

## Captiva Community Panel

# MINUTES

Aug. 9, 2022

**Attending:** David Mintz, Ken Gill, Jay Brown, Linda Laird (left at 11 a.m.), John Jensen, Tony Lapi, Ann Brady, Bob Walter, Bruce McDonald, Michael Lanigan (joined at 10:30 a.m.)

**Audience:** 12

Convened at 9 a.m. Introductions and roll. July 12 minutes (Jensen/Walter), unanimous approval.

**LCSO:** *Lt. Mike Sawicki:* Public cooperation on North Captiva, two robberies caught in the act by cameras and turned in to officers. Community Facebook page, transmitted images of crime in process. Cameras help fight crime. Different dynamic, but good lesson to be learned. Enables us to apprehend people before they go back home, areas where there's not a lot of monitoring. Discussion of expectation of privacy and use of cameras. *Brown:* Think through what you'd like to see the panel to do help you in this endeavor. Work out some action plan. *Sawicki:* Introduce Christine Zumbrum, now on island as of the end of April 2022, originally from Pennsylvania. Joined LCSO in 2018, School Resource Officer in Lehigh Acres. Discussion. *Mintz:* Met with HOA on Wightman and Laika, which are officially private streets with public easement to walk to the beach. Explained background of easement based on 1986 county vacation of roadways. Discussion. *Lapi:* Have to have infrared cameras on docks? *Sawicki:* All kinds of products, new ones have night color correction. Lower cost and higher costs with new systems.

**CFD:** *Chief Jeff Pawul:* Continuing the discussion on cameras, just responded to Upper Captiva fire called in by owner who saw it start on his cameras. Just added some at station, cloud-based and easy to use. Island Cow fire, hot fire in old building. Building not sprinkled, no advantage there.

**Verizon:** *Brown:* Introduction and background. Poor service, encouragement from community to address problems. *Pawul:* District involved due to CAD system on trucks, all on cellular. Long-time Verizon customer, gradual decline in services. Use I-pads on scene for drug interactions, cell service crucial for service. Instances of people being unable to call 911. Running both First Net and Verizon, services varies based on site. *Brown:* Worked with Verizon on various solutions, recon on island. Service issues based on foliage, location, other factors. Developed small cell tower plan, five towers south of South Seas. Three properties impacted next to towers which will be in the county ROW. Towers have to be placed in specific locations for effectiveness. Will upgrade South Seas tower. *Lapi:* What about Sanctuary tower? *Brown:* Don't know. Publicized effort over past two years. *Mintz:* A couple of things to include. First, Verizon has said that the towers will be installed in the county right-of-way, not on private property. They will be adjacent to private property, and with the level of vegetation encroachment into the ROW it's easy to think that's all private property right up to the roadway. Then there's the issue of the height of the towers and whether Verizon will need a variance from the Captiva height restrictions. We're brought those to Verizon's attention, and they cited language in Chapter 6 of the LDC governing cellular equipment that contradicts the Captiva language. Verizon did relocate the Tween Waters tower to the bay side of Captiva Drive, so it wouldn't obstruct the Gulf view. They are citing the part of the LDC on cell equipment, that says they can get the average height of other utilities (assumed to be 35 feet) and then add up to 10 feet more in height for antennas and other equipment... that's how they came down from the 50 feet cited elsewhere to 45 feet total. Verizon also believes that since 911 service is affected, there's a public emergency component to this request to ensure island residents and visitors have adequate cell

service and are able to contact 911 in an emergency. There's also county language that requires co-location of equipment from other cell providers on towers such as these if requested, so other carriers should not be asking to put up their own towers in the future.

*Lapi:* Do the pictures accurately show the proposed towers, or are they just representative of ones installed elsewhere? Also, if these improvements improve the Verizon signal, will CFD switch back?

*Pawul:* Running both now, will switch back to only Verizon if it's reliable. *Mintz:* Based on discussion at last meeting and Jeff Brown's concerns, I drafted a proposed motion for the panel to consider. (Read proposed motion and showed on screen.)

*Laird:* Will South Seas tower improvements mean the problem will go away? *Brown:* No guarantees. *Laird:* Better to know they can co-locate. *McDonald:* Other carriers might consider it, due to the money being spent on 5G. Comments from audience: One of the property owners we had not heard from is in the audience, wants to see what towers will look like showed on screen), see if we can show sites on a map (Verizon did not provide that, just addresses).

*Jeff Brown:* Don't have a problem with these towers if they abide by code, would not want to see the panel give them permission to go higher than the 35/42 feet allowed in the LDC. Verizon market share is 24%, so realistically only 24% of the people on the island will benefit. Will main tower improvements supersede small cell towers if sufficient improvement in reception is the result? Make this a two-part process: Fix the main towers first, see what that does to cell service, then install the small towers only if necessary. Also want to remind you that Verizon doesn't need panel approval to proceed, would hope the BoCC would notify nearby property owners. Just because this has been discussed at a few panel meetings doesn't mean it's widely known on the island, have spoken with a number of people who were not aware of this plan.

*Mintz:* Height restrictions in county LDC, building heights go up to 45 feet. *Jeff Brown:* No, cannot exceed 42 feet in heights. *Mintz:* General understanding in terms of heights, 35 and 42 feet. Also specific provisions about wireless equipment. 10 feet above 35 feet, plus abide by state/federal/county laws.

Contradictory provision as applies to Captiva. BoCC probably won't approve something Captiva community does not want, what does code say? Verizon will move forward whatever we do. *Brown:* Motion says not to violate code. *Jeff Brown:* Ambiguous, state 35 and 42 height numbers in motion. *Mintz:* Verizon would object. Gill: Small towers feed to large towers. If large tower is upgraded, do that first before going to small towers?

*Brown:* Verizon says tower improvements won't be enough for service outside of resort. Small towers necessary to repeat signal. *Mintz:* Want to vote on something, but don't know what we're voting on, 35/42 or 10 above 35. Technical issue also raised. Ask Verizon to answer questions first before panel votes. *Walter:* Agree, why not fix SS tower first? *Brown:* Someone else can take lead on this project at this point. *Mintz:* Verizon used to having to answer questions, don't think they would mind explaining it to panel. *Laird:* If someone else won't take this on, that also says something about this effort. *Brown:* Feel like I have pushed them to develop a plan, not we're saying we don't want to do this. Read comments. *Jensen:* Can they send us actual pictures? *Brown:* Don't know. *Lapi:* Actual heights, 35 above grade. Use lift to show how high it will actually be at TWI site. *Mintz:* Code conflicts and how county will interpret codes. If Captiva wants to fight it, nothing over what's allowed in code...

Verizon says it can do it without variance. Jeff Brown says we have to fight this conflict in the code. *Lapi:* Does the panel step back and let citizens who are adamant against it fight it in front of the county commission? *Mintz:* Obligation to make the difficult decisions for the community. Right thing to do for people who need emergency services on Captiva. Legitimate questions that should be answered, but would support motion as drafted.

*McDonald:* Expect community blowback when towers are installed, but we believe cell service is essential we should not hide behind code. Make it more clear about questions. *Mintz:* If they had to have a

variance, I'd be concerned. But if they can get these done without a variance, OK. If they end up needing a variance, they have to come back to the panel. *McDonald*: Need to keep up with technology, improvements will continue to evolve. *Brown*: I concur, not all of us agree. Need to have reliable cell service, at least one carrier. *Laird*: May not need to go higher for new technology. *Mintz*: not do something, support it regardless for technology, or support if consistent with current code, support it with our interpretation of the code of 35/42. Give them what they need at this point, but if county attorney says 35/42 governs Verizon will have to come back for a variance. BoCC will want to know panel's position before they grant a permit because towers are unsightly. *Gill*: Will support motion, expecting that someone from Verizon will come to panel to answer our questions. Also make them blend in with the vegetation. Owe that to property owners to try. *Brown*: Panel would appreciate Verizon rep to come to next meeting to answer questions. *Mintz*: Vote on motion conditioned on Verizon answering our questions. *Brown*: No, answer questions first. Discussion. Supportive, but people have questions. *Laird*: If we delegate fact-finding to someone and then don't believe them, that's not good. *Brown*: Is a history of Verizon telling me they can't do things and then changing their position when pressed. *Mintz*: This discussion is valuable for the community, what the panel is supposed to do. Motion to support motion conditioned on explanation, or put it off. *Gill*: Move to approve conditionally. *Lapi*: Agree with that. *Brown*: Panel is provisionally approving language as presented pending Verizon coming to panel meeting to explain plan and questions. *McDonald*: Give them a list of issues beforehand to specifically address questions. *Mintz*: Restate motion (below)... approve motion conditioned on Verizon coming to panel meeting to explain their plan to the satisfaction of the majority of the panel. (Brown/Lapi) Unanimous.

**MOTION:** The Captiva Community Panel supports the efforts of Verizon Wireless to improve cell service on Captiva through its Network Expansion and approximately five 4G Small Cell Installations within the County right-of-way consistent with existing height and other applicable regulations as set forth in the Lee County Land Development Code and without the need for a variance or an amendment to the Code.

**San Cap Renewable Energy Coalition:** *Bob Moore*: Laird introduction. Business and environmental representatives serving in coalition, with a sub-group focusing on solar co-op idea. No panel action needed. *Moore*: Presentation, Solar United Neighbors co-op, a 501c3 nonprofit being formed, provides owners with information and background on going solar which can be an intimidating home improvement project. Not affiliated with any installers, no obligation to participating. *Brown*: How many in coop? *Moore*: Not open yet, will be in October, expect 25-50 people to be engaged. Informational update only. Linda will keep you apprised.

**CEPD:** *Daniel Munt*: Two meetings since last panel meeting. July 25 meeting: Board approved \$2 million from reserves to project. Yesterday, finalized apportionment model to go to property appraiser's office for inclusion in November tax bills. Updating them on the interactive map at mycepd.com. Ropes & bollards, seeking bids to replace ropes in Village area. Issues south of there have been resolved. Tentative budget hearings Aug. 29 at 5:01 p.m., final hearing on Sept. 12 at 5:01 p.m.

*Break*

**South Seas:** *Walter*: List of projects under way, hit the high points. Employee housing demo ongoing, about 8 weeks total to completion. Chadwicks Square 95% done. Closing golf course 9/6, with renovation completion mid-summer 2023. Par 3 course planned, found a main water line running through the middle of the course we did not expect, will require some reworking of plans. Comcast rewiring almost complete. Design on course and water feature on south end will be put out soon. *Brown*: When is an overall resort development strategy expected? *Walter*: Hopefully by late Q3 or early Q4, massive internal

communications on this. *Jensen*: Plans for employee housing? *Walter*: Developable site from amendment, clean it up and grade it first. *Brown*: Former plans were for bulk of development on north end, is that still possible? *Walter*: Still on table. Planning to finish demolition, grade the site and make it look pretty. *Mintz*: 96 units at north end, 44 at south end. (Full South Seas update below).

1. Employee Housing demolition ongoing.
2. Update associate retention, currently wages leading the county if not SW Florida in Resorts, additional offsite housing obtained and searching for more viable options are ongoing.
3. Chadwick's Sq Painting 95% completed.
4. South end water feature planned for current front desk area to include, lazy river, adult pool, kids splash zones, FB like scoops and slices. Design should be available in Q3/Q4 2022 target start Q3 2023
5. Front Office arrival desk moving to conference center as part of the new plan. Estimated Q4 2022.
6. Golf Course renovation starting September 6th, 2022. Completion estimated mid-summer 2023. Design layout should be available mid-August we are still making changes to elevations and course design. Zoysia grass is choice.
7. In program units have all had inspections and we are following up with owners.
8. Security gate email has been completed and I will send those procedures out today or tomorrow. We are transitioning the gate currently to a automated system designed for gated communities. Expect Q4 2022 implementation.
9. T dock replacement is still scheduled however with product lead times and labor issues target date looks more like Q1/Q2 2023.
10. Owner relations team is in the cottage behind the front office (old executive office). NOTE new executive offices are now located above Chadwick's SQ retail.
11. Comcast wiring and communication nodes are completed throughout the resort. All areas should be operational or very soon will be operational. If you have any issues or questions, please email me directly.
12. Starbucks doubling size, renovations starting late Q4 early Q1 and completed by March 7, 2023. During the closure we will have a large Starbucks kiosk located next to the current Starbucks. We will be dividing the space next to the Spa as the future Real Estate Gallery/sales office. In the interim, we will be using that space for the Starbucks kiosk.

**Nominating Committee:** There are five panel seats up by the end of the year:

- Tony Lapi, eligible for another three-year term, appointed by the panel
- John Jensen, eligible for another three-year term, appointed by the panel
- Ann Brady, eligible for another three-year term, appointed by the CCA
- Sandy Stilwell Youngquist, eligible for another three-year term, appointed by the CPOA (filling the seat vacated by Mike Kelly, who would have been termed out).
- Michael Lanigan, termed out, appointed by the CPOA

The CCA and CPOA have been apprised of the openings and the need to take action prior to the Oct. 11 meeting. The Nominating Committee will likewise make its recommendations at that meeting, which will face a Panel vote at the Dec. 13 meeting. Both Lapi and Jensen have expressed a willingness to serve another term if the committee chooses. Panel President Jay Brown appointed Linda Laird to serve as the committee chair. Other committee members will be named shortly.

**Wastewater:** *Brown:* Sanibel study of collection system, found that it need major upgrades to handle Captiva wastewater. Cost of roughly \$25 million, \$20 million if South Seas not included. Kimley-Horn felt that was too aggressive, met with Sanibel consultant and agreed to revised design, cost down about \$5 million. Discuss funding Sanibel costs with Commissioner Ruane, said he will get those paid for publicly. Impact on funding for our system up in the air right now. *Mintz:* Ruane said he would work with consultant on finding funding for Captiva and other wastewater projects. Trying to nail down all costs for our project. County will fund effluent disposal study that Sanibel will undertake shortly, \$45,000 study. With that and South Seas clarity, have numbers nailed down to have county pursue state funding as much as possible. *Gill:* What is South Seas' position? *Brown:* Unclear, continuing with FGUA plant for now, but will not be viable long-term. Have to assume South Seas will have to use our system some time in the future. *Lanigan:* Dual prices for South Seas, will that make it more difficult to involve resort without voting on it. *Mintz:* Complex legal question implied, resort serviced by FGUA at behest of county. Can county convert obligation from FGUA to Sanibel? May be a county decision without a vote, retire FGUA plant due to environmental or business concerns.

Internet went out on islands, lost four panel members and audience.

*Mintz:* Stormwater fund, have proposal and need to find funding. *Iguanas:* John spoke with Alfredo for a plan to address the proliferation of iguanas in the Village this summer. Have spoken with Commissioner Ruane and he's working on funding at the second BoCC meeting in August.

**Underground:** *McDonald:* \$14.5 million nonbinding ballpark cost estimate. Asked for it in three pieces, did not get that yet. Getting a firm number would require a nonrefundable deposit of 5%, or \$725,000. Get the cost estimate into three buckets and decide the level of interest for each at that point. *Lanigan:* Three buckets geographically? *McDonald:* Yes, interest on TW stretch, may be able to amass funds from private owners.

**Shoulder:** *Gill:* Will work on setting up a meeting with Lee DOT when I get back to the island in the fall. (Most panel members on island had returned at this point.)

**Development:** *Brady:* Dec. 7 planned with Captiva Cruises for Welcome Back cruise. Will send out "Save The Date" email shortly. A number of people already signed up with membership benefits. Cocktail party at Jay's home for high-end donors, date to be determined.

**Government Affairs:** *Mintz:* Commissioner Ruane proposed changes to farmers market ordinance for county. Will be reviewed at upcoming meeting. Will allow markers all year, not just season. Vendors selling non-ag goods or services max at 20% of total vendors. Can't sell used goods, antiques, collectibles and other items. *Brady:* Overall or 20% of vendors that day? *Mintz:* That day.

**Other news:** Gooderham not present at next meeting. *Gill:* Where did you get the sign on your dock? Have common signs created? Get some uniformity in signage.

Meeting adjourned at noon.

-- Ken Gooderham