

**Captiva Community Panel**  
**MINUTES**

*April 11, 2017*

**Attending:** David Mintz, Dave Jensen, Tom Rathbone, Rene Miville, Mike Lanigan, Peter Koury, Mike Boris, Mike Mullins, Sandy Stilwell (phone)

**Audience:** 12

Meeting convened 9 a.m. After introductions, the March 14, 2017, minutes were discussed. *Mintz:* Error on page 3 about local preemption, we oppose not support it. Amended minutes approved unanimously (Mullins/Rathbone).

**CEPD:** *Kathy Rooker:* March 24 stakeholder meeting for Blind Pass, good turnout. Next meeting will be final meeting, date not set yet. Options discussed, developed and tested, public input on those. Looks like maintenance dredging is working, will continue. Could it be enhanced by other options, combined with other options? This method could be effective, but what else can be done to enhance it? Structures, placement, etc. Will look at a combination of those options to enhance current plan, cost effectiveness will be further down the road. Dredge has moved to gulf side of pass, will remain there, could be some infilling on bay side, will re-sweep if that happens. CEPD meeting tomorrow 1 p.m. in Ding Darling Room. *Miville:* Great crew on dredge, great equipment.

**CFD:** *Chief Rich Dickerson:* Thanks to those who attended open house, more than 100 people. Hurricane seminar April 19 at CCA, flyer lists people speaking. Sanibel using same pass as last year will be there as well. MDA Boot Drive, More than \$3K collected on Captiva, great response countywide as well. Traffic issue on Sanibel due to Pence visit. Here until Saturday.

**LCSO:** No one present.

**County review:** *Mintz:* Plan is most important thing we do. Plan for the future of Captiva, core of our mission, take this very seriously. Plan now in effect, includes key elements: Building heights, safeguarded it as possible. Language about sewers only if sized by plan limitations. Rezoning, variance, exception requires meeting on Captiva. Increases in density not permitted. All in plan today that's in effect, nothing has changed here. Subsequent work by panel, after workshops and surveys and discussions, came up with amendments to plan submitted in March 2016. Changes are from existing plan, reflected the public input and sense of community. Long and painstaking process to develop community priorities. Discussed with county, made changes to reflect their concerns. We thought our plan would be one that would be passed. Last week we got back the county's proposed plan. Not revisions of our amended plan, but a complete rewrite. Changes to the original plan, complete restructuring. Fundamentally ignoring changes we made in amendment. Opened door for county to look at proposed and existing plan. Consistent with that new view of what a plan should be. Generic, homogenous, less specificity to community concerns. Whether it goes into code or goes away, we don't know. No comment from county with revised plan, as staff report is tied to Local Planning Agency hearing. I drafted a version showing what we would have to put back in it accepting their structure. What do we have to put back to reflect March 2016. Negotiate with county to revise their proposed plan. Understand of these elements are being removed totally or moved to the code.

*Mintz:* Extensive preamble that reflected our workshops was removed. Only concerns reflected in county draft are environmental, need to put back density language consistent with vision. Discussion. 13.1.5: Return sewers and OSDTS regulations. RSC language... prohibit density increases options. 13.2.3: Took that out completely. Put it back in or maintain existing rules as of now. Discussion. 13.2.4: Memorialize

seven-day limits for non-hotel units. Discussion. Grandfathering existing dwelling unit language. 13.4.1: Restore rezoning, variance, special exception requirement, 13.4.2 make requirements for plan amendments. County changes it to plan amendments only and no panel requirement for involvement. Thought the plan was the purview of the panel, something we recommend to the county. Unlike variance, etc., where we comment on request. Plan needs to come through us. *Mullins*: County has challenged panel status on the past. Other individuals can come before them on these issues. *Mintz*: Petition us, explain it to us, we offer our comments, county can still decide to support or deny panel recommendations. Recap. Goal, sewers, density, rental limits, heights, public information for variance, back plan language added. Minimum things we need to do if we agree to work with county structure.

*Miville*: Good work, to work with county you have to give them a solution. Discussion of motivation behind this. Discussion. *Sharon Jenkins-Owen* (county planner): Initiative from county to change regulations overall, not particular to Captiva. Realigning plan, code and administrative code. Things coming out of plan will go into Land Development Code. New administrator, new everyone downtown. Consistent with moving code items in plan to code. Plan sets goals and objectives and policies, implementation belongs in LDC. Something should be in administrative code. This is being done for the entire Lee Plan, not just Captiva section. *Miville*: Blind Pass correlation. Taking ownership of new plan. Shift from community-based planning to county-based planning, need to educate new staff. *Max Forgey*: *Mintz* has identified major points for county response. Years of work went into this, to build an implementable building heights regulation and vision statement to help you and future commissions make land use and fiscal decisions. I think you did a good job. It offends me that County Attorney's office makes these changes without knowing what hard work you've done, without hearing from you. *Miville*: How did this get away from you guys? Discussion.

*Mullins*: Following Pine Island issues, seems county has a new agenda, they don't want to be constrained by all these plans out there that enforce local issues. *Miville*: Communications failed. Discussion. *Miville*: Commissioners don't know what going on. (Stilwell on line.) Code discussion. Discuss strategy. What is next step? Establish relationship with new administration? *Boris*: Is withdrawal truly an option? *Mintz*: Current plan is in place. Will it stand as is? Did changes by us start the process again or by the county changing it on their own. *Owen*: County would eventually change plan to align it with new initiative. Draft developed, public hearings would ensue. Assume they would have a community meeting. *Mintz*: Like the Overriding Public Necessity meetings? *Owen*: Four meetings a while back, not current to the hearings that resulted in change. *Mintz*: Asking us to remove key provisions of plan prior to moving them to other areas with less safeguards. Once something is removed from plan and not moved to code, anything can happen. Cannot do that. I see two choices: Bypass staff and go to BoCC to fight for proposed plan. We worked on this, we did it because you asked us to and paid for it. Make minimal changes to put your plan in place, then work on code to make fixes, then amend plan later. *Owen*: Understand need for assurance, ask how to run efforts concurrently. Staff meeting could be helpful. *Mintz*: Building heights, variance allowed under code we have no legal authority to do anything. *Miville*: Who are the decision makers? *Owen*: Mikki Rozdolski, David Loveland, Michael Jacobs, Neysa Borkert, Richard Wesch, Doug Muerer, Roger Desjarlais. Ultimately, the Board of County Commissioners.

*Jensen*: Meeting is crucial, put energies into that. *Miville*: Work it from both sides, staff needs to hear from their bosses. *Mullins*: LPA cancelled, not sure if we're in the right forest. Need more feedback on this. *Miville*: Not complaining, here is the solution. Who is driving this? Discussion. *Miville*: Need to give the commissioners a better brief. *Boris*: Legal staff did not act on their own. *Mintz*: If we can work this out with the county, we should try. Ivory document is an interim one until we have a chance to work through code. *Forgey*: You have worked for years, it's a shame you don't get to go before board to sell

plan. *Mintz*: Go to see if we can get. Discussion. *Gooderham*: Push that community plans have value, Captiva is unique and not caught up in growth push. Why we're different than the other plans they're more worried about. *Mullins*: Get commitment from Manning to preserve existing plan. *Miville*: And work with staff, hit them with everything we have. *Miville*: Make appointments, set up a workshop. *Mintz*: Explanation of how they developed draft. Don't want workshop until we discuss it with staff. *Miville*: This is fine, everything we need to get some appointments set. *Jack Cunningham*: Fortunate to have Mintz to develop document, another workshop will just create more discussion, Go with the plan. Move forward on political side as well. *Mintz*: Set appointments. *Miville*: I'll work with commissioners. Mintz has to go since he has background. *Mintz*: Discussion of committees. Can meet with staff, but won't change position until they hear from bosses.

- **ACTION**: Gooderham will schedule meeting with county staff to explore options, Miville will pursue appointments with commissioners. Strategy will be discussed at next meeting.

**Legislative update**: *Forgey*: Vacation rentals, property rights still alive in Legislature. Home rule becoming a big issue with local governments. Local control will be eroded, rights to challenge development requests will be limited.

**Wastewater**: *Jay Brown*: Wastewater alternatives study for island was approved by BoCC on March 21, assigned to Jeff Halcomb, deputy utility director, who is putting together bid package for consultants to bid. Will follow up with him on status. Supposed to take 120 days to complete once begun. Hopefully will know a lot more next fall about alternatives.

**Captiva Drive**: *Mintz*: Delay in DOT survey due to funding approval with board, still in the works. We met with LCEC's Tricia Down and Kenneth Miller March 21, talked through options. Burying lines will be expensive and accomplish little. Main feed actually comes from beach between Andy Rosse and Wightman, comes out by antique shop. To bury we would need more space and easements than keeping equipment on pole. Requested location of right of way and LCE equipment on DOT survey, then will review survey with engineer on pole-by-pole basis. DOT has been cooperative, LCEC as well. Survey gets done, then we can work with property owners.

**Overbooking**: *Jensen*: Lisa Riordan revised draft letter with committee members after meeting with agents, now open to panel review for next meeting. Major rental agencies have agreed to distribute this draft, give to customer at contract signing. *Mintz*: You met with all agencies, letter came about from that. *Mullins*: Motion to move forward on letter. *Lanigan*: Homes have rental limits... is that true? Removal of beach equipment is required only in turtle season. Letter may not be factually correct, even though it's what we want. *Mintz*: Contracts have capacity, I thought. *Lanigan*: No enforcement vehicle on island. *Mintz*: Contracts set limits. *Jensen*: Send me notes and I'll revamp the letter. *Mullins*: Accept letter and allow committee to revise it. *Miville*: A letter, yes; this letter no. *Mintz*: Each rental home, not our rental homes. Motion withdrawn? *Boris*: Need to explain who panel is. *Jensen*: Would like to rework this letter and bring it back next meeting. *Miville*: Noise... overwhelming is better. *Jensen*: Send me your changes, Gooderham to send letter as reminder.

- **ACTION**: Gooderham will email letter to panel soliciting changes to be returned to Jensen, revised draft will come back to panel at next meeting.

**Development**: *Lanigan*: Met a couple of times as a committee. Gooderham joined second meeting. Plans: Get first letter out before end of season, follow up by summer. Rathbone drafted letter, plan to get it out within two weeks. Wanted the personal touch, Bob Walter worked with staff to include signatures on letters. Send it earlier this year. South Seas will print and mail with return envelope. Have added payment

on website through PayPal. Monday After The Masters... *Boris*: Successful, don't know why we opted out of it. Looking at it for a year from now. *Lanigan*: Walter has offered to do work. Discussion on why it was dropped. *Mintz*: Empty tents, sponsors felt squeezed, a lot of work. *Cunningham*: Raised \$25K from last one. Vendors were pushed for sponsorships, did not have local support. Solicit island participation. *Lanigan*: Maybe not, spread the weight around. Can do both, sponsors and local players. Website: not state of the art, needs to be redone. Not attractive, not informative, not user-friendly. Need communications committee? Everyone look at website with ideas. Tom Libbonate interested in helping. *Mullins*: May have a cause to drive donations, depending on what happens with county. *Cunningham*: Don't give up on letter. *Lanigan*: Going out in two weeks. *Boris*: Better mailing efforts with SSIR. *Boris*: Charitable Foundation of the Islands granted panel \$5K for Depew effort. Not sure if we can use it depending on what happens with county Interested in supporting Captiva. *Mullins*: Relators also donated to Sea Level Rise effort. *Fred Neumann*: Want to support community efforts, thought that was a good cause. *Mullins*: Stay in touch with them as well. *Neumann*: Don't know what panel is and does, particularly SSIR owners. Work unknown by property owners on island. Need to reach out to SSIR owners. Closest to government arm talking to BoCC, if they knew what you were doing. Voluntarily support panel in keeping island preserved. Website good, postcard campaign? May not read letters. Don't forget timeshare owners. *Mullins*: And rental agencies. *Neumann*: Come to our meetings to speak on what you do here. *Miville*: Chair should go once a year. CHECK ON CALENDAR. Miville will go to next one. *Neumann*: So many don't know what you all do. *Mullins*: Communications committee, does it exist? A lot of messages people don't know about. *Cunningham*: Koury includes panel highlights in CCA newsletter. *Miville*: Communications plan to discuss at next meeting. Avoid the acronyms – the panel, the civic association, the beach board. *Boris*: Will open bank account at Band of The Islands. *Miville*: Party? Discussion.

- **ACTION**: Committee will finalize letter, Walter/South Seas will get it mailed. Gooderham/Boris will open BOTI account. Miville will check into next Realtors meeting. Website feedback from panel.

**Invasives**: *Jensen*: Background. Added to website now, check it out. Bunny issues, have no interest in pursuing it. Iguanas can be a problem for other wildlife. SCCF helping with communications. New info from FWC on poisons, there are choices some that are less of a problem but they are all problems somehow. Send me any questions. *Mullins*: Other predators on Sanibel, will deal with proliferations, predators will be drawn to overabundance. *Koury*: Not eating rabbits. *Mintz*: Iguanas on shoreline coming in and out of small boat basin. Seen them on Andy Rosse Lane.

- **ACTION**: Website will be updated, Jensen will follow up with Fish & Wildlife Commission.

**Financials**: Already discussed.

**Other business**: *Mintz*: Need to know what a committee can do and not do. Can a committee deliberate and come to a conclusion. Need clarity on what they can do. *Mullins*: Has to be tied to the business of the panel, not tied to community planning. Not operational issues. Administrative issues. Need to know whether that's true. Just want to see the documents.

- **ACTION**: Gooderham will work on Sunshine research.

Meeting adjourned 11:10 a.m.

-- *Ken Gooderham, administrator*