

Captiva Community Panel
MINUTES
Nov. 11, 2014

Attending: Mike Mullins, Jay Brown, Susan Stuart, Jerry McClure, Paul McCarthy, Bob Walter, Jack Cunningham, Sandy Stilwell, Mike Kelly.

Audience: 15

Meeting convened at 9:05 a.m. Following introductions and roll, the Oct. 14 minutes were unanimously approved (Cunningham/McCarthy). *Mullins:* Recognized today is Veterans Day.

CEPD: *Kathy Rooker:* Change of meeting location, in Crow's Nest Wednesday at 1 p.m. Put out for bid DEP and USACE permit for beach tilling, year one. Three bids back, board will decide tomorrow. Tilling right after New Year's Day, since it's a slower time. This is a wildlife requirement to make it easier for turtles to nest. Pleased with how beach has held one year later. Grass has worked very well.

CFD: *Rich Dickerson:* Season starting, more calls now. Discussed mutual aid assistance, mainland depts. will send backup if we have a major incident. Goes both ways if there's a major event on mainland. Station... moving along, starting planking on exterior. *Kelly:* Financing? *Dickerson:* Loan 20 year from Fifth Third Bank. Discussion.

LCSO: *Mullins:* Mike Sawicki asked to be excused. Analysis of complaints... working on it, with crime analysis person with county. Initial info, one complaint per month per house? *Cunningham:* 115 complaints January 2010 to October 2014, only those called to LCSO, not others.

Hurricane Committee: *Doris Holzheimer:* Still season until Nov. 30. Educational program planned May 7, afternoon, probably at new fire station. More later.

Fund-raising: *McCarthy:* Transition to generating funds from mailing rather than from events. Discussion of funding to date. Mailing to every property owner, asked for \$100 each to fund panel operations. Inform them about what we've done and get them to participate financially. *Brown:* When did it go out, when was it processed. *McCarthy:* Raised about \$13,000, should have gotten more. A lot of people missing. Reach out to those missing from the list. People you know who should be there. *Stilwell:* More coming in by the end of the year, a lot of people wait until December. Also put in on the email list. *Mullins:* Monday After The Masters also valuable. *McCarthy:* Worth it, needs to be done regularly. *Cindy Brown:* Write article for papers, annual fund-raising, this amount to our goal. Remind people what panel does. *Mullins:* Money to panel has brought in other benefits, grants and funding for other projects. *McCarthy:* Post PDF of letter and brochure. Didn't get it, misplaced it, need a little encouragement. *Gordon Hullar:* Sending again not overkill at all, thanks and need to see where we are with our goal. *Mullins:* Wait until end of year. *Rene Miville:* Consider having a party at my house to meet the congressman, something like that.

Communications: *Stuart:* Organize a more formal communications committee. People have moved on, need new blood and plan to communicate. *Mullins:* What about plan to distribute information to SSIR homeowners? *Walter:* Quarterly update is emailed to owners.

Financial: *Gooderham:* Summary in packet. If you have any plans to spend funds in 2015, let me know

before December to include in next year's budget.

Planning: *Max Forgey:* River Hall update. BoCC vote shows commission has the ability to change the rules on any planning issue. Approval transmitted to state, they have 30 days to respond, then commission has 180 days to adopt or reject. A lot of opinions back and forth. Amendment 1 overwhelmingly approved last week. One-third of doc stamp funds dedicated to land acquisition and management. Keeps best programs funded, concerned how Legislature will manage money. Need to watch carefully. Could have good effect on barrier islands and harbor. *Mullins:* Give us more info on River Hall and what you want us to do. *Forgey:* Will have plan perhaps in January.

Rezoning: *Tim Murty:* Introduction. *Mullins:* offered background on issue, two properties were subdivided in error to make three. Discussion. *Murty:* I represent owners of three parcels, all within one family. Main home with guest cottage. In 2003, first of two lot splits. *Brown:* Both lots had sufficient acreage to meet RSC-2? *Murty:* One had 102 feet of road frontage, the other 104 feet of frontage. *Brown:* How did that happen? *Murty:* Zoning designation not pursued at that time. Nobody looked into what else could be done with the property. Zoned appropriate for the use. Estate size lot with one house, complied with zoning. Second lot subdivision was designated RSC-2 improperly. Lots are estate zoned but substandard in size, about 80% for each one... 36,000 SF rather than 44,000 SF. We are asking to amend zoning for three parcels to allow them to meet lower minimum lot size. Northernmost lot went under contract, buyer went to the county to determine use, discovered error in land attribution. Discussion of change.

McClure: This could allow 20,000 SF lots throughout RSC-2 area. *Brown:* would That would allow 50% more density than the zoning indicated. *Mullins:* Mistake had been made by county staff, person did not look at all the nuances. *Nathalie Pyle:* community is being asked to get the county off the hook. *MM:* Landowner is on the hook. *MM:* If approved, when can you do with RS-3 zoning? *Miville:* Survey measured on beach itself. If property was measured on Mean High Water Line, would lots comply? *Mullins:* Need to clarify if measured from high tide line. LCPA database shows a higher number, but still not an acre. *Murty:* Can build primary and auxiliary units. *Mullins:* Two lots with three buildings, vs. three lots with two buildings? *Murty:* Problem arose a month ago, I need a little more time to respond to these questions. *McCarthy:* Applicant introduced new zoning into that area. Discussion.

Murty: Looking to a solution to a problem that was created when lots were made unbuildable. *Brown:* Mistakenly allowed to make three unbuildable lots out of two buildable lots. You want to perpetuate that mistake by changing zoning. *Cunningham:* Is there three acres total there. If not, there are not three lots to build on. *Mullins:* County needs to clarify lot measurement... Coastal Construction Control Line or high tide line. *Mimi Schwartzel:* How was house built that close to the road? *Miville:* Built as a guest house years ago, the family changed home size later on. Haggerty family created RSC-2 zoning. *Mullins:* Come back with county person to explain measurements, look at options. *Brown:* Hate to see you spin your wheels if island is not going to support anything you propose. *Murty:* County suggested rezoning as a solution to the problem. *McCarthy:* Do adjacent lots have excess land you could purchase? *Hal Miller:* Could the county mandate change to avoid lawsuit. *Miville:* No taking to warrant that action.

Schwartzel: How did county approve main house that close to road? *Murty:* It was an addition to an existing structure. *Mullins:* Need to have someone from county to explain setback, main vs. auxiliary structures. Also administrative decision on CCCL exemptions. *Brown:* Why move forward if there's no

chance for panel approval? *Mullins*: Discussion of prior rezoning errors by county, circumstances where research was not properly done. *Miller*: Seems to be unanimity that three acres are required to get what owners want. *Mullins*: Allow Murty to get facts. *Miller*: Can he come up with any possible solution? *Brown*: Zoning exists to control density. *Mullins*: Allow him to come back with a better proposal, bring county with him. *Cunningham*: Motion for Tim Murty to go back to client to see if they have three acres (to meet current guidelines) to avoid zoning request. If they have to request a rezoning, the panel will not support it. Stilwell second. *Henry Kaiser*: Depends on where they measure. *Schwartzel*: County needs to define line of measurement. If it's the CCCL they comply, if it's the vegetation they won't comply. *Holzheimer*: There's been court rulings on CCCL. Vote 8-1 (Mullins opposed).

SSIR: *Gooderham*: Discussion of how conflicts of interest are handled and defined. Much materially benefit from possible vote to abstain and declare a conflict, the only way you can abstain from voting. *Walter*: I will not benefit from this proposed development, do not work for the same company... no conflict. Have attended numerous HOA board meetings in the resort, very positive response so far. Will provide materials I've been distributing to post to panel website. *Mullins*: Expect more extensive presentation in January as requested, keep on the agenda monthly to discuss until we take it off.

Plan update: *Gooderham*: Plan a full presentation in December or January about possible changes. Wanted to give you opportunity to discuss language format and review process. *Forgey*: Explanation of formatting. Added short titles. Is there anything missing? *Kelly*: County staff may have things you can't change, such as mangroves. *Brown*: Good presentation, things I want to discuss. *Mullins*: RSC-2 change when? *Gooderham*: Plan policy approved in 2002, LDC change in 2003. *Forgey*: Will prepare longer document by January. How to approach in December, just go through text? *Brown*: Each panel member should review draft and put together questions, discuss with Forgey, send issues to Gooderham to compile for panel. Document schedule and distribute. Comments to Forgey, amendments to Gooderham, send to panel. Include 13.1.1 in motion.

Nominations: Two panel seats open. Miville, Cunningham and Harry Silverglide on Nominating Committee. *Miville*: Panel has legacy of nominating people active with panel and meetings. Discussion of process. *Miville*: Names submitted: Sarah Wackerly with All Star Vacation Homes, delighted to recommend her. David Mintz, participated in workshops and committed to panel. Mike Boris also has added his name at this meeting. Will have five openings at end of 2015, panel needs to look at bringing in more people interested in getting things done. *McClure*: Clarify which seats are open. *Mullins*: Ask Sarah to attend December meeting so we know who we're voting on.

Miller: How many meetings do people need to attend? *Gooderham*: Bylaws say can miss no more than three, but it's not enforced with members who go north for the summer. Can attend via phone, but won't count towards a quorum. *Mullins*: Presenting two or three for slots? Also approached by Barb Harrington to be considered. Need letter today if interested. Panel can decide on the spot perhaps? Expand number on panel. Discussion. *Mullins*: Narrow down to two selections. *Miville*: Nominate Wackerly and Mintz, encourage Boris to get involved. *Cunningham*: Read bylaws citation on committee process. *McCarthy*: Two from committee, one by letter, possibly one more to come. *Mullins*: Board can accept additional choices in December. Committee recommended two people, Mike Boris has submitted letter to be considered. Discussion. *Gooderham*: Distribute Boris letter to panel.

Motion to waive rules to allow officers to be nominated in December once lineup is clearer (McCarthy/Stuart). Vote 8-1 (Cunningham dissenting). Discussion of bylaws committee, reinstate it to

work on minor issues and set timetable for it to complete work.

Budget & schedule: *Gooderham:* Enclosed schedule includes CEPD plans for 2015. Review and let me know if you have any issues with dates.

Other business: *Kathy ???:* Lands End owner, concerned about proposed development at South Seas. Road in poor condition, impact on walkers and people. Impact of construction traffic. Worry about impact on sewage treatment and water pressure. When will we get details on the impact of what's being proposed. *Mullins:* When is your homeowners association meeting? *McCarthy:* Good questions for January public meeting. There will be people there who can answer those questions, committed to returning in January. *Mullins:* This will be a running agenda item at every meeting. *Kathy:* Has this proposal been downsized? *Walter:* 112 units now proposed.

Meet adjourned 11:15 a.m.

-- *Ken Gooderham, administrator*