

## Captiva Community Panel

# MINUTES

June 14, 2011

**Attending:** Sandy Stilwell, Susan Stuart, Jim Boyle, Rene Miville, Rick Hayduk, Mike Mullins

**Audience:** 10

The meeting convened at 9:00 a.m. Minutes from the May 10, 2011, meeting were unanimously approved on a motion by Stuart (Hayduk second).

**CEPD update:** Administrator Kathy Rooker reminded the audience that the next CEPD meeting was tomorrow (June 15) at noon in the Wakefield Room. The main order of business was replacing retired commissioner Rene Miville on the board, with his replacement recommended to serve until the fall 2012 election. Coastal Planning & Engineering has completed a monitoring survey to determine how the last beach project is performing. As expected, the beach is holding 68% of the sand placed in the last project. Florida DEP says there was no detrimental effect from the last project, and recommends we initiate plans for the next project, which we have. Projects are on an 8-year cycle, which we will adhere to. Explanation of budget status and funding, reasons for ranking for state funding.

**Island ecology:** Pomfey Stevens provided a handout to guide her explanation of a proposed vegetation clearinghouse, to encourage plant relocation and recycling. The plan was to post items at the post office or somewhere local to move items around on the island. She hoped to create a "green" committee to identify and explore other environmentally beneficial ideas and which would include a marketing plan, to make the case this was good for the island and businesses. A discussion of learning disorders and environmental health risks followed. Mullins noted a potential Sanibel Cares involvement. He cited the ongoing problem of "Capathy," as seen in the panel's plant programs and difficulty to give green things away to the island residents and owners. He hoped this would get people engaged in green things for the island. Miville noted that ECHO was also a good source for edible vegetation, easy to grow, good for the community. Stilwell asked how they envisioned this working. Mullins answered he had recommended it not be a subcommittee of this panel, but be an independent group that connects with other organizations on the island. Hayduk said that businesses could contribute things such as storage space, access to staff and visitors. Stevens said a marketing plan would be developed; SSIR will be an integral part of this. We're behind the times here environmentally, and we need to educate people. Perhaps this could eventually develop into a co-op system for the island.

**Lee Plan:** Gooderham offered a summary of the activities since the May panel meeting, with the Local Planning Agency hearing May 23 resulting in a 3-2-1

approval to send the amendment to the county commission for a transmittal hearing. Gooderham and Forgey had visited every commissioner to explain the history behind the amendment language prior to the June 13 transmittal hearing. At that hearing, the Captiva item was heard after a lengthy segment on two East Lee County plans, about four hours into the hearing. The presentations, public comment against the amendment and board discussion was detailed, which resulted in a 3-2 vote to transmit the amendment with the warning that additional work was needed on a number of issues before it came back before the board for approval likely sometime in October. The main issues seemed to be understanding the need and impact of the building-height change and determining whether the board felt comfortable with the level of consensus demonstrated in the panel's surveys and documentation.

County planner Kathie Ebaugh commented that she had no idea why Commissioner Mann voted against. Commissioner Bigelow apparently doesn't understand the issue completely, and needs further clarification why this is needed and its impact on the entire island. The board did not have a lot of comfort that there was consensus on the island for this, and asked staff for a number of things. She noted that the board asked staff for more work on all of the Lee Plan amendments heard that day except for Caloosa Shores. They asked for a further discussion in the community about this issue, a staff-led discussion on Captiva to address impact on the entire community. They felt there was confusion among the residents and among the BoCC itself, and wonder whether further compromises were possible, perhaps tied to the Coastal Construction Control Line so that the new height standards would not be universal islandwide. They asked about a compromise on cupolas and design component, and for a better show of consensus on the island, to move the percentage of support higher on what needs to happen and why. She said staff would be offering the opportunity for communitywide discussion held on the island in a neutral location, perhaps a couple of meetings to ensure a better understanding of what needs to be done and what is the impact.

Miville felt there was confusion on the commissioners' part; the island consensus has been confused because staff has not articulated the problems. We're being sent back to deal with consensus when the commissioners put the current height laws in place without consensus. He said the panel needed to go back and educate commissioners on the issues we've already covered. Ebaugh said that public policy is messy, a challenge, you have to re-invent the wheel. She said the review timeline is more streamlined at the state level now, and the amendments could be back to us by early August... then the county has 180 days to adopt. That means an adoption hearing likely in the late September-October period, due to the annual budget hearings in early September. She reiterated that staff is committed to a successful completion. Hayduk asked how to handle that so many island residents are not here when these informational meeting would be scheduled. Ebaugh responded that was always a challenge in areas with a significant snowbird population. To wait, we'd have to pull it off the schedule and

wait until the 2013 amendment cycle. Boyle said that the six-month approval requirement takes us to February. Is another board meeting and vote required? Ebaugh said that the amendments had to go back to the board for adoption together as a group.

Stuart suggested that to get as many people there as possible, have the county meeting at the Yacht Club. Ebaugh said a small-group setting works best for getting people to talk about issues many times. She reminded the panel that they could have gotten a "no" vote yesterday from the commissioners, so at least now we can keep working on this. It may need better explanation and education to get through the board. Hayduk said that seasonality is an issue; can we lobby them to consider waiting? Ebaugh said she would share that with BoCC soon, the concern about involvement. She will keep them in the loop. Max Forgey said that Commissioner Judah is looking for that, asked for specific examples of how the proposed amendment affects the island. We will meet with him to take all the time necessary to explain this to him. Forgey offered his explanation of the hearing process, and shared his frustration with the process -- which he said shows the need to cooperate with staff to reach a compromise.

Miville said that consensus is based on misinformation, and he would ask them which issues they did not understand. He said he would meet with each commissioner who will meet with me, and he would like staff there to assist with this process as well. Will you commit to backing us up with the facts? Ebaugh said she would, but this will work better if we have these meetings after holding the community meeting. Boyle said there would always be some "confusion" among residents out here. Miville said we'll hold another meeting, the CCA will be there and not say a thing, then go back to the commissioners and spin it...that's their modus operandi. Mullins said the easy decision is not to vote "no," it's to kick the can down the road. Do we need to take the issue of accoutrements back to the community or can we just do it? Ebaugh said we would need to take all the issues on building heights back to the community. Mullins asked about the idea to limit the scope to the CCCL. Ebaugh said staff was evaluating this on a number of levels.

Mullins said whether there are one or more meetings where this is discussed again, he has invested hundreds of hours and won't be here for these meetings. He felt this decision was showing disrespect of the panel and insulted their own process. The message was: "There is no home rule for Captiva. We commissioners can micromanage anything we want based on the current political opportunity." Stilwell said she didn't disagree with that; they were seeking a political solution rather than a practical one. However, we need to have that community meeting before we meet with the commissioners. Can we ask people to submit questions in writing ahead of time, so people are not intimidated, have time limits on questions, etc? Mullins said we face a divided community... there's us, the CCA and apathy. They play us all against each other to keep us ineffective. Ebaugh said the commissioners were looking for the community

planning process to develop one voice for the island. Forgey said he felt disrespected as well. To make lemonade out of this, having staff leading the process is an advantage. Ebaugh said staff has no delusion that you have not done the best job you can to establish consensus, or that this is going to be easy. We have been asked by the board to do this and we work for the board, so we will try this. But we do not disrespect your efforts to this point. Stilwell asked how to structure commissioner meetings. Forgey said at hearings numbers don't always win, but numbers never lose. A number of people showing up to a hearing tends to work. Stilwell asked whether Sunshine Laws apply if we meet with commissioners. Gooderham said he believed some notice that more than one panel members would be involved was prudent, but that commissioner meetings were also noted in the public record in terms of the appointment if not the content of the meeting itself. Mullins made a motion that the chair coordinate with staff to arrange community meetings (Miville second), to unanimous approval. Discussion on issues continued briefly.

**Nominating Committee:** Gooderham offered a brief background, noting that half of the current panel would reach term limits at the end of 2011 and that the two island groups responsible for filling those seats would need to be notified. Should a nominating committee work on generating interested candidates first, so the groups would have interested islanders to pick from? Nathalie Pyle suggested they should first go out to the community to see if there are people who want to serve, then look to existing members to fill seats. Miville asked but if people are doing a good job shouldn't they stay on the board? Mullins said the CPOA gets to appoint three seats and the CCA appoints two seats of the ones coming up for review, so both organizations need to inform us of their intentions to fill those upcoming vacancies. He suggested the panel ask them in writing to supply recommendations by the date stipulated in the bylaws.

**Hurricane Committee:** Gooderham noted that Lt. Joe Poppolardo was supposed to give a brief report but was called away on training. He said Poppolardo had attended the Governor's Hurricane Conference, and the main watchword as always was "be prepared."

**Bank status:** It was noted that Wachovia staff were moving out of the Captiva office at the end of the month. Stilwell offered a discussion of her meeting with a Wachovia official.

**Financials:** Gooderham noted the status, and that the TDC reimbursement for water quality work was expected in the next 30-60 days.

**Water quality:** Dave Jensen said he believed the focus should now be on what little things we as property owners and residents can do to improve water quality around the island. He met with Bob Walsh, to see what we could do to help, and would arrange a report on that at a future meeting. He also asked the county about the French drain system on Andy Rosse Lane, and was looking to see

what we can do about that. He talked to LDOT's Randy Cerchie to pursue options. Stilwell asked if we could have replaced paved roads with pervious pavers on Andy Rosse? Jensen said he would try to have something at every meeting to keep it in the forefront to inspire someone to do something on their own. Bring people out here to explain what's possible.

**Trees:** Gooderham offered a brief background on the tree planting grant and problems. He noted that they had finally been able to get trees planted at Turner Beach, at one site on Captiva Drive south of the southern S curve and at the north end of Captiva Drive by the beach access, and that trees would be going in on Andy Rosse Land today to meet the June 15 in-ground deadline. All told, he expected that about \$16,000 in trees would be planted at no cost to the island, but he would have a full report next month when all the work was done.

**Other business:** Mullins urged everyone to attend the CEPD meeting tomorrow. Beach projects have increased community value and decreased county investment. Discussion of prior projects and county costs ensued. Mullins said we're paying more to the county than we get back in beach funding, and the district was working to remedy that.

The meeting adjourned at 11:00 a.m.

**-- Ken Gooderham, administrator**