

Captiva Community Panel

MINUTES

Dec. 11, 2018

Attending: David Mintz, Mike Mullins, Dave Jensen, Rene Miville, Tom Rathbone, Mike Lanigan, Jay Brown, Bob Walter, Mike Kelly, Mike Boris.

Audience: 25

Meeting convened 9 a.m. *Mintz:* Thanks to South Seas. Busy agenda, forgive me if I move things along. Agendas and binders on table, explanation. Introductions. Motion to approve Nov. 13 minutes (Lanigan/Walter), unanimous approval.

CFD: *Chief Jeff Pawul:* Got new fire rescue boat in, delivered. Community event to come to unveil boat. Great asset. Keep public safety people in thoughts this season, working every day not always get to spend time with family. *Mullins:* Grant for boat? *Pawul:* 50%, West Coast Inland Navigation District provided, for public safety and education. *Rathbone:* Docked? *Pawul:* On trailer in South Seas, in Bayside Marina before. *Cunningham:* What area are you responsible for, how far out? *Pawul:* County group, depends on call type and location Upper Captiva to power lines of Sanibel. Could be farther depending on situation, extended search etc., still have coverage on island for normal calls. *Miville:* What types of calls? *Pawul:* Emergencies, not lost or ran aground. Can turn into a medical situation. 26-foot center console, like Coast Guard boat. Shallow draft for island needs.

LCSSO: *Lt. Mike Sawicki:* Still here, not going anywhere. Explained situation. Talking about issues later on. Profusion of vehicles like a golf cart. Before you purchase, talk to us to be sure it can go on the road. Glad to help you interpret that. Manufacturer usually tell you what it is, video that shows what you can do. Low Speed Vehicle definite parameters for those. *Walter:* Inside SSIR gates and a working vehicle OK? *Sawicki:* Anything you want.

Library: *Mintz:* Not here. Sent quintessential librarian email to us, very thorough. Read list.

CEPD: *Mullins:* Introduce Carolyn Weaver as interim administrator. *Weaver:* Continuing to educate public on March 5 referendum. Mailed straw pool to registered voters, please respond. Stats so far. Intro letter and brochure. Meeting tomorrow is at 1 p.m. here, presentation from Bill Stronge explaining apportionment. how charges are calculated, what kind of property, where it is etc. Updates from funding from TDC grant. Beach vehicle, modernize facility at Hagerup Park. Irma repairs. *Mintz:* Explanation of beach votes, registered voters only. Still time to register in time for vote.

Panel vote: *Mintz:* Explanation of vote constituencies and process to fill panel seats. One position, no other nominations from community, Mullins by acclamation (Brown/Walter), unanimous approval.

Water quality: *Rae Ann Wessel:* Wish info was happier. Had sig water crisis this summer, Lee and Gulf Coast beaches. ran through sequences. Blue green algae and red tide combination. Record breaking outbreak. 200-square-kilometer dead zone. Body counts offered – 200 turtles, 772 manatees, 47 dolphins. Causes were high rainfall, high temperatures and more discharges. Solutions are projects to store and treat water, policies to address water quality. Able to store water, get water out of lake rather than sending it down the two rivers. Discussion of Florida Crystals lease extension. Notice of agenda item given just 12

hours before the meeting, rather than the week before. Takes at least 20 months to reverse lease and turn it into reservoir. *Mintz*: When it goes online? *Wessel*: 5-8 years to working reservoir. Could start doing something right now, certainly less than eight years is possible. Deep well injection, also on agenda. *Jensen*: Lease extension, still eight years. Two years to get land back to build project. State money in place, federal is not in place yet. *Miville*: Two years to design what? *Wessel*: 24-foot-high walls, has taken that long in the past, could be faster if there is pressure. Discussion. Big infrastructure project, federal and state. *Wessel*: Any interest, let me know. Input on pilot project, plenty of talking points, ill-advised project. C43 reservoir in Hendry under construction. still needs water quality treatment component. Local: Wastewater, working with panel on alternatives. Policies: clean air and water. establish standards and test toxins. Update stormwater rules urban and ag. Additional treatment of reuse water. Stop sewer plant discharges. Re-establish septic inspection and maintenance. Stop land application of bio-solids. Strengthen and enforce fertilizer regulations. Improve land use planning. Low-hanging fruits. What can you do? Sing up for SCCF alerts, Attend screening of "Toxic Puzzle" Dec. 12, 5:30 p.m. at Bailey Homestead. Dec. 13 SWFMD board meeting. Jan. 10-12 Everglades Coalition Conference. Jan. 24: Evening at Bailey Homestead. March 5 Legislature opens, sign up for SCCF Legislative Tracker. Described "Toxic Puzzle" film. Conversation afterwards with scientist and doctor.

Miville: New governor, when can he replace board? *Wessel*: Two seats open immediately, three more expire March 2019, others have varying dates. Could give him a majority to make changes. Coordinating with realtors and regional chambers to talk about the same priorities. *Mullins*: Transition committee headed by Mast? *Wessel*: All the candidates are in transition. Discussion. *Tom Libonate*: Lease a done deal? *Wessel*: Was voted on, could be rescinded. Groups have challenged vote, now filed a lawsuit. *David Rohn*: Iron an issue in red tide? *Wessel*: Not ships and autos, comes from Saharan dust which contains iron. Amount of nutrients coming from everywhere is higher, feeds a bloom, once it starts. Mike Baldwin: Impact on refuge, devastating, Tarpon Bay died completely, coming back slowly. Economic impact, refuge major economic driver for islands. Down 35-40% on drive, center 40%, Tarpon Bay Explorers off 55%. *Walter*: South Seas had a better September and October during Irma than this year, thanks to red tide. people aren't coming and don't want to come. *Wessel*: \$26 million impact on islands. *Miville*: Social cost in Clewiston area. What are we preserving here? *Wessel*: Discussion of lease vote. *Ann Brady*: Best website to monitor red tide. *Wessel*: Fish & Wildlife Commission. Lake is also water source for the inland communities. *John Riegert*: Deep well injection, what is that plan? *Wessel*: Pump excess water 3,000-4,000 feet underground, lost forever. Undercuts restoration and water management concerns. Involves a volume of water that's has never been done anywhere. Not a binary choice of inject north of lake or send out through estuaries. third choice is to send it south to Everglades. *Mintz*: Schedule a full presentation on water quality issues, community support is there.

Funding: *Mintz*: \$35,000 request submitted to county, 3-4 months in process. Followed up, asked to contact staff. Scheduled on Dec. 4 BoCC agenda to delete Administrative Code 13-3 language. Explanation of recommendation. There are 24 planning communities in county, probably 12-15 panels at one time or another, county has decided not to fund work but offer staff to conduct planning. Many of those communities do not have an active panel nor active community participation unlike Captiva. Also county staff proposed to delete full administrative code, process and procedures for panels, Sunshine Law and open records, funding requirements, etc. Gooderham and I met last week with Doug Meurer and David Loveland about funding request and AC 13-3 language. We need funding and removing procedures is a mistake. Staff pulled item from agenda, now under review and I drafted suggested changes to 13-3 to give them some

ideas. No money in budget for our funding request, but staff made clear that county wants us to continue the code update in the way we're doing it. Long history of funding from county, probably gotten most of all the communities. *Brown*: County saying we don't want local planning groups, want to do the work ourselves. Just us or other areas? *Miville*: Other areas not as thought out as Captiva's efforts. Possibility to follow Boca Grande model of using MSTU dollars for planning? *Mintz*: Just wanted to alert people, county wants us to continue doing what we're doing. Staff claims community planning money was squandered or not used appropriately, and they also want to make the community plans more generic. Continue to work with county on options. Ultimately, update to comp plan and code, still have to work through the county to get language changed.

Break -- three county people joined meeting: Anthony Rodriguez, Brandon Dunn, Kalyani Bhutada. Back at 10:15 a.m.

Mintz: Recap of plan approval last year – approved policies without specifics needed to implement. Explanation of process, time to develop specific rules for the general policies. Survey and calculated responses with numbers to rank importance to community. Survey does not direct our action, but provides insight into community sense. This month: Protection of Natural Resources. Explanation of subsequent months. Panel discussion, community discussion, back to panel for decisions, make recommendations to Gooderham to work with consultants and county. County will comment, but I want to hear from community and have panel make decision on action before we engage county staff on options.

Dune vegetation: *Mintz*: Good definition from county, met with LCSO on enforcement. Still working that out. Unclear who can enforce the good language. *Sawicki*: Probably can enforce. LCSO is agency most capable of handling. Legal dept. is discussing with Community Development director, needs Memorandum of Understanding or clear ruling? *Mintz*: May need things in Captiva Code, easy to find things in one place. Clarify LCSO enforcement powers, if need to put in code if necessary. Gooderham should work with Sawicki to clarify enforcement. *Boris*: Important issue, but not being abused in feeling by community. *Mullins*: People doing things, or invasive species impact? Time to discuss that? *Mintz*: Language in code that deal with species, vegetation and animals. *Brown*: Broader issue. Needs to be somewhere. *Mintz*: Put that later under Section C, do some research on county language. *Brown*: Building things over dunes, is that elsewhere? *Mintz*: Coastal Construction Control Line (CCCL) issue, look at that. Limited what could be built. *Mullins*: Private property, Erosion Control Line (ECL), etc. confusing, need to create demarcation lines so public knows what is what? *Mintz*: Many lines. Lay out definitions of each line in code? ECL demarcation is publicly accessible? *Sawicki*: Not tied to private property, quality of land/dunes. *Mullins*: Interaction with DEP on beachfront. *Mintz*: Add definitions to code. *Jensen*: Language impacts CEPD beach cleaning? *Mintz*: Some concerns about county/CEPD plans, vehicles and trash containers. Massage issue with county and SCCF. *Cunningham*: Pets not addressed? *Mintz*: Not in this section, there are county ordinances. Put it in Section C. *Libonate*: Cut-throughs or paths addressed here? Paraphernalia in dunes usually adjacent to path. *Mintz*: Research paths/cut-throughs. *Miville*: Private path is decision of homeowners. *Lanigan*: Not in dunes. *Mullins*: Walkovers vs. paths. *Lisa Riordan*: They put in dune signage after beach restoration. County allows you to walk on dunes. Need something that goes further like Cocoa Beach. *Miville*: Need to have more flexibility. Discussion. *Riordan*: More for visitors, something to prevent standing or sitting. *Sawicki*: When you pass ordinances, be prepared to live with them, the law applies to all. *Mullins*: Is there a problem in this? *Walter*: Construction, not everyday activity. *Lanigan*: Caution restraint in adding a lot of new rules and regulations. Tally what we expect to be enforced by LCSO, need to be

consistent in enforcement. *Sawicki*: And who is responsible, homeowner or person in place. Discussion. *Mullins*: Rope and bollard sufficient to address problem? *Walter*: Educational issue more than barrier. *Mintz*: Figure out enforcement, add word or two to avoid occupying dunes, define lines, any issue with cut-throughs or paths. *Brown*: Allow activity on the dunes, as long as it's not harmful? *Miville*: Loitering? *Ralf Brookes*: Construction code enforcement applies to owner. Miscellaneous offenses, second degree misdemeanor to person causing violation or harm. Separate from LDC, personal injury violations. *Cunningham*: Use Cocoa language up to "except." *Mintz*: Will work on this.

Straws: *Mintz*: Background... Fort Myers Beach and Sanibel have ordinances. Ban businesses from offering plastic straws. *Miville*: Major issue worldwide. Discussion. *Mintz*: For paper straws, not plastic. *Lanigan*: Impact on business? *Sandy Stilwell*: Already stopped doing that. Discussion. *Stilwell*: Paper is four times the cost, break down slowly. Don't automatically give them a straw or water unless they ask. *Mullins*: Plastic straws very harmful to sea life. Cigarette butts worse than straws. *Mintz*: Talked this over with Meurer and Loveland, apply to just Captiva or all barrier islands. Be consistent with other islands. *Walter*: Ban them entirely. Discussion. *Mintz*: Protect private residences and ban plastic straws.

Paraphernalia: *Mintz*: Current language has ban 9 p.m.-8 a.m. May 1-Oct. 31. Extend it through the year? *Mullins*: What is offensive outside turtle nesting season? *Mintz*: People take indoor furniture out on the beach and leave it overnight and for days. Problem in Village. Also visual litter on pristine beaches. *Mullins*: Establish rules that apply differently in various areas of island. Village-only vs. others. *Walter*: Exempt resorts from year-round, for turtle season only. *Mullins*: Seaward of dunes, not CCCL. *Miville*: "Unoccupied" a key word. *Mullins*: Use ECL, not dunes. Discussion. *Mintz*: Seaward of dunes, all year, unoccupied, except resorts. *Kelly*: South Seas private owners still a problem. *Walter*: Commercially operated beach. *Mintz*: Exception for resorts with manned or staffed operations. *Lanigan*: Only for Nov. 1 through April 30. ???: What about signage in rental homes?

Cleanup: *Mintz*: Never clear whether public places including beaches only refers to public beach access and parks. *Sawicki*: Tied to county definition of beaches, which are public beaches. Clear to me. *Mintz*: Check to confirm, no harm in being specific. *Sawicki*: Specific language never hurts, but confident with the way it is now. *Rathbone*: "Including all beaches". *Lanigan*: All beaches are public. *Mintz*: Talk to county about specificity. *Sawicki*: Lines versus being on the beach, make the defined area plain and clear. Use language from county definition of a beach, easy to enforce. Lines better for permitting, conduct based use visual definitions. *Mullins*: Studies of how far people will walk to use the beach, not more than a quarter mile from where they park. Access will intensify problem, solving problem that doesn't exist. Discussion. *Mintz*: Clarify current definition, fix it if necessary. *Mullins*: Designated container at Andy Rosse?

Tents & canopies: *Mintz*: Is this covered under paraphernalia? Consensus it is. *Brown*: Interfere with other people's enjoyment of the beach during the day. *Kelly*: more in summertime than in season. *Lanigan*: Does behavior change under large canopies, is that imposition on other people at the beach. *Boris*: No difference in behavior. *Miville*: Will start a war with these regulations. More issue with winds. *Kelly*: Control their size. *Walter*: 10' x 10'. Discussion. *Boris*: Community up north that prohibit them, we don't have a problem here. *Libonate*: Is a behavioral change, like a campsite. Taking it away at night will change dynamic. Concept of beach-spreading. Evening removal will help. ???: We need shielding from the sun, one canopy rather than a number of umbrellas. *Sandy*: One tent per house? *Sawicki*: Add to the enjoyment of the beach. Multiple umbrellas take up more space than under a canopy. Look at underlying problem, not equipment.

Blocking beach, try it to access to the beach, lots of equipment not just tents. *Kelly*: Size of tents, 10x10 OK if taken away at night. *Mintz*: Leave it as is.

Mangroves: *Mintz*: A difficult issue we will not resolve today. Restated policy. Depew recommendations read. State regulation, allows county to take over responsibility if they wish. *Walter*: County wants nothing to do with mangroves. *Mintz*: Mitigation bank allows removal of mangroves here for mitigation there. Do not have bank on Captiva. Are we too lenient on destruction of mangroves? Fortify island against sea level rise (SLR) and surge. *Kelly*: NO way to stop removal. No mechanism in codes to prohibit destruction during construction. *Mullins*: Rules to require replacement? *Brown*: Can get permit if you mitigate to bank. To permit dock or walkway. DEP reviews permit request and determines mitigation. Issue of property rights. *Walter*: Keep mitigation localized. *Mintz*: Wanton destruction and penalty is one issue, legal way to improve property and remove mangroves not being put back on Captiva. SLR impact also a factor. *Brown*: Seawalls. *Walter*: Always a state issue, they will dictate where mitigation takes place. *Mullins*: Removal vs. trimming or cutting back. Discussion of trimming rules. *Walter*: Percentage of what you can remove annually and done by a licensed trimmer. *Dunn*: Get questions and refer them to DEP. Discussion. *Lanigan*: Stronger when taller? *Miville*: Root system develops during height. Issue is worse when removal turns into seawall. Desire to prevent proliferation of seawalls. Discussion. *Walter*: What is real issue, notification of actions? *Mintz*: Hiring a professional vs. doing it yourself. Doing it illegally (destruction)? *Walter*: DEP monitors that. *Mintz*: Are they destroying mangroves, something better for mitigation on island when lawfully removed? What does Captiva need going forward to protect the bayfront? *Walter*: DEP office downtown. *Brown*: Heard DEP presentation a few years ago, raised concerns about legal process that allows off-island mitigation. *Mintz*: Illegal destruction? *Rathbone*: Removal... should do less, set up bank here to mitigate on Captiva. *Mullins*: Not feasible to do here. *Mintz*: Need to decide what we need to do in the next 20-30 years to deal with SLR, tidal flooding on bayside of island. Rausch study, tidal flooding will be significant. SLR symposium, Punta Gorda fortifying downtown area with various mechanisms. We have no plan, county has no plan for Captiva. Sanibel is beginning to do that. *Mullins*: Eliminate mitigation as a possibility. *Brown*: Property rights will be an issue, vs. perceived benefit to community. *Miville*: Study on sand accretion in the bay? RM; Bay renourishment? *Ralf*: Prof. Anchorson from UF, examples of mitigation – oyster bars, mangrove islands, living shorelines. *Mintz*: Identify vulnerabilities. Discussion. Living shorelines. *Mintz*: Mangrove rules not now, need to look at fortifying Captiva set up committee to look into that. *???*: Mangroves there are for protection, not prudent to take any out at this point. No pressing reason to allow removal. *Brown*: To allow improvement of property. Discussion. *Mintz*: Two specific recommendations from Depew. Are those feasible to work into code? *Brookes*: Casey Key example. All violations go to DEP, not code enforcement unless county delegates program from DEP. county wetland buffer instead, *Mintz*: Talk to county about Depew recommendations. Look at how to achieve this one way or another. *???*: Presentation on ways to mitigate, living shorelines. *Mintz*: Have to deal with the question of SLR and tidal flooding on bay side of island. *Brown*: Impacts beyond SLR, reduces estuary productivity and value attractiveness of island. Discussion. *Miville*: How much removal is there? *Mintz*: Look at Little Pine Island Mitigation credits to determine how many. How many credits purchased by Captiva residents? How to determine how much mitigation has happened on Captiva? Future notice per Depew recommendations. *Mintz*: Next month will be issues under Section B.

Break. Back 12:20 p.m.

Budget: Budget explanation. *Mintz*: Wastewater research, not clear it's a general expenditure. County

interest in research on septics and SLR. *Walter*: Will do Monday After The Masters again. *Miville*: Budget is light in planning. *Mintz*: Not setting limits. If we raise more, we can spend more. Also can pursue county funds and look at pursuing MSTU options. Discussion of carryover. *Mullins*: MSTU a big ask. Motion (Mullins/Lanigan) to approve budget. Discussion of planning services. *Mintz*: Not just planning funds, Depew, Forgey and Gooderham all part of this process. Could increase each by \$5,000 would turn into deficit budget. Increase revenue to \$85,000, increase planning to \$20,000 and legal to \$10,000. Discussion. Motion withdrawn, new motion approve budget as amended (Walter/Brown), unanimous. *Cunningham*: People gave money to have it used, not to be sitting in the bank. *Mintz*: Given agenda and programs we have planned, we will need the money in the bank.

Wastewater: *Brown*: TKW presentation Jan. 23 at Captiva Civic Center. Need to publicize, notices and media. Hold the date for Jan. 23. *Riordan*: Get info to me for CCA distribution. *Brown*: Meeting... I'll do brief review of work to date, TKW important component of knowledge base but not definitive and not all info public needs. TKW presentation, followed by Q&A session, Doug Eckmann and I to answer questions. Stress that study is important but not definitive. No decisions have been made, no panel position. We need more on impact of septics for SLR and environmental impact. Study has the cost but not the benefits. Need research into both areas, how long with septics last under SLR scenarios, what are possible environmental benefits from removing septics. No real feedback from possible candidates to undertake this study. Sanibel will have capacity to handle the entire island's needs, including South Seas. Need to determine service area for plans, whether to include resort or not. Majority of resort owners would probably not favor inclusion into Sanibel processing plan due to costs. Need realistic evaluation of long-term viability of FGUA plant. Not sure how to get an accurate assessment, a discussion point with committee. Important to cost allocation of cost per household to establish system. *Walter*: FGUA will not give us an honest assessment, they will want to preserve revenue stream. *Mullins*: Knowing what that income is could be useful. Tangible vs. intangible benefits in an assessment of the benefit to move to central treatment. *Walter*: Possible to get federal funding to remove FGUA plant? *Miville*: Mainline to Sanibel vs. collection system. Discussion of costs. *Mullins*: All hypothetical at this point. *Miville*: Depending on SLR projections your septics are toast, as is FGUA. *Mintz*: Need to answer two questions: Are septics functioning now, what does it mean if it is not? How long will they last in the face of SLR? *Mullins*: Know water will rise, not sure how long it will take to get there. Discussion. *Mullins*: A lot of volunteer time has been spent on this.

Development: *Mintz*: Thanks to committee and cruise sponsors for a great night. *Walter*: Very busy, Lanigan was the cattle prod who got us focused on things. Thanks to Sandy Stilwell and Captiva Cruises for their support. Discussion. *Mintz*: Need to build committee to meet our revenue goals. *Walter*: Break down the events... Rauschenberg event needs a leader, MATM all a resort effort., cruise takes a broader group. Put together a critical path on efforts: events, and fund letter. Rathbone, Boris and Mullins also on committee.

Communications: *Mullins*: Need some help. Start moving towards a newsletter, update website. Need to upgrade website. Go back to TJ Walker for updates as necessary.

Drive: *Mintz*: Last Monday's meeting, seven attended from Lee DOT. All issues covered, design is next step. Meurer willing to help to a point. If we can design it, DOT will construct it. Two options: Johnson Engineering or Morris-Depew, will contact both to pursue. County lands people there, know what they need to pursue donations. Talk to county to fund design. *Mullins*: County stepping up.

Taxation: *Mullins:* Need to finalize report.

Mintz: Hurricane communications concerns, no system to reach out to community. Lanigan volunteered to head up hurricane communications committee. *Miville:* App possible? *Mullins:* Create a link as an app.

Mintz: SLR committee, Margarethe Thye-Miville interested . Suri Sehgal and Larry Barris volunteered to form committee, need panel member to chair committee. Brown and Mullins on committee but not chair.

Public comment: None. *Brown:* If I find consultant, do I need to come back to panel? Consensus was yes.

Meeting adjourned at 1:10 p.m.

-- *Ken Gooderham, administrator*

DRAFT