

Captiva Community Panel
MINUTES
Nov. 9, 2010

Attending: Rick Hayduk, Dave Jensen, Mike Kelly, Mike Mullins, Nathalie Pyle, Harry Silverglide, Sandy Stilwell

Audience: 10

The meeting convened at 9:05 a.m. Kim Herres mentioned how to contribute to gifts for the retiring postmistress at the Captiva Post Office. Panel members were introduced and the Oct. 19 minutes were unanimously approved (Kelly motion, Mullins second).

CEPD: Kathy Rooker opened with thanks to islanders for the recent election turnout and vote favoring the bond referendum, saying it made quite a statement how important the beaches are for the people who live on Captiva.

About the Blind Pass project: The district has been monitoring the pass since its opening, there was discussion of the original dredge template which was modified due to an adjacent Sanibel property owner. A permit modification has been submitted to deal with infilling at the opening, on the Captiva side near the groin. Proposal is to dredge a 50-foot-wide area toward Captiva to improve hydrology for the channel there and improve the flow. They would put sand from that further south on Sanibel toward Bowman's Beach and on one of the Captiva hot spots. The state is not likely to approve this, but wanted to ask just in case. A dredge will be in the area for the planned Fort Myers Beach project, trying to piggyback on that project while the dredge is mobilized. Pyle asked about the timing. Rooker said permission was expected within six months, around April perhaps. It also depends on sand quality as to where spoil will be placed, whether it might be beach quality.

Mullins offered a discussion of the cost of the project and county reimbursement or payment of share as covered in recent meetings. He said the CEPD share is in dispute; the district is seeking more input into the project, and was promised a meeting but no results yet. He feels putting sand on a county beach is of no benefit to CEPD, and that Sanibel should be participating in terms of payments, which has not happened to date. Many believe the pass is going to close eventually unless something is done. The district will be asking the community to express their concerns soon, will be discussing at the CEPD meeting tomorrow and may need to turn this over to the CEPD attorneys. He's hoping that Bayous Preservation Association will get engaged as well. Rooker said any work would be considered a new event, which could open up the existing interlocal agreement for review. Silverglide asked if anyone being held responsible for failure of the original design. Mullins said a lot of changes in that design were

done on the fly, not always thought through in terms of consequences and results.

LDC: Max Forgey and Gooderham lead the presentations and discussion of the LDC draft presented to county staff for review, the survey responses and the previous informal county response to an earlier draft. Forgey had developed an extensive memo detailing these responses and his comments, which will be the basis for discussion. Kelly noted that this is the process of creating code language to implement the Captiva Plan already in place, to create formal enforcement to support the plan. He was very disappointed by the CCA letter sent at the survey's start, which said we don't like anything being proposed. He took that to mean the panel was on the right track, frankly. He felt the process was moving forward properly, and wanted to assure everyone that the panel did everything in the sunshine and to encourage public participation. Representatives from the CCA attended the meetings and workshops and had good comments, but ended up saying no-no-no to their membership. Mullins noted that the CCA did recommend yes on the mangrove protection issue. He asked how this process compared to those by other communities pursuing LDC changes. Forgey said the Captiva effort took more public input, had a very thorough survey, and overall had better than most public participation.

Pyle asked for an explanation of the ensuing process. Kathie Ebaugh explained the review and approval timetable. Mullins asked for a discussion of the mangrove language and the "to the greatest extent possible" concerns expressed by the county in earlier comments...specificity vs. policy statements. He asked how the panel needed to interact with county staff to clarify comments. Pyle asked when do we get to the final approval of draft language. Gooderham said that would be best done when the panel responded to staff comments in December or January. Pyle noted that the panel had not yet responded to input from the community survey, and that she was opposed to how we are presenting changes in the height restrictions. She felt the panel did not deal with the ramifications on the Village where houses are closer together, that the current language was detrimental to the future of the Village. Kelly said that we went through that carefully in regards to your comments on the Village. Discussion followed about FEMA rules and exceptions.

Kelly said the panel tried to provide alternatives without getting too specific about the Village issues. Silverglide said he felt the panel was treading on very thin ice, that he also had an issue with height restrictions and felt the panel should have had a study done. He thought the issue would probably end up being litigated. Mullins said he had made a motion that each piece of this be voted on at some point. He felt the panel should have opportunity to choose which one of these we agree with and which we do not. He said he had recommended a different height policy for the Village earlier, but it was rejected. The panel could go back and change it, take the chance to improve it.

Mullins made a motion to allow the panel to express its opinion by a vote on each individual point in the LDC language as submitted (Stilwell second). Pyle said that would clarify the process. Kelly said that was exactly the process we used for the plan previously. Staff will provide comments and we decide whether we want to move it forward. Pyle noted she would not have that opportunity, that she may be off the panel by the time the comments come back. She said she was not attacking the process, she felt it was handled properly throughout. She didn't recall any discussion about treating the island in pieces or zones on this issue, and she just wanted to state her opinion on how this one particular issue will affect one part of the island. Hayduk asked what was gained by voting on each of the points, what is the purpose?

Pyle said if there was opposition on one point, the panel could hold that one point out and advance the rest of the language. If we didn't take it point by point, she said she would have to oppose the whole thing based on her opposition to that one issue. Mullins said this was not chopping up the island, it's already viewed as zones by the county and the panel. He restated motion, and asked if he needed to add a timeframe? Kelly said the panel may not have unanimity, so how do we want to move it forward in a timely fashion if we want to advance it as a package. Stilwell asked for a clarification, whether the LDC draft will be sent in piece by piece or as a package? Hayduk said if there is part of the package we don't have a majority of support for on the panel, we have a problem. The vote was called and was 6-1 to approve the motion (Silverglide dissenting). Doris Holzheimer asked what the county comments Forgey mentioned were, and when they were made. It was explained they were from an informal review last spring of the draft language to that point, and that panel members had received a copy of the county memo containing those comments at the time.

HURRICANE COMMITTEE: Holzheimer said the committee was meeting in January, and that a Sky Warn training was scheduled for March 2 at South Seas Island Resort.

NOMINATING COMMITTEE: Stilwell thanked to Jensen for his service on the panel, particularly as the last original member still on board, noting that since he will not attend the December meeting she wanted to acknowledge this today. Committee chair Denice Beggs offered a report, noting that the committee selected Susan Stuart and Paul McCarthy to fill the two seats coming open at the end of the year. McCarthy said he was honored to be selection, and was motivated by Jensen's service as an example of someone who finds the time to participate in this community service. Stuart said the community needs to be able to communicate with each other, and that she supports what the panel is doing which is civil communication. The panel voted unanimously to approve the committee recommendation and accept the two nominees, who will start in January 2011.

2011 BUDGET: Gooderham noted that a draft was included in the board handouts, and he was seeking input from members and committee chairs to present a final draft for approval at the December meeting.

FINANCES: Gooderham noted the monthly update was in the handouts, with the typical expenses reflected.

WATER QUALITY: Jensen said a wrap-up meeting with the final results of the two years of monitoring was planned, probably in March 2011. Stilwell asked if he would stay involved in water quality issues, and Jensen said he would.

OTHER BUSINESS: Mullins noted that a farmer's market on Sanibel has re-opened for season, and encouraged people to try it out. Gooderham noted that Aqua Utilities was requesting a statewide rate change (which included South Seas customers), and a local meeting was scheduled for Thursday, Nov. 18, at the school board meeting room. Also, a South Florida Water Management District hearing on Lake Okeechobee releases was scheduled for Wednesday, Nov. 10, in the afternoon, where public comment on the proposed schedule was sought.

The meeting adjourned at 11:10 a.m.

-- Ken Gooderham, administrator