

Captiva Community Panel
MINUTES
April 13, 2010

Attending: Jim Boyle, Ron Gibson, Dave Jensen, Mike Kelly, Rene Miville, Nathalie Pyle, Harry Silverglide, Sandy Stilwell Silverglide

Audience: 20

The meeting convened at 9 a.m. Minutes from the March 9, 2010, and March 24, 2010, meetings were unanimously approved (motion by Silverglide, Gibson second).

Hurricane Response: Lt. Joe Poppolardo from the Lee County Sheriff's Office spokes on behalf of the Hurricane Committee, saying the group planned to send out a survey to encourage property authorizations, which ensures people on your property have a right to be there. Poppolardo read a copy of the proposed letter to owners, and explained it would be mailed on Captiva Fire District stationery by volunteers, resulting in a minimal cost. Gooderham reminded the panel that the request was to use budgeted panel funds for this rather than sending representatives to the hurricane conference, but that it would be appropriate for the panel to move and approve this change in funding. A motion (by Gibson, Boyle second) to allow the committee to use already budgeted funds for a islandwide mailing, at a cost not to exceed \$1,000, was unanimously approved.

CEPD: Kathy Rooker spoke on behalf of the district, noting that almost 400 attended workshops and meetings this season. Comments were made on the Obama administration's offshore drilling proposal, with an explanation of the proposal and research necessary in Atlantic regions up to 125 miles off the coast of Florida. Discussion of state vs. federal actions and likelihood of approval followed.

LDC: Gooderham opened with an explanation of steps planned, which was to have Max Forgey with Morris-Depew Associates presented proposed changes of the staff draft document approved by the panel at the March 24 special meeting, followed by a vote to accept or reject those changes to finally result in a working draft to be approved by the panel and to be the basis of the proposed island survey and public input sessions. The survey itself would then be discussed, both in terms of process and content. Kelly offered an explanation of what's proposed today, to discuss a few actual changes vs. some errata that was asked to be researched at the special meeting. Kelly offered background on the various changes proposed -- mostly errors in drafting, only changes are 7-day rentals and library document requests.

Forgey introduced the list of proposals and the height chart to help delineate impacts and to allow flexibility in the future. Miville noted that many homes if

rebuilt would lose their second floor under the current rules if destroyed. These rules are just giving back what was once there. Forgey said the highest structures would be on the largest lots (in the Gold Coast's southern end mostly), screened visually from the road. Will not create an unevenness or irregularity. Kate Gooderham noted the coffee-cup analogy: Everyone gets the same house, but the overall height is based on how high the rules require you to elevate that house. Forgey countered with the layer cake analogy, except in the X zone (where structures are not now required to be elevated due to flooding). If FEMA comes in later and gives this zone an AE rating, those structures will then come under these new rules. Kelly said this proposal would permit people to have a two-level home wherever they are. Forgey said allowing two stories the nut of the matter. Not dealing with a blank slate in the X zone.

Boyle asked whether Kelly was opposed to 7-day rental language. Kelly said he could not fine appropriate discussion of this issue in the workshop process, and that it could be a nightmare. Mimi Schwartzel asked whether homes will become hotels without a rental minimum. South Seas and Tween Waters are hotels, but do we want to make private homes into hotels? Kelly said there currently did not appear to be anything in the code requiring a 7-day rental minimum, so to change it is a material change. Miville said in reality there is no financial model that allows you to rent to less than 7 days at a time. You have to consider the loss of potential revenue, and that short-termers generate more rentals. Restrictions such as are being proposed are unenforceable. Pyle said that workshops unearthed the erroneous assumption that we had a rental limit in place now; there was support for a limit once we found it was nonexistent. She urged the panel to leave the language in and have it be part of the survey. Mullins disagreed with that assertion, that this language was inserted after the March 9 meeting. He felt some were misrepresenting it to the community, and asked where do you draw a line in the sand.

Gooderham responded that he had drafted some initial language on rentals based on a request from Stilwell Silverglide at the Feb. 18 expressing concern that some of the rental agents were now marketing the short-term rental options to their clients. Gooderham had provided the language to Stilwell Silverglide for her to introduce at the March 9 panel meeting if she wished, and had copied Forgey on the draft so he was aware of it... but that it was appropriate for a panel member to bring in new proposals at that point rather than having the planner introduce anything new that had not been the focus of a workshop. Silverglide said it was a commercial vs. residential issue. With more rentals and less residents, we were seeing a long-term change for Captiva. He felt this was an issue for the island, so islanders should be able to voice their opinion.

Paul Garvey said the CCA's attorney had said he felt such a restriction was included in the definition of a single-family home in the current code. Gooderham said he and planner David Depew had discussed that language and concurred it was not definitive if legally challenged; county staff at Community Development

had initially concurred, but he could pursue a response from the county attorney's office if desired. If the island wanted an explicit restriction, such language should be included; if not, the status quo would work. Stilwell Silverglide said there is a way to rent for less than 7 days, the issue is always enforcement. Mullins said the island areas that are crowded are Tween Waters, Sunset Captiva and South Seas. It was not worth it to homeowners to rent it for one night. Pyle said her neighbors change every Saturday, part of the way things have changed in the 12 years she had been there.

Kim Herres said the cost to rent is too high for less than 7 days, due to wear and tear -- homeowners don't like it. Jensen said the issue has not been vetted, we need further discussion before introducing it to the community. Silverglide said if everyone supports it, why not put it on the survey? Miville said the panel was focusing on an issue that's a non-event. Boyle asked if the panel could develop alternate language that defines 7-day minimum. Kelly asked if such a discussion was appropriate at this point, rather than handling this in a workshop. Stilwell Silverglide said the panel could have another workshop and put this issue on the agenda. Pyle asked if it could be a special meeting. A discussion of what was needed before a workshop followed, which included a request to ask the county attorney for an opinion.

Mullins suggested the panel take a vote on the change items to move the issue forward. Pyle moved (Silverglide second) to schedule a special meeting to discuss a 7-day rental for insertion into the LDC draft proposal, with the ability to take action at that meeting, to shoot for April 27-28. It was determined that there could be a quorum based on a show of hands by panel members. The vote was 5-3 to approve (Boyle, Miville, Kelly dissenting). Kelly moved to approve the LDC errata items 1-3-4-6-7 as presented (Boyle second). Ann Bradley asked that the time the library is required to hold items be more clearly defined, which was agreed by the movers and panel. With that change, the motion was unanimous approved.

Survey: Kate Gooderham offered background of surveys and the LDC process. She noted that a survey was required by panel bylaws, but also was part of the basic philosophy of the panel for transparency and public input. She noted that discussion on the LDC draft began years before, and that by the summer of 2009 it was decided to hire a planner to address the four remaining issues of mangroves, signs, height limits and the RSC-2 zoning. Morris-Depew Associates was hired in August 2009 and since then the panel had held seven public meetings and six public workshops that included discussions of this LDC process. These meetings were advertised and noticed publicly, information was provided via the panel Web site, the proceedings were recorded or had minutes provided, and public input was taken at every meeting.

Gooderham noted that this survey was an opportunity for both input and information that would be far different from the safety shoulder survey, much

more complicated. Because of that, we were recommending the panel consider an electronic survey where information could be provided online rather than printed, where the design of the survey could encourage completion rather than abandonment, and where all island property owners could participate no matter where they were at the time, rather than being tied to regular mail and paper to voice their views. Electronic surveys would allow the panel to get faster results with more extensive metrics for analysis; repeat voting could be monitored and factored in to the results and the overall cost would be dramatically reduced. In order to do this, the panel would have to amend its bylaws according to its established schedule...which meant the panel needed to decide whether to move forward with this at today's meeting so that it could be acted on by the June meeting. This would enable the survey to commence at the beginning of July, with results to be brought to the panel by the August meeting and to allow final decisions on certain aspects of the LDC draft by the September meeting. This was important because, if the height language was to be revised in the LDC, it needed to be similarly changed in the Lee Plan either concurrent with or prior to the LDC revision. Since the county only accepted Lee Plan amendments by Sept. 30 each year, final language would need to be approved by the panel at its August meeting to allow that amendment to be prepared for submittal by Sept. 30.

Bradley said the library would cooperate with the survey. A discussion of the bylaws changes ensued. Boyle felt the panel had to contact every owner. Kelly asked if an option for a mail survey could be included on the postcard. Mullins suggested the panel separate the height language into its own question. Kelly said meetings in July won't draw, but electronic systems allow everyone to participate. He suggested including an executive summary with any survey. Miville moved (Kelly second) to amend the panel bylaws to include electronic collection of survey input, and that the specific language be put on the panel agenda for action in 60 days. Approval was unanimous.

Miville moved (Kelly second) to move the June panel meeting to June 15 to accommodate the 60-day interval requirement. Pyle said the panel could do two meetings, with the June 15 one for the vote only. Boyle said one meeting works better for most people. A show of hands indicated that a quorum was possible at the June 15 meeting, and approval of the motion was unanimous.

LCEC: Stilwell Silverglide explained that recent power outages had shut down businesses and affected homeowners, and a list of those outages was offered. She wanted to ask the panel to write a letter on behalf of the community to LCEC asking it to deliver more consistent power to the island and to address a recurring problem at Matlacha Bridge with boats hitting the power lines. Miville made a motion to that effect (Kelly second). Silverglide suggested the panel ask a LCEC representative to a meeting to discuss status and schedules, reliability of equipment, regular maintenance and schedule of repairs, upgrades and standards. Boyle suggested the panel copy such a letter to the Public Service

Commission and federal licensing agencies. The resolution was unanimously approved.

Water quality PR: Silverglide noted that an article had been drafted, but felt it was too technical for general consumption. He hoped the panel would issue something more accessible as possible, and provide a white paper on its Web site. Gooderham noted that the report was ready to post, and that he had cut down the revised article to eliminate the technical recitations and refer people instead to the online report when it was ready. Silverglide made a motion to pursue a water quality public information effort as discussed (Jensen second), approval was unanimous.

Bylaws: The revision to change the way the panel officers were selected was introduced, noting that it had been approved at the March 9 meeting but that a second vote today was necessary to conform with the panel bylaws. A vote was unanimous to approve the change as proposed. Mullins suggested that the issue of a 60-day interval also be addressed during the next bylaws change previously discussed, to change it to two consecutive regular meetings in order to facilitate action. The panel agreed to consider this change (Pyle/Boyle) in a unanimous vote, and Gooderham would develop specific language to distribute prior to the May meeting.

Finances: A brief explanation of the current status was given, noting that the two recent fund raisers had been successful and well received. A full report on the proceeds would be made at the May meeting once all expenses and payments had cleared.

Water quality: Jensen noted that the panel should plan on a workshop to discuss results and options once the monitoring study was winding down at the end of the year.

Fund-raising: Silverglide offers the panel's thanks to all who participated and made it possible. Special thanks was made to chair Rick Hayduk and the firms who sponsored the two events.

Other business: Mullins noted that recent FEMA flood zone changes may save you some insurance money. He urged island owners to identify your new zone and be sure you're not being charged for something you don't need any longer.

It was noted that the island's new representative on the Island Water Association board was is Jack Cunningham. It was suggested to invite IWA manager Rusty to a future panel meeting to explain planned main replacement at Blind Pass.

The meeting adjourned at 11:30 a.m.

-- Ken Gooderham, administrator