

Captiva Community Panel
MINUTES
Nov. 12, 2013

Attending: Mike Mullins, Jack Cunningham, Paul McCarthy, Jay Brown, Susan Stuart, Sandy Stilwell (phone), David Rohn, Robert Baugh, Mike Kelly

Audience: 10

The meeting convened at 9 a.m. with introduction and roll. Minutes from the Oct. 8 pane meeting were unanimously approved (Brown/Stuart).

CEPD update: Administrator Kathy Rooker said there would be a change in the district meeting tomorrow, it will be held at Tween Waters in the Crows' Nest at 1 p.m. Rooker said beach project construction is progressing nicely, with the pumping now south of Tween Waters. Dec. 25 was still the deadline for completion. Mullins asked when pipes will be taken off the beach. Rooker said the dredgers are moving north pipes south, so she did not know when they will be removed from the entire beach. Some will be moved to the next project, others will be moved to north end of Sanibel for the pumping to be done there. Mullins asked whether the district could control which end they moved first. He recommended they move from the south end first. Rohn was curious why they still have pipes at the Hagerup Park, and asked if they could be moved to open that public beach. Rooker said that was on her list to discuss with the contractor today. The district is also talking about dune restoration and vegetation, and will make a decision on awarding a contract from three options. Planting will start after construction is finished. Overall, she has been pleased with the compatibility of the dredged sand with current beach, thanks to having a great borrow area.

CFD update: Chief Rich Dickerson said they were 95% done on drawings for the new station. They went before the county commission two weeks ago to rezone the property, which was approved. The development order is next, then the permits to begin construction. Will go out to bid first week in December, 6 weeks to bid opening due to holidays. End of January demolition and groundbreaking; 6-12 months to build, All prequalified contractors are local. New lieutenant started with us, from Lee County; he is training all three shifts as pump operators for certification.

LCSO update: Not here. It was noted that there were a string of break-ins on both islands last night.

Hurricane Committee: Doris Holzheimer said there were two important dates to add to the list. There will be a March 6 hurricane education program, and we will finalize the agenda in January. Gerald Campbell from Lee County Emergency Operations is expected, and Bill Dalton from Sanibel as well. The, at 3:30 p.m. on March 11, Daniel Noah will be here for a SkyWarn training; she urge people to attend even if they've already had one since each year is different. Beginning and intermediate sessions will be scheduled, both in afternoon, probably starting at 1:30 p.m. at Tween Waters in the Ding Darling Room.

Planning: Max Forgey began with a proposed schedule for planning workshops, with the goal of trying to get them in before the middle of April (since Easter is April 20). He suggested workshops on Jan. 14, Feb. 11 and March 11, in synch with panel meetings, with at least one more meeting beyond that. The first meeting would be a general workshop to talk about any subject the public has in mind, then concentrate on specific topics at each of the others with the final session also being a summary of the

discussion overall. He said facilitators would be available through the county, probably using local planners as has been done before. He had spoken with a Florida Sea Grant person to facilitate any about coastal issues. He asked whether 10a.m. -noon was a good time for workshops, with the general consensus that it would be a good starting point. As to the dates, Mullins said it should work OK to hold after panel meetings, much like the bylaws committee was handled. Forgey asked whether Cunningham would help schedule a session at the Community Center. Cunningham said the construction schedule indicates the center may be available for February meetings and beyond.

Cunningham asked about the best way to promote these workshops. He asked whether other areas had a formula to entice people to meetings, and if can the county help or is it up to us. Forgey said the panel has the most resources. Gooderham said we could use advertising, emails and news stories as in the past to notify people about the upcoming workshops' schedule and topics. A discussion of survey numbers to date followed, which then transformed on how to market the workshops including announcing the entire schedule and targeted topics so people could plan the one they wanted to attend. Stuart said notices could go to the island homeowner associations as well. Mullins said South Seas associations set their meetings far in advance. Rohn noted that his association has a website, and they had put a survey link on it. Mullins asked whether the panel could get addresses for the resort associations. Baugh said he thought he could get emails for the 22 associations in the resort. Discussion of workshops and scheduling continued including using the survey results to market workshops.

Mullin suggested the panel feature an update on an important topic, and have a headliner at each workshop – find a hot topic and an expert to draw people. Cunningham said that when discussing landscaping, the panel needed to be careful who it had as professionals – we need overall guidance, not specific expertise. He said the workshops should work to get more input, and then the panel can form committees to drill further into issues. Forgey reiterated that the first meeting should be a general meeting to get the overview of potential issues. Later meetings should give people the opportunity to talk about a specific topic. Kelly asked if there would be another series of workshops after that. Discussion followed.

Gooderham said the county grant targeted development of plan language -- not LDC work -- at this point, so we should work to stay at a broad-brush level. Mullins said this would be a multi-year process that evolves as new things come down the road. Workshops are to follow county grant so we can offer the deliverables we promised. Rohn asked about the deadline for final decisions. Mullins said if history is an example, it will take more than one year to reach final language. Forgey said the plan was to get the most we can out of this season. Mullins concurred, and a discussion of timing followed. He said since Easter is April 20, look at April 15 for the fourth meeting, and look at the largest possible space. Cindy Brown suggested that after the December panel meeting presenting the survey results, the panel work to have a more full-blown article in the island papers. Holzheimer suggested putting something up at the post office once a schedule and topics was set.

Communications: Stuart said that the interim postmistress did not get the permanent job, and she was being re-assigned to Sanibel; she would appreciate a thank you from anyone here. Also, there was a new minister at Chapel By The Sea named George Morris, a Methodist minister from New Jersey. He will be here for three years.

Budget: Gooderham presented the monthly update and a draft 2014 budget for feedback, saying a final draft would be presented for discussion at the December meeting. Cunningham asked whether there was a plan and funding to do a newsletter. Gooderham said he was not aware of any timetable for that

but that, if the panel wanted to produce an electronic newsletter, the mail program he was using for panel emails offered a variety of newsletter templates at no charge.

Fund-raising: McCarthy said that as a community organization we need community support. The panel was not a membership organization, but people should buy in with some amount of money every year. The brochure presented at the last meeting was in for a final edit now, have gone through a couple of iterations. He was also planning a free get-together to entice islanders to meet panel members and others. As to the brochure, he wondered whether it should be put in with any workshops mailing. The workshops explain the organization, and the brochure explains the workshops. That could go out in early January. It would be a lot of information, but this explains what the Community Panel is in one piece which might catch people's attention more than just workshops info. A discussion of the survey response on 60% awareness of the panel followed. McCarthy said he would like them to have a sense that the panel exists, even if they're not aware of everything we do. Baugh suggested it could be done as a calendar, to promote the panel and fund-raise as well. Mullins said the CEPD just voted to do the same thing; perhaps we can collaborate with them. Cunningham said it could be a good idea to combine, but don't put in a plea for money with it however. Do that in a separate mailing. McCarthy said the brochure is a subtle appeal, more about how to get involved. Discussion of brochure design and appeal. McCarthy reiterated it was done not to scare people off, as a soft sell. Hopefully we can follow up every year with something else to remind them to support the panel. He said a unified mailing could go out right after Christmas, it would offer a good impression of the organization, that it's welcoming and has done things and is doing things.

Mullins and Brown launched a brief discussion of their issues with the property appraisal process, its parameters and what it has meant for various island properties this year. Mullins suggested the panel could offer an educational service to the community by explaining how this is done, and asked people to stay after if they wanted to discuss it further.

Nominating: All of the panel members in attendance whose terms would be up at the end of the year agree to serve a second term, and Gooderham said he would follow up with McClure on his willingness as soon as he was back on the island. (Stilwell leaves at this point.) Mullins said he mentioned in a recent email about possible panel changes in the future, that there could be two more openings coming up. Discussion of necessary action followed, with Gooderham saying that no action was necessary until openings actually occurred and depending on the status of any bylaws changes in the structure of the panel that were pending.

Bylaws: Cunningham noted that the panel was in 60-day window soliciting comments, and asked to be heard on his position on it:

In January, I believe, the board decided that the By-Laws should be reviewed as it had been several years since the last review. A committee was established with Mike Mullins, myself, Susan Stewart, Jay Brown, David Rohn and Jerry McClure volunteering from the board. Non board members who volunteered were Cindy Brown, Doris Holzheimer and Ken Gooderham. This group, or most of them, met on numerous occasions over the next several months.

At the first meeting Mike was selected as President. After considerable discussion and at my request it was decided that rather than review the bylaws front to back we would first develop a position on the board member selection process. The logic was that if the existing process were changed that could impact other sections of the bylaws. Once a recommendation on the BOD

selection process was developed it would be presented to the full CCP for its vote. We are now in the sixty day period of public discussion on this matter with the vote to be taken at the December meeting.

It was and remains my belief that the current process of five members being appointed by the CPOA, two by the CCA and the balance of three from the CCP BOD does not necessarily ensure equitable representation of the various island stakeholders. During the early committee meetings there were multiple thoughts on how to insure representation on the panel from the numerous organizations, associations, businesses, individuals, etc. It was obvious that not every stakeholder could be represented on a nominating committee nor on the BOD itself as it would be totally unwieldy.

What was finally worked out is a proposal that requires the full CCP to select five individuals from the community, one of whom is currently a CCP member, to serve as a nominating committee. This group, in turn, will be responsible for recommending candidates to the CCP BOD for the annual election and to fill vacancies.

I believe this process will allow all community interested parties to apply for consideration by the nominating committee. It should allow stakeholders who have an interest in community affairs, but not the time nor desire to be on the Panel, to request membership on the nominating committee and thus participate in achieving a broader choice of candidates to be presented to the CCP.

A discussion of the Bylaws Committee proposal and process followed. McCarthy asked whether the committee had taken a position on the proposal. He said Cunningham made his position clear, but did the committee vote on anything? Brown said the committee was not making a unanimous recommendation. Mullins said the bylaws committee did not have a mandate to vote on a proposal, only to develop one for panel consideration. McCarthy said that since he did not attend the committee meetings, he'd like to hear the opinion of the people who developed this bylaws change. He would like to hear both sides as it was discussed in the committee. Mullins said that would probably be shared at the next meeting prior to any vote. He said there could be a summary of the process at the December meeting, to present both sides prior to a vote if that was desired. He said anyone who wanted to present a position paper on this issue prior to the next meeting could do so under the Sunshine Law as long as no discussion was conducted prior to the meeting.

Other business: Brown asked about a variance request from a property owner near his property, which would have a visual impact on everyone on Captiva. He asked what the panel members and audience thought about this. Discussion followed about the variance from the Osmidas regarding a pool cage and other accessory structures encroaching on the 100-foot setback from Captiva Drive. Gooderham noted that he had exchanged emails with the owners' attorney about scheduling a presentation at the September or October panel meeting, but the owners finally decided to hold their own meeting elsewhere and had advertised it as required by county code. He said that the county had specifically avoided listing the panel as the sole venue for such informational meetings for a number of reasons during the public hearings about both the Lee Plan and LDC language adoption, including to ensure that if the panel was not meeting or ceased to exist it would not bring any such requests to a halt until the county rules could be changed.

The panel's displeasure with not hearing about this variance request was extensively discussed, and

Mullins asked for a motion to write a letter raising our objections to the Lee County Hearing Examiner prior to the scheduled Nov. 22 hearing. He said that islanders did not have an opportunity to form an opinion on this issue, and the owners did not bring it to the best forum on the island. McCarthy felt this was an end run around the panel that was underhanded and devious. Forgey offered to formally invite the attorney in the case to present at the next panel meeting anyway. A discussion of the Hearing Examiner process and schedule followed. Kelly suggested the panel object to the request on procedural grounds since we have not had the opportunity to hear the facts of the case. A motion to write a letter to the Hearing Examiner outlining the panel's procedural objections was unanimously approved (Rohn/McCarthy). Gooderham said he would draft the letter and send to all panel members within 36 hours, since the deadline for the hearing was drawing close.

It was observed that this was the first variance request not to come before the panel since the requirement for an on-island informational meeting was established. A discussion of the Hearing Examiner process and ensuring standing before the county commission followed, and Gooderham noted that it was necessary to be on the record at the HEX hearing in order to be able to comment before the county commission when the hearing for final approval was held. He was not certain whether a letter was sufficient to ensure standing, or whether one had to appear in person. Forgey said he would attend the hearing on the panel's behalf. (NOTE: It was subsequently learned that one needed to appear in person before the Hearing Examiner to ensure standing. Also, a 60-day continuance for the variance hearing before the HEX was submitted by the Osmidas' attorney on Nov. 13.)

Gooderham presented a draft 2014 schedule of panel meetings, and was asked to confirm the 2014 CEPD meeting schedule before the December panel meeting, so a final schedule could be ready for approval.

Mullins launched a property tax appraisal discussion, noting that the county appraiser was now using a multiple regression analysis program on the island for the first time. A discussion of its impact on the tax bills for various properties followed. Mullins felt this could be something the panel could help educate the community about since this appraisal process is just beginning. Cunningham said that if this new process results in the same amount, for everyone whose bill goes up another will go down. Is that something this panel should be getting in the middle of at this point? Mullins said he was not suggesting the group fight for individual people, but rather to educate people to their options. A lengthy discussion followed, ending with the plan to bring this matter up further at future meetings.

The meeting adjourned at 11:05 A.M.

-- Ken Gooderham, administrator