

Captiva Community Panel

MINUTES

Jan. 11, 2011

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

Audience: 20

The meeting convened 9:05 a.m. Minutes from the Dec. 14 meeting were unanimous approved on a motion by Mullins, Hayduk second.

CEPD: District administrator Kathy Rooker started with an explanation of the Tourist Development Council (TDC) bed tax, how it is collected and used. The TDC has recognized value of beach and shoreline, contributed to restoration for many years, Rooker said, with a focus on critically eroded beaches. The bed tax raised \$22 million in 2009-2010; 53.6% goes to operations and marketing; 20% is for debt service for sports complexes and 26.4% goes to beach and shoreline capital improvement projects. The ratios changed in 2009, used to be 33.3% to beaches; this meant a loss of \$2.7 million annually to beaches in the county. She explained funding for restoration projects: The recreational portion is based on public access, while the storm protection benefit is the responsibility of homeowners. The CEPD is worried about whether the county beach trust fund will be able to support all the needs of the county's beaches, due to a shortage of between \$500,000 and \$3 million possible. She will be working with county staff and commissioners to explore this further.

Mullins noted he came on CEPD board in 2006, now serves on the Coastal Advisory Council, which advises the TDC on how to spend beach money. Back then, \$0 allocated to Captiva except for big projects. The island was generating a lot of bed tax without getting much of a return. County would not divulge bed tax revenues; we were finally able to deduce it as being about \$2 million a year from Captiva alone. Research showed that Captiva wasn't getting much from county bed tax overall. There really is no such thing as a beach trust fund, as it all goes into general fund which county is able to raid at will -- as was seen in the purchase of a Fort Myers Beach beachfront parcel for a park recently. We've seen a huge shift in priority toward baseball and other non-beach issues. We're seeking a formula from the county on beach funding. We think county officials will listen to Captiva groups and citizens, businesses are also important. An audience member asked if the county was getting any oil funding. Hayduk said there no, but a class action suit is ongoing. Indirect spill effect will not be compensated so far.

LDC: Introduction by Gooderham, noting that the focus will be on staff comments from the May 2010 draft dated Dec. 27. Planner Max Forgey said he will schedule a meeting with county staff shortly where he and Gooderham will go

over the comments in greater depth and report back on any areas of concern that remain after that. Today, he wanted to offer an explanation or context for some of the staff comments included here. Most of the comments were procedural, not policy-based:

- Section 511b... this section applies to the entire island, not just RSC-2 zoned properties, which was why it was included here.
- Section 515 on variances... this language is in the Lee Plan already.
- Section 521 on mangrove protection... "greatest extent possible" phrase comes from Lee Plan.

Kathie Ebaugh noted that this was meant to raise the issue of the difference between policy and enforcement language, that you're allowed a higher level for ambiguity in plan language but need to define ambiguity more closely in code. Looking for so many feet setback, something that can be measured. Mullins said he thought this was stronger wording than that. Keep it in policy, be more specific in code. Kelly asked if there was other language that touches mangroves, other language that might work? Gooderham asked whether setbacks could be enforced by the county since it does not otherwise regulate mangroves. Ebaugh was not sure. Forgey noted that staff provided some alternate language. Gooderham said they could discuss with staff and perhaps bring them out to address if necessary. Kelly said this was an important issue; we need to see what the county can propose and actually enforce. Hullar said any specifics would be a reduction from "the greatest extent possible." (Miville joined the meeting at 9:35 a.m.)

- Section 532...landscaping, not part of original scope.
- Water quality: Mullins asked what the status of state action was on this issue. Gooderham said all indications were that the rules, which had been delayed late last year, would either be eliminated or severely weakened during the next Legislature. Forgey said any local regulations would also have more importance if DCA/state oversight is further weakened.
- Section 522B. will clarify with staff. Panel should propose intent language for BoCC to consider wherever possible.
- RSC enforcement... Complaint driven to code enforcement.
- Density...no change being proposed, need to explain to staff. Bill Fennimen asked whether the proposed language could be construed as allowing rentals for less than 30 days. Mullins noted that the CCA attorney said existing plan language barred rentals of "no less than 7 days" already, so the panel saw no need to replicate current language.
- Section 532 on height restrictions ...not confusing, will explain to staff.
- Section 533 on meeting requirements... draws on plan language, but is not plan language.
- Section 541 on clearinghouse... builds on plan language.
- Section 554 on sign exceptions... they do not apply, not sure why it's confusing.

- Section 55(12)... the island does have roof signs now. Mullins noted that the language would grandfather existing signs instead of adding new ones. Miville thought they provided a certain ambience to the community at times.

Hullar asked whether commercial signs would be allowed in the Captiva Drive right of way. Forgey said they would, dependent on staff comments. Mullins asked how the panel needed to proceed, what direction was needed from panel and what was the deadline on the necessary Lee Plan revision? Ebaugh said the code needed to be revised based on a meeting with staff, and the plan changes needed to be ready by February to bring a draft to the Local Planning Agency as part of the plan revision submittal. Mullins said the panel already voted to treat the Village as a separate entity in terms of height restrictions at the last meeting. The panel agreed to define the Village and say the new building height rules apply outside these boundaries. Stilwell said the Village is unique and needs to be treated separately.

Miville asked what has happened on this issue since the last meeting. Gooderham said Forgey and Silverglide met right after the last meeting. Forgey said the Village was exempt for the time being from these actions, with the intent that it can move quickly on defining its own standards. Kelly asked if that would address height only. Forgey said that was the panel motion. Silverglide said he felt the Village could consider density, setbacks, emergency vehicles accommodations and more in its recommendations. Mullins said height was all that has been discussed so far. Stilwell asked if those efforts could move forward soon. Silverglide said it will move at its own pace, when it comes to consensus it can be done. We need to be thoughtful and diligent. Looking at density and setbacks is not outside the purview of the Village group. An audience members noted there was a small group in attendance today and hoped for more participation in these deliberations. She also asked for an acronyms breakdown for the audience to help them follow along.

Mullins made a motion (Miville second) to develop Lee Plan language on building heights based on the panel vote at the Dec. 14, 2010, meeting, and for Forgey and Gooderham to meet with county planning staff to review LDC issues for discussion at the next panel meeting. Silverglide asked whether the panel had the necessary expertise to tackle Village issues. Forgey said it could look at other communities and define its need if we need to draw in other talents to fulfill them. The vote was called and approval was unanimous. Gooderham said a Village committee could meet and help define the expertise we need at that point. Stilwell noted that Sheila Turner on Laika Lane was interested. Silverglide agreed to chair the village committee.

Hurricane Preparation: Doris Holzheimer said the Hurricane Response and Preparedness Committee would meet next week on Jan. 17. On March 2, a SkyWarn training was schedule; on March 12, a general education program on

preparedness with Gerald Campbell was planned, offering a report on separating wind and water projections in reporting -- all at South Seas. She was glad we did not have to use the committee's preparations this past season. Sanibel's hurricane passes good for the upcoming season, will need them to get on to Sanibel. The committee will not be mailing the homeowner letter this year, after a very successful response in 2010. If nothing has changed in terms who can access your property, you don't have to do anything. If there has been a change or there is no authorization in place, you can print the authorization form from the website and send it in to the Captiva Fire District. We still need Structural Safety Inspection volunteers for training, and she explained the duties they should expect. Dave Jensen asked what property owners would need to get on to Captiva? Holzheimer said a driver's license with your Captiva address and a hurricane pass with the correct zone. Kim Herres said you could have a copy of your property tax statement if your license does not show a Captiva address.

Captiva Holiday Village: Hayduk offered compliments to Paul McCarthy and Denice Beggs for herding cats. He said it was an incredible event, laid the foundation for something good to come. It had good energy and achieved all its first-year objectives. He said he asked for this item to be on the agenda so the panel could discuss whether there is a role for the CCP to contribute or partner with the event next year, within the bylaws and other restrictions. Stilwell said she was planning a fundraiser for the Holiday Village effort, and that the group had considered whether to get its own tax status eventually. McCarthy said there was a lot of satisfaction from participants. Events were designed to be inclusive, and we were looking for anyone who wanted to participate. Stilwell said the goal was to get more people involved in the holiday spirit all throughout the island. Miville said the opera arias on the beach were fabulous. He wondered whether the CCP role could be on a cultural basis, and working with homeowners. Mullins asked if TDC money might be a possibility, and said any event would be stronger if people are cooperating. Better marketing would help, and better funding. Gooderham explained the process to create a separate 501c3 entity.

Silverglide asked whether holiday lights could be a code issue, and pondered that if Holiday Village wants to be its own entity, should we let them ask us for help? Mullins said he group should define what it wants. McCarthy said the group wanted to be nonaffiliated, that's why it worked. It wanted to be able to move fast and make decisions quickly, and wanted to do arts and entertainment as well as cultural events. Starting now, they have enough time to blue sky some events for the next year... such as do we want to block off more time... Thanksgiving to New Year's. He stressed that all meetings are open to anyone, that's the spirit that made it successful. Silverglide suggested that the panel table it for now and have McCarthy give us updates.

CenturyLink: Gooderham opened by saying that a representative had agreed to come to the Feb. 8 panel meeting, but had asked for a sense of what questions might be asked so they could prepare appropriately. Mullins said that reliability of

phones and Internet service was awful. He thought that fiber optics was installed during the last upgrade, but cannot see evidence of that in terms of service. He had been testing both CenturyLink and Comcast regularly. His question area suggestions:

- What is their capacity and infrastructure status?
- What can be done to get us better service: Performance, reliability, expand the bandwidth?

Financial/budget: Gooderham offered a brief explanation of the financial reports, and noted that the panel had in their packet a 2011 budget revised based on their motions at the Dec. 14 meeting.

Water quality: Gooderham noted that a summary of the two-year water quality monitoring project by the SCCF Marine Lab was to be the focus of an upcoming presentation, probably in March. In addition, a county presentation on Blind Pass was possible, that the Bayous Preservation Association was looking into scheduling one in the next few weeks. Jensen said that citizens need to communicate with the county about their concern over the condition of the pass. Mullins suggested they contact Commissioner John Manning and let his office direct your comments as necessary. A discussion ensued of Blind Pass issues.

Boyle made a motion (Stilwell second) for the panel to draft a letter on Blind Pass issues and requesting county action to Commissioner Manning. Miville suggested it identify the problem and hand the county a solution. Boyle felt the county was not following their obligations. Miville said a permit modification was in the works, but it could take 6-7 months... and that he was not comfortable with the process. Mullins explained CEPD process and efforts with the county on this issue, and urged Captivans to express concern and support the CEPD based on a letter its board would review and approve at its Jan. 18 meeting. Panel members suggested the panel urge the CEPD as the lead on this for Captiva, and support the stances taken in that on letter to the county. The vote was called and approval was unanimous.

Fund-raising: Hayduk said April 20 was tentatively set for the next festival, which would keep it before Easter. He expected it to have a similar format as before, but might expand the reach with local businesses.

Trees: Gooderham gave a brief summary of the project to date, and said letters had gone to the 15 Captiva Drive property owners adjacent to the proposed sites. He had heard from three of them -- one in favor, two asking that no trees be planted that could obscure their view of oncoming traffic -- and the deadline for reply was Jan. 31. He would update the panel at the February meeting.

Other business: Ebaugh noted that the county's Evaluation Appraisal Report update would be released by 1/21, on website or on CD or at libraries. The Local Planning Agency hearing would be held on Monday, Jan. 31, beginning at 8:30

a.m.; it would probably head to the county commission in February or March. She said all are invited and participation encouraged.

The meeting adjourned 11:15 a.m.

-- Ken Gooderham, administrator

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

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 the 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

Captiva Community Panel

MINUTES

Oct. 19, 2010

Attending: Gordon Hullar, Dave Jensen, Rene Miville, Mike Mullins, Nathalie Pyle, Sandy Stilwell

Audience: 18

The meeting convened at 9:05 a.m. Following introductions, minutes from the Sept. 14 meeting were approved unanimously (Mullins motion, Jensen second).

CEPD: Administrator Kathy Rooker noted a town hall meeting was set for today at 1 p.m. in the Wakefield Room, where district consultants will talk about the next renourishment project, its cost, and answer questions from the public. Then the district will hold its board meeting tomorrow (Oct. 20) at noon in the Auger Room at Chadwicks Square, which will include a public hearing on the tentative project apportionment plan. The district's engineer and economist will be in attendance to answer questions and you will be able to get a copy of your property's tentative assessment. Rooker said Captiva will always be an erosional beach and an active beach. Discussion followed about what will be presented at the Oct. 20 meeting and the recreational use of beaches. It was noted that an estimated \$84 million a year to Lee County is generated by visitors to Captiva in 2010. Off-island expenditures generate another \$21 million to Lee County each year. The district is drilling down into these numbers, will publish more details later.

EAR UPDATE: County planner Kathie Ebaugh opened by noting this would be a workshop presentation of the Vision Framework report, which will be published today and distributed to whomever wants it and posted on the county and panel website. She said the community planning program was the No. 1 success of the planning process. The county had adopted a very aggressive schedule to revise the Lee Plan as required every seven years. The major issues to be addressed were: Livability... Strong connections... Community character... Sustainability. followed was a presentation of the vision statement and principles, framework. Next steps discussed, year-long schedule to make revisions.

Miville noted that Lee County is the poster child for suburban sprawl, how will you generate in-fill and job growth? With residents, not absentee owners? Ebaugh said the county will focus on areas that can become community centers. Pyle asked how this applies to Captiva, what are we? Ebaugh said the island is suburban, with a great community center or downtown already in place. We need to create similar centers elsewhere in Lee County. Doris Holzheimer asked about marine resources planning, has that been considered so the focus is not solely on land? Pyle asked when these changes would be implemented in county policy and when will we see a difference? Jerry Murphy said changes would be policy by 2012, in the LDC by 2014. Bigger answer is that when the economy comes back and people start investing in projects, we'll see these changes being implemented on the ground. Not going to see this tomorrow, but we hope to be prepared when it occurs, to be proactive rather than reactive. Ebaugh said we're enabling this vision, we dug ourselves a pretty big hole and we have a lot of turning around to do, it's not going to happen overnight. 2035 is our horizon date, when things will start to feel different.

Mullins asked about the impact on marine environment, saying that if you want to know where a government's heart lies, look at its budget. Is this pabulum or meat? How will commissioners enforce

land use plan and allow it to be changed. He was suspicious of the county's commitment to the coastal and marine environment due to the way they allocate the money. Ebaugh said that the county administration is committed to this vision and plan, we believe the commissioners will support it as well. We're asking you "Are we right?" and hoping that you take ownership of this vision and plan. Miville asked if this report could incorporate a coastal management element? Ebaugh said there is a coastal management element, a coastal element and a capital improvements element. Murphy said the report goes to the state Department of Community Affairs, they approve and recommend changes to implement the plan. As far as allocation of funds to coastal needs, the panel could pursue that by inviting the appropriate officials to upcoming meetings. Ebaugh continued her discussion of the revision schedule and plans, and said the county will continue to work with community Panels as they have been identified them as a valuable point of contact for these issues. Max Forgey said there were great opportunities now due to the economic issues we face. How do we measure success? Are there other ways to participate in policy making process?

LDC SURVEY: Gooderham briefly presented an overview of the survey responses, accompanied by a handout that detailed the breakdowns and public comments. This would be posted on the website as well. Miville said the panel should move forward now, that this was valuable input but that it would not substantially change the draft language and by moving forward we could initiate a dialogue with the county on revisions as we discuss it further. Pyle asked to discuss how to proceed and how to incorporate this input. When asked if there was any deadline to be met, Gooderham and Ebaugh noted that there was no firm deadline for LDC submissions and that a placeholder for any plan amendment (due to changes in the height restriction language) was already in place. Murphy said the draft will be reviewed by the county attorney and advisory committees, but the panel can continue to work on language and submit to staff as you move forward. He said the panel could send in this draft if it has the flavor of what you want to do.

Mullins said the panel should advance the draft to the next stage and continue discussions. Ebaugh said the language was not likely to be approved by staff on the first go-around. It's close, since you already had a preliminary review, but don't presuppose you'll get this through on the first try. Mullins asked if the panel will have final veto authority? Ebaugh said staff will give you comments, but not specific language. Murphy said multiple versions could go forward, the panel version and the staff version. Submit as a draft you're in the process of revising. Miville made a motion to forward the LDC draft as prepared last spring (Hullar second). Hullar said the public comments were very informative and helpful. Pyle said advancing the draft at this point is premature, it implies support for all the components. How we will treat the survey results in the final draft? Miville said the panel could allow a minority report as part of the panel vote, and also account for the CCA influence in the survey outcome. Pyle asked to instead act at the November panel meeting, that it was irresponsible not to have more discussion before we advance this forward. Mullins said advancement is not irresponsible, it's a no-brainer and allows us more time to hear from the community as they return this season. He was concerned about the terrible tainting at South Seas with Bob Lloyd's attempt to influence the homeowner association presidents.

Gooderham noted that the draft submission would include a full report on the process to date, and that he would recommend the panel make any decisions by the December meeting before new panel members are seated. Not being involved throughout this process puts them at a disadvantage. Ebaugh said that staff will look at the policies submitted, not at public input. Harry Kaiser said why not have a meeting to send forward what you want? Mullins said this gives us the chance to have staff input while we're having the discussion. it would be nice to have the benefit of that staff feedback. Stilwell said her opinion has changed, she would like to get county feedback and have experienced panel members vote

on this issue. Pyle reiterated she felt we should wait until November to decide. The question was called to a 5-1 vote to approve (Pyle dissenting). Pyle asked what are we doing on this in November? Ebaugh said to expect staff comments by December, realistically. Mullins said they should plan November to be devoted to this subject. Pyle requested the panel go specifically point by point and have some conversation about feedback from the community. Mullins agreed the issues should be handled point by point in November. Get the word out to come to the meeting, so by December we should have consensus.

Miville left the meeting at ~11:00 a.m.

LCEC: LCEC representative Tricia Dorn offered an introduction and background on remaining issues the utility hoped to address: reliability and generating power. LCEC Director of Governmental Relations Frank Cain made the presentation (which has been posted on the panel website). Mullins asked if these were Captiva-specific figures? Cain said they were. Mullins asked whether the over-water lines were monitored in real time to trigger an alarm and keep boats away from lines, or is it after the fact? Cain said they were looking at alarms, but now it's after the fact. He said the utility was looking at possibly raising the line to Sanibel as well in the channel portion, but not sure if or when it will happen...very expensive.

Cain noted that LCEC was not in the power generation business, that their rates among the lowest in the state. He compared four types of power options....turbine, wind, solar and diesel generators (see PowerPoint for discussion and figures). Backup diesel generators would cost \$5.64 million, need 8,000 square feet to install, and require 9,000 gallons an hour to operate. Mass generator would only help in whole-island outages, no advantage when outage is isolated...better to have your own generator to address that. Mullins asked for an explanation of the SADI figures, a discussion followed.

Librarian Ann Bradley again noted the consistent brownouts at 5-6 p.m., which were tough on the equipment. Dorn said LCEC could set up voltage meters to monitor power at the library. Holzheimer said the issues were the length of time of outages and the number of outages...very damaging to equipment. Kim Herres asked if the utility had a slush fund to replace TV and appliances? Cain said no, but we have a claims department where you can apply to be reimbursed. We don't guarantee continuity, if you lose business I hope you have it covered in your business continuity insurance. Pyle said she heard the presentation by LCEC CEO Dennie Hamilton over the summer, and was glad to hear you're considering raising the lines now. Cain said undergrounding underwater is phenomenally expensive, not going to happen. Not committing to raising the line, but the board is looking into it. Holzheimer asked what we can anticipate in terms of trimming trees? Cain said they will only trim to the right-of-way, and crews will ask homeowners if they can remove problem trees and replace elsewhere. The utility is committing to coming more often out here since they grow so quickly. Dorn said they could put notification of trimming on the panel website and send it to the email list.

HURRICANE RESPONSE: Holzheimer said the committee met for the first time yesterday. The Structural Safety Inspection program still needs volunteers. They're panning an education program, probably in May. Sky-Train personnel are willing to come back in March, tentatively March 2nd. The committee won't do another property authorization mailing this year, had a tremendous response from the one last spring. The authorization form is still on the website. Mullins asked if it carries forward if there is no change? Holzheimer said yes, and she is confirming whether another signature is needed to make a change.

2011 MEETING DATES: Gooderham said after polling the panel Tuesday were still the preferred

meeting date. Looking at the current meeting schedule for the panel and CEPD, he saw only one conflict in June, but it still depends on CEPD setting its 2011 schedule. He would put this on the November agenda in hopes of making a decision at that point.

FINANCES: Gooderham noted the current reserves and the handout detailing the expenditures for the CPOA fiscal year (which ended Sept. 30). He will work on a draft 2011 panel budget for the November meeting, and would need input from committees on any money they might want to request.

WATER QUALITY: Jensen said he had met with SCCF staff to look at a date for a project summary meeting, and provided an update report to the panel in its packet. He was finding out that many people aren't aware of new state laws requiring inspections for septic systems every five years. He was trying to discuss how this would be handled with the Health Dept., just don't know the plan to implement this yet. Their plans may conflict with our code, and state law will supersede anything we plan. Mullins asked if the panel had received any SCCF feedback on the proposed septic language in the LDC draft requested the previous month? Jensen said they offered full support of the code we wrote, but are still figuring out the new state law. Mullins said he didn't see a conflict if we require something before the state law takes effect.

OTHER BUSINESS: Mullins asked if there would be a report from the Nominating Committee next month on new panel members? Gooderham said the committee had found willing candidates to serve, and a report would be scheduled for November. Mullins asked whether the panel was advertising its openings? He wanted to be sure people understood it was not a self-appointing panel as was implied by others such as the CCA, that seats were wide open to the community.

The meeting adjourned at 11:55 a.m.

-- *Ken Gooderham, administrator*

Captiva Community Panel

MINUTES

Sept. 14, 2010

Attending: Gordon Hullar, Dave Jensen, Rene Miville, Mike Mullins, Sandy Stilwell

Audience: 12

The meeting convened at 9:05 a.m. Following panel introductions, the Aug. 10 minutes were unanimously approved on a motion by Jensen (Mullins second).

CEPD update: Kathy Rooker noted the district would hold a budget hearing on Sept. 21 at 5:01 p.m. for final approval of the 2011 budget; no budget increase was being recommended. Recent reports have shown the island has lost the most shoreline ever since the district has been monitoring the beach, and the district is working to be proactive with the next restoration project. A referendum on funding for that project is scheduled for Nov. 2 as part of the general election ballot. The last day for voter registration is Oct. 4, and another town hall meeting to explain design for the proposed project is planned on Oct. 19 at 1 p.m. On Oct. 20, there will be an apportionment hearing and a regular district board meeting in the Otter Room at South Seas Island Resort. Economist Dr. Bill Stronge will be on hand to explain the apportionment process and discuss a tentative assessment for your property. Rooker then explained the process the economist pursues to set the value of the restored beach to island properties. Mullins asked when property owners will get the tentative assessments? Rooker said they should arrive in the mail 10 days prior to the Oct. 20 hearing. Miville said the district needed more participation from Lee County for project funding; a discussion of return on payment to the Tourist Development Council followed. Miville said the district could have gotten more money back from the TDC fund in the good years, and asked how we can all work together since there is a tremendous challenge for funds.

Forgey proposal: Max Forgey introduced himself, and referenced the proposal which had been previously provided to the panel members. The proposal was to succeed the Morris-Depew Associates work on the Land Development Code done already. While his first proposal included an hourly rate, he said he could work with a monthly retainer of \$1,500 plus expenses, as had been suggested by Mullin prior to the meeting. This would allow him to provide planning services, to continue the LDC revisions, monitor changes in planning law and policy as they might affect Captiva, work with county staff on the LDC, the Evaluation Appraisal Report and other planning-related items that could affect Captiva. Mullins asked how long would the retainer period need to be to complete the LDC phase. Forgey said he hoped it could be done in six months, but that may be optimistic.

Hullar noted that when the panel first undertook the LDC drafting, it decided a planner was not needed; however, eventually we discovered that one was needed to move some of the major issues forward. The lack of planner held us back, so we needed a planner to wrestle this to ground and make the substantive changes. Miville said a lot of time is spent by some panel members working with county officials; if we had someone to pursue this for us, it would save us time. The panel is also lacking getting out the message, perhaps this was an opportunity to get some branding across. How can we move forward and get these things accomplished? Mullins made a motion to accept Forgey's proposal of a retainer agreement for planning services for a period of up to six months and then review periodically (Hullar second). Miville said this could create a synergy for a marketing entity. Stilwell asked to clarify that the proposal up for approval contained a flat retainer fee, since there were two versions on hand; that was affirmed. Approval of the motion was unanimous.

LDC survey: Gooderham offered an explanation of the process to date, that an online survey had been set up for all property owners and registered voters to share their comments about the major issue areas in the code. Postcards had gone out in mid and late August, with two email reminders and articles in the Captiva Current. The raw responses were running at about 10% of the total, but there were some duplicates (due to desires to change responses) that he would remove at the end before the final tally was run. The survey would close at the end of the day Sept. 30, and panel members would get a full report on the response the following week. The results would be presented at the October panel meeting, which was being moved to Oct. 19 to accommodate Gooderham's schedule and allow time for processing and analyzing the results.

Mullins expressed his concerns with the survey process and the CCA involvement through its letter to members taking stances on the survey questions. He felt the panel ought to put something in the paper on the record about the ongoing misrepresentation of the panel's efforts, to address misunderstandings and outright mistruths once and for all. Hullar added that, contrary to one assertion made recently in a South Seas HOA letter, the panel did not "push" undergrounding the island's power lines and eventually made a decision to say "no" to the undergrounding proposal when it was finally brought to the panel by the property owners who had funded the work being done on this matter. Paul Garvey asked whether a survey was ever done on the undergrounding question. Gooderham responded he could not remember that one was ever done. Miville said the panel could create a letter to Lee County commissioners detailing the extensive process of workshops and meetings the panel held to get the LDC proposal finalized, during which no concerns were voiced by CCA representatives. Garvey disagreed with that assertion, and asked why some wanted to rehash all this? Miville wanted to remind the commission of the 10-year history of CCA opposition. Stilwell asked about the process of tracking duplicate survey responses, and asked whether Gooderham could track which computer is used to answer a survey? Gooderham noted that an IP

address was collected with every survey (along with a date/time stamp) and, since each computer's IP address is unique, extraordinary multiple answers from the same computer could be identified. Ann Bradley noted that, since the Captiva Library might be a place where multiple residents come to fill out the survey, those computer addresses should be noted.

EAR update: Matt Noble, with the county's Division of Planning, explained the Evaluation Appraisal Report (EAR) of hearing process and findings, which led to a short list of issues facing Lee County to be considered as the county evaluates the Lee Plan. The Captiva hearing was a microcosm of what county staff heard countywide, focus on global issues rather than local issues. Forgey summarized the issues raised at the Captiva meeting. Jerry Murphy offered another summary: County residents wanted more dozing bulls and fewer bulldozers. There was concern that the Lee Plan has been an excellent suburban development model, but that the plan has to change to accommodate a different kind of growth. Noble suggested the county needed to build on our strengths -- parks, environment, public spaces. The core concerns ahead were:

- Livability, strong connections, pedestrian and mass transit, more mobility options.
- Community character, respond to needs of communities.
- Sustainability, make it work long-term.

Miville noted the difference between Boston (a highly compact urban area with plenty of green spaces remaining) vs. Lee County, which took suburban sprawl to a new level. Now we're defining the cost of sprawl, and looking at recentralization. It's one thing to have the idea, another to move it forward and enact ideas -- people taking in up ideas vs. government support for them. What's being done to lobby for enactment of new planning ideas? A board that can move issues forward long-term may be needed. Murphy said one option may be to use community panels to develop political clout to move ideas forward, collaborate to work together on issues. Jensen asked whether communities will have a chance to come back to this during the next phase? Noble said that would be part of the process, and was why he had come to the meeting today. Input will be taken online, opportunity for feedback online as well. Murphy said we will be coming back in the next few months with a formal presentation: Solutions, issues, options, discuss what can be done.

2011 meeting schedule: Mullins said he'd asked this to be discussed due to some instances this year when the panel and CEPD meeting were not in the same week, which was at times a hardship on those who served on both bodies. Is Tuesday morning still the best time for the panel to meet? He noted that it conflicts with allowing county commissioners the chance to attend, and also creates some conflict with CEPD schedule. Hullar said the CEPD and panel meetings are the two more critical meetings, so we plan our time to attend them. Mullins said he was not opposed to combining them into one day, and suggested Gooderham poll panel members and see what works for them -- perhaps

consider just changing the date for those months that conflict with the CEPD week.

Hurricane committee: Doris Holzheimer noted there would be no meeting until October, check the website for updates. Two hurricanes in the Atlantic now, but they don't look like they will affect us. Mullins reminded everyone that a beach emergency plan is in place, should be noted in any storm discussions.

Finances: Gooderham summarized the financial handout provided to panel members. He noted that a year-end summary and plans for 2011 budget would be provided at the October or November meetings.

Water quality: Jensen offered a summary of the monthly report from the SCCF Marine Lab, and said he was working with SCCF to schedule a meeting during season to summarize the study's findings. Mullins asked about the SCCF report on the Ceitus boat lift, which he had provided to panel members. He suggested the panel request SCCF to evaluate the LDC septic language recommendation and report back to the community. Holzheimer said they've said they won't make policy recommendations. Mullins noted that exactly what they did in the Ceitus issue. I'm not rewriting the study contract, just asking them to comment on what we're proposing. He made a motion that the panel send letter to SCCF to take a position on the septic/OSDTS language we've recommended in the LDC draft (Miville second). Jensen asked if this should wait until the water quality study is done? Mullins felt we need response now when we're deciding on whether the proposed language is submitted to the county. Hullar said we have to wait that long for a data analysis. Mullins said that separate from study, they have expertise on this issue and we can ask them to comment on what the panel is proposing. Stilwell asked that these comments would be related to survey language? Mullins said we would ask their opinion as experts on water quality issues. Discussion of the intention of the letter followed, as well as the status of the LDC language, state law, and final draft. The vote to approve the motion was 4-1 (Jensen opposed).

Public comment: LCEC representative Tricia Dorn was on hand as a follow-up to the discussion of power issues at a summer panel meeting. It was observed that there are still a lot of brownouts and outages continuing. Mullins asked if it was possible to include a backup generator for the system, a community generator rather than individual generators. Hullar asked what reliability is on Captiva itself, vs. a systemwide measurement that Hamilton offered? He hoped for a comparison of cost to LCEC vs. cost to customers; we have a lot of assets to protect, and it may take a little more investment by LCEC to protect them. Dorn offered an explanation of what causes brief outages – animals, trees, etc. – and that a temporary interruptions meant LCEC was trying to clear the issue, but if it hits a line three times the power will go out. Mullins asked if a SAID number for Captiva only was possible, as well as LCEC revenue by zip code? Dorn said they could do it by account. Bradley noted there is always a surge at 5 p.m.

Friday. Holzheimer said a study of the length and frequency of outages was needed. Jensen asked whether a 24/7 crew on-island might be possible with community cooperation? Dorn promised to follow up on the questions and concerns raised today at future panel meetings.

The meeting adjourned at 10:45 a.m.

-- Ken Gooderham, administrator

Captiva Community Panel

MINUTES

Aug. 10, 2010

Attending: Jim Boyle, Rick Hayduk, Dave Jensen, Mike Mullins, Sandy Stilwell

Audience: 6

The meeting convened at 9:05 a.m. Following introductions, the July 13 minutes were approved unanimously (motion Boyle, second Mullins).

CEPD: Administrator Kathy Rooker provided the update. At the last meeting the district engineering consultant, Coastal Planning & Engineering, reviewed design of the next beach renourishment project. The next nourishment is scheduled in 2013, depending on erosion patterns. While the beach is eroding, it never has gone seaward of the Erosion Control Line set in 1988. A resolution was on the agenda for the district meeting tomorrow to approve the next project; the meeting will be held Aug. 11 at noon in this room. The CEPD board has approved a referendum on the Nov. 2 ballot to seek funding for the next project.

LDC SURVEY: Gooderham offered an explanation of the work done to bring the survey to this draft by the survey committee, as well as the process being proposed to solicit community input. Based on input from the committee and county planner Kathie Ebaugh, the survey's questions had been cut back to cover only those issues addressed in specific workshops during the winter/spring LDC drafting process, or eight questions total. An introductory screen would set up the discussion, a second screen would ask some security questions (voter registration or STRAP numbers) and some demographic questions. The questions would include hyperlinks with more information for people to reference, as well as places to include comments specific to that questions. General comments would be accepted at the end.

A postcard would be developed to be mailed to all voters and property owners, with information on how to access the survey online; there would also be a link from the panel website. The survey would go live around Aug. 20 (depending on when the cards dropped in the mail), and responses would be collected until Sept. 30. Responses would be summarized and sent to panel members the first week in October, for public review at the October panel meeting. Aside from feedback on this information, Gooderham also asked if the panel wanted to discuss how it would deal with community input in terms of finalizing the LDC draft, as this had been a question raised at the planning discussion with the community on July 14.

Boyle asked if they would be able to sort answers by other questions, such as where people lived. Gooderham said as long as those questions were asked during the overall survey (as was being planned), it would be possible to sort

responses by those qualifying questions. Both Jensen and Boyle did not think it was necessary for the panel to decide how it would approach the community input at this point, but rather that the community respond and the panel look at what was said once the results were in. Hayduk said they should let the process flow, determine things as they come in front of us. Kathie Ebaugh said it was a good idea to solicit community input, but not suggest that people were voting with their survey responses.

Mullins made a motion that the panel should consider the survey information as input to be taken under advisement, based on that and comments the board will ascertain the right direction to take on each of these issues (Hayduk second). Approval was unanimous. It was agreed that the survey deadline would be Sept. 30. Gooderham said that due a schedule conflict he would not be able to attend the panel meeting on Oct. 12; he suggested that the panel could either move the meeting to Oct. 19 or he could call in to the Oct. 12 meeting to answer questions. Consensus was to survey the panel members whether the meeting could be shifted as a first choice, which would also allow panel members more time to review the responses beforehand and seek any clarifications. It was suggested to send voters and property owners more than one postcard to enhance response. It was also suggested to put something in the Current as well. Mullins suggested that the panel let people who register late participate, to show some flexibility. Votes for timeshares, the rules are explicit in the panel bylaws; it was the panel's determination as to how to collect owners' input. Consensus was to leave that to the management companies' discretion. Hayduk volunteered to contact Hilton Grand Vacations Co. to give them a head's up. Mullins said it was critical to get their input.

EVALUATION APPRAISAL REPORT UPDATE: Ebaugh provided a brief update on the process, noting that the issues identified in the countywide workshops had been boiled it down to four issues. Currently, county staff was evaluating the Lee Plan for where these issues had impact. Staff hoped to make a presentation to the panel next month on the strategies they're working toward. Matt Noble would likely attend to present it in September. She also offered an explanation of what her role is in coordinating all the community panels throughout the county, and that she hoped to attend panel meetings on a regular basis.

PLAN/CODE TERMS: Gooderham offered a brief explanation of the terms handout, which was prompted by some confusion expressed at the July 14 discussion as to how the plan and code interacted. This would be posted on the website, to provide the public some context for the issues being discussed. He also explained that the contract with Morris-Depew Associates was essentially fulfilled with the completion of the LDC draft, but that there would still be public hearings and staff interaction to address during the process of achieving LDC approval. While Gooderham could handle these, there may be times the panel would feel more comfortable with a planner's input on these issues, and Max Forgey had the best background on the panel's intent and effort in drafting the

code to this point. Forgey had discussed the issue with David Depew and Gooderham, and it was determined that Forgey (who was now on his own) was available to consult for the panel as needed with no objection from MDA.

Mullins supported anything we can do to ensure the success of this effort. Hayduk suggested Forgey provide the panel with a proposal they could review. Forgey agreed to do so, and said he and Ebaugh had already discussed the staff comments on the LDC working draft, most of which were a codification issue. Ebaugh said the next step from the county will be to reconcile drafts based on your surveys. This would come back to staff, who hopefully could get it done very quickly. Then the language is sent on to three advisory committees --- the LDC Advisory Committee, the Executive Regulatory Oversight Committee and the Local Planning Agency. From there, usually another draft is done before it goes to the county commission. The end is in sight but there are many detail steps between here and there. Ebaugh also said she has put in a placeholder for the potential Lee Plan amendment based on the proposed code change in the height restrictions language.

HURRICANE COMMITTEE: Ann Bradley offered an update, noting there was a July 15 meeting with a discussion of Structural Safety Inspection committee, for which more volunteers will be recruited. The Captiva Fire District and the Lee County Sheriff's Office are heading up the SSI process. People can contact the fire district if they're interested in volunteering. The recent mailing to property owners about the authorization letters added 600 more representatives to the database. Mullins asked what was the total number now on file? Bradley thought it was 1,500 mailed, about 700 in the database. Hayduk asked how many of those were on file for hurricane passes? Bradley said that was done through the city of Sanibel, so it was not an easily accessible figure. Mullins said that getting the CFD involved has helped with responses. Bradley said there was still some confusion as to what people need to get back here. LCSO Lt. Joe Poppolardo also updated the committee on the oil spill response at that meeting as well. Poppolardo and Rooker are working on a volunteer plan for Captiva for a long-term response to spill effects.

REVEGETATION PROJECT: Gooderham offered an update, that in order to allow time to notify owners the planting on Captiva Drive would wait until next spring. Mullins said he will work with SCCF to narrow down the tree list, suggesting royal palm, cabbage palm and cinnamon bark. Gooderham said he would follow up with Lee DOT on these sites and the Turner Beach project, which would be part of a planned retention area for bridge runoff. Boyle asked whether the grant money would still be available? Gooderham said it was good through roughly this time next year. Mullins said he hoped to think ahead of how to maintain safety shoulder. Be sure to be compatible with existing landscape on private property.

Mullins continued that the Island Water Association was replacing the water line under the Blind Pass bridge, and he was concerned about the short notice and lack of notification to the panel. The CEPD was notified about the retention needs as part of an old bridge permit, and he was concerned that an open pond would become a mosquito magnet. He felt they need to assert the role of the panel as a conduit of these projects where they should be presented for community knowledge and response. He suggested they draft a letter to county to encourage involvement. Gooderham offered to contact Lee DOT to get more information on the retention project. A discussion ensued about possible dredging in the pass as a continuation of the Blind Pass opening project.

FINANCES: Gooderham offered a brief summary based on the handout provided to panel members. He said he was looking at savings options to move some of the funds out of the checking account into something offering interest on those funds, possibly at another bank or an online account with ING.

WATER QUALITY: Jensen noted that an update report was included as a handout. He had talked to the SCCF Marine Lab about an in-person update, but as they are still collecting data they asked to wait a month or two before coming to the panel itself. The goal was to come up with a plan to present a wrap-up on this project to the panel and the public. Mullins said this is our project, we should require a report at least two months before big meeting on the island so our committee can review and comment before any meeting. He had been in the loop on a recent discussion about a Cape Coral canal lock which had sought input from local stakeholders, and that SCCF had produced a report commenting on the advisability of putting more Cape homes on a sewer system. He wanted to officially request that report from SCCF to disseminate to the panel. He'd like to be able to talk to them about that before we present the findings on this project. Jensen said that we're doing the same thing they did (a water quality study), just waiting for the results before drawing conclusions.

OTHER BUSINESS: Stilwell said that Denice Beggs had agreed to chair the nominating committee, and will work on slate for presentation later in the year. Hayduk asked who is responsible for the right of way on Captiva Drive from South Seas to the beach park... the owner or the county? Boyle said owners historically have maintained it but that the county is ultimately responsible; also LCEC tree trimmers have been stopping at the resort front gate. Mullins suggested the panel take a broader role in communicating to people about what they are responsible for in the safety shoulder and the right of way. Stilwell added also at end of Andy Rosse... is it the county or Sunset Captiva? Hayduk said it's a bad image for the island, it's a visitors' route to get back in there. We should ask the county if they will credit people who maintain the roadways along the island, not unlike the Adopt-A-Road program. The meeting adjourned at 10:45 a.m..

-- Ken Gooderham, administrator

Captiva Community Panel

MINUTES

July 13, 2010

Attending: Gordon Hullar, Mike Mullins, Nathalie Pyle (via phone), Dave Jensen, Sandy Silverglide, Harry Silverglide, Jim Boyle, Rene Miville

Audience: 15

The meeting was convened at 9:05 a.m. Reading of the June 15 minutes was waived, and unanimously approved on a motion by Mullins (Boyle second).

LDC survey: Gooderham noted that the LDC Survey Committee had met following the June 15 panel meeting to discuss the survey draft. Based on those comments, a revised draft which included suggested graphics and hyperlink text had been created and sent to the committee members electronically for comment. No comments had yet been received, and the committee hoped to meet or collaborate digitally to craft a final draft to present to the panel at its August meeting.

Bylaws: Silverglide and Gooderham provided a summary and history of the proposed changes, which would change the amendment notification time from 60 days to two panel meetings and allow for electronic surveying. The proposed bylaws changes were approved unanimously on a motion by Miville (Hullar second).

LCEC update: Silverglide provide a summary of the background behind the panel's letter to LCEC requesting an update on how the utility was planning to address recent continuing power outages and issues affecting the island. Discussion also included the impact on property owners to replace electronic equipment destroyed by brownouts or power fluctuations, as well as to install generators to compensate for lost power. LCEC CEO Dennie Hamilton and representative Tricia Dorn were introduced, and Hamilton went through his PowerPoint presentation. (A PDF of the presentation is available through the panel's website.)

Hamilton said that LCEC did not meet its objectives last year, that service to the islands was not acceptable. Using an industry-wide measurement of service called the System Average Interruption Duration Index (SAIDI), the SAIDI level in 2009 was 20.1, mostly due to major events, compared to 4.5 in 2006, 5.8 in 2007, 4.9 in 2008 and 3.1 in 2010 to date. The two major events in 2009 were a Nov. 1 sailboat incident affecting the overhead line from St. James City, and a Nov. 21 insulator and relay failure at the Sanibel substation. The SAIDI number covers the entire LCEC system, so outage minutes are spread over the entire customer base to calculate the figure. Hamilton noted one major event this year,

on March 8 when a sailboat hit the overhead transmission line in Pine Island Sound.

HSilverglide asked whether the line could be put under water. Hamilton said it would be costly and it may not be able to obtain a permit for it from the Corps. LCEC has also considered raising the line higher, which would help if the boats are in the channel where they're supposed to be, but not elsewhere. SSilverglide asked if LCEC was working to correct or lessen the brownouts. Hamilton said LCEC can install voltage recorders out here, but had not done so yet. Miville asked what could be done about sophisticated electronic systems subject to power fluctuations? He said that Captiva is the country's most corrosive microclimate, according to one expert. What can be done about that -- more of a maintenance procedure to counter climate issues? Hamilton said they would need to look at procedures, which is now in the process. Sharon Michie related a recent problem she had with a supply line to rental home, where a problem was reported, LCEC came out and determined nothing was wrong, and soon thereafter the line overloaded and damaged electric items in the house.

Mullins asked about the SAIDI measurements, and if there was any regulatory agency to which LCEC answers. Hamilton said they work with the state Public Service Commission concerning service and the rate structure. Mullins asked if the loss of income from some market areas affect service systemwide? Hamilton said it would not, that 2009 was first year LCEC lost customers and they've responded to this downturn internally. They changed some maintenance procedures, not affecting services, and they're back to normal practices at this point. Boyle asked whether the capital budget was down. Hamilton said it was, but that was mostly driven by adding new service which is not happening in Lehigh and Marco at this point. Boyle asked if capital expenditures were spent on reliability and improvements. Hamilton said those were not tied to the capital budget.

Mimi Schwartzel asked if underground lines were a dead issue, and would that help with reliability? Hamilton said LCEC had no issue with placing lines underground, the issue is who pays for it. For LCEC, standard service is overhead, so the customer pays the difference in cost for putting lines underground. Undergrounding does not necessarily improve reliability; overhead lines are easier to repair, underground lines are not exposed to all the elements. Mullins asked if there are any subaqueous lines in the LCEC system? Hamilton said they were all overhead or over water. Boyle confirmed that installing cameras to monitor the over-water lines was the only response LCEC planned to the outages. Hamilton said they will watch what happens, it won't reduce outages but could reduce recover time to restore power. The LCEC board has to approve any capital expenditures, including changes in water crossings. Boyle said the cameras will reduce time out of power, not number of times your power goes out. That means LCEC is not interested in stopping outages, just reducing length of

outages. Hamilton said LCEC cannot afford cost to stop all outages, the cost to do so would be prohibitive.

Miville said outages will happen on barrier islands, but he would like to address power fluctuations and putting lines underground. Hullar said that won't affect sailboats hitting the line, that there's a disconnect between underground lines and power outages. Mullins asked if there was any way to generate power on the island in this service area, if we were willing to pay for it -- such as a generator that could bridge outages and fluctuations. Hamilton said they would have to look into that. SSilverglide noted that the cost of maintaining generators for individual properties is not a small amount of money. Miville asked about a miniature atomic station as a power source? Hamilton said that his background actually was in nuclear engineering, but that would not likely be feasible. A solution will involve a spectrum of solutions, including a look to renewable sources.

Mullins asked what was LCEC's primary source of power. Hamilton said they currently purchase 70% of their power from Seminole (which is 70% coal generated) and 30% from FPL (which is 50% gas generated). They were planned to switch totally to FPL in 2013. (Note: Pyle leaves meeting). Doris Holzheimer asked if there would be fewer events if LCEC had a better maintenance cycle out here? Hamilton said they are looking at that now... trimming, maintenance, etc. Jensen noted that LCEC once offered a meter plug for generators and whole-house surge protector. He thought both had helped at his house...could you communicate to customers and offer to them? HSilverglide said those items can't not help, but they can't last forever. Real issue is maintenance and increasing reliability; LCEC is being reactive rather than proactive to this point. Brownouts are the real issue, since you can't prevent every outage. Lost equipment means lost time means lost money. SSilverglide noted that ruined vacations cost us in both money and reputation. Mullins reminded the group that LCEC provided tremendous support after Hurricane Charley, and recommended the panel create an electric interface subcommittee to work with LCEC as there may be opportunities that could be allocated to this service area. Boyle said the cumulative losses would add up to the cost of raising that line, and hoped they would consider that in their calculations.

Oil spill: Lt. Joe Poppolardo with the Lee County Sheriff's Office and Gerald Campbell with Lee County Emergency Management were introduced. Poppolardo said they were not planning on a Coastal Watch program like Sanibel was pursuing, but they will use existing patrol units – marine and aviation – to watch for evidence of oil. The county will establish protocols if any oil is spotted, incorporate existing teams and plans if something lands on Captiva's shores...establish chain of custody, etc. They will work with CEPD on small-scale cleanup efforts, and establish a group of volunteers to address future needs. Baselines have been established on beach cleanliness already. Mullins asked if the Captiva Fire District was involved in this process. Poppolardo said they will be assisting and monitoring, and are incorporated into efforts.

Campbell explained that he came from a private sector background, having worked for Amoco and left when the company were acquired by BP. He was part of Amoco's national oil spill response team. He said Lee County has a plan and a procedure in place. The county emergency response plan guides our efforts; we don't have specific emergency plans but have overall plans that guide us in responding to emergencies. We can use the pieces that we need to achieve the outcome we all want to achieve. The area contingency plan as a result of Exxon Valdez disaster: Tap local experts and community to identify the most sensitive areas and how to protect them. The main tool is a booming strategy; most crucial areas are mangroves and estuaries, least is the white sand beach. Plan is being continually refined, recognizing it will work but will not work perfectly...will not prevent oil from coming here.

Campbell said we should not see slicks on this coast, but can't say no oil will come here. Will see tar balls on the beach, those are manageable. It's important to manage the process, keep chain of responsibility intact. Need to document where the oil comes from. BP will do they have to but will vigorously defend their rights, so we have to do everything correctly and properly. BP wants to fix this, we're dealing with a big leak and everything they do here has never been done before. Response will be handled in a top-down response, due to the 1990 federal law reacting to the Exxon Valdez disaster. That means that locals are left out of this regulation. In Florida, locals and emergency managers are very vocal and we're not taking this quietly. How we usually approach issues such as this is very different from how the Unified Command is structured; we're working hard to make sense of it. We will be prepared to respond to whatever ends up happening here. There are trigger points in the Gulf...when the edge of uncertainty cone arrives at these points, it triggers certain responses. The county will look at small skimmers to work around passes and mangroves if necessary. They will also consider that some mangrove cleanup may be more harmful than leaving the tar balls in place.

Miville asked if they could have been able to stop the leak with a targeted explosion. Campbell said BP went with tried technology in pursuing a relief well instead. Partial solution so far has been able to slow or collect leak...if you blow it up you could lose all means of control. Could go from one leak to several, from a barely controllable leak to an uncontrolled leak. Schwartzel asked what happened to the agencies who were supposed to oversee the offshore drilling. Why weren't safeguards anticipated? Campbell said it comes down to what we're willing to pay for as taxpayers and as consumers as to how much oversight and how rigorous it will be. This was a test drill situation, and too much regulation will discourage such exploration if the costs are too high to try. The oil companies often do drill other wells if the first one turns out to be profitable. Blowout preventer failed in this instance...explained process. Questions arise: Do they work, is one enough, are pipes too hard to allow jaws to cut off flow? Clearly, we

need better functioning regulations. Miville said it should not be a cost to consumer, it's all supply and demand.

Hullar asked how you deal with booming the passes with their velocity? Campbell said sometime you can close a high velocity pass, or use a deflection boom to push oil onto to a beach where it can be cleaned up more easily. Hullar asked what about the columns of dispersed oil? Campbell said the county was not working directly with Mote and other private partners, but was working with Coast Guard on this issue. Media reports may have jumped the gun on finding and tracking oil columns. HSilverglide asked how long does this plan stay in place, since oil damage could take years to surface. Campbell said he was not a big fan of dispersants, scares him the amount they've used on this spill. Stuff won't go away, won't sink to the bottom or float to the top. Contingency plan will last indefinitely, daily engagement probably drops as soon as the well is capped but will remain watchful of long-term damage probabilities. Right now, we're in the hyper-vigilant stage – but we can't sustain this level for years. So becoming routine is our goal...clean up visible oil (which will take years), procedures have been and will be in place into the future. BP will have a presence in the Gulf for quite a long time, and will be held accountable through the media and coastal communities. The level of response will decrease over time as we move into a management scenario.

Mullins asked what is a worst-case scenario for us at this point? Campbell said it was significant amounts of floating oil mixed with tar balls coming in to our coastal areas. That won't happen, but we're planning for that. Level of economic impact would be harder for us to recover from over time. The wild card is a hurricane or storm event. Mullins asked if there was a potential for explosive damage? Campbell said in the vicinity of the spill, certainly. Polluting some place in the atmosphere, more of the issue is the VOCs (volatile organic compounds) coming off the light oil. Boyle asked about training – will it be local or prequalified outside teams? Campbell said a combination -- oil is considered a hazardous substance by law, can only be handled by trained and qualified people. Ostego Bay training allows you to be a qualified observer. If oil hits trigger point in the Gulf, we will; be asked to ramp up training. We will discourage volunteers on the beach – it's BP responsibility, given the amount of danger and skill involved. Local volunteers can handle regular beach cleanup, which helps response. Poppolardo said additional trainings are planned, space is limited in some instances. Will work with CEPD to work with volunteers. Campbell noted this was not a certified training in accordance with certain federal regulations. He warned people not to pay for a training certification that won't apply.

Hurricane Response: Doris Holzheimer noted that Campbell was the one who would decide if we need to evacuate Captiva. It is still expected to be an active season, even a tropical storm could stir up the Gulf and create an issue with the oil as well as the usual concerns. Campbell said the Lee Emergency Operations Center would offer 12-hour additional notice on watches and warning, which will

allow us to do some things we have not been able to do before. They have decoupled storm surge information from the Saffir Simpson wind speed scale, which was only meant to address wind speed. They've stopped considering a "typical" hurricane that tied wind to likely surge. Instead, they will look at the size of the storm, amount of lead-in to landfall over water; the surge credited by history of wind, not speed at landfall, etc. Surge and wind speed will be separate forecasts. As always, pay attention to evacuation orders, we will be using evacuation zones using SLOSH models. We take evacuation orders very seriously, we understand the impact on you and your life.

Mullins said the cone of uncertainty was an issue for him. Is predictability of surge same as wind? Campbell said it was, but neither of them are very good. On track we do better, timing forecast skills are OK, but about storm intensity we have no skill in forecasting. Can do no better than averaging past storms, historic data and models. HSilverglide asked whether evacuation notices will be sooner, the same or later? Campbell said this year they will be about the same. We're mostly concerned with tropical-storm-force winds, science is going to need to get better. We will change evacuation zones, county is working with Southwest Florida Regional Planning Council on that and should see changes next year.

Mullins asked what was being done to improve the potential of evacuating the county. Campbell said they plan to use the resources available to us... use school district buses, LeeTran buses, to move people in high-ridership areas to shelter. In Katrina, many died in the aftermath of the initial flooding; we don't have that risk here since most of the water will run off. We have plans in place to move people to safety...go to shelters if you don't have any other choices. Discussion of shelters followed... Best Western near Interstate 75 is designated for Captiva as a gathering point for islanders. Holzheimer said communication in advance was always crucial, to tell us what to do if we have to evacuate. She offers an update on the letter send to property owners: Got about 600 letters back, we had less than 100 before. It was a good idea with a lot of responses. She noted there was a committee meeting scheduled on July 15.

CEPD update: Kathy Rooker noted that the district had held four training sessions for oil spill response; 217 people have gone through it. The next beach renourishment project is scheduled for 2013, depending on storms, etc. The district's engineers are working on new design plan for the next project, and they will be at the CEPD meeting to discuss it, to be July 14 at noon in this room. Also, the board will discuss setting a referendum for the November ballot, which would give the district the authority to start looking for funding to do the next project. We encourage people to register to vote; on Oct. 4 rolls close for the next election. There will be a budget meeting this afternoon at 1 p.m. and tomorrow as well. Millage cap rate will be decided at tomorrow's meeting as well. Sept. 7 is the date for the first budget hearing, Sept. 21 for the second hearing; both will be 5:01 p.m. in this room. SSilverglide asked if the board has adopted formula for project yet? Rooker said the economist's survey was done, and he is working

with Coastal Planning & Engineering to develop an apportionment plan to be presented at September meeting. The summer newsletter mailed yesterday and should be arriving soon.

ROW tree plan: Gooderham provided a brief overview of the Division of Forestry grant, explained that he had met with Jenny Evans (SCCF Native Plant Nursery, Joe Sulak (Lee DOT) and Mike Weston (local DOF ranger) on June 17 to drive Captiva Drive and identify possible planting sites. Due to the infrastructure issues on the bay side of the road, it was eliminated as an option. Then, the group looked for places on the Gulf side with sufficient space in the right of way to accommodate a grouping of trees, and identified 15 sites. Evans had developed a plant list using the grant options, and Sulak had developed an aerial showing the possible sites and the adjacent addresses.

Since there would not be enough sites on Captiva Drive to utilize the full grant amount, and since it was limited to public lands south of the first S curve, the group discussed using some of the funds to enhance the vegetation at Turner Beach. DOT was planning to install/clean up a retention area that was part of the original permit for the Blind Pass bridge, and the county's Natural Resources Division had done some plantings there after the Blind Pass opening project and after the lift station work was completed. DNR had some additional plants they planned to replace, so the grant funds could be combined with the DNR and DOT plant budgets to allow for more planting than would have been possible otherwise. Both projects would need to be bid, although Gooderham hoped to be able to work with SCCF on both, and they would be timed to take advantage of the rainy season to minimize the need for follow-up irrigation.

The panel was asked to respond to the proposals, which was generally positive. It was expressed that those adjacent property owners should be contacted and possible offered a choice of plants. Gooderham said he had planned to contact them by mail (as all he had was property appraiser addresses), but offering them a plant choice would probably delay the project until next spring since it would take at least six weeks to send letters and get responses. There was time to do that under the grant conditions, but the panel needed to be aware that the county would make the final decision on plantings as it was in the public right-of-way.

A number of panel members wanted to alter the plant list, and finally Mullins asked for the DOF contact to call him to discuss adding royal palms and limiting some of the other choices on the SCCF list. Miville asked why the owners could not be called to enable the project to move forward this year. Gooderham explained that he did not have current phone numbers for them, nor did he have the time to take this on due to other client commitments. Miville offered to attempt to contact the owners if Gooderham would develop a list. Hullar said the owners needed to be engaged in the process. Mullins made a motion to move forward with the projects, and to ask Miville to contact the affected owners and offer them

the tree options to be determined (Hullar second). The motion was approved on a 6-1 vote (Boyle dissented).

Nominating Committee: SSilverglide noted that the panel seats coming open by the end of the year had been identified. Mike Boris, Denice Beggs and Paul McCarthy have agreed to serve on the committee. She encouraged the community to suggest names to the committee to make suggestions to the panel in the fall. Hullar asked who would serve as chair? Mullins recommended Beggs; Miville said McCarthy would be a good choice as well. SSilverglide said that would be a presidential appointment, and she will make a decision soon.

Financials: Gooderham provided an update from the handout provided to the panel, and noted that he anticipated the \$25,000 reimbursement for planning would be at the post office when he checked after this meeting. The next TDC reimbursement for water quality monitoring was in the process and expected by the next meeting.

Water quality: Jensen provided an update, noting that SCCF had installed monitoring wells on the island to test the water quality and track the flow of subsurface water leading to the Gulf or bay. The lab said that more samples are in process, with more results shortly. The goal was to track pollutants to nearshore waters to see how water table works, and 10-12 more testing events planned. Mullins asked if the wells were on the bay side only. Jensen said they were on both sides elsewhere on the island. Mullins said he would love to see SCCF staffers Mark Thompson and Erick Lindblad at a panel meeting together. We seem to have gotten conflicting reports in past, may be useful to hear from both of them. Jensen said they told him that they've learned a lot quickly and recently, and should have more to report with more results. Hullar said in the past the data was presented in a way that led some to misunderstand its impact... factual and perspective important. Boyle hoped there would be a better comparison before and after opening of Blind Pass. Mullins noted that the CEPD commissioned similar study in 1972 which he recently had found; it could be a good anecdotal comparison against current data.

Other business: Mullins noted that Jason Maughn was organizing something concerning BP claims on the island this Friday, but he was not clear on what's planned at this point. Gooderham reiterated the county planning meeting scheduled for the Alpha Cone Room in Chadwicks Square on Wednesday, July 14, beginning at 9 a.m. It would be a chance to meet with county planners to discuss Captiva issues in general, and he hoped the community would be interested in attending.

The meeting adjourned at noon.

--Ken Gooderham, administrator

Captiva Community Panel
MINUTES
June 15, 2010

Attending: Jim Boyle, Rick Hayduk (chair), Dave Jensen, Rene Miville, Nathalie Pyle

Audience: 10

The meeting convened at 9:03 a.m. Minutes from the May 11 meeting were unanimously approved on a motion by Boyle (Jensen second).

CEPD update: Administrator Kathy Rooker discussed the ongoing oil spill response, noting that the district held an OSHA-required training for volunteers on June 14. Thanks to support from the community and businesses, some 150 volunteers were trained at two sessions Monday. There were an additional 120 volunteers on a waiting list, and the district planned to schedule a July session to accommodate them.

Rooker said they needed more support from the community besides working on the beach -- such as providing parking for volunteers, trucks to transport materials, comfort stations for volunteers, water, phone tree calls, data list management. If you can do anything, call her at the CEPD office. The district has developed a plan and submitted it to the Lee County Emergency Operation Center (EOC), but we need local input and involvement. Mike Mullins suggested the community consider forming a local strike force organization on this response, which is why the CEPD took a role. Sanibel has been briefed, but the EOC has a "wait and see" approach. We're developing a backup plan for the passes and for berms on the beach. God helps those who help themselves.

Boyle asked if there had been any follow-up from LCSO and Captiva Fire district on his request they send a representative to this meeting. Gooderham said he had not heard anything from the emailed request sent last week. Hayduk said the panel needed to ask who is the go-to person before things happen, should the panel requesting clarification who is the go-to person in oil spill? Miville said any request should be directed to Commissioner Ray Judah, and suggested a letter to Judah, with a copy to Nan Gonzalez in the District 1 office. Rooker urged support for letter of inquiry, saying it would get an EOC response in the face of vague plans. It should ask who is the person supervising on Captiva -- the contact person or first responder. Boyle suggested they ask for monthly reports from someone in the county. Hayduk asked if it should say that the CEPD has taken these initiatives? Mullins suggested a joint letter, invite the CCA, CPOA and businesses to sign on. The community should form independent committee like the Hurricane Committee -- a nonpolitical committee, establish a chair, have ongoing reports and tracking. There followed a discussion of planning to date.

Harry Kaiser said we can't wait around for the bigwigs, we're a small entity down here. We have to be proactive in our own self defense, have to have somebody to be our point person. Hayduk said it appears that nobody is in charge. We need a joint command with a point person in charge. Jensen said we should force the county to tell us who the person is, and have them meet with the community after that. Hayduk asked what if we get a reactive answer? We should move ahead after that. Gooderham said the panel could draft a letter and see if other groups will sign it as well. Hayduk asked whether the CCA would support such a letter. Paul Garvey said the county is in charge of any response, and the police and fire district are the local responding agencies. Hayduk asked but who is the one person to work with?

Pyle made a motion that the panel draft letter to send to other Captiva organizations requesting the county to identify who is in charge in the event of imminent oil coming on the shores of Captiva (Jensen second). Bill Fenniman asked would the county appoint someone out here to be the point person? Too many organizations involved now, would they authorize someone out here to be a point person in charge? Pyle said we should acknowledge that we need parallel strategies. CEPD has done a great job, we need to move forward from there. Boyle said we could test the idea of having someone out here in this letter.

Hayduk said the panel could draft a letter to send to the organizations to appoint someone on the ground or ask us for a recommendation. Miville suggested they appoint two people: one for the beach, one for enforcement -- perhaps LCSO, Lt. Joe Poppolardo or Chief Jay Halverson and Rooker. Pyle said we just need to know what the county is thinking. Mullins said the community needed to keep planning as we've done, we need independent entity to focus on this supported by the various island organizations and businesses. Gooderham suggested to have the letter in draft form to send to the organizations by June 19, so it could go to the commissioners before the July break. He also suggested the letter might need to go to Commissioner Hall as the current chair, but the consensus was to send it to Commissioner Judah. The vote was called and approval was unanimous. It was suggested to send the letter to the Rauschenberg Foundation and SCCF as well.

Pyle said even with an on-the-ground committee out here, we should defer to CEPD if it has plans in place. Hayduk said any committee should interface with the individual who's appointed, to have all interests aligned. Pyle suggested using the Hurricane Response Committee as an example, a nonpolitical entity supported by and representing numerous groups. Mullins said that people from North Captiva, COTI and Pine Island have approached me at the June 14 meeting to set up a Coastwatchers group, people observing things on the beach. CEPD will take initiative on this, but we have many other responsibilities. We want people who are willing to roll up their sleeves and do some work. Jensen said CEPD could have a special meeting on this to bring the community up to speed. Hayduk said the committee should have 6-8 people maximum. CEPD

should hold a meeting to take the first step to get this moving. Rooker said each organization could provide a point person that we can rely on. Hayduk urged the CEPD to call an organizational meeting. Mullins said the CEPD will meet to gather our thoughts. Ultimately, the community needs to define an independent committee to operate on this issue. Pyle encouraged them to use the hurricane committee as a model. Mullins said a meeting could be held at 1 p.m. Thursday, June 17, at the CEPD office, a session was already scheduled to conform with Sunshine laws; ultimately need an independent committee that can operate without having to grapple with records and noticing laws. Hayduk reiterated that the community needed to be prepared in advance, and to act in our own self-interest and be practical in working toward our one goal. Jack Samler asked why hasn't the county been doing the training like the CEPD offered? Seems like we need more coordination through a point person.

LDC survey: Gooderham provided a brief update on the proposed survey, noting that revisions had been done via an exchange of emails and that the survey committee planned to meet right after today's panel meeting if anyone wanted to participate. Nothing is expected to be back to the panel until the July meeting at the earliest. However, the panel bylaws did require a two-thirds approval by the full panel, meaning that seven votes would be necessary to approve the proposed bylaws change allowing the proposed electronic survey. Since there were only five panel members in attendance today, the vote would have to be postponed until the July 13 meeting, and he would inquire if those not able to attend in person in July would be available by phone for a vote, to ensure it could proceed. In light of the inability to vote and the lack of a finalized survey, there was no way to make a Sept. 30 deadline for a Lee Plan amendment to be filed regarding any proposed changes to the height restrictions. That did not mean the proposed changes in the Land Development Code regarding building heights could not be pursued as planned, but that they could not be enforced if approved until any new language conformed with what was adopted in the Lee Plan.

Mullins suggested that the bylaws were in need of some review and revision, since the panel did not move to make some changes during the two-year period when changes would have been easier. Gooderham suggested that a committee could be formed in the future to review the bylaws as an entirety and bring changes back to the panel for a vote as a "glitch" bill approach.

Gooderham said the nominating committee had been initially formed, but he did not know the final status. Mullins noted that he had just provided a letter to Hayduk throwing his hat in the ring for the open seat, saying that his interpretation of the bylaws was that the panel could vote on filling a vacancy if the nominating committee did not act within 60 days. There was some discussion on when the seat was vacated. Mullins asked for a vote on filling the opening at today meeting. Jensen asked if the panel could vote on the vacancy today, Gooderham said he recommended waiting until it could be properly advertised and included on the agenda in conformance with the two-week waiting period for

action items to be included on an agenda. Mullins disagreed with that interpretation, saying that the committee had been included on the agenda and that the panel could vote to act on this issue by suspending its bylaws for this matter only. Pyle said she was uncomfortable voting on something she did not know until this minute, that she was happy with Mullins coming back on the panel but not with this as the way to achieve that. Miville said it should have been noticed, that the open seat was supposed to have been advertised. It was noted that the letter from Mullins requesting consideration had not been made available to anyone involved with the panel until that morning. Miville said the plan is being held back by our own rules in terms of the survey, they we needed more workers such as Mullins on the board.

The question was raised how many open seats were now available, which was one (Gibson, a panel appointment seat). Boyle said one of the concerns was ensuring there were enough panel members available to make a quorum during the summer months when other plans interfered with attendance. Discussion ensued on which seats might be coming open by the end of the year. The issue of whether a vote was allowed under the bylaws was asked, and Gooderham said while the bylaws did require two weeks' notice for action items, the panel did have the authority to suspend its own bylaws if it decided the conditions warranted it. Mullins again asked that a motion be entertained for a vote on the seat, that the lack of nominees allowed the panel to act at this point. Hayduk noted that the nominating committee status was included on the agenda, that meaning that the open seat could be considered. Pyle reiterated her discomfort at voting on this without having it on the agenda, that it could open the panel to criticism.

Miville said he was not concerned about criticism, just action... and made a motion to accept Mullins on the panel. Hayduk asked whether there first needed to be a motion to suspend the rules for this vote, to properly sequence events. Boyle moved to suspend the rules on voting to fill the open seat n the panel (Jensen second). Boyle said the things accumulating on the panel's plate necessitated filling the seat. Fenniman asked whether suspending the bylaws required a full panel present to vote. If only a partial panel was in place and can suspend the rules, then what are the use of bylaws? Mullins noted that the panel had suspended the rules in the past to make organizational changes. Gooderham said there was no requirement for anything more than a standard quorum for such a rule. Jensen said we had been aware of Gibson's vacancy for months, so this is not a sudden action. Hayduk asked for thorough documentation of the discussion surrounding this, and was reminded that the session was being recorded. Mullins said this was a decision he needed today in order to make other decisions, Pyle said that should not be the reason for acting outside the bylaws. The question was called and passed unanimously. Miville reiterated his motion to accept Mullins to fill the vacant panel seat (Jensen second). The vote was called and approved unanimously

(At this point, Mullins joined the panel.)

Mullins noted that he had approached a number of people to fill this vacancy, that it should not be open that long and that there were too many things in play to have vacant seats. He stepped down before when an important piece of work was done, and encouraged turnover in panel members for its healthy operation. Miville noted that he interacted with the county commissioners more than most, and understand that they wanted community activists serving on committees such as the panel. The community also looks at accomplishments more than rules or impressions, and will appreciate a group that takes action with people such as Mullins.

DOF grant: Gooderham gave background on the grant, that the state had allotted \$18,200 toward revegetation on public lands on the island in a no-match grant, which was rare. The grant application specified the area from Blind Pass to the first S curve, since it held the most likelihood for plantable areas, and \$17,000 of those funds were designated to be spent on trees and installation. A meeting with staff from the Lee Dept. of Transportation, the state Division of Forestry, the SCCF Native Plant Nursery as a possible contractor on Thursday, June 17, at 9 a.m. at SCCF. The issue is limited planting area, so we'll do an on-the-ground site visit to see what our options are. We hope to get something done this summer to take advantage of the rainy season, while still allowing community input. The question about species was raised, and Gooderham noted that the SCCF plant list was used. Miville asked whether the jacaranda or poincianas were considered a native and could be used along the roadway, and Gooderham noted that the grant did not allow non-natives such as those. Anyone who wanted to participate could meet at SCCF Thursday.

Hurricane Preparedness: Pyle said the committee would host a preparedness meeting today at 3:30 p.m. in the Auger Room at South Seas Island Resort. A number of agencies would be attending, and it would include display of a mapping system for the aftermath of a storm and information about the Structural Safety Inspection program. She noted that the committee had completed its mailing to all property owners concerning updating their authorization forms, etc. A discussion of the response and questions concerning the status of existing authorizations ensued. Fenniman said he had been told that if owners had filled it out before, they don't need it again...but it's a good idea to send in a new authorization to allow the fire district to include it in the new database that's been developed. Mullins said it's a better idea to have people redo it annually so it's current.

Planner meeting: Gooderham provided background on the request by county planner Kathie Ebaugh to hold an informal meeting with community members to discuss planning issues on the island outside of a panel meeting. Mullins said the county staff hoped for a neutral venue to work with a small group that could include members of the panel, the CCA and others. Hayduk offered to host such

an event at South Seas and to help outreach to other groups. Miville asked if the job of county staff was to work with community panels, why meet with other people? Mullins said they felt it was respectful to invite other groups to ensure broad input. Hayduk said as president Sandy Silverglide should serve as the panel point person and to coordinate with her on a time to meet once she was back on the island.

Finances: Gooderham noted the status and balances, and that it appeared all festival expenses had been paid. He said a request to the county for the \$25,000 balance in community planning funds had been submitted last month and was being processed. Mullins asked if Gooderham could look into possible funding options for oil spill response when possible. Gooderham noted that most of that was currently being routed through BP as the liable party, and that he could coordinate with the response committee once it formed to get more specific ideas as to what would need to be funded since grants usually required targeted funding items to be successful. Fenniman suggested he look at the Department of Energy website for grant options, that SCCF had just applied for some short-turnaround grants from there. Discussion ensued on business loss reimbursements. Hayduk said the cost of prevention needs to be considered. Discussion of the county TDC request for BP marketing funds followed. Mullins said this was the cost of being proactive. Hayduk said they needed to communicate what everyone else is doing. Ann Bradley asked whether oil company support now might engender support for drilling in the future. Boyle suggested someone look for emergency response trailer funding through the fire district, since it had the infrastructure and taxing ability to maintain it.

Water quality: Jensen said the county's Robert Neal had offered a Blind Pass update recently, which included a plan with partners to finish dredging and expand the Gulf opening. Mullins said the county was expanding the template of project to Bowman's Beach, and asked where TDC/Sanibel share would come from to pay for them. Boyle asked when another SCCF update on water quality monitoring, and hoped to hear more about the Captiva ground monitoring wells he'd seen. Fenniman gave a brief update on Mark Thompson's work to establish a way to monitor groundwater dissecting the island. Mullins noted Sanibel vice mayor Mick Denham's concerns about water quality tied to the increased releases from Lake Okeechobee. Many felt this was a bigger threat than oil to Captiva. He also noted that SCCF was looking at an endangered species (a sawtooth fish) as a way to address quality losses due to the releases.

Fundraising: Hayduk said he hoped none would be needed in the near term unless we have oil issues.

New business: Miville said that planned Max Forgey was now on his own, and encourage Captivans and the panel to work with him in the future if possible. It was asked whether he would be available during the county hearing phase of the LDC process. Gooderham noted that Morris-Depew Associates was supposed to

provide some minimal support for the hearing phase as part of its proposal to the panel last summer, but that one of the panel members who worked with Depew on that agreement needed to address that more thoroughly. Miville said he would discuss it with Depew if possible.

Fenniman noted that the Island Water Association will be replacing the Blind Pass water pipe this summer. No interruption in service was expected, and it should improve the pressure. Also, IWA has been replacing all the water meters on Captiva and Sanibel. Now their Computer will be able to read the meter, which also allows you to monitor water usage in real time. Mullins asked since the current pipe was on the east side of the bridge, will it stay on the same side? Fenniman said it would and also noted that IWA is also replacing pipes by the Sanibel Elementary School, will reduce energy costs.

The meeting adjourned by acclamation at 11 a.m.

-- Ken Gooderham, administrator

Captiva Community Panel

MINUTES

May 11, 2010

Attending: Jim Boyle, Rick Hayduk, Gordon Hullar, Dave Jensen, Rene Miville, Nathalie Pyle, Harry Silverglide, Sandy Silverglide.

Audience: 10-12

The meeting convened 9:05 a.m. Minutes from the April 13 and 27 meetings were approved unanimously on a motion by Hayduk (Silverglide second).

CEPD: Kathy Rooker spoke on behalf of the district, and invited the audience to a CEPD meeting on Wednesday, May 12, beginning at noon. She offered an update on the Deepwater Horizon oil spill in the Gulf, and said the district had been communicating with the Florida Department of Environmental Protection and the Lee County Emergency Operations Center. At the CEPD meeting, she anticipated discussion of any requirements for disaster response, the options available to respond, and how local organization might be structured. She said Lee County was communicating with counties to the north as those entities will have to deal with recovery issues first, allowing us to learn from their issues. She said the expectation was that recovery equipment will be harder to find as this disaster evolves, and gave a description of actions so far. Beaches will be the last area to be protected...wetland and estuaries first. Rooker also noted that she attended a workshop with the Lee County Tourist Development Council last week to discuss funding for beach plans. Three out of four items submitted were approved, totaling \$78,000.

LDC: Gooderham opened with a summary of actions to this point, and referenced a handout outlining the chronology of the RSC-2 rental restrictions language the panel had requested at the April 27 meeting in response to the question whether the language was well vetted. Miville said the RSC-2 restrictions was never truly discussed, but was simply put in the LDC draft at the March 9 panel meeting. Pyle noted that the April 27 meeting was held to vet rental restrictions language, and offered a summary of the discussion at that session, which resulted in the islandwide rental restrictions language being deleted and further research being requested on the RSC-2 language. The conclusion was that the RSC-2 language had been inserted at about the same time as the other citation which was deleted.

Pyle made a motion to delete the reference to 7-day minimum rental restrictions in the RSC-2 zoning area (Miville second). Hullar asked if that meant there would be no rental minimums? Pyle said the Captiva Civic Association asserted that a restrictions already exists in the current LDC definitions, and that's why we can take it out here -- the issue is enforcement, not language. Paul Garvey said CCA attorney Matt Uhle had talked with County Attorney John Fredyma, who said if he

was presented with a clear case he would pursue prosecuting code violations at that point. SSilverglide said people also needed to consider state laws governing daily rentals. The panel wanted to define it more clearly in this LDC draft, but there was a great deal of objection to this so we're not pursuing it at this time.

Miville said it was literally impossible to enforce this restrictions language according to the county. He said rental agents do not want to do short-term rentals on a regular basis, but only as an option in the shoulder season. These restrictions were driven by an assumptive fear. Mike Mullins said that language was inserted into the draft by planner Max Forgey to make it clear that you could not have two rentals in the same timeframe. A discussion of the process by which language was included ensured. Mullins suggested the panel put the rental restrictions issue in the proposed community survey and see how Captivans react to it. He reiterated his objection to the process by which the panel inserted rental language into the LDC draft, saying there was no need to come along and slip something in at the last minute. Miville suggested a policy not to include items if the chair of the committee handling the issue is not in attendance at a meeting. The motion was called and the vote was unanimous to approve the motion. Miville noted that this process showed the panel was being a very good democracy to reflect the opinion of the island through open meetings and debate.

LDC survey: Silverglide suggested that an objective statement be added after the first four questions, addressing the LDC's impact. Bill Fenniman asked how will timeshares be handled in the survey. An explanation of the expected response was offered, that surveys would go to the management companies who would compile votes on a vote-per-unit basis. Boyle asked whether a simple declarative sentence asking for a yes-or-no response to the proposed draft was warranted. Miville asked how the survey was done for the safety shoulder, and do we need a committee to develop a survey? Hullar suggested to delete the rental question. Hayduk asked whether it should be asked separately? Pyle said the rental issue should not be included in this effort. Mullins suggested that the panel keep questions to a minimum, and separate important issues from less essential ones. Have fewer questions and make them more important, then shoot for the following year or do as a separate process.

Boyle suggested more specific questions be included. SSilverglide suggested a workshop to specifically draft the survey. Hayduk said the panel did need a group to develop the survey. The reason for a summer deadline was questioned, and Gooderham explained the Lee Plan amendment process that would be necessary to bring any change in the height restriction language into compliance by making the two version conform, but that such an amendment could wait a year if the panel so desired. SSilverglide suggested the panel use the established committee of Miville, Kelly and HSilverglide. Hullar said the issues was length vs. specificity. Doris Holzheimer said a good survey needed to tell people what you're going to do with their input and offer a timeline. Kim Herres urged the panel to stress the survey's importance in any notification to island

property owners. SSilverglide asked when the committee could meet. Miville suggested May 24, perhaps at 10 a.m. Gooderham said he would need to confirm whether he could attend. Mullins said the committee will face the same problem, and urged them to prioritize issues and pick the ones you will undertake this season.

SCCF: SCCF Executive Director Erick Lindblad briefed the meeting on the oil spill response that was being discussed so far. He said SCCF and other local agencies were planning ahead, that more time spent now would mean better resource protection and funding prospects. Funding will be an issue, since BP currently has a \$75 million cap on liability. Shorebird and sea turtle monitoring, allows SCCF to document current resources for protection and funding. He said a Captiva group should form to coordinate oil planning spill efforts for the island, and that resource maps will be the basis for mobilization if the spill comes this way so they need to be reviewed and updated. This will decide where the booms will go; island should work through Lee County Emergency Operations Center and the Division of Natural Resources. He urged the CEPD to involve the county at the meeting, and to have the maps there to review and update. SSilverglide said Lt. Joe Poppolardo with the Lee County Sheriff's Office was in charge for Captiva? Will he be at the CEPD meeting tomorrow? Lindblad said the St. Pete Coast Guard station is the jurisdiction we will fall under. HSilverglide said Poppolardo and the Lee EOC should be the focus of efforts, and that islanders could organize a community group of volunteers for response and training, something like the Hurricane Committee. Lindblad reiterates that the Coast Guard will make resource protection decisions, and that EOC will be the interaction point. A discussion of funding prospects followed, with the question of who positions supplies and makes decisions to move forward. Mullins said he listened in on the state EOC meeting conference call. He was trying to organize a response effort at the CEPD meeting tomorrow, and that DEP will coordinate from Tallahassee to local communities. He said there was a certain amount of confusion, we're trying not to reinvent the wheel but coordinate with Lee EOC daily. A discussion of logistics and who needs to be involved ensued. Mullins said the island needed to create a backup plan and think of self-sufficiency. Lindblad said that Crowder Gulf was reporting to the county commissioners this morning, so we will have more information shortly. He said they will need to set up training sessions for any spill response, and SCCF will try to set them up if we need to mobilize. Jensen said the CEPD is in a unique position to act due to funding options and mission.

Rental committee: SSilverglide asked who wanted to be involved in this committee (which was suggested at the April 27 meeting) and when will they meet? Mullins recommended it not be a panel committee, but to make in an independent group to avoid open meetings issues. SSilverglide asked if he meant to keep it independent and have it make a presentation to the panel once it came to its conclusions? Jack Samler said Royal Shell's Randy Bacik was working with Rick Base of the San-Cap Chamber on this. Miville urged those

interested not to forget to work with the independent rental agents. HSilverglide said committee meetings should be in the sunshine like everything else, and they should advertise meetings. Hayduk offered to work on this panel. Mullins suggested the panel hold off until its next meeting to see what gets done, to see whether you need control over the committee at that point. Hayduk made a motion that the rental committee become a subcommittee of the panel, to set guidelines for rentals on the island (HSilverglide second). When asked what was the committee's objective, Hayduk suggested to set rental guidelines (or rules of engagement) for all renters on Captiva...not ordinances, but a good-neighbor policy for renters. The motion was unanimous approved.

SSilverglide left the meeting at approximately 10:30 a.m., turning the chair over to Hayduk.

Hurricane Committee: Doris Holzheimer said a meeting was scheduled for May 14 to assemble a mailing to island property owners with a letter of authorization to urge owners to notify the Captiva Fire District who was authorized to go on someone's property in the event of a storm. This mailing will be sent to all property owners, and she expressed appreciation for the panel's support and funding to complete the mailing. She noted there would be a May 18 Structural Safety Inspection training at South Seas.

Nominating Committee: Gooderham offered a description of the process as laid out in the panel bylaws. HSilverglide suggested the panel needed a longer timeframe, and needed to explain to the community what we do and what the panel does to get people to attend meetings, etc. Hayduk said this is a time of year where we will only see full-time residents get involved. Jensen said the panel should look at the end of the year to solicit nominees. Hayduk said the panel needed to set up a succession plan. Mullins noted the panel has run ads in past to generate submissions. Hayduk said the panel could put in an ad and put it on the website. Pyle noted that she intended to go off the panel at the end of 2010 when she was termed out.

It was noted that the Nominating Committee serves at the discretion of the panel, so they would need to be asked to take action. Hayduk asked whether do we want a nominating committee. Hullar responded that it was in bylaws. Hayduk asked if they will serve? Miville asked whether the committee members have come to the panel meetings? Mullins said the committee serves at pleasure of president, so they should tender their resignations and be re-assigned as officers change. Hayduk asked whether nominations should be handled by the current committee or a new committee. Boyle suggested the president ask current committee. Hayduk said he would ask SSilverglide to ask the current committee members about their willingness to serve. Mullins said he would agree to continue to serve. Jensen said he would also help with the committee.

Bylaws: Gooderham introduced a handout outlining the proposed changes to the bylaws discussed at the April 13 meeting, affecting both how bylaws would be amended in the future (requiring two meetings' notice rather than a fixed 60 days) and how surveys would be conducted (to allow for electronic surveys). He noted this discussion was only to brief the panel on all the proposed changes, which will be voted on at the June 15 panel meeting.

Finances: Gooderham briefly reviewed the financial statements, noting that the panel generated almost \$65,000 from its two recent fund-raising efforts.

Water quality: Jensen noted there was a meeting downtown at the county commission chambers tonight on the release schedule from Lake Okeechobee, and urged those concerned about the impact on the Caloosahatchee and its estuary to try to attend.

EAR meeting: Gooderham noted here was a county meeting on the Evaluation and Appraisal Report scheduled for Thursday, May 13, 10 .m. to noon at the Community Center. This meeting is to get feedback on the broader issue of county planning as part of a seven year review, and would be a good opportunity for islanders to attend without having to travel downtown. This would be the last in a series of such meetings, and evaluation forms were available today and online if people wanted to comment and were unable to attend the May 13 session.

Tree grant discussion: Gooderham noted that he had been made aware of a grant from the state Division of Forestry in February to encourage planting of trees on public lands, and he had applied for the southern portion of Captiva Drive where there might be enough room in the right of way to attempt some plantings. Since it was a no-match grant, it would not cost he panel anything to pursue, which was rare. He had been notified at the beginning of this month that the state was interested in giving the panel \$18,000 for the grant, and he had been working with a representative from the county Department of Transportation to generate a letter of support necessary to initiate the paperwork. He hoped to have the funds released in time for the next panel meeting, where he could discuss the proposal and how to proceed.

It was noted that the next panel meeting would be the third Tuesday of June (June 15), not the usual second-Tuesday schedule, to accommodate the bylaws vote.

The meeting adjourned at 11: 0 a.m.

-- **Ken Gooderham, administrator**

Captiva Community Panel

MINUTES

April 13, 2010

Attending: Jim Boyle, Ron Gibson, Dave Jensen, Mike Kelly, Rene Miville, Nathalie Pyle, Harry Silverglide, Sandy Stilwell Silverglide

Audience: 20

The meeting convened at 9 a.m. Minutes from the March 9, 2010, and March 24, 2010, meetings were unanimously approved (motion by Silverglide, Gibson second).

Hurricane Response: Lt. Joe Poppolardo from the Lee County Sheriff's Office spokes on behalf of the Hurricane Committee, saying the group planned to send out a survey to encourage property authorizations, which ensures people on your property have a right to be there. Poppolardo read a copy of the proposed letter to owners, and explained it would be mailed on Captiva Fire District stationery by volunteers, resulting in a minimal cost. Gooderham reminded the panel that the request was to use budgeted panel funds for this rather than sending representatives to the hurricane conference, but that it would be appropriate for the panel to move and approve this change in funding. A motion (by Gibson, Boyle second) to allow the committee to use already budgeted funds for a islandwide mailing, at a cost not to exceed \$1,000, was unanimously approved.

CEPD: Kathy Rooker spoke on behalf of the district, noting that almost 400 attended workshops and meetings this season. Comments were made on the Obama administration's offshore drilling proposal, with an explanation of the proposal and research necessary in Atlantic regions up to 125 miles off the coast of Florida. Discussion of state vs. federal actions and likelihood of approval followed.

LDC: Gooderham opened with an explanation of steps planned, which was to have Max Forgey with Morris-Depew Associates presented proposed changes of the staff draft document approved by the panel at the March 24 special meeting, followed by a vote to accept or reject those changes to finally result in a working draft to be approved by the panel and to be the basis of the proposed island survey and public input sessions. The survey itself would then be discussed, both in terms of process and content. Kelly offered an explanation of what's proposed today, to discuss a few actual changes vs. some errata that was asked to be researched at the special meeting. Kelly offered background on the various changes proposed -- mostly errors in drafting, only changes are 7-day rentals and library document requests.

Forgey introduced the list of proposals and the height chart to help delineate impacts and to allow flexibility in the future. Miville noted that many homes if

rebuilt would lose their second floor under the current rules if destroyed. These rules are just giving back what was once there. Forgey said the highest structures would be on the largest lots (in the Gold Coast's southern end mostly), screened visually from the road. Will not create an unevenness or irregularity. Kate Gooderham noted the coffee-cup analogy: Everyone gets the same house, but the overall height is based on how high the rules require you to elevate that house. Forgey countered with the layer cake analogy, except in the X zone (where structures are not now required to be elevated due to flooding). If FEMA comes in later and gives this zone an AE rating, those structures will then come under these new rules. Kelly said this proposal would permit people to have a two-level home wherever they are. Forgey said allowing two stories the nut of the matter. Not dealing with a blank slate in the X zone.

Boyle asked whether Kelly was opposed to 7-day rental language. Kelly said he could not fine appropriate discussion of this issue in the workshop process, and that it could be a nightmare. Mimi Schwartzel asked whether homes will become hotels without a rental minimum. South Seas and Tween Waters are hotels, but do we want to make private homes into hotels? Kelly said there currently did not appear to be anything in the code requiring a 7-day rental minimum, so to change it is a material change. Miville said in reality there is no financial model that allows you to rent to less than 7 days at a time. You have to consider the loss of potential revenue, and that short-termers generate more rentals. Restrictions such as are being proposed are unenforceable. Pyle said that workshops unearthed the erroneous assumption that we had a rental limit in place now; there was support for a limit once we found it was nonexistent. She urged the panel to leave the language in and have it be part of the survey. Mullins disagreed with that assertion, that this language was inserted after the March 9 meeting. He felt some were misrepresenting it to the community, and asked where do you draw a line in the sand.

Gooderham responded that he had drafted some initial language on rentals based on a request from Stilwell Silverglide at the Feb. 18 expressing concern that some of the rental agents were now marketing the short-term rental options to their clients. Gooderham had provided the language to Stilwell Silverglide for her to introduce at the March 9 panel meeting if she wished, and had copied Forgey on the draft so he was aware of it... but that it was appropriate for a panel member to bring in new proposals at that point rather than having the planner introduce anything new that had not been the focus of a workshop. Silverglide said it was a commercial vs. residential issue. With more rentals and less residents, we were seeing a long-term change for Captiva. He felt this was an issue for the island, so islanders should be able to voice their opinion.

Paul Garvey said the CCA's attorney had said he felt such a restriction was included in the definition of a single-family home in the current code. Gooderham said he and planner David Depew had discussed that language and concurred it was not definitive if legally challenged; county staff at Community Development

had initially concurred, but he could pursue a response from the county attorney's office if desired. If the island wanted an explicit restriction, such language should be included; if not, the status quo would work. Stilwell Silverglide said there is a way to rent for less than 7 days, the issue is always enforcement. Mullins said the island areas that are crowded are Tween Waters, Sunset Captiva and South Seas. It was not worth it to homeowners to rent it for one night. Pyle said her neighbors change every Saturday, part of the way things have changed in the 12 years she had been there.

Kim Herres said the cost to rent is too high for less than 7 days, due to wear and tear -- homeowners don't like it. Jensen said the issue has not been vetted, we need further discussion before introducing it to the community. Silverglide said if everyone supports it, why not put it on the survey? Miville said the panel was focusing on an issue that's a non-event. Boyle asked if the panel could develop alternate language that defines 7-day minimum. Kelly asked if such a discussion was appropriate at this point, rather than handling this in a workshop. Stilwell Silverglide said the panel could have another workshop and put this issue on the agenda. Pyle asked if it could be a special meeting. A discussion of what was needed before a workshop followed, which included a request to ask the county attorney for an opinion.

Mullins suggested the panel take a vote on the change items to move the issue forward. Pyle moved (Silverglide second) to schedule a special meeting to discuss a 7-day rental for insertion into the LDC draft proposal, with the ability to take action at that meeting, to shoot for April 27-28. It was determined that there could be a quorum based on a show of hands by panel members. The vote was 5-3 to approve (Boyle, Miville, Kelly dissenting). Kelly moved to approve the LDC errata items 1-3-4-6-7 as presented (Boyle second). Ann Bradley asked that the time the library is required to hold items be more clearly defined, which was agreed by the movers and panel. With that change, the motion was unanimous approved.

Survey: Kate Gooderham offered background of surveys and the LDC process. She noted that a survey was required by panel bylaws, but also was part of the basic philosophy of the panel for transparency and public input. She noted that discussion on the LDC draft began years before, and that by the summer of 2009 it was decided to hire a planner to address the four remaining issues of mangroves, signs, height limits and the RSC-2 zoning. Morris-Depew Associates was hired in August 2009 and since then the panel had held seven public meetings and six public workshops that included discussions of this LDC process. These meetings were advertised and noticed publicly, information was provided via the panel Web site, the proceedings were recorded or had minutes provided, and public input was taken at every meeting.

Gooderham noted that this survey was an opportunity for both input and information that would be far different from the safety shoulder survey, much

more complicated. Because of that, we were recommending the panel consider an electronic survey where information could be provided online rather than printed, where the design of the survey could encourage completion rather than abandonment, and where all island property owners could participate no matter where they were at the time, rather than being tied to regular mail and paper to voice their views. Electronic surveys would allow the panel to get faster results with more extensive metrics for analysis; repeat voting could be monitored and factored in to the results and the overall cost would be dramatically reduced. In order to do this, the panel would have to amend its bylaws according to its established schedule...which meant the panel needed to decide whether to move forward with this at today's meeting so that it could be acted on by the June meeting. This would enable the survey to commence at the beginning of July, with results to be brought to the panel by the August meeting and to allow final decisions on certain aspects of the LDC draft by the September meeting. This was important because, if the height language was to be revised in the LDC, it needed to be similarly changed in the Lee Plan either concurrent with or prior to the LDC revision. Since the county only accepted Lee Plan amendments by Sept. 30 each year, final language would need to be approved by the panel at its August meeting to allow that amendment to be prepared for submittal by Sept. 30.

Bradley said the library would cooperate with the survey. A discussion of the bylaws changes ensued. Boyle felt the panel had to contact every owner. Kelly asked if an option for a mail survey could be included on the postcard. Mullins suggested the panel separate the height language into its own question. Kelly said meetings in July won't draw, but electronic systems allow everyone to participate. He suggested including an executive summary with any survey. Miville moved (Kelly second) to amend the panel bylaws to include electronic collection of survey input, and that the specific language be put on the panel agenda for action in 60 days. Approval was unanimous.

Miville moved (Kelly second) to move the June panel meeting to June 15 to accommodate the 60-day interval requirement. Pyle said the panel could do two meetings, with the June 15 one for the vote only. Boyle said one meeting works better for most people. A show of hands indicated that a quorum was possible at the June 15 meeting, and approval of the motion was unanimous.

LCEC: Stilwell Silverglide explained that recent power outages had shut down businesses and affected homeowners, and a list of those outages was offered. She wanted to ask the panel to write a letter on behalf of the community to LCEC asking it to deliver more consistent power to the island and to address a recurring problem at Matlacha Bridge with boats hitting the power lines. Miville made a motion to that effect (Kelly second). Silverglide suggested the panel ask a LCEC representative to a meeting to discuss status and schedules, reliability of equipment, regular maintenance and schedule of repairs, upgrades and standards. Boyle suggested the panel copy such a letter to the Public Service

Commission and federal licensing agencies. The resolution was unanimously approved.

Water quality PR: Silverglide noted that an article had been drafted, but felt it was too technical for general consumption. He hoped the panel would issue something more accessible as possible, and provide a white paper on its Web site. Gooderham noted that the report was ready to post, and that he had cut down the revised article to eliminate the technical recitations and refer people instead to the online report when it was ready. Silverglide made a motion to pursue a water quality public information effort as discussed (Jensen second), approval was unanimous.

Bylaws: The revision to change the way the panel officers were selected was introduced, noting that it had been approved at the March 9 meeting but that a second vote today was necessary to conform with the panel bylaws. A vote was unanimous to approve the change as proposed. Mullins suggested that the issue of a 60-day interval also be addressed during the next bylaws change previously discussed, to change it to two consecutive regular meetings in order to facilitate action. The panel agreed to consider this change (Pyle/Boyle) in a unanimous vote, and Gooderham would develop specific language to distribute prior to the May meeting.

Finances: A brief explanation of the current status was given, noting that the two recent fund raisers had been successful and well received. A full report on the proceeds would be made at the May meeting once all expenses and payments had cleared.

Water quality: Jensen noted that the panel should plan on a workshop to discuss results and options once the monitoring study was winding down at the end of the year.

Fund-raising: Silverglide offers the panel's thanks to all who participated and made it possible. Special thanks was made to chair Rick Hayduk and the firms who sponsored the two events.

Other business: Mullins noted that recent FEMA flood zone changes may save you some insurance money. He urged island owners to identify your new zone and be sure you're not being charged for something you don't need any longer.

It was noted that the island's new representative on the Island Water Association board was is Jack Cunningham. It was suggested to invite IWA manager Rusty to a future panel meeting to explain planned main replacement at Blind Pass.

The meeting adjourned at 11:30 a.m.

-- *Ken Gooderham, administrator*

Captiva Community Panel

MINUTES

March 9, 2010

Attending: Jim Boyle, Dave Jensen, Ron Gibson, Gordon Hullar, Nathalie Pyle, Sandy Stilwell Silverglide (SS), Harry Silverglide (HS)

Audience: 20? (Hard to tell from video)

NOTE: These minutes were taken from a video of the meeting. When possible, speakers have been identified, but the identify of some speakers was not clear. Also, some comments from the audience were inaudible due to background noise, so apologies for any inaccuracies.

After a visit from "Teddy Roosevelt," the meeting commenced at approximately 9:10 a.m. Minutes approved by acclamation (Jensen/Boyle), unanimous.

CEPD update: Mike Mullins spoke... update on the March 3 town hall meeting, 75 in attendance. Looking into future funding for beach projects, referendum in November, survey being conducted by economist Bill Stronge and associates, to find out why people come to the beach and why they use, to determine allocation of benefits; 400 surveys over nine days expected, residents and nonresidents. Second town hall meeting March 31, 10 a.m. at Tween Waters. Discussion of Blind Pass, history of renourishment on Captiva, Supreme Court case pending, why we need to nourish beaches.

LDC update: Max Forgey: Presented clean version of final LDC draft for discussion. Version 12D, to be posted on the Web site. Particular issues that have been addressed were presented: building heights, RSC-zoning, signs, etc. Discussion of building height elements. Signs: Can you ban "for sale" signs outright. Response has been "no, you cannot," from the county attorney. Offered thanks to group for its input and insights.

Jensen: Asked Mike from Sabal Signs to comment on language, offered summary of his comments to the group. Max will check out on 150-foot restriction for OSTDS, which properties might this be an issue?

Hullar: What's the process for dealing with this draft. Forgey: It's up to the panel. SS: Open this up to questions. Questions about sign suggestions? Jensen: Need time to digest this? General sense was more time would be useful. Gibson: Hard time visualizing sign sizes. Discussion of size equivalents and sign issues. Henry Kaiser???: Are there too many signs -- for sale, for rent, ID signs. Certainly would not want people to make them bigger. Forgey: Response is to ban some signs, move others back and parallel to the road. Should cut down on the visual clutter. Bob Brace: Citizens want fewer signs and smaller signs. Kim Herres: People think everything here is for sale, as compared to Sanibel. Forgey: Sale signs can go away, rent signs can be there forever. Hullar: Signs in the right of way, not mentioned in sale/rent language. Discussion about right of way and yardarm signs.

Paul Garvey: Changes in ordinance vs. enforcement, what will impact be on Captivans? Discussion of enforcement and existing rules, impact of proposed rules. Forgey: going through this process and bringing changes to county moves your ideas to the head of the line, opportunity to engage them in what is important on Captiva based on public input and meetings. Discussion of rush to establishing nonconforming signs before new rules take effect. Sharon Michie: Are Web sites permitted on the address signs that are prevalent now? Forgey: Don't remember a ban on Web sites. SS: Using Web addresses on ID signs. Forgey: Could be their family Web site? SS: Agreed that no Web sites on signs.

Mike Mullins: Discussion of prior county sweep of island signs in the late 1990s. Selective enforcement of law not feasible from a county perspective, need clear law on the books that you can live with. Realtor signs often used more by new entries into the business, established offices don't need sign marketing. Either ban them if feasible, or be very specific on their use and location. ???: Enforcement and peer pressure are crucial, I would not put up a rental sign if no one else did. Hullar: Lighted house signs... not allowed, but a lot of them in place now. SS: What does the Fire District think of them? Gibson: We have a spotlight to find numbers and driveways. Mullins: Issue it not hard-wired vs. solar, issue is light pollution. Forgey: If we grandfather lighting, how much lighting...lumens, foot candles? Garvey: Lighting does help, but design it to be visible without excess illumination. Importance of visible numbers from both directions. Hullar: Should be addressed in code.

Forgey: Temporary banners and timeline. OK, look at county laws. Sandwich signs discussion... pro and con. SS: Good for business, but if we want to eliminate sign pollution everyone needs to play by the same rules. HS: Long as they come in at night, I'm not opposed to them. Pyle: If we allow them, there will be more of them. Hullar; One more workshop? Forgey: This is our last draft, it can be amended. When you're happy with it, take it to the public, when you're happen with it, take it to the county and we're happy to help present it to the county. Discussion of CCA review. Need to know that this is what you're going to propose. HS: We've sat here for a year working on this code, have asked for CCA input multiple times so we can go to a vote. What if you come back to us at the April meeting and want to tweak it further? Discussion of Kelly's call to Tobe Deustchmann. Mullins: What is the process, will you go out and survey the community? SS: We will do a survey, but the result is only as good as the language in the survey. Want one survey on the issues. Forgey: Changes will be quick to accomplish, available for meeting.

Mullins: So what is a survey, what will be the process? SS: Come back in April to discuss further, and then take it to a survey, no response will not be a no vote, would like to work on this together. Hullar: Thought we'd develop a document, hold a couple of public meetings to discuss, then move forward. ??? Just too many signs on the island's only road. Looks like everything is for sale. Pyle: Intent was to eliminate as many signs as we legally could. Planner is telling us that eliminating real estate signs has some legal issues. Can we get a definitive ruling from the county attorney on that? Discussion of conditions in other communities.

Pyle: Discussion of genesis of sign ideas. If we can't eliminate signs, can we make them smaller? Forgey: Will forward email from assistant county attorney. Private communities can do things that general areas

cannot. ??? Do a wide community survey on a variety of issues. SS: What we talking about is focused on this code draft. Samler: Grandfather period for nonconforming commercial signs. Fogey explanation of ID signs vs. commercial signs, amnesty vs. nonconformance.

Mullins: Come back to process. We still have not articulated timeline and process to take this conclusion. Should be realistic and get everyone to agree to it. SS: Additional sign recommendations. Boyle: Stick with 32 SF. Discussion of roof sign sizes. Dual signs for dual access properties (water and road). Forgey: And one per entrance? Discussion of sandwich boards...put that on the survey? Discussion of how sandwich boards can be effective temporary signs. HS: Put it on a survey. Forgey: Can come up with something for civic uses on a temporary basis. Pyle: Discussion of sign changes as a summary. Jensen: What about lighting for signs? Forgey: If agreed, allow illumination...but how much is OK? Brace?: Look at Sanibel regulations as guide. Agreement that was a good idea. Forgey: Have used language from other codes as reference. Can find appropriate language.

SSS: Wanted to discuss time that homes can be rented. Not written in this language, I proposed this would be included. Discussion of current rules. Forgey: Presented what is being proposed. Garvey: Why are additional rentals being considered for a SF residential area? Discussion of rules and interpretations. Discussion of past workshops and evolution of proposed language. Discussion of caretakers' units. Garvey: What's being proposed is an expansion of the use. Forgey: Review of proposed language. Discussion of impact of language.

SSS: Intent was to allow a single renter, not to allow multiple. This is expansion, and that was not our intention. If you have a caretaker, you can rent out one or both houses if you are not there. If you are there with a caretaker, you cannot rent the other unit. Pyle: If you live in one of the houses, you cannot rent the other house. That is not articulated. Forgey: The intent was to ensure you were not renting to different people on the same site. You can stay in one residence, rent your guest house, and that is OK. We did not want to open the door to allow people to be able to rent out each of the three or four units to different families. SSS: We don't want business there, as if they are running a mini-hotel. They have more impact on the beach and on the island. HS: This is a living document, whatever we do can be modified as the island changes.

RECORDING ENDS.

There was a motion by Pyle (Boyle second) to schedule a special meeting of the panel on March 24 at 9 a.m. for the purpose of the panel's final review of the LDC proposed changes; unanimously approved. The venue for the meeting was to be determined(either Tween Waters or one of South Seas meeting rooms) publicized as required.

Hurricane update by Doris Holzheimer -- Captiva has achieved Storm Ready Status which is valid until November 2013. The committee is seeking anyone who might be interested in doing Structural Safety Inspections. A suggestion was made by an audience member that representatives from Lee County Sherriff's Office and the Captiva Fire District be at the April Panel meeting to answer questions about homeowner authorizations.

The bylaw revisions were presented by Boyle. There was discussion, and Boyle made motion to approve the revisions (Hullar second), carried unanimously.

SSS gave report on the March 4 fund raiser: Some 75 people attended, and more than \$24,000 was raised. A final report on the funds raiser would be available for the April meeting.

HS made a motion to adjourn (Boyle second), unanimously approved. Meeting adjourned at 11:30 a.m.

-- Ken Gooderham, administrator

Captiva Community Panel
MINUTES
Feb. 9. 2010

Attending: Jim Boyle, Gordon Hullar, Dave Jensen, Mike Kelly, Rene Miville, Nathalie Pyle, Harry Silverglide, Sandy Stilwell Silverglide

Audience: 10

The meeting convened at 9:05 a.m. Minutes from the Jan. 12 meeting were approved unanimously on a motion by Hullar (Kelly second).

CEPD: Kathy Rooker told the audience that the district would hold town hall meetings on March 3 at 6-7:30 p.m. and March 31 at 10-11:30 a.m., to discuss what beach nourishment is on Captiva and the next referendum. Everyone is invited, and both events will be held at Tween Waters. The CEPD winter newsletter is now available (copies were at the meeting), also will be mailed. Rooker explained an example of beach project assessments over the past few years and CEPD's tax rates and reserves, and included a handout for the audience to review.

She noted the Sanibel sand requirement was fulfilled by Blind Pass project which will save the district over the next few years and during the next project: 25,000 cubic yards was required, while 136,000 cubic yards was placed on Sanibel with the Blind Pass project. The cost of sand placed was more than our local share for Blind Pass project, so Captiva will receive credit for sand already on Sanibel. She said CEPD has used reserves to absorb the local share cost of the Blind Pass re-opening. CEPD took \$1 million from reserves to pay local share of the last project to lessen burden on property owners post-Charley, lowered assessments for owners. S/Silverglide asked if someone is paying their beach assessment over seven years, will they be paying for the last project when the bill for the next one comes in? Rooker said no, and no one is charged for a project until after the work is done. Discussion continued on the reason for referendum, that it enables the district to seek loan funding in advance of the project.

LDC: Max Forgey of Morris-Depew Associates opened his presentation by noting that Draft 12A of the Land Development Code language was available for audience members to review, was the version discussed at the Jan. 28 workshop. He said it was pretty close to the final draft for panel review and acceptance, at which time the panel would be responsible for further input from the public before it goes to county staff for review.

Changes to the RSC-2 rules were that owners could rent one or more units but only to one entity. As to heights, the consensus seemed to be to allow two habitable floor per residence. They reached the idea of a 28-foot standard above the lowest structural member, which allows two floors and HVAC plus slope in

the roof, would measure to the median slope of roof to encourage sloping and put limit of eight feet on additional articulation (as opposed to no limit as was now the case). Based on a request at the last workshop, MDA had researched to find that in the Village there were 39 lots that were 6,000 SF or less, 79 lots between 6,000 SF and 9,000 SF, and 148 lots that were more than 9,000 SF. He was proposing a 35-foot height limit on structures built on lots 6,000 SF or less, which allows two floors with no slope or articulation. In summary, he restated the proposed language.

Jensen asked whether FEMA changes would make that a smaller building area? Forgey agreed. H/Silverglide asked if that would be measured from the average lot grade? Forgey said that would be recommended. Mullins asked if that meant the centerline of the road. S/Silverglide asked about using fill to raise the grade of lot? Kelly said island roads were 5-6 feet above sea level to start, and that fill has not been used that way on Captiva so far. Miville noted that the county currently likes to use the crown of the road as the starting point for measurement.

Pyle said the proposed language didn't really meet her concerns, that a 6,000 SF lot is too small a standard. Miville asked if she wanted to include larger lots or work on a bulk issue? Pyle said she wanted to keep what we have or step back the second floor, a "mass" issue. Miville asked if they needed to fine tune it even more, and would this be a question for people who own in the Village? Should they try to find something that would encourage stepping back upper floors rather than picking a number. Mike Mullins asked for another workshop to discuss this, the nuances in the Village. S/Silverglide said they could work with the homeowners' association to set up a deed restriction there, but she didn't feel comfortable with this as an islandwide basis. It will change what people can build quite a bit. Pyle said she did talk about that option after the workshop, and that the association is very limited in its responsibility. She is not sure this is an avenue we can pursue.

Miville suggested a separate charette for people who have a stake in the Village, since aesthetics and rights were at stake. Kelly said we were talking about two living floors, to encourage homeowners to take some architectural liberties with its appearance. This could encourage setbacks, articulation, etc. He felt 35 feet is pretty high in terms of being able to build. Pyle said the association's annual meeting is in five weeks, she could bring it up there. H/Silverglide noted that the two sizes of lots being discussed about each other, we'd need to allow a FEMA allowance so people can build higher if required. He felt it will be difficult to mandate anything for the Village at this point. Miville asked if you could have a mass ordinance? H/Silverglide responded that you can't dictate taste; it's not just lot size that matters, it's interior space.

Hullar asked how will this be different for me vs. in the Village? H/Silverglide said the Village should not be allowed to go higher. Kelly asked what is the FEMA/FIRM elevation on those lots – uniform or all over the place? A discussion

of FIRM elevations around the island ensued. S/Silverglide said we can't approach this with a cookie cutter answer with the variety of lot sizes in the Village. Pyle said she appreciated Forgey's effort, but we can't carve out the smallest lots for extra restrictions. Kelly felt we can't break up the island, that height rules need to be in effect for the entire island. Pyle said we could end up with taller houses with this proposed change, not something she wanted to see in the Village but there was too much variation to carve it out this way. Forgey said what works for most of Captiva is the 28-foot standard, and we've defined it pretty well. Problem is with small lots at a lower elevation. We wanted to allow for sloped roofs to cut down on the boxiness problem, and found that roofline articulation was not very restricted and that some was called for. Discussion of Village instances and options followed.

Forgey said the next item to address is signs, which could be done at a workshop on Feb. 18 or Feb. 25. Kelly said the panel would hold the next workshop on Thursday, Feb. 18, beginning at 9 a.m. in one of the rooms at Chadwicks Square at South Seas. Jensen said he would participate on behalf of the panel. Forgey said that after the workshop he will prepare a final draft to bring back to the panel at its March 9 meeting, in time for more discussion before winter residents depart. He would hope for an endorsement from the panel to move forward on that draft at the April 13 meeting. After that, it would move on to the county for review, but it has to come from the community -- not a planner. He said the Captivans have been an extraordinary group to work with, more articulate about positions than most. He also urged islanders to remember that this does affect them if they ever have to rebuild their homes. Now is the time to negotiate land development language, not after a disaster.

H/Silverglide said the proposed changes would allow nine feet more for a VE16 building than what is allowed now. Discussion of a worst-case scenario followed. Miville said this language allows for sloped roofs and the recent FEMA increase, essentially it goes back to the old style of design and heights. Forgey said the current 42 feet above sea level is not an absolute limit, that extra articulation is now allowed. Perhaps the VE16 instance is where some compression is called for. Perhaps an absolute limit of 49 feet above sea level is a good islandwide standard. Hullar said Forgey needed simple drawings to show what you can build now vs. what you will be able to build. S/Silverglide asked for scenarios for a variety of houses and lots. Mullins said lot sizes variation needs to be included in the discussion. What coverage is allowed now? Forgey said 40% was uniform through most of the island's zoning categories. Boyle said the panel may need a town hall-style meeting for people on the island, have examples of current vs. proposed...mid-range, highest and lowest? S/Silverglide asked if they could leave maps at the library, also convenient to the CCA? This is a very big issue, would like input from everyone. Miville asked if there was a lack of understanding at what is being proposed? Kelly said it concerned what is being proposed vs. what we have to today, perhaps we need a maximum height from ground to the

top of the building. Start from a road or from the lot...what's the base? Forgey said the center of the road seems to be a consensus.

S/Silverglide suggested they devote the Feb. 18 meeting to heights only, and wait on signs. Miville said the LDC drafts aren't done, it's still a work in progress. Final version will be distributed once everything is done. Forgey asked whether he should work with the centerline of the road as base, and 49 feet as maximum above sea level? Kelley said they have to be consistent with the current program, so people can keep it in context. Miville suggested they do all three: road, sea level and maximum height. Boyle suggested 28 feet on top of the FEMA elevation, which is based on sea level, not the road. S/Silverglide suggested to move this to a workshop to continue discussion. Kelly said he wanted to discuss height with the comparisons discussed here, and signs at the same workshop. S/Silverglide made a motion (Hullar second) to hold the Feb. 18 workshop with heights and signs as the topics at South Seas Resort, unanimous approval.

Forgey asked if the panel still wanted the final draft ready for March 9? S/Silverglide said he should try for it, but this will not be rushed through. Pyle said that no matter how many workshops are held, there will be a lot of comments at a final meeting when the public can respond to a final draft. Mullins asked if the panel planned a survey of the island? Kelly said that has not been decided yet, need to work to get a final draft from the planner. Probably we will have a public workshop with the final draft, images and illustrations for everyone to discuss. Put on Web site, have a public meeting, publicize the final language. S/Silverglide noted that a survey can be incomplete as well, we would need to think about how to handle it. Miville suggested the panel should write something first, then get consensus from the community.

Mullins urged them to be clear in articulating your methodology, so another organization can't co-opt the message with its own survey. S/Silverglide asked if the panel should consider a joint survey? Miville said members of the CCA board of governors had been engaged in the workshops. H/Silverglide said this is a community effort that was being done in good faith. It's the most important effort currently taking place on Captiva, and he hoped the community and the panel would be open and willing to listen. Kelly said the panel needed to think about how to reach out to the community. H/Silverglide said there always was a fair amount of apathy unless you're involved. It was a question of self interest vs. doing what is best for the island. Boyle urged the panel to work to hold something for the public before the end of season. Clock is ticking, if that's still an objective.

Hurricane readiness: Doris Holzheimer spoke about the recent Sky Warn training, meant the community would have that status for three more years. Unfortunately, only 15 people attended the sessions. She said the climate was coming out of the El Nino conditions, which means a more active hurricane season next year. There's a lot of apathy about planning for a hurricane, now's the time to do the individual work. She discussed handouts from the Sky Warn

meeting available at this meeting. As to the Safety Structural Inspection program, she said it was changing because of county and state requirements on volunteer coverage. Ken Suarez is now the volunteer in charge of SSI, with Captiva Fire District employees coordinating. Current people on the list will be called to see if they want to continue. The program is moving to two kinds of work: Checking houses (the field work) and the administrative side. That means that for people who want to volunteer but do not want to crawl around, there will be a place for you to contribute as well now. She said very few homeowner authorization letters have been turned in, only 124 properties have registered and can be checked after a storm. Please send in your authorization now, the district keeps it on file, unless your authorized person changes from the prior year. Mullins asked if they could publish the authorized properties to remind people they're not on the list? A discussion of hurricane passes followed.

Finances: Gooderham noted that the county agreement for community planning funds had been approved by the county commission on Feb. 2, but that the grants would need to be funded by a vote at the Feb. 16 commission meeting. He would follow up with county staff at that point, and submit a letter to generate the seed money agreed to in the agreement if the program was now funded.

Water quality: Gooderham said there was not much new to report, that the SCCF Marine Lab had slightly revised its presentation for a late-January on-island meeting and the new files would be used to publicize the effort.

LDC: Nothing more to discuss.

Fund-raising: S/Silverglide reminded the audience about the March 4 thank-you party set for 6 p.m. at Kings Crown. Invitations would be going out shortly. The festival event was still scheduled for April 8. Mullins urged anyone with names to add to the invitation list to get them to him ASAP>

Other business: Miville related a discussion he had with Century Committee chair Sen. Mike Bennett; the committee had been designated the offshore drilling gatekeeper. Bennett felt the battle over offshore drilling would be next year, not this year. He urged groups to pass resolutions against drilling, urge organizations to pass them and to educate people on the facts, not the lobbyists' spin. Holzheimer said people could comment online to lawmakers and Century Commission as individuals as well as organizations. H/Silverglide asked where the CCP resolution was sent?

The meeting adjourned at 11 a.m.

-- Ken Gooderham, administrator

Captiva Community Panel

MINUTES

Jan. 12, 2010

Attending: Jim Boyle, Ron Gibson, Rick Hayduk, Gordon Hullar, Dave Jensen, Mike Kelly, Rene Miville, Nathalie Pyle, Harry Silverglide, Sandy Stilwell Silverglide

Audience: 10

The meeting convened at 9:05 a.m. Having previously reviewed the Dec. 8 minutes, panel members unanimously approved them on a motion by Hullar (Boyle second).

Officers: Hullar offered an explanation of the process and the reason for the delay of an election from the December meeting. The 2010-2011 slate was announced:

- President: Sandy Stilwell Silverglide
- Vice president: Rick Hayduk
- Secretary: Jim Boyle
- Treasurer: Mike Kelly

Additional nominees were solicited from the panel and audience, and none were offered. The slate of officers was adopted by acclamation. Stilwell Silverglide took over chairing of the meeting.

CEPD update: Kathy Rooker announced that the celebration of the Blind Pass opening would be held on Friday, Jan. 15. All are invited, and the off-site parking and trolleys setup was explained. She noted that DEP officials were attending, and the district wanted to show them the local support for this project. A new CEPD newsletter was out, send us your email address to get e-version. Discussing the performance of 2005-2006 project, a survey had been done and shoreline changes were noticed. Beach width was 75.5 feet when the project was completed, now the average width is 47 feet. this means a retreat of 10 feet per year on average. Rooker said the opening of Blind Pass had impacted the southern end of the project area, but engineers hope an ebb shoal will form and return some of the sand to the beach. She said the district was looking at alternatives for the next beach project in a few years.

Water monitoring: Mark Thompson. Update on Year 1, plans for Year 2. (The presentation will be available online at the panel Web site.) Overall, water quality was good, estuary side worse than beach side due to rate of flushing, enterococci bacteria was higher after rainfall events. Chlorophyll OK on average, higher on estuary side and higher in the wet season. Samples were from both fixed stations and transect samples. When asked where are the areas of poor quality, Thompson noted that it varied based on the item being targeted for measurement. For nitrogen, since Captiva better flushed than Sanibel the

numbers lower...but it was hard to draw conclusions re: fertilizer. Sanibel waters are viewed as impaired by DEP, the city has had to develop a Total Maximum Daily Load plan for the entire island for nutrient runoff. Nitrogen levels dropped with the Blind Pass opening. Ammonia nitrogen...on par with state levels, lower than Sanibel and refuge..again due to runoff and flushing. Phosphorus levels were good in the entire area, better than state averages.

Bacteria levels were good overall, higher after rainfall; the lab is looking at areas of concern. Nutrients good as well, some areas of concern at golf courses and stormwater outfalls. More intensive sampling was planned in areas of concern. An Enterolert system had been added in Year 2, which was an in-house analysis looking at DNA with concentrated sampling around problem areas. Looking at optical brighteners, helps to ID laundry detergent source for runoff. Asked about the impact from cold snap, Thompson said they don't know what to expect, this is a unique circumstance. Water clarity is good and dissolved oxygen is high, it's just too cold for the fish to survive. Among the items the analysis will be looking at are source evaluation and land use evaluation, to discern cause for higher levels; possible transport mechanisms for bacteria to beaches; and groundwater as a potential source. Thompson also noted that oyster reefs are to be built in Clam Bayou starting Jan. 28. Volunteers needed every Tuesday after that.

LDC: Max Forgey with Morris-Depew and Associates offered a report on the Jan. 7 workshop on RSC-2 zoning and height restrictions. On the RSC-2 discussion, consensus was they did not want to split rentals in more than one unit properties, but to allow caretakers renting units on properties. New draft language will come back for the Feb. 9 panel meeting. On heights, consensus seemed to be to allow two stories or two livable floors, sloped roofs to be encouraged with some roof articulation to be allowed. A map with zoning overlaid with FIRM map and topographic maps to be developed for the next meeting. Other issue will be signage, workshop later in January. Mike Mullins asked that if the net results create nonconformance for island properties, how would they propose handling them. Forgey said 40% mass/coverage is the current county rule, will look at options to encourage issues in the Village. Harry Kaiser asked how high is the tallest house on Captiva?

Kelly offered an overview explanation of the LDC effort. He said no one wants tall houses on Captiva, looking at two living levels. A workshop to discuss both issues further was suggested for Tuesday, Jan. 26, 9 a.m., at South Seas, and they hope to invite builders who have worked on the island to discuss how we're doing this. David Depew clarified that a 20% restriction in items above the height limitations was not in current code, but was something from an earlier draft we proposed. Paul Garvey said the workshop date conflicted with the CCA general meeting. Pyle asked if the workshop could move to the afternoon if possible. There was a discussion of buildback issues, and limits as to what can be grandfathered.

Hurricane preparedness: Doris Holzheimer asked islanders to save the date of Feb. 8 to attend two SkyWarn training sessions. First 10-11 a.m. would be an intro session, then 11 a.m.-noon would be the advanced training necessary to maintain Storm Ready certification. She will send flyers to be distributed to island lists. A committee meeting would be held tomorrow (Jan. 13), and she would have more information for next month's meeting. She said the country could face a more normal hurricane season next year. Info was online at mycaptiva.info.

Budget/bylaws: Gooderham offered a brief summary of the 2009 budget and overview of the 2010 proposed budget, which included all contract work and the grant revenue that would pay for them by reimbursement. Gibson made a motion to approve the 2010 budget as submitted (Hullar second), with unanimous approval. Gooderham then offered a brief explanation of proposed bylaws change, which would codify the panel selecting its own officers as had been done in past two years, while the nominating committee would still be responsible to nominate panel members for approval to serve. He also explained the amendment procedure, which requires sufficient notice and means the panel will vote on revisions at its March meeting.

Finances: Stilwell Silverglide offered a brief explanation of the current financial statement. Gooderham noted that the agreement letter with Lee County for community planning funds had been resubmitted to the county Monday due to the county's desire to change some of the content in the first agreement. Once it was approved (it would likely be heard by the county commission in early February), the panel could request an immediate \$5,000 in seed money and then begin the reimbursement process for what had been spent on planning so far as covered by this agreement.

Fund-raising: Hayduk suggested a fund-raising committee meeting Jan. 15 after the Blind Pass celebration, volunteers and interested parties welcomed at 1 p.m. at South Seas Resort? He reminded everyone of the planned April 8 festival event, perhaps with some private events to be scheduled beforehand.

Silverglide noted that it was important to disseminate this new water quality information to the public, DEP, city, etc., and hoped that a plan to pursue that would be developed. Miville took issue with Tourist Development Council funding being terms as county money, since it was collected from tourist rentals and that redirected back to the various projects that would benefit the tourism industry in general. He hoped it was understood that there was a benefit to the TDC for water quality studies in terms of tourism.

Kelly said the date for the next LDC workshop would be the week of Jan. 25th, and perhaps Jan. 28th could still work. Miville said an afternoon meeting was better for him, and that he would check with builders who might be willing to attend.

Stilwell Silverglide asked the panel to extend its thanks to Gordon Hullar for his service as president the past two years, which was met with a round of applause.

There being no further business, the panel meeting adjourned at 10:55 a.m.

— ***Ken Gooderham, administrator***

Captiva Community Panel

MINUTES

Dec. 8, 2009

Attending: Jim Boyle, Ron Gibson, Rick Hayduk, Gordon Hullar, Mike Kelly, Rene Miville, Nathalie Pyle

Audience: 15

The meeting convened at 9:05 a.m. Minutes from the Nov. 11, 2009, meeting were approved unanimously by consent.

CEPD: Chair Mike Mullins discussed his upcoming presentation to the Lee County Legislative Delegation on Dec. 15 to express opposition to proposed expansion of offshore drilling into the eastern Gulf waters. He offered a discussion with background on issue. Discussion included the federal return on investment for its funding of beach restoration, and that maintenance of Captiva's beaches is essential because better beaches bring better business. He noted that the 1985 property values on Captiva totaled \$221,000 (before beach restoration was undertaken, while three projects later the 2009 property value of the island was \$1.5 billion. He also said the county contribution toward beach maintenance has dropped over time. Discussion ensued of the funding mix for the last renourishment. Mullins said groups were seeking resolutions opposing offshore drilling from coastal communities, and he encouraged Captivans who could attend to come to the delegation meeting as a show of support.

ANTI-DRILLING RESOLUTION: Hullar read the draft resolution to the audience, and motioned (Miville second) to approve it with a roll-call vote. The seven panel members in attendance favored the motion, with three (Jensen, Silverglide and Stilwell) absent.

LCD: Kelly offered an explanation with background on the Land Development Code effort and a summary of work to date. He said the next public workshop would possibly be held on Jan. 7. Max Forgey with Morris-Depew Associates was introduced, and he handed out and explained the RSC-2 option grid he had prepared, showing a summary of possible options with benefits and negatives. He said an aerial survey of the RSC-2 areas showed 52 properties that have two buildings, two that have three buildings, and two that appear to have four buildings on the property. He added that the panel needed to regulate to the possibility, not the current situation.

Gibson asked about a conflict with homesteading a property, that so doing meant you can't rent it ever. Miville said the property appraiser says a main structure can receive a homestead exemption but a second structure that is rented is no longer protected by the exemption/Save Our Homes based on its footprint as a percentage of the total property. Gibson said he was under the impression that if

the property is under one STRAP number you cannot rent. Paul Garvey noted that a few years ago the property appraiser assumed you were renting if you had two structures and charged according. How can you have a rental on part of a homesteaded property and not on the rest of it? Mullins said this indicated that not everyone knows what the rules are for RSC-2 rentals. Garvey responded that there are rules and you can ask the county to enforce them, that with single-unit estates you can either rent all of the estate out or none of it.

Miville asked whether this was a "taking" issue if the ordinance takes away a rental right an owner got when they moved here 25 years ago. Henry Kaiser said the county does assume you rent, and you have to go downtown to counter that. Mullins said there are three separate county entities at work here, so it's not a black-and-white issue — which is why the wording needs to be clearer. Miville asked what was the upside to enforcing a rule that turns neighbor against neighbor? Sharon Michie noted there was a 7-day rental minimum here but that some owners are taking advantage of that. Hullar said it was important to have a law that's enforceable and fair to everyone. Garvey asked how many lots in the RSC-2 area have just one home on them; Forgey said he would look into that.

Michie said compliance was required for homesteaded properties. Garvey said he thought 11% of Captiva's properties are homesteaded, and 1% of them have a registered voter. Hullar urged people to attend the public workshop to have input on this issue. Kelly said the RSC-2 workshop would be held on Jan. 7 at 9 a.m., and that it would include a discussion on height restrictions as well. Mullins asked Forgey to find out if there were any buildings with more than one STRAP in the same building. Boyle asked Forgey to get someone from the county to tell us what the rules are in writing, vs. working from anecdotal stories. Mullins asked if we could get someone out here to explain and answer questions. He offered a discussion of the Mobed property (which was split by Captiva Road) and how possible rules would affect Mullins' property. He suggested that perhaps the island needs to have another zoning for the southern five parcels, that he would fight changes tooth and nail since not all RSC-2 properties meet these qualities.

HEIGHT: Forgey offered an explanation of the options matrix he handed on the various things that had been discussed so far. Hullar asked if the panel would have to revise the Captiva Plan with most of these. Forgey said they probably would which moves it from a "just us" decision to involve the state. Boyle asked if we kept the current language and added option #5, would we need to amend the comp plan? Pyle said that right now #5 is allowed. Bob Brace said he believed that was true, and once it's understood everyone may decide no change is needed. Pyle said #1 does not include the current allowances for 20% of non-habitable space. Miville said it still doesn't address the people who have to build at the highest elevations. Kelly said the panel should not be deterred by the need to change the Captiva Plan if it's the language that we want. Miville said the Village floodplain level is lower now, does that mean this could allow a lower

house than you build currently. Garvey said you can have lower space than you used to have.

Mullins asked for a comparison with how Sanibel addressed this issue. Hullar asked if we should include existing language about 20% allowance in our portion of the code? Kim Herres said the line-of-sight rule would be difficult with smaller platted lots in the Village. Miville asked if anyone had not taken a boat ride to see Upper Captiva, and did they find that look objectionable? He said that's the original county ordinance, 28 feet over the base flood elevation measured from the median slope of the roof. Mullins asked if anyone objected to "higher" rather than "lower" of the two measures. Boyle said #5 works for him, based on putting values to X and Y, formalize and make it part of the current language.

Hullar said a height ordinance is far more critical in the Village than on the Gold Coast. There was a discussion of Village options...that it was more about keeping what we have and allow for elevations. Mullins suggested the panel look at different zones, not holistic but look at issues. Pyle said they need to address specific issues in various areas. Kelly said it should be limited to living floors, to allow two living floors. Forgey said he was hearing a consensus for possibly two floors of approx. 12 feet each, some level of slope on the roof, some level of articulation wherever you are on the island. Michie asked what about room for a septic field, parking, setbacks, etc.? Hullar said the next workshop on the issue would be Thursday, Jan. 7, beginning at 9 a.m. at South Seas, will let you know where it will be held. Forgey was asked to research the percentage of homesites in the VE zone.

HURRICANE PREPAREDNESS: Hullar said a sky warning training would be held Feb. 8, it was one requirement to be certified hurricane ready. He said it was very interesting, how to read the clouds.

OFFICERS: It was agreed to put off until Stilwell, Silverglide and Jensen were back. When polled all five panel members whose terms were expiring were interested in continuing on the panel for an additional two-year term. It was decided to elect officers and approve a 2010 budget in January.

FINANCIALS: Gooderham noted that a draft budget had been distributed to panel members for review, along with a current financial statement. The request for the next reimbursement for the water quality project was in county hands, while the agreement on community planning funds for the LDC work was undergoing another review before being finalized for a signature.

FUND-RAISING: Hayduk said the committee was looking for volunteers to help with the April 8 festival. They hoped the event would include both awareness and fund-raising combined, to highlight panel achievements.

The meeting adjourned at 10:40 a.m. — **Ken Gooderham, administrator**

Captiva Community Panel
MINUTES
Nov. 10, 2009

Attending: Jim Boyle, Rick Hayduk, Mike Kelly, Dave Jensen, Rene Miville, Nathalie Pyle, Sandy Stilwell

Audience: 15

Meeting convened 9:05 a.m. Minutes from the Oct. 13 meeting were unanimously approved on a motion by Hayduk (Boyle second).

Mucky Duck: Joyce Owens provided background on the request for a parking variance, which was needed to make submitted drawings match what is being done now. Parallel parking on eastern edge of property was originally proposed, but is not being done now as there is not enough room to do that. Owens said county staff was OK with the way things are now, but we just need to update drawings for their files and we need the panel's support to approve the variance. Buffer variance was being requested; four foot buffer was sought, eight-foot buffer was required.

Hayduk asked if the people who live on the adjacent property support the buffer variance. Victor Mayeron noted that those owners have a wall on that side of their property, so they can't see anything anyway. Pyle said this was seeking approval of the way it is, even though the variance is for a four-foot buffer. Mayeron said the county historical society came out to review plans to see if they comply with historic standards, and they were satisfied with the proposal. Kelly asked whether these plans needed to go to the library for public review. Gooderham noted that no procedure for review was established in the code at this point, that was part of the Land Development Code process we have been going through. Stilwell said the neighbors will be notified when the Mucky Duck formally files for a variance. The panel unanimously agreed it had no objections to the proposed plans on a motion by Jensen (Hayduk second).

Land Development Code: Kelly provided some opening background on the LDC process, noting that in the process of creating a draft the panel was breaking issues into more discussable issues. He chaired a meeting on mangroves and water quality Oct. 27, which had a low turnout of about eight people. Not much controversy there, we all want to protect mangroves and will go back to the county with somewhat more restrictive language. Others say people will keep destroying mangroves, so we're proposing to tie destruction to documented proof that would require in-kind restoration. On water quality, we're trying to get to the examination of septic systems, tie it to zoning order or permits. We added a building permit trigger if it resulted in expansion of a use not permitted or a higher intensity of use, or when a property changes hands. Monitoring water quality in progress, not finished yet but can't wait until it's done

to get some improvements started. Looking at possible commercial triggers for septic review as well, need to see what triggers are already in place.

Kelly said height restrictions were the next issue to be discussed. A workshop on height will be held Tuesday, Dec. 1, at 9 a.m. in Chadwicks Square, will publicize beforehand. Miville asked is a motion to encourage water treatment centers was possible. He said Aquasource could expand, to ensure that more water is treated. Kelly said that has been discussed for a long time, any expansion could require destruction of mangroves, problems attached to it could be an issue that is very difficult to overcome. Miville said he just wanted to encourage any kind of momentum. Always leave the door open to people who want to pursue a better way. Paul Garvey said there was a history of problems with the Aquasource plant. It was under an order to improve but could not expand, then new technology made improvements possible later. Stilwell said it was not a bad idea to have some kind of resolution that we're looking down the road. Miville said we needed to be looking at options to encourage better technology.

David Depew said he was prepared to talk about a number of these issues now. He cited the Onsite Sewage Treatment and Disposal System (OSTDS) language from Florida Statutes, so everyone could become familiar with the terminology. He said you could separate wastewater based on sources into gray water (which could be recycled) and black water (which must be treated), which can reduce drainfield demand if it is used for irrigation. He has not reviewed every lot, but there could be some cases where a variance would be necessary to avoid a taking, could be a place to encourage newer technologies in these instances. Mike Mullins asked if a lift station was included in this. Depew said that was a separate animal. The state has increased the size of drainfield required for an OSTDS. Stilwell asked if an instance such as one she cited on Laika Lane would require a variance. Depew said they'd have to get one anyway.

Depew did a brief review of state regulations, and a calculation of OSTDS needs for a four-bedroom house was explained. He said there was lots of technology that can reduce overall water demand, will allow smaller systems to be permitted if these features are incorporated. Would recommend we write up some standards for this area to show them what options exist to reduce water usage. Mullins asked how do we deal with older ground-level systems. Depew said over time those systems will fail and new regulations can force better systems to be installed in their place. Mullins said an inspection process can improve old systems, but can you force changes on the transition of ownership? Depew said change will take time, will take a few years. Can give everyone plenty of warning that change is coming. He said he would like to add a few new ideas into this.

Turning to mangroves, Depew said the current code has parameters for illegal removal of trees, would like to adapt that for mangrove removal. Documentation can guide restoration, but if you can't document then include LDC regulations that would be more onerous...they'd want to document loss, since the alternative

is worse. This would be part of code enforcement process. Miville asked about riparian rights for installing a dock and trimming existing mangroves. Depew said laws should allow reasonable use. Mullins said permits are not required for trimming within certain parameters, which needs to be reviewed.

Stilwell said the meeting on height Dec. 1 might be controversial, but this is the time to voice your objections. Max Forgey then launched a presentation on the proposed height language, noting that the panel asked them to come back with some graphics about heights, and they added a few terms to the language. He provided a review of roof language, types and images. Depew said this could pique imaginations as to what options you have for the community. Forgey did a review of the proposed language. Will need to specifically define front façade (example given). A graphic showed the difference between 10% and 20% allowable, look at 6 feet vs. 8 feet, other options. Forgey said the language should give them an area and a height they cannot exceed. The panel may want to consider this as a special exception or conditional use, so if a property owner wanted to do this they will have to come in and meet an evolving set of performance criteria. This could ensure it was not an automatic gimme, and keep some control over it.

Stilwell said there were architectural review boards in other communities, was that necessary? Could you tie height allowances to lot size? Pyle asked if setback for shadowing would be considered. Could we get more info on that as it could apply to the Village? Mullins asked if lot coverage was being discussed. Depew said county language already covers that, but we can include it if you wish. Architectural review board would require a lot of work by that body, is that something the community and people who would have to serve on that board wanted. He said they would provide other examples for the Dec. 1 workshop to explore options that could work for Captiva. A lot of geniuses will come up with creative ideas, that's why you want it to come back to some kind of body for review. Stilwell said that Captiva was becoming a rental house community, there was no interest in architectural beauty but just the largest house possible.

Bob Brace asked if there was any reason to change the current restrictions. The code should allow zero variances, because the county will allow little breaks in any latitude. Mullins offered a discussion of how the current restrictions were put into place, and urged that any changes should offer a simple and succinct solution. Miville said to consider maximum height vs. slope and design. Pick a number that makes architectural sense and ergonomic sense. Pyle said we won't get what we want if you don't have more clearly defined restrictions, need setback and shadowing to be considered. This may be one area where we put it out there to see how people respond to some ideas.

Kelly asked about the flood elevations. If you have to work with higher elevations with a limit on top, you're squeezing the living area. Maybe we should start measuring from the FEMA requirement. Depew said that would be a radically

different approach, Right now you measure from seal level or grade. If you tie it to the FEMA elevations, with habitable area fixed over a required elevation, it will allow newer houses to be taller as the elevations rise over time. It can be done, but there will be consequences. Right now it is measured from the grade of the road, so no difference as sea level restrictions kick in. Kelly said basic living area space should be allowed and maintained in some fashion. Should not be squeezing people out of suitable living area. Include an architecturally attractive feature to help them avoid flat roofs, but keep the rules simple so that the burden of design does not fall on the panel. Depew said everyone should have a certain minimum area or volume to inhabit. If flood elevation is deemed wrong, raise up the same habitable area. Any legislation has to be organic. Kelly said we have an opportunity to make changes based on what we've lived with, that may need to be updated. Sharon Michie said including shadow and light could accomplish a lot of what we're trying to accomplish, in terms of building mass and setback. Stilwell asked if rules could be conditional based on lot size, location, etc. Depew said that was possible.

CEPD: Kathy Rooker said the Blind Pass project celebration would be held on Friday, Jan. 15, at Turner Beach. Surveys of changes in the depth of the pass were handed out and explained. Surveys will continue to determine if additional work is necessary and to see how the pass is equilibrating. Rooker said they will be discussing a comprehensive inlet plan and a maintenance management plan for Blind Pass. Mullins said John Madden was asking about a beach forming by his dock, will that be considered in the county plan. Rooker said they need to look at what was working and what's not. Miville said the county expected some scouring as the pass matures. A discussion of options for the Madden property followed. Mullins urged people to come to the CEPD meeting Nov. 11, a lot to be discussed. Captiva will be credited for 131,000 CY sand to be given to Sanibel, part of the settlement agreement that led to the Blind Pass project and cooperation. Rooker said that saves Captiva taxpayers money, we need to develop an inlet management plan to capture beach-quality sand to put back on the beaches. State money may be available to help us do this. Miville said this energy was a tribute to Mullins as the CEPD chair.

Hurricane prep: Pyle said the new chair for the Structural Safety Inspection committee was Ken Suarez. It was time to renew our Storm Ready community status. Committee members were planning to go to the Weather Service office in Ruskin in the coming months.

Committee reports:

Finance: Stilwell provided an update on the financial status of the panel. Gooderham noted that paperwork for the county community-planning grant had been revised as requested by staff, and resubmitted for approval. He would prepare a draft 2010 panel budget for members to review prior to the December meeting. Also, he mentioned that panel member terms and officers needed to be considered at that meeting.

Water quality: Jensen provided a brief update, noting that 2010 funding was secure and a reimbursement request for the final quarter of FY 2008-2009 would be submitted shortly. SCCF had planned to acquire some new equipment to aid in testing, and would be offering a brief update at the monthly Yacht Club meeting Nov. 11. A report to the panel was expected next month.

There was a discussion of terms and officers, and Gooderham reviewed the terms and officers, promising to send the update to the panel via email after the meeting.

An audience member asked a question on the status of the new cell tower construction. Hayduk said there had been a delay, but completion was expected by Dec. 15.

The meeting adjourned at 11:15 a.m.

— ***Ken Gooderham, administrator***

Captiva Community Panel

MINUTES

Oct. 13, 2009

Gordon Hullar notes from October 13, 2009 Captiva Community Panel meeting

The meeting was opened at 9:15 a.m. and roll taken. In attendance were Sandy Stilwell, Harry Silverglide, Rod Gibson, Rick Hayduk, Jim Boyle, Mike Kelly, Dave Jensen and Gordon Hullar. Absent were Rene Miville and Nathalie Pyle.

For some unexplained reason (but most likely because we didn't know how to use the recorder), the recorder did not function properly and we have no recorded notes from the meeting. Following are the notes I took to remind me of key decisions and actions I need to take prior to leaving on vacation October 17. I welcome additions and corrections from the other Panel members present.

I will be on vacation in the Mideast and not available for the Nov. 10 meeting, so I will ask Sandy to chair the meeting.

Sandy Stilwell gave the Finance Report. During the October 2008 through September 2009 period we had income of \$48,124 and expenditures of \$54,718. Current account balance is \$14,362. At current spending levels we will need to generate some income prior to our April 2010 fund raising event. (NOTE: Subsequent to this meeting, adjustments were made to the accounting which affected these figures noticeably. The revised P&L will be presented to the panel at the Nov. 10 meeting.)

A motion was made and approved to send out a fund-raising letter to our mailing list asking for donations to cover our costs between now and the April fund-raiser. This letter would also communicate the date of the April fund raiser and ask people to put it on their calendar.

Mike Mullins CEPD

Two very dangerous things are happening that could have a very negative impact on Captiva resulting in major damage to our beaches and a major loss in the value of our property and the success of the tourist based commerce on the island.

There is a major effort by some Members of Congress, led by Sen. Tom Coburen from Oklahoma, to challenge the entire process of beach renourishment and any federal funding to support same. We, and all other areas where beaches are renourished, need to take this very seriously and do whatever we can to prevent the catastrophic effect on Captiva of not renourishing our beaches.

The effort for offshore drilling in the Gulf of Mexico has huge backing and will be very difficult to stop. Big Oil is spending huge sums of money to convince all of the decision-makers that huge revenues will flow to the state of Florida if drilling in the Gulf of Mexico is allowed. All the known data from areas that have allowed offshore drilling indicates that offshore drilling will likely cause oily substances accumulating on the beaches (in addition to being an eyesore) which will have an enormous negative impact on the attractiveness and beauty of Florida beaches. There appears to be no recognition of the huge negative impact this will have on tourist revenue and the value of property along the Gulf of Mexico.

It was reported that the Lee County Tourist Development Council has funded the second year of the Water Quality Study, and Commissioner Tammy Hall is to be commended for the key role she played in making this happen. Panel members present voted unanimously to have a letter sent to Commissioner Hall thanking her for her support, and a letter to be sent to all the county commissioners thanking them for their support of this important study.

Dave Depew did an excellent review of the proposed Land Development code and the basis for what is in the current draft. By looking at draft #9, which shows all the changes from current, it is possible to quickly see what changes are proposed. We did not discuss the proposed code language. Unfortunately, we had less than half as many copies as there were people in the audience so it was difficult for most people in the audience to follow the conversation. This was a serious mistake even though the audience was very polite and did not complain. All the Panel members have received drafts #9 and #10 by e-mail. We agreed to post both drafts on our Web site so that this information will be readily available to anyone that is interested.

We agreed that the LDC plan forward would be to set aside full panel meetings, preceded by workshops, to discuss the code and finalize each section of the code as follows:

Oct. 27	Mangrove and Water Quality Workshop	Mike Kelly to lead
Nov. 10	Mangrove and Water Quality discussion and Panel approval	
Nov. 24 approx	Height workshop	
Dec. 8	Height discussion and Panel approval	
Dec. 22 approx	Signs workshop	
Jan. 12	Signs discussion and Panel approval	
Jan. 26 approx	Estate zoning workshop	
Feb. 9	Estate zoning discussion and Panel approval	

There was no discussion of when we will discuss and approve the remaining sections of the LDC.

Captiva Community Panel

MINUTES

Sept. 15, 2009

Attending: Jim Boyle, Ron Gibson, Rick Hayduk, Gordon Hullar, Dave Jensen, Nathalie Pyle, Harry Silverglide, Sandy Stilwell

Audience: 10

The meeting convened at 9:05 a.m. Minutes from the Aug. 11, 2009, meeting were approved as published by unanimous consent.

CEPD: Chair Mike Mullins urged the audience to look at Captiva Current article in the last issue, outlines concerns we're facing about beach renourishment. They include media coverage, lack of economic return, the pending Supreme Court case, limited funding options, federal funding dropoff, state funding shortfalls, Tourist Development Council reduction of beach funding. These can all have a major impact on the next Captiva project and end up costing islanders more out of their own pockets.

Hurricane prep: Chair Doris Holzheimer noted that materials from the spring hurricane seminar were provided to the audience. She said there were no other updates on Safety Structural Inspection volunteers, and that Ken Suarez will be the new SSI coordinator. She thanked Silverglide for taking that on for the past few years. The committee will be working on renewing the island's Storm Ready status. There will be no report at the October panel meeting.

Water quality: Erick Lindblad with SCCF opened by thanking the panel for persevering after Year 2 funding. He said the second and final county commission public hearing on the FY2009-2010 on Sept. 17 was the last vote for approval. He felt that Commissioner Hall was more open to Captiva issues thanks to the letters and outreach on behalf of this funding.

Mark Thompson with the Marine Lab then presented a brief update on project. The project's goals were: Establish a baseline WQ assessment, identify possible sources and areas of pollution, track specific sources. This would be accomplished by collection of data, identifying sources and developing a monitoring plan. In the last year, the Bayous WWTP closed and Blind Pass opened. Originally they had anticipated 3,000 analyses in the first year, 82% had been done so far.

When measuring enterococci bacteria (an indicator of human waste), five tests exceed "poor" quality, 100+ exceeded "moderate" levels. Testing for chlorophyll (a sign of nutrient overloading due to fertilizer and runoff), 19 exceeded nutrient level. Thompson then reviewed the recent Dept. of Health data analysis which had shown a spike as the rain runoff rose...which was consistent with the SCCF

finding taken from more numerous and scattered sites than the limited DOH tests. Looking at results by season, it was clear WQ was tied to rainfall events, which create a higher concentration of bacteria in the water. Chlorophyll was much higher in wet season. Areas with periodic problems were tied to rainfall events.

Elevated bacteria in sand was not found to be a persistent problem. Stormwater runoff can elevate pollution levels. There were "no oxygen" (anoxic) conditions in some areas in the morning, could be natural and be avoided. Overall clarity and nutrient concentrations were good so far. Discharges from S79 (Franklin Lock) have more impact on water quality. May be change in water quality with opening of Blind Pass and closing of Bayous WWTP...saw improvement in clarity right away. What's next in the year ahead? Enter Year 1 data, analyze it more intensively. Report results and integrate with other data. Establish plan for Year 2 – source tracking, areas of concern. Year 2: ID if local human sources for bacteria, areas that are sources. Regional vs. local pollution sources, what are local WQ problems, which may be due to human activity, and what are the sources of pollution?

Sherrill Sims asked how long it took to get results from lab. Thompson said officially 21 days, but it was usually a month as the lab is overworked and understaffed. Boyle asked if there had been any typing to determine pollution sources. Thompson said not yet, protocol would need to be set up to do that. That will start in the second year, tied to rainfall events and concentrations. Lindblad gave a brief RECON system update, that they had been through a lot of equipment renovation and re-engineering. He felt the monitoring made a major difference in lake releases down the river, as they could monitor the impact of a major algae bloom being released into salt water. This year, Corps has made changes in policy based on RECON data we had from the year before. Knowing someone is watching has an impact, and data showing bad behavior even more valuable. Looking at the larger system is important to what happens locally.

WQ funding: Gooderham gave a brief update, noting it was clear at the Sept. 11 TDC meeting that Year 2 would be funded based on decisions made at the county commission budget hearing Sept. 3, money would continue to go through the TDC, but the county Division of Natural Resources had been asked to review and had been pleased with the project. Gooderham urged the panel to begin thinking about what the next steps would be, since pursuing funding for those took time, was helped by matching funds and would be driven by what was planned as a way to access or close off possible funding sources. Lindblad noted that SCCF was looking at possible grant sources as well. Silverglide mentioned a couple of possible avenue, including fishing license revenues and other enterprises tied to water quality in Pine Island Sound. Pyle said the panel would need to tackle overall strategic planning in the year ahead, that it could be a good idea to keep a planner engaged to aid in advising on issues and developing response to the WQ findings to come.

Finance: Stilwell offered an update based on the monthly report.

Water quality: Jensen noted he had been following up on the fishing aspect as a funding source, but could not find information on how many dollars were spent locally and who benefitted from that revenue. He planned to keep looking and welcomed any ideas.

Land use: Gooderham mentioned that Max Forgey had been brought on by Morris-Depew to address Captiva code language, and that a more extensive update was still planned for the Oct. 13 panel meeting. He would also work to finalize and submit a grant request to the county for community planning funds out of the FY 2009-2010 budget, as \$150,000 had apparently been approved in the budget pending the final hearing.

Fund-raising: Hayduk said a scheduling conflict had forced him to look for another date for the second annual Captiva Food and Travel Festival, and asked whether Thursday, April 8, worked for the fund-raising event. He said it would be post Easter but still had a high occupancy. April 16 was also possible April 16 and might still have good occupancy, but that the 8th was probably better. Stilwell noted that local residents really supported it last time, and every week that goes by after Easter we lose people. The consensus was to set the date for April 8 and begin publicizing it online and in the media.

Other business: Gooderham noted that the Captiva golf cart ordinance approved by the county commission June 23 had been cleared by the state and would now take effect. A handout detailing its impact was available at the meeting, and would be posted online and sent to the media. The question of enforcement would be up to the Lee County Sheriff's Office, and he hoped to get a better sense of how soon they would begin to act on the rules shortly. The expectation was that there would be a grace period to allow residents and rental outlets to get up to speed on the changes. Silverglide hoped that extending the cart zone to Tween Waters would be considered sometime in the future.

There was brief discussion of when the panel thought it might be a good time to hold a celebration of the Blind Pass opening. Additional work on the project meant the contractor needed to keep equipment at Turner Beach, which meant the planned Sept. 25 event had to be delayed. CEPD was looking for island input, and people were urged to share ideas with the district. Silverglide noted there was some shoaling on the bay side since the pass had been opened.

Gooderham reminded the panel he would not be able to attend the Oct. 13 meeting, and someone would need to arrange to tape it or take minutes.

The meeting adjourned 10:20 a.m. — **Ken Gooderham**