

Captiva Community Panel

MINUTES

Aug. 13, 2019

Attending: In person: Mike Mullins, Dave Jensen, Antje Baumgarten, Jay Brown. Via phone: David Mintz, Mike Boris, Rene Miville

Audience: 12

Meeting convened at 9 a.m. *Mullins* (chair): Thanks to resort for hosting us. Introductions and roll call. Approval of July 9, 2019, minutes as presented (Brown/Jensen) unanimous.

CFD: *Chief Jeff Pawul:* Updates to website, new requirement from state. Emergency operations tab will have a lot more hurricane info on there. Gates on properties: Good for you bad for us. Need to update codes so we can access in emergency. Consider going to EVAC system, Emergency Vehicle Access Control, garage opener that will open any gates. Steering people to that, but not a mandate. *Mullins:* Could it be one? *Pawul:* On new construction, but not on existing, can't mandate retrofitting. Not expensive, \$100 \$150 to change electronics. Countywide system EVAC system, any firm in town can install that. *Brown:* How many gates? *Pawul:* Hundreds possibly. *Brown:* Communicate to most people on island, panel could send communication to request code or upgrades. *Pawul:* Issues getting access in emergency. Discussion. *Pawul:* Despite what you may have seen, CFD was not molesting manatees during training yesterday. Water training at marina, manatee swam up, friendly, scared one of our guys pretty good. One of the guys who grew up here, scared of manatees. *Tony Lapi:* Will EVAC work for LCSO as well. *Sawicki:* Yes. *Doug Babcock:* Offering CPR training? *Pawul:* Call station to schedule. Tried public CPR training, will try again in winter. Not much of an interest at that time.

LCSO: *Lt. Mike Sawicki:* Time for your hurricane prep, in that season. Today is the anniversary of Charley. Water safety: Had a good save a while back, some drownings and some good rescues. If you run tourist business, be very proactive with warnings about currents. *Mullins:* How communicated to the world? *Sawicki:* Signs warn dangerous currents. *Pawul:* Flags on beaches that are staffed, but not here. *Sawicki:* General statement or print Emergency Operations Center materials to hand out. Fine line between welcoming guests and warning them of dangers. Discussion of saves and drownings. If caught, don't panic and fight it. Let current run itself out then swim to safety. Won't make good decisions when panicked. Discussion of Blind Pass. *Pawul:* Not rips, tidal flow at passes. Harder to swim out of tides. Discussion of boating incident and tidal currents. *Sawicki:* Local rental businesses do a good job, sufficient jackets and safety measures. *Mullins:* How can panel help, posting materials about beach pass dangers? *Sawicki:* Leave to individual rental companies. Liability issues, at discretion of individual rental companies. *Mullins:* Just make it available. *Sawicki:* Existing infographics you could access. Have a realistic assessment of your own abilities. Discussion of boating issues. *Baumgarten:* Sanibel School pick up, new rules that cause traffic jams. Description of rules. parents can't park. Ties up San-Cap Road. *Sawicki:* Wait a few days and see if it adjusts itself, first day of school always hectic.

Iguana: *Jensen:* Just completed contract, 14 weeks. Spoke to Mintz, communicated to county to fund program. *Mintz:* After panel allocated additional amount for trapper last month, went to Assistant County Manager Doug Meurer to pursue \$24,000 for annual contract. Attached reports from Alfredo. They spoke with county Animal Control dept., has never dealt with iguana problem. Aware of Gasparilla efforts,

created MSTU to fund trapping; also for other services, so expense was justified. MSTU would cost more than contract cost. Manager needs to get policy decision from county commissioners. Money probably available, need decision from commission. Approached Commissioner Manning, discussed at Aug. 6 meeting. Reviewed video of meeting, Manning asked staff to develop funding options. County Manager Roger Desjarlais cited Boca Grande precedent. I will follow up with Meurer to pursue further need for contract. Current contract is complete. Extend for one more month? *Mintz*: Yes, and lean heavily on county to fund it as well. *Brown*: Chance to get money? *Mintz*: Can't imagine we shouldn't. Discussion. *Brown*: Put together services and create taxing district. *Mintz*: Would take time and vote to form unit. *Mullins*: Underground costs doubled with MSTU, \$4 million to \$18 million. State declared iguanas major pest, anything we can do with that. *Gooderham*: Alfredo send me a report last night, did not have a chance to distribute. Has taken 342 iguanas during his 14 visits to the island. *Mullins*: Continue funding for another month, need to discuss under taxation discussion. Make request of CEPD to see if erosion aspect creates opportunity for action. Panel send letter to CEPD to explore. *Mintz*: CEPD funding or go back to county. Allocate \$2,000 to continue. *Brown*: Why spend more money if we're going to have a gap. *Jensen*: Agree, hatching period is past. *Mintz*: I will go back to county advise them we cannot fund this ongoing, and we expect them to meet their responsibilities. MSTU not reasonable in this case, might consider for a package of things. *Brown*: Don't suggest package, gives them an out, just try to get the money.

CEPD: *Administrator Carolyn Weaver*: Board meeting yesterday. Continue to move forward on parking lot upgrade at Hagerup Park, restrooms, paving part or all of lot. Possibility of new parking areas. Increase portion to pay for project. Looking for any suggestions for more public parking. Bike racks, for bikes equals one parking place. Send ideas to mycepd@mycepd.com. Aug. 21 Save Our Water meeting, includes USACE and FDEP reps, at Coconut Point. Summer newsletter out soon. Website update under way, had some compliance issues.

Blind Pass: *Mintz*: Advised county staff of panel votes to close fishing from bridge. Outlined votes, incidents on bridge. County manager would take issue to Lee DOT. Will follow up with them again. Close to fishing and improve access to bank for fishing. *Lapi*: Why? *Mullins*: Lots of issues, moving onto docks, obstructions to bikers and pedestrians. Not much Santiva impact from that. *Lapi*: County was building bridges to allow fishing from them. Some of our guests to fish, not the problem compared to day-trippers, etc. *Mullins*: Issues with boaters and Santiva residents. Discussion of issues. ???:
Troublemakers will just move down to the shores. *Mullins*: Some will, some will be deterred. *Lapi*: Allow night fishing only? *Mullins*: Talked about regulating one side. *Sawicki*: All or nothing, can't spend any more time on it, accept it as is or ban entirely. Discussion. *Brown*: Fish mortality also an issue, pulling up undersized fish that even if released will not survive. *Ann Brady*: Punishment for violations? *Sawicki*: Depends on how citation is structured. Up to county to determine. *Jensen*: Part of discussion was platform on shoreline. *Mullins*: Discuss at future meeting to offer alternatives. If county says no, no discussion; if county closes bridge, then we can discuss options.

Tween Waters: *Mintz*: Explanation of background. Requested county to extend golf cart zone to Tween Waters. Had discussion in July, agree to revisit issue in November when people were back and could notice discussion, invite vendors, etc. Babcock thanked us for November hearing, invite all interested parties. Will advise county of November discussion. *Mullins*: From email, any scientific study on cutoff? Empirical data why it was set where it is? *Mintz*: Would rather not have that discussion today. Make

request to appropriate people to explain to why it was done this way. A lot of people have concerns on both sides, safety as well as access. Comprehensive agenda item for November meeting.

Andy Rosse access: *Mintz:* Placed funding request to Tourist Development Council. *Gooderham:* No, DOT discussion about right-of-way permit, need information on plant types and costs for that. Will pursue TCD funding next winter when next grant cycle comes up. *Mintz:* Waiting to hear back from landscaper.

Captiva Code: *Mintz:* Received a number of comments before Aug. 1, incorporating all comments into existing language, should have it done in September, out to panel long before November meeting.

HB 7103: *Max Forgey:* Background on growth management. 1985 Growth Management Act, created comprehensive plans that were enforceable in circuit court. Future Land Use Maps, goals objectives and policies, established concurrency and Levels of Service standards. Viewed schools as infrastructure. Developments of Regional Impact laws as well. Like nothing else in the country, ponderous and bureaucratic but worked pretty well. Came to end in 2011 when Growth Management Act was modified by community planning act, no longer required concurrency, DRI gone, DCA gone. This legislative session, House Bill 7103 adopted without committee review, signed by Gov. DeSantis. Two issues with law: With consistency challenges (arguing that actions are not consistent with county comp plan), citizens can sue to force government to comply with its comp plan. Challenge based on the comp plan in place. Not done locally in circuit court, done by administrative law judge through trial in local jurisdiction. Now if you challenge and lose, you can be required legal fees of local government and possibly property owner. Will undercut growth management in general. Other issues: Unincorporated areas with community plans. If they decide to incorporate, used to be you had to adopt your own comp plan within one year, until then bound by old local government plan. Has worked well. Now, when you incorporate you live by old plan forever. Not home rule. How to react? Best organization is 1,000 Friends of Florida, pro-environmental and pro-planning. Write to legislators to repeal, continue to follow. FAPA symposium Dec. 6 in Bonita Springs. Executive Director of 1000 Friends, University of Florida law professor, land use Naples attorney, leading a panel on “Does growth management still matter and can it be resurrected?” Growth management started in Lee County with Estuaries case.

Wastewater: *Brown:* Conversation with David Tomasko update on his progress. Benefits or risks of staying with septic systems. Completed research, developing report and conclusions. Preliminary finding is Captiva existing septic systems do not pose significant risk to coastal water, from either nutrients or pathogens. Risk is primarily in Village area and low-lying areas on bayside, inadequate separation between drainfield and water table, over time system will become increasingly ineffective – plumbing issues, pooling around tanks, etc. Take actions based on long-term viability of system’s operation as opposed to coastal water quality concerns. Agreed to timetable, will meet with Tomasko Aug. 28 to review preliminary findings with committee. Including SCCF staff, relying on its data for his findings. Ask questions and get clarifications. First draft in advance of September panel meeting, review highlights at that meeting, input from panel and others. He will draft the final report before November meeting. Post on website and schedule public meeting in January for residents to participate. *Mullins:* If outside experts cannot make it, alternative plan? *Brown:* No, will get them first draft of study and provide input to Tomasko. *Mullins:* Reconcile issue with earlier SCCF study. *Brown:* Recap of plan. Opportunity to comment and ask questions. Panel to consider recommendations to make to community. Discussion of

meetings. Need to act, just not for environmental reasons but for operational issues. *Baumgarten:* Technical solutions to problems on bayside and in Village. *Brown:* Panel will need to take data on recommend. *Baumgarten:* Practical solutions. *Brown:* Lots of information on that on options. Tomasko was next step after TKW study to address environmental concerns and septic system risk. *Mullins:* Started a long time ago with TD funding for SCCF study. County also brought in TKW and Doug Eckmann. Panel spent \$50,000 on Tomasko study, plus extensive research by committee members. Not a B&W solution, thorough work to get information. Outcomes different than what we expected, so science is leading over knee-jerk options. Trying to get ahead of the curve environmental and health hazards. *Brown:* Bring as many facts forward as possible rather than advocate for one position or another.

Development: *Mullins:* San-Cap Trust is budgeting for next year's contributions. Deferred to Rathbone when this first came up, he may not be able to carry it on as much. They came back to me to look for material support. What and how much? Discussion. *Baumgarten:* Something they can identify with? *Mullins:* Tangible sponsorship. *Mintz:* Will talk after meeting. *Mullins:* Still thinking about cruise? *Boris:* That and Monday After The Masters both alive. Need meeting to organize. *Mullins:* Discussion of funding.

Communications: *Mullins:* Send sample of newsletter. Outreach to community, we need help.

Captiva Drive: *Mintz:* Johnson Engineering has developed first draft with initial drawings, need to follow up on design. Moving ahead as scheduled.

Taxation: *Mullins:* Explanation, how much we're sending to Lee County vs. what we get back. Waiting for TRIM report to update, \$1.5 billion aggregate values, calculate how much we contribute in different areas. Need to get back downtown to talk to CFO about getting return on our taxation. We're spending panel money on community services, need to look to county for more support. We're donor communities, lucky to get back 10 cents on the dollar. Would like better accounting from the county on return. Uphill battle with county. *Boris:* Want constituencies to know what we're spending as well as what we're not getting back as well.

Hurricane: Nothing to report.

Video: *Baumgarten:* Meeting with Lanigan and others to get some momentum.

SLR: *Mullins:* Lot of work going on, see handouts. Long term Gulf-front erosion plan, need same on bay side. CEPD budget will include funding for SLR response. Discussion of bayside options. FGCU/Savarese report and issues. Modeling presentations. Southwest Florida Resilience Compact under way, bring it to CEPD to consider. *Mintz:* Committee working with Peter Sheng and Coastal Science Solutions on two different approaches. Staffing funding for Kate Gooderham has run out. Discussion. She's been invaluable to committee. *Boris:* How long? *Mintz:* Depends on what the committee asks her to do. *Miville:* Having reports done myself. Expect a critical path and scope of actions. This what we want to get done and this is the critical path to get there. *Jensen:* Staff does what committee requests, not that she's driving the work. *Miville:* Give her scope of work and critical path, ask her for a price. *Brown:* Similar thought, however committee is operating on board basis to collect information, do basic learning. Re-up funding but set expectations for committee to have plan of action. then set specific role and deliverables. *Mullins:* CEPD budget includes \$100,000 for sea level rise. Wait until September to see if

funding is approved. Request came up late, Linda and Kate should be here. We're throwing money at a problem without specificity as to functions. Lot of work done, not clear focus. Hold in abeyance until September. *Brown*: Plan of action by September. *Mullins*: When they plan to ask for help from CEPD. Email not enough, should have been a plan. Lots of different directions, Sheng proposal expensive, other options. Can't keep throwing money at committees. Need time spent and hourly rate. Need more discipline. *Brown*: Now or two or three months from now. *Baumgarten*: Committee should know what funding it gets. *Brown*: Always a period of exploration. Research before you set for plan of action with deliverables. Committee has not reached that point yet. Then set up deliverables and plan of action. *Jensen*: Compact will be important, any meetings on creation of compact it's important to stay engaged. *Mullins*: Feedback was panel will not qualify to be part of compact, opted to look at CEPD instead. Discussion. Panel can read material but can't be member of compact. *Mintz*: Committee just created, Linda took initiative to chair it. Discussion of progress. Went from Captiva project to regional project potentially. Then CEPD stepped in. Discussion of options. *Mintz*: Recommend to fund up to \$5K to continue work with committee, if CEPD approves fund before \$5,000 is spent we can restructure funding at that point. *Miville*: Not happy with report. Make a better proposal for next meeting. Presentation, scope of work, critical path, hours worked. *Mullins*: Not clear who does what in these situations. Get a proposal for scope of services. This has been too amorphous. Come forward with proposal in September with deliverables and costs. *Brown*: Continue funding as is for fact-finding mode. Committee won't have future path organized enough by September to set scope and path. Continue support for committee. Impose discipline 2-3 months from now. *Mullins*: Next step should be specifics on who is doing what. *Jensen*: Amorphous because of topics. Has chair asked for money? We should support but direct concerns to Linda on scope and focus. Not direct to Kate. *Mullins*: By the way letter, no rationale given. *Miville*: Don't want to spend \$10,000 with no understanding of what you want to get. Restate motion: Table to September and expect a better explanation of need, goals and timetable. Vote 4-3 to table (No: Mintz, Brown, Boris). *Brown*: Recap, not renew, bring proposal to September meeting. Proposal, scope of work, milestones and benchmarks. Explain what has money has been spent on.

Financial update: Handout provided. Almost \$75,000 raised so far.

New business: *Rae Ann Wessel*: Lake Okeechobee comment period open. Working on our own letter in support of deviation to operational guidelines to allow options on lake levels. Operational flexibility that this team provided has kept us prime position to avoid damages. Critical decision to benefit lake. Model for operating the lake with operational flexibility. Shortage have not been shared across the board before, this year is different. *Mullins*: Shared letter, sugar companies are suing against this. Corps need feedback. *Jensen*: Asking if panel will send letter? *Boris*: Motion to draft letter based on support for USACE flexibility. Unanimous. *Jensen*: SCCF action alert? *Wessel*: SCCF sending letter. Could send action alert. Important to water quality of Southwest Florida.

Meeting adjourned at 11:20 a.m.

Ken Gooderham, administrator