

Captiva Community Panel

MINUTES

April 12, 2014

Attending: David Mintz, Dave Jensen, Peter Koury, Jack Cunningham, Mike Mullins, Jay Brown, Rene Miville, Bob Walter in person; Mike Kelly and Mike Boris by phone.

Audience: ~15

The meeting convened at 9 a.m. Following introductions and rollcall, the March 8, 2016 minutes were unanimous approved (Mullins/Jensen).

CEPD: *Administrator Kathy Rooker:* All invited to meeting, tomorrow 1 p.m. in Wakefield Room at Tween Waters. Blind Pass Technical Advisory Committee has held several meetings. Three public stakeholder meetings are planned, first will be Thursday, April 21, at 5:30 pm at The Sanctuary on Sanibel. Purpose is to introduce Blind Pass study. Gauges set in December, in for whole month of January during a lot of weather. Good opportunity to see wave action, wind, current and how they interact. Looking at both Blind Pass and Redfish Pass. Encourage you to come to hear this. Learn more about passes, see mutual interests and collaboration. CB&I will be presenting, county is sponsoring. Will send out notice Monday.

- **ACTION:** CEPD and panel will send Blind Pass meeting notice prior to April 21 meeting.

CFD: *Chief Rich Dickerson:* Boot drive last weekend, \$4,436 collected on Captiva alone to benefit Muscular Dystrophy Association. People are calling station instead of 911, 911 is much faster in emergencies. Can still call station for information. Held trainings recently, thanks for articles in local papers. Focused on getting water on the fire fast. Plan to hold dry-hose runs on almost every commercial building during off season, measuring distances to buildings pulling hoses. Hurricane Seminar is tomorrow at 2 p.m. at CCA. Fliers handed out. WBBH weather caster and Jim Bjosted from Lee County EOC, plus others. Passes also available. Could be a busier season with La Niña kicking in.

LCSO: *Sgt. Mike Sawicki:* Burglaries on island, a couple in Beach Homes, others around the island. Unlocked doors a major issue, easy to get complacent. We catch most of the burglars out here on the island. Bubble Room thief convicted. Most committed by employees, former employees or someone who has done work on the property. Make sure doors are locked and working. Evaluate service providers coming to your house. Put valuable things out of view. Ask some questions about labor force, how long have they been with you, do you do background checks? *Mullins:* Early Saturday morning had someone banging on door, was a boat breakdown problem. Was opening the door to them a bad idea? *Sawicki:* You can always call us, we can help them. Doesn't have to be committing a crime, we can come out and help them. *Miville:* Websites for fast check on employees? *Sawicki:* Most private, can't recommend one. Can check Lee County arrests online. Mugshots.com of the LSCO website. There are private services that will do checks. *Miville:* Camera system very cheap, can watch who raided your place. *Sawicki:* Technology is getting cheaper and cheaper. As old technology ages and fails, reevaluate your system and needs. Know who your neighbors are, see who's coming and going on adjacent properties. You are the eyes and ears for LCSO. *Miville:* Last time there was a high sophisticated robbery on the island? *Sawicki:* It's been a long time, see more crimes of opportunity. Discussion. *Kelly:* Beach Homes robbery, any progress or feelings of how it happened? *Sawicki:* An active case, can't comment on it. Leads to follow up with, occupied at the time, came in through unlocked doors. Using beach to access homes. My call is 281-7210 if you need to reach out to me.

Bylaws: *Cunningham:* Plan to have vote. Handout of statement to panel and audience. Cunningham read a statement:

We can vote today on the proposed bylaws change.

During the past several years, the CCP has accomplished much in identifying and agreeing upon short-, medium- and long-term projects to be addressed. Actions are taking place. Individuals have volunteers to lead a number of the projects. Particularly the medium- and long-term projects will depend upon the panel maintaining the necessary momentum. Community volunteers need to be brought onto these project teams to share in the effort. That would educate and hopefully motivate more people to be CCP active.

Captiva is increasingly. I believe, going to be challenged to find effective individuals willing to participate in our community's different volunteer functions. A number of the remaining older residents who traditionally stayed six months and served are leaving. Captiva is rapidly becoming a rental community and those homes not rented are mostly occupied by people here for a vacation or short stays. Typically they decline involvement in local projects not seen as their real concern. We already are struggling to find people willing to serve, This situation will likely only become a greater issue.

We are a very small community. I believe members of the Panel, CPOA and CCA generally have a unified long-term view of how our island existence should evolve. We need to do everything possible to eliminate any issues challenging people's involvement project achievement.

Let's put the past behind us. We are here today with a vision for Captiva, and we must be as one going forward. Life is too short and we are too few to carry this issue on.

Regardless of this vote's outcome, the CPOA and CCA need to meet and place on the table all issues of concern. There can be and must be a solution. As I offered at the March meeting, and again offer now, the CCA is very willing to meet with the CPOA and any other concerned parties in the interest of fully working together.

Please vote yes for this bylaws change. If some of you would prefer to postpone this vote so we can meet, address all issues and come to a revised proposal that can then be presented as a bylaws change that would be fine also.

Thank you.

Cunningham: CCA is willing to meet to come to a solution. Willing to postpone vote to meet if necessary. *Brown:* Support some change, but not necessarily this one. *Cunningham:* Member selection is my concern. Meet to come up with a solution to resolve issue. *Walter:* Bylaws, and meeting on common ground? *Cunningham:* Bylaws is focused on member selection. If CPOA wants to meet with CCA, let's discuss and try to come to a resolution. Could revise bylaws amendment wording at that point. If not, vote right now. *Brown:* Could call for vote now. If it does not pass, could propose another motion to revisit bylaws again. *Cunningham:* Regardless of outcome, two groups need to meet to discuss issues. *??:* How many of the current members of CCA members? *Brown:* Nine. *Cunningham:* Most are not active in the organization. *??:* CCA has more than majority representation, so what's the issue? *Mullins:* Motion needed. *Mullins:* Motion to move forward with vote (Brown second).

Mullins: I was out for last bylaws changes. It says president would appoint Nominating Committee in March rather than May. Was that done? *Brown:* No, did not know it was necessary. *Mullins:* Focus on

business, not on bylaws. First two years it was easier to amend, then harder to make changes more difficult. Did meet with CCA officers at the time, encouraged them to propose changes at the time. Not acted upon at the time. Discussion of optional changes. Ex officio members not acceptable to CCA. Diluting panel's ability to do thing by spending time on these issues, we need to get back to plans already on the table. *Koury*: Continuing area of concern for people in the community. We're all coming close to the same end point on this, panel is supposed to be representative of people on Captiva. When a majority is appointed by a single group, that's not transparent in the community. CPOA members mostly members of the business community. Response has been if panel is working so why change it? This amendment just gets the panel more opportunity to elect its members. If panel is working, let the panel elect themselves. ???: How many CCA members who are concerned, and why aren't they here? *Diane Szambecki*: Understand how emotional this issue can be. Elephant in the room in Peter's comments. Very impressed at quality of research done in the past. As a property owner, I'm a geek. Can't expect that of most residents. People come and go. Time to call the question on this issue. Have no clue about CPOA and I'm been coming here all these years.

Jensen: Two elephants in the room... formation of CPOA. There is no mystery, it was formed to respond to CCA's push for incorporation. They did it by pushing the issue without a consensus or community support. I'm a believer in what the community wants, not what someone is telling us we want. CPOA's sole purpose was to pursue community planning through the panel. Sponsor for the panel, to answer concerns that the community's wishes weren't being heard. Now, the panel has a great record of working with the county to deal with the issues of the island. There's an ulterior motive to CCA wanting to do this, don't know what it is. *Cunningham*: That's why we need to sit down and discuss this. *Mullins*: Every planning meeting in the last update round before this one, CCA objections were solicited. They sat on the sidelines until the plan amendment goes downtown, then send their attorney there to contest it. I don't trust CCA on this.

Miville: Commend Cunningham on convictions. Fact: Who is CPOA? We have supporters, not members. Every penny goes to planning. Focus to serve and protect panel, keep it focused on planning. Look forward, don't look back. No support from CCA, Cunningham is the first person from CCA to work for panel. If you're saying so few people are available to appoint to the panel, why did you increase the members on the panel with the last bylaws change? You're saying there's a problem with the panel functioning because CPOA appoints too many, but how many people really are concerned about that? No majority of island is concerned, you're just saying it to make it so. *Mullins*: Person who makes motion can call to end debate, making that motion. *Miville*: Always focused on planning regardless of obfuscation. Not going to stop doing it. Looking for activists, people who will show up and do the work.

Kelly: Difficult time to make changes with organization. Panel has not completed its commitment to the county to complete community plan update. Once that's over and we receive payment, panel can review organization of panel and the future as desired. Works well as constituted now, with a number of priorities under way that the community has asked us to do. No reason to change unless there are performance issues we're not addressing. Follow responsibility to county to finish plan and get reimbursed for it. When that's done, if the community wants to look at organization as it stands and see if it can be strengthened we can do so. Reiterated points. *Mintz*: I was on Bylaws Committee when this issue came up and we decided not to pursue it at that time. Did not want to see wounds reopened, still feel that way. Look at in the future. CPOA started and sponsored the panel, that's why they have five appointments. Have done a good job with that. Respect Cunningham's tenacity and position. I want a proposal that CPOA, CCA and panel can support down the line. Six appointments upcoming, we will need a change in the Nominating Committee structure. Options. Can be hard to find people to fill positions, imagine how difficult it could be with six positions to fill. Look at constituency appointments. Not fond of South Seas having a constituency seat, the only one on the panel. Concerns are valid, will to

change nominating process, efforts are premature at this time. Need all the island groups on board. Vote called: Koury/Brown/Cunningham/Boris in favor, motion failed.

Brown: I offer a second motion, not to table this issue and end bylaws discussion. Look for opportunities to improve once we've completed the planning work now under way. (Mullins second). *Mintz:* Need to have a unified voice as an island going forward, dealing with very important and controversial issues in the future, we need that unity to succeed. *Walter:* Isn't that the panel's job? *Miville:* Define scope of what will be looked at. County wants to hear a healthy voice, with consensus building and outreach. *Walter:* Panel's job is to hear the voice of the community and move forward. I think we're doing that. *Brown:* Good people doing a good job now. Having an organization who can control who goes on the panel is a concern. *Mullins:* CCA has always preferred to do an end run, its history is difficult to overcome. *Cunningham:* Let's sit down and work through these issues. *Miville:* Scope of things to address. Let's not dilute panel decision-making. *Mintz:* Not increasing CCA's seats, decreasing CPOA's. Need to take serious look at nominating process. *Miville:* Is CCA willing to allow CPOA member on their board? *Brown:* Stop this discussion, let's agree to look at it in the future. Form another bylaws committee to revisit these issues to improve operations once planning effort is complete. Unanimous approval. *Szambecki:* The reason we don't have more people here is people have a lot to do when they get here. Suggest we get things presented visually, not just words. Work on organizational chart on CPOA and CCA and others. Avoid the past unless there's a pertinent reason to bring up the past. Make it visual, put it on website. *Miville:* People want to get to the point, not discuss structural issues all the time.

- **ACTION:** Bylaws committee will be re-formed once county contract on plan update is fulfilled to look at possible structural issues.

Nominating committee: Mullins, Szambecki, McClure, Cunningham, Koury, Miville expressed interest. Brown will appoint at next meeting.

- **ACTION:** Brown will appoint Nominating Committee at May meeting.

Sewer: *Brown:* Three meetings since last panel meeting: SCCF meeting, FGUA plant tour, county meeting with Meurer and Keyes. With SCCF, we reviewed past water quality study extensively. No difference in ground water bacteria between FGUA area and outside that area, but an increase in nitrogen levels. Bacteria not impacted by sewer vs septic, nitrogen higher in septic areas. Bacteria loads increase with storm water runoff. Indicates a storm water management issue on island. *Jerry McClure:* Tied to fertilizer use? *Brown:* Did not come up at SCCF meeting. *Mintz:* Even properly working septic systems don't remove nitrogen from process. *Mullins:* Study was done right after pass was opened, when we had a good flow of water. *Brown:* Asked SCCF their opinion on proper focus re: storm water vs. septic/sewer. They said septic/sewer was more critical, a bigger issue with a better chance of success. SCCF willing to partner with us to provide further environmental impact support on septic vs sewer. Discussed next steps, but no agreement on what to do.

Brown: Next committee did tour of FGUA plant March 24. They said the major event last spring was due to a toxic item being introduced into WWTP plant that killed micro-organisms. Don't know what happened, feel it was a one-time event and not a deficiency in the plant. Capacity of plant will be adequate to handle proposed redevelopment at resort. Left with a high degree of confidence in operations and plant. Expansion of plant: They would like to see that if the community decides to pursue sewers. Concerned about increasing footprint and impact on mangroves and permitting issues. *Mintz:* Plant has a surprisingly small footprint, thought expansion was more feasible than I originally imagined. *Brown:* County meeting... stated committee objectives. Staff is oriented toward sewers for long-term benefit. Said it would be difficult to do primary research to definitely prove an issue, too many variables involved. We could review what we know overall rather than do specific research. *Koury:* They just know it

intuitively, not necessarily provable? *Brown*: Raised concern about unintended consequences, density; they had a little trouble at first but saw the issue quickly. As to next steps and how county can help, Meurer offered to scope a county staff waste water feasibility study for Captiva, looking at alternatives for long-term waste water plan for island.

Decisions:

- Study... Summary read. *Jensen*: Isn't it moving forward already? *Brown*: No, needs panel support to trigger movement. *Koury*: Willing to support if there is a need. But don't see any reason for the county to pursue study of any type. *Brown*: Not a sewer feasibility study, but wastewater management. *Mintz*: Look at other islands, and impact of changes. Can septic systems function on island in the future? How can we regulate systems? *Walter*: They volunteered, we did not ask for study. Mullins/Walter motion to support study, unanimous approval.
- Meet with septic experts: Kelly Hill and Crews Environmental meetings to explore septic issues. *Miville*: Health Dept. inspectors? *Miville/Jensen* motion to support, unanimous approval.
- Expand committee's scope to include storm water runoff: *Miville/Jensen* motion to approve, unanimous approval.
- Consult with land use experts: *Mintz*: Concern of both islands not to create options for density increases. How sturdy are our plan and code at this point, and how could it be challenged or changed without our approval. Discuss with planner (David Depew) and attorney (Sarah Spector or Matt Uhle?). *Brown/Miville* motion to approve. *Jensen*: Should this be done by someone outside the sewer committee or is this a broader issue for panel? *Mullins*: County has overruled its own comp plan about Gulf Coast Town Center mall. County can overrule anything we do if the interests are there. Also look at talking to engineers to see if physical constraints on waste water pipes could have an impact. *Mintz*: What kind of language do we need in our plan to protect island better? Unanimous approval.
- SCCF restudy on hold: *Brown*: Not move forward right now with SCCF. *Miville*: SCCF's strength is not doing studies, they use them as a revenue source. Can look at experts elsewhere without bias first. Discussion. *Mullins*: Had a baseline study in place, do an update. They have some local knowledge to look at what county comes up with. *Walter*: Just on hold until county work is done. Discussion. *Mintz*: 2011 study was a snapshot, not baseline. Wait until we get county scope, figure out where SCCF could fit in. *Brown*: Get a better summary of 2011 study's findings, something short and concise. *Walter/Mullins* motion to approve holding off on further SCCF work, unanimous approval.
- Set up island briefings on progress: *Mullins/Jensen* motion to approve, unanimous approval. *Brown*: Would it be helpful to meet with CCA? Can Cunningham pursue that?
- **ACTION**: Committee will notify county of panel support for proposed study. Meeting with septic experts will be scheduled, as will meetings with land-use experts. Committee's scope is expanded to include storm water management on the island. Further SCCF work on water quality will be on hold pending the county study scope, committee will develop a concise summary of 2011 study findings. Committee members will update organizations on both island about progress and findings.

FGUA permit: *Gooderham*: Summary of DEP intent to issue, see handout for online access link to full permit paperwork. If you want to dispute at an administrative hearing, need to act immediately. *Mintz*: DEP did respond to letters in some of its permit conditions. Nitrogen levels in land application and injection is not under DEP regulation, so it cannot use as a permit condition. *Cunningham*: We should respond to DEP that nitrogen is an important issue for regulation and that the process should go forward. Community looks to panel as a lead on this issue. Agree that nitrogen should be regulated, but permit should be approved. *Gooderham*: Only issue now is whether to dispute permit issuance. We could ask

delegation to look at how such rules could be instituted so DEP could enforce. Cunningham: Still should send letter. General consensus to send DEP a letter on nitrogen issue.

- **ACTION:** Gooderham will draft letter to DEP on nitrogen regulation issues.

LDC: *Gooderham:* Captiva Plan update submitted in mid-march, CD of submission distributed and link online at website. Awaiting schedule of review and hearings before Local Planning agency and county commission, commission vacation and budget schedule could influence timing. Once plan is updated, we will need to see what needs to be done via code to implement it. *Mintz:* Code vs. ordinances vs. special districts. Confusing jurisdictions of enforcement and codes for the island. Issue of buskers on the beach. All parties confused over the enforcement rules: County beach vs public beach vs private beach vs resort beach. We need to look at our code, identify need for changes to clarify issues and decide what needs to go where. Building heights still not clear on the island. Need a task force as we move forward on how to protect Captiva in a non-oppressive way, how to enforce, where it needs to go, etc. *Rooker:* Clarify jurisdiction on beaches, volunteer to help on beach section to protect residents and restoration funding. Discussion of sign sweep in the past as example of being careful what you wish for. *Mullins:* Consider what events we want to work to regulate. *Mintz:* First we need clarity on rules, who to call, what we can do. *Miville:* Will engage the community more than working on bylaws issues.

- **ACTION:** Once Captiva Plan update is approved, panel or task force will review for implementing actions and other necessary code and enforcement issues.

Captiva Drive: *Mintz:* Dangerous condition from S curve to Andy Rosse. Worked with Jose Gonzalez on how to make it safer, difficult to work on the side of the street with drains. Looked at working with west/south side of the roadway to make walking path wider, mark street for cars, carts and bikes. Diagram shows what it would take to create 5-6 foot walkway. Room to do it, but may take discussion over private property. Create CAD to determine which owners are impacted to start discussion with them. Discussion. *Brown:* When does this become a project and do we have the resources to handle it? *Mintz:* Hope to get property owners on board, take plan to county. Issues of liabilities. *Gooderham:* We took this before the county's bike/ped committee. They loved the idea of improvements, but said if the committee was going to fund it would have to go through the regular process – where there is a tremendous backlog. So we decided to see what we could do on a smaller scale to get something done sooner. ???: Comment about walker's accident on grates.

- **ACTION:** Mintz will follow up with Gonzalez, Gooderham will work to identify property owners and other follow-up needs.

Tax distribution: *Mullins:* Met with Tax Collector Larry Hart and others on how much island generates and how it's spent. Koury and Boris have been researching on their own. Had some difficulty identifying Captiva-specific funds at first, county finally produced the correct reports. Focused on Unincorporated MSTU fund and the express purposes it can be used in those areas. Captiva has sent \$10.9 million over nine years to county, roughly \$1.2 million per year. *Koury:* Covers public services normally provided by municipalities, such as development review, zoning compliance, permits, inspections, licensing, parks, etc. Old incorporation research indicated we got \$100,000 back out of the \$1 million island contributed. County has never broken down how they spend MSTU funds, just where they get it from. *Walter:* Kept in separate funds? *Mullins:* Countywide MSTU revenues only. Ad valorem vs. benefits received and MSTU vs MSBU. CEPD is independent special taxing district. *Mintz:* Can we get an expense line? *Koury:* That's where we are. *Mullins:* Focus on money we're giving them. *Brown:* They cannot provide list of projects funded from MSTU to benefit Captiva. *Koury:* Good to get breakdown on expenditures so we can see what types of project they funded in other areas. *Mullins:* Entitled for funding due to all the money we send downtown. County has a lot more recognition of municipalities, they have a seat at the table. We

could pursue that, just have to recognize the work it would take. Looking at Wayne Daltry as a resource, gave his background. Discussion. *Mintz*: \$1.2 million out of? *Mullins*: Example of contract with an area, we've asked for it. Bonita calculations for providing such services were done as a percentage of population not by payment into MSTU. *Koury*: County distributed \$22 million in MSTU funds in 2014. Discussion. *Brown*: We know contributions, don't know receipts, population should be the driver for distribution? What about sustaining a valuable tax base and supporting tourism? Discussion. *Mullins*: Data of what we're giving and specific needs we want to fund. Sense of the scale of the numbers, here's what we're giving and here's what we need rather than digging in to data too much.

- **ACTION**: Committee will continue research, focusing on island contributions, projects funded by the MSTU revenues and potential needs on Captiva.

Financial/fund-raising: *Gooderham*: Update included, county check for \$4,000 reimbursement received today. Will prep a fund-raising letter for discussion in May or June.

- **ACTION**: Fund-raising letter will be drafted for review in advance of summer mailing.

Mintz: Anna Maria has trolley system. *Walter*: Subsidized by TDC in Clearwater. *Mullins*: Good for beach funding. Hold for future discussion.

Planning: *Max Forgey*: Legislative update circulated prior to meeting, on short-term rentals and signs no action, interesting movement on water issues. On Thursday, April 28, Sustainable Southwest Florida meeting will be held at Coconut Point in Estero 8 a.m.-2:30 p.m., a lot of outside people experts in their field. Have info on buskers, will get it to you.

The meeting adjourned at 12:10 p.m.

-- *Ken Gooderham, administrator*