

Captiva Community Panel
MINUTES
April 11, 2023

Attending: Jay Brown, Linda Laird, David Mintz, Ken Gill, Sandy Stilwell Youngquist, John Jensen, Ann Brady, Bruce McDonald, Tony Lapi

Audience: 22

Meeting convened at 9 a.m. Following introductions and roll call, the March 14 minutes were unanimously approved (Jensen/Laird).

Lee County Commissioner Kevin Ruane: Ruane has been continuing his work with the Florida Legislature on funding for Lee County's recovery needs, including Sanibel Causeway repairs, repairs on Fort Myers Beach and Pine Island/Matlacha, traffic lights and signage, etc. Everything has been included in the Senate budget, will then be negotiated with the House version. Legislative leaders looking for a five-year capital improvements budget, what we'll need and when, so funding can be allocated when it's needed rather than having it sit. So we're looking at the list of needs and working to break them down year by year as to when things will be ready to fund. Senate leadership is supportive of Southwest Florida now for the next few years, so we're working with them on the CIP needs. A good example is water transmission lines... we saw a lot of breaks countywide with Ian, so we're planning on when line repairs can be achieved to tie that to funding. Also, the county received \$1.1 billion in Community Block Development Grants from HUD, with the commitment being finalized now. That's the impetus for the Recovery Task Force and the public input process we're undertaking, 13 or more separate town halls all around the county to hear what the communities need for their recovery. That will also give us justification to request additional allocations in federal funding. A lot of the needs will touch more than one branch of the Task Force – for example, workforce housing is a business issue, but it's also a planning and land use issue. We're also working to repair and reopen our beaches, working with both the state and federal government on funding both assessments of damages and potential restoration. We're also working on debris pickup... we stopped pickup when the subsidy expired, but property owners can appeal to the state Dept. of Emergency Management to deal with individual properties. We've been pushing them on this, recognizing that hurricane season is just two months away, and people can call my office for help in identifying options with debris removal. Comment on how workforce housing in Lee County can help employees who work on Captiva. Question about feasibility of workforce housing on Sanibel and Captiva in light of long-term density limitations. Mintz noted that demand for employee housing at South Seas Island Resort declined over the year, to the point of the resort eliminating the housing altogether. However, Captiva did have a mixed-use designation that would allow apartments tied to businesses on commercial-zoned lots. Sanibel has its own nonprofit to address workforce housing issues... but much of the islands' workforce seeks housing on the mainland. The challenge is balancing the needs of a fast-growth county with protecting natural resources and enhancing resilience. Ruane also said the key is building units where they're needed and leveraging private funds and public grants with county funding to maximize the investments. Discussion continued on developing the CIP and ensuring that funds allocated by the state and federal governments are spent wisely and in a timely manner. The next step will be taking our needs to Washington, where the potential funding is bigger and they have more experience dealing with natural disasters.

LCSO: No one present

CFD: *Chief Jeff Pawul:* If anyone is planning to tear down a structure on the island that we could train in, either contact me or have your contractor contact the district to let us know. They provide invaluable

training opportunities for us. Otherwise, the district is also working on its reimbursement requests. A question from Stilwell Youngquist on issues she had with allowing structures she was planning to tear down to be used for fire training, the environmental cleanup problems that followed. Pawul said training does not use fire anymore, just a fog machine, to avoid any environmental hazard on the back end. Otherwise, we don't do anything your contractor wasn't going to do anyway. Question about the fire risk from downed vegetation. Pawul said it's always high this time of year, and that the county has a burn ban in effect. Lightning strikes always a concern as thunderstorms start up, especially since our vegetation is dry and often close to structures. Hopefully will get more rain and get the rest of this debris picked up. Question on the status of an ambulance for the island. Pawul said after the next district board meeting and the county commission meeting May 2, fairly confident that will be resolved to our benefit. As to the helipad, we don't have a lot of open land, which is what a helicopter needs to land. We still have access to sites on Osprey Lane and inside South Seas. Question about whether funding could be found to put a helipad on top of the fire station. Pawul said it wouldn't hurt to look into it, but not sure if it qualifies under resilience funding. We did consider it before, would take quite a bit to make that happen. Discussion of other options such as parking garages or tennis courts.

CEPD: *Executive Director Daniel Munt:* Next monthly meeting will be next Monday, April 17, at 1 p.m. The beach tilling will finish up this week, slowed by some equipment breakdowns. Question about status of restoring the beach after Ian. Munt said the Corps of Engineers is still reviewing the legal concerns to see if it can provide assistance... biggest question is easements. If the Corps declines, we will re-engage with FEMA on funding. We also can access funds allocated by the Legislature, so hopefully any cost to property owners will be minimal. Mintz asked about maintaining the beach during fish kills... has CEPD considered contracting with the county to take on that responsibility and be reimbursed for the work? Lird suggested putting that on the agenda for the next CEPD meeting. Munt noted the district is already having trouble hiring people to maintain the parking lot. Discussion about disposing of dead sea turtles. Lapi noted that the Lee County VCB has funding for cleanups. Munt said the county coordinates that, and has to determine if the fish kill is sufficient to justify mobilizing a crew. With the recent turtle death, I coordinated between SCCF and county Parks & Rec on authority; hopefully that will streamline the process in the future. Mintz noted that some contractors have been making dune cuts to ease access to the beach, which is contrary to the dune structures we need in place to protect us during a storm. Who has authority over that? We need to discourage individual dune cuts and encourage walkovers. It was noted that permits have been issued to allow that, as well as that some people just do it without a permit. McDonald asked whether CEPD had considered rebuilding the dunes larger than they were, and even reinforcing them if necessary to keep storm surge from inundating the island. Munt noted that higher dunes could face pushback from property owners about blocking their views, and that there's concern about how much sand should be put into the system when designing a beach. If the Corps agrees to assist in our beach repairs, they will design the beach to their specifications. We're at their mercy and can decide if we want to do something additional after that. With fewer dune cuts (or making them angled instead of straight) and more walkovers, the dunes can be more resilient. We also need to educate people on how to take care of their dunes – protecting vegetation, encouraging dune growth, etc. Question about the vulnerability of the Santiva area in terms of protecting the road. Is anyone talking with the county and Sanibel about fortifying that area? Discussion of options, Munt noted that the county had asked for time on the CEPD agenda to discuss hardening that curve.

SCCF: *Environmental Policy Director Matt DePaolis:* Two bills we're monitoring in the Legislature: HB177, the Safe Waterways Act, still in committee, working to get it to be heard. It would mandate announcing if there are certain water quality issues on beaches and waterways, bacteria concentrations being found, to keep the public informed. The other is SB 540, the local government comprehensive plan bill. It includes fee-shifting provisions that if private citizens or groups challenge a comprehensive plan and fail, they will be on the hook for all legal fees not only from the opposing side but also any interveners. That means uncontested and huge amounts of legal fees. We're pushing against that one, but

it's been flying through committees. Discussion of impacts. There are a couple of amendments SCCF has supported, to limit payments of fees to \$10,000 and one to remove interveners from this so you would just have to pay the municipality's legal fees. Second update is some good news: Last week was the Eden Oak hearing before the county commissioners, it's the project just south of Shell Point that was going to remove mangroves and put in single-family homes. It's been going on for seven years with continuances, and finally made it to the commissioners to get a zoning change from agricultural to residential. We had a good turnout of people speaking in opposition to the project, and there were no voices other than the applicant in favor of the project. We had heard the applicant had asked for a remand back to the hearing examiner in light of a recent decision that could cut in favor of the developer. But the commissioners made it clear they were not going to entertain a remand, and wanted to deny the rezoning request. After about two hours of public comment, they did just that and it was an awesome victory. It speaks to the shift after Ian, and how people realize some of these natural buffers – mangroves and dunes – need to be protected. Discussion. We're trying to get Eden Oak back in front of the Conservation 2020 Committee for consideration of purchase now that the development has been denied. Finally, want to make a plug for the SanCap Citizens for Resilient Futures meeting at BIG Arts this evening.

South Seas update: No one present.

Other updates: *Mintz:* Three things... Roosevelt Channel is a done deal, they just have to put up signage to make a slow-speed zone. Next is debris... if people are just coming back to their properties and there was a legitimate reason they couldn't get back earlier and they have debris that needs to be removed, they can still contact the county and perhaps get some relief. Call Commissioner Ruane's office and they will get you in touch with the appropriate person. The third thing is a bill in the Legislature that would prevent local governments from creating their own rules on water quality – another of the preemption the Legislature has been bringing up recently. Some of the members apparently feel it is their mandate to eliminate local control. They've passed bills preempting local action on short-term rentals. There are pending bills affecting local rules on pollution, the need for infrastructure to be in place before development occurs and referendums on land development codes.

Hurricane Ian feedback: *Laird:* We held a community debriefing last night at the community center, with about 60 in person and 20 people on Zoom. We went through the hurricane, what happened and what the dunes did, and then opened it up to the community to talk about what they thought worked well, where we had room for improvement and what the panel and CEPD should be focused on going forward. A lot of engagement and positive feedback, we're still working on compiling the comments. People noted working on the dunes and a more resilient beach, a better job on telcom now and for the long term. In general they would like a longer term resilience plan. The community was very appreciative of our police, fire and post office personnel, and appreciative of all the work and communications the panel did.

Pawul fund-raising: *Brown:* The campaign ended March 31, we had 125+ Captivans make a donation and raised \$152,000 to help him rebuild. It certainly exceeded my expectations, both in terms of funds and in having 10% of the properties contribute. It says tons about our community and how much we appreciated the response we got from both the fire department and the sheriff's office.

Captiva ordinances: *Mintz:* On April 4, the Board of County Commissioners unanimously approved our new parking, noise and golf carts ordinances. We will work with the deputies and the fire dept. to put up the appropriate signage near the chapel that will allow temporary parking during church services and certain holidays. The noise ordinance memorialized the unwritten rule that amplified music after 10 pm is prohibited... that any noise after 10 pm that can be heard clearly from the receiving property at 50 feet will be prohibited. Also, now companies renting golf carts on Captiva will have to advise customers of the rules are for use – must be licensed or a certain age, no alcohol while driving, use within the cart zone. Carts will have stickers with these rules on them and the rental agent will need to be identified so deputies

know who is responsible for the cart. We had a fourth ordinance pending which was to bring our fertilizer rules in compliance with Sanibel's to make it easier for landscapers. However, the county discovered that has been preempted by the Legislature, which passed a law that any regulation of fertilizers that was not grandfathered and was more stringent than the state's model fertilizer rules, you had to show any rule was part of a science-based comprehensive program to address nonpoint source nutrient loading of any water body. You had to show you had considered all relevant scientific information including input from various state agencies, and hold public hearings before you could enact any change. The existing county fertilizer ordinance (which covers Captiva) is already stricter than the state model rules, and the county did not want to make any changes due to all the hoops they would have to jump through.

Vulnerability analysis: *Laird:* We have been reviewing the analysis submitted by Aptim, and hopefully will approve it at the next CEPD meeting so it can be posted to the website and we can set up a community review of what it says. New studies have suggested that sea level rise on the Gulf coast is accelerating at a faster rate than anticipated, and SCCF is trying to analyze those findings now to see if it's a cyclical occurrence and if that is being seen locally. We've made good progress in understanding our vulnerabilities, what's at risk and where we flood. Brown noted that such an analysis was a necessary next step before pursuing any grant funding to address the problems. Laird agreed, and said as part of the Aptim study CEPD had sought a better understanding of its authority to work on the bayside. It's not clear on how best to proceed, so we're going to have to work on this. What we're allowed to do and why, how we can move forward with implementation, how other communities have done this, and developing a good path forward toward an overall Captiva coastal resiliency plan.

Captiva resiliency: *Laird:* Let's talk about the proposed direction of Captiva's resiliency. We have Resilient Lee and the SanCap resiliency effort, but it seems to me that we should have our own plan overall sponsored by the panel but with other partners. For example, the bayside part would be a CEPD responsibility, and some panel members could work with the county on utilities, and we'd need to work on telecommunications, stormwater management, flooding, and others. We should be formalizing this more in terms of pulling together an overall Resilient Captiva plan, working with other organizations but something that is our resiliency plan... and we'd probably need some staff support to pull it all together. Brown said it's a difficult problem, with CEPD having the authority it needs to act on the bayside, the need to elevate Plantation Road inside the resort to keep it accessible. I don't know how we develop a resiliency plan that covers all the bases. Laird said we can work to develop our needs and then prioritize them as a community, come back with recommendations how to fund addressing those needs. Mintz said the panel was in the best position to be the umbrella organization over Resilient Captiva, and within that CEPD and the resort and others can move forward within their jurisdictions. The wastewater project is part of resiliency, and we're pursuing funding for a stormwater plan for the Village. Putting a helipad on top of the fire station is part of resiliency, but the fire district would pursue that. We could develop a Resilient Captiva plan, some of which we would dovetail into the Resilient Lee plan, and have the various responsible organizations playing their role. We work together, no one is the boss but the panel is overseeing and coordinating it only because we have representatives of the whole community on the panel. We put together the elements of a Resilient Captiva plan and look at who's responsible for the obvious components – the panel is working on sewers and stormwater, CEPD is responsible for preventing erosion on the bayside, Lee DOT addresses the roads, and so forth. Try to develop an outline of the various areas and who we think is responsible for it for the next meeting.

Captiva Drive vegetation: *Jensen:* With post-storm revegetation, we need to ensure plants stay outside the two-foot area next to the pavement... that includes stones, too, since they're not safe for bikers if they get out on the paved shoulder. We sent a letter to the email list twice, hoping the county will send one out as well. Mintz suggested the panel should send the letter to all Captiva Drive property owners, since the county did not seem inclined to send one on their own. The county DOT is planning to send out a crew shortly, to cut anything encroaching on the two-foot zone and identify properties where further outreach

might be necessary. The plan is to contact those properties by letter, give them a few weeks to respond, and then remove the offending items after that. But I think the panel should send a letter making it clear that any plants or rocks must be moved away from the paved shoulder first. We should also contact the island landscapers to let them know about this again. Motion to have the panel send such a letter to all Captiva Drive property owners and any landscapers we can identify (Mintz/Jensen), unanimous approval.

Wastewater: *Brown:* Still awaiting the Sanibel studies on handling wastewater and developing a Captiva connection cost. It's been hard to get an update from Sanibel since the city officials have so many things happening right now with storm recovery. Hoping we can get a timetable for this, so we can have some hard costs to discuss and can start planning how to be part of the recovery capital improvements plan.

Stormwater: *Laird:* Hoping to get our study funded as part of the CIP discussion as well. Mintz noted there were some final adjustments necessary in the Kimley-Horn proposal for a stormwater study, hopefully to be resolved shortly. Laird said the committee is hoping to work with SCCF on a series of workshops for both islands to show property owners steps they can take to reduce runoff from their properties.

Iguanas: *Jensen:* Alfredo coming out every Tuesday, trapping a consistent number of iguanas each time.

Other committees: None.

Financial update: *Gooderham:* Breakdown in packet, fund-raising on track so far and we can discuss if we need to do any fund-raising in the fall.

Other business: A meeting of the Recovery Task Force's Natural Resources Committee is set for Friday, April 21, starting at 10:30 a.m. at the Community Center. The public is welcome to attend.

The meeting adjourned at 11:33 a.m. (Mintz/Jensen).

-- *Ken Gooderham*

Meeting link: <https://youtu.be/CTY4U8mMpys>

Ian debriefing link: https://youtu.be/sh9_kDIVBFE