

*Captiva Community Panel*

# MINUTES

JAN. 12, 2016

**Attending:** Dave Jensen, Jack Cunningham, Mike Mullins, Peter Koury, David Mintz, Jay Brown, Bob Walter, Mike Kelly, Sandy Stilwell, Rene Miville

**Audience:** 20

The meeting convened at 9:05 a.m. Following introductions and roll, the Dec. 8 minutes were moved for approval (Brown/Mullins) and unanimously approved.

**Election of officers:** *Mullins:* Nominate Kelly for president (Stilwell second). *Kelly:* Willing but open to being replaced. *Cunningham:* Nominate Brown for president (Jensen second) *Cunningham:* President needs to attend most meetings. A silent vote was conducted, with Brown elected president. *Mintz:* Kelly has done a very special job as president, worked together well as panel, respect for panel members and community. *Brown:* My fifth year on panel, some divisiveness at beginning, worked hard to get that behind us. Disagreement is not bad, but we need to work together and respect one another. *Walter:* Well done. *Jensen:* Nominate Mintz for vice-president (Brown second). *Mintz:* Decline due to other responsibilities. *Mullins:* Nominate Jensen for vice president. Jensen declined. *Mullins:* Nominate Stilwell for vice president. *Stilwell:* Willing but ready to move on. *Brown:* Nominate Mullins for vice president (Walter second), unanimous. *Cunningham:* Nominate Boris for treasurer (Mullins second), unanimous. *Jensen:* Nominate Koury for secretary (Boris second), unanimous.

**CEPD:** *Kathy Rooker:* Former CEPD chair Jim Boyle had moved off island, seat was open. At the December meeting, Doris Holzheimer also resigned. Had two open seats, both end November 2016. Rich Stegmann and Bob Walter appointed to fill openings. *Rooker:* Jensen elected as chairman. After Saturday storms, beach did well. Just finished beach tilling Monday. Tiller did extra work after storm, very dedicated. Hope we have a good winter for beaches, avoid heavy surf from fronts. Explanation of escarpment and beach design. *David Rohn:* Plans to plant sea grass further rout on beach? *Rooker:* Looking at design, to see what we need before next project. *Cunningham:* What does tilling do and how often? *Rooker:* All for turtles, required by permit. To help nesting for first three years. *Brown:* Who pays for tilling? *Rooker:* Lee County TDC pays portion, state pays a portion, rest comes from last assessment for project. Budgeted for three years, plus capital budget has reserves for storm escarpments. Beach parking funds goes into capital account, used for projects. Nets more than \$100,000 annually. Blind Pass: kickoff meeting of study group. December-February CB&I doing data collection and analysis. Looking to set up calibration model for analysis. Stakeholder meeting February or March, Captiva and Sanibel residents. Preliminary model results in spring or summer of 2016. Complete study by October 2016. Next CEPD meeting tomorrow 1 p.m. in Ding Darling Room.

**CFD:** *Deputy Chief Jeff Pawul:* Thanks both resorts for cooperation on power outage recently. *Brown:* Pole put back in same place? *Pawul:* Slightly moved, now a concrete pole. *Walter:* Possibly a guard rail? *Cunningham:* Panel should contact LCEC to move pole or add guardrail. Discussion. *Sawicki:* Look at burying lines just in that area? Easement very narrow in that area. *Walter:* Reach out to them to ask recommendation. Ask LCEC CEO Dennie Hamilton to address issue. Discussion. *Mullins:* Reach out to Marco Island first to see how their power works during the long over-water transmission line. *Brown:* Stay focused on pole problem. *Miville:* LCEC will do anything we want, just tell them how it will be paid for. Also have issue because of one source for power, not looped. Work with Sanibel to get a loop built in. *Stilwell:* In the short term ask about pole, a public health and safety issue. *Kelly:* How about a blinking

light? *Cunningham*: If someone is killed, could there be liability for panel? *Walter*: If we ask LCEC, we've made an effort to secure safety. *Hal Miller*: Barrier to protect pole? Talk to Lee DOT? *Brown*: Have CFD make first contact on safety concerns? *Pawul*: Absolutely happy to do it again. *Stilwell*: Had employees stranded on the island, people stuck on both sides of the pass. Draft letter to Hamilton on concerns. *Mullins*: Survey entire island on health & safety issues. Reliability of service and pole, letter to invite to meeting. *Stilwell*: Copy entire LCEC board and island commissioner. Discussion. *Pawul*: March 5 we will hold an open house at the new station all are invited. Busiest time of year, so be careful of trucks, call volume way up this year. *Mullins*: You also cover Sanibel... how far down? *Pawul*: Depends on type of call, can cover island and also ask for mainland assist. Discussion.

- **ACTION**: Draft letter to LCEC officials and board on community concern over power outages and security, pole protection.

**LCSSO**: *Sgt. Mike Sawicki*: Not back on full duty yet. Discussion. *Sawicki*: New crime prevention tool, nextdoor.com, online Neighborhood Watch program, create profile and communicate with neighbors. Get emergency updates, etc. Private or public website, can create new one on next door, privacy concerns. Website is a one-way street, you can input info but we can't see your info. Does not replace 911 or LCSSO phone. Discussion. *Mullins*: Wants invite code to join? *Sawicki*: Will check on it. Can get tech services engaged. Fishing complaints around Blind Pass bridge, from residents and responsible fishermen on bridge. *Brown*: What can be done? *Mullins*: Only one side? *Sawicki*: Assembled statutes that are applicable, working to inform fisherpeople. Check licenses and educate users. Parse out accidental unknowing violations. Can enforce fish & game rules, check licenses and coolers. Those fishing are obliged to present license on request, we can request ID as well. Discussion. Tending requirement for multiple rods. *Mullins*: My dock is a fish magnet, draws a lot of recreational and commercial fishermen. Boat has ROW issues with lines. Multiple lines an issue. *Sawicki*: Work with reasonable users, balance with pedestrians and bikers. Bridge is not a fishing pier, but a pedestrian area. *Mullins*: Cape Coral has closed its bridges, pushes more people out here. Nasty places, vehicles/bikes/carriages can't pass through. Sanibel got county money for trash containers, helped in some areas. City does some maintenance, may be part of Turner Beach pact. *Miville*: Put up signs to educate users, fish size and rules. *Sawicki*: Transient education issue, would more signs be a visual issues? Discussion. *Brown*: Committee? *Jensen*: Will meet with Sawicki and look at options. *Walter*: Is bridge a county issue? *Sawicki*: Yes. *Koury*: Any complaints about mullet fishermen? *Sawicki*: In Roosevelt Channel, violating speed limits, but not violation of method of take, seeking clarification from Fish & Wildlife Commission. There's a net closure requirement for Blind Pass, not supposed to be netting in there until Jan. 31. Fishermen from out of town don't know that. Discussion. *Sawicki*: Nov. 1 to Jan. 31 closure in Blind Pass, not Roosevelt Channel. Obscure state rule, discovered it so now we can act on it. Only so many grouper troopers in this part of the state so their coverage is stretched. Active, but we have to assist with them since we have a more local focus than they do. *Miville*: Contact the fish houses about closure. *Mullins*: And through citations. *Koury*: They don't obey speed limits, results in wakes in no-wake zones, significant erosion along shoreline. What can be done? Discussion on issues and workload. *Sawicki*: We cover from Sanibel lighthouse to Boca Grande Pass. We spend majority of time on Captiva. Discussion of size checking of catches. ??? Get closure brochure to marinas.

- **ACTION**: Jensen will follow up with Sawicki on educating fishing audiences.

**Hurricane Committee**: *Holzheimer*: End of season, no hurricanes. Committee meets this month, will have update on program schedule next month.

**Sea level rise planning:** *Ralf Brookes:* Introduction of background and clients. Now seeing mangroves on northern Florida coast due to climate changes. Yankeetown a think tank for University of Florida, a lot of resources in town. I'm very interested in community planning. Sued state over watering down of planning efforts, one of few areas that can still hold referendums on their plan amendments. Got state money to develop a model sea level rise (SLR) amendment. Would like to do something similar to this for Captiva. Optional Adaptation Action Area Planning, Florida Community Planning Act, handout provided. Planning horizon different for SLR, looking out 50 year and beyond. Imagine yourself as a 10-year-old, planning for 50 years from now. For low-lying coastal zones, flooding, storm surge, tidal floods, coastal high hazard areas. SLR will be a series of punctuated events, severe storms become more frequent and different from prior events. Model is adopted into comp plan or land use plan; formal, aspirational or as a separate planning document. State grants possible based on points, putting it in comp plan can help rank land acquisition efforts higher. Have to be tailored to community needs, not pick up something developed by someone else. Description of process to develop plan. Spatial, temporal understanding of SLR. Inventory resources and structures, species, habitat. Look at repetitive losses.

*Brown:* How much SLR do we expect in 50 years? *Brookes:* Description of tool through Charlotte Harbor National Estuary Program (CHNEP), will give you overlays to determine rise. Not a bathtub effect, but hellacious events impacting shoreline. Discussion. *Mintz:* Put in Lee Plan? *Brookes:* Brainstorm options, could be in comp plan or standalone document for planning use. I recommend you put it in comp plan. *Walter:* How will this protect mangroves? *Brookes:* Florida DEP handles trimming and removal. *Walter:* Mitigation of planting is off-island. *Brookes:* Could create your own mitigation bank on Captiva through this. *Mullins:* FSBPA presentations, beach nourishment as a SLR response. That doesn't help with bayside protection. *Brookes:* A planning process, not an answer, to help island continue to adapt. Discussion. *Brookes:* Strengthen mangrove fringe or install hard structures, combination of approaches, appropriate for specific areas. When variance comes before you if you had this policy, you would have a planning tool to ask them to explore options. Infrastructure issues, roads and drainage issues. *Mullins:* Is the next step a request for funding and start process to develop these policies. *Brookes:* First in this area to address these issues. *Stilwell:* Agree to look into this, proposal of what it would cost. *Koury:* Are you approaching Sanibel? *Brookes:* Not yet.

*Mintz:* Has county looked at this. *Sharon Jenkins-Owen:* State has mandated for resilience planning and SLR planning. Likely would be a countywide policy, but has not gone to BoCC to get direction. *Brown:* County funding possible? *SJO:* There's been a change in management, but always a possibility. *Kelly:* Can see county not pushing ahead on SLR issues, but it would look at barrier islands to lead on issue. County should help us, but we take the impetus to move this forward. Overlay gives people an idea of the potential impact. Recognize barrier islands are a unique distinct place in county and state planning. *Miville:* Which counties are part of this consortium? Make county part of consortium? *SJO:* State grant possible? *Brookes:* Yankeetown got \$25,000, which was enough. Made it aspirational not regulatory. Also private grants, right now SLR is the hot topic for funding. University of Florida connection here as well, can build on return on grant funding. Discussion of citizen-based science. Biologists blitz count of species. The smaller the entity, the more that gets done. Proposal to be developed. Mullins to work with Brookes to formulate specific next step. *Rooker:* Have contacted Lee County to investigate cooperation with surrounding counties. *SJO:* Regional Planning Council? *Rooker:* Have contact with CHNEP. *Mullins:* Will take lead to develop options and proposal. Back on agenda in March?

- **ACTION:** Mullins will work with Brookes to develop a proposal to bring back to panel.

**Captiva Plan:** *Mintz:* Description of plan approval and meeting with county. Dec.17 meeting review of Dec. 8 draft. Jacob thoughtful and offered good suggestions that did not change direction of plan. Review

of Jan. 12 revision of Dec. 8 draft. *Brown:* Will this draft fly with county, or just your suggestion? *Mintz:* Between the two, acknowledges some county concerns without deleting some of those areas where it will end up being a political decision. Review of changes KG: MJ wanted a specific and enforceable document. JM: Looks like they bought leaving the long preamble in. *Mintz:* Working to move more specific LDC over time. Discussion of density wording. *Mullins:* Managing density? Will plan language allow is gather specific in the code we need? *Mintz:* Plan will reflect code. Reference it in this language. 13.1.1 Suggested no variance or deviations from code for RSC-2 zoned lots. Lots must abide by RSC requirements. Discussion of sewer capacity language and community concerns. *Walter:* Sewers to remove septic treatment solely. DM will work on language. Discussion and review. 13.4.1. provides rationale for policy even if preemption from state is not changed. “and may not be rented or leased under more than one leaser at a time.” *Jensen:* Exclude those licensed by the state, rather than South Seas. DM Tied to residential units, which you and Sandy do not have. *Mintz:* licensed resorts and motels? *Mullins:* Specific language used by LCPA, stay in line with that. *Mintz:* Licensed resorts, hotels and motels. 13.5.1 When planted, must be indigenous and native... *Walter:* Specific what you can’t plant? *Mullins:* Indigenous, native or other non-invasive... *Koury:* Major change without public input, will impact Walsh landscaping and replacement of current vegetation. Let’s see new language. Discussion. 13.5.5 adds code definition. *Brown:* More wordsmithing to do, bring back in February. *Mintz:* Will work to get draft to panel members two weeks prior to next meeting (Jan. 26 for Feb. 9 meeting). Accolades from panel members for Mintz’s work on this issue.

- **ACTION:** Mintz will revise proposed Captiva Plan language based on panel discussion for review at Feb. 9 meeting.

**Committee updates:** *Brown:* Let’s move sewer discussion to February, want t have enough time to cover all issues. Committee wants to set up meeting with Sanibel Mayor Kevin Ruane. Who is on committee? Determined that Brown, Jensen, Mullins, Mintz, Walter on committee. *Mintz:* Report on Sanibel report to City Council. Ruane and city staff happy to meet with committee. Report was prompted by last October’s water quality/beach closure issue, Ruane believes county should fund feasibility study to see what’s possible. Denham is city lead on water quality issues, expressed great concern about Captiva septic systems and FGUA WWTP. Suggest we set up meetings with both men. Need to look at any Sunshine Law issues with multiple panel members, that’s why meetings with council members must be separate. Discussion of Sunshine interpretation. *Mullins:* Move that sewer committee be defined as a special committee of the Captiva Community Panel (Stilwell second). *Mintz:* We treated all subcommittee as fact finding only, if we change rules now will impact on their work as well. *Cunningham:* Special committee is different from fact-finding committee. Need to add category of fact-finding committee to bylaws. *Mullins:* Explanation of need for specificity. Discussion. *Brown:* Bring rest of committees up at next panel meeting. Vote 9-2 to approve (Cunningham and Mintz opposed). *Cunningham:* Not a special committee as defined in bylaws. *Mintz:* Regardless of interpretation, priority committees formed as fact-finding committees only, to bring issues back to panel for discussion and consideration. *Cunningham:* Bylaws discussion needs to include fact-finding committees. *Brown:* Discussion of committees, purpose and Sunshine issues. *Jerry McClure:* Bylaw change is complicated, look into it.

*Stilwell:* We funded water quality study cited by Sanibel, many were surprised at results. *Mintz:* Continued Sanibel report. FGUA explanation vs. Sanibel explanation as to April excess effluent trucked to Sanibel for treatment. Read Sanibel email on need to accept excess volume. Discussion of different interpretations. FGUA response was it was caused by somebody putting something unacceptable into system. We’ve gotten a lot of different responses. Sanibel is concerned about this plant, that it’s not functioning properly and incapable to treating wastewater. Requested capacity report consistent with what

FGUA representative said at December meeting, but the copy I got was not signed/sealed or submitted to Florida DEP. We should ask FGUA back to address this, and find out actual capacity support. City report also mentioned that 38,000 gallons of something was spilled at FGUA plant in October. Noted leakage at FGUA plant the week before. *Jensen*: Tone from Sanibel City Council towards Captiva was harsh, but Denham apologized later. Need to find the facts. *Mullins*: Have had water quality committees for years. Looked at expanding pipes to Blind Pass. Panel killed offer to do feasibility study. Former Lee County Commissioner Bob Janes set up another meeting with Sanibel. City rebuffed any efforts to coordinate efforts with sewer connections. City has vacillated in the past, so don't make us the bad guys in this. *Walter*: Bothersome to find out about FGUA issues in this format rather than direct from them. *Brown*: Odd that FGUA would not think to report it to the panel when they were here.

*Mintz*: FGUA report said 38,000 gallons, we don't know level of treatment of what was released. *Mullins*: Support county funding a study on all this, we need the facts. Align with city for their clout with the county. *Cunningham*: Bring FGUA in to explain this. *Mullins*: We raised \$225K to fund water quality study, results were conflicted. *Brown*: Important discussion, do you want to continue with it today? *Mintz*: Sewer committee is fact-finding, set meeting with Ruane and Denham, FGUA and Meurer if necessary. Need to hold this discussion with the full panel. Discussion. *Mintz*: Not a separate meeting of committee, bring issues back to panel. Discussion. *Mintz*: Long process, don't know city stance on the entire outcome, also concerned about development and traffic on Captiva and its impact on Sanibel. Set up meetings with Ruane and Denham, bring facts back to panel so we know what city has done and will do. Have all our discussions here. *Brown*: Looking for input to embellish memo, needs from city meetings. *Boris*: City meeting will add to document drafted by Brown? *Brown*: Yes. *Gooderham*: Suggest you set the Ruane meeting first, legislative is starting and he will be out of town. *Mullins*: Urgent matter, need to move proactively.

- **ACTION**: Set meeting with Sanibel Mayor Ruane, possibly Vice Mayor Denham. Follow up with FGUA on capacity report and explanation of overages/spills. Update Brown memo based on discussion with Ruane, plan to distribute and discuss at Feb. 9 panel meeting.

**Bylaws**: Defer to next meeting. **Financials**: *Cunningham*: Good to next summer fund-raising effort? *Gooderham*: Should be, will seek reimbursement from county before next meeting. Planning items next month.

**Other business**: *Cunningham*: Movie night next Monday at CCA. *Mullins*: CEPD meeting tomorrow at 1 p.m.

The meeting adjourned at 12:40 p.m.

-- *Ken Gooderham, administrator*