

# Kottkamp withdraws support

By KEVIN DUFFY  
Special to The Eagle

Pine Islanders are hailing State Rep. Jeff Kottkamp's request that Gov. Jeb Bush veto legislation that would allow the city of Cape Coral to annex pockets of land into the city.

Despite its successful passage through the state House and Senate, Kottkamp, who sponsored House Bill 421 at the request of the city, says there is too much local opposition to the measure and so he can no longer support it, at least not at this time.

"So many people seemed upset with it, I thought it was premature," Kottkamp said.

Pine Islander Leo Amos, who has said annexation of off-island areas served by the Greater Pine Island Water Association would cost the association much-needed revenues, is one of those pleased by Kottkamp's decision.

"The recent decision by our State Rep. Kottkamp to ask Governor Bush to veto the City of Cape Coral's requests for a referendum for annexation of what the city calls 'enclaves' should prove to everyone that Rep. Kottkamp does

listen to us even though we are a very small part of his district compared of the City of Cape Coral," said Amos in a prepared statement. "I would further like to stress that it takes great courage and strength of character to go before the Governor and ask that your own piece of legislation be vetoed. Even Florida Common Cause said they had never witnessed a legislator ask that his own legislation be vetoed."

Kottkamp proposed the enclave annexation legislation at the request of Cape officials who would like to extend water and sewer services westward toward

# Support for zoning bill

Burnt Store Road. Having made it through the legislative session without a single dissenting vote, the bill now awaits the signature of Gov. Jeb Bush.

However, in a letter to Bush dated May 15, Kottkamp asked the governor to veto the legislation, citing concerns raised by affected constituents.

In addition to the position shared by Amos, Cape Royal, a golfing community of approximately 180-200 households, would be part of that utility expansion if annexation of included enclaves is approved by referen-

dum, something the bill mandates.

"We don't really see what we would gain by being annexed, except higher taxes," said John Rehrer, president of the Cape Royal Homeowner's Association.

Rehrer said that the vast majority of residents within the community are satisfied with receiving services from the Greater Pine Island Water Authority, the Matlacha Fire Department, and the Lee County Sheriff's office.

"We've already paid for septic

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and wells, and we're not that old a community," he added.

Also, as he understands it, Cape Royal cannot be defined as an enclave because it is not completely surrounded by an incorporated body, Rehrer said.

"The definition of an enclave doesn't fit us," he said.

"If they border Matlacha they obviously aren't because it (Matlacha) isn't a city," Lee County Commissioner Andy Coy said.

Inquiries from Monica Greer, chief policy analyst for Bush, gauged the commission's position on the bill.

"I told her that no commissioner, nor the board, has made an opinion on this," Coy said. "I think this is an issue dealing mostly with Cape Coral, Cape Royal, and the state.

"We were kind of blindsided by House Bill 421."

City Spokesperson Connie Barron said that annexation is key to enclaves such as Cape Royal falling under city jurisdiction for zoning, building, and planning purposes, such as the Pine Island Road master plan, a development guide for commercial, retail and mixed-use applications.

"It makes it more difficult when you have parcels that fall outside your jurisdiction," she said.

"I don't know if the plan would fall apart without it, but certainly it is greatly weakened by having these holes there," said Wyatt Daltrey, a land planner with the city. "They (Cape Royal) are a large enclave, and it will be difficult to implement what we are trying to do with the Pine Island master plan with that large enclave there."

Kottkamp said he was more than happy to help the city because state policy mandates the elimination of enclaves to create uniformity within city limits. However, e-mails and phone calls received from affected residents made him rethink his position, and ask for Bush to veto the bill so there is time to conduct town meetings and explain the benefits of annexation before the measure is brought back for consideration during the next legislative session.

"If I felt there was some crisis, that would be one thing, but this is not an emergency situation," he said.

Some residents of Cape Royal asked why their community was not specifically named in the language of the bill, Kottkamp continued, while enclaves such as Saddlewood Farms and Whispering Pines were.

"We just feel that is another example of people here thinking someone was trying to pull a fast one on them," said Rehrer. Putting all of the enclaves into "one pot" for referendum, he added, is inappropriate.

"We feel each enclave should be responsible for their own destiny," Rehrer said.

Kottkamp said he will refile the bill and specifically name each enclave, and will hold public meetings so that affected homeowners can decide whether they should vote in favor of annexation.

"I don't want them to think that someone is trying to pull a fast one," he said. "I want everything to be out in the open, have them air their concerns, and have the opportunity to explain why annexation is a good thing for the city."

The loss of revenue to Matlacha and Pine Island service providers, Kottkamp added, must be considered as well.

Cape Coral Mayor Arnold Kempe said he was disappointed with Kottkamp's decision.

"It is virtually impossible for a city to plan both its land use regulations and utility expansions without knowing whether you'll be serving those areas or not," he said.

Kempe said the loss of potential revenue to the city in water and sewer, property taxes, and municipal services isn't necessarily the issue.

"The stronger argument is that they get the benefits of the city and don't have to pay anything for being in the city," he said, mentioning parks and roads as an example.

Rehrer disagrees, maintaining that several residents of the community moved there in order to escape from Cape Coral, and will move again if they are annexed.

"We feel, in general, that it is very self-serving for the city of Cape Coral," he said. "We get nothing, and they get all of the tax benefits."

While disappointed, Kempe said he could understand why Kottkamp no longer supports his own bill.

"There may have been inequities in the legislation that may have concerned Jeff that he didn't realize (before)," he said.

Coy agreed.

"I would suspect that Jeff probably re-discovered what an enclave is, and he heard from constituents that he never had before," he said.

*Marianne Paton, The Eagle editor, contributed to this article.*