

Captiva Community Panel
MINUTES
Dec. 13, 2011

Attending: Jim Boyle, Rick Hayduk, Gordon Hullar, Paul McCarthy, Rene Miville, Mike Mullins, Sandy Stilwell, Susan Stuart

Audience: 15

The meeting convened at 9:05 a.m. Following introductions and a roll call, the Nov. 8 minutes were unanimously approved (Mullins/Boyle).

CEPD update: Administrator Kathy Rooker noted that the district's November meeting focused on negotiating an interlocal agreement with Lee County (with Commissioner John Manning in attendance) for the next beach project. That discussion will continue at the Jan. 11 board meeting, which will be very important to Captivans. Project funding comes from the federal, state and local governments and local citizens. The recent state budget surplus has turned into another deficit of \$2 billion for next fiscal year, and the Legislature has asked for 10% agency cuts in budget submissions. The Florida Department of Environmental Protection is the source for state beach funding, and CEPD has asked for higher amount in the upcoming state budget in anticipation of construction. However, there's not enough state funding for all the requests.

Lee County's Tourist Development Council bed tax revenue is up, so it's a good time to ask the county for more funding for beaches from that source. CEPD is asking for a minimum of \$8 million from county for the next project. Rooker offered a comparison with ongoing Fort Myers Beach project where the town and residents were asked to pay a much lower share of the project's cost compared to the Captiva project, and said Captivans need a more equitable share of their taxes being brought back to the island. CEPD people have been downtown meeting with the Board of County Commissioners, but we need new voices talking to the county about this crucial need. Speak up to Lee County, make phone calls and email commissioners. We're looking for people to be the island's voice, call Kathy Rooker for details and to schedule appointments. Mullins noted that Captiva contributes more and gets less than any other Lee island community. CEPD anticipates shortfalls and has been working to accumulate funds, still will need more from the county. Will put more pressure on island property owners if ad valorem taxes rise to pay next assessment. Really need to hear from all of you to make this a fair agreement. Jack Cunningham asked what was the timeframe for a major response. Mullins said the interlocal agreement to go to the county in January, hopefully early next year -- but we're only one side of the negotiation.

LDC/Visioning: Max Forgey asked to address the Land Development Code issues first. He said there was not much of a dialogue with the county on the LDC draft since last spring due to Lee Plan amendment on building heights. Once that was adopted in late September, we could get staff back on track to review existing LDC language. Staff held a meeting on Dec. 2, panel staff was not invited to that. On Dec. 7, county staff responded with recommended changes, and we've developed a suggested series of responses. Forgey was asking for approval of recommended changes.

- The purpose and intent language throughout, staff wants it out but we included it to provide guidance.
- Change short titles, make definitions consistent.

- What should we not compromise on? Community review... should all items come to the panel as it has a consistent and advertised meeting schedule? A venue matter, should not compromise.

Miville asked who was at the Dec. 2 staff meeting? County planner Tony Palermo gave a rundown of who attended that meeting. Miville offered comments on the purpose of the review. Mullins said the panel should have a property owner or panel members involved in negotiations with staff. Forgey continued:

- RSC language, revert to existing, we need to stand by proposed language.
- Mangrove...staff language urged but could not find that it existed.
- Water quality... asked to delete language, we would like to keep it in to bring it to the BoCC. Discussion of water quality laws and standards at different government levels.

Forgey asked the panel to endorse in spirit these changes, to allow us to negotiate with staff on the fine points. Go back to staff first. Mullins made a motion to form a committee to work on this issue, to work with panel staff and county staff. Not more than one panel member plus other citizens involved, and one of that group has to be present to negotiate. Hayduk said he will not accept recommendations at this point, but this committee would go through recommendations and fine-tune them, then bring back to the panel and the community for final approval. Miville said most are OK, a few need tweaking. Mullins said this needs more study to be sure things correlate, we need to be sure we know what we're agreeing to. Hayduk said he didn't feel comfortable voting on something I have not had time to review. Cunningham said the panel should review this document before taking action; the entire panel should take the time to review this. Forgey said he was happy to come back and meet with anyone who wants to go through the text. Hayduk said it might not be legal to do so due to noticing requirements. Discussion ensued about when another meeting could be scheduled.

Miville asked if anyone was offering any major changes. Hayduk said that wasn't so, but the panel had a responsibility to review prior to taking action. Mullins asked if he should withdraw the motion. Hullar noted that four panel members who have focused on this for many years won't be here on Jan. 10, so re-education will be inevitable. Mullins amended his motion with the requirement that the panel meet in emergency session before Jan. 1 (RM second). Doris Holzheimer asked when Mike Kelly would be back. Gooderham said Kelly wasn't planning to return until Jan. 9. Jerry McClure asked how long it would take to review. Just do it today. Paul Garvey said there has been no discussion on this language since last spring. I would like an opportunity to run this by the CCA land use committee and attorney. Miville said the panel should work on this now. There have been workshops, we were put on hold due to staff review. CCA will take their concerns downtown anyway, so there's no reason to delay review for that. Mullins noted that these changes have been added by the county, not the panel. He asked to withdraw his motion and encouraged the panel to review and discuss these changes after today's meeting. Hullar suggested the panel go through the rest of agenda and come back to this, to which there was general agreement.

Scope of visioning: Forgey has reviewed the visions shared by Captivans and presented to the panel at the last meeting. He felt they were impressive statements that reflect care for community, environment and island. He said county staff is cautioning him about authorizing a project that develops new Lee Plan language before we adopt LDC language to implement the last Lee Plan language. The goal should be to work out with the county how Captiva fits into to larger unit. He has been working with Commissioner Brian Bigelow on getting more representation and input to unincorporated areas, with the concept of "virtual government" as an option. Unincorporated areas have their own needs, and we can use visioning to address that relationship and the whole revenue situation and Captiva's

contributions.

Panel appointees and nominations: Stuart announced that the CPOA appointees would be Mike Kelly (currently on the panel and someone we'd like to retain to help us get through the code work), Jerry McClure (who has an engineering background and is from western New York) and Jay Brown (from St. Louis, executive with Ralston Purina). Paul Garvey announced the CCA appointees would be Jack Cunningham and David Rohn. Cunningham briefly discussed his background in manufacturing in Indiana and his time and affiliations on the island. Rohn noted he was also a Hoosier, a former newspaperman, and a South Seas condo owner.

Mullins offered the panel's thanks to Stilwell, Miville and Hullar for their many years of service to the island. After discussion, the following were unanimously approved as panel officers for 2012:

- **President:** Rick Hayduk
- **Vice president:** Mike Mullins
- **Treasurer:** Mike Kelly
- **Secretary:** Susan Stuart

2012 budget: Gooderham referred panel members to the proposed budget, which was unchanged from the draft presented at the November meeting, and noted that it assumed a status quo position on panel operations and would allow the panel to end the year with a surplus based on current funds. After discussion, the draft was unanimously adopted (Mullins/Boyle).

Planning agreement: Mullins recommended the panel extend the current agreement with Forgey Planning Services retroactively and month-to-month, and defer a new agreement to the new panel in January. Hayduk requested Forgey prepare a scope of proposed work in advance and attached to the January agenda. This should be sent in advance to all incoming board members. Gooderham noted that there was discussion at the CPOA meeting to include an orientation in the next panel meeting. Discussion ensued on how to proceed. Hayduk encouraged public knowledge of what the panel does... allocate 15 minutes for panel members and the public during the next panel meeting for orientation and public awareness, and include a review of Sunshine Law. Gooderham said he would get some of the Sunshine Law pamphlets he had provided to some panel members in the past, and would inquire when the county was planning to hold its Sunshine Law/open records seminars in 2012 so interested panel members could attend.

Hurricane preparation: Holzheimer encourage islanders to attend the March 6 Skywarn presentation by Daniel Noah, which would be held at 10 a.m. in the Ding Darling Room at Tween Waters. Basic information would be covered at 10 a.m., more advanced details at 11 a.m. She noted that Noah does something new every time, so it's always worth attending. She reminded islanders that volunteers for Safety Structural Inspectors are always needed. This was a record storm season, but we were spared here. Mullins noted the impacts which had been seen on island beaches, and encouraged people to track even minor storms.

2012 meeting dates: After discussion, the schedule as presented was unanimously approved (Mullins/Miville). Gooderham noted that he might cease the monthly ads in the island paper, since it had converted to free distribution and no longer fit the criteria of a newspaper of record...a status the Legislature might need to address in an upcoming session.

Communications: Stuart said the committee had held two meetings with seven professional

communicators participating. They looked at issues and obstacles... there are few who understand what the panel is or does, lingering negative perceptions about panel, people adverse to community involvement, panel has limited resources to promote itself. The committee will seek ways to reintroduce the panel to the community through communications and interaction, minimal policies and conflict, promote consensus and achievement. This will include efforts to minimize the use of bureaucratic language, give the website a facelift and update quarterly, develop a timely Captiva calendar through the *Island Sun*, introduce panel members through the island newspapers, generate articles on panel issues. Stuart will bring ideas and plans to the February panel meeting, with a timetable and anticipated costs. Cunningham said there are few constituents here, how will the panel contact them? Stuart suggested a newsletter, social media, using newspaper as mailer.

Financials: The current statement was presented. Mullins encouraged the panel to seek funding from the county for planning. The panel is funded by the CPOA for everything else. The panel could ask for commensurate financial support proportionate to membership on panel. The county collected Unincorporated MSTU funds for unidentified services, need to target uses and get funding for panel from that. We want money back, at least we want to know what our contributions fund. Hayduk suggested they ask if those funds could be used for community planning. The 2012 objectives for panel should be on that agenda as well. Palermo said community planning has support from BoCC but no funds are routinely devoted to back that up. Gooderham noted that prior agreement with the county have been based on tasks and deliverables, not the same as a dedicated revenue stream. The panel will always need to have its own funding sources, for the things the county might not cover and to serve as matching funds if necessary. Mullins said the MSTU funds should be a revenue stream without having to form an MSTU. Discussion ensued of bed tax revenue determination and county funding and reimbursement issues. Miville asked whether the county might have to appoint panel members if there is more county funding, rather than a trickle-up process. We might have to re-invent appointment process. Mullins said the county barely gives us crumbs off the table; we need to push for more.

Water quality: John Jensen said there were no new issues to report, and thanked the panel for its work.

Fund-raising: No report.

Other business: McCarthy noted that the Captiva Holiday Village events were in their fourth week. He made a motion to send a letter to The Lee County Sheriff's Office and the Captiva Fire District to thank each of them for the support provided by LCSO Lt. Joe Poppolardo and CFD Chief Rich Dickerson throughout the event. Also commend the county for the assistance given by the Department of Community Development's permitting department (Hullar second). Approval was unanimous.

Craig Scott, who lives on Dickey Lane, asked if anything going on on the island has to come before the panel. He had sold his house and looked to develop a smaller house on a smaller lot next door. However, Agnes Davis bought the road right-of-way access on Dickey Lane and blocked access to our lot. Now, our choices are to sue or give up or go back to prior owners and ask for an easement through our old lot. This issue was not brought to anyone on Captiva, we were basically blindsided. Mullins noted he had gotten a call from Barbara Manzo (Lee County Parks and Rec) about a Dickey Lane lawyer looking to do a quit claim. Had been investigating assuming that it had not been sold. Discussion ensued about county interaction and role. McCarthy said there was a county right of way at end of Andy Rosse Lane, but the end of Dickey was owned by private individuals. Scott asked why the county didn't raise its hand to ask whether this was good for the community and residents. Explanation followed of the process to gain control of the roadway. Mullins said the island needs to identify every

county parcel on the island, particularly since public lands helps us with beach funding.

The meeting recess at 11:10 a.m.

Captiva Community Panel
LDC REVIEW NOTES
Dec. 13, 2011

The meeting reconvened at 11: 20 a.m.

Attending: Hayduk, Miville, Mullins, Stuart, Boyle and McCarthy. Working from the Dec. 9 draft memo to Nettie Richardson, as a response to staff comments on the October 2011 LDC draft, Forgey and Gooderham led the discussion of the outstanding points to the following resolutions:

- 1) **Purpose and intent...** County attorney's position to remove intent language. OK to remove.
- 2) **Boundaries...** Mullins said if it doesn't enhance clarity, why accept? Revise language to specify only Captiva Island, not Captiva Planning Community.
- 3) **Community review:** Palermo said staff wants language as used in other communities. Ask staff what is the issue with making it Captiva Community Panel only? If concern is that the panel might not exist at some point in the future, include "or its successor organization" to give them a second choice.
- 4) **Types of DOs...** OK to exclude the number DOs, want to review variances and rezonings. Look at language to ensure panel see items before staff makes a decision, not after.
- 5) **Voluntary compliance:** Proposed language OK.
- 6) **Definitions:** Preamble OK. Family text, stick with original. Lockoff... stick with original to ensure reference to density stays in.
- 7) **Variance...** Proposed change OK, but clarify that panel will continue to hear anything concerning height and hearings.
- 8) **Mangroves...** What language does staff want?
- 9) **Landscape...** Will be addressed in a later amendment.
- 10) **RSC-2...** Pursue new language as proposed, cite extensive discussions on the issue, keep purpose and intent as is to show history. Mullins noted zoning issues with southern properties divided by Captiva Drive, which means they are not one contiguous acre. Do we need to create new zoning category if staff is not willing to make this director approval? Mullins and Forgey will work on grandfathering issues for those properties.
- 11) **Zoning purposes...** Remove language.
- 12) **Sec 34-1543:** Language OK

13) **Nonprofits**... More specific definition OK. Under temporary use, what's covered? Bounce house? Work with staff to clarify. Unpaved parking... scope, would this preclude South Seas' use of golf course parcel for event parking?

14) **Clearinghouse**... Keep as is. Mullins suggested if necessary to specify to go through administrator for rules and schedule. Something should stay in LDC so it's more accessible to public.

15) **Signs** purpose out. Preamble expanded OK. Add snipe sign to prohibited list.

With discussion complete Mullins (Miville) made a motion to accept all changes, which was unanimously approved.

The meeting adjourned at 12:25 p.m.

-- Ken Gooderham, administrator