

Captiva Community Panel

MINUTES

Oct. 10, 2017

Attending: Mike Boris, Rene Miville, Mike Mullins, Bob Walter, Sandy Stilwell, Tom Rathbone, Mike Lanigan, Peter Koury (p), David Mintz (p)

Audience: 20

Convened 9:05 a.m. Introductions and roll call. Minutes MM/BW unanimous.

CEPD: Rooker: Tenth year as administrator. Discussion. Irma impacts... took pre-storm photos before arrival. Also had beach survey done in May this year, loads of documentation of conditions pre-storm. After storm, did visual observation of beaches, saw sufficient damage to bring in the USACE for visual assessment of dry beach. Major deflation of the beach, lower but width is OK. Beach did its job to keep water waves away from your homes. Gave Corps our beach survey to document damage. Estimated loss 100,000 cy of sand. Expensive loss, cost of mobilization and sand dredging. Board wants to document actual loss of sand. Survey dry sand and in the water, some sand has moved offshore and may come back. Will survey entire five miles at every profile line. Board will pay engineers to do that, I am on agenda for Tourist Development Council (TDC) meeting to request bed tax funds to pay 50% of cost for survey in an emergency. I will also do a FEMA claim, a long process to get through. Help to pay for putting the beach back to its pre-storm condition. May want to do more since time has gone since the last project. FEMA will pay to restore to original condition, then community has to pay any extra renourishment beyond that. Meeting tomorrow at 1 pm at Tween Water, Ding Darling Room. *Walter:* TDC request, have we done it before? *Rooker:* Yes, first emergency request. *Walter:* Island pays up to 12% of bed tax for entire county. *Mullins:* Asking them to give us some of our money back. *Rooker:* Play up that we are open on Captiva, beaches are open. Still getting calls on whether beaches are open. *Mullins:* What about North Captiva? They were a perception problem after Charley.

CFD: Chief Rich Dickerson: Rauschenberg artists on island, third round of artwork in station to come. Irma: geared up before storm, enacting emergency protocols. Most did evacuate island. We dodged a bazooka. Charley was worse for islands. Irma impacted entire county. Cut a path down Captiva Drive, not as bad as Charley. county has website with GIS mapping, streets were open that night, structural damage also shows up. *Walter:* A lot of downed trees. *Dickerson:* Causeway opened that afternoon, did not agree with that decision totally. *Walter:* As a panel should we address? Causeway was opened for anyone, no passes or anything. Problems with people wanting to look around. *Mullins:* Make it an agenda item for future meeting. Kudos to all public safety people, keeping us updated, did a great job. *Dickerson:* On debris, met with Crowder Gulf, the county contractor. East and south county hammered with vegetation, transporting our debris to Island Inn Road. Trying to set up grinder right behind conference center to allow work to be done on island. Would mean two months instead of four months to clear island.

- **ACTION:** Include discussion on island opening post-storm on future agenda.

LCISO: Deputy Chris Lusk: Everything went smooth, few issues. Not much crime. cleared roads quickly. Upper Captiva, there next day, no worse than Captiva. All the out islands did OK in the storm. People out sunbathing Monday afternoon. Switched to 24 hour shifts. Good idea to revisit access to island, to protect

Captiva regardless of what everyone else is doing. *Mullins*: Posting stuff online, Sawicki said other depts. also a great asset in storm – DOT, etc. Dickerson and Mike Sawicki stayed on top of reminding people about the island, kept them in the loop on events. Went very smooth. *Henry Kaiser*: Called your cells to find out what was happening, got Mike on phone immediately, wonderful service. *Lusk*: Resident deputies, here all the time, you should have our cells, call us if you have concerns. That's what we're here to do. Just call us directly unless it's an emergency.

Tween Waters: Tony Lapi on vacation. Rene Affourtit CFO, Bob Keegan F&B Director. *Affourtit*: Time to clean up the back of the house, kitchen really needed some help. Big job, close to a million dollars. Timeline... get started around mid-April, Sept before it gets done. We will stay open with a temporary kitchen in between cottages and Crows Nest, off season so it doesn't affect traffic. Won't see much change from the road, the facade will be more or less the same, kitchen is behind the Crows Nest. *Miville*: Explanation of presentation. Appreciate the update, just to inform the community. *Stilwell*: Sunshine Cafe will need panel comment. Do you need that? *Walter*: County looks at these minutes, does the panel and the community know what's going on? Elevations included in handouts. *Affourtit*: Not much change from road. *Mintz*: No variance being request and within height restrictions? *Affourtit*: Yes, within height, not seeking a variance. Architects are handling permitting issues. Next stop will be historic preservation board. *Stilwell/Boris* motion to show no objection from panel unanimous. *Koury*: Concerned about process about panel not objecting. No details on project, too ambiguous to consider whether or not to object. *Miville*: Optics perspective for county. No harm with motion not to object. *Mullins*: Do you have an objection? *Koury*: Yes, we have not seen detailed plans or presentation. Just getting motion to get it past someone else in permitting process. Discussion. *Mullins*: Forum for people in community to learn what's happening, if they have objection they can raise their concerns. Not an architectural review panel. *Koury*: Different that passing a motion of no objection. *Mintz*: No reason for panel to weight in if the purpose is just to offer a forum. Raise objections so Tween Waters can hear them and respond appropriately. Present plans, ask for questions or objections. No need for a motion in this instance, not necessary and probably not appropriate. *Mintz*: Not objecting, no objections raised, be informative as possible. Explain to county that we'd like a policy not to be in a position for motion of non-objection. Here for variances and exceptions and to provide a forum. *Mullins*: Two properties on Captiva Drive with projects going on next to them. Discussion about work being done. House may be too close to property line, pool in a very small section of land, just found out about this because I was here. Other project, large wall 11 feet high, they don't need state permits except for pool. None of them came before us. So I'm happy that someone comes before us to inform the community, happy to offer no objection. *Walter*: County recommends to come to panel, but not required if all codes are begin met. It's a courtesy unless there's a variance or exception involved. *Mullins*: Don't raise unnecessary barrier to those who give us the courtesy of coming before us. Not more roadblocks to deter people who don't technically have to come. All in favor of no objection, hope more people come before us to show us their plans. *Walter*: Reflect in minutes there were no objections. *Boris*: Approval, vs. don't have a problem, no objections raised. *Stilwell/Boris* withdrew motion. *Miville*: Any objections? None heard from audience or panel.

Sunshine Cafe: *Stilwell*: Parking diagram handed to panel members. Introduced Linda Stewart, with engineering firm. *Miville*: Can we get more mics for phone? *Stilwell*: Explanation of relocation of cafe to LaDeTa site. Huge waste treatment plant being installed there, \$150,000 project, delayed by storm. Inn shut down, coffee shop just opened up. Had come before panel to discuss a beer & wine license for consumption on premises, vs. to-do consumption that is currently at that site. Asked about objections so I

could move process to next step. New parking plan will allow for golf cart parking. *Stewart*: Administrative amendment to reduce parking by two spaces, accommodating more carts, two carts equal one car. Had to meet certain criteria in code, trolley stop, bike facilities. *Stilwell*: Also planning a reduction in parking isle, 24 feet to 19 feet, spaces now 9' x 18' with bumpers to become 8' x 16' with no bumpers. With all this we can fit the existing parking lot, do not have to enlarge the current lot. Need a more specific no objection from the panel to satisfy county. *Walter*: 20 spaces now? *Stewart*: Change of use changed parking requirements, required 22, going to 20, allowing four golf carts. *Walter*: LaTeDa, all takeout? Proposed vs. current? Capacity changing? *Stewart*: Restaurant vs takeout different classification. *Walter*: more vehicles expected? *Stewart*: According to county requirements. *Walter*: How do you control cart parking only? We can't do it here. *Stewart*: Cart space is smaller, cars won't fit. We can't regulate but mark them appropriately.

Stilwell: Size of lot has not changed, historical property, but county rules have changed, want more area. Same as with the older buildings here. *Walter*: 22 all cars now, equivalent of 20 spots. reducing car spots by half. *Stilwell*: Working with truck deliveries and what parking will now be allowed. Discussion. *Koury*: Plan being shown not part of packet? So public did not get a chance to see it either. *Mintz*: Unclear why you had to bring this to the panel. Administrative amendment, covered by code, require public meeting noticed as spelled out in code. Here as a courtesy or the public meeting required by code? *Stilwell*: Courtesy. Whole new regime downtown. Just to show there was not a problem with anyone in the community. (Issues with conference phone.) *Mintz*: Understand which procedure we're going through. *Miville*: Recap. *Mullins*: Someone is asking for a non-objection. Not something the panel should be doing, and they're not seeing the plans. *Koury*: The public has not had an opportunity to know what was coming forth at this meeting. On agenda it was listed as parking diagram for Sunshine Cafe, action uncertain. How can we take any action at all? I'm in favor of sticking with the code, here we're being asked for a number of changes to the code. Non-objection could be used by any other owner to get around obtaining a proper variance for parking changes. *Mintz*: Previously came before panel and public to apprise community, a voluntary action and a courtesy. Much appreciated, opportunity for objections and questions. County decides if she can do this, not us. Under code, cafe is required to notice a public meeting, whole list of criteria has to be met. Requirements out of our control, in code itself. Is this a courtesy or a meeting to meet the code requirements? If the latter, need to meet the code requirements. Discussion.

Stilwell: If this were a variance, I would have to mark property and notify neighbors. *Mintz*: Restated requirements. *Stilwell*: Not seeking a variance, just an administrative amendment, can be done without public meeting but they asked for courtesy notice to community. *Walter*: Explained status of project, approved plan already in place, just modifying the plan to meet parking. Already approved development order. County is erring on side of courtesy, let community know about admin amendment. No objections raised, not asking for blessing. *Stilwell*: Neighbors have already signed off. *Mintz*: County has already approved, just doing this as a courtesy. *Walter*: That's what the county has asked of us before. *Mintz*: So not an administrative amendment? *Stewart*: Administrative amendment for relocation of parking. Working with what's existing space, just reallocating spaces within current space. *Mintz*: Does that request to amend the spaces trigger meeting section of the code. If so, this meeting does not meet that requirement. If amendment is already approved and this is just a courtesy, that's something different. A new amendment or one that's already been approved. *Stewart*: A number of applications in to county: Two on hold waiting for historic preservation review. Second reviewer said last meeting did not

specifically spell out what we're doing with parking. COP license and parking depend on historic preservation review. Planning director did not feel prior meeting explained the parking well enough. *Mintz*: You can come and ask for objections. If you don't meet the LDC requirements, someone can say you did not meet the permit requirements. *Miville*: Don't see purpose of vote, any objections to the parking plan as presented? *Stilwell*: Not changing footprint just where they draw those lines. *Lanigan*: No diff requirement for restaurant vs. takeout place. *Stilwell*: Not a change of use, but have to go in front of historic preservation for changes begin made to the structure. Meanwhile Nov. 6 I lose my lease. Trying to keep my staff working. *Boris*: Not changing footprint of parking lot. *Miville*: Bring this to a close. No motion, asking if there are any objections. No objections? *Koury*: I object, still shocked that we can change number of parking spots required in administrative amendment without a lot of details. Anyone on the island could do this based on this precedent. That means our code has been downgraded, which is very troubling.

Post-meeting comments from Koury: *I have nothing personal with the Sunshine Cafe, but as a resident and panel member I objected to the presentation and the project. The plan for parking, etc. was revealed for the first time at the meeting and no prior notice whatsoever was given to Captivans of the plan nor that they were going to be asked to give approval or disapproval of this project at the panel meeting, nor that their failure to object at the panel meeting would be considered by the county in the permitting process. I do not believe it fair to characterize the situation as "no objection" when Captivans had no prior notice they were going to be asked to vote on the project or what the project was. I don't think Panel meetings are to be used this way. I also objected to the substance of the proposal which as I understand it would allow all restaurants (and maybe all condos) to increase their seating capacity (and space) by just designating on a plan that existing parking spaces will be used some of the time by golf carts, without any notice or public hearing. I may be wrong, but as I stated, I believe that would change our Captiva zoning code to something that was not intended. (Note: Koury was on the phone for the meeting, during the time when interference on the line made hearing more difficult.)*

Captiva Plan: *Mintz*: Plan and small code changes and analysis, agreed upon by county staff. Joint set of documents bring to the Local Planning Agency (LPA) for review on Oct. 23. Hopefully approved by LPA, then moves on to county commission. Then review by state and final adoption by BOCC. Then move forward on code changes, next project. *Miville*: I will attend to see who the new LPA members are. Thanks for diligence and past work to Mintz.

Post Irma: *Miville*: Anything outside of debris? *Stilwell*: Green Flash where road floods, needs better drainage, love to see county work on that. *Miville*: We used to have a point person at the county, Nan with Commissioner Bob Janes. Not there anymore. *Mullins*: We need a communication focal point with county, got one after Charley. Establish relationship before we need to go to them. Hurricane Prep committee less effective, needs help. Ask our commissioner for a go-to person for Captiva. *Nathalie Pyle*: Stacey Roland, when I communicated with Commissioner John Manning, she responded quickly. *Mullins*: She may be the person, we need to ask Manning. Post-Charley discussion, make an official request. *Rathbone*: Ask Stacy to ask him. *Miville*: Stacy is new, doesn't know a lot of things. If Manning says it's her, that's great. Ask Gooderham to ask Manning for a person. *Lanigan*: When was last time Manning was at any of our meetings? We should ask him. County was derelict post storm, lack of communication was deafening. What we pay vs. what services we get. Discussion. *Mullins*: Not a city like Sanibel. We pay a lot of taxes, we need to figure out how to get it back. More effective if more

united. Speak with a single voice to be more effective. CFD and LCSO do a great a job, don't need our push. Get more help from county, get message out to the community. *Miville*: On Boca Grande, the Gasparilla Island Conservation and Improvement Association administrator ran the island like Judie Zimomra. Get a full-time person. Volunteer organization can only do so much. *Walter*: Panel should have the ear of Manning. A few of us need to call him, he probably doesn't know what we need. *Miville*: Point person talking to everyone. Manning will give us a person, but Nan was more effective. *Lanigan*: That he's not here is a disgrace. *Miville*: Mintz and I met with Manning, as soon as he heard what our concerns he offered to fight for us. When asked he will fight the fight, but he won't call up to ask what we need. Discussion. *Gooderham*: You may need to set up a special meeting, since county commission meets the same time as panel. *Miville*: Invite him out? *Walter*: What we do in the future for a better relation. One call, two messages: Set up meeting and what's happening now. *Stilwell*: As business you have to take away your own debris. *Dickerson*: Possibly a couple of months. Crowder Gulf will take anything on the roadways, commercial or not. Manning does come to Fire Chiefs Association meetings when he can. Need to get someone at the county who can hear us. *Walter*: Invite him, starts with us. *Mintz*: Need emergency contact with county, also with LCEC contact. Formal relationship with them before another hurricane. Emergency team on Captiva, emergency communications device to get info out to community. *Walter*: LCEC was out here every day, foreman was in communication with us every day. *Mintz*: Diagrams not accurate, some streets left off completely. Ended up working directly with foreman. Rather than pressure them, have a point person in LCEC beforehand. *Dickerson*: We have one but Tricia Dorn got tied up with Marco Island recovery, they were hit worse than us.

- **ACTION**: Contact Manning's office to invite him to meetings and cruise, ask for point person.

Nominating Committee: *Miville*: CPOA appointee needs to be named in October. Selected a new woman to fill Sandy's position: Antje Baumgarten. Full-time resident, house in South Seas, also owns property on Gold Coast. Discussion. *Miville*: The companies she's started, athletes mentored you would be amazed. See you in January. Discussion. *Mintz*: Have to do panel nominations. *Miville*: Mike Boris, Dave Jensen, David Mintz, all want to continue for their second terms. *Mintz*: Mike Boris and Antje Baumgarten, appointments by CPOA, automatically to be on panel. Jensen and Mintz are panel nominees from Nominating Committee. Anyone in audience or community who wants to fill one of those two seats open to submit resumes to the panel by November meeting. Panel can choose committee nominees or at-large nominees, Vote at December meeting. Discussion.

Wastewater: *Mintz*: Contract with TKW has been negotiated and approved. Initial meeting with county and TKW was scheduled recently, not heard if that happened. First task will be meeting with committee, follow with Utilities Director Pam Keyes on TKW update. Keyes will now be contact person with panel. Public meeting proposed in November, after meeting with committee. Now want to set meeting date after TKW meeting. summary and meeting notice done, to be held in abeyance until TKW meets with committee. *Miville*: Jay Brown submitted resignation as Wastewater Committee chair, as president I would like not to accept it and give him a few days. Mike Kelly has offered to help with committee as member or chair. Would like to talk to Jay to see if his resignation is final.

- **ACTION**: Follow up on TKW status and meeting.

Captiva Drive: Survey is done, Irma set us back. Need to meet with LCEC to review survey and necessary changes. Meet with county after that, then meet with property owners to discuss plans.

- **ACTION:** Set up LCEC meeting.

Overcrowding: N/A

Invasive Species: *Pyle:* Sent picture to a few of you, big iguana behind my house. Did not sound like there was a plan yet to pursue them to eradicate. *Mintz:* Revisit when Dave Jensen gets back, ask him to engage trapper and discuss options.

Development: *Lanigan:* Not much to report. Next event is November cruise, Monday, Nov. 20? Look at mailing. *Walter:* Captiva Cruises have committed boat and beverages. Food between South Seas and Sandy. Ask Andreas? Get invitations pulled together. *Boris:* Mail and emails appropriate, best way is to invite neighbors and friends. 80-90 capacity.

- **ACTION:** Work on draft of cruise invite.

Chamber of Commerce: John Lai... managed resorts for last 10 years. lived in county for 30 years. One of our events is luminary, scheduled for Dec. 2 on Captiva. Used to do in conjunction with Holiday Village, which is not going to be put on this year. Wanted to see if community is interested in pursuing luminary. Some way we could pull this all together. *Stilwell:* Island clubs hand out bags, Kiwanis does lighting, another group picks them up next day. Encourage people to decorate houses and participate. Want to volunteer, call Sandy.

Financial: *Boris:* Info in handout. In much better shape financially than last year. Hoping for success with cruise as well.

New biz: *Lanigan:* Items I've experienced and felt worthy of discussion. Tailgate tents on beaches, seems to be growing. Take over beach, kind of obnoxious. Prohibited in some communities, worth talking about now before it becomes a problem. *Walter:* CEPD meeting, bring it up there. *Stilwell:* Also turtle regulations. *Pyle:* Also bring up music that goes with that. *Boris:* Seeing and hearing more of it than in the past. *Mintz:* Once plan is adopted, these issues can be worked on as part of the code review. Workshops and discussions based on these issues. Appropriate place is during code review. *Miville:* Capture now to discuss in the future. *Lanigan:* Speeding on Captiva Drive. Out of hand now. Dangerous road, resources are tight for enforcement I understand. What can we do to get speed counters to slow people down? Discussion of accidents. Get DOT involved and ask for their support. *Mullins:* Talk to deputies first, see what they can do and understand enforcement issues. Don't see as much enforcement, maybe we need to seek another deputy to ease coverage. *Miville:* Get data, that gets you action. *Lanigan:* Panel voting procedures. *Koury:* A lot of speeders in the morning out there. Talk to employers or contractors to remind them to slow down. *Mullins:* Residents as well. *Lanigan:* Voting... Did not appear everyone had a chance to vote for officers. *Mullins:* Bylaws Look at Sunshine Laws. *Mintz:* Ballot for each panel member, collected/counted and read out loud.

- **ACTION:** Check Sunshine Law on voting. Follow up with LCSO on road options. Start LDC list of issues.

Librarian: *Boris:* Do we have one now? *Mintz:* Part-time vs. full-time, community supported full-time librarian. One was announced at July meeting. She was introduced and very excited to be here. Now she's not going to be full-time on Captiva, assigned to another library, then she left for that reason. Unknown if

we will have FT or PT librarian. Library board is reaching out to county to ascertain status. Keyes no longer in charge of library system, new person coming in. Once board finds out status, they will come back to the panel to update. *Boris*: County told librarian it was not a FT job, that's why she resigned. *Mintz*: Need to get the facts. *Mullins*: Defer to library board to decide, we should lend our support.

Website: *Miville*: Website issues, very important. Reached out to someone I have worked with, he's willing to come to our November meeting to make presentation on what he could do for website. Anyone else who you want to engage? How do we pay for it? Consensus to proceed. *Mullins*: Communications Committee, someone responsible for communications. Social media, website, how do we do outreach to the community? This offer may be premature, but happy to listen to him. *Lanigan*: I agree, work on email and snail-mail address, places to post stuff, etc. MB: Listen to outside professional, they may offer other options. *Mullins*: Should Gooderham draft RFP for communications plans?

Meeting adjourned 11:20 a.m.

-- *Ken Gooderham, administrator*