

**Captiva Community Panel**  
**MINUTES**  
**Nov. 12, 2024**

**Attending:** Jay Brown, David Mintz, Margarethe Thye-Miville, Linda Laird, Ann Brady, Sandy Stilwell Youngquist, Ken Suarez, Tony Lapi, Bruce McDonald

**Audience:** 36

**Summary**

The meeting focused on significant issues caused by recent hurricanes, including flooding and trash collection challenges. It was noted that FEMA was not assisting due to the commercial designation of the resort, leading to confusion regarding the classification of South Seas. There were ongoing conversations with FEMA, and a text from a private homeowner indicated that the county would be picking up debris from private homes.

David Mintz reported on the extensive damage from Hurricanes Helene and Milton to roads and local businesses, commending the county's quick response and the efforts of the fire department, specifically recognizing Sergeant Zeltman. He stressed the need for a post-hurricane season meeting to evaluate community vulnerabilities and resilience strategies. Concerns were raised about sand pile removal, the lack of resources for processing sand, and safety issues for bikers due to sand on roads.

Updates on legal matters concerning South Seas were discussed, including a development application and ongoing litigation related to density restrictions. The Wastewater Committee reported on delays in managing Captiva's wastewater and suggested expanding the existing treatment plant. The county approved funding for a stormwater management system, with three finalists being evaluated. The discussion concluded with considerations for future meeting formats, focusing on effective engagement in hybrid settings, and a brief mention of ongoing legal issues related to local establishments and environmental concerns.

**Action Items:**

- Linda Laird will organize a community meeting to discuss dune regulations and beach access.
- David Mintz will call the county to inquire about trash collection issues in the South Seas resort area.
- David Mintz will coordinate with the county on sand removal and debris pickup timelines.
- David Mintz will follow up with FEMA regarding debris pickup and community needs.
- Chief Jeff Pawul will continue discussions with FEMA to potentially have a representative hold an online meetings to discuss post-storm assistance.
- Speaker 3 will seek the best solution regarding ongoing discussions in collaboration with Joanna.
- Linda Laird will prepare a presentation on the CEPD's plans for dune height and beach renourishment for a future panel meeting.
- David Mintz will provide an update to the community regarding the Protect Captiva Coalition's legal fund and activities. The group will prepare a full set of witnesses and expert testimony regarding the South Seas application before the county. It will submit proposed final orders for the administrative judge's review within the next couple of weeks, and Mintz will monitor the status of the water park permit and report any updates.

- Jay Brown may evaluate the feasibility of expanding the wastewater treatment plant and explore alternative options.
- The panel will coordinate with the community to gather information and photographs for the stormwater management study.
- After a discussion about moving to hybrid meetings in the near future, Gooderham will reach out to the CCA to discuss hosting future panel meetings and upgrading AV capacity for hybrid meetings.

### **Chapters & Topics:**

The meeting convened at 9 a.m. Following introductions, the Sept. 10, 2024, minutes were unanimously adopted (Jensen/Thye-Miville).

### **Hurricane Response Discussion**

Brown opened the conversation regarding the hurricane's impact, sharing personal flooding experiences and the issue of sand accumulation. Suarez expressed frustration over trash collection problems at the resort, indicating that FEMA was not assisting due to its commercial classification. Mintz clarified that the county's stance was based on FEMA's reimbursement policies, which complicates the situation for residential properties within the resort.

Mintz addressed the impact of Hurricanes Helene and Milton, noting extensive damage to roads and infrastructure, including Captiva Drive and the Tween Water Stretch. He thanked the county and emergency services, particularly the fire department and Sergeant Zeltmann, for their dedicated efforts during the crisis. He called for a future meeting to assess vulnerabilities and improve community resilience.

Youngquist highlighted the need for sand removal from specific locations, prompting Mintz to confirm he would address this with the county. Linda Laird mentioned that the machinery for cleaning sand is no longer accessible, complicating the process. She discussed the economic implications of sand processing versus removal by the county, suggesting collaboration to keep sand on Captiva.

Youngquist expressed concerns about the ongoing waste management issues in Boca Grande after the hurricane, noting that many businesses remain closed and debris is still present. Speakers confirmed that resources were stretched in the aftermath, complicating recovery efforts. Youngquist also mentioned that the Gasparilla Inn plans to reopen by mid-December.

Pawul highlighted the collaborative efforts between the fire department and the community, expressing gratitude for ongoing support. He raised the necessity for discussions on hurricane resilience, noting that current flood prevention measures in Jensen's area may not be sufficient. Pawul also mentioned the importance of maintaining emergency response capabilities during storms.

### **CEPD Update**

Laird addressed the separation of beach regulations from private property lines, stressing the necessity for compliance with Florida DEP guidelines. She outlined current sand projects, including a significant renourishment effort scheduled to begin around May 1, which aims to enhance resilience against storms. Laird also noted the challenges in securing federal funding due to limited public access to beaches.

Laird addressed the high costs of potential offshore breakwater solutions and the need for cost-effective alternatives, such as reef balls. The discussion included the importance of following

building codes and protecting dunes from illegal modifications. Brown proposed an evening program to inform the public about dune regulations, while Mintz called for a comprehensive communication plan to address community concerns about dune management.

### **Legal Update on South Seas**

Mintz discussed the status of three legal issues related to South Seas' development, including a recently deemed sufficient application for increased density and building height. Public hearings are tentatively set to begin on Feb. 26, where various stakeholders will present their positions and findings. Mintz expressed cautious optimism regarding ongoing litigation that challenges code amendments allowing increased density, as well as the enforceability of a 2003 settlement agreement limiting development on the resort to 912 units.

Both sides are drafting final orders for review by the Administrative Law judge prior to the judge issuing a final decision, hopefully finding that the LDC amendments approved by the county in 2023 were unlawful and to be revoked; a decision may be possible by mid-January. On the challenge to the 2003 settlement between Lee County and the CCA, court dates will be set on oral arguments soon. Mintz noted that the Protect Captiva effort had exceeded \$1 million in funds raised, with the expectation of eventually needing a total of \$1.5 million to fund this effort.

There was discussion on the beach restaurant under construction and its proximity to the public access easement, and on the status of permits for the proposed water park.

### **Wastewater Management**

Brown updated the group on the Wastewater Committee's progress, indicating that Sanibel is finalizing a study on the economic implications of managing Captiva's wastewater. McDonald expressed frustration over the prolonged timeline and rising costs, proposing an alternative approach of expanding the treatment plant at South Seas. Brown acknowledged this alternative and noted that it would be challenging to pursue due to ongoing legal issues.

### **Stormwater Committee Update**

The county has allocated \$200,000 for an engineering study to develop a stormwater management system for the village, with three finalists in the bidding process.

### **Panel Nominations**

Brown confirmed that Michael Bennett will replace him on the panel as the CCA appointment, while John Wade will replace Ken Gill as the CPOA appointee. David Mintz is recommended for another three-year term for the panel-appointed seat. Nominations for additional candidates are open, with a vote scheduled at the December meeting.

### **Meeting Format and Venue Options**

Brown and McDonald advocated for Zoom meetings to enhance community engagement, while Thye0Miville supported a hybrid approach that allows both in-person and virtual attendance. Gooderham noted the technical challenges of hybrid meetings, emphasizing the need for better audio-visual equipment. The group discussed potential venues, including Tween Waters and CCA, for future meetings.

### **Other business**

An audience question raised concerns about the CEPD's intention to expand its role in reviewing projects forward of the Coastal Construction Control Line, arguing that this could undermine the authority of the Florida DEP. Laird asserted that the CEPD has the legislative authority to take on this role, emphasizing the need for stronger oversight due to increasing

erosion issues. Brown suggested an educational campaign to inform the public about the CPD's intentions.

**Key Questions:**

- What specific needs are currently not being addressed in the community's response to the hurricane?
- What lessons can we learn from the impacts of hurricanes Helene and Milton to improve future resiliency?
- How can we better communicate the regulations and responsibilities regarding dune protection to property owners?
- What are the plans for sand removal and beach renourishment in the coming months?
- What is the best-case scenario for the outcome of the South Seas application hearings?
- What are the implications of the 203 settlement agreement on future development?
- Is there a possibility of expanding the wastewater treatment plant outside of South Seas?

The meeting adjourned at 11:10 a.m. Video link for the meeting is <https://youtu.be/FadU2UuX4DM>.