

**Captiva Community Panel**  
**MINUTES**  
*April 10, 2012*

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

Audience: ~12

The meeting convened at 9 a.m. with a roll call and introductions. Reading of the March 13 minutes was waived, and Rohn said he did not remember the portion which detailed the change of meeting place from the Civic Center. After discussion, it was agreed that a discussion on that did occur; Mullins suggested it be left in as is, but that less detail would be OK in the future. A motion to approve the March 13 minutes (Boyle/McClure) was unanimously approved.

**CEPD:** Administrator Kathy Rooker opened her remarks by noting that Sen. Dennis Jones (also known as “the Sandman” for his long-time support for Florida’s beaches) had termed out prior to this legislative session, which left many wondering how new legislators would feel about beach management? She said it was a good year for beaches overall, and lawmakers did a good job representing beaches to Gov. Scott. Scott signed the beach management bill signed last Friday (April 6). HB 691 will streamline regulatory process and permitting, which will save money and time. The annual appropriations bill was still on Scott's desk, looks positive that he will sign it. Beach funding was back on the rise again, over \$20 million collected but the state still needs to get back to the full funding level annually of \$30 million.

Brown asked her to summarize the status of the three sources of funding for the upcoming beach project: state, county, federal. Rooker said the district was in negotiations with Lee County on an interlocal agreement, and was awaiting a federal work plan from the U.S. Army Corps of Engineer. Cunningham asked what the funding levels were looking to be. Rooker offered a discussion of the district’s funding goals, saying they had not gotten down to numbers with the county and that federal funding is being formulated now based on a cost-share of 21.8% of the project cost. Hayduk asked if she envisioned the need for a special assessment for the project. Rooker said definitely, and it would be tied to the project’s other funding with residents having to pay what's left. Mullins launched a discussion of assessment options and the prior referendum, saying it was not clear we're going to do the nourishment this year or not, that it would depend on federal funding.

McCarthy asked the overall budget cost for project. Rooker said \$20 million, but it depends on how elaborate a project you want to build. The board will look at funding and make decisions on that. Mullins discussed the referendum and timing, that the district wanted to have local support in advance of pursuing government funding. Brown asked about Blind Pass. Boyle said the situation was changing, and not in a good direction. The current Blind Pass permit to dredge allows placement of sand at two locations on Sanibel. Fish and Wildlife Service won’t let them put sand on those places because they want them to rest, so the county has no place to put sand. The CEPD beach project permit allow placement near Blind Pass, but we don’t hold dredge permit. The county will see if its permit can be modified to allow similar placement. Discussion of dredge cost and scheduling followed. In closing, Rooker urged residents to vote for Captiva as a Best Restored Beach, an online context being run by the American Shore & Beach Preservation Association... to vote early and vote often, as votes could be cast every 24 hours.

**Hurricane preparations:** Doris Holzheimer said there was nothing new to discuss. The committee was meeting next week, and there was a Safety Structural Inspection training today. May 10 is the public education meeting, and information would be circulated shortly.

**LDC:** Planner Max Forgey said the county Land Development Code Advisory Committee would meet on Friday (April 13) for its second review of the Captiva Code. The Local Planning Agency meeting where the Captiva Code would be heard if all goes well with the LDCAC had been moved to May 31 due to agenda constraints. Gooderham noted that the Executive Regulatory Oversight Committee had reviewed the code draft at its March meeting, and had made a few suggestions which would be discussed later in this meeting.

**Communications:** Stuart noted she had received good comments about the community calendar and updates. She asked about photos from the Masters golf tourney for media use, and she would work with the photographer to arrange that.

**Finance:** Gooderham provided a brief update of the current status, and said that a longer discussion was planned later in the meeting.

**Water quality:** Gooderham noted that Dave Jensen and his committee was working on a card to go out with landscapers' billings to support native vegetation, and discussions were continuing about the Andy Rosse drain with pertinent county departments.

**Fund raising:** Hayduk said the preliminary returns from the April 9 golf tourney showed ~\$15 M committed against expenses of about \$2,500. He promised a full accounting for the May panel meeting. All in all, everyone felt it was a very successful event and prices will go up next year, we expect. Everyone will have a better understanding of the event now. We will build on it for next year, but all our objectives were met this year. Mullins made a motion (Rohn second) to thank South Seas Island Resort and Rick Hayduk for all their efforts in support of this event, which was unanimously approved.

**OSTDS language:** Gooderham offered an introduction and background. During discussion of what could be done about OSTDS maintenance in the code, the question arose about what was currently being done through the current permitting process, what are the current regulations, and who controls which function. This is a summary of the current regulations followed by an analysis of the proposed language in relation to the county or the state (through the Dept. of Health). To see what we can do with the current county regulations and prepare in the future to push the Dept. of Health to better regulate current systems in the future.

Currently, the newest systems are the best regulated; many of the older systems aren't even on the DOH records. The issue is also capacity and maintenance – is the system big enough if the house is enlarged, and is it being properly maintained. Kelly had suggested tying it to real estate sales, which won't work because the two systems are not tied together. So we looked at tying it to building permits, to require that a property owner show proof of OSTDS maintenance when they applied for certain other building permits. Mullins asked whether SCCF could weigh in on this issue, to help us with education? Really being driven by the guys who do the septic pumpouts, they check the records and trigger DOH action. Find some funding to help educate the property owners how to do the right thing, this would give us better voluntary compliance. Kelly said we're not going to have sewers on Captiva in my lifetime, only way to improve water quality is through monitoring septic systems.

Mullins asked what the water quality study showed. Gooderham said it indicated that maintained systems can work and not overload the waters with nutrients. The question is what can we do using county code to encourage maintenance. Cunningham said whatever rules we come up with, it comes back to communications. People do want to do the right thing, and the panel could accomplish a positive thing by getting this kind of information out. Hayduk said let's stick with the proposed language in front us, how does everyone feel about that? Gooderham reminded them that this is language you have already put in; this is just a review of what's already in place to see if it's worth keeping in place. Discussion of the first paragraph and subtleties of wording. McClure said there's a difference between showing maintenance and certifying the entire system – the difference between, say \$600 and \$6,000 in work. If I have to get one of the septic contractor to certify my system for a very simple building permit that does not expand use or septic demand, that's an onerous requirement. Hayduk said the focus is water quality – where does the panel stand in terms of that.

Kelly said we need to continue to push at least a checkoff on maintenance, at the very least, to address water quality concerns. Gooderham said the goal was to get something on the books, knowing that we cannot get everything we need the first time around. If we can show that our first effort is minimal but can be effective, we can get it in place and then try for a broader effort down the road when we have a track record to show implementation and impact. Hayduk said water quality is a way of life on Captiva, and we hope that anyone who lives or wants to live on Captiva would value that as well. This may be the only way we make any progress on it in the short term. Kelly said we're still trying to get the county to view the barrier islands as a unique entity, and something like water quality is critical to our way of life out here, and critical to our values. We need to preach it. Mullins said but if we want to see it enforced, we need to understand the ramifications of these words. We don't want to pass rules that could make any property out here worthless – we're inviting a lawsuit if we do.

Kelly said there is more than one way to address these problems that will allow people to use their properties. McCarthy said we need to incentivize this, through education, through programs to upgrade systems. Water quality is important on these fragile barrier islands. Bring people in to discuss the options, almost like a trade show – but figure out a way to give people an incentive to do the right thing. No one is entitled to pollute the water, to damage the property on a barrier island – but you may need help to do that. Cunningham said maybe what dictates what triggers an inspection is the issue, and we need to define it more specifically. Hayduk said it doesn't have to be all or nothing, it can deliver small incremental results. Boyle said it's not fair to say that all old systems do not work, a lot of it ties into load and maintenance. You can put qualifications or thresholds into permit triggers. Brown asked whether we have evidence that there is a problem. Boyle said not really. SCCF did a cross-section study of the island and found no problems. Mullins continued that common sense suggests otherwise. McClure said the proposed (A) approach is a positive step, with some modification in language. "Certified" is the issue, in terms of potential cost. McCarthy said he thought we agreed that certification is out, and the question is maintenance.

After extensive discussion and with the suggestion of shortened wording from Ebaugh (and amendments from the original motion), the panel approved the following language (Mullins/McClure) 9-1 (Kelly dissented):

(A) Prior to the approval or issuance of any development order, zoning or building permit, the applicant shall provide written documentation of an OSTDS pumpout by a licensed septic contractor in compliance with current standards within the past two years.

After reading and discussion, the panel unanimously approved removal of Paragraph (B) of this section

(Mullins/Brown). The feeling was that enforcement would fall solely on the state Dept. of Health, who is not bound by county code language. After reading and discussion, the panel unanimously approved removal of Paragraph (C) of this section (Mullins/Brown). Existing systems are addressed in the current permitting process, and in many instances new systems are also considered for appropriate sizing by the Dept. of Health), making this a less relevant condition at this point as well as a cross-jurisdictional issue.

**SIGNS:** Gooderham introduced the two issues with proposed sign language that had been brought to his attention since the last panel meeting, one involving signs the Captiva Memorial Library is currently using to promote temporary events and the other involving “for sale” signs on properties with water access. Gooderham had drafted language for the panel to consider if they wanted to take action, which had been provided to the panel beforehand. Brown asked why nonprofits were singled out for allowance. Mullins asked if government entities would be included as worded or if that needed to be added. Kelly raised the distinction between a temporary sign and a permanent sign. Hayduk noted that the small kick-in signs were not included in the prohibition clause if we remove sandwich boards. Ann Bradley suggested limiting duration of signs if it were opened to for-profits and nonprofits as well. Discussion of other signs being affected by the proposed language. Cunningham discussed enforcement and the lack thereof – who will be responsible for it? Will the panel take that on? Mullins noted that the best enforcement is often voluntary, when people in the community call violators on excesses. Kelly said voluntary enforcement still required some kind of code as a starting point or guideline. Hayduk said we needed to find a way to capture that with words, that no one wanted to turn neighbor on neighbor for enforcement. How do we develop reasonable rules knowing that code enforcement will be solely reactive? Ann Bradley restated the reasons she brought this up, because it was suggested that those with an issue with the proposed language should make their concerns known before the language was adopted. Discussion ensued over the specifics of the language.

A motion (McClure/Stuart) was made to amend the “Prohibited signs” section to include “except as exempted in Section 33-YY (B),” Signs not requiring a permit,” and to amend Section (B) of “Signs not requiring a permit” as follows:

(B) Bulletin boards, temporary banners, sandwich signs and other ground signs to be located on the same premises as the institution or in the vicinity of the event being promoted and not exceeding 32 square feet in area for banners and ten (10) square feet for sandwich signs and ground signs. If promoting a specific event, such signs cannot be erected more than seven (7) days prior to the event, and must be removed the following day.

Approval was unanimous. Cunningham asked that the panel come back to the issue of enforcement at some future date. Kelly said consistent communication would be important for that. Gooderham said the process of drafting new language also encouraged future education efforts to tell the community what changes had been achieved.

The second issue concerned allowing a second “For Sale” sign on the water access, under the same parameters of the first signs. A motion to approve (Kelly/Stuart) was made to adopt the language as proposed, which was approved unanimously.

**BUDGET:** Gooderham introduced and reviewed the budget items, year to date as well a compilation of expenses and revenues dating back eight years, as much as we have in this version of QuickBooks. Discussion of the data ensued. Cunningham asked if any grants were in process at this point. Gooderham said nothing was being pursued now, options were being discussed. Cunningham said this information indicated that the panel would need to do some serious fund-raising next year, Gooderham concurred

and said the option was to cut expenses, Mullins noted that asking the county for some panel funding through the Unincorporated MSTU millage. Gooderham suggested that if the island decided to pursue such funding, it would be prudent to decide a purpose that was Captiva-specific to avoid setting a precedent that the commissioners would not want to set. Mullins suggested looking at a percentage, researching to find a number that might be palatable to other communities. The island was facing donor fatigue, as had been mentioned previously, and the panel needed to look at ways to broaden fund-raising... perhaps using a membership drive and event along with more marketing. Cunningham felt a donor community plea won't work, but the panel should target an MSTU percentage on an annual basis as a funding base. Discussion followed and finally led to consensus to establish an ad hoc finance committee to explore some of these options and report back to the panel at a future meeting. Mullins, McCarthy and Holzheimer were suggested as members. Holzheimer said one advantage of events was to bring the community together. Mullins concurred that the committee had a bigger target than just fund-raising, that a sense of community was essential.

OTHER BUSINESS: Cunningham asked if the panel could get the meeting packet in advance all the time as was done for this meeting.

The meeting adjourned at 11:35 a.m.

*-- Ken Gooderham, administrator*