

**Captiva Community Panel**  
**MINUTES**  
*July 11, 2023*

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

**Audience:** 50

Meeting convened at 9:05 a.m. After roll call and introductions, the June 13, 2023, minutes were unanimously approved (Jensen/Lapi).

**County LDC and Lee Plan amendment update** –*Mintz:* Principals have been approved and widely distributed, positively received. Captiva Civic Association endorsed and distributed SCCF as well, City of Sanibel has received them and will consider them at their next council meeting. South Seas Homeowners Association has also approved them. Commissioner Ruane has request meetings beheld on Captiva and Sanibel, the first meeting is July 13, 6 p.m., at Captiva Civic Association. Format was not clear at first, thought it might be a county presentation and audience questions. But there has been a negotiation, and the format will be a more informal workshop format to give us more time to explain and discuss concerns. A roundtable setup chaired by Commissioner Ruane, I will represent the panel, SCCF will also be present along with the mayor of Sanibel, Ken Suarez also at the table. A timbers representative has been invited to present. The attorney from RLR has also been invited, and someone from CCA. County staff and other commissioners who want to attend will be there. Not to have a debate or point fingers, but have a full discussion to clarify what the concerns are of the Captiva community and the various stakeholders. Hopeful a more productive session, to make the positions of the Captiva and Sanibel communities clear. People can attend in person, and it will be streamed as well.

*Laird:* Will new county manager be present? *Mintz:* Don't know who will attend yet. If he's not there, hope he will listen to the meeting. County is fully aware of what's going on at this point. *Laird:* Other commissioners invited? *Mintz:* Ruane will chair, don't know who else will attend, commissioners have some Sunshine issues. Additional meetings on Sanibel and downtown, plus possible meetings after that. A lot of discussion on this, a positive thing. *Brown:* Conceivable that county staff might consider revising their recommendation? *Mintz:* Purpose of meetings is to inform the county of our concerns, to guide them to revise as necessary to be more consistent with the resilience needs of the islands. *Laird:* Timetable? *Mintz:* Scheduled for Sept. 5 public hearing, don't know if process would be to vote on this proposal and other proposals, whether amendments can be made prior to Sept. 5. Procedural issue, don't get hung up on it at this point. Hope that the height and density regulations stay in force. May need to be some negotiations down the line. That commissioners and staff better understand the needs and concerns of Captiva. If nobody cares what Captiva and Sanibel and the panel thinks, we have to look at possible litigation.

*Brown:* Status of attorney? *Mintz:* In contact with Holland & Knight, has a great deal of expertise in these matters. Very interested in representing us, have not finalized the final approach yet due to panel's Sunshine requirements and open meetings law. So effectively no attorney-client privilege between attorney and panel. Working on appropriate mechanism for Holland & Knight to represent the stakeholders. In discussions with attorneys and CCA, which has a Land Use Committee that could have representatives from the stakeholders to direct attorney. Lawyers won't represent the panel directly due to confidentiality issues. Once it's finalized, will write up the process and circulate to panel members. CCA also looking at being recipient of funds for legal representation, set up a separate account and start fund-raising in a couple of days. Receiving a lot of calls from people who want to contribute already. SCCF

has contributed \$10,000 to kick off that fund, should have sufficient funds to have lawyers to represent us. *Brown*: Seems appropriate for panel to contribute \$10,000 as well. Would entertain a motion to that effect. *Lapi*: Before that, what can panel do as a 501c3? *Mintz*: Don't have answer yet, some percent of our revenue can be used for lobbying or legal pursuits. Fund-raising group will figure that out and determine what 501c3 can do. *Brown* is asking for a contribution from existing funds, pass a motion subject to whether we can do that. Limitation on amount of what nonprofit can direct to lobbying and legal expenses. SCCF is making a \$10,000 donation, they can do that as a percentage of donations that come in. *Brady*: Evans sent a note explain what nonprofits can expend, cannot exceed 25% of overall expenditures. *Mintz*: Good, pass the motion pursuant to the rules that would affect us. Motion to donate \$10,000 pursuant to review of ability to do so (*Lapi/Mintz*). Unanimously approved.

*Brown*: You will get agreement form attorneys on fees to cover work from now to Sept. 5 and deliverables? *Mintz*: Once it is finalized, I will get a list of fees and deliverables. *McDonald*: Still confused about misinformation and media coverage. Ruane referenced drawings and a plan, but Walter said previously there were no plans. Now discussion of parking under these structures? *Mintz*: A lot of that is fake news. Heard a lot of rumors, saw an article in *Gulfshore Business* where Timbers said they have 107 hotel units and want to up that to 175. Assuming that's accurate, it's not fake news. Everything else is speculation. Really don't know what the plans for South Seas actually are. Hope of workshops to make what we looking at in terms of South Seas redevelopment. Timbers publicly supports county's proposed amendments, for taller buildings and greater density and intensity within a planned development. Doesn't make they will ask for that or that the county will approve that. Do not know what plans for the resort are. *Brown*: Not reacting to plans, but latitude the county would be giving them to redevelop. Objecting to a change in the rules that will govern South Seas. Plans could change to take advantage of all the opportunities a land use code could give them over time. *Mintz*: Can't lose sight of the fact of how responsive the two island communities have been in the middle of the summer – including all the owners in South Seas. Thought they were just investment properties. But the owners are invested in the character of Captiva, what Captiva is. That's a very gratifying piece of knowledge we did not have before.

*Brown*: Panel has been meeting once a month, but developments are happening quickly. We should not wait until next month to have our next meeting, Do you think by next Tuesday you will know what the attorneys need? *Mintz*: Yes. *Brown*: Plan a panel meeting to update on the attorneys, the Thursday public meeting, discuss fund-raising to pay legal costs. *Lapi*: Have a conflict with a City of Sanibel meeting at 8:30 a.m., don't know how long it will last. Discussion of start-time options and other conflicts. 11 a.m. tentative start time for July 18 panel meeting. *Question*: What is the progress on identifying the actual code changes that are being recommended to eliminate the discrepancies in the various sections of the Land Development Code, the ones South Seas is using to justify being exempted from them. *Mintz*: We have presented that to the county, I am going to meet with county staff to work through those changes. No question that the obsolete section has to be updated. Hopefully by Thursday that will become clearer. *Lapi*: July 18<sup>th</sup> won't work for me after all, will try to listen in. If you want to keep it at 9 a.m., OK with me. Agreement to move meeting to 9 a.m. July 18.

**South Seas HOAs** – *Ken Suarez*: Want to answer question about plans, Timbers is good about hiding whether they plans... but do they have concepts? They know what they want to do, they just don't know what they will be allowed to do. Ask about concepts instead of plans. Regarding the panel principles, our group is 100% behind those. Timbers ownership has started putting out emails directly to homeowners, bypassing presidents' council. Invited certain association to an informational meeting, a webinar, will start tomorrow at 11 a.m. Read opening paragraph of email. Eight different webinars they will be hosting, also sent all this to all five county commissioners. Should have started this before, playing catch-up to counter misinformation they feel is out there. Interesting they put in writing that they have been talking to the county since January. Having a council meeting this evening to discuss questions we want to see

submitted. I spoke with timeshare group and their general counsel, a group we cannot overlook, more than 6,100 owners and eight association. Need to get them involved in this process, they are eager to participate.

**LCSO update** – *Lt. Mike Sawicki*: Complaints about derelict vessels being brought back into Roosevelt Channel. If one shows up on your dock, give us a call. Working with Fish & Wildlife Commission on this already/ Eventual they can move them, there's a process for that which we working to establishing current ownership and determine if they are at-risk and can be cited. Can also be cited for title and registration violations. Any boat left on a dock without permission is considered a derelict vessel regardless of its condition. Removal is a different process, we can discuss with people once we get to that point.

**Captiva Fire District**– *Chief Jeff Pawul*: Reminders... If you have any structures you are planning to demolish and will let us train on it first, let us know. Very valuable for us to train on those. Any business that re-opens needs to have a safety inspection first before they open. District is working on a new website, some elements may not function during the transition. Beach rescue vehicle fully out of service, looking to replace it due to the hurricane and age. LCSO has a vehicle that can access the beach if necessary. *Jensen*: How is ambulance working? *Pawul*: Had a patient we had to transport off the island recently, working out great. *Lapi*: Do you have any objection to signs in crosswalk to protect pedestrians, have DOT install some to slow down traffic and remove the nonfunctioning sign? *Pawul*: No issues with those, designed to fold down if they get hit. *Lapi*: More attractive than the big yellow signs on either side of the road. Discussion. *Pawul*: Is pane working on process of drains on the street in the Village? *Brown*: Yes, is one of our projects. Design proposal from Kimley-Horn, Commissioner Ruane was working to get it funded. *Mintz*: We do have a plan, awaiting legislative designation for funding. *Pawul*: Good, ones in front of station tearing up our truck tires, and people swerved around them. *Youngquist*: DOT has put in a drain by my property, but could back up in a high tide. Asked if they can put in a backflow regulator, they said they don't have that but could put in a pump. Will have to see how it does in the next storm.

**CEPD**– *John Riegert*: Working on coastal resilience, workshop planned for next Thursday and we will be sending information on that shortly. Aptim has completed surveys and processing data to tell us how much sand we have on the beach. *Laird*: Have we heard back from Corps? *Riegert*: Not yet. *Schumann*: Not responding to Munt, but he's best person to answer that. *Laird*: Issue is that if Corps decides to do it, they will fund it completely and it will be their project. CEPD already has 50% of funding, the rest will be based on Corps decision. *Schumann*: Two installments of funding statewide, included our project. Technically we have 100% of costs in place, but FDEP has to get an answer from the Corps first before FDEP proceeds. Basically 100% either way. *Jensen*: Would it include sea oats? *Laird*: Yes, similar to projects we have done before.

**SCCF**– *Matt DePaolis*: SCCF participating on the Thursday panel at county meeting. Watching the lake, still going up and Corps is not starting release yet. Lots of algae, more 50% covered. Alga ein Cape Coral canals, bubble curtains seem to be working to keep it out of the estuaries. As lake rises, eventually we'll see releases increase. *Mintz*: Long article in *New York Times*. Can you explain LOSOM issues and why it's not in place yet? *DePaolis*: Background on Lake Okeechobee System Operating Manual, which was to replace the Lake Okeechobee Regulatory Schedule (LORS) by now. At the last minute, National Marine Fisheries Service decided they needed to conduct a full biological opinion of red tide on endangered sea turtle and how LOSOM could impact that. Pushed start of LOSOM to December, so we'll miss a full rainy season. Corps is trying to adapt LORS to mimic LOSOM releases. Discussion. *DePaolis*: New research came out tying red tide and blue-green algae to lake releases, once it was issued and peer-reviewed the Corps began to incorporate it into its decision-making. Tied algae release to red tide growth, slowed down process to study the effect of those releases. The degree of how they impact red tide and how it will be incorporated in future management decisions. Better to know the long-term impacts rather than rushing it.

**South Seas**– No update

**Wastewater Committee**–*Brown*: In the hands of City of Sanibel to complete two studies, what they will do with increase effluent from Captiva. Was due in mid-June, tried to find out if they received it and taken any action, no response yet.

**Stormwater Committee**–*Laird*: Also working on some recommendation on things individuals can do, I decided we have enough going on right now and will take it back up in September.

**Iguanas** –*Jensen*: Alfredo comes out every Tuesday, gets 20-30 every time, 90% are big ones, concentrating on those first. He concentrates on hot spots, but if you notice a lot on your property email the panel with your address and we'll pass that along. *Mintz*: They're everywhere, big ones and babies as well. Get an honest assessment if we need to do something different than just having him out here one day a week. More of him or a different management tool. If resources weren't an issue, what would he do to control the iguanas on Captiva? *Brown*: Maybe we can get more funding if we're losing the battle. *Jensen*: Little ones are a problem, harder to catch or shoot. *Laird*: Traps? *Jensen*: Could be considered inhumane since he only comes out to clear them once a week.

**Verizon**: *Brown*: In process of installing small cell towers now. Five planned, at least two are in place now, may be more that I have not seen. Expect to have them all operational in Q1 2024. Hopefully we'll have at least one cell provider with better reception by 2024. Discussion of locations. *Mintz*: Make sure they install the one by Tween Waters in the right location, after we asked them to move them off the Gulf side of the road.

*Question*: Helpful to email commissioners to show support for panel's principles? *Mintz*: Yes. *Brown*: The more public communication to the commissioners, the better. *Mintz*: But always respectful.

Meeting adjourned at 10:30 a.m. (Laird/Jensen).

-- **Ken Gooderham**

July 11 meeting video link: <https://youtu.be/RqSHAZYkEno>

July 18 meeting video link: <https://youtu.be/98e2ccorOJA>