

Captiva Community Panel
MINUTES
May 11, 2010

Attending: Jim Boyle, Rick Hayduk, Gordon Hullar, Dave Jensen, Rene Miville, Nathalie Pyle, Harry Silverglide, Sandy Silverglide.

Audience: 10-12

The meeting convened 9:05 a.m. Minutes from the April 13 and 27 meetings were approved unanimously on a motion by Hayduk (Silverglide second).

CEPD: Kathy Rooker spoke on behalf of the district, and invited the audience to a CEPD meeting on Wednesday, May 12, beginning at noon. She offered an update on the Deepwater Horizon oil spill in the Gulf, and said the district had been communicating with the Florida Department of Environmental Protection and the Lee County Emergency Operations Center. At the CEPD meeting, she anticipated discussion of any requirements for disaster response, the options available to respond, and how local organization might be structured. She said Lee County was communicating with counties to the north as those entities will have to deal with recovery issues first, allowing us to learn from their issues. She said the expectation was that recovery equipment will be harder to find as this disaster evolves, and gave a description of actions so far. Beaches will be the last area to be protected...wetland and estuaries first. Rooker also noted that she attended a workshop with the Lee County Tourist Development Council last week to discuss funding for beach plans. Three out of four items submitted were approved, totaling \$78,000.

LDC: Gooderham opened with a summary of actions to this point, and referenced a handout outlining the chronology of the RSC-2 rental restrictions language the panel had requested at the April 27 meeting in response to the question whether the language was well vetted. Miville said the RSC-2 restrictions was never truly discussed, but was simply put in the LDC draft at the March 9 panel meeting. Pyle noted that the April 27 meeting was held to vet rental restrictions language, and offered a summary of the discussion at that session, which resulted in the islandwide rental restrictions language being deleted and further research being requested on the RSC-2 language. The conclusion was that the RSC-2 language had been inserted at about the same time as the other citation which was deleted.

Pyle made a motion to delete the reference to 7-day minimum rental restrictions in the RSC-2 zoning area (Miville second). Hullar asked if that meant there would be no rental minimums? Pyle said the Captiva Civic Association asserted that a restrictions already exists in the current LDC definitions, and that's why we can take it out here -- the issue is enforcement, not language. Paul Garvey said CCA attorney Matt Uhle had talked with County Attorney John Fredyma, who said if he

was presented with a clear case he would pursue prosecuting code violations at that point. Silverglide said people also needed to consider state laws governing daily rentals. The panel wanted to define it more clearly in this LDC draft, but there was a great deal of objection to this so we're not pursuing it at this time.

Miville said it was literally impossible to enforce this restrictions language according to the county. He said rental agents do not want to do short-term rentals on a regular basis, but only as an option in the shoulder season. These restrictions were driven by an assumptive fear. Mike Mullins said that language was inserted into the draft by planner Max Forgey to make it clear that you could not have two rentals in the same timeframe. A discussion of the process by which language was included ensued. Mullins suggested the panel put the rental restrictions issue in the proposed community survey and see how Captivans react to it. He reiterated his objection to the process by which the panel inserted rental language into the LDC draft, saying there was no need to come along and slip something in at the last minute. Miville suggested a policy not to include items if the chair of the committee handling the issue is not in attendance at a meeting. The motion was called and the vote was unanimous to approve the motion. Miville noted that this process showed the panel was being a very good democracy to reflect the opinion of the island through open meetings and debate.

LDC survey: Silverglide suggested that an objective statement be added after the first four questions, addressing the LDC's impact. Bill Fenniman asked how will timeshares be handled in the survey. An explanation of the expected response was offered, that surveys would go to the management companies who would compile votes on a vote-per-unit basis. Boyle asked whether a simple declarative sentence asking for a yes-or-no response to the proposed draft was warranted. Miville asked how the survey was done for the safety shoulder, and do we need a committee to develop a survey? Hullar suggested to delete the rental question. Hayduk asked whether it should be asked separately? Pyle said the rental issue should not be included in this effort. Mullins suggested that the panel keep questions to a minimum, and separate important issues from less essential ones. Have fewer questions and make them more important, then shoot for the following year or do as a separate process.

Boyle suggested more specific questions be included. Silverglide suggested a workshop to specifically draft the survey. Hayduk said the panel did need a group to develop the survey. The reason for a summer deadline was questioned, and Gooderham explained the Lee Plan amendment process that would be necessary to bring any change in the height restriction language into compliance by making the two version conform, but that such an amendment could wait a year if the panel so desired. Silverglide suggested the panel use the established committee of Miville, Kelly and Silverglide. Hullar said the issues was length vs. specificity. Doris Holzheimer said a good survey needed to tell people what you're going to do with their input and offer a timeline. Kim Herres urged the panel to stress the survey's importance in any notification to island

property owners. SSilverglide asked when the committee could meet. Miville suggested May 24. perhaps at 10 a.m. Gooderham said he would need to confirm whether he could attend. Mullins said the committee will face the same problem, and urged them to prioritize issues and pick the ones you will undertake this season.

SCCF: SCCF Executive Director Erick Lindblad briefed the meeting on the oil spill response that was being discussed so far. He said SCCF and other local agencies were planning ahead, that more time spent now would mean better resource protection and funding prospects. Funding will be an issue, since BP currently has a \$75 million cap on liability. Shorebird and sea turtle monitoring, allows SCCF to document current resources for protection and funding. He said a Captiva group should form to coordinate oil planning spill efforts for the island, and that resource maps will be the basis for mobilization if the spill comes this way so they need to be reviewed and updated. This will decide where the booms will go; island should work through Lee County Emergency Operations Center and the Division of Natural Resources. He urged the CEPD to involve the county at the meeting, and to have the maps there to review and update. SSilverglide said Lt. Joe Poppolardo with the Lee County Sheriff's Office was in charge for Captiva? Will he be at the CEPD meeting tomorrow? Lindblad said the St. Pete Coast Guard station is the jurisdiction we will fall under. HSilverglide said Poppolardo and the Lee EOC should be the focus of efforts, and that islanders could organize a community group of volunteers for response and training, something like the Hurricane Committee. Lindblad reiterates that the Coast Guard will make resource protection decisions, and that EOC will be the interaction point. A discussion of funding prospects followed, with the question of who positions supplies and makes decisions to move forward. Mullins said he listened in on the state EOC meeting conference call. He was trying to organize a response effort at the CEPD meeting tomorrow, and that DEP will coordinate from Tallahassee to local communities. He said there was a certain amount of confusion, we're trying not to reinvent the wheel but coordinate with Lee EOC daily. A discussion of logistics and who needs to be involved ensued. Mullins said the island needed to create a backup plan and think of self-sufficiency. Lindblad said that Crowder Gulf was reporting to the county commissioners this morning, so we will have more information shortly. He said they will need to set up training sessions for any spill response, and SCCF will try to set them up if we need to mobilize. Jensen said the CEPD is in a unique position to act due to funding options and mission.

Rental committee: SSilverglide asked who wanted to be involved in this committee (which was suggested at the April 27 meeting) and when will they meet? Mullins recommended it not be a panel committee, but to make in an independent group to avoid open meetings issues. SSilverglide asked if he meant to keep it independent and have it make a presentation to the panel once it came to its conclusions? Jack Samler said Royal Shell's Randy Bacik was working with Rick Base of the San-Cap Chamber on this. Miville urged those

interested not to forget to work with the independent rental agents. HSilverglide said committee meetings should be in the sunshine like everything else, and they should advertise meetings. Hayduk offered to work on this panel. Mullins suggested the panel hold off until its next meeting to see what gets done, to see whether you need control over the committee at that point. Hayduk made a motion that the rental committee become a subcommittee of the panel, to set guidelines for rentals on the island (HSilverglide second). When asked what was the committee's objective, Hayduk suggested to set rental guidelines (or rules of engagement) for all renters on Captiva...not ordinances, but a good-neighbor policy for renters. The motion was unanimous approved.

SSilverglide left the meeting at approximately 10:30 a.m., turning the chair over to Hayduk.

Hurricane Committee: Doris Holzheimer said a meeting was scheduled for May 14 to assemble a mailing to island property owners with a letter of authorization to urge owners to notify the Captiva Fire District who was authorized to go on someone's property in the event of a storm. This mailing will be sent to all property owners, and she expressed appreciation for the panel's support and funding to complete the mailing. She noted there would be a May 18 Structural Safety Inspection training at South Seas.

Nominating Committee: Gooderham offered a description of the process as laid out in the panel bylaws. HSilverglide suggested the panel needed a longer timeframe, and needed to explain to the community what we do and what the panel does to get people to attend meetings, etc. Hayduk said this is a time of year where we will only see full-time residents get involved. Jensen said the panel should look at the end of the year to solicit nominees. Hayduk said the panel needed to set up a succession plan. Mullins noted the panel has run ads in past to generate submissions. Hayduk said the panel could put in an ad and put it on the website. Pyle noted that she intended to go off the panel at the end of 2010 when she was termed out.

It was noted that the Nominating Committee serves at the discretion of the panel, so they would need to be asked to take action. Hayduk asked whether do we want a nominating committee. Hullar responded that it was in bylaws. Hayduk asked if they will serve? Miville asked whether the committee members have come to the panel meetings? Mullins said the committee serves at pleasure of president, so they should tender their resignations and be re-assigned as officers change. Hayduk asked whether nominations should be handled by the current committee or a new committee. Boyle suggested the president ask current committee. Hayduk said he would ask SSilverglide to ask the current committee members about their willingness to serve. Mullins said he would agree to continue to serve. Jensen said he would also help with the committee.

Bylaws: Gooderham introduced a handout outlining the proposed changes to the bylaws discussed at the April 13 meeting, affecting both how bylaws would be amended in the future (requiring two meetings' notice rather than a fixed 60 days) and how surveys would be conducted (to allow for electronic surveys). He noted this discussion was only to brief the panel on all the proposed changes, which will be voted on at the June 15 panel meeting.

Finances: Gooderham briefly reviewed the financial statements, noting that the panel generated almost \$65,000 from its two recent fund-raising efforts.

Water quality: Jensen noted there was a meeting downtown at the county commission chambers tonight on the release schedule from Lake Okeechobee, and urged those concerned about the impact on the Caloosahatchee and its estuary to try to attend.

EAR meeting: Gooderham noted here was a county meeting on the Evaluation and Appraisal Report scheduled for Thursday, May 13, 10 .m. to noon at the Community Center. This meeting is to get feedback on the broader issue of county planning as part of a seven year review, and would be a good opportunity for islanders to attend without having to travel downtown. This would be the last in a series of such meetings, and evaluation forms were available today and online if people wanted to comment and were unable to attend the May 13 session.

Tree grant discussion: Gooderham noted that he had been made aware of a grant from the state Division of Forestry in February to encourage planting of trees on public lands, and he had applied for the southern portion of Captiva Drive where there might be enough room in the right of way to attempt some plantings. Since it was a no-match grant, it would not cost he panel anything to pursue, which was rare. He had been notified at the beginning of this month that the state was interested in giving the panel \$18,000 for the grant, and he had been working with a representative from the county Department of Transportation to generate a letter of support necessary to initiate the paperwork. He hoped to have the funds released in time for the next panel meeting, where he could discuss the proposal and how to proceed.

It was noted that the next panel meeting would be the third Tuesday of June (June 15), not the usual second-Tuesday schedule, to accommodate the bylaws vote.

The meeting adjourned at 11: 0 a.m.

-- Ken Gooderham, administrator