

Captiva Community Panel

MINUTES

May 14, 2019

Attending: Mike Boris, Mike Kelly, Dave Jensen, Jay Brown, David Mintz, Antje Baumgarten, Bob Walter, Mike Lanigan, Tom Rathbone, Mike Mullins

Audience: 12

Introductions and roll. The April 9 minutes were approved as submitted (Brown/Boris).

CFD: *Chief Jeff Pawul:* New vehicle going in service this week, Smaller than engine, easier to access properties on nonpriority calls, *Lanigan:* Hurricane meeting? *Pawul:* Sawicki back in June, need to find out when he's available, panel involvement. Work with Bill Briscow, Sanibel asst. fire chief. *Mintz:* New items, on agenda, County Commissioner Larry Kiker died, submit resumes to Gov. Desantis. Two open commission seats for the next election. Discussion.

CEPD: *Carolyn Weaver:* Meeting last night, looking to sand borrow from Redfish Pass area. Updating Hagerup lot, some pavers perhaps, improve handicapped parking area. New restroom facility. Redesigning website, doing in phases, same information. Make it more interactive for property owners. Tentative apportionment in process. Working on draft budget for next year, possible some advocacy programs, Work for more state funding to ease costs for owners. *Mintz:* Date? *Weaver:* Approved by January 2020.

LCSSO: *Lt. Mike Sawicki:* Nothing major to report.

Iguanas: *Jensen:* Last Tuesday first day of test program, spent day with Alfredo, 20 properties. Took care of 21 iguanas, expecting only 2-3, 4-foot-long on down. Identifying some areas with more potential, back out today, some of the same properties, some new ones. Contact me or call Alfredo for information. Described process, need access to properties, sensitive to neighbors, etc. *Lanigan:* Head's up when trapper is coming? *Jensen:* I will contact you won't just go there. *Lanigan:* Photo of Alfredo to warn owners? *Jensen:* Bright shirt with Iguana on it. *Boris:* Significant problem? *Jensen:* Waiting to the end of test period. *Mintz:* Thanks for making this happen, great program. Data important weekly or monthly, want request into county to continue on annual basis. *Lisa Riordan:* How long iguana there, 5 feet long. *Jensen:* 15 years old, he guessed. Discussion of SSIR iguanas. Jensen offered to coordinate if anyone would like to join for a day.

San-Cap Road: *Mintz:* Sanibel has plan to protect road with beach revetment. *Mullins:* CEPD meeting report, going to install revetment before winter of 2019-2020. Bulkhead, boulders, covered by sand. Sep effort to do some renourishment, waiting until pass is stabilized. Humiston & Moore working on it. Asked about options if storm arrives, emergency ability to protect road. Emergency based on distance between road and waves. Other way to get down Pine Avenue if necessary. *Gooderham:* DOT update, working with City of Sanibel. Since protection is a beach project (to build a revetment for the road) rather than a road project, city takes the lead on it.

Algae: *Mintz:* Pine Island side outbreak, mat of algae in Roosevelt Channel. Email from Rae Ann Wessel, SCCF removal email. Lil MO Services to collect and remove. Almost gone now, unclear what causes it

except nutrients expected, nontoxic but harmful to plants below surface. *Jensen*: Red tide response, killed off critters that normally eat this algae. *Kelly*: Watching it at dinner at Green Flash, watched it come across the channel. Described. How boaters approached it in channel. *Boris*: No explanation why it was so localized? *Mintz*: No. Asked to put on agenda to discuss, we can't complain about issues, don't really have a voice in water quality issues. Have a more active vocal voice in county and state about these kinds of blooms. *Mullins*: This is our voice we just have to use it, complain as individuals and as panel. TR: Report to DOH. Where can be reach out to find out? *Walter*: What caused it, what pushed it onshore? *Kelly*: From bottom, weakened from red tide assault. Dissipate over time. *Sandy*: Letter disturbing. Described smell, toxic to pets. County responsible to provide place to dispose of it. *Mullins*: Who do contact, various agencies could be engaged. Parks, DNR, SFWMD, BoCC. *Wetzel* piece, raised issue of smell. Never had it at our house. *Linda Laird*: Could smell it from the Gulf side. Avoided kayaking. Looked disgusting, went quite a ways, would not boat or swim in it, Impacts use of homes. *Mintz*: SCCF contact vendor, unable to get permits. Institution does ability to raise and work on issues. *Ann Brady*: Also understand it, place for information for residents and visitors. Is it toxic, can you go in water, will it come back? County website and media slow to respond. *Mintz*: Long range planning but also quick response capacity. *Brown*: Becomes part of our mission, short-term environmental response. Different agencies for different issues.

Code draft: *Mintz*: Explanation of pieces... code, parking, Andy Ross access design. Code: existing language with proposed changes in red. Tentative proposal to reflect changes discussed in workshops and elsewhere. Present to county for negotiations. Walk through to highlight changes, how they got there. *Brown*: Explain only or have discussion today? *Mintz*: Highlight, then review over the summer, send back comments to Mintz and Gooderham or panel. We will develop compendium for everyone to review next fall. Give people opportunity to review and revise. *Mullins*: When do we put it out to community? *Mintz*: Beginning of next season, unless everyone thinks it's ready to move on now. *Brown*: Step after we agree to allow community to discuss. *Mintz*: Process, community should see it before we submit to county. *Brown*: Number of specific changes, some of which would have a lot of implications. Are we prepared to receive responses and consider issues community raises? Or we are reps of community and this is our recommendation. *Mintz*: Some of this is implementation of plan, if there's an issue it's in the plan. Discussion of lighting issues. *Mullins*: Former rather than latter, people don't understand implications, asleep until they are told we'll make a change. Timeframe is too tight if you want serious community input. Not dropping something on people they're not aware of. *Jensen*: Process. *Lanigan*: New line in the sand. Send to everyone on mailing list. *Mintz*: Can do that, want to walk through it so we have a common understanding.

Brown: Huge undertaking on your part, but... Some specific things that surprised me some. Discussion over specific rules in here. Community meeting to talk everyone through the code specifics. *Mintz*: Go through internal process with panel first, then decide what we want or need to present to the community. *Kelly*: At some point we should do that with the county as well, last step. *Mintz*: Better to go to county with consensus on panel and in community. Politic process as well as technical process. *Lanigan*: People who own but can't be involved, work hard to reach out to them. *Mintz*: Who does panel represent – 300 full-time voters vs. part-time seasonal owners, never hear from them but only rent properties. Represent everyone. Question of balance. CEPD analogy. Discussion. *Baumgarten*: More democratic, not who's voting. Generational, not to next election. Reach out to everyone, tell them there is a code, many don't know about it. *Walter*: Come to agreement, then present it to community. Get agreement among panel

first, then send to community. *Mullins*: Feedback over summer. *Walter*: Not necessarily want to hear everyone's thoughts. Rather hear what they believe and why, then discuss it. Discussion about points of view. *Mintz*: Everything in this doc reflected a vote, boiled down from surveys, meetings, end result of a process. Not start from scratch again. *Mullins*: Interpretation once it's written down. *Brown*: All looks familiar, just some specific language that surprised me.

Mintz: Some things that are not in here. Future agenda... golf carts gas vs. electric. Gas blower can deal with in future. Raking or electric blowers. Mangroves... not county jurisdiction, SLR committee discussion. Depew recommendations: Impervious surface ratios, runoff and drainage. *Brown*: Nothing on enforcing rental policies. *Mintz*: Zoning person said rental violating residential requirements, let them know. *Brown*: Already have rules, just enforcement issue. Length of rentals, rent to one entity. Instances when event are renting properties, multifamily nuisance to neighbors. *Lanigan*: Besides sea oats, what other properties? *Brown*: Overbooking capacity of property, renting to large groups. *Mintz*: Explanation of zoning restrictions... residential vs. commercial use. Discussion. *Mintz*: Vegetative setback on Captiva Drive, we can do over summer, Gooderham to look at language options.

Mintz: Code document... Definitions for code segment not actionable on their own. Environmental Standards... septic reg. state language approved by Legislature, but was later made voluntary. *Lanigan*: Dis we discuss this? *Mintz*: Sent it to panel, did not discuss. Discussion of DOH enforcement, county has seen issues with septic, will work with us on this. Voluntary now, if make mandatory can revise timing as needed. Fertilizer: Sanibel language, more consistent for island landscapers. *Mullins*: Dune vegetation, some moving closer to water. *Lanigan*: Grass encroaching toward water. *Mintz*: Dunes protected already, we just clarified language about what you can do on them. *Mullins*: Define public vs. private enforce. Regulatory authority. Define beach dune area. Straws: Sanibel and Fort Myers Beach. Beach protection: Extend it to all year. Turtle policy extended all year. Noise: Discussion of language origin, added to existing decibel measurements, clearer to enforce. Light pollution: Basically North Captiva language with some changes. Date certain, new fixtures, or voluntary, three approaches. Used all new fixtures replacement only, not requiring replacement. *Walter*: Example. *Mintz*: Needed definition of replace, not just repair. *Brown*: Establish what it means to be polluting, ever look at that?

Mintz: Model statute, organization, pictures of fixtures. Plan had discussion of dark skies. Plan mandates dark skies, this is how to implement it. *Brown*: Can't imagine I'm light polluter. *Gooderham*: Cumulative impact of light. *Lanigan*: Max wattage to avoid pollution, safety issues as well, North Cap is unbridged. *Sawicki*: Training session on lighting, turtle protection, very technical, manual provided. Try to get a copy of that. *Mullins*: Docks... if you can see it, is it a violation? *Brown*: All docks are down lights, not a problem. *Mintz*: Safety an issue, not impose a cost to owners. Tree requirements: No change, just relocated. Existing language. *Brown*: Thought it was invasive only, not indigenous. *Mintz*: Not new, look into derivation. Blind Pass: A placeholder, need to come up with a solution. Meet with county to determine approach, this is for intent only. *Mullins*: Bridge only, take out shore mention. Why not just send a letter to DOT. *Mintz*: Not that simple. *Sawicki*: Provision in state statutes, DOT can declare no fishing if deemed hazardous. Try DOT first? *Mullins*: Ask them first. Check into process. *Sawicki* will get statute. Signs: 6 square feet for residential properties. Uplighting already prohibited. Real state signs defined. One temp sign per property. *Brown*: Great job by *Mintz*.

Parking language: *Mintz*: Current rule except for red language. Chapel parking no considered special

event. *Boris*: Chapel operating for 70 years. Service always at 11 a.m., six months, 25 Sundays. Attendance rises with season, allowed parking on street all that time. More concern by neighbors about parking, Tried parking on one side only, cones and other measures. Chapel parking attracts other parking as well. At least 20 Sunday, 20-30 cars on street possible. Holidays are special events we can work with. Concern with public safety, only solution is change ordinance to satisfy everyone on limitations. Only this neighborhood only 25 Sundays. *Mintz*: Issue because people complained, LCSO can look the other way on this. No choice but to enforce existing ordinance. Vital to maintain credibility. Met with public safety and chapel to develop language. Need to survey property owners before we change ordinance. Obligation to send a letter to property owners, rationale and proposal. Determine level of objection. Permanent signs to note days and times. *Mullins*: Important to get feedback from those affected. *Brown*: Any precedent implications? *Rathbone*: Can fire trucks get down the street? *Mintz*: DOT will study and organize signage to ensure that's possible. *Jimi*: Would donate golf cart on those Sunday if you can find a place to park those cars. *Boris*: May take you up on that. *George Kohlbrenner*: Submit next year, what happens until then? *Jensen*: Will be there 71 years by then. *Mintz*: This will be out, people will be aware.

Walter: Special permit is unique, regular use for 5 months is not special any more. *Lanigan*: Send letter to DOT? *Mintz*: Submit changes within code. *Walter*: Enforcement... cars left over or churchgoers. *Sawicki*: Landscaping has moved cars further into road. Used to be empty lots, now have houses on them. Damage to sod and landscaping. Legal high ground since it's in the ordinance. Cannot tolerate selective enforcement. *Stilwell*: Look for property that could become parking, joint venture with other orgs. *Mintz*: Have to change zoning. *Riordan*: Add chapel yard to B. *Nathalie Pyle*: Aware of issue for a long time, worked to mitigate impact. Continues to be a problem despite our efforts. Hope you can move forward on this to get resolution. *Riordan*: Not going to be piggybacked by CCA, as special events we can file for a permit. Monitor capacity of events to limit to available parking. *Mintz*: Accept proposal, ask for letter to go to property owners with copy of amendment, asking for feedback, then make determination based on that. Whether we go to county now or include in packet (Mullins/Brown), unanimous. *Boris*: How soon? *Mintz*: ASAP to send something out.

Andy Rosse access: *Mintz*: Explanation of need, entrance to beach not very inviting. Community reached out to landscape architect Leigh Gevelinger to draft potential plan. There is sidewalk already in place covered with sand. Yolo never asked to cleanup sand periodically. *Sandy Stilwell*: Lee and Wendy Childers went to landscaper Andy Northup, asked his thoughts on design. Thought it was really good, submitted slightly amended version adjusted plant selection for easy maintenance. Newspaper boxes plus unmaintained property. Could do installation and cleanup, bed prep, haul debris, move boxes, install riprap wall, install plants, \$4,897. Would maintain project for \$90/month. *Stilwell*: Surprised he was so reasonable, he's there anyway. Water source? *Brown*: Proposal mentions that. *Boris*: Anything better is a plus, need more trash containers. People in right side by Duck all the time, need barriers to keep traffic out. *Nathalie Pyle*: Australian pines would be removed? *Mintz*: No, existing. *Pyle*: These plants are not native, oleander is poisonous. Watering, need to confirm. Maintain without a leaf blower. *Rathbone*: Ask Walsh to make a proposal, see if they will contribute to community. Look for other ways to finance maintenance. *Mullins*: Implication that path to beach curves. Need a more meandering entrance, wind blows sand. *Boris*: Agreed. Foot traffic – Yolo and Mucky Duck should pitch in, the reason it looks bad. *Mintz*: County property, pay for trash removal. Panel not expected to pay, county could pick it up. Installation, reach out to county or raise funds separate from budget. *Brown*: Andy Rosse businesses should want to get this done. *Stilwell*: Not just business owners, people who have homes there.

Community effort.

Mullins: CEPD pays for Hagerup. This is part of Packs & Rec, make annual request to TDC for funding to pay for this. CEPD pays but gets reimbursed. Nathalie: Rabbits will be sending panel a thank you.

Stilwell: Missed TDC cycle for grants, could table it for a year if necessary. Hope they pay for mass boxes around the island. *Mullins:* Can come in mid-year request to TDC. Try it for starters. Parks very supportive. *Mintz:* Not table this, brought up a year ago. Look at plants and landscaping options. Create committee to get this done. Lee Childers to chair committee, Sandy included, Gooderham figure out to raise \$5K from community, from TDC or from county. Work with committee to make recommendation. County park vs. TDC grant vs. community support. Get this done by the fall. *Jensen:* Consider not planting, but keeping it clean? Sandy: Xeriscaping possible, Lee had already approached landscape architect. *Mintz:* Look too fancy for Captiva? Not as natural as we want Captiva to look. *Mullins:* Plant selection important. Coontie look for other names.

Break, reconvened at 11:30 a.m.

Financial: *Rathbone:* Letter brought in \$46,000 so far. Roaring success. MATM netted \$18,000, more than we expected, puts us in good shape. Question about cost of SLR committee. *Mintz:* Set a limit of \$5,000, revisit after that. Multi-year trust donation process explained, \$3,000 per year for five years. MATM cost-benefit, first time I played, so professionally run. A little more publicity could make it into a lucrative event.

Wastewater Committee: *Brown:* Update on status of efforts. A lot of activity since last meeting. Recap of work to date. Retained David Tomasko with ESA to study water quality issues. Big input for his study was soil sampling in various locations throughout Captiva to determine composition and depth of water table below drainfields. Hired subcontractor to do that, we recruited more than 30 property owners to allow him to do work on their properties. He has completed sampling work, have a preliminary report on major findings. Inputs to a bigger project being done by Tomasko. A few highlights: Sampled 43 locations. A third have less than 2 foot of separation from the drainfield and the seasonal high water table, a minimal standard for processing. High shell content in island soil, does not provide any anaerobic treatment of waste. Top-line data suggests we may have issues with some of the septic systems on Captiva right now. *Mullins:* Bayfront had less separation? *Brown:* Very clear bayside at far more risk for inadequate separation. Tomasko has also been pulling permits for existing systems, looking at lot size and density, distance from open water, etc. Minimum requirement for conventional septic system is a quarter-acre, vast majority of properties in the Village are less than that. A lot of data created so far, awaiting Tomasko's analysis. One item from sampling was keeping the individual septic findings confidential. All findings staying with Travis Richardson, not to Tomasko, all reporting will be done on aggregate data basis. Should individual owners be allowed to contact Travis if they would like to see his findings from their property. General consensus that would be acceptable, send email to allow owners to contact Travis for data. Motion (Walter/Boris). Unanimous.

Mullins: Feedback since I was able to see Travis at work. Very professional in communication, no signs he had been there. *Brown:* That's what I heard as well. Was an update to Sanibel City Council on status of Donax plant upgrade on May 7. Background. Highlights: Capacity increase is 2.375 MGD to 3 MGD, significant increase, processing nitrogen down to 3 ml/liter. FGUA processes to 12 ml/liter. Phosphorous will be processed down to 1.0 ml/liter, most plants do not process for phosphorous. Total \$26.1 million

cost for Donax expansion, an amazing investment. North Fort Myers water quality study completed recently, Dr. Brian Lapointe with Florida Atlantic University did study for Lee County. Got quite a bit of publicity, a lot of water quality issues in river, Lapointe maintains huge contributor is septic systems, more than 2,000 in area. Tomasko reviewed, said it's a good study but does not have a lot of implications for us. A lot of systems with drainfields underwater during high water season. A lot of focus in Florida on Septic systems and potential impact on water quality. A change of sentiment in governing bodies. Tomasko report mid to late summer, panel will have months to digest recommendations, decide if we want to make recommendation, meeting in late fall to update community. Boris: Expanded capacity at Donax, no question they could handle Captiva? Brown: Yes, met with Kevin Ruane and Keith Williams, explicitly said the city would have capacity for Captiva if we choose that route. *Mullins*: All of Captiva if we wanted to do that.

Brady: Will panel put Tomasko report on website? *Brown*: Definitely, as soon as possible once the panel has reviewed it. *Mullins*: Travis to collect also in rainy season? *Brown*: Not coming back, can determine seasonal high from soil conditions. Tomasko also took water samples from McCarthy's Marina area, stormwater runoff. Had them analyzed, found extraordinary amounts of bacteria content, but probably not human generated. Plants, garbage, animals. Not traceable to septic tanks. *Mullins*: Human markers, sucralose. *Lanigan*: Lot size issue for bacteria content? *Mintz*: Testing for that. *Lanigan*: If not environmental impact, a tough sell. Bacteria is a selling point for action. *Brown*: Nitrogen going into groundwater. Tomasko will estimate nitrogen from systems, separate from drainfields, composition of soil, estimate amount coming from septic relative to other sources. Today and 20 years out. Public health risk from septic. Sampled runoff to see if there are human pathogens. Lot of bacteria, but not from septic. *Mintz*: Sep effects nitrogen? Don't treat nitrogen. Sep does impact nitrogen content? *Mullins*: Believe it does not, separation is needed for anaerobic treatment of bacteria. Nitrogen byproduct of anaerobic treatment, possibly? Discussion of findings. *Mullins*: Careful not conflate certain issues. Distance from open water is significant, Village properties not near water, but smaller lot size and system failure could be diff issue.

Development: Done. *Boris*: Letter effective, reminding them of projects, beneficial.

Communications: *Mullins*: Need people who would like to help with newsletter. *Baumgarten*: Identify need to improve communication in general. Funding, awareness, homeowners outreach. Get code to every new owner, community center, strategy to communication -- most common violations of code, look at other topics. Five things a renter on Captiva should know. Make suggestion to agents, who can help them. Develop communications plan, look at email list development. *Mintz*: Work together to develop plan comprehensive strategy. *Baumgarten*: After June/July. *Mullins*: Weaver advocacy from CEPD, sample letters to go out. Ask more government bodies to contribute to lessen load on owners. Share lists, share information with other orgs.

Captiva Drive: *Mintz*: Agreement with Johnson Engineering for \$37,250, meeting with them after this meeting to discuss design. Deal with issues in contract. Good contributions from community. *Ann Brady*: Timeline? *Mintz*: Meet with him, how to start process, End of summer, goes to county for bid. *Gooderham*: Dept. of County Lands involvement, no work in season I bet.

Hurricane: *Lanigan*: Sanibel seminar cancelled, did not speak with Sanibel police chief. Not emergency response communications, but quality of life communications. Talk to county and utilities on status.

Sanibel Partners crucial committee for contacts, will see how we can engage that group. *Baumgarten*: Add to general communications plan. *Lanigan*: May 24 CPR class at fire dept. *Mintz*: In time for hurricane season? *Lanigan*: Hard to bring this together, after hurricane a challenge. Discussion of resort response. *Lanigan*: How to get granular information? *Sawicki*: Planning each incident is unique, need and resources will change. Charley, focused damage plenty of resources, Irma widespread damage diluted response, triage decisions. Planning works until it happens. Best source is county Emergency Operations Center, plug volunteer out there to gather information. Charley on paper checklists. Priority of response to damages. Data is at EOC, how it gets transmitted out to public. Using Sanibel to access information, smaller area of interest and geography, bets place to generate ground level information. *Mintz*: Who makes decision? Dalton, reports to city council and manager. *Lanigan*: Like to go through chief first. *Walter*: People who stayed on island, throwing stuff on social media. People blogging Irma live. MS: Not recommended. *Mintz*: Look at SSIR as well as Sanibel.

Sea Level Rise: *Linda Laird*. Report to panel, summary of where we are. 6-12 inches by 2020, 14-34 inches by 2040. 2100, 31-81 inches. Faster rates than in past, earth is warming. Not considering catastrophic melt of arctic ice, erosion, groundwater storminess, rain events, estuaries impact. Looked at rules county and state, need more mangrove background. *Brown*: Best guess 40 years will see 14-34 inches of rise. More storm events. *Laird*: More information on mangroves. Find out experts and other orgs. Identified local assets, priority of saving those. Peter Sheng, a University of Florida professor, custom modeling tools. Funding would be required to model county in entirety -- storms, rising tide, rising water. Scenarios for inundation. What level of precision do we need, we know problems are ahead. 30 year planning horizon, in five year increments. Assets, vulnerabilities, rise. Bring recommendation to panel, look at resiliency options. Most important assets -- homes first, then recovery needs and sustaining life. Road, bridge, utilities and power, water and waste. Meeting with Sanibel committee to map assets. .89 to 2.89 in 30 years... bayside underwater. Intermediate high is most common expectations. Discussion of mangroves. Sources of sites, need tutorial. Sheng added details and added storminess. *Mintz*: Exceeded expectations, put together game plan. May want to go further with Sheng, cost and what he can provide us. Decide what level to deal with then develop resiliency plan to respond. Committee will need to evaluate. *Lanigan*: Actual steps? *Laird*: Need more idea on that. Trying to define the problem right now. Learn to live with a certain level of flooding, additional regulations on bayside to create buffers. Elevate and retreat. Discussion. *Kelly*: What tools can we provide homeowners right now? *Laird*: Get out arms around it first, then come to panel with a plan for community. *Brown*: Rise is easy to understand, storms and rainfall is harder. Increased flooding events. *Mintz*: Define scope of problem. Putout email on access to NOAA site and others.

HB 7103: *Ralf Brookes*: Copy of letter, background on bill. Enforcement vita court, fees would be forced onto challengers. Developers as well as county legal costs. Handed out letters for individuals to submit to Desantis. A lot of groups opposing it, Discussion of how bill got passed, who for or against it. No opportunity for comment and vetting. *Mintz*: Explanation of process again. Motion to sign and send to gov. *Kelly*: At this for 20 years, third shot at comp plan analysis and code, spending a lot of volunteer time. Doing this with expectation of county support for any changes. Expect county defend this and help us. Now saying that county does not review this and will not abide by it in the face of an attractive proposal from a developer. So we have to sue to support our plan we worked hard to create. *Mintz*: Read portions of letter about panel diligence. Discussion. Unanimous. Brown, Jensen, Kelly, Mintz, Baumgarten still here. *Brady*: SCCF alert has info on this. *Mintz*: Panel has to act via letter, unfortunately.

Brown: Have summer meetings, fewer? One in the middle of the summer, travel back to attend in person? Send email to panel members about July only meeting. *Mintz:* Or phone meeting in July? Gooderham should survey panel members to see who will be attending which meetings, we can decide once that's done.

The meeting adjourned at 1 p.m.

-- *Ken Gooderham, administrator*