

## Captiva Community Panel

# MINUTES

*Feb. 14, 2017*

**Attending:** Peter Koury, Rene Miville, Tom Rathbone, David Mintz, Mike Lanigan, Dave Jensen, Bob Walter, Andreas Bieri, Mike Mullins, Sandy Stilwell (phone), Mike Boris

**Audience:** 15

Meeting convened 9 a.m. Introductions. *Miville:* Dynamic backgrounds, multiple businesses, Goal to make this a very productive year for panel and island. Let me earn your respect, speak more or less. Trickle up process to guide our future. Action items now included in agenda. Process to get action and motions. 1/10 minutes as submitted (Mullins/Rathbone), unanimous approval.

**CEPD:** *Kathy Rooker:* Notice to proceed issued by DEP Feb. 3, work on the ground to start. Will see work happening by Feb. 21, off beach by first week in May. Turner beach lot not to be used as mobilization area, will remain open. No navigation issues expected, but bridge use could be affected. Inlet management plan for pass, working with consultants running models, Next public meeting in late March. At San Rec Center tentatively. Want to ensure people of Captiva have input into plan as it will be in effect for years. Meeting still at Tween Waters Inn, now moving to Ding Darling Room. Check agenda. *Jay Brown:* How big is project? *Rooker:* 100,000 cubic yards, larger than past projects. Starting on sound side, then moving to Gulf. Some sand will migrate back into sound, will come back and do re-sweep of bayside. *Walter:* Website? *Rooker:* County site most current, will link from CEPD website.

**CFD:** *Chief Rich Dickerson:* Knocks Box... after-hours key system. Emergency access. Now have home system you can install. Each fire district has its own key system. Open house planned for April 1, see station and meet staff. Ann Brady and the Rauschenberg resident program are providing new artwork for station, now up.

**LCSSO:** *Sgt. Mike Sawicki:* *Miville:* Intro to letter. *Sawicki:* Parking... ordinance created for and by people who live here. General prohibition... all streets and road rights of way. Individual private vehicles as approved by county admin, with LCSSO and CFD approval. Send request to county admin office, to designate time as special event. No doing that puts us in a hard spot to enforce laws, don't want to write a bunch of tickets to local people. *Mullins:* Make request every Sunday? *Sawicki:* Probably not. Ask that office. *Boris:* Going on for decades, trying to figure out the disconnect. Used to be blanket permission, trying to restore that idea. *Sawicki:* Changing island, disconnect over land use. *Miville:* Reach out to LCSSO? *Walter:* Get clarity from county admin. *Sawicki:* Exemption to parking ordinance, not special events permit. *Sawicki:* Happy to work with anyone who wants to clarify this. *Mullins:* Will get some facts to bring back to future meeting. *Jensen:* Mike Boris has been working on it. *Boris:* Contact through CCA, make LCSSO designee, still working on it.

*Bieri:* Hagerup Beach? *Jensen:* CEPD issue, has control over parking. *Miville:* Have been getting calls about CEPD decision. Sanibel keeps theirs open. Do some research on possible solutions to CEPD for discussion. *Mintz:* What decision was made? *Jensen:* Dawn to dusk parking, talking to attorney about signage. *Mullins:* History of lot... lights, portalets. Concerned about danger, kept low-key uses. Don't make it inviting at night, or we assume risk. Somewhere hours were changed to 11 p.m. Discussed at last

meeting, possible liability of staying open late. Better to close at dusk. Sawicki not looking to write tickets, just safety and liability. *Sawicki*: Not going to abuse enforcement, more for those hanging around very late. What activities do you want to occur on any of the parks at any time out here? Discussion of issues and access. *Mullins*: Issues of liability driving CEPD. Discussion of park issues at Blind Pass. Risk to neighbors, attractive nuisance.

*Sawicki*: Sound ordinance, some handout data is outdated. Will update. Change for the better, no long requires decibel meter. Other criteria other than decibel readings. Counter or criteria, has to be done from receiving land. Important to give your location and name, we need to know where you're hearing that noise. Need a complainant for enforceability. Roosevelt Channel issues. So we can hear what you hear. Saw where you are calling from and give us your name so we can enforce the rules. *Koury*: Proximity of house to noise? *Sawicki*: Must be made from receiving land. *Koury*: Neighboring land or in the vicinity, not "and" *Sawicki*: Normally will not go on private property unless requested to enter. Discussion. Walking down the street doesn't give you property right to complain. What's in the rule and what's fair. *Mullins*: Turned on app to measure decibels in this meeting, described results. Discussion. *Sawicki*: If you live close to people you'll hear them... but call us if you think you have a violation when it's occurring. *Koury*: Who do we call? *Sawicki*: 477-1000 to forward to proper deputy. *Koury*: Bands for weddings, how do we get relief? *Sawicki*: Decibel counter is best recourse. Whether it matches with neighboring land use. *Koury*: What would you suggest to make it more enforceable? *Sawicki*: Some changes due to court rulings. Imagine explaining this to a judge later. Not easiest, but what's defensible. *Miville*: Conclusion. *Boris*: Appreciate LCSO discretion. *Sawicki*: Trying to balance interests. *Mintz*: Lizards issue from last meeting. Call LCSO? *Sawicki*: Fish & Wildlife Commission might be interested. Sanibel has trapper for removal. Not game or domestic animal, so hire a private trapper.

**Plan/code**: *Mullins*: Have been keeping time. *Miville*: Intro. *Forgey*: Explanation of comp plan... adoption process. Enforceable in court. Then land development code and zoning. LDC must comply with plan. *Mintz* table in packet shows interaction of plan and code. *Mintz*: Background on plan formulation. Code enforces plan intent. What we need to make the plan work. What we need to discuss once plan is in place. Finding out all the pertinent rules and put them in once place. *Rathbone*: Rules only for Captiva? *Mintz*: Would need to make the case for that. *Forgey*: Happy to give primer on plans, LDC, etc. *Mintz*: Plan before county, then flesh out with code. Have Depew look at ways to make it even more defensible, to bulletproof it.

**Hearing schedule**: Gooderham reviewed likely schedule of plan hearings, with the Local Planning Agency March 27 or April 24, following by county commission review in June or August and final adoption in August or September. Would want to schedule meetings with commissioners prior to review hearing, and all hearings are open to the public for comment. Important that community show its support for plan update and key points, since ultimately it's a political decision.

**Sea Level Rise Summary**: Gooderham: Take-aways from Jan.13 symposium:

- Experts may quibble over how much sea level will rise, but no one said it would not rise.
- It's a gradual process that unfolds over time... higher tides, stronger storms, more flooding, etc.
- The sandy side of the island can cope better with SLR... the problem area is the bayfront, where encroachment will have a much more serious impact.
- Ground water rise may be the greater problem, as it will impact ground water tables which affects

septic systems, drainage and salt water intrusion in wells and aquifers.

- This rise will also have environmental impacts on shorelines, wetlands and marshes.
- SLR may increase the call to limit or eliminate development on barrier islands over time (Wanless). It certainly will affect construction standards on islands, in terms of base flood elevation, protecting infrastructure, floodproofing and other issues.
- There are a number of tools to help communities understand the potential impact of SLR... GIS-based projections, etc.
- A growing body of case law on SLR that bears review at some point. Protecting rights, promoting recovery and resilience.
- Communities to look at for action examples... Sanibel, Yankeetown, Southeast Florida, Tybee Island, etc.

*Gooderham:* Seeking panel direction and approval to allow staff to research possible problems areas and issues to bring back to the panel or a committee thereof for discussion. Discussion. *Mullins:* Motion for staff to look at grant options for research and planning to respond to SLR (Mintz second). *Mintz:* Bay vulnerability, other communities responding. *Mullins:* Staff to look at grant options to plan for SLR. *Boris:* Assume you have project in mind. *Mullins:* Yankeetown model as a starting point. *Brown:* SLR policy and program. *Mintz:* Wastewater fact-finding. What's possible and how to implement. *Lanigan:* No work until funding? *Miville:* Fact-fighting mission, Mullins suggested looking at funding pursuit. *Miville:* Permission to fact-finding mission, and look at potential funding and grant sources. Scope and approach and funding. SLR as it affects Captiva. Motion unanimous approved. *Brown:* Form committee? *Jensen:* Next month.

**Committees:** *Miville:* Discussion of committees outline. David Depew background, strengthen code language. *Mullins:* No commitment to Depew at this point. *Mintz:* Plan pending, then have Depew fine-tune it to make bulletproof. Our job is the code, perhaps adding things to make it stronger. *Miville:* Plan or code. Discussion. *Mintz:* What we need in the code to make it workable. *Miville:* Committees in progress explained. *Mintz:* Have a proposal to study our needs. On S-curve, the county is willing to pay for survey. Recognize that county is trying to help us along the way. *Miville:* Tax committee. *Mullins:* Can make a good case, have to see if it has any impact. *Miville:* Development. Lanigan wrote thoughts on how to proceed, something he is good at. *Walter:* SSIR always very generous toward panel. Rathbone is added to committee.

**SLR:** Blueprint on how to move forward on this issue. Mangrove and water, related to SLR work. Water quality should move to wastewater committee. Mangrove with SLR. *Brown:* Mangroves... removal and mitigation process. *Miville:* Struggled with issue in the past, have data to discuss. *Mullins:* Trimming rules as well. *Hal Miller:* Who do you go to on mangroves? *Gooderham:* DEP and the Corps for permits. Discussion of jurisdiction.

**Rental committee.** *Lisa Riordan:* Update, scheduled follow-up meeting with agents on Feb. 21. Royal Shell, ReMax, Kingfisher, AMRC. *Miville:* Etiquette letter? *Riordan:* They all say they have that. Koury was added to that committee. *Koury:* State bill could prohibit any local ordinance or regulation dealing with rentals. Add Lanigan to rental committee. Libbonate as well. *Forgey:* Pair of bills, one takes local authority away to regulate seasonal rentals, other does the opposite. Lauderdale by the Sea considering. *Riordan:* Chance of approval? *Forgey:* Don't know. *Koury:* Stuebe bill is on to committee. Panel want to

make its feelings heard? *Riordan*: Companion bill in House? Discussion. *Lanigan*: Over booking only or broader? *Jensen*: Broader. *Riordan*: Want to speak to us about other issues people face. Conversation broader, so solutions may be broader. *Gooderham*: Letter offered good suggestions, need to define what can and can't be done. *Koury*: Express concerns as a group. *Mintz*: Motion to ask Koury to draft letter for panel review to comment on local government preemption. Unanimous. Mullins objected to vote as item was not on the meeting agenda to allow action to be taken.

**Wastewater:** *Brown*: Background on wastewater – no supervision over the years. Four package plants on island, rest of island outside South Seas and plants on traditional septic systems. Some performance-based systems in place. Formed committee for fact-finding and determination of possible threat. Looked at SCCF water quality study inside and outside resort. Met with environmental engineers, would not do septic systems if starting from scratch... porous soil, high ground water. FGUA gave us preliminary figures on expansion, \$30K per parcel very rough estimate. Asked county to look at options, staff developed scope to study existing data. Not committed to sewer, just looking for best overall strategy. Look at regulatory options, improve service in denser village area. View all logical alternatives, get costs, and have discussion. \$100K 120 days.

*Rae Ann Wessel*: Introduction. Legislative session... HB 419 on mangroves, would allow anyone with 5 acres or less, allow them to be reduced by 70% in exchange for planting other mangroves. Not at all protective, would overshadow current mangrove act. SB 10, buying land south of Lake O... Passed committee unanimously, another hearing Wednesday. Looking for people to speak to economic issues. HB 761 companion bill. Appropriations Committee, elected officials and business voices to be heard. Interested in coming up for this hearing or be on a list to speak to these bills in the future. Another SB competitive bill, Simmons SB816, don't need to buy land south, just hold all the water in the lake up to 19 feet. If that can't be done state will take on entire responsibility. Never had the lake that higher ever. Anything above 16 feet kills off marsh system on west side of lake, impacts water quality severely. More blooms as well. Water comes in 6 times faster than you can release. *Miville*: Who supports it on local level? *Jensen*: Get SCCF newsletter. *Wessel*: Caldwell, has his fingerprints all over it. Henry Dean op-ed in today's News-Press. Good premise, then undermines it. Can't afford to be distracted by storage south. North has benefits but water eventually flows into the lake. Bieri and Stilwell left meeting. *Jensen*: SB874 worth looking into? *Mintz*: What can panel do? *Wessel*: Economic and quality of life entity, happy to develop talking points. Directed to Appropriations subcommittee, copy governor and local delegation. Push it with Manning as well. Ruane calculated impact 55% of re values, \$2 trillion total value of lands affected by WQ Lake issues. *Mintz*: Draft letter and get key people ... *Wessel* will work with Gooderham.

**Financials:** *Boris*: Still afloat.

**New business:** Panel evaluation... *Rathbone*: Panel meeting is public face to group, public invests time to attend. Process to improve quality and effectiveness of meetings. Realistic times on agenda, major goals on agenda, accomplishment for meeting. Timekeeper to keep us on track. Questionnaire for audience to complete, 4-5 questions. Suggestions and comments, happy to draft. *Mullins*: Need a parliamentarian as well. Letter was not on agenda, motion and second with no discussion, violation of our rules. Can deal with new issues, but need to allow discussions. *Miville*: Make Mullins parliamentarian. Discussion. Questions could wait until later to save time. *Mullins*: Need realistic times, items in advance to enable participation. *Miville*: Let things go over if they're important cut things off if redundant. Discussion.

*Mintz*: Required to operate in the sunshine, cannot have prior discussions on issues we need to decide on at meetings. Some inefficiency built into this system. You're hearing us think out loud for the first time, the benefit of our thoughts as we're hearing it. *Rathbone*: Review allows that feedback. *Mullins*: Confusion about sunshine. As planning entity, those matters are in sunshine. Fund, rules, not specific planning related not necessarily. *Miville*: Also responsibility to get background on agenda items if necessary. *Lanigan*: Committee discussions in sunshine? *Mintz*: Fact-finding committee not making policy or planning decision, OK. *Mullins*: Fundraising does not need to be done in public. *Lanigan*: Overbooking? *Mintz*: only one member of panel on committee. Discussion. *Hal Miller*: Went to Rene after January meeting to ask him to step down, afraid he'd not be a good chair. Now I want to commend Miville on job you did today. Discussion. Miville may miss meeting, Mintz to chair in March

The meeting adjourned at 11:10 a.m.

-- **Ken Gooderham, administrator**