

Captiva Community Panel
MINUTES
July 12, 2011

Attending: Jim Boyle, Gordon Hullar, Paul McCarthy, Rene Miville

Audience: 5

The meeting convened at 9:15 a.m. Due to the absences of Stilwell and Hayduk, Hullar agreed to chaired the meeting. The June 14 minutes were unanimously approved on a motion by Boyle (McCarthy second).

CEPD update: District administrator Kathy Rooker said the board was seeking a permit modification for the next beach project to expand the approved sand borrow area from the last project. She noted it was a big total area, but that Florida DEP had limited them to using a smaller percentage of it previously. They were asking to expand the usable borrow site we can use to make it easier to operate out there, for more efficient collection of the sand volume needed for the next project and for future projects. The next district meeting was tomorrow (July 13) at noon, in this room, and it would be a regular meeting to discuss the 2012 budget. Jerry McClure asked why FDEP reduced the borrow area last time. Rooker said no one took responsibility for that decision, and explained the site's use in the last project.

Growth management: Planner Max Forgey offered a briefing on changes in the state's growth management laws from the last legislative session, specifically HB 7207, and planned to prepare a digest of these changes for panelists as well. As background, he said development actions in the 1970s prompted changes in the way the state regulated land use. This culminated in the 1985 Growth Management Act, the statute that has guided the planning profession and governments since. An explanation of its scope followed. With this, the state Dept. of Community Affairs was named as a reviewer of statewide planning efforts. In addition, Rule 9J5 was established in the Florida Administrative Code, a cookbook for planning and planners addressing things such as concurrency, levels of service and impact fees.

The process became: Local government does detailed studies, transmits those to the state (DCA) for review and response, then the local government adopts and enforces. Hullar asked who pays those impact fees. Forgey said the developer is charged, but they are typically passed on to buyers. Miville said such fees were a cause of malaise in commercial expansion, when people get charged for expanding commercial uses in developed areas, citing the example of Private Sky moving services out of state when fees were going to be charged to expand an existing commercial activity.

Forgey said with these growth management changes, the Future Land Use Map is still there, local zoning still has context, but DCA will not be as important an agency as it used to be. The new laws will change how DCA reviews local plan amendments, such as the one Captiva just put through the county. Now, reviewers can only look at an amendment's impact on "important state resources and facilities." Will the state be telling us what the important state resources and facilities are? Probably not. So all planning must consider them, but we won't know what they are... which means we'll be learning as we go.

Hullar asked how much of what will we do will truly affect these important state resources. Forgey said probably not much. Used to be the idea that state review would regulate local government if it went too far, had DCA as a backstop. Now, sophisticated governments such as Lee County can do more creative things, other places can get away with less. Concurrency for roads is gone; all other concurrency levels of service stay intact. These changes can empower local people to participate in the process since they're not relying on DCA. McCarthy said so growth will be unchecked? Forgey said its regulation will be up to local governments. Discussion followed.

Lee Plan: Gooderham provided some brief background on the public hearings to date, concluding with the June 13 transmittal hearing where county commissioners voted 3-2 to transmit the building heights amendment to the state for review. He said that Forgey had been in contact with the state officials in charge of that, and they expected to have a response on all the Lee County amendments back to the county by mid-August. After that, Lee County would have 180 days to schedule a public hearing to consider adoption, and that all the amendment would be heard at the same time. Best guess as to a timetable would be for an adoption hearing in October, once the commissioners were through the mandated September budget hearings. Discussion of the amendment and possible strategies followed. The was panel consensus that a stronger panel presence at the adoption hearing was necessary, and that panel staff would plan to follow up with the commissioners as necessary. Gooderham noted that he and Forgey had met with Commission Judah at the commissioner's request on June 24, to explain the amendment in more detail and answer questions resulting from the June 13 hearing.

Hurricane preparedness: Doris Holzheimer noted that most hurricane watchers felt last year was an active year, just not here in Southwest Florida. She noted that the committee had sent an attendee to the hurricane conferences, where the main concern statewide was about apathy. In terms of water temperatures and weather, condition are like 2004, high water temperatures which can fuel storms. She said the county's surge maps will be revised this month, which will mean Captivans will face a longer advance period to evacuate. A Structural Safety Inspection drill was coming Aug. 10, contact Mark Wells at the Captive Fire District for details and to volunteer. Miville asked what was required to be an SSI inspector. Holzheimer offered an explanation.

Financials: Gooderham directed panelists to the handout, noting that the last water quality reimbursement check was still outstanding, and that a reimbursement request for the tree project would be pending.

Water quality: Gooderham said that Dave Jensen was unable to attend today, but wanted to report that he was working on a number of smaller projects for islanders to see how they could improve water quality on their own properties and would have reports at upcoming meetings. A meeting with Lee DOT concerning the French drain for Andy Rosse Lane was still being pursued, and Jensen had been working with R.S. Walsh Landscaping on the Twin Palms property to make improvements that would help hold and cleanse water on site.

Other business: Miville initiated a discussion of the need for Captivans to contact county commissioners prior to the next adoption hearing to make them aware how the island community planning process works, to put a face on the panel's productivity and to give them a frame of reference. McCarthy said the panel needed a PR presence to communicate to commissioners and our own constituents. We've allowed the panel to be presented to the community through the CCA. He felt two PR efforts were needed, one for each constituency, and they needed to be organized and professional. Denice Beggs said the community needs to understand what the panel does and the issues it faces... what you do and the importance of it. Boyle said the panel could consider setting up a subcommittee for public relations, and pick out who wants to do what. McCarthy said it was about branding and communicating.

McCarthy noted that the Captiva Holiday Village group won a grant from the Lee County VCB for \$40,000 for marketing out of county. Discussion of the group's efforts over the past few months followed.

Trees: Gooderham updated the panel that the last trees were planted on June 15; more than 100 trees were installed at a cost of just over \$17,000. The state Division of Forestry would be inspecting the plantings in mid-August, and a reimbursement request would be submitted before the end of July.

Other business: Gooderham reminded the group that the Galloway Captiva triathlon was planned for Sept. 17-18. The county permit was under way, registrations were going very well, and more details could be found in that morning's News-Press on the front of the Health section.

The meeting adjourned at 10:20 p.m.

-- Ken Gooderham, administrator