

Captiva Community Panel

DRAFT MINUTES

July 10, 2018

Attending: Mike Boris, presiding; Jay Brown, Tom Rathbone, Mike Mullins, Dave Jensen, Mike Lanigan. Bob Walter

Via telephone: David Mintz, Mike Kelly

Absent: Rene Miville, Antje Baumgarten

Visitors signed in: Colleen Barany, Sheryl Sims, Melissa Jackson, Joe Fenoglio, Megan Monty, Cameron Anholt, Damon Grant

Attendance: 15

Meeting convened at 9:02 a.m. by Mike Boris. *Boris:* We want to thank South Seas for the ongoing support of the Panel. David and Mike are participating via telephone. Introductions. Neither Max nor I have found the minutes for the June meeting, so there will be no motion to adopt. They will be reviewed at the August meeting.

Library: *Colleen Barany:* High level of participation in our summer reading program for the last month. 19 participants so far. You can download books on your computer; no charge.

CFD: *Chief Jeff Pawul:* Mike Sawicki can't be here today. Good turnout on hurricane seminar. Boater safety. Fire extinguishers—rental properties should have them. Make them visible. There's a problem with overgrown driveway access. Lot of calls lately on south side of island. We send out a letter to all homeowners every year on this subject. *Brown:* Do you have the authority to make them comply? *Pawul:* Purely up to the homeowner. At least 12 feet so we can open up the door. We don't have the authority to compel residential property owners to clear up their access, as we do with commercial. If you are renovating, please take your alarm off line. If a worker is painting or cutting tile, this could set off an alarm and we respond.

CEPD: *Damon Grant:* Announced re-election of Commissioners Mullins and Kaiser, both of whom ran unopposed. Election was on June 27th; next one will be in November 2020 for seats 2, 4, and 5. Obtained \$185K from Lee County for enhanced amenities at Hagerup Beach Park. Lee County Tourist Development Council voted unanimously to approve CEPD's request for approximately \$185K to pay for new restrooms, two receptacles, site prep, running water, showering stations, beach monitor, beach vehicle, as well as other enhanced maintenance services. Funding available October 1, 2018 pending adoption of County budget. As you may know, CEPD uses Andy Rosse Lane for beach access. This month we've had red tide and algal blooms. Five days a week we send reports to Mote Marine. We have observed some fish kill. On Captiva we've had complaints of slight throat irritation, but the situation appears to be getting better. Staff will remain on standby with Lee County Parks and Rec if conditions worsen. Next CEPD meeting tomorrow, July 11th at 1:00 PM, South Seas Resort. Budget hearings Sept 13th and 27th, both at 5:01 PM. Referendum for 2020/21 beach renourishment project on March 5,

2019. Public meeting will be scheduled prior to the referendum to explain apportionment process. *Mullins*: Kudos to Damon for acting quickly on this matter. By the time he came to work the deadline had been missed. \$185K is substantial.

Request for administrative variance for side setback at 11512 Andy Rosse Lane: *Joe*

Fenoglio: Owner of Old Chloe's. Renovation on building; covered patio. [Displayed site drawing and architect's rendering.] West of us, we're within the 15 foot required setback. Administrative variance. Limited development order. [Showed west property line]. *Walter*: South porch?

Fenoglio: Eight feet. *Walter*: Your western porch—is it a violation of the ordinance? *Jensen*: It was. *Lanigan*: What property is that to that side of you? [Motions left; i.e. west.] *Fenoglio*:

Owned by Monroe Jett. Existing landscape on that side. Thick, lush landscaping. Lots of bamboo. *Walter*: Are there any southern elevation [front of store] set back issues? *Fenoglio*: No, only the western setback on the current deck. *Mullins*: So is it residential or commercial?

Fenoglio: Commercial use. It always was retail. Going forward it will be the Gold Parrot and another retail store. *Boris*: This is an informational meeting. It's FYI. *Walter*: We don't approve or disapprove. *Sandy Stilwell*: Did you reach out to the neighbors? *Fenoglio*: Yes. We assured them that there would be no change in use; it's going from retail to retail. *No action taken*.

Development Committee Report (Funding letter): *Mintz*: Ken submitted request to Commissioner Manning for \$50K in County budget to support four phases to pay for consultants. About a week ago we got a letter from Dave Loveland [Community Development Director, Lee County] who denied the request with the explanation that the County no longer funds community planning, and that staff will be doing community planning in the future and go out to the communities. It will be a staff responsibility and not a community responsibility to recommend changes in the future. I reminded him that Captiva has done its own plan that was adopted about a year ago. We did that ourselves. We are now updating the code and conducting workshops etc. We have been doing things by ourselves for a long time. I called Dave Loveland and advised him of our concern with his email, and we might reach out to Commissioner Manning and other commissioners to ask them to reconsider. I didn't want Dave Loveland to be blindsided because he was helpful in the past. He said he wouldn't be surprised if we were to appeal directly to the commissioners. I am requesting authorization to engage to meet with Commissioner Manning and to send a letter. Staff would prefer to keep this work in house.

Brown: David, where is this direction coming from? *Mintz*: Officially, County Commissioners. From what I have heard, they haven't felt that the community planning process, except in Captiva, has been a particularly productive exercise. Seems to have come from county commissioners and county manager. Staff would like to have this process where they can keep complete control over it. Lot of reasons why they want to keep money in house. Doesn't mean that we shouldn't be the exception to the rule. *Walter*: Are you asking them to grandfather this project? *Mintz*: Yes. They know they approved it. They know the code follows the plan. *Brown*: Do you think the issue is larger than money for this project? Sounds like County staff doesn't value our sort of organization. *Mintz*: I think generally, they have not been happy with community planning process, but not with us. They probably don't want to have a plan and code with exceptions for communities like Captiva. They are expecting us to do it. *Walter*: Last 2 ½ years we have been exceptionally well organized. We overcommunicated; on a scale of 1 to 10,

we were probably a 9.7. Can't imagine other communities doing what we do. *Boris*: Is there another source of income? *Mintz*: Didn't want to act on my own. Commissioner Manning certainly understands our effort. When we were down there in the adoption round a commissioner came up to me and asked if we would be willing to assist other communities doing this work. They may be concerned that everybody else will have their hands out for money. *Boris*: So you're asking authorization to reach out to Manning and send a letter? *Mintz*: Yes, call Manning first. *Jensen*: When we arrived at what we wanted, we went to the County. Seems like they did only what they thought best. *Walter*: They started the dance; they should finish it. *Brown*: It's larger than \$50K. Lee County is saying that they prefer to be the Bureaucrats in Charge. *Sandy Stilwell*: Giving authorization to David is a good idea. [Approved by consensus.] *Mullins*: Regarding taxes. It's indicative of what the County does and doesn't provide—sewers that haven't been built, etc. We welcome participation in our committee. I still want to know what we get back for our investment. *Boris*: Easily \$20 million outgoing. What do we get back? *Mullins*: As low as \$1.3 billion taxable value. Bigger this year.

Communications Committee Report: *Lanigan*. Our most recent solicitation letter took in just under \$20K. When you add money raised from the Rauschenberg event and the golf tournament, a little over \$55K. We received 80 gifts in response to our fund raising letter. Last two years very successful. Our new website is ready to go. *Boris*: We got \$5K from the Charitable Trust for the Islands. *Mullins*: That was a good idea, Sandy. *Mintz*: Can there be follow up? How about a video of the island? *Boris*: Antje might help. Great idea. *Jensen*: County Visitors Bureau might be a source. It's about framing our community as a tourist destination.

Wastewater Committee Report: *Brown*: The TKW study came in about a week ago. [Displays bound volume; laughter]. Initial meeting with Lee County staff--Doug Meurer [Lee County Assistant County Administrator] and Pam Keyes [Utilities Director]. The study is about 80 pages. It describes effluent treatment methods in effect, including conventional septic. Cites the issue of nutrients in the water. It reviews performance-based systems used in the Keys. TKW is careful to say that they are presenting the best plan should the community decide on a central sewer system. TKW, Doug, and Pam agree that South Seas should remain as an FGUA existing plant. The Villages and all parts of the island except SSIR would have to commit to central sewer. Island wastewater would be pumped to the Sanibel Donax facility for processing. Sanibel has capacity to handle all of island effluent with the possible exception of Gold Coast/ Roosevelt Channel. More analysis is needed to assure that they can cover the Estates portion of the island. Minimal upgrade of existing facility may be required to handle it. Sanibel would fund the enhancement of collection, with various lift stations to keep the [effluent] moving through a bigger pipe. My concerns are: (1) If Sanibel does expansion, how do they gain compliance (that all of Captiva would do this?); and (2) How do we decide as a community that this is what we're going to do? At the meeting, I raised with Pam the idea that a municipal taxing authority of some kind would be required. Lee County would bear the [up-front] cost; we would pay back over time. Lee County, and not Sanibel, would be the taxing authority; we'd be Lee County's customer. We would pay Lee County for the service and the amortization. Sanibel would be the co-supplier. Allows the democratic process to work. Wouldn't be beholden to whims of Sanibel. We'd have to vote to establish the MSBU [Municipal Services Benefit Unit]. 50% of properties

plus one vote. Then pay for Sanibel's cost of expansion. *Mullins*: It would be a tripartite interlocal agreement [ILA] with Lee and Sanibel. Each property/ STRAP gets a vote. Ten STRAPs, ten votes. MSBUs require a 50% plus one vote. *Brown*: South Seas people would be exempt. *Lanigan*: When [Dave] Depew spoke to us in May I think, he said that SSIR would love to be on the Sanibel sewer system. I don't think that's true. *Walter*: It's not. I don't know where he got that information. *Brown*: Good point about South Seas. We need to explore. *Mullins*: Libby Walker [Lee County staff] insisted that SSIR had to be included in the referendum on undergrounding electric on the island. We said no; there's no benefit to them, so they shouldn't be in the referendum. The County fought back. It's a confusing process. \$4 ½ mil estimate at the time. It's essential that SSIR not be included in vote. *Brown*: That's the basic concept. *Mullins*: Damon is a resource because of his knowledge of MSTUs and BUs. *Brown*: That's the basic concept that central sewer would look like. We know that the FGUA plant is located in the tidewater and there may be some question in the long run years down the road about the viability of that plant due to sea level rise and so forth. I have asked if it may be feasible to include SSIR in the long run. I was informed that there is nothing in the plan that would preclude adding SSIR if needed. In other words, we're doing nothing in this plan that would cause money to be wasted if SSIR would eventually be added to the central sewer system. Maybe 20 years down the road we will want to backtrack and add SSIR. Would involve Donax plant expansion. *Boris*: Does it require broader support from the public? Will it take more action from County? *Brown*: It might; my reading of Doug and Pam is if Captiva wanted to go this route we would be able to pull it off. *Jensen*: County will have to approve. *Mullins*: We would be beneficiaries of system. We're saying nothing precludes. We can't oversize the pipe, because the excess capacity would create a sludging problem. *Walter*: I am assuming that this might take additional lift stations and capacity and not just a bigger pipe. *Brown*: Yes, and I'm starting to regret raising the issue. [Laughter] *Jensen*: Gold Coast—is plan to include them? *Brown*: That's the plan. Pam wants to. Having Gold Coast included is the least critical consideration—more land. *Lanigan*: Sea level rise is a big consideration here. *Brown*: Best option if we want to go that way. We now go to the cost projections in report—cost to establish the infrastructure, various elements are costed out; cost that Sanibel would charge to each customer, which would be same as what they charge their own; Assumption about hookup fee. That's what's in there. There would be a 20 to 30 year time period for payment of debt. Lot of work in here on staying on septic system, but over time Captiva could convert to enhanced septic, and there are costs on this in the report. Based on my reading, the enhanced septic will cost more over time than central sewer. *Walter*: Should people who have purchased new houses on septic be allowed to phase in after five years or so? *Brown*: We'll have to work it out. *Walter*: If you spend \$30K, you might not like the idea of central sewer. *Brown*: I spent \$30K on performance enhanced septic, but in the long run, septic will cost more than central sewer. *Brown*: Broad framework; lot of what-if questions still out there. *Boris*: This island is so skinny, where are lift stations going to be located? *Brown*: Assumption is that they would be where the current lift stations are. *Jensen*: So there would be less impact? *Boris*: Meaning what? *Boris*: I live in a subdivision with 69 units. That means we have no septic; a package plant is a sewer system. Next steps are study the report. Other members of Wastewater Committee Dave J, Mike M, David M, Mike K, Bob W, all have copies. We'll have a meeting after we adjourn today and will identify questions for TKW. *Boris*: When we started this

process didn't we think they would just do a study and not weigh in on a recommendation?

Brown: They did not make a recommendation, nor has County. If you want central sewer, this is the way—that's the assumption. Committee will get questions to TKW. They will fine tune. Then we'll probably have a public meeting around middle of November. No point sooner than that. *Boris:* Communication. This will be in newspaper soon. *Tiffany from Islander:* I'm well aware that there has been no recommendation. *Mullins:* Nothing can be done without 50% plus one of property owners. *Brown:* One question we want to ask is about the opportunity to regulate septic systems over time. What's best way to do that? If community wants central sewer there must be 50% plus one of all properties. *Sandy Stilwell:* Think about whether Gold Coast could be excluded. *Brown:* The majority of enhanced septic are in the Gold Coast. Can you put this report on line? *Brown:* To public, my thought was to go through the committee first. Might head off some confusing information. *Brown:* That's the basic concept.

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Some stuff is already on the website. *Mullins:* When could we have a referendum? *Brown:* Can't say. *Mullins:* Straw poll, nonbinding would be good. *Brown:* Agree. *Jensen:* Pam said it's part of process. *Kelly:* I'm concerned that we are getting into a global review of things that might happen and we are pointing toward a hearing and should not start leaking. If you put something out like this that still has a lot of holes. I'm concerned about the Sanibel/ County agreement. Sanibel has to agree and they will want to put Sanibel's interests first. Must have input from Sanibel. That aspect has not been answered. Are we sure that SSIR is totally out of program? Will they have no vote? Are we sure that SSIR can do nothing more with their sewer system? Not satisfied that it is true. Be sure we analyze some things before we talk to Sanibel. (1) Be sure we have a handle on the wave of water over time. How close are we to a better solution? (2) Alternative still out there—if nothing else happens, can we handle our own systems in our way, and we have been forestalled by County who say that they have no say in [regulating] existing septic system; we have no powers. I think some communities in Florida do have control over their operation. We want to set up our septic systems so we can monitor and control. What can we do right now? We don't have an answer. Not ready to go public. *Brown:* All the points you have raised are on my list. *Mintz:* Jay, you and Jensen worked closely with County. We will get second iteration of report, closer to a finalized version. Mike is right and you are right—not ready for release. *Boris:* Behind schedule. David, could you update on Captiva Drive?

Captiva Drive Report: *Mintz:* We have been advised by Lee Werst, DOT's person assigned to this project. Issue is how to procure a prescriptive easement for County. Half of Drive at the curve is owned by Rauschenberg Foundation, which wants to protect their liability as quickly as possible. They are waiting for County to get back to us. Should know in one week.

Finance: *Rathbone:* \$130,405 in checking account.

Next meeting August 14, 2018.

Meeting adjourned 10:39