

*DISCLAIMER: This is not a verbatim transcript of the meeting and is based upon the written notes and memory of a participant, attendee, or video observer.*

## **Captiva Community Panel Meeting Notes**

**Tuesday, May 12, 2015 @ 9:00 AM**

**Auger Room South Seas Resort**

### **Members:**

**Mike Kelly (MK; President)**

**Jack Cunningham (JC)**

**Jay Brown (JB)**

**Mike Boris (MB)**

**Jerry McClure (JMcC)**

**David Rohn (DR)**

**Dave Jensen (DJ)**

**David Mintz (DM)**

**Max Forgey (MF),** note taker

**Julia B. Davis,** Forgey Planning Services, note taker

**Sharon Jenkins-Owen, AICP (SJO);** Principal Planner, Lee County Department of Community Development; [SJenkins-Owen@leegov.com](mailto:SJenkins-Owen@leegov.com)

**Rich Dickerson (RD),** Captiva Fire District

**Kathy Rooker (KR),** CEPD

**Ann Bradley (AB)** Librarian

**Cindy Brown (CB)**

**Doris Holzheimer (DH)**

**Debbie Oneta (DO) and Jeff Shuff,** Tween Waters Inn

Meeting convened at 9:00 AM by Mike Kelly who announced the presence of a quorum.

Minutes of April 9, 2015 meeting approved unanimously. (Brown/Cunningham).

**KR:** I have results of our survey.

**JM:** Can we get a copy of the results?

**KR:** Yes, but it will take months to publish results of data. Erosion Control District—Blind Pass erosion control study. Last Thursday proposals were sent in. Committee of three (Lee, Sanibel and CPOE) is analyzing the six proposals received. They will short list to three finalists on May 21, and they will be interviewed by Lee County BCC. Our hope—DEP will consider it as their management plan. Want to manage, cut back on infill. Open inlet causes erosion, but it must be managed. The need is for more science and less prejudice. I have a good sense that Lee County and City of Sanibel share our views.

**JB:** In 2008, when we did the re-dredge, I thought we had a commitment for continuous monitoring.

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**KR:** This was monitored but there is no adopted management plan.

**JB:** Lee County feels an obligation to keep it open?

**KR:** Yes.

**JB:** Lee is the driver?

**KR:** We're all stakeholders, but Lee County Tourist Development money is helping.

**DJ:** Lee Co is permit holder?

**KR:** Lee Co is the responsible party.

**JC:** We do not have an agreement with State?

**KR:** Different parts of State submit plans. We hope they will adjust. Will sit down. There will be tweaking. State gets some money for inlet management, but maintenance will be County funded.

**JB:** Balance of funding. Could use a better sense of the balance of funding. [There's a disparity between what we contribute and what we get in return.] Who would pay for this?

**KR:** Lee County. The results have been positive. Last time TDC gave us twice what we asked for. Redfish Pass – need study. TDC put it on short list. Very positive response. County does appreciate the funding they get from us.

**CB:** Science. Another jetty on Sanibel side wouldn't work, we have been told [in the past]. Is it a possibility?

**KR:** It is. Sanibel is open minded and willing to consider hard structures. Everybody is open.

**MK:** Kristy was here about turtles and left message [but had to leave before meeting started.] Kids are not filling in holes [after they play on the beach.] People are not removing chairs.

**KR:** It is monitored. CEPD monitors and taxes furniture. It's a constant problem.

**JB:** Do we have enforcement capability?

**KR:** We don't. Lee County does, I don't have the authority.

**MK:** Holes make a difference?

**KR:** They do, [and our volunteers fill them in every night during season]. Shields over lights also make a difference. Saying something to a neighbor is a fine way [to protect turtles]. Next month I'll bring you the turtle count.

**RD:** [Back after being out 2-1/2 months. Getting better]. MDA Boot drive \$4,436 raised. We beat Sanibel! Hurricane meeting best turnout in years. Jim Bierstadt, the new director of

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Lee County EOC, and Amy Hoyt, the GIS specialist, made presentations. It has been 11 years since Charlie, [and memories are fading]. LCEC – takes weeks to rebuild [after storm]. New fire station has received final CO from county. Slope of handicap parking [was off and needed to be fixed.]

**??:** Dumpster issue. Will contractor take responsibility?

**RD:** One small orange dumpster. Landscapers used it a lot. Other two dumpsters have left the site. Orange remains. Building phase is finished.

**??:** It's an issue, every time there's construction on the island. Debris management from H. Charley, 10 years of dumped landscape debris. Once firehouse is done, he thinks someone will contact owner.

**RD:** Grand opening late June. We will clean as much as we can, but we didn't put it all there.

**DH:** Hurricane season starts June 1<sup>st</sup>. Nobody told Anna (which was going up the east coast at this point). Beth will send out emails if it impacts us. Go to [mycaptiva.info](http://mycaptiva.info) or E.O.C. link at Fire Department website.

**RD:** There are daily updates on our website.

**DH:** I was not able to be on island for the education program.

**RD:** Jim Bierstadt talked about storm surge. Lee Co is divided into 10 zones. We're in the same district with Sanibel. We are likely to evacuate the island if there is a storm, and will return to do search and rescue.

**AB:** Brought materials from training. All Hazards Guide. Shelter and hotel information. Lee County Pet Friendly Guide. Accommodations Booklet. Lee County Homeowner authorizations. Energy Information Contact forms.

**DR:** Are the old passes still good?

**RD:** Orange passes from 2012 are still good.

**DH:** When storms do hit, we'll have a person in the room at the EOC. Nathalie Pyle will communicate. We'll have June meeting to prepare for the season.

**JC:** Finances. In April, we decided to send letter requesting contributions. We raised \$15,000 last year. We need that as carry-over this year. Welcome Back for Season event night with Paul McCarthy in October. Jay, Mike B, and Jack will be a subcommittee. Will set dates.

**DO:** Tween Waters will help.

## **Communications**

### **Planning**

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- MF:** Nothing to report. We will be sending the Captiva Community Plan language to Lee County very soon.
- MK:** Introduced Sharon Jenkins-Owen, Principal Planner, Lee County. How Code will be used. Code is where big issues are encountered. **Future priorities.** In last [iteration of Code amendments], we wanted mangrove section in County Code. County said no, it's a State issue, shouldn't be in there. To greatest extent possible, when someone wants to cut them, they go to the State [for a permit.] In Mariner days, there was mitigation on Pine Island.
- JC:** Cement walls behind Paradise. They pulled out mangroves with state permit. Bought 2-3 acres [200-300 acres] of mangroves on Little Pine Island. Paul Garvey is talking to Matt Uhle [attorney] who was unavailable for today's meeting.
- JB:** Is this CCA issue?
- JC:** Absolutely.
- JB:** Prevailing DEP opinion, mangroves are for the whole neighborhood including Pine Island. Impact can be offset. Entire mangroves population can be mitigated elsewhere. Does CCA not accept?
- JC:** Something of a sacred cow. You can be fined heavily for not obtaining a permit. Is that a County or State issue? Implication is that you can't touch them. We probably can't do anything about it, but we want MU to give us options—we asked him to look at what people *think* they can do vs. what they *can* do. Want to protect them on the island.
- MK:** I proposed mangrove [language] the last time we worked on amending our Code. [Unpermitted] removals would have to be replaced where they were before.
- JB:** Big consequences.
- MK:** County responded.
- JB:** Re. current practice of [Florida] DEP. CCA opposes this practice.
- JC:** I think we all agree.
- JB:** I don't. Either we should protect the whole mangrove population [which JB advocates] or we can be Captiva-specific.
- JC:** Let Matt come back. If there is something we can do [we can consider it at that time.]
- JB:** Maybe this is something DEP will reconsider.
- MK:** We've never been bashful. No problem with trying it.
- JC:** There has been authorized cutting and trimming.
- MK:** Some people have elected to pay the fine. We don't have the [metaphorical] club. Panel has made good effort and failed.

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**DM:** Permits for a pool [for example are] granted by county.

**JB:** DEP permit comes first. I have some experience with this.

**DM:** Does state come to the site?

**JB:** Yes, [to my experience]. The owner hires environmental engineer. How are mangroves affected? Show topo photography. Tide lines. It goes to DEP. They approve or not subject to these mitigating measures.

**MK:** **Setting priorities.** Last meeting we had a catalogue of past priorities. At last meeting, asked Panel which should be removed. Looked at Sunshine Laws. One panel member per subcommittee [is preferable]. Fact finding committee not subject to Sunshine. Then we asked you to send options. Committee can give options. Not recommendations.

**JB:** Example – underground sewer and power lines? May be two issues. Panel could have two or more members. Study facts. Pros and cons drawing on past research.

**DM:** We consulted. Our findings. Options. Sunshine Law. General prescription.

I define ‘short range’ as ca. 6 months or less. Mid-range 1-2 years. Long-range two years and up.

**JB:** We’re picking today? [Consensus, yes.]

**MB:** We can’t do everything. Other things may be important.

**JB:** Many of these are established issues.

**MK:** Haven’t run it past the people.

**JC:** We have, at the workshops. Public should be allowed to add more when they [have the opportunity, and we may find other things to add.]

**JB:** Mangroves possibly should be on this.

**JC:** Advise postponing the mangrove issue [until we have heard from Matt U.]

**DR:** Short term item #1—**Improve S-curve, etc.** Jose and SSR are working on these. Ann Brady at Rb F. Doesn’t this tie to M1 (Traffic solutions to reduce automobile use?)..KG will take it on when he returns.

**JB:** Nominate DM for this one.

**DR:** Does it fit in with the trolley? [S2 “**Coordinated Island trolley service**”]

**DM:** It does. Have to solve SSR to Rosse safety issue. These are large issues—keep them separated as issues. [Consensus.] Sandy has S-Cargo; there should be a way.

**Jeff Shuff:** We had one for a year; it worked well in high season.

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**DM:** Don't want competing services. Sandy could share [on subcommittee]. Coordinate with S-car go.

**JC:** Let's ask Sandy to chair that subcommittee.

**DO:** 17 years ago a lady named Debbie Anita[?] ran a trolley.

**DM:** Paul McC's 'automobile-free' concept. Bus or jitney; no need to rent a car. It can be low cost. Jitneys work in Hamptons. Musical ferries.

**JB:** Apple T. van service from airport.

**JC:** Let's get information, results. This is a related, but a different, issue.

**JB:** Longer term issue is how to transport without autos. What if we defined it as public transit on Captiva? What are the implications for the long term?

**DJ:** Would Debbie and Jeff (SSR) be interested?

**Jeff:** Yes.

**DM:** And Paul?

**JB:** I'll volunteer.

**DM:** **"Funding Panel through property owner direct contributions and other mechanisms"** [S3]

**JC:** Volunteer.

**DM:** **"Captiva Plan and Code Education."** [S4] There's a need for Code education. People don't know what's in there.

**JC:** Communications – Education & Promotion.

**DR:** I'd like to see a Homeowners Guide with information about mangroves etc.

**JC:** Talk to Paul Garvey, maybe CCA would help. They have a new secretary. [Possible] united communication effort. [DR chosen for subcommittee]

**DM:** **"Review of Captiva/ Lee County tax distribution"** [S5]

**MB:** I'm interested.

**MK:** Mullins also interested.

**DJ:** Tax bills. Schools are biggest thing. I think everybody needs to take a close look at their bills.

**DM:** Facts.

**DM:** **"Garbage/Recycling"** [S6]. Boca Grande – no containers visible. Is there something we can do to improve look? Time of visibility. Rental property problem.

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**JC:** Jerry, could you?

**JM:** June 1<sup>st</sup> I'll be moving off the island. Doing some work for Ventura Captiva.

**DM:** **Zoning review/ Master Plan to maintain commercial/ residential balance in the Village**" [M2]. Important MK issue. Island economics-- want to keep business in commercial district. Create another plan for the area.

**JC:** Tough one. Mike K?

**MK:** Yes. [Volunteered.]

**MB:** Educating Panel.

**DM:** "Village Building Height/ size review" [M3]. [Do we want to reintroduce this one?]

**MK:** We make some choices. Assumed that people in Village would just build on two living levels. It's done.

**JM:** Two years ago decided not to treat Village differently from rest of the island.

**DM:** South Seas, Village, could go back to old standards. There was a special survey.

**JB:** Density or appearance issue?

**JM:** Both.

**MK:** FEMA moves the lines; we're trying to look ahead.

**JC:** David, you have lived in this zone. Please ask your neighbors if this is an issue.

**DM:** Agreed to do so.

**JB:** Conclusion.

**DM:** "**Septic regulations/enforcement**" [M4] Septics aren't working. Tanker truck pump them -- too much volume. This is closely related to [M5] "**Prevention of over-booking and overcrowding of rental properties.**"

**JB:** Near term.

**MF:** It was the State that pre-empted.

**MB:** If we had a survey, people would say this was the issue.

**DM:** Rule of thumb. Septics are pumped every three years.

**JB:** Tie in with the sewer issue.

**DM:** If not doable, consider others. Overbooking.

**JC:** Get Realtors involved.

**DJ:** I volunteer.

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**JM:** [If you want to put 15 people in a rental house, what is to stop you?]

**Jeff:** At Tween Waters, it's two per room maximum occupancy. We enforce.

**JM:** It's the private homes that overbook [the water.]

**DO:** Over bookers are on their way.

**?:** They overbook all winter.

**DM:** **“Reduction of noise from Gas Leaf Blowers”** [M6]. We have a noisy paradise. Golf carts/leaf blowers. Captiva Homeowners Association. Monday, Saturday AM. Options – gas to electronic over five years? Or stagger days?

**JC:** Battery power are plug-ins, but technology is evolving.

**DM:** We want to reduce noise.

**MB:** Is it a priority? Keep it on the list.

**JC:** Blowers and carts are separate issues. [**“Transition from Gas to Electric Golf Carts”**; M7]

**MB:** Rentals typically have gas golf carts.

**JC:** Ask Bob and Marcel. Could they advise?

**DM:** More \_\_\_\_\_.

**JC:** Ask Bob.

**DJ:** We got out of electric carts [at Jensen's].

**JB:** Las Buenas Costa Rica, hundreds of electric carts. Every unit has plug-ins. Bob W should be on this committee.

**DM:** **“Map beach access”** [M8]

**OJ:** That's a CEPD issue. [Consensus; scratch it off list]

**DJ:** New Jersey learning from storm.

**DH:** Crow's Nest tomorrow.

**DM:** **“Sewers”** [L1]. [Dave J and JB volunteered.] **“Underground utilities”** [L2]

**JB:** Kevin.

**DM:** Invite Mayor? [of Sanibel]

[Decided no; premature.]

**JC:** Who has study? Ken.

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**JB:** CCA opposed.

**JM:** Study said it didn't make sense.

**MK:** Time has passed--engineers said that it was a bad idea because of all the digging up that would have to be done every time there was a storm. Things have changed.

**JC:** Let's put it on hold. Ask Ken to send study.

**DM:** **"Purchase undeveloped land and density rights"** [L3]. How to raise money.

**DM:** 10 acres at Buck Key. Rauschenberg property. Is it deed restricted? Ann Brady said no. This is an important Rauschenberg legacy.

**MK:** Master Plan for zoning classification may be available.

**DM:** Want to keep it as is. It's non-profit.

**MK:** Could be a good PUD. Must leave open space. Single purpose buildings, giant studio.

**JB:** Could confront them with a plan.

**MK:** Biggest undeveloped [tract] on island.

**DR:** Mariner Point is in Federal Court.

**DM:** **"Pedestrian walkway and bicycle path through Captiva"** [L4]

**JB:** Dream vision. Captiva more attractive place. Safety. Don't know if it's doable. Along Tween Waters. Jay, Cindy, Jack agree. Would be great [to be auto free].

**DM:** There was a plan to do this. [in the past]. Objections [came up.] County thought they got burned.

**MK:** Substantial Gold Coasters. Need substantial separation. Tom, Dick and Harry using trees easement. [Perfect for Cindy.] Bring back to Panel. WWT issues. Tanker trucks in/out of South Seas.

**JC:** They didn't come from Island water! [They want you to know that.]

**DM:** Major operational issues – effluent not sufficiently processed. Bob said invite US Water. Ken trying to invite USGA & US Water.

**JC:** Is there permitting conditioned upon certification for sewer people? We heard they had capacity.

**MB:** Educational benefit for Panel. Learn more about their operation. How did they allow it to fail?

**MK:** Ken has schedule. We can learn – Condo Association can't address costs.

**DM, JB:** Insurance. What's taking so long? If CPOA can't.....

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**JM:** Pressing issue. My interpretation. Letter from JM to MK offering resignation.

**By laws**

**DJ:** Do by-laws allow you to stay?

**DR:** Let's table the resignation. [This was not in the form of a motion. MF.]

**MK:** Should there be qualifications requirements in the by-laws?

[Consensus: Yes, but let's not try to put them in today.]

**MK:** Last opportunity to commit. The vote.

**DJ:** Move to accept by laws as presented.

**JB:** Seconded.

**MK:** Discussion—there's a 2/3s vote to change by-law.

**DM:** Mike Mullins decided procedural issues. By-law require majority vote.

**MF:** You had a strong presiding officer in that case, but last time I checked Robert's Rules a procedural ruling from the chair is appealable by any member and subject to an up or down vote. It's a privileged motion, and not debatable.

**MK:** I still think two-thirds should be required. [General agreement with MF interpretation.]

**Members expressed enthusiasm about the meeting and how the Panel is “doing things.”**

**ALL Ayes.**

**Adjournment 11:25 AM.**