

**Captiva Community Panel**  
**MINUTES**  
*Dec. 13, 2022*

**Attending:** David Mintz, Jay Brown, Michael Lanigan, Linda Laird, John Jensen, Ken Gill, Tony Lapi, Ann Brady, Bob Walter

**Audience:** 34

The meeting convened at 9 a.m. Minutes from the Nov. 13, 2022, meeting were unanimously approved (Jensen/Lapi). Brown explained that County Commissioner Kevin Ruane, who had been scheduled to attend, was called away to Tallahassee on county business, but would hopefully be able to provide an update at the Jan. 10, 2023, meeting.

**City of Sanibel:** *Dana Souza*, city manager: Thanks for opportunity, asked Police Chief Bill Dalton to attend as well to discuss security and checkpoint management. Planning for an effluent study to look at disposal of additional wastewater generated by Captiva if Sanibel takes on wastewater treatment for your community. Proposal will go to city council in January, after which the study can commence. Once we have the cost data, we can proceed with a rate study to determine what the financial component for a Captiva sewer project would be.

Will now cover items presented to city council already concerning storm recovery. Kati Sherrard with Florida DOT discussed the causeway repairs, she's the engineer overseeing the project. Looking to improve the resiliency of the spoil islands, looking at design options now. Final design in January, followed by discussion with stakeholders which include Sanibel, Captiva and Lee County. In contact with her about traffic management, not only for checkpoints but to manage construction traffic as well. We may see some disruptions starting in January for repair work, crews will try to keep that to evening hours when feasible. Looking at recovery status, on to Island Water Association, which has done a great job on both islands to restore service. Same with LCEC, which is working to activate service to homes where significant repairs were necessary and an engineer must affirm the structure is ready to be re-energized. They are also replacing the wooden poles with concrete ones, which weren't available in time for the initial repairs. The bridge on east Periwinkle Way, which failed in the approaches to the structure, has been repaired and reopened.

Debris removal has continued, hitting the 80% benchmark; last week they hit the 1 million cubic yards of debris removed from the island – three times that generated by Hurricane Charley. CrowderGulf opened another debris management site, which expedites roadside removal. Hope to be substantially complete on Sanibel by Dec. 21. The Sanibel Lighthouse, which was damaged in the storm, had a temporary leg to get ready for Hurricane Nicole; now a permanent temporary leg has been installed while we wait for fabrication of new metal components. City Hall has not reopened, although some of us are working here, it has not passed its air quality requirements to allow full return of employees. The Recreation Center is open, free for use by all island residents; we reopened the lap pool this morning. Good response to it as a cooling center, dropoff center and internet hub, with other programs planned. Building Department has reopened for permits, have received 622 as of today which we're turning around within five days. The city's finance department has opened a \$20 million line of credit to help with cash flow. Glad the state has agreed to pay for debris removal, but we anticipate needing additional funds to manage our cash flow during this recovery. We only draw on it when we need to manage our funds. *Police Chief Bill Dalton:* We have about 30 officers from a variety of jurisdictions, a number of sheriff's deputies as well, we have a good working relationship with the sheriff and the deputies on Captiva.

*Souza:* The base camp for out-of-town officers has been extended to the end of January. Chief Dalton continues to work with the Police Chiefs Association on mutual aid, and the state is going to pay for overtime while those officers are serving here. When we reopen the causeway, the officers working the mainland checkpoint will be pulled back to the island to go on patrol. It's been a struggle in terms of management at the checkpoint since the storm... before the storm, the city had issued about 4,000 re-entry passes, since the storm it's been about 15,000. Issues with fraud of the passes, managing the thousands of contractor passes we issued to help with recovery and insurance adjusters. We been working with resorts trying to reopen to establish a list of registered guests or reservations at the checkpoint, working with businesses seeking to have a lot of employees come back so they can reopen by establishing an employee list at the checkpoint. With all this, we came to the realization that Jan. 2 would be a likely date when we can meet these benchmarks and reopen the island. I want to be clear that we're not inviting people to come out here... our beaches are not open, beach parking and accesses are not open, there's no Christmas shopping, we're not having special events. The reopening is primarily to help the recovery. The county will reinstitute tolls on the causeway Jan. 1, FDOT will still be making repairs that may limit the number of lanes on the causeway and one lane at the tollbooths will be dedicated to FDOT contractor vehicles.

We're getting a lot of input from both sides on this reopening. We'll be presenting this to city council at its Dec. 20 meeting, and if we see a need to change these plans we will pivot as necessary, trying to make decision based on the reality on the ground. We're already seeing traffic logjams with the vehicle volume now, especially with work on the causeway affecting traffic lanes. We work closely with FDOT to ensure that doesn't happen again and to let everyone know what they can expect crossing the causeway any particular day. *Lapi:* Question confirming police plans. Suggestion that curfew be maintained but more for people coming on the island, to allow a little latitude for employees leaving the island to work a little later to keep restaurants open for their full shift. *Souza:* Working with county on curfew, assume it will stay in force. After Dec. 19, if you have a license that shows a Sanibel or Captiva address and a valid pass, we'll be more lenient to accommodate seasonal residents. Value of curfew is it gives police a reason to stop someone who might be suspicious. *Dalton:* If we reopen on Jan. 2, we'll establish a checkpoint on the island after 9 p.m. to ensure the daytrippers, etc. can't enter the island. Then we'll reopen it to everyone starting at 6 a.m. so contractors and everyone else can enter – but we won't prevent people from leaving, we just want to make sure they're not taking things with them they shouldn't be. We will still be stopping towtrucks to confirm that have paperwork to back up the vehicle they're removing. Discussion. Question from audience on whether purple passes dated 2021 are still valid. *Souza:* Yes, but due to all the passes we issued this year we're planning to issue new passes for 2023 to have better control over the total number out there. *Mintz:* Comment about Souza being new to the role of city manager, has done an incredible job. In term of benchmarks, Captiva is probably ahead of Sanibel in terms of recovery for debris removal, water and electric restoration, restoring Internet service, etc. We didn't suffer the same disruption and destruction as Sanibel did. Question on when normal waste removal would resume and how people can get new containers if they lost theirs in the storm.

**Comcast:** *Jen Boyett*, senior manager of external affairs. As of now, all our service have been restored on Captiva, equipment is functional. If service is down at your home, it's because there is an individual issue at that particular location. We're 90% restored, and the other 10% are homes that are not habitable right now or are being reconstructed. If you still have issues, you need to contact us for a service call... it's probably the line that runs to your house or it could be equipment issues. Discussion of service to fire station. *Boyett:* Map shows the branches serving various parts of both islands. Remember that our service follows power, and we may still be working off temporary lines or generators in some place. So when we switch off of the generators, service may go off then come back on again. We are going house to house to see which drops are still disconnected, but you should still set up a service call if you don't have service now. We also have a Wi-Fi hot spot van at 2477 Periwinkle Way on Sanibel, with a 300-foot radius able to handle 1,000 people at a time. Question about time for service calls to be completed. *Boyett:* Right after

the storm we had a lot of technicians from other states here to help, but most have gone home by now so waits are a little longer – about five days. Sometimes if we have someone in the neighborhood already they will call to see if they can come by earlier than that. Question on whether residents need to call for service if the above-ground equipment by the street have been destroyed during the recovery. *Boyett*: No, that's part of our ongoing restoration efforts. If you want to let us know, it never hurts – but we're out there checking on that equipment as part of our restoration work. Jensen: Met one of the crew working the island who said I needed to contact Comcast to get off vacation mode, which everyone was shifted to after the storm so they wouldn't get charged for service. *Boyett*: Possibly, if you were a seasonal resident who put your service on hold long before the storm, you may need to call to restore it. If your service was disrupted by the storm, we try to restore the billing on that service once we know the service is back up in that neighborhood. If you have any issues about billing for service or damaged equipment, contact us and we will work to correct that. Question on outages. *Boyett*: We plan it to be reliable, but we're still in recovery and if power is disrupted it will affect our service as well. We may be switching off a generator, or a contractor working nearby accidentally hit a line... hopefully it will come back up quickly. If not, let us know and we can adjust the bill if necessary. You're still being billed at your old rates right now, but some rates may increase in January. Our bills are itemized, so you should be able to see where any changes came from. Question about waiting to charge people fully if they are not able to access service all the time due to power or limited equipment. *Boyett*: No, you'll need to contact us to have your bill changed, either by phone, on the app or in person at a store (where you may get the fastest service).

**LCSO:** *Lt. Mike Sawicki*: Not much happening in terms of crime right now, but I wanted to jump on a couple of security issues and what's going to happen once the causeway reopens. We do have additional patrol elements out here, we have for several weeks and that's likely going to continue for the foreseeable future. That means additional sheriff's deputies besides the regular complement of me, Chris and Christine. Also, for about the last year, most of the Sanibel police officers were actually deputized as well through the sheriff's office, just to streamline the process if we needed extra assistance. The Sanibel police and the additional officers there have been an effective filter against some of the stuff that would possibly be making its way up here. We're also going to reach out to county parks to make sure we have additional signage and barricades to let people know those parks out here on Captiva are closed. Our electronic surveillance unit has been active on Sanibel and Captiva, a blend of stationary pole cameras and unmanned aerial vehicles or drones.

I was asked last week what the panel could do to assist in security out here on the island. The best thing is to act as a bridge of information to the community, to encourage community members to take common-sense precautions that we often forget to do out here on Captiva. We need to adopt a culture of preparedness and security during this recovery, because we are going to have a lot of people out here who are unknown quantities to us – tourists, contractors, others working on the recovery. Most of these people have been great, but we have had a couple of problems that needed to be addressed. So it's important we're locking our doors, making sure no items of value are visible, making sure to pull things out where they can't be seen from the road. A lot of us have houses that typically you would not be able to see from the road, so now you and your property are on display to people going by. We want to avoid those crimes of opportunity as we have a lot of people moving around out here who might see something that appeals to them and make a plan to grab it. We've also had instances of crimes being reported that ended up not being crimes at all – tools where an employee did not have his keys and cut the lock off to get them but forgot to tell anyone, or a stolen golf cart that was actually picked up by mistake by a removal company.

That's not to say there won't be an increase chance of crime once we have more people moving around on the island. I encourage everyone to check their security systems, make sure your Wi-Fi and cameras are functional, to get systems repaired now if there are issues, and to vet your contractors – look them up, look at reviews and licenses, make sure they don't have a criminal element working on their crew. There are some jobs that need to be done right away, but there are others where you might want to wait, not only

for security but to get a better quality of contract work and materials when there is less demand. *Brown*: Could you develop a list of recommendations we could send to our email list? *Sawicki*: Sure. To follow up on one thing Dana Souza said, the curfew has been very helpful for us, gives us an opportunity to stop people who are out riding around the island at night to see what they are doing. If you have legitimate business out here, you're not being given a hard time about it, we understand people need to go about their lives. But it does give us the opportunity to stop someone who's in violation of the curfew, to check their identification and determine if perhaps they've committed another offense. *Question* about working with the island restaurants to help them understand whether employees can stay for a second seating and leaving the island around 11 p.m. They don't want to violate the curfew, but they'd like to be able to do two servings if possible. *Sawicki*: I have to obey the curfew as approved by the county commissioners, so if the issue is what's been written you'd need to approach them. In terms of enforcement, we've been applying a certain amount of reasonable discretion to that. If you're looking for a way to codify an exception for employees, that would go to the county. But as far as us enforcing that, I don't think we would be looking to charge or arrest an employee that was leaving work and going off the island. *Discussion*. *Brown*: Do you have an opinion about reopening the causeway Jan. 2? *Sawicki*: We are going to prepare for a worst-case scenario, and will adjust upward or downward – plan for a likely scenario, and figure out where the right level needs to be to manage traffic flow, etc. Make sure the beach are well marked to show they are closed, that there's limited parking, etc. A matter of preparation with our deputies and the Sanibel police officers.

**CFD:** *Chief Jeff Pawul*: Thanks to all the residents who've stopped by the station in support. With the amount of cookies and baked goods we've gotten, we all have put on a few pounds. About restaurants reopening... only Tween Waters and the pizza place have been approved to reopen. Before any restaurants open their doors, they have to have a life safety inspection – that goes for businesses in general. You need one on an annual basis anyway, so it's not difficult. We have had a couple of fires recently, related to AC units, electrical breakers or debris piles, and we've been assisting Sanibel Fire Dept. with some of the fires they've had as well. Currently crews are flushing hydrants, going through every one on the island to make sure they are serviceable. Some had damage, some didn't and we got approval from IWA to test them. Debris being stacked around hydrants continues to be a problem, so remind any crews you may have working on your property to avoid that. Lastly, if you've installed a new gate after the storm, make sure you install the evac module which allows emergency vehicle access.

**South Seas:** *Bob Walter*: Debris removal continues, had a bit of a lull the week of Thanksgiving into early December but ramping back up now. We made the decision to raze some of our buildings that were considerably damaged in the storm, pretty much finished with that process and moving from remediation to restoration. A lot of the HOAs are going to need to replace roofs. Probably looking at a late Q1 2023 soft reopening of the main marina and some of the northern amenities. On the resort, Comcast restoration is not quite as good as was mentioned earlier in the meeting, at least to the end user. *Brown*: With all the razing, any discussion about removing the hotel units on the north end, or can they be rebuilt? *Walter*: We're looking at both, hoping to get back to normal as quickly as possible. Right now, I'd say they're probably not going to come down.

**CEPD:** *John Riegert*: Main update is the reorganization of the board yesterday, and our new chair is Bob Walter. Looking at the upcoming special session and the bills coming up. In March, the engineer will have an update on the vulnerability assessment. We'll be scheduling a workshop on that. Plenty of inquiries about the apportionment letters and deadline. There was not a date on the letter, so we set everyone date fo Dec. 20 because we still need to communicate with the tax collector's office. If you have paid your apportionment in full, we fill out a form to have the tax collector amend your bill. If you paid them as well as CEPD, they will refund you that amount. If you have not paid, they will amend your bill and remove that line. *Brown*: So if you double paid, do you have to do anything to get a refund? *Riegert*: No, that's between us and the tax collector. We will send you a form to sign to give them permission to

release the check to you. We're looking at changes to present to the board in the future to change our rules of procedure, because we are stuck in an antiquated payment system by those rules. *Question* from the audience on when the line item will be amended. *Riegert*: Up to the tax collector, as of yesterday they had a clerk working on it. *Walter*: Explain what your procedure is in the event of a fish kill due to red tide. Is there a threshold before you engage? *Riegert*: We communicate with Lee County and the Fish & Wildlife Commission, since we don't have the resources to mount a cleanup effort on our own. *Lapi*: The VCB has funds for beach management, but it still has to go through the county commission. Discussion of establishing a procedure and who responds. *Brown*: Is the CEPD office open? *Riegert*: We have not been utilizing it because of the instability of service out there, at least for emails. The office phone is working, I return calls from the voicemails that are left.

### *Break*

**General updates:** *Mintz*: A number of topics to discuss. In terms of repairs to the causeway, we hope to have FDOT engineer Kati Sherrard at the January panel meeting for an update. Verizon and cell service, I was told that they were going to send someone to the tower to make some adjustments after the service declined once it was restored. Also post-storm, a lot of flies and gnats. The county has agreed to spray the island to address that. FEMA reimbursements, have been questions about whether FEMA will continue to pay for debris removal. They've been reimbursing the county 100% for removal, and the deadline for that has been extended in the past. But my understanding is that even if it eventually is not extended, it just means the reimbursement will be less than 100% and that Crowder Gulf will continue its work removing debris under its contract with the county. Next, there is a bill pending in the special legislative session, SB4, that if it's passed will allow homeowners to apply for a reduction in property taxes if your home was uninhabitable or "or was caused to be uninhabitable" by the hurricane, based on the number of days it was uninhabitable. We should know about its status in the next few days. *Brown*: Would it cover the period when you could not access your property when, for example, the causeway was closed or you had no utilities? *Mintz*: It's unclear, but it doesn't appear to be limited to structural damage. *Question* whether this would be limited to Florida resident only? And if it passes, how do people apply? *Mintz*: We will let everyone know its status at the next meeting, and look at the final text of the bill as to its scope. Finally, iguanas: Notwithstanding the hurricane, the iguanas survived and are plentiful. Commissioner Ruane and the county have agreed that if the panel hires Alfredo to trap them for a year at the prior \$25,000 fee, they will reimburse us for that expense. So if it's agreeable, can I have a motion for the panel to retain Alfredo for a 12-month period for \$25,000 to be reimbursed to the panel by the county. We can decide whether to invoice the county monthly or once for the annual fee... we have the cash, so that's not an issue. *Comment*: Have watched Alfredo, he carries a high-powered pellet gun, goes to a property, waits to see if there are any iguanas and, if not, moves on. That doesn't sound like a plan for a long-term success. *Jensen*: He's the expert and this is the best way he has to do it. Right now, with a lot of the vegetation gone and not too many people on the island, it's a good time to start getting rid of them. He's knows where they congregate and keeps going back to that area. It's the same approach that's done on Marco, on Sanibel and Boca Grande. *Comment* to look at options, contact University of Florida or others. *Brown*: Can you ask Alfredo to put together a proposal or plan to bring to us at the next meeting, so we can review his strategy? *Question*: It's been a couple of years, do we need to re-ask owners for permission for Alfredo to enter their properties looking for iguanas? Motion on the floor (Laird/Gill), approved unanimously.

**Causeway re-opening:** *Brown*: Explanation of reason for agenda item, concerns being expressed. Favor re-opening, helps businesses and makes it easier to access islands for seasonal residents and guests. If it doesn't appear to be working, Sanibel can reimplement restrictions, as Souza said. *Walter*: Asked for it to be on agenda, approached by a number of homeowners asking why. There's nothing to do, there are security concerns, etc. After hearing Souza explain the city's thought process, I think he's right... you'll get this wave the first week and then, when people realize there's nothing to do out here,

they won't come out. So I walked away from his presentation saying let's give it a shot. *Comment:* Should keep parking lots closed to discourage daytrippers. *Mintz:* It's what's best for the recovery of Captiva and Sanibel, not just for resident but for businesses. Broke this into pros and cons. Pros: More customers as businesses struggle to reopen and survive. Allows friends and family to visit and provide support to people who suffered damage. Allows for unimpeded help to people needing to rebuild their homes. It allows for creative solutions that can't be anticipated, hopefully an explosion of energy by people who have new ideas about how to recover. We have a lot of off-island businesses that are doing well and making money off the recovery, to maybe we have to help the on-island businesses to also have that opportunity to succeed. Cons: Traffic, harder for people to get here. Could interfere with debris pickup, but we're over 80% on that on Captiva and it will be even higher by the time the causeway opens. Won't interfere with utilities because they are already up. Security, Lt. Sawicki says they have the resources to handle it. The curfew may need to be adjusted as has been discussed to accommodate restaurant employees. Finally, if a serious problem occurs we can return to hurricane passes. Discussion about opening beaches and health concerns, concurrence to follow the lead of the Dept. of Health. Motion to summarize comments to send to City of Sanibel (check who moved and seconded), unanimous. Comments from audience about beaches: Basically not safe, may be debris in water. DOH has measured for enterococcus levels, deemed safe but warned about vibrio and debris concerns. Sanibel is planning to hire someone to rake and sift their beaches, which the city has never done, so they must feel there's debris to be worried about. Discussion. Question whether CEPD should be taking a lead on determining health of beaches, potential discussion at board workshop.

**Nominating Committee:** *Laird:* Summary of open seats and action taken. CCA reappointed Brady, CPOA reappointed Stilwell-Youngquist and appointed Margarethe Thye-Miville. Tony Lapi and John Jensen were eligible to be reappointed by panel, which is what the committee recommended. Solicited nominations from the community, received three very qualified applicants who we hope will stay involved and be considered for appointment in the future. *Brown:* Very appreciative of those applications, we could use their expertise on panel efforts or the CEPD. Nomination to approve Lapi and Jensen for reappointment by the panel (Laird/Walter). *Lapi:* Where do applicants live on the island, was that considered in the vetting process? *Laird:* Yes, among other qualifications. Motion called, unanimous approval.

**Administrator compensation:** *Brown:* Background on proposal to increase compensation from \$21,000 to \$26,400 annually, due to value to panel, etc. *Mintz:* Recommend increase be higher than that, worth \$30,000 a year, certainly below what position at similar nonprofits is paid even though it's a part-time contractor position. *Brady:* Certainly below market value for that position statewide. *Mintz:* Propose we pay \$30,000 and form a compensation committee to get a more accurate sense of what this position is paid on a statewide basis. *Lapi:* Fair compensation is better than a bonus, which often gets to be expected. Motion to increase administrator compensation to \$30,000 annually (check), unanimous approval.

**Panel budget:** *Gooderham:* Explanation of proposed budget based on current efforts and planned studies. Funds that are escrowed for specific purposes explained, county funding to compensate Sanibel for wastewater studies; also donations that were to be paid out over a period of years, so we hold those funds escrow and move them over to general funds at the beginning of each year. Some unknowns built in: When we return to live meetings, when in-person fundraising events can be held. The 2023 budget will see a projected deficit, but some of the costs shown may not be incurred (Johnson Engineering contract balance) and others will hinge on when Sanibel request reimbursement. We have the cash reserves to handle a deficit comfortably, so looking for any input to refine this budget and bring it back for approval in January, now that we have some costs clarified. Discussion of potential fundraising, letter planned before the end of 2022 if panel concurs one should be sent, will likely send to email list in order to get it out in time. Discussion of escrowed funds, request to revise how they are shown in the budget to clarify

hard costs and cash on hand. Request to include a miscellaneous expense item for ongoing projects – stormwater and wastewater – for costs we may need to cover while pursuing other funding.

**2023 schedule:** *Gooderham:* Same schedule, meetings on second Tuesday, coordinated with CEPD when possible.

**Captiva Drive vegetation:** *Brown:* Background, shoulder discussion, determined we had some room in right of way to work with but there were concerns about private plantings that would need to be removed to accommodate any additional paved shoulder. The hurricane destroyed those plantings, might be a good time to encourage owners not to replant all the way to the current pavement in case we can expand it in the future. *Mintz:* Current code says no vegetation shall encroach into or over Captiva Drive or its paved shoulder, height of eight feet above pavement, two feet away from pavement. At a minimum, we should advise landscapers and owners about that requirement, will also make shoulder safer for bikers and walkers not getting hit by vegetation or pushed out into the traffic lanes. *Gooderham:* Also good time to remind people that any plantings in the right of way are subject to removal if county DOT deems them a hazard. *Mintz:* Put something together to send to the email list on vegetation setbacks from Captiva Drive before too much replanting occurs. *Brown:* Should we just ask the county to enforce these setbacks from the beginning? Will they do that? *Discussion* on whether to put something along the pavement to mark the two-foot setback for owners and landscapers. Sand or gravel suggested, response was that would end up on the pavement pretty quickly and pose a hazard for cyclists. Discussion on code wording and intent. Question on contacting Lee DOT on preferred options. Committee formed to look at options and make recommendation to panel – Ken Gill, John Jensen, Michael Lanigan.

**Wastewater:** *Brown:* Souza covered most of what I was going to discuss already.

**Stormwater:** *Laird:* Meeting to review Kimley-Horn proposal to finalize that, then submitting it for Deepwater Horizon funding and legislative consideration. Discussion of veto of funding for CEPD study. Request for an update on legislative action during the special session at January panel meeting. Discussion of permit issue with re-roofing near an eagle's nest. Thanks to Michael Lnigan for his two terms on panel.

Meeting adjourned at 12:25 p.m. Video link is <https://youtu.be/4VkoFEbCKqY> -- *Ken Gooderham*