

Captiva Community Panel
MINUTES
Dec. 14, 2010

Attending: Rick Hayduk, Mike Kelly, Rene Miville, Mike Mullins, Nathalie Pyle, Harry Silverglide,

Audience: 8.

The meeting convened at 9:05 a.m. with Hayduk as chair. Following introductions, the minutes from the Nov. 9 meeting were unanimously approved (motion by Kelly/Mullins).

CEPD update: Kathy Rooker noted that the local legislative delegation would hold its annual pre-session meeting on Dec. 15 at Edison State College, where she was planning to speak about the funding dilemma for the state beach management program. She encouraged Captivans to encourage state lawmakers to fund the state's nationally recognized beach management program, as the plunge in housing sales has affected doc stamp revenue on which the beach trust fund is based. She will ask legislators to fund program to stabilize it and keep it alive; look at other revenue sources such as non-recurring general revenue to fund beach program. She also wanted to address permitting requirements for beach projects, such as which monitoring and studies (which can be expensive parts of an overall beach project) are really needed. Mullins asked to schedule time to discuss Lee County budgeting at an upcoming panel meeting.

LDC review: Gooderham and Max Forgey offered an introduction and summary of the process to date. Kelly noted that the panel was still waiting for county review, which was expected for the January meeting. He felt the panel had plenty of discussion already of the LDC components. Pyle asked if there would be a point where the panel would be able to offer approval item by item, though this may be premature without the county's comments to work with. Since this was her last meeting, Pyle wanted to make clear that height restrictions as they affect Village were of a serious concern to her. The general language in the draft was detrimental to the Village, and she could not support the policy as written, and will oppose it at public hearings if it is advanced as is. Hayduk asked what language the county had. Gooderham said it was the May 2010 draft. Forgey noted that the county staff would provide written comments in their review. Mullins asked if that would include tangential comments outside the LDC language provided.

Silverglide said he was 110 percent behind what Pyle said, and he would oppose it. He felt the panel should institute a study on what the Village impact would be under the proposed height language; it should define the Village area, look at the impact based on density and its unique character. He said he was not forceful

enough in the workshop last spring on this issue to make the panel segregate any Village language into a separate portion of the code. Mullins said both Silverglide and Pyle were quite forceful, but he remembered they said the panel should not segregate the Village. As he remembered the discussion, he suggested segregation but it was thrown out. He would recommend the panel leave the existing height rules in place for the Village, and use the new language in the draft for the rest of the island. Paul McCarthy suggested the discussion should stay focused in the present, and address if it is your intention to have separate regulations for the Village? Pyle said yes, if that's what it takes to change the height restrictions for the rest of the island.

Hayduk said the rationale is the impact it would have architecturally, daylight and shading, etc. Silverglide said it had to do with the unique lot sizes in the Village, its four-foot setbacks, etc. Pyle said she brought this up to the panel leadership last spring, asking if we could look at something for the Village. She remembered being told it was outside the scope of the agreement with the planner, and that the panel could not afford to add it on. Hayduk asked what would changing language mean to the process? Gooderham said not much. Kelly said the Village has two options already, with the exception made for the so-called X-zone where no FEMA elevation minimums were in force. Silverglide said that applied to a limited area, not the entire Village. The requirements are different, so he felt the Village should have been treated differently.

Miville said the panel should turn this issue into an opportunity. If the Village still has issues, we can turn this into an opportunity and vet it through the Village. Hayduk suggested using the same format as before with workshops. He said it would not go well in a public forum if panel members express dissension in public. Mullins asked the panel not to hold up the whole LDC issue over this matter. He suggested they move the entire subject on height forward, but create exception for Village to stay under existing height restrictions... to carve out the exception and move the rest of the ball forward. Silverglide asked if they were abdicating responsibility for the Village to the residents. Mullins said he was not saying that. Silverglide asked how to define the Village, and suggested using Forgey to do a study. He asked why were some so against working on a program to define the Village and move forward.

Hayduk said the panel needed to make the decision whether to carve the Village out on this issue. Pyle said she would support that idea if resources were dedicated to it, but that what she heard before was we did not have the resources. Kelly said he felt the panel did do that and left the Village alone, now you want to expand the Village. Pyle said that was a limited area, based on FEMA elevations. Kelly asked what is the Village. Miville suggested they start a visioning process to define the Village and what the residents want. McCarthy noted things were becoming needless complicated, and he was not sure why. He asked the Village residents on the panel and in the audience if they were OK with the existing regulations. (General agreement was they were). Then he suggested

they move the new height regulations forward, but exempt the Village -- meaning the area from South Seas to Jensens on the Gulf. Village keeps current height regulations until they want to change it.

Silverglide asked how the panel could follow up on this, and what impact it would have to the review process. Gooderham said the panel would be able to make changes in its draft throughout the process, at least to the point when it was submitted for binding votes by the Local Planning Agency (perhaps) and the county commission (certainly). He also clarified a prior point that the issue of resources to launch further study on issues was tied to the timeframe under which it was sought. Last spring, the panel had used up all its time with Morris-Depew Associates as planners, and did not have any other agreements in place. Since then, the panel had come to an agreement with Forgey Planning Services on a monthly retainer, and such work would be covered under that retainer, in consultation with Forgey of course.

Mullins made a Motion to define the Village as McCarthy suggested, exempt that area from the proposed new height restrictions and leave the current height regulations in place until such time that the panel had a sense of what the Village wants (Kelly second). An audience member asked whether the Village was defined in the recent community survey. Gooderham noted it was, and read the definition from one of the handouts. Hayduk asked how the Village responded in survey. Gooderham noted the response was slightly against the proposed new language, unlike other areas of the island. The vote was called to unanimous approval. Miville called this a great opportunity. Hayduk asked whether, for the next step, did the panel need to change the existing language for the Village? Would that be within Forgey's scope of services? Forgey felt that was covered under the current retainer. Gooderham asked if there were any other aspects of the LDC draft to discuss at this point, or would the panel be ready to address county staff concerns at the next meeting? Miville asked if we could access the Village email addresses and work on ways to help them visualize whatever is proposed. Gooderham explained that the email list did not have physical addresses tied to the email, so they would have to be cross-referenced.

Communications: Mullins suggested the panel send letter to Century Link as to what we have out here for service and infrastructure. He noted that at one point it was suggested that fiber optic had been run, but that the level of service indicated that was not the case. He suggested the panel invite a representative to an upcoming meeting to answer this. Kelly asked about the new communications tower. Mullins said that Verizon's equipment was not on tower yet. Hayduk said they expected to install it on the tower by the end of February. Silverglide noted that a cell booster is sold by some of the cellular companies, which can improve service in your home. Hayduk asked whether the panel wanted to invite Century Link to discuss service issues. Pyle noted that the island had a fragile infrastructure of communication out here. Hearing general agreement, Hayduk asked Gooderham to facilitate this with CenturyLink.

Schedule: A proposed schedule of panel meeting for 2011 was presented in a handout, which also showed when the CEPD meetings were scheduled. It was noted that only one meeting (September) required a shift from the second Tuesday to keep the two meetings on the same week all year. ON a motion from Mullins (Kelly second), the panel unanimously approved the proposed schedule.

Budget: A proposed 2011 panel budget was presented by Gooderham, noting that expenses were based on current agreements and plans with the addition of some funding for the Hurricane Committee, for a possible community survey if necessary, and for a water quality meeting sometime in the spring. Hayduk asked whether it was good for continuity to do another spring fund-raising event (since it has been done for two consecutive years), and to allocate some funds to panel marketing to raise awareness of panel in local community and have a presence at these local events. Miville said the panel could host some of the events for the branding benefit, to get the panel name out there. Mullins noted the panel's focus on land use specific vs. community-wide issues, perhaps the panel could weigh in on the latter as appropriate and spend resources on matters that benefit the entire community. Looking at all the island groups, Mullins suggested they work together to carve out distinctions for funding purposes; he urged the groups to work together to identify these things. Hayduk suggested the panel earmark that for now, and look at into the future. As to budget, he asked what's not here. Silverglide said the biggest item is SCCF, and he's not sure the panel is getting enough bang for its buck. Mullins suggested they call that item a water quality study, and noted that it is funded by the county Tourist development Council under a two-year grant that is drawing to an end. Hayduk asked when the last time Gooderham & Associates had received an increase in its retainer, and suggested an increase for 2011 of 10% or \$1,800 year. This was unanimous approved in discussion. Hayduk suggested the budget be amended to show an estimated \$30,000 income from the spring festival event; on the expense side, add \$5,000 for marketing and communication and raise the contingency to 3% of the total budget, in addition to the G&A increase just approved. Miville wanted to thank Hayduk for all his support for the panel over the past year and during his tenure. Mullins made a motion (Kelly second) to approve 2011 budget with the amendments noted by Hayduk, with unanimous approval. Gooderham was asked to provide an updated budget for the January meeting.

Fund-raising: Hayduk noted he would begin planning the spring event shortly.

Other business: A letter from SCCF in support of the panel's proposed septic tank rules was noted as being in the handouts for the meeting. The status of another report from the lab on its water monitoring progress was questioned, and Gooderham noted that a wrap-up meeting was planning likely for March where all the monitoring findings would be discussed along with possible next steps for the island. Mullins reiterated his desire for representatives of all private and public island entities to hold a roundtable discussion on issues and functions.

Gooderham noted that he was working on a letter to go to owners identified as adjacent to potential planting sites along Captiva Drive, to inform them of plans to install plants this spring as part of a state Forestry grant. Mullins noted that SCCF was part of the Captiva Holiday Village group. He said that the group supporting the Ding Darling Wildlife Refuge was looking at how to get a broader reach on Captiva, and asked if the panel should invite them up to present to us. The refuge is involved in cleaning out Buck Key, and is looking for broader support in the community. Pyle noted that, as she prepared to depart the panel, she appreciated working with all of you, and thanks to the community for its enthusiastic and faithful participation. She felt the panel was a purposeful and straightforward way to benefit Captiva, but felt it was important for the panel to become an independent entity not tied to other organizations on the island. She said she would continue to participate when able. Hayduk thanked Pyle for her contributions.

The meeting adjourned at 10:35 a.m.

-- Ken Gooderham, administrator