

## Captiva Community Panel

# MINUTES

*Feb 11, 2020*

**Attending:** David Mintz, Mike Mullins, John Jensen, Mike Kelly, Rene Miville, Mike Lanigan, Tony Lapi, Ann Brady, Jay Brown, Antje Baumgarten

**Audience:** 15

Meeting convened at 9 a.m. introductions. Motion to approve the Jan. 14 minutes (Kelly/Jensen).

*Lanigan:* I felt the minutes did not capture the conversation as to what was voted on related to the golf

cart zone expansion. *Mullins:* What was missing? *Lanigan:* What was voted on, what you discussed.

Motion incomplete, Mintz added safety carve-out. *Lapi:* Motion was to endorse proposal. *Mintz:* We had a long discussion to open the discussion of the substance, people raised their concerns. I think everybody in the audience and on the panel had an opportunity to express it. We created a full record. Rene made a motion to support the extension of the golf carts down to Tween Waters area needs the I frankly tried to condition that motion and amended to include a subject to safety study done by Lee DOT, and my recollection because it was my amendment was that didn't get accepted. And it was then voted on, just to accept the extension of the golf cart zone. That's how I recall it and the reason I recall it so clearly because it's because I was the one that wanted to condition it on the safety studies, and that did not pass. On agenda today. Discussion. Minutes approved unanimously.

**CFD:** *Chief Jeff Pawul:* Time change is coming up, so time to change clocks and batteries in alarms.

*Mullins:* Ten year batteries on there, put in long-lasting battery. Estero group advertised that Estero fire staff will help install batteries, something to consider. *Pawul:* Will come at any time. Vaulted ceilings can be a problem, can't help with that. Also, flu season now, so wash your hands thoroughly, 20 seconds.

Discussion. *Pawul:* Flu shots also essential. *Lanigan:* CPR classes this spring? *Pawul:* We will if there's interest.

**LCSO:** *Lt. Mike Sawicki:* Don't shoot the messenger. Some of you may have noticed that speed control zones in Roosevelt Channel have changed. Seasonal manatee zone stays where it was. Idle speed in from Jensens and Tween Waters. No speed control beyond that until south of Marker 27, 16500 block of Captiva Drive, which is a year-round slow speed zone. *Mintz:* Many calls already, no wake zone gone.

*Sawicki:* State determined that the county has no authority to set speed zones, they have tougher criteria for what constitutes slow speed zones, most wide enough to meet criteria for no regulation. *Jensen:* 500 feet from shore. *Sawicki:* Will get letter to Gooderham to distribute on state criteria. Shoreline protection is not a criteria for adjusting zones. *Mintz:* Must be some process to appeal to the state. Discussion.

*Sawicki:* Will find contact to distribute on how to appeal to state. *Brown:* Boaters are still responsible for their wake and any damages. *Sawicki:* Most have boats on lifts. If someone causes damage you have to be there to see and have ways to contact violators. Careful how you tie up your boat, use bumper system to protect your boat. Discussion. *Mullins:* Blind Pass is aquatic preserve, who rules that. *Sawicki:* Within slow zone. State probably getting calls from around the county. *Lapi:* Is there signage? *Sawicki:* Just replaced. Replaced some that were off, other changes. Buoys replaced by signs. *Mintz:* Is there a penalty for putting up a sign? *Sawicki:* Have to check. You guys always provide me with interesting legal challenges. You can place signs on your property without issue. Unofficial signs are unenforceable.

*Mullins:* County removed sign on my dock. *Sawicki:* May remove signs that are incorrect. Discussion. *Mullins:* How do we find out more? *Sawicki:* Lesli Haynes will give me state contact to go to directly. Discussion. *Brown:* Worried about kayakers. *Sawicki:* Operators must operate safely. We all need to be careful. *Nathalie Pyle:* Children on golf carts, I've been advised not to confront them. *Sawicki:* Cart use is regulated on publicly maintained roads, not on private roadways. That's in the county ordinance and state statute. *Pyle:* Can we ask what rental agents are telling them? *Sawicki:* Rental agents responsible, if you can ID cart by number, call them and they deal with it. Discussion of rules and age limits for various cart rental agencies. *Linda Laird:* We see kids who sit in an adult's lap and drive. *Sawicki:* Not supposed to, stop them as advisory thing. Remind them that three-year-olds make terrible airbags. Controlling, no. Sitting in lap, not controlling. *Lisa Riordan:* Not enforceable on any private roads? *Sawicki:* Some that can be enforced, ordinance specifically says publicly maintained roads. Discussion of how gated communities work, official signage and compact. Traffic compacts, TRU handles that. Private roads, regulated through rental companies and South Seas management. HOAs could also set rules on private roads. Community based solutions to problems like this, rental agents have the biggest stick as they can come confiscate the cart if their terms aren't being met. ??? : People who have served on panels know, this is a lengthy agenda, let them do their work. *Sawicki:* You have my phone number, call me with questions.

**CEPD:** *Administrator Joe Wagenti:* New assistant joined our office last week. CEPD officials went to FSBPA conference, met with Army Corps and DEP staff, talked about representation in Tallahassee. Looking into residential apportionment over next few board meetings. *Mullins:* Discussion with governments and Corps on access and easement and cost shares. No way to include Corps in next project, cost share not sufficient. Corps has undergone staff changes, may require new easements from beachfront owners because our perpetual easements not in the Corps' current formats. Access applies a quarter mile from either side of where there is public parking. Looking into shuttle service originating on Sanibel to serve beaches. Private arrangement, could get cars off the road, could have impacts on facilities. Met with dredgers individually to look at options to bring costs down. Broader window on dredging so they can work us into schedule. Adding Sanibel to the project. Looking at dredging possibly in turtle season since our permit allows that, could get financial incentives for that. Need community to discuss methods that could be support for access, or not and pay extra costs. Looking for shuttle feedback. *Mintz:* Recap, use panel as an outreach arm. Santiva project starts first week in March, complete by May 1, funded almost totally by TDC, \$1,310,410 to do. *Jensen:* Parking only? *Mullins:* Access, parking, biking parking, etc. *Jensen:* How much makes a difference? *Mullins:* Parking spaces and bike racks count. Credit for road protection along Tween Waters got ruled out. To have them revisit that, have to show something has changed. *Brown:* How much access would get how much support? *Mullins:* It's a moving target for Corps, but state and county have formulas. Ding Darling lot could make a difference due to size and shuttle. How many people and how much value, might have to work at the federal level to get a more favorable ruling. *Mintz:* Easements are essential, if not provided by owners we're spinning our wheels. Infrastructure needs for Captiva if more people come here. *Mullins:* Easements, either accept current wording or accept new.

**Sea Level Rise:** *Linda Laird:* Introduction. Committee engaged consultant for adaptation plan, expect something at end of year, probably get readouts every quarter. Florida DEP discussed mangrove regulations at last meeting. Local mitigation possible. Michael Savarese from FGCU has issued his report on islands inundation, public meeting Feb. 28, more to follow. Committee is learning more while waiting

for adaption plan to be done. Dredge and fill, next then learn more about compacts. Southeast Compact more proactive due to greater risk. *Baumgarten*: Asked about budget update. Gooderham explained why money was added between December and January, for staff and communications and for consultant to attend some meetings here. Report each month so we know status. Discussion.

**Iguana MSTU:** *Mintz*: Met with county who agreed to put off petition until next year. Tentative plan is to mail petitions Oct. 1, due back April 1, 2021. Might be able to waive 6-month requirement. Need to put together committee, maybe hire someone or develop a plan to get this done by April 1. *Mullins*: Perhaps the county should do a straw poll so we know if there's support before we start this. Discussion. Good idea to ask them to pursue poll. *Mintz*: Iguanas clearly a problem, have to do something. *Mullins*: Big project, if county would do a poll that would let us know if there's an issue. *Mintz*: County agreed to waive a poll since the panel proved there was an issue by hiring a trapper. We need to create a committee, work with the county, come up with plan to get it done. May include poll, may not. *Brown*: Also look if there's an easier way to get the money than this. Just have people voluntarily write checks. *Mullins*: Discussion of CEPD aspect, need justification to tie it to district mission. Could be pursued further, we have a financial source, just need legal justification. Alternatives are important, 50% + is a challenge.

**Code:** *Mintz*: Nothing to do today, just a reminder that two letters were sent for code and chapel parking. *Lanigan*: Looked through old minutes, found that Steve Keehn with Aptim said one parking spot = \$100,000, four bike racks = one parking spot. *Mintz*: Two letters went out, one to all owners and one to owners around the chapel on parking only. Will compile comments and get to panel prior to March meeting. *Brown*: How will panel judge response to letters? *Mintz*: Want to give community opportunity to comment once they see actual language. If there's something we missed that's significant, we can amend the draft before we submit to the county.

**Blind Pass:** *Mintz*: County proposed changes to accommodate walkers/bikers, we countered with the idea of limiting it to one side only for fishing. Brought to county, not a positive response. Strong fishing lobby, they will push back on any attempt to close bridge to fishing. Political problem for county. Need to draft letter from panel asking them to try various options, that we want to balance rights of fishing vs. rights of pedestrians. Reach out to Sanibel to see if they would support this proposal. *Mullins*: Found four dead pelicans, two on my dock. Everyone had a hook in its beak. Line is cut hook in beak, line gets trapped in wires over the bridge. Greater issue than just fishing. Strong environmental argument there. Mostly immature birds, they learn from mistakes and survive in the future. *Mintz*: Draft letter to county, contact Sanibel for support, circulate to panel for suggestions.

**Kings Crown:** *Mintz*: Next we're discussing a replacement for Kings Crown building at north end, need public meeting for Development Order. Introduced Bill Morris of Morris-Depew Associates and Brian Martin architect with Leo A. Daly. Circulated graphics to explain project. *Morris*: Irma damaged two structures: Kings Crown and one right next to it. Unrepairable under current requirements. This new plan is being proposed for the north end, between the yacht harbor and T-pier. Replace two buildings with new building. Build to new code and commensurate with current architectural design. *Martin*: Structure will be 11 feet above grade, with a frangible lower level. Lawn area for tent events. Operable walls, inside and outside event space, upper level surrounded by terrace. Two sides for arrival. Trolleys and lawn arrival. Better kitchen for events, so we're not driving food across property. Meeting rooms divisible, can be smaller and larger, front to back. Doesn't increase impervious area, stormwater management systems in

place will be OK. Minor pavement reworks. Net footprint will be slightly less. *Lapi*: What's the adjacent structure? *Morris*: 1800 building, existing Harborside hotel rooms. *Lapi*: Elevation from current grade? *Morris*: 3-5 feet now, FEMA base flood is 10 feet. Coastal A zone, wave action models come in to play. *Brown*: Total height? *Morris*: Elevations will show, within code. Mean height of the roof. Clerestory aspects. *Mintz*: Highest point of the project and mean height between eaves and top of roof. *Martin*: Grade will be interpreted in multiple points, height is based on zero grade. *Mintz*: Drawing to show exact height? *Morris*: Permit drawings will show exact heights. *Mintz*: Heights important aspect on Captiva. Discussion of things taken out to maintain height restrictions. *Mintz*: Allowable height, administrative interpretation or revised code language. Interpretation cites 35 feet above grade or 42 feet above sea level, whichever is less. *Mullins*: Panel received a presentation on south end hotel, then new housing by marina and golf course. Any time limit on vesting of DOs and permits? Never translates into project, but new owner could come in and do them all at the same time. *Brown*: Permits have expiration dates. *Morris*: Can be extended to a limited degree. *Mullins*: Other projects? *Mintz*: Never been permitted, general approvals. *Martin*: This one is more urgent, resort needs the event space to capture lost revenue. *Morris*: Probably will be built in next 12 months. Can't speak to what owner of facility plans to do with other projects, this project has more urgency to proceed. *Baumgarten*: Follow up on height? *Mintz*: Committed to height as set out in the Administrative Interpretation. *Morris*: Couldn't get permit if it violates code, would not want to. Discussion of height requirements. No more questions.

**Golf cart zone:** *Mintz*: Recap. Put together record of prior meetings to send to DOT, thought they wanted to know what panel and community had to say. Thought DOT would do its own independent safety study prior to approving it. County issued order that Friday after the Jan. 14 panel meeting to extend golf cart zone to requested location, before meeting minutes were published. Goes into effect Feb. 19 once signs were done. I thought DOT would do its own study, LCSO thought the same. Spoke to DOT, and they said they never intended to do their own study. Sent someone to look at vegetation needing to be cleaned up. No study, conditional approval, monitor closely, see if Captiva can self-police the cart use. *Lanigan*: County doesn't have the same attitude toward Blind Pass. Shows what they can do when they're motivated. *Mintz*: Nothing more to do with DOT, not going to read any package we sent. They will monitor it and respond if necessary. *Brown*: No merit to raising concerns and comments. *Mintz*: They assume we had full-throated discussion expressed opinions. Subsequent to meeting, others raised issue of making cart use more safe.

**Golf cart safety:** *Baumgarten*: Enforcement is issue, for private roads and areas. Do we need committee to pursue issues? *Lapi*: Two areas, private and public. Easy to work with public and LCSO. *Mullins*: Are cart rental agents obligated to allow them to go to Tween Waters? ???: Ordinance governs now, cannot tell customers to exceed. *Mullins*: Condition of rental vs. enforcement. Make them all street-legal, everyone would be safer. *Kelly*: Safety is key issue, use seatbelts, night use should be reviewed? Did not get a chance to discuss that piece of it, just do we approve the concept. *Mintz*: Two things we can do... make recommendation to change ordinance. Ours is more restrictive. Night requirements are higher at night and age 16 rather than age 14 as in other parts of the state. We could request seatbelts, or more lights, or other recommendations. Or we can make recommendations to cart vendors, work with them on self-policing use on the island. *Brown*: Have committee to look at golf cart use on Captiva and figure out recommendation to improve safety and quality. *Mintz*: Let us know if you want to work on committee, talk to vendors to participate. Electric vs. gas on future issues list, something that Tween Waters might support. Gas carts pollute more and are noisier than cars, we could encourage transition to electric carts

over time. *Lapi*: Reduce speed limit or leave at 25 mph? Street legal means faster and better equipped. Ours are not street legal but street adaptable with lights and turn signals. *Mintz*: Make carts safer or make them street legal. *Riordan*: Sawicki working with North Captiva to develop rules on carts there, don't have to work with agents. Jimi's carts have sticker on windshield, Yolo did not have that. *Baumgarten*: People don't read, would like to use something that works. Discussion of North Captiva lawsuit. *Miville*: Moving away from owners, split fines between owners and violators.

**Kampachi Finfish Farm:** *Mintz*: Mote Marine and private company hoping to put fish farm 45 miles out in Gulf southwest of Sarasota. Netted area to grow fish for sale, floating cage. Notice of public hearing, but no notice to anyone down here. Farms can produce a lot of nutrients, food and feces mean red tide impacts. Public comment ended Feb. 4, probably won't be extended. Sanibel issued letter opposing this project to EPA, just got copy. Should go on record if we want to be heard about this. *Miville*: Can we get facts first? *Mullins*: Precedent, if this one goes forward we'll see more of them. *Mintz*: Cited statistics of this proposal. Depth of 130 feet. Discussion. *Mintz*: How do they get rights, people upset with Mote Marine. *Miville*: 90% of our water issues come down river, fertilizer, etc. *Mullins*: Death by thousand cuts. *Mintz*: This proposal is an experiment, production farms will be 10 times larger than this. *Kelly*: Farms around the country, not in coastal waters, some idea of what their impact is by looking at them. *Brown*: Pilot project, people are trying to shut down the idea of this before it gets started. Assume it should assess environmental impacts of doing this. *Baumgarten*: Farm fish vs. wild fish. *Mullins*: Need research before we produce a letter. *Mintz*: Have letters and alerts, will send to panel to review. *Brown*: Will we have any impact? If not why spend time on it. *Mintz*: Could comment if they reopen comment, people pushing that not enough warning. *Mintz*: Send out everything to panel, put on agenda for next meeting. ??? : Motivation for Mote Marine involvement as well? Discussion.

Break

**Wastewater:** *Brown*: Public meeting Jan. 28, 75-100 attended. Did review of Tomasko finding and various alternatives and costs. Survey results later this week. Next day, SCCF issued study disagreeing with Tomasko, with a letter and revised interpretation of their 2011 study. They think Tomasko significantly underestimated loads from septic systems. *Baumgarten*: Why? *Brown*: All using the same data, Tomasko based on impact to nearshore water from septic, SCCF wants to look at loading to groundwater, etc. Raising technical issues. Meeting with SCCF Friday to understand points they are making. Tomasko has responded to them in a letter. *Kelly*: Are they taking exception to their own report, the one we did scientifically? *Brown*: Sources, not data. *Mintz*: Model based on basic data, more rental use and higher capacities needs to be factored in. More usage means more load. Rental housing influx would use slightly different model now. More people on island now than when they did study. Look at effect on groundwater directly under drainfield, not just coastal waters. *Brown*: SCCF not using their data, relying on models to predict what's happening. Tomasko says impact would be reflected in samples SCCF took, SCCF is using model rather than their own data. *Miville*: When did he take samples, in summer? Use is down. *Mintz*: Tomasko used SCCF data, samples were for surface water and water table history. *Kelly*: SCCF says it's too old. *Brown*: Say it's changed in last 10 years. *Baumgarten*: Models can prove anything scientifically. Tomasko was neutral, did not tell him this is what he needed to prove. Listen to SCCF, but their model is not as neutral as Tomasko probably. *Brown*: Hear them out, listen to their opinion, stress that both see long-term risk of septic but differ on short-term impacts. *Mullins*: SCCF claims it is more dire today than Tomasko stated. He said runoff was crucial now, septic more important

later, while SCCF says septic systems have more impact now than he says. Discussion. *Brown*: Argue that groundwater samples should be redone, Tomasko thinks they would not. We have bed tax info from prior years, should get it all the time. Would also be way to track rental use on island. *Baumgarten*: Look into stormwater runoff? *Brown*: Not sure it's in my committee, we have plenty of work to do to bring this issue to conclusion. Recap of upcoming meetings, and two points of view on short term impacts. Next step: Conduct straw poll of community. 1-2 page summary of facts plus straw poll for feedback. Schedule public meeting on wastewater for panel to discuss and debate to see if it can come to a recommendation on what community needs to do. Public participation in discussion for panel to come to its conclusions or position. That triggers next steps: pursue sewer, pursue regulations or do nothing. *Jensen*: Sense from meeting people were leaning toward sewer. *Brown*: Just 75 people there. Opposition from Sunset Captiva and Captiva Shores likely depending on how their package systems are incorporated. *Jensen*: Misinformation out there. Lift stations, engineering, plans. *Carroll Wetzel*?: Captiva Shores can't ask general question of this is what we want, more is about how it happens. Level of invasive impact cannot be communicated. Make people comfortable on some level of assumption. *Miville*: Send out FAQs. At the Doc Ford's lift station, there's a terrible smell., Carbon scrubber can reduce odors. *Wetzel*: Technology will also advance by the time this system gets put in place. Straw poll needs to make people more comfortable, make these assumptions. *Mullins*: Nothing goes forward except to continue this effort. Nothing is decided, just gets pulse of what community thinks. *Wetzel*: Theology of "can do" belief from meeting may have swayed perceptions. *Brown*: List assumption for basis of straw poll. *Mintz*: Level of detail information is costly, we need to show the community it willing to move it forward to the next stage. *Brady*: Email or letter? Links to FAQ and surveys? *Brown*: Need to think about how it needs to be done. Get it out in next 2-3 weeks. *Lapi*: Circulate to get input from panel. *Miville*: PPT, FAQ, survey language. *Brown*: Let me work on it, determine if I need more input or if it needs to wait to next panel meeting to pursue. *Brady*: Public meeting before end of season. *Brown*: Yes, public hearing for us to decide in front of the community. *Lanigan*: What outcome? *Brown*: Decide whether to make a recommendation, pursue sewer or discontinue project. Decide to do this or not do this, monitor community opinion and other issues. *Miville*: Get straw poll back, ask for funding for feasibility study to develop more details. *Mullins*: Panel needs to respond to poll results first. *Brown*: Sanibel? *Miville*: County has to pay for work, act s intermediary. *Mullins*: Technology in presentation? *Wetzel*: Theology of audience, more spoke up for environmental benefits not practical issues. *Mullins*: Survey and panel needs to be agnostic. *Jensen*: End of season know if we want to pursue municipal taxing authority.

**Development:** *Baumgarten*: MATM will be April 13, South Seas on board to host, soliciting entries. Solicit local golf clubs to help communication on tourney and timing. Discussion. *Baumgarten*: Ask local golfers to participate. *Lapi*: Pro shop had no clue about what was going on. Need to meet with South Seas on details.

**Communications:** *Baumgarten*: Collecting email addresses, got them from last meeting. Drafted letter to introduce panel, get approval to send to residents. Vacation information, what they need to know, requested data from code survey to develop topics to be addressed. Followed up with Jason Maughn on beach safety and Sanibel's decision on regulations.

**County taxation:** *Mullins*: Need access to bed tax information again. Maybe Lapi can help us with that. Discussion.

**Captiva Drive:** *Mintz:* Johnson Engineering still working on easements needs, once in hand we can go to property owners. Designed and engineered, now need to know land issues. *Lapi:* Status of vegetation trimming? *Mintz:* Talked to DOT about shoulders. Have not acted yet, need to remind them again.

**Future issues:** *Mintz:* Address these later, need to create committees on these to get traction.

**Budget:** *Baumgarten:* Explained SLR increase. How to revise budget, when and how. *Mintz:* Annual budget we approved, panel can make changes as needed. We don't pass things without thought. Figure was handed out at January meeting. *Mullins:* Usual procedure is budget amendment. *Mintz:* Baumgarten can decide as treasurer. *Brown:* Present statement at every monthly meeting, if members have an issue they can raise it. *Miville:* Need better budget supervision. Crazy to spend \$20,000 for administration of a committee. Discussion of status. *Baumgarten:* Present budget status every month. *Miville:* Panel has X amount of dollars, we need to decide how we want to spend it, on a committee to do certain work. Questions aren't being raised about spending. *Mintz:* Committee is very conscious of budget issues, and apportionment between CEPD and this committee. *Baumgarten:* We need have checks and balances. *Mullins:* Do that as treasurer. *Miville:* Give direction to committee to control costs.

**New business:** *Lanigan:* Lapi said he would look at his Sanibel sewer bill. *Lapi:* Fluctuates, not a fixed rate on Sanibel. *Brown:* TKW report said everyone pays the same amount. *Lapi:* Rate is the same, but it's based on water usage. *Lanigan:* Person asking about condo made a comment to that effect, based it on water usage. *Brown:* Have to use averages to present information to the community at this time. *Mintz:* All based it on water usage. Access allocation has not been resolved at all. Discussion. All based on averages, actual cost can vary all over the place. *Lapi:* Residential vs. commercial pie chart to show shares paid. *Lanigan:* Look at water usage to extrapolate septic output, correlated today vs. 10 years ago. *Mintz:* Thanks to Max Forgey for state summary document. *Miville:* What you hire lobbyists tell you to do, Max saved us half of the cost right there.

The meeting adjourned at 12:10 p.m.

-- Ken Gooderham