

Captiva Community Panel

MINUTES

June 15, 2010

Attending: Jim Boyle, Rick Hayduk (chair), Dave Jensen, Rene Miville, Nathalie Pyle

Audience: 10

The meeting convened at 9:03 a.m. Minutes from the May 11 meeting were unanimously approved on a motion by Boyle (Jensen second).

CEPD update: Administrator Kathy Rooker discussed the ongoing oil spill response, noting that the district held an OSHA-required training for volunteers on June 14. Thanks to support from the community and businesses, some 150 volunteers were trained at two sessions Monday. There were an additional 120 volunteers on a waiting list, and the district planned to schedule a July session to accommodate them.

Rooker said they needed more support from the community besides working on the beach -- such as providing parking for volunteers, trucks to transport materials, comfort stations for volunteers, water, phone tree calls, data list management. If you can do anything, call her at the CEPD office. The district has developed a plan and submitted it to the Lee County Emergency Operation Center (EOC), but we need local input and involvement. Mike Mullins suggested the community consider forming a local strike force organization on this response, which is why the CEPD took a role. Sanibel has been briefed, but the EOC has a "wait and see" approach. We're developing a backup plan for the passes and for berms on the beach. God helps those who help themselves.

Boyle asked if there had been any follow-up from LCSO and Captiva Fire district on his request they send a representative to this meeting. Gooderham said he had not heard anything from the emailed request sent last week. Hayduk said the panel needed to ask who is the go-to person before things happen, should the panel requesting clarification who is the go-to person in oil spill? Miville said any request should be directed to Commissioner Ray Judah, and suggested a letter to Judah, with a copy to Nan Gonzalez in the District 1 office. Rooker urged support for letter of inquiry, saying it would get an EOC response in the face of vague plans. It should ask who is the person supervising on Captiva -- the contact person or first responder. Boyle suggested they ask for monthly reports from someone in the county. Hayduk asked if it should say that the CEPD has taken these initiatives? Mullins suggested a joint letter, invite the CCA, CPOA and businesses to sign on. The community should form independent committee like the Hurricane Committee -- a nonpolitical committee, establish a chair, have ongoing reports and tracking. There followed a discussion of planning to date.

Harry Kaiser said we can't wait around for the bigwigs, we're a small entity down here. We have to be proactive in our own self defense, have to have somebody to be our point person. Hayduk said it appears that nobody is in charge. We need a joint command with a point person in charge. Jensen said we should force the county to tell us who the person is, and have them meet with the community after that. Hayduk asked what if we get a reactive answer? We should move ahead after that. Gooderham said the panel could draft a letter and see if other groups will sign it as well. Hayduk asked whether the CCA would support such a letter. Paul Garvey said the county is in charge of any response, and the police and fire district are the local responding agencies. Hayduk asked but who is the one person to work with?

Pyle made a motion that the panel draft letter to send to other Captiva organizations requesting the county to identify who is in charge in the event of imminent oil coming on the shores of Captiva (Jensen second). Bill Fenniman asked would the county appoint someone out here to be the point person? Too many organizations involved now, would they authorize someone out here to be a point person in charge? Pyle said we should acknowledge that we need parallel strategies. CEPD has done a great job, we need to move forward from there. Boyle said we could test the idea of having someone out here in this letter.

Hayduk said the panel could draft a letter to send to the organizations to appoint someone on the ground or ask us for a recommendation. Miville suggested they appoint two people: one for the beach, one for enforcement -- perhaps LCSO, Lt. Joe Poppolaro or Chief Jay Halverson and Rooker. Pyle said we just need to know what the county is thinking. Mullins said the community needed to keep planning as we've done, we need independent entity to focus on this supported by the various island organizations and businesses. Gooderham suggested to have the letter in draft form to send to the organizations by June 19, so it could go to the commissioners before the July break. He also suggested the letter might need to go to Commissioner Hall as the current chair, but the consensus was to send it to Commissioner Judah. The vote was called and approval was unanimous. It was suggested to send the letter to the Rauschenberg Foundation and SCCF as well.

Pyle said even with an on-the-ground committee out here, we should defer to CEPD if it has plans in place. Hayduk said any committee should interface with the individual who's appointed, to have all interests aligned. Pyle suggested using the Hurricane Response Committee as an example, a nonpolitical entity supported by and representing numerous groups. Mullins said that people from North Captiva, COTI and Pine Island have approached me at the June 14 meeting to set up a Coastwatchers group, people observing things on the beach. CEPD will take initiative on this, but we have many other responsibilities. We want people who are willing to roll up their sleeves and do some work. Jensen said CEPD could have a special meeting on this to bring the community up to speed. Hayduk said the committee should have 6-8 people maximum. CEPD

should hold a meeting to take the first step to get this moving. Rooker said each organization could provide a point person that we can rely on. Hayduk urged the CEPD to call an organizational meeting. Mullins said the CEPD will meet to gather our thoughts. Ultimately, the community needs to define an independent committee to operate on this issue. Pyle encouraged them to use the hurricane committee as a model. Mullins said a meeting could be held at 1 p.m. Thursday, June 17, at the CEPD office, a session was already scheduled to conform with Sunshine laws; ultimately need an independent committee that can operate without having to grapple with records and noticing laws. Hayduk reiterated that the community needed to be prepared in advance, and to act in our own self-interest and be practical in working toward our one goal. Jack Samler asked why hasn't the county been doing the training like the CEPD offered? Seems like we need more coordination through a point person.

LDC survey: Gooderham provided a brief update on the proposed survey, noting that revisions had been done via an exchange of emails and that the survey committee planned to meet right after today's panel meeting if anyone wanted to participate. Nothing is expected to be back to the panel until the July meeting at the earliest. However, the panel bylaws did require a two-thirds approval by the full panel, meaning that seven votes would be necessary to approve the proposed bylaws change allowing the proposed electronic survey. Since there were only five panel members in attendance today, the vote would have to be postponed until the July 13 meeting, and he would inquire if those not able to attend in person in July would be available by phone for a vote, to ensure it could proceed. In light of the inability to vote and the lack of a finalized survey, there was no way to make a Sept. 30 deadline for a Lee Plan amendment to be filed regarding any proposed changes to the height restrictions. That did not mean the proposed changes in the Land Development Code regarding building heights could not be pursued as planned, but that they could not be enforced if approved until any new language conformed with what was adopted in the Lee Plan.

Mullins suggested that the bylaws were in need to come review and revision, since the panel did not move to make some changes during the two-year period when changes would have been easier. Gooderham suggested that a committee could be formed in the future to review the bylaws as an entirety and bring changes back to the panel for a vote as a "glitch" bill approach.

Gooderham said the nominating committee had been initially formed, but he did not know the final status. Mullins noted that he had just provided a letter to Hayduk throwing his hat in the ring for the open seat, saying that his interpretation of the bylaws was that the panel could vote on filling a vacancy if the nominating committee did not act within 60 days. There was some discussion on when the seat was vacated. Mullins asked for a vote on filling the opening at today meeting. Jensen asked if the panel could vote on the vacancy today, Gooderham said he recommended waiting until it could be properly advertised and included on the agenda in conformance with the two-week waiting period for

action items to be included on an agenda. Mullins disagreed with that interpretation, saying that the committee had been included on the agenda and that the panel could vote to act on this issue by suspending its bylaws for this matter only. Pyle said she was uncomfortable voting on something she did not know until this minute, that she was happy with Mullins coming back on the panel but not with this as the way to achieve that. Miville said it should have been noticed, that the open seat was supposed to have been advertised. It was noted that the letter from Mullins requesting consideration had not been made available to anyone involved with the panel until that morning. Miville said the plan is being held back by our own rules in terms of the survey, they we needed more workers such as Mullins on the board.

The question was raised how many open seats were now available, which was one (Gibson, a panel appointment seat). Boyle said one of the concerns was ensuring there were enough panel members available to make a quorum during the summer months when other plans interfered with attendance. Discussion ensued on which seats might be coming open by the end of the year. The issue of whether a vote was allowed under the bylaws was asked, and Gooderham said while the bylaws did require two weeks' notice for action items, the panel did have the authority to suspend its own bylaws if it decided the conditions warranted it. Mullins again asked that a motion be entertained for a vote on the seat, that the lack of nominees allowed the panel to act at this point. Hayduk noted that the nominating committee status was included on the agenda, that meaning that the open seat could be considered. Pyle reiterated her discomfort at voting on this without having it on the agenda, that it could open the panel to criticism.

Miville said he was not concerned about criticism, just action... and made a motion to accept Mullins on the panel. Hayduk asked whether there first needed to be a motion to suspend the rules for this vote, to properly sequence events. Boyle moved to suspend the rules on voting to fill the open seat n the panel (Jensen second). Boyle said the things accumulating on the panel's plate necessitated filling the seat. Fenniman asked whether suspending the bylaws required a full panel present to vote. If only a partial panel was in place and can suspend the rules, then what are the use of bylaws? Mullins noted that the panel had suspended the rules in the past to make organizational changes. Gooderham said there was no requirement for anything more than a standard quorum for such a rule. Jensen said we had been aware of Gibson's vacancy for months, so this is not a sudden action. Hayduk asked for thorough documentation of the discussion surrounding this, and was reminded that the session was being recorded. Mullins said this was a decision he needed today in order to make other decisions, Pyle said that should not be the reason for acting outside the bylaws. The question was called and passed unanimously. Miville reiterated his motion to accept Mullins to fill the vacant panel seat (Jensen second). The vote was called and approved unanimously

(At this point, Mullins joined the panel.)

Mullins noted that he had approached a number of people to fill this vacancy, that it should not be open that long and that there were too many things in play to have vacant seats. He stepped down before when an important piece of work was done, and encouraged turnover in panel members for its healthy operation. Miville noted that he interacted with the county commissioners more than most, and understand that they wanted community activists serving on committees such as the panel. The community also looks at accomplishments more than rules or impressions, and will appreciate a group that takes action with people such as Mullins.

DOF grant: Gooderham gave background on the grant, that the state had allotted \$18,200 toward revegetation on public lands on the island in a no-match grant, which was rare. The grant application specified the area from Blind Pass to the first S curve, since it held the most likelihood for plantable areas, and \$17,000 of those funds were designated to be spent on trees and installation. A meeting with staff from the Lee Dept. of Transportation, the state Division of Forestry, the SCCF Native Plant Nursery as a possible contractor on Thursday, June 17, at 9 a.m. at SCCF. The issue is limited planting area, so we'll do an on-the-ground site visit to see what our options are. We hope to get something done this summer to take advantage of the rainy season, while still allowing community input. The question about species was raised, and Gooderham noted that the SCCF plant list was used. Miville asked whether the jacaranda or poincianas were considered a native and could be used along the roadway, and Gooderham noted that the grant did not allow non-natives such as those. Anyone who wanted to participate could meet at SCCF Thursday.

Hurricane Preparedness: Pyle said the committee would host a preparedness meeting today at 3:30 p.m. in the Auger Room at South Seas Island Resort. A number of agencies would be attending, and it would include display of a mapping system for the aftermath of a storm and information about the Structural Safety Inspection program. She noted that the committee had completed its mailing to all property owners concerning updating their authorization forms, etc. A discussion of the response and questions concerning the status of existing authorizations ensued. Fenniman said he had been told that if owners had filled it out before, they don't need it again...but it's a good idea to send in a new authorization to allow the fire district to include it in the new database that's been developed. Mullins said it's a better idea to have people redo it annually so it's current.

Planner meeting: Gooderham provided background on the request by county planner Kathie Ebaugh to hold an informal meeting with community members to discuss planning issues on the island outside of a panel meeting. Mullins said the county staff hoped for a neutral venue to work with a small group that could include members of the panel, the CCA and others. Hayduk offered to host such

an event at South Seas and to help outreach to other groups. Miville asked if the job of county staff was to work with community panels, why meet with other people? Mullins said they felt it was respectful to invite other groups to ensure broad input. Hayduk said as president Sandy Silverglide should serve as the panel point person and to coordinate with her on a time to meet once she was back on the island.

Finances: Gooderham noted the status and balances, and that it appeared all festival expenses had been paid. He said a request to the county for the \$25,000 balance in community planning funds had been submitted last month and was being processed. Mullins asked if Gooderham could look into possible funding options for oil spill response when possible. Gooderham noted that most of that was currently being routed through BP as the liable party, and that he could coordinate with the response committee once it formed to get more specific ideas as to what would need to be funded since grants usually required targeted funding items to be successful. Fenniman suggested he look at the Department of Energy website for grant options, that SCCF had just applied for some short-turnaround grants from there. Discussion ensued on business loss reimbursements. Hayduk said the cost of prevention needs to be considered. Discussion of the county TDC request for BP marketing funds followed. Mullins said this was the cost of being proactive. Hayduk said they needed to communicate what everyone else is doing. Ann Bradley asked whether oil company support now might engender support for drilling in the future. Boyle suggested someone look for emergency response trailer funding through the fire district, since it had the infrastructure and taxing ability to maintain it.

Water quality: Jensen said the county's Robert Neal had offered a Blind Pass update recently, which included a plan with partners to finish dredging and expand the Gulf opening. Mullins said the county was expanding the template of project to Bowman's Beach, and asked where TDC/Sanibel share would come from to pay for them. Boyle asked when another SCCF update on water quality monitoring, and hoped to hear more about the Captiva ground monitoring wells he'd seen. Fenniman gave a brief update on Mark Thompson's work to establish a way to monitor groundwater dissecting the island. Mullins noted Sanibel vice mayor Mick Denham's concerns about water quality tied to the increased releases from Lake Okeechobee. Many felt this was a bigger threat than oil to Captiva. He also noted that SCCF was looking at an endangered species (a sawtooth fish) as a way to address quality losses due to the releases.

Fundraising: Hayduk said he hoped none would be needed in the near term unless we have oil issues.

New business: Miville said that planned Max Forgey was now on his own, and encourage Captivans and the panel to work with him in the future if possible. It was asked whether he would be available during the county hearing phase of the LDC process. Gooderham noted that Morris-Depew Associates was supposed to

provide some minimal support for the hearing phase as part of its proposal to the panel last summer, but that one of the panel member who worked with Depew on that agreement needed to address that more thoroughly. Miville said he would discuss it with Depew if possible.

Fenniman noted that the Island Water Association will be replacing the Blind Pass water pipe this summer. No interruption in service was expected, and it should improve the pressure. Also, IWA has been replacing all the water meters on Captiva and Sanibel. Now their Computer will be able to read the meter, which also allows you to monitor water usage in real time. Mullins asked since the current pipe was on the east side of the bridge, will it stay on the same side? Fenniman said it would and also noted that IWA is also replacing pipes by the Sanibel Elementary School, will reduce energy costs.

The meeting adjourned by acclamation at 11 a.m.

-- Ken Gooderham, administrator