

## Captiva Community Panel

# MINUTES

June 9, 2020

**Attending:** David Mintz, Antje Baumgarten, Mike Mullins, Tony Lapi, Michael Lanigan, John Jensen, Mike Boris, Jay Brown, Ann Brady

**Audience:** 22

Meeting convened at 9 a.m. Introductions and roll. May 12 minutes motion to approve (Brown/Boris), unanimous.

**Covid-19 update:** *Mintz:* Quick update a few days ago. Overview: Stable with new cases and deaths. Some internet press about spikes in Florida, numbers don't support that, more testing positive ratio about the same. Overview of county and Sanibel rules. Reservations and beach access consistent between two. Discussion of difference between county and state orders re: Louisiana residents. *Brown:* If failure to observe some guidelines by rental owner, where would liability for that lie – agent or owner? *Mintz:* Enforced by DBPR state agency, liability vulnerability for agency licenses would be in jeopardy for violation. Owner also has some issues as well, behooves owner to talk to agency about conformance with orders. JB Way to know level of compliance? *Mintz:* State department enforces, whether they know about it. People calling LCSO about alleged violations, working with agencies on complaints. Have been cooperative with concerns. *Lt. Mike Sawicki:* If you create booking, you're in violation. Arrestable punishment, Class 2 misdemeanor, also DBPR can go after licensing, owner is licensed and agency as well. *Brown:* You're getting call, working on compliance. MS: Renters is not the issue, agent or owner is at fault for booking in violation of rules. *Mintz:* State rules have nothing to do with vacation rentals, that is in the county plan approved by the state. Citation of current rules for shopping, bars and restaurants. Governor's order also encourage seniors and medical conditions to avoid crowds of 50 persons or more. Stores and restaurants rules outlined. Discussion of orders, still requires those arriving from NY, NJ or CT to isolate for 14 days. One case on Captiva, 12 on Sanibel. In discussion with Sanibel and Mayor Ruane, city has made determination to increase fines for parking violations to \$200. Tickets were cheaper than paying for parking. Same issue in Boca Grande. Mayor Ruane asked county to increase fines in unincorporated Lee County, including Captiva. Any objections? *Brown:* Panel to write letter of support? *Mintz:* If no objections, helpful to send something to mayor of Sanibel. Motion to send letter to Mayor Ruane supporting increasing fine from \$50 to \$200 consistent with Sanibel and Boca Grande. (JB). Unanimous.

**LCSO:** *Sawicki:* A few calls about trespassing, if you want clarification reach out to me or deputies. Work on strategy for properties.

**CFD:** *Sawicki:* Fire on Captiva Drive, looked like vegetation debris. No one here.

**CEPD:** *Mullins:* Cleaning of meters and porta-potties to be discontinued. Voted to maintain increase parking rates. Working on budget. *Mintz:* Nothing to do with Captiva Code, there is a Lee LDC 14-173, regulation states from May 1 to Oct. 31 all beach furniture must be removed from the beach behind the CCCL or the dunes from 9 p.m. to 8 a.m. *Mullins:* Was copied with pictures of beach swing that had broken adjacent to turtle nest. SCCF reports it, questions raised whether CEPD removed those things, needs to be taken care of by property owner. *Mintz:* More than 100 turtle nests on Captiva alone, very large number. Attributed to warm water in Gulf.

**SLR:** Hold to 9:40

**Code:** *Mintz:* Waiting for county to review all proposed language, different person is responsible for each portion of code, so they pass it around to review. County is starting to staff up again and bring people back.

**Blind Pass:** *Gooderham:* Preparing report for county to track panel's actions on this issue and county's response with photos and video that will show some of the problems. Will try to get it to the county before commissioners go on vacation. *Mintz:* Recap action to close the bridge, but willing to negotiate closing one side of bridge.

**LCEC:** *Gooderham:* Reached out to Tricia Dorn, rep for the islands. She responded to say due to issues of erosion and stability with the old pole that was removed for the beach stabilization project they had to go with a self-supporting pole, that's why the thing is so massive, No plans to change that unless someone wants to pay for it. *Mintz:* Want to pursue this further? *Lanigan:* No, very clear. *Mullins:* Sanibel did good job on restoration, working to get it included in next beach project. *Mintz:* Send note thanking Natural Resources and James Evans for job well done. *Gooderham* to draft, *Mintz* to review, send to panel then city.

**No-wake zone:** *Mintz:* In touch with county on Roosevelt channel. Recap, slow speed zone in manatee season. Explained zones, wake not good for erosion, docks, kayakers, manatees (which are there all year). Contacted state about manatees to make it an all-year zone. Another way is county can pass ordinance if sufficient data supports all-year zone. Much more expedited process than state. State believes data is sufficient to do that, county can take initiative to pass ordinance for manatee zone all year. Sanibel doing the same thing for lighthouse end on bay. Fort Myers Beach doing the same in area where they lost no-wake zone. Our situation is most compelling for all-year zone. Would have to go to commissioners to approve move to develop ordinance. Best way is for panel to make request in writing to BoCC with reasons for all-year zone. *Mullins:* Would include Blind Pass, used to be no-wake zone but last dredging eliminated some no-wake signs. *Mintz:* End of Roosevelt to the bridge? *Mullins:* Still no wake but not signed. *Lanigan:* Low wake, not no wake zone. *Jensen:* Would like to see what we are sending to the county, mark out what we'd like to see done, how big an area? *Mintz:* Where it is a manatee zone now for part of the year, would go to all-year. No wake zones would stay as is. *Mullins:* Used to be low or no wake, signs disappeared. Whatever it was, restore the signage. *Mintz:* Will find out what the issue is with signs. *Brown:* Rules how far offshore you have to be before you go on plane? *Mintz:* Docked boats are not in the criteria state looks at. Boater is responsible for not harming property or boats, state or county does not take into consideration docks or shoreline. Discussion. *Sawicki:* All under county ordinances. Certain distance form a dive flag, not form a dock, operate with due care. *Mullins:* On Gulf side, markers to delineate boat distances from shoreline. *Brown:* Called exclusion areas.

**SLR:** *Mintz:* Introduction, committee may be most interesting and important committee. *Laird:* Introduction report on panel website. *Mintz:* Explain vulnerability. *Laird:* For sea level rise on our island, what would be affected at different levels of rise. Presentation... About the problems, solutions will come later. *Mintz:* Pointed out FGUA plant and Plantation Road with 1 foot of SLR. *Brown:* Roosevelt homes getting near to water, plus South Seas road and FGUA plant. *Laird:* Water right next to SS road. *Hapke:* Threatened during high tide events. *Hapke:* 2 feet rise, impacts on FGUA and road. *Laird:* 2050 to 2080. NOAA interactive charts have disappeared, wonder if SLR is happening faster than expected and agency does not want to offer projections under that acceleration. *Mintz:* 2050 is only 30 years away, looking at potential impact the panel needs to work with FGUA and SS in long-range planning to prepare for that eventuality. *Brown:* Major issues for most of the properties along Roosevelt Channel. *Laird:* One foot 2030 to 2050, two feet 2050 to 2080. *Mintz:* This is why panel has been talking to CEPD and consultants to see how we can deal with the bayside in the same way as CEPD has managed the Gulf side. At four

feet most of the island is impacted, plus threats to road in multiple places. Summary of threats. *Mintz*: If we do nothing, this is what the island could be facing. With resilience plan, impacts could be lessened. *Laird*: Next steps... slide has info. *Mintz*: Thanks to committee for your work, eye-opening information. Understand how this dovetails with wastewater committee. Not just inundation, but will we have a functioning wastewater system.

**Fund-raising:** *Boris*: Summary, Doubt we can do a MATM this year. *Mullins*: \$40M, where is shortfall? *Gooderham*: Large one-time gift in 2019 skews numbers. *Boris*: Look at cruise for sure. *Baumgarten*: Write letter to MATM sponsors from prior years, unable to host would they make a donation to the panel. *Mullins*: Doesn't hurt, but donors were tied to SS. *Boris*: South Seas vendors, benefit resort. *Lapi*: Let South Seas make call to their vendors. *Brown*: Revenues compared to last year, other way to consider is to think about tasks for the coming year. What do we need to achieve our objectives, not looking only at last year. *Mullins*: Best way to raise money is to talk about programs not just general contributions. *Baumgarten*: Make financial planning for 2021, include projects look at SLR planning to raise funds. *Mintz*: A lot of business rely on the existence of Captiva develop a list of business that rely on healthy island for keep them healthy, create special letter to them explaining what we do and why it's important. *Mullins*: Have done a little of that with silent auctions. Target businesses and contacts to make the ask. South Seas is looking to sell, being austere until new owner is in place. *Lapi*: Most of those will give you in-kind services to sell at an auction, not direct donations. They're still struggling as well. All your restaurants took a hit. Look at some kind of online auction? *Mullins*: Worth a try, but would not hang our hat on that. *Mintz*: Used to get funding from county, with new commissioners may be time to revisit. *Gooderham*: Budget cycle issues, we won't be considered until 2022 if there's no funding in FY20-21 budget. *Mullins*: Selling individual projects is best bet, water quality or sea level rise where someone is passionate. *Gooderham*: Most nonprofits are scaling back, saving money without in-person meetings. This year we'll be fine, look at next year's projects. *Mullins*: What did we cut back one? *Gooderham*: Mostly meeting expenses, mileage/copies/AV. Small costs that add up over a year. *Mullins*: Asked CEPD attorney about doing Zoom meetings. Panel does not need to be so restricted, consider doing Zoom meetings further along and look at changing bylaws as necessary. *Mintz*: Some in-person meetings during season. Have more discussion on this in the future. *Mullins*: Have both Zoom and in-person meetings. *Mintz*: After summer, under assumption that after we finished code work research that we were no longer funding anyone for planning purposes. Need some clarity if we want to continue to fund Max. Discussion of history. Have budgeted \$400-\$500 a month for Max, even after research was completed. Continue to fund him even without planning or code work done. *Gooderham*: Recap of retainer for research, continued to put money in for planning and was not told not to fund him. Planning or admin if I had to miss a meeting. *Mullins*: He also voluntarily attends CEPD meeting, said he was told by Ken that funds would cease. *Gooderham*: Yes, after April or May invoice, I told him that we were going to look at controlling costs. *Lanigan*: In the cost savings discussed, was that including not paying Max? *Gooderham*: Did different budget scenarios when pandemic hit which included Max and SLR reductions. *Mintz*: That's when I noticed it was still in the budget. *Mullins*: Not much of a savings in reality. When we talked about this two months ago, I was shouted down when I called for austerity. There's value in legislative material he's given out. Keep him on a \$200/month. Discussion, limit invoices to \$200/month. Concurrence by panel.

**Panel member terms:** *Mintz*: Noted handout, Brown had asked about status. Explained issues, take vote at July meeting. Bylaws amended in 2015, two-year terms extended to three-year terms. Chart. If filling a term, do you only have what the current term or two three-year terms on top of that? Panel interprets bylaws, think about it and we can vote on it at the next meeting. Brown and Jensen impacts. *Mullins*: Rathbone issue, Brady waited until end of term to have two complete terms. Understanding that

replacement completes the existing term. Can amend bylaws if we decide, no immediate rush? Can understand both perspectives, goal was not to have people serve into perpetuity. Right way is to correct bylaws. *Brown*: Bylaws committee did not consider what would happen if someone resigned midterm and were replaced. An oversight in the drafting of the bylaws. *Lanigan*: U.S. presidents can serve up to 10 years, we could decide something like that. *Mintz*: Just to be consistent and make the term structure work. Decide what we think serves the panel and community the best. *Mullins*: Best to amend bylaws. *Mintz*: Decide what's best for the community and amend bylaws after that.

Break

**Wastewater:** *Brown*: Recap. Key next step was to pursue funding for comprehensive engineering plan for Sanibel plan, expanding service from Sanibel to all of Captiva outside South Seas. Allow community see location of key elements of new system. Impact of system on community as a whole and individual properties. Describe construction process in detail to help community understand disruption from construction. Better cost estimates. Sent email to Pam Keyes informing her about straw poll and next step, likelihood of funding from county. Not likely in the short term. Approached Dan Delisi, consultant who helps find funding. Doesn't think we have much of a shot. Request would likely have to come from government entity such as county or Sanibel. At road block on funding study, costs around \$200,000. TKW merged with Consor Engineering, will develop proposal for study. May be back to square one to fund this. If Mayor Ruane is elected, likely to get more support from county after that. *Boris*: SLR tie, opportunity to educate SS about vulnerability of WWTP to rise. *Brown*: Good point, let me think about that. Don't see that SS owners are dissatisfied with existing service. Discussion. *Brown*: Raise issue at public meetings next fall? *Mintz*: SLR Committee planning to meet with utility partners to gauge understanding and current resilience planning – LCEC, IWA, internet. Could include FGUA at some point. *Brown*: No specific plans, they feel confident they can do whatever is necessary to respond to SLR, not a threat and will deal with it when they need to. *Mullins*: Reach out to HOA and see what they want to do, how much they want to weigh in on it. Not an attempt to coopt FGUA. *Baumgarten*: Add to letter asking their opinion. *Mintz*: Ask SLR Committee to have a discussion about this, best way to approach this issue. Don't usurp SLR initiative. *Mullins*: People would like to know what's going on, not usurping anyone. *Mintz*: Leave it to committee, not panel. *Baumgarten*: Need to reach out to those people soon, SLR and sewer issues ahead. Why not emphasize those topic will be a real issue for them? *Brown*: Letter is not right way to do it, use community presentation in the fall on what SLR Committee has learned. Needs to be central focus of communication. *Mullins*: Ask them to come to fall events make them aware there's information they need to look into. *Baumgarten*: Have an awareness of work panel does. Sea level a wonderful topic to get their attention. *Mintz*: Not mutually exclusive, raise awareness and establish liaison, so they don't get blindsided. *Brown*: FGUA stance that they can handle problem is not just Glen Forest but entire FGUA.

**Golf cart safety:** *Baumgarten*: Recap, will meet one more time in June, present results in July. *Mintz*: Sent her current ordinance, they can make suggestions. Also look at old information on website.

**MSTU:** *Gooderham*: Panel asked me to contact the county about need for notary for petition signatures. Followed up with Tim Gard to ask about waiver, he got back to me last week and said a waiver was possible and he was the one who issued it. I drafted a letter and sent it to all of you yesterday, seeking your approval. *Mintz*: Would like to form committee and hire someone to handle the legwork, not having to work through a notary would help get approvals. Add Covid concerns to letter, harder to find notary now and people don't want to go to banks if necessary. *Lapi*: Anything we have to do? *Gooderham*: Just let me know if you have any concerns, will be sent by me on your behalf. *Boris*: Can we tag other things on to this unit in the future? *Gooderham*: No, have to have issues defined to be able to include them. We

revised the language to be broader but still n invasive species. Mullins: See if we can add more issues to this petition. *Mintz*: Deal with notary issue first and form the committee, then see what we can do to expand issues. Discussion about fine-tuning language to include as much as possible. *Jensen*: Talked about rabbit control, not endangered or protected, can get rid of them any way you want. Won't go into traps, too much food. Alfredo willing to add rabbits, work two more hours for \$200. Alfredo sorry Sanibel backed off on iguana control, good opportunity. Doesn't think they will try to get to Captiva, too much food on Sanibel. Predators are hawks and owls. *Baumgarten*: Why are they not prevalent? *Jensen*: Rats eat poison, birds eat rats and kills them off. *Baumgarten*: Would rather work to reintroduce birds as predators. Discussion of vegetation and other deterrents. *Mintz*: Will make sure language is broad enough to include rabbits, and Alfredo can kill them and we will have the wherewithal to deal with it. *Mullins*: Look at it to include rats as well.

**Development:** Done already.

**Communications:** *Baumgarten*: Added Sanctuary email to list, next step to add yacht club members to list, Letter to SS HOAs next. Storm season is coming, make them aware that CFD is place to get information. Sea turtles and beach furniture, low wake zones. Reach out to community more often with more information. *Mullins*: Can't share yacht club list, share our newsletter to them to distribute for us. *Baumgarten*: Same as we do with HOAs.

**Captiva Drive:** *Mintz*: Waiting to hear form Johnson, we need to approach property owners to let them know what's coming from the county. County Lands will pursue easements after that. Still need to secure funding. Want to make sure it's shovel-ready.

**Taxation:** *Mullins*: Reached out to Clerk of Courts proved troublesome, provided state rules that said it had to be kept confidential. Ralf found DOR contact, found a lot of information. Discussion about confidentiality rules, percent of donations from single source. Needs to be clarified legally. LCPA normally issued taxable value on June 1, formal release on July 1. Joe got info, approx. \$1.4 billion for Captiva. *Mintz*: Analysis of what Captiva contributes vs. what we get back. *Mullins*: Need help with that, would like to develop that analysis but need better assessment of county contributions. *Mintz*: Don't mind being a donor community, but we need funds to keep community successful and healthy donor. *Mullins*: Would like to get a better handle on what that disparity is. *Mintz*: Based on healthy infrastructure, to keep us in good shape to donate need to invest in infrastructure.

**Future issues:** *Mintz*: Have been putting these off, should address. Does CEPD retainer of Ralf make him unavailable to panel? *Lanigan*: Can't imagine any conflict, talk to Ralf himself. *Mullins*: Areas of overlap important to get answers on them from attorney beforehand. No conflict of interest issues. *Mintz*: OK to develop more information on some of these issues?

**Financial:** *Baumgarten*: Start planning for 2021, and detail revenue shortfalls. *Mintz*: Don't compare revenues, outline projects and costs. Discussion of county responsibilities.

**New business and Public Comment:** No new business; no response to request for public comment.

Meeting adjourned at noon.

*Ken Gooderham, administrator*