

Captiva Community Panel

MINUTES

May 10, 2022

Attending: David Mintz, Jay Brown, Tony Lapi, John Jensen, Ken Gill, Bob Walter, Sandy Stilwell Youngquist, Linda Laird

Absent: Ann Brady, Michael Lanigan, Bruce McDonald

Audience: 4

The meeting convened at 9 a.m. Introductions and roll call. *Brown:* Just heard that Mike Kelly passed away. *Mintz:* Great guy, represents what this community is about. *Lapi:* Great generosity, stepped up to the plate all the time. *Brown:* Utmost respect for him, will be missed, terrific man. April 12 meeting minutes (Jensen/Stilwell) unanimously approved.

LCSO: No report.

CFD: *Chief Jeff Pawul:* Hurricane season starting, be prepared and think about it. Could have a named system by the weekend. Hurricane season is coming whether you want it or not. We have information and assistance if you need it. Home Knox Box systems now available, allows access when you're not home, access for fire and sheriff (perhaps). Can send info to forward to group. Order online via our website eventually. *Laird:* Allows access if you have a medical emergency? *Pawul:* Whether you're home or not, allows access to public safety staff. If you're a rental owner, it's not a lockbox for tenants. *Brown:* Send blast to email list to explain boxes? *Pawul:* Can send link. Last item, ambulance transport unit. Very close to making that happen. Staff supports, awaiting commission action. Don't foresee any reason it won't happen, can't speak to timing of it. Might be next budget year until county can fund for staffing.

CEPD: *Daniel Munt:* At yesterday's meeting, board voted to move forward on removal of access points put in erroneously. Approved phase one of Aptim proposal. Moving forward on apportionment as planned, final vote at August meeting. *Brown:* Bills would come out in the fall? *Munt:* Yes. *Mintz:* Aptim proposal was approved subject to review by Jennifer Nelson and Linda Laird, due to a last-minute change in proposal. Brizaga in process of doing same study on behalf of SSIR. Can we justify them doing the same work? Meeting today to work it out? Produce one document that everyone can agree on. *Munt:* Agreed. *Laird:* Working to use the Brizaga study if possible. *Mintz:* CEPD and Brizaga should share responsibility for study, CEPD has different perspective and employers. SSIR has different priorities than CEPD. *Laird:* Should get something from Brizaga tuned to what we need it to be. May be able to save some significant money with the same results.

Bylaws: *Brown:* Background, effort to make changes to panel bylaws to allow panel members to work together in committee without violating Sunshine Laws. *Mintz:* Under bylaws, have right to amend by a specific process with notification. Changes not as significant as they may seem, but important. Unlike some groups with staff who can do this work, panel members need to be able to communicate with each other outside of meetings. Bylaws inconsistent with current Sunshine rules and with the way we've been functioning. Amend to make them consistent with state rules and way we've been operating. Walked through changes.

- Page 1-2: Minor clarification in language

- Page 3: Specifies we are covered by the Sunshine Law for community planning work, both panel and committee meetings. Introduces fact-finding committees, which were not defined in the original bylaws.
- Page 4: Notes that other rules may apply to panel work being funded by other sources, such as Lee County or various grants.
- Page 6: Includes virtual meetings, which were not addressed in original. States how quorums are met both in person and virtually.
- Page 11: Defines fact-finding committees, eliminates planning committees since all planning work has been by the panel as a committee of the whole. Fact-finding committees are not subject to Sunshine Law.
- Page 12: Explains that committee recommendations must be brought to a noticed and advertised meeting.
- Page 13-14: Changes reference to “panel” from “planning committee.”
- Page 16: Changes expenditures payment from “signed by any two officers or bank signatories” to “approved by a majority of the panel” to reflect current practices.

Summary: Changes removing planning committee, recognizing fact-finding committees, making bylaws more consistent with current rules and operations. *Brown:* Formed committee to evaluate apportionment methodologies. Described process and conclusion, decided a system based on expected wastewater generation was most fair. How does that comply with proposed changes? *Mintz:* Described process. Did fact-finding, this is what we found, brought recommendation back to panel. Panel and public hears recommendations and debates options, in an open and transparent discussion. Committees are not making a final decision, that’s left to panel or county depending on the issue. Helps committees understand the limitations of their authority. *Brown:* Never the intent of this committee to make decision for the panel. *Mintz:* Results of fact finding vs. final recommendation. *Lapi:* Better to rank options. Has this been publicly noticed and are we voting today? *Mintz:* Publicly noticed, this is the first of two meetings, vote will come at June meeting. *Brown:* Does panel accept recommendations now, or wait until June meeting? *Mintz:* Wait, allow for public feedback, and have another discussion in June. *Brown:* How will public be alerted to proposed changes? *Walter:* In minutes now. *Mintz:* And on website since last meeting and through next meeting. *Jensen:* Are bylaws in good shape, or anything else we need to change? *Mintz:* Need other changes, but they are more controversial. Issues we may not want to raise now. Would be a bigger discussion, would like bylaws to reflect our operations now. *Stilwell:* Thanks, this cleans up language a lot. Note there were no objections. *Mintz:* Minutes stand as they are. *Brown:* Work very much appreciated.

Projects & priorities: *Brown:* A number of overlapping projects, may influence how we tackle one vs. the other. Possible widening of Captiva Drive to improve cycling safety. If that pans out, could have impact on how we would lay main sewer line down Captiva Drive. Described current plan, horizontal drilling vs. trenching. Need to develop plan to account for all these interactions. Wastewater, widening, underground lines, stormwater drainage. Wastewater and stormwater interaction described. No recommendation at this point, keep advancing on all these projects and deal with interactions as they come up. *Lapi:* Wastewater has to be voted on, doesn’t that drive the bus? *Brown:* Sewer is No. 1 project, but other efforts would impact cost and methodology of sewer project. Price tag could change. Cost influenced by decisions we make on other projects, interdependence on each other. Can’t figure out a master plan to make them all work together.

Ordinances: *Mintz:* County Commissioner Kevin Ruane organized meeting with staff – me, county manager and county attorney – to review six ordinances that flowed from past workshops to address code

changes. These regulate conduct rather than land use, so staff wanted them done as ordinances rather than in the Land Development Code. Productive meeting, County Attorney's office to review and revise language I drafted to get them ready to go before BoCC for passage. Hope to get someone working on this within a week. Any changes by staff will come back to panel and public for review. Review of changes: Parking on the streets for Chapel activities. Amend to be consistent with actual practice. Sent letter to neighbors, no objections. Golf cart ordinance, recommended signage to help identify, list rules on carts, *Brown*: Isn't that already implemented? *Mintz*: Rental agents doing it now, but not for carts from off island. Fertilizer rules would be consistent with Sanibel, since it's the same landscapers working both islands. County looking at their rules as well. Noise regulation, memorialize rules and make enforcement easier. Septics: 73 unregulated systems, create ways to address those to ensure they are functioning properly. Straws ban, county objected to this, bans commercial use of plastic straws. Most restaurants already meeting that. *Brown*: Finally getting the county to listen to you on ordinances. *Mintz*: Finally getting progress as we did on LDC.

Verizon: *Brown*: Challenging to get Verizon to respond to inadequate cell service on Captiva. Long Zoom meeting with Verizon staff prior to last panel meeting, want to place five small-cell towers – one near Community Center, four more down Captiva Drive to Blind Pass. Photos in meeting packet. Exact location has to be based on technical factors, not where we want them to be placed. Encouraged Verizon to place towers on property lines rather than in peoples' front yards. Glad they are moving actively to improve service, but concerned about placement. Pictures sent out in email and in packet. *Lapi*: Kind of service? *Mintz*: 4G service, Verizon believes that would more effective for users on island. *Walter*: In the works for years, Verizon planning to rent space on fiber being installed in the past year. *Brown*: Look pretty unsightly to me. *Jensen*: Do they have to get an easement to place them? *Brown*: From Lee County, on road ROW utility easement. *Mintz*: Utility poles along Captiva Drive set back 10-20 feet due to LCEC requirement. *Lapi*: Run off fiber optics, all that was installed on west side of the road. *Brown*: Have not decided on placement yet, big study still to be done. Will need our help to get them approved, reluctant to talk about any timetables. *Mintz*: Verizon claims they have minimal flexibility, don't intend to place poles in front of people's homes by keep on property lines. Barrier islands not covered by state law, county makes the decision on installation, could deny altogether if they wanted to. May want letter of recommendation from panel when it goes to the county. Also, heard that if phone shows no service and you dial 911, phone will look to another network to send call through. Pawul said he would check on that, but did not work for me when I tried it recently.

Break @ 10:14, back @ 10:22

South Seas: *Brown*: Had meeting yesterday with Brizaga and Brightwater Group, retained to do resiliency studies for resort and Village, to understand their plans and explain what we have done so far. First step is Vulnerability Analysis, much like the work Hapke did for panel. A lot of overlap with what is already in progress, still confused how these will dovetail with other efforts in community. May fill in some holes in study we did, such as on storminess. CEPD also planning a resiliency study, South Seas study might obviate need for CEPD study. *Mintz*: Two aspects: Vulnerability Assessment required by FDEP, and a resiliency study. VA will be all of Captiva according to Brizaga. Integral study gaps were due to lack of funding to do entire study. Brightwater basically a lobbying entity, assist SSIR, CEPD and community to get funding for resiliency projects. Concerned about flooding issues in Village, have Kimley-Horn stormwater proposal. Will send that to Brizaga to see if there's interest in helping to fund it. SSIR reached out to us, wants to work with the community to make island resilient. So many moving parts, many moving in the right direction, behooves us to coordinate to have a plan for Captiva for next 20-30 years. *Walter*: Resort plans are an open book. *Laird*: Positive energy going forward. Hope to

rationalize work between Aptim and Brizaga today. New state grant cycle coming up, Brightwater good strategists on getting grants through the process, Work to start some pilot project to make progress on Captiva. *Walter*: Not abnormal for Brizaga and Aptim to collaborate, have worked together before.

Wastewater: *Brown*: Recap, collection system design finished, waiting on Sanibel's needs. Brief discussion with City Manager Dane Sousa and Mayor Holly Smith, they had just received TetraTech study on what Sanibel would need to do, Confusion over improvements needed for Sanibel vs. those needed due to adding Captiva. They don't understand it enough to come to any conclusion, will get back together in next week or two to determine Captiva costs.

Stormwater/SLR: *Laird*: Heard about SSIR plans, met with Johnson and Kimley-Horn, updated K-H on timeframe for MSTBU in next year or so, then more detailed engineering, want something that's able to be permitted with associated costs. *Brown*: Focus only on Village? *Laird*: Jensens curve to resort and Hagerup Park. Separate line item in MSTBU estimate when we ask for approval, but work in concert with wastewater. Spoke with Johnson to see if they wanted to do similar proposal. *Brown*: K-H study needs \$180,000 to fund study. *Laird*: Need to determine where money comes from. *Lapi*: How is it paid for? *Laird*: Haven't determined yet. Grant if possible, taxes if not. Have not discussed options, don't know cost yet. *Brown*: We considered making the stormwater plan for Village part of wastewater MSTBU proposal. *Laird*: Benefit primarily to Village, would have to apportion costs appropriately. *Mintz*: State grant possible for stormwater. *Brown*: Combined MSTBU could make it more difficult to pass. *Laird*: Would need a separate line item, or we could piggyback on petition effort and pursue two separate proposals done at the same time. *Mintz*: May not need MSTBU for stormwater, if plan is implementable may be a separate line of funding. Way ahead of ourselves. *Laird*: Want vendors to focus on timetable to tie to wastewater. *SLR*: Working with Carrie Schumann to form small committee on best practices for landscapers for water retention and runoff and quality. *SLR* grants: FDEP grants announced Sanibel got \$130,000 for Vulnerability Assessment, county got \$300,000 for study. Want to see if county will help contribute to our work, county focus is on infrastructure. Also, final Integral report on adaptation now issued. Special districts now can get grants, in effect July 1. Forming a SLR committee within CEPD, a stakeholders team, open to people who want to participate. List of participants so far, looking for someone from SSIR. *Brown*: CEPD has assigned Laird to develop bayside SLR defense plans. Other commissioner will serve in policy role, but Laird can put together her own team. Positive development, she's the most knowledgeable person about SLR. *Laird*: Will meet in conjunction with workshop schedule so other commissioners can join if they want to.

Code: Already covered.

Iguanas: *Mintz*: County meeting made request for \$25,000 to fund Alfredo for trapping. County manager will get back to us on that. I think they're looking at an administrative way to fund this through an interlocal agreement with Sanibel. Will let you know what they decide. Discussion. *Jensen*: Alfredo still ready to go.

Utilities: *Brown*: Bruce McDonald has requested LCEC to develop broad cost estimates, all of Captiva but broken down into specific to various segments. *Mintz*: In all discussion, SSIR did not want to be part of this project, but there are poles along Plantation Road. *Walter*: Will put on presidents' call agenda. *Lapi*: For Tween Waters, we got an estimate from LCEC for a fee, which was credited to our final cost. We paid \$250,000 to do 900 feet, so do the math. Will LCEC do estimate for free? *Gooderham*: LCEC will do a general estimate for free, but will require down payment for detailed engineering drawings which can be deducted from the final cost if the project moves forward.

Shoulders: *Brown:* Meeting tomorrow to organize approach. Shared Tom Brouster email received last night against widening the shoulders, he feels it's unfair to owners who've landscaped by the road. If there's pushback, county will not proceed. My view, don't kill this project until we come up with a plan to make significant improvements without impact on vegetation. *Gill:* He has given this a lot of thought. Put together a strategy to look at widening without disrupting homeowners too much. Wait to see outcome on sewer project, could tie in in some areas but would not want to present as a viable alternative. *Brown:* Does panel feel we should move forward to see what's possible, or why spend more time on it? *Lapi:* Go ahead a little but then hold a straw poll to test the sentiment. *Brown:* See what's possible first with minimal impact. *Jensen:* Is widening based on safety? Is there a safety problem now, have we had accidents? *Brown:* Not aware of any injuries due to shoulders we have now. More based on perception, fear of hitting a cyclist and getting sued. No empirical evidence. *Walter:* Is current situation up to code? *Brown:* Only using a small part of ROW? *Lapi:* Fact finding what is the history of accidents. *Brown:* Think there are so many negatives that project is not doable. Or investigate it further? *Gill:* Would vote to continue to come up with the right facts. *Jensen:* If Gill thinks it's worth looking into, try it. *Brown:* Go ahead with meeting to see if there's a plan with minimal impact on property owners. If so, do straw poll with specific plan.

Development: No report.

Captiva Drive: *Mintz:* From post office to Laika Lane, we have necessary easements. Still working on new property owners from there south to Andy Rosse Lane. We will have to wait on sewer construction decision to actually build the sidewalk. Stormwater drains could be changed if we move forward with that project in conjunction with sewer construction. Foolhardy to build sidewalk until we know what else is going to be done. Get this project finalized and figure out timing based on other projects.

Financial: *Gooderham:* Report in packet, not much change from last month. Still heavy on cash, awaiting reimbursements from the Sanibel studies. Has city reached out with any invoices yet? *Brown:* Just got TetraTech study, Raftellis work is still in process. *Gooderham:* Will be working with Ann Brady to plan some events in the fall, fund-raising as well as to fulfill obligations to prior donors.

Beach access: *Brown:* Background on issue, Jensen agreed last meeting to follow up with access users. Looks like Yolo is cleaning up after themselves. *Jensen:* Met with Yolo and Mucky Duck, they will push sand back off the road and clean up Duck's parking lot. Will do it once a month or as needed. Discussion. Along fence, Marcel planted cocoplums but they did not take. Will replant once rainy season begins, maintain monthly. On board with keeping end of the road in good shape. Landscape design, roots from pines would not work well. Leave it natural but maintain it. *Gooderham:* Prior plan ran into issues due to need for county and state permits for that level work, plus SCCF raised some concerns about what was being proposed for construction in what could become an active wave zone in a storm. *Brown:* No further action, hope Marcel will maintain it.

Farmers market: *Mintz:* Received call from Jean Bauer, asked would panel support effort to amend current ordinance on farmers markets. Now she said she doesn't need assistance based on county instructions on how to proceed. I wanted to bring it to panel's attention anyway. Current ordinance on seasonal farmers markets, from October through April. Sell unprocessed and processed ag products, crafts, processed food booths, promote water conservation, etc. Items proscribed from being sold as well. Amend to allow markets year-round and permit goods other than ag-related goods, such as towels, clothes, jewelry and other things tourists might like to purchase. Allow library to sell books as well, not permitted under existing ordinance. According to owners, last time 21 food projects, nine selling non-food products. Don't want it to evolve from farmers market to flea market, or to draw people from off

island to shop here. Owners don't plan to expand it to that, we just want to watch how the ordinance gets amended. *Brown:* Direction from panel? *Mintz:* Will find out more from county about process and what there are intending to do, don't want a destination market to be set up here. Won't happen overnight, may not happen at all. *Stilwell:* Spoke with Jean, Captiva market is not supposed to have crafts. County wants all-county rules, but I don't see why we could not have a separate one for Captiva. Crafts could be considered direct competition to nearby stores. Be respectful of other vendors nearby. Great people. *Mintz:* Want primarily a farmers market, if they have others who want to sell local wares, a small percentage, to serve tourist community. Just don't want it to shift from a farmers market to a flea market. Probably someone complained they were selling something in competition with what was sold in the stores. *Lapi:* Intention to run it year-round or just in season? *Mintz:* Through May, I thought, but high season is getting longer so they may run it as long as it makes sense to run it. *Walter:* Not heard of this before, think market is awesome. Sounds like Jean and Betsy are doing some community outreach before working with the county on making changes. Don't see it working year-round.

Meeting adjourned at 11:30 a.m.

-- *Ken Gooderham*