

Captiva Community Panel

MINUTES

March 8, 2016

Attending: Jay Brown, Peter Koury, David Mintz, Mike Mullins, Dave Jensen, Jack Cunningham, Rene Miville, Bob Walter, Mike Boris

Audience: 15

The meeting convened 9 a.m. After introductions and roll call, the Feb. 9 minutes were unanimously approved (Cunningham/Jensen).

CEPD: *Kathy Rooker:* Invite all to CEPD meeting at Tween Waters Inn at 1 p.m. Dr. Bill Stronge is presenting on methodology for apportionment and assessment for beach projects. Opportunity to learn more about how beach projects are paid for. *Miville:* Any changes in apportionment proposed? *Rooker:* Info on how's it's been done, discussion about concerns and ideas. *Miville:* Anything being proposed? *Rooker:* Not to this point.

- **ACTION:** No action

CFD: *Deputy Chief Jeff Pawul:* Thanks for attending open house last weekend, good turnout. Annual event in season. No pole at fire station to get downstairs. If you see more boats, merc drill right now in Pine Island Sound. District is replacing air packs for emergency calls, outdated after 15-20 years use. In next few months we hope. *Boris:* Sunset Captiva meeting, question arose as to where to go in the event of a storm? *Pawul:* During, as far away as possible. Off the island. Do you mean tornado? *Miville:* Could you identify structures built beyond code on the island that could be used in an emergency. Five strongest structures on island. *Walter:* Warning system? *Pawul:* County could do ID buildings, but would not recommend it. Better to shelter in place since you have little warning or time to evacuate. *Miville:* Only a few that were built monolithically, a solid pour of concrete.

- **ACTION:** No action

LCSSO: Not here. *Lisa Riordan:* Librarian Ann Bradley is retiring at the end of the month. Community celebration on March 31 at Community Center 5:30 p.m., all invited.

- **ACTION:** No action

Hurricane Committee: *Doris Holzheimer:* April 13 hurricane meeting is 2 p.m. at Community Center, only one program this year, local weather person and boat security expert. Jim Bjosted from Lee Emergency Operations Center and Karen Pershing from NBC-2. Hurricane passes available after meeting. *Mullins:* Safe refuge in tornadoes? *Holzheimer:* Can ask, but not much time to go looking for shelter.

Sewer Committee: *Brown:* Background, traces back to water quality. Survey two years ago included sewers among projects to look at. *Koury:* 46% of respondents supported, but from a small response. 54% said no. *Brown:* Took that as 0% said we should not. Discussion. *Brown:* Long and complicated effort. Key factors: What would it look like... expand SSIR, work with Sanibel, some homes on system, some go north and some south. Cost? How to pay for it, any outside support? Would need a strong environmental rationale to justify cost. Economic justification over the long term, sewers vs. septic? Unintended consequence of increasing density on the island? Lot done to report on, plus issue with South

Seas plant operations. *Walter*: South Seas has nothing to do with plant, it's the FGUA plant located at South Seas. *Brown*: Background on FGUA plant.

Mintz: FGUA plant... has to operate properly to serve SSIR residents, plus how it fits into a greater picture. Two issues arose, accidents last year at plant. Sanibel concluded that cause was peak flows in excess of capacity. We inquired, heard three different explanations of issues. Could not get a straight answer, wrote letter to Florida DEP in conjunction with the plant's annual permit renewal. Met FGUA representatives at Feb. 25 stakeholder meeting on Sanibel, they offered to meet and discuss concerns. Met yesterday, we had developed 10 questions in advance. At stakeholder meeting, FUA said it was not aware of controversy and concerns, only got that with DEP letter. FGUA is public utility, hires GSG to manage plant, which in turn hired U.S. Water to maintain and operate plant. Lee County Utilities Director Pam Keyes is chair of FGUA, works for Lee County and Assistant County Manager Doug Meurer. FGUA said April event was due to toxicity. Killed off microorganisms and forced a shutdown. Died as processing plant for 10-11 days. Did not know what caused organisms to die off. Number of possibilities to speculate about. Explanation of plant process. FGUA said I never happened before at this plant, and they hope it never happens again, \$100K to deal with the issue. We asked if it was a capacity problem, they said unequivocally not that issue. Provided handout of flow vs. turbidity for that period (distributed to panel and audience). *Hal Miller*: Has this ever happened at other plants they operate? *Walter*: Rare occurrence. *Mintz*: Not peak flows Max Forgy: Will they be taking samples in the future to determine cause?

Mintz: Plant has capacity to deal with resort today, and with planned expansion. 63.5% of capacity even with new units. 350,000 gallons a day possible, 165,000 gpd now. Peak flow in application was stated as 540,000 gpd, FGUA reps said it must be a typo, should have been 240,000. We asked how did Sanibel conclude it was capacity issue? Heat of the moment conclusion, misunderstanding on Sanibel's part. Can it happen again? About to put online an injection well, can handle 260,000 gpd treated effluent. If it happens again, would not transport to Sanibel but would inject into well.

- **Summary**: April event not caused by flows, 140 units will not impact capacity limits, they don't know cause of upset, had to reboot plant, new well will prevent need for trucking effluent in the future. This plant will service the resort for the future, don't we need to consider it in any future expansion plans but it should be integrated into planning. October spill, Sanibel believed it contributed to subsequent beach closure, FGUA said not possible... not big enough and was already treated water.

Mullins: Some of this information was caused by the initiative of Sanibel, need to communicate and monitor more closely. *Jensen*: You engaging the city helped more this forward as well. *Brown*: Found FGUA explanation credible. An anomaly, enough capacity to handle now and future needs. Not enough to help rest of the island deal with waste. Part of any plan but not a major element. *Boris*: How does new well help this solve problem? *Walter*: Uses aquifer to filter and purify, take substandard water through well. Not preferred, but acceptable. Only used in emergency. *Mullins*: Goes into a non-potable aquifer. *Boris*: This is more info that we've had in years. *Miller*: Data goes to DEP? *Mintz*: We can see it, FGUA says it reports at a greater level than they need to, that's what Sanibel looks at. Plant is a living organizations, and things can go wrong. *Mullins*: Highlights fragility of island. Septics inject wastewater into ground water as well, plus the other package plants. Fact that it did happen underlines need to watch out for this issue. *Mintz*: Lift stations in resort do not have generators, if power goes down sewage can't go anywhere. Work to get money for that somehow. *Mullins*: Post-Charley delays on Sanibel were due to power. *Miville*: Tesla now sells generator, 25KW giant battery, seven days of power.

Brown: Met with Sanibel Mayor Kevin Ruane and City Manager Judie Zimomra before last panel meeting. Then met with Vice Mayor Mick Denham, water quality guru for city. Attended a stakeholders meeting on Feb. 25, which includes representatives from Sanibel, DEP, FGUA, Captivans, Lee County.

Sanibel enormously concerned about water quality on islands. Also concerned with density and traffic, mangroves and environmental issues. City did not understand that Captiva shared those concerns, thought we were less concerned about water quality, density and traffic on Captiva. City see a potential threat to its environment due to what we do on Captiva. *Walter*: No dialogue between the two entities. *Brown*: After meetings, predisposition has been corrected. Genuine desire to work in partnership with Captiva to help us manage water quality and environmental issues. Specifics about city sewer system, two plants but one mothballed. 99% of island is on sewer, last properties being converted now. If we move forward, Wulfert plant could be engaged to handle Captiva capacity, could handle 125,000 gpd now. Combination of FGUA and Wulfert plant the foundation of wastewater processing planning, a starting point. Sanibel is in favor of having the county do a feasibility analysis of how we would work together on central sewer system, provided Sanibel would not have to pay for it. Helps us determine costs, etc. which we need to know to move forward. Meurer implied it was reasonable to do such a study, we have a March 29 meeting set to discuss with him on how to move forward. Have meeting, get facts, determine level of support, decide what's next.

Mintz: Sanibel trying to pressure county to fund study. Parameters need to be defined, is there enough flow and capacity options to structure, what is cost to connect, what are ways to control density, what are costs and how to share and allocate. Do we need sewers here? What's the environmental impact of septic systems? No one on this committee is committed to putting sewers here, but we're committed to getting all the facts to reach a logical conclusion. 550 units on septic here, about 300 of those systems are regulated, rest unknown and unmonitored. How well do they function in flooding? This work will take more than a matter of months. Need a solid rationale to undertake this kind of project. ??? Question about disruption of such a project. *Miville*: When Island Water Association replaced pipes, not a big deal. Isn't it the same thing? *Mullins*: Political and financial challenge here, people will have serious questions. *Koury*: Need water quality analysis to determine septic impact. SCCF study was inconclusive. Need to understand if we have a need for this.

Mike Frascati: Doesn't Dept. of Health have a plot of where systems are located? *Mullins*: No, unless they were installed during a certain time period. *Miville*: Info from Sanibel? *Brown*: Data on septic impact study archived. Density, existing zoning laws in place, as long as they hold the only question is possible use of lands devoted now to drain fields. *Forgey*: Getting tougher to fight for these rules. Tougher for neighbors to oppose actions by developers. *Jensen*: Sewer capacity could control development. *Miville*: Gordon Drive analogy, they have sewers but no high rises due to owners' political power. *Brown*: Key component of process. *Forgey*: Bonita Spring high rise project, developer lost due to political opposition. *Mintz*: Land use protection is a piece of our research, need to feel comfortable with outcome before moving forward. *Cunningham*: Look at Sanibel, has had sewers and no high rises or density issues. They have been able to control that. Once we have all the facts, how does this move forward? *Brown*: To move forward, need funding source, MSTU would need to be formed. Vote would be required, not a dictated issue. *Miller*: Like the vote before a beach project? *Mullins*: Yes. *Duke*: Cost of connection? Discussion. *Mullins*: Interest and payment options a way down the road. *Brown*: Water quality... looked at SCCF study. Conclusions could not associate septic vs sewers with increased bacteria counts. Nitrogen loads were increased nearer to septic. Rainfall increased bacteria levels, not septic. Failure to handle storm water may be a bigger issue. Meeting March 15 with SCCF, Rae Ann Wessel and Mark Thompson, to revisit study. *Mullins*: Blind Pass being open would impact study and water quality. *Miller*: How many septic systems? *Brown*: 500-600. *Jensen*: SCCF doing similar study on Sanibel right now. Discussion.

- **ACTION**: SCCF meeting on water quality March 15, Meurer meeting on study March 29. Follow up with FGUA. Update at April 12 meeting.

Bylaws: *Brown*: My thoughts included in packet. *Cunningham*: Well done. Speaking on behalf of CCA, we have no interest in controlling panel. Number of members on panel and in audience. More harmony

and a good team now. CCA could have more participation with panel and be involved in projects. Would do as much as possible to encourage CCA participation in panel activities. We have 371 members. *Walter*: How many year-round? *Cunningham*: Not a lot year-round. If you equalize panel member issue, will find more participation of CCA members. We all love Captiva, would not be here if we did not. Let's move forward and get past this hurdle. *Brown*: Not voting today, next meeting. *Koury*: What you wrote captures the whole situation. Working well but has an appearance and history problem, imbalance, fosters a situation where some don't pay much attention to the panel.. Supposed to be representative of the island, would be more so if we equalize membership. *Brown*: Appearance for some people, not for others. Want this group to be effective. *Jensen*: Group is effective now. Hard to believe this is an issue, if they came to meeting they would see how this works. If you don't come you could believe there's a problem, but if they come to see this in person they see it works. *Walter*: People believe what they want to believe, panel is extremely transparent.

Miville: Interaction with county and their perception means a lot in our effectiveness. Commissioners and staff are clear on who works with panel, and why it is effective. Selection process engages activity, nothing it broken here so if we're results oriented people can come to help. *Cunningham*: There's a different perspective. Why don't CPOA and CCA sit down and talk to better understand what's going on? *Jensen*: If people who have this perception would be part of this, why should there need to be an equalization? *Mullins*: Most of the CPOA appointees are CCA members. Glass half empty/half full issue. My perception used to be based on what people told me. Once I attended in person, I found out more about the island immediately. Discussion of history... initial work on bylaws. First two years after enacting, it was easy to amend bylaws and fix obvious problems, but nothing was done. We're about planning, not about changing bylaws all the time. Since Cunningham joined panel, we have had efforts almost every year to amend bylaws. Never going to resolve this issue, put it aside and work on the issues that matter. ???: Anyone here you object to? *Koury*: Lack of information about CPOA who appoints panel members. CCA is transparent, don't know who CPOA is made up of? More info about membership, etc. Object is about how members are appointed, not inclusive or representative of island.

Miller: It's a perception issue. Same as sewers, if we get them we get high rises. No information will change people's minds. Look at what's been happening instead. Loss of energy when time is spent in trying to change people's perceptions. *Cunningham*: Don't understand why CPOA is unwilling to give up three seats? *Miller*: Discussion of incorporation history. Still perception lingering from that period, that CCA still wants a city. *Cunningham*: Perceptions are an issue, and hate taking this time, but this is very important to CCA. What does CPOA do – many people on this island don't know that. *Jensen*: Company analogy, people given a small share and who haven't supported work suddenly want to be handed more power. *Cunningham*: That was then, this is now. *Walter*: Dealing with semantics, CCA has representation beyond its appointed members. ???: Does CCA have objections to what panel is doing or would like it different? *Cunningham*: More active participation possible. *Duke*: Blind Pass update? *Brown*: Will have a vote next meeting. Ask all to think about it... working great right now. Would love to have a bunch of CCA people in here participating. If changing bylaws would help this work better, great. Old points of view here. *Miville*: Everyone welcome to participate. Discussion to clarify voting process. *Gooderham*: Two-thirds approval means 8 affirmative votes (two-thirds of 11 being 7.33) needed for approval. No proxies allowed by bylaws, members can vote telephonically if a quorum of four is physically present and a majority of current members are participating in the vote. Lack of a vote equals a "no" vote.

- **ACTION**: Vote scheduled for April 12 meeting.

Captiva Drive: *Mintz*: Gooderham and I will do some measurements after this meeting. See if we have room to include a walking path in the right of way. Work with Jose Gonzalez to see what's feasible, take suggestions to the county to get it done. *Miller*: Can they clean drains as part of this? *Riordan*: Called county on flood problem on Wightman, asked them to look at drains, no action yet. *Mintz*: Replacing

drains too expensive, more effective to try to include path for walking. Discussion of storm water drainage for Andy Rosse Lane and Captiva Drive.

- **ACTION:** Hope to have update for April 12 meeting.

LCEC: *Miville:* What would it take to get more reliable service? Looking at options, will report back to panel soon. *Tricia Dorn:* Explained power pole replacement/undergrounding at S curve, with the help of homeowners and LCSO LCEC crew got done in advance. Proud to get it done faster than expected. We did send teams up here to look at service. Blinks down from January to February. Explained repairs and upgrades, salt corrosion and vegetation issues. Will have more do discuss at future meetings.

- **ACTION:** Hope to have update for future meeting.

Tax Committee: *Mullins:* Boris, Miville, Mullins met with Tax Collector Larry Hart and assistant, who were helpful on understanding Unincorporated MSTU tax. Generated \$300 million over last 12 years throughout county, \$10 million to 12 million paid by Captiva alone is my guess. Specifically to be used for unincorporated areas – lights, sidewalks, sewers, power lines. Getting them to yes is another issue, officials need to know what we’re contributing to the MSTU fund first. Koury also looking at MSTU issues, our share and what it should to pay for. *Koury:* Funds operations normally the function of a city government – planning, permits, etc. Tax assessed value \$58 billion total countywide, unincorporated areas \$29 billion. MSTU fund was \$23 million, down in 2015. Guess we pay \$1 million to \$1.3 million. Does not come back to us. *Miller:* What do we pay in taxes? *Mullins:* Explanation of overall taxes. *Mintz:* We have projects already where we could use those funds. *Mullins:* Also pay about \$3 million a year in bed taxes. Discussion. *Mullins:* Tell them what we need the money for, show that we have needs.

- **ACTION:** Research to continue.

Fund-raising: *Cunningham:* Letter over the summer, goal to raise \$20K if possible. *Brown:* Cruise again? *Cunningham:* Let’s see what we get from letter. *Boris:* Cruise did introduce people to this group. *Mullins:* Panel operations come under MSTU definitions. *Cunningham:* Advise them about our projects, we’re becoming more active and will be asking them for funding. *Koury:* Want to join tax committee. Discussion. *Cunningham:* Do want to move forward with letter? General agreement, no motion necessary. *Gooderham:* Reimbursement request re-submitted to county last night for just under \$4,000. Plan approval process will be covered under existing grants as a reimbursable item.

- **ACTION:** Letter will be updated and prepared for July mailing.

Planning: *Forgey:* River Hall appeal is going to governor and cabinet, not scheduled yet. Commission has not set date to discuss community planning, will let you know when they do. *Mintz:* Schedule of plan update. *Gooderham:* Plan update application needs to be finalized, hopefully this week. Review by staff and a variety of departments. Staff will issue report in advance of the Local Planning Agency public hearing, where recommendation on action will be made for county commission. Commission then schedules two hearings. Staff reports usually a week prior to LPA hearing, so you will see them but may not have opportunity to meet as panel beforehand. Need to see what other plans are pending, since they like to deal with them in a group. Also impacted by BoCC vacation schedule and budget hearings. *Forgey* and I will represent panel before LPA and BoCC, but anyone is invited to comment and statements of support in person or via email are valuable. We also schedule meetings with commissioners before hearing, to explain policies and answer questions. Also good for panel members to participate if timing allows. Discussion, *Mintz* encouraged to participate if possible.

- **ACTION:** Will get LPA names, finish plan application, start to determine likely schedule.

Mullins: Funding for beach project, loss of funding at the last minute due to change in definition of easements. Discussion.

David Rohn: As a dark skies proponent, was dismayed to see new lights installed at resort that shine upward. *Gooderham:* Dark skies policy in update, but not approved yet. Then need code language to actually implement. Sanibel took some 15 years to fully enact its dark skies ordinance.

Meeting adjourned 11:45 a.m.

-- *Ken Gooderham, administrator*