined bylaws conflict on Steube letter. Article 4/4 item should be on the agenda prior to meeting. Items can still be discussed, but not voted on. If it's a time-dependent item, panel may vote to suspend rule then vote on action. *Mullins:* Discussion of action. Motion, and then discussion. *Forgey:* Prepared handout digest of legislative status of some key bills of interest to the panel; from FAPA website. Water resources bill, you've already heard from Wessel. Vacation rentals and SB 996 Growth management. Appeal adverse decision on land use or zoning change. *Mullins:* Sunshine Law change? *Gooderham:* Filed, in committee, will follow. Would allow two members of a group to meet legally, with conditions *Forgey:* Overriding Public Necessity discussion at LPA hearing. *Mintz:* Explanation of plans with OPN requirements. Unilateral request to LPA. *Koury:* BoCC has presented to LPA? *Forgey:* No, BoCC will hear on March 22. At Feb. 27 LPA hearing, 3-2 vote to remove OPN references from four plans. Attorney says OPN can't be defined, but the common meaning of those words works just fine. OPN requires BoCC to make a finding to take action. *Mintz:* County looks negatively on

OPN language in any plan. *Walter*: Look negatively on language that does not define terms to enable action. *Forgey*: Goes to BoCC March 22 for first reading. If approved, will go to state for review, back for adoption 60-90 days for adoption. *Koury*: County removing language from local plans without any consultation or input with communities. *Mintz*: Have four communities weighed in on this? *Forgey*: Yes, at LPA and in communications with commission. *Koury*: Any precedent for this? *Forgey*: Don't know, county looking for ways to take specificity out of community plans. *Mullins*: Discussion of Gulf Coast Town Center as example of how BoCC can overrule plan.

*Koury*: Steube bill, background of removal of local authority of vacation rentals. Would inhibit panel from regulating vacation rentals separately from other properties. *Mullins*: Motion that the letter drafted by Koury be approved and sent by a panel. (*Mintz* second). *Koury* read letter. *Mullins*: Iteration of language. *Jensen*: For intent, but letter implies we want to control rentals, that we've already decided. *Boris*: We don't want someone else to say what we can't do. *Lisa Riordan*: Companion bill, send letter to House member as well? HB 425. *Koury*: Yes, and BoCC and others as appropriate. Send to local representatives and senators as well. *Stilwell*: Three different bills relating to vacation rentals. Different goals? *Mintz*: Quintessential pre-emption bill. Don't suggest we have a position on rentals, just don't want to be pre-empted from taking action if necessary. *Mullins*: Read other bills, they're the exact opposite of Steube approach. *Mintz*: Voice opinion as to we want to oppose pre-emption. Discussion of status and support. Motion unanimously approved. *Jensen*: Similar letter in support of other bill. *Boris*: County interested in this? Discussion. *Gooderham*: Suggest panel develops a legislative agenda prior to session to allow for more flexible action by staff. Also consider speaking at Legislative Delegation hearing before session to emphasize your key legislative concerns.

- **ACTION**: Revise and submit letter to Steube and others. *Forgey* will attend BoCC hearing. Set up tracking on other bills of interest not covered by SCCF.

**Sunshine**: *Gooderham*: Introduction, concern over compliance and awareness raised, resources available to educate, and ask questions so I can research and report to help narrow down areas where we may need more guidance. County offers session, but you have to go downtown. They wait until legislative session is over to be up to date on any changes. *Mintz*: Explanation of questions included in packet, a starting point to develop a common understanding by panel. Get questions to *Gooderham* before next meeting.

- **ACTION**: Panel members to submit questions ASAP, *Gooderham* to work on research and report at April meeting and beyond.

**Invasive species**: *Jensen*: Questions about using poisons to control species. Spoke with Wildlife Commission, asked about all the invasive species, very helpful. Will look at alternatives. *Walter*: Have looked at options. Switched traps here, as well as levels of bait due to impact on birds of prey. Will compile for website, look at SCCF pamphlet too. *Stilwell*: Trim vegetation as well, LCEC is willing to do that. *Jensen*: Lizard discussion. *Mintz*: Rabbits a problem, expensive due to landscaping destruction. Discussion. *Walter*: South Seas trapping and removing rabbits on golf course, a major problem. *Mintz*: Community approach, discuss at next meeting? *Stilwell*: Had raccoon issues, hired a relocation company. *Tom Libonate*: Rabbits and birds of prey relationship? *Pyle*: Iguana problem, just like the rabbits soon. *Jensen*: Make reports to Wildlife Commission about lizards, they need those to make case for a permit to remove iguanas.

- **ACTION:** Jensen will follow up on suggestions, Gooderham will add materials to website.

**Sea Level Rise:** *Gooderham:* Explanation of outline in packet, drawn from symposium as way to frame research. *Mintz:* Ends up in committee, Mangrove bills? Parameters for committee. *Mullins:* Separate goal. Keep it that way, separate committee for mangroves. This is a CEPD issue, important as district has taxing authority. Panel should work on this but encourage CEPD them to take a bigger role. *Mintz:* Discuss mangrove committee at next meeting.

- **ACTION:** Begin SLR research, set mangrove discussion on April agenda.

**Wastewater:** *Brown:* Meeting with Manning to brief on proposed wastewater alternatives study. Will present to BoCC March 4 or March 18 for approval. *Mintz:* Discussion of meeting. We were focused on getting to a commission workshop, ended up with Manning promising to make it a walk-on commissioner item. Very supportive of item. Hope to get out for bid in early summer, 3-4 month process after that to get to start of study. *Brown:* Summary of study. Expect it to take a year start to finish, with input from community up front and a report back to community at end. *Mullins:* Density and wastewater interconnected, fear of high-rises. *Stilwell:* Grants and funding options included in scope, such as what's being discussed in the Legislature now? *Gooderham:* If in place when study is done. *Brown:* Discussion of funding.

- **ACTION:** Get copy of legislation on septic grants.

**Captiva Drive:** *Mintz:* Waiting on survey to determine what land we need. DOT said request to pay for survey and other DOT work needs to go to BoCC for approval due to funding process.

**Overbooking:** *Jensen:* Had meeting Feb. 21. *Riordan:* Four major rental companies attending, some from community and some panel members. Discussion of rental issues, noise and overcrowding. Letter from panel to renters on etiquette, agencies were open to that. Suggested letter goes out when first agreement is signed, not when they arrive. Report under way set for next meeting. Circulating draft now. *Mullins:* Agencies have shown willingness to cooperate to get message out. Saw a claim that a homeowner entered rental to leave letter for renters, owner had concerns over that action. Keep cooperation with rental agencies and respect property rights. *Riordan:* Royal Shell, AMRC, Kingfisher and ReMax engaged. Aware of letter, person did not enter anyone's home. Goes to homes on Saturday, introduces herself, gives them letter to ask consideration from neighbors. Resolved this issue. *Libonate:* Knee jerk reaction. *Mintz:* Everyone cooperating, meeting was very collegial. *Riordan:* Very cooperative and interactive. *Libonate:* Entered dialogue as a result of that meeting.

- **ACTION:** Committee working on draft rental letter for panel review.

**Development:** *Mintz:* Members, recap. *Lanigan:* Communicate via email to ID goals. Share information, work on meeting. Cost for website redesign? *Gooderham:* Estimate was \$10K for more complicated site, so probably less. *Boris:* Panel does not need or ask for a lot of money, but we need it on an ongoing basis. Awareness is growing, more support flows from that. *Mintz:* Committee will develop plan to raise funds. *Rathbone:* Explain what we do and what we need the money for, how will it benefit you to donate to the panel. Send them letter and brochure. *Mullins:* Raised less than budget last year. *Boris:* Budget has been more aggressive as well. Get their attention as to what the panel does.

- **ACTION:** Committee will set meeting and begin fund-raising plan.

**Nominating Committee:** *Mintz:* Explanation. Appointed by president, ratified by panel. Stilwell terms out at end of 2017, so one CPOA appointment open. One CPOA first term, two panel appointments first – term to be addressed. Committee will re-nominate those two positions. President proposed the following: Rene Miville, Hal Miller, John Dale. Motion to ratify nominations (Rathbone/Mullins), unanimous approval.

**New business:** Rathbone: Appreciate feedback on evaluation form. **Stilwell:** What about South Seas email we received Monday? *Walter:* Moved cottage at Bayside Marina some weeks ago. Had relocated golf cart, etc. rental to different site, and wanted to relocate historic cottage back to its historic site closer to the boat basin. Planning to have fishing charters will run out of there. Just putting cottage back to where it was before. *Mintz:* Issues was not on agenda, applicant is seeking a Limited Development Order, county says it needs a public meeting with five-day notice. *Walter:* Just offering information to the community. *Mintz:* Can hold your own meeting or advertise it for the panel's April 11 meeting. Discussion from South Seas residents. *Mullins:* New Supervisor of Election Tommy Doyle has decided that independent special districts can not hold their referenda as part of the regular election cycle, but would need to be a separate election. Vote on next beach project would be held in August, not part of regular ballot issue. Could impact cost and voter turnout. *Riordan?:* How would that affect beach vote and how are they counted... majority of total voters or of those voting? *Mullins:* Majority of those voting. *Lanigan:* How to get absentee ballots? Can panel get voter list? *Gooderham:* We have it, public record. *Koury:* Thanks to Bob Walter and South Seas for its hospitality.

The meeting adjourned at 11:10 a.m.

-- **Ken Gooderham, administrator**