

Captiva Community Panel

MINUTES

Dec. 10, 2024

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

Audience: 24

The meeting convened at 9 a.m. Following introductions and a roll call, the Nov. 12, 2024, minutes were unanimously approved (McDonald/Youngquist).

Community Updates and Discussions:

The panel discussed traffic delays caused by an accident on the causeway. Sgt. Rich Zeltman addressed parking issues related to closed beaches, advising residents to take measures to prevent illegal parking. Chief Jeff Pawul reported on a donation for new medical equipment for the fire district and highlighted the district's support another district during a local firefighter's funeral.

Sand Management and Beach Renourishment Update:

CEPD Chairman John Wade discussed the ongoing sand management efforts, highlighting the distribution of Turner Beach sand to protect the S-curve at Jensens. The county Department of Transportation will pick up sand from public areas, but homeowners must manage any remaining sand on their properties after this week. Wade emphasized the need for communities to take responsibility for sand disposal moving forward.

The upcoming beach renourishment project is scheduled to begin around May 1, with plans to increase dune heights as necessary. Additionally, it was noted that less sand is needed south of Tween Waters compared to previous assessments due to accretion during Hurricane Milton.

Suarez raised concerns about the lack of clarity for South Seas owners regarding property management and suggested creating documentation to guide actions like planting native vegetation. Wade agreed and mentioned the need for clear delineations between homeowner responsibilities and CEPD management, indicating plans to develop a Dunes Management manual. He also discussed the importance of engaging Lee County for funding support for the project, noting the historical cost-sharing arrangements.

Following Dan Munt's departure as executive director, John Riegert has assumed his duties on an interim basis. The CEPD board is currently interviewing candidates and is optimistic about two potential hires. Additionally, there is a vacant commissioner seat due to Richard Pyle's resignation, which will be filled in January.

Wade presented a detailed report regarding the CEPD's indebtedness, prompting Mintz to ask about the need for a new referendum related to beach renourishment. Wade confirmed that the current referendum allows for adequate financing. Additionally, discussions are ongoing about establishing an emergency fund for future needs.

Update on South Seas Sunset Beach East and SCCF Participation:

Suarez discussed the ongoing legal matters regarding South Seas Sunset Beach East, mentioning that they are awaiting a hearing date from the same judge overseeing another case. He highlighted significant concerns about the building's location, which violates setback regulations, as it is only nine and a half feet from the road. There was also a lack of participation from the SCCF, as Matt DePaolis was unavailable for the update.

Legal Review and Updates on South Seas Development Issues:

Mintz discussed the ongoing legal challenges surrounding the South Seas development, specifically the enforcement of a 2003 settlement agreement that restricts building permits to 912 units. A court hearing is scheduled for Dec. 18 to address motions for summary judgment from both Protect Captiva and the county. Additionally, a decision on the consistency of recent code amendments with the comprehensive plan is expected on Jan. 13.

Now that the Timbers Resort's application for a Master Plan Development rezoning has been deemed sufficient by county staff, a hearing before the county Hearing Examiner has been scheduled (possibly) for Feb. 14 (for expert testimony), to be continued to Feb. 20-21 for additional testimony and public comment. Those who wish to speak before the county commissioners when this issue goes to public hearing there must establish standing by participating in the HEX hearing.

Mintz addressed the possibility of an appeal if the summary judgment does not favor Protect Captiva, noting that the ability to appeal any decision will depend on the court's ruling. He clarified that no single case is more important than another, as each operates under different jurisdictions. The outcomes of these cases could influence each other, but they are not determinative.

Suarez addressed concerns regarding water retention and drainage issues, indicating that efforts are underway to restore wetland areas with the help of an environmental engineer.

Panel Appointments and Acknowledgments:

The panel proceeded to vote on David Mintz's reappointment for a second three-year term, which received unanimous support. Additionally, changes to the panel were discussed, including Michael Bennett replacing the outgoing CCA appointment (Brown) and John Wade taking over for Gill as the CPOA appointee.

Gooderham outlined the 2025 panel schedule, indicating it would remain intact unless changes are needed based on the decision regarding hybrid meetings. He also discussed the 2025 budget, asking for input on any additional funding requests, particularly for ongoing community projects. Brown noted the importance of the budget's assumption of raising \$36,000, while also highlighting the current favorable cash position.

Discussion on Meeting Format Options:

The panel considered whether to continue virtual meetings or switch to in-person or hybrid formats. Mintz expressed concerns about the difficulties of hybrid meetings, citing issues with technology and audience interaction. Speakers advocated for maintaining quality Zoom meetings to ensure community engagement, especially for those unable to attend in person.

Gooderham discussed the necessity of effective technology (especially audio) and room setup for hybrid meetings, proposing that the CCA could be a suitable venue. Wade offered assistance with technology

options, particularly regarding microphones and conference table arrangements. The consensus among the group was to maintain Zoom meetings for now and reassess the hybrid meeting format in January.

Wastewater and Stormwater Committee Updates:

Brown discussed the ongoing delays from Sanibel in completing their economic report for the wastewater committee, highlighting concerns about density implications related to South Seas. Mintz updated the group on the stormwater project, revealing that four engineering firms have been shortlisted and will be interviewed on Dec. 16, with the final ranking to be made public afterward.

The meeting adjourned at 10:50 a.m. The video link for the meeting is <https://youtu.be/taSiRFKqFZ4>.

Action Items:

- Rich Zeltman will encourage homeowners to put up barricades to prevent illegal parking on their properties.
- Jeff Pawul will follow up with FEMA regarding any additional resources needed.
- John Wade will discuss options with Doug for sand disposal off island or in a depot area.
- John Wade will coordinate with the county to create a new interlocal agreement for the beach renourishment project.
- John Wade will prepare documentation outlining what property owners can do regarding dune management and vegetation planting.
- David Mintz will keep the community updated on the legal proceedings regarding the South Seas development.
- Protect Captiva will ensure the communities of Sanibel and Captiva are informed about the hearing dates on February 20th and 21st.
- Ken Suarez will work with environmental engineers to restore wetland areas and clean drainage culverts.
- Tony Lapi will check availability of the Wakefield room for February, March, and April meetings.
- David Mintz will gather more information on the CCA's technology upgrades and report back in January.
- Ken Gooderham will follow up with the CCA regarding their plans for technology upgrades and meeting space.
- Jay Brown will continue to inquire about the status of the Sanibel economic report and its implications.
- David Mintz will monitor the stormwater project evaluation process and report on the final rankings after December 16.

Key Questions:

- How will the community be informed about the legal proceedings regarding South Seas?
- Should we continue with virtual meetings, switch to in-person meetings, or implement a hybrid format?
- How many panel members will be available for in-person meetings in the upcoming months?
- Can we secure a permanent space with the necessary technology for future hybrid meetings?
- What is the expected timeline for the stormwater project evaluation and decision-making process?