



Captiva Community Panel

MINUTES

July 14, 2026

Attending: David Mintz, Jay Brown, Jon Rosen, Linda Laird, Michael Bennett, Margarethe Thye-Miville, Bob Rando, John Wade, Bruce McDonald, Sandy Stilwell Youngquist, Ken Suarez

Absent: None

Audience: 28 at peak

Summary: The panel convened at 9 a.m. to review law enforcement and emergency services reports, environmental updates, development litigation, island programs, enforcement concerns, and a marina application. The meeting established quorum, unanimously approved minutes (Brown/Thye-Miville) and agenda changes, and adjourned after a vote to request a USACE public hearing on a marina application.

Public safety: Lee County Sheriff Office Sgt. Adam Winton reported 465 calls for service in July (325 proactive, 140 reactive), two arrests (DUI crash and golf cart theft), zero reportable traffic crashes, and 46 total citations/warnings; deputies urged hurricane preparedness, verification of contractor authorization during post-storm recovery, compliance with child-seat and open-container laws in low-speed vehicles, and flagged potential illegality of out-of-state LLC registrations for UTVs pending legal review. Captiva Fire District Chief Jeff Pawul summarized July incidents including a large house fire, vehicle and dumpster fires, multiple vehicle accidents and an electrical fire, and described helicopter landing-zone constraints (minimum 100x100 ft without obstructions).

Environmental and water management: Matt DePaolis with SCCF reported that estuary salinity has returned nearly to the optimal band but improvement is rain-driven rather than operational change; the new C43 reservoir has not been utilized and the system is back-pumping about 175 CFS into Lake Okeechobee for agricultural and water supply uses. Panel discussion stressed that past management choices by the South Florida Water Management District and the U.S. Army Corps of Engineers likely contributed to prolonged low-salinity harm, triggering multi-year ecological recovery risks for tapegrass and juvenile fish; separately, a recent LaBelle sewage spill was noted as a potential nutrient risk.

South Seas redevelopment and litigation: David Mintz detailed legal updates described two pending appeals of appellate rulings and an administrative-law decision, a CERT petition to be heard Aug. 4 challenging rezoning, and a Sept. 1 summary-judgment hearing where The CCA seeks dismissal and sanctions against Timbers Resorts. The panel discussed allegations that rezoning relied on improvements on property not owned by the applicant, possible invalidation of rezoning if proven, and an independent public-records dispute with the Community Panel over alleged document production. An application by South Seas claiming ownership or control of main access road features signage and pavement marking proposals that may encroach on private property; affected associations are coordinating counsel responses.

Iguana control program funding: The panel reviewed vendor costs (~\$500/day/vendor), operational removal rates (~20 iguanas per visit/vendor), and available liquid funds (~\$157,000). The panel passed a motion to pursue vendor retention, authorized up to \$52,000 from panel funds for one year if CEPD funding is unavailable, asked CEPD to revisit grant status, and will invite vendors to the August meeting to discuss seasonality, capture rates, and access issues (including South Seas access).

Beachfront lighting enforcement and infrastructure studies: Members reported increased county enforcement of beachfront lighting with HEX hearings scheduled July 27 and examples of substantial mitigation costs for homeowners; the group seeks clearer county standards and may escalate to engaging county commissioners if hearings do not resolve inconsistencies. The stormwater committee noted a county consultant presentation planned for October and a final draft in December, but expressed concern about geographic scope exclusions and public meeting timing. Wastewater planning remains contingent on South Seas unit counts and potential FGUA or Sanibel capacity expansions; feasibility and DEP approvals remain unresolved.

Community programs, fundraising, and governance: Since CEPD has discontinued the Bayside Resilience Program, the panel scheduled fuller discussion for upcoming meetings and identified volunteers. Fund-raising secured two event dates (Dec 1 cruise; Feb 10 entertainment) and a year-end fund-raising letter draft to be prepared for mid-November distribution. The nominating committee will recommend nominations for one panel seat in October with committee members Tony Lapi, Jim Burg and Mark Reiss appointed. CPOA will be solicited concerning the two open panel seats it needs to fill.

Green Flash marina application and community response: The panel reviewed a notice (received the prior day) concerning marina/dock expansion at Green Flash restaurant. Dock overlays provided as part of the USACE application (as well as an overlay prepared by the Ventura Captiva HOA previously) showed a proposed expansion to roughly 49 slips with long secondary legs extending into adjacent waterways and potential encroachment beyond perceived riparian boundaries. Concerns included parking overflow, S-curve traffic impacts, effects on kayakers and water quality, and inadequate prior notice to neighbors. The panel voted unanimously (Mintz/Brown) to request before the USACE comment deadline (July 31) that the Jacksonville District schedule a public hearing on Captiva, and to invite Green Flash to present to the panel at the August meeting.

The meeting concluded at 11 a.m. with no further substantive comments. Video link for the meeting is <https://youtu.be/AGXkWmZoUyo>.

Chapters & Topics:

Sheriff's Office Monthly Report

Sergeant Adam Winton presented operational statistics for July, reporting 465 calls for service with 325 proactive and 140 reactive calls, two arrests (a BUI crash and a golf cart theft), zero reportable crashes, and 46 citations/warnings, and he noted a decrease in speeding incidents.

Winton outlined hurricane preparedness guidance including evacuation planning and re-entry passes and stressed that after storms many outside workers arrive; he requested property owners ensure contractors carry written or digital proof of authorization because cell service may be unavailable and deputies cannot always verify identity on-scene.

Winton reported local enforcement issues with low-speed vehicles, including child-seat noncompliance and open containers, reminded that registered golf carts are motor vehicles, and raised concerns about off-highway UTVs using out-of-state (Montana) registrations to circulate on Florida roads while legal confirmation is pending from county legal advisers.

Citing a recent crash caused by lane departure and the narrow roadway at the S-curves and near the Rauschenberg property, Winton recommended the panel consider installing physical deterrents such as rumble strips or raised reflectors to help separate vehicles from pedestrians and cyclists.

Fire Department Report

Fire Chief Jeff Pawul reviewed July incidents including a large Sanibel house fire, dumpster and vehicle fires, several vehicle and boat accidents, and an electrical fire; he thanked property owners who allowed training burns at two Captiva sites and reported no change on the helicopter landing-zone search, while noting the operator's 100x100-ft minimum clearance and site constraints that require pilot input.

Panel members discussed the Sanibel house fire and noted local fundraising efforts for the affected family; attendees expressed sympathy and encouraged community support while acknowledging reporting limits on investigation details between jurisdictions.

SCCF report

Matt DePaolis described recent improvements in estuary salinity driven by rainfall but criticized operational management by the South Florida Water Management District and the Army Corps for failing to protect estuary health during the dry season; he noted the lake remains under 11 feet and earlier cutoffs and the unused C43 reservoir have not produced expected system benefits. He warned the minimum-flow exceedance framework has been treated as a compliance window rather than a protective mechanism and said multi-year ecological recovery for tapegrass and juvenile fish is likely.

Panelists raised a recent sewage spill in LaBelle that discharged into the Caloosahatchee; DePaolis said it is too early to determine full impacts, expected a nutrient spike with potential algal-bloom risk depending on volume, and advised following health warnings regarding direct exposure.

DePaolis summarized legal constraints on coyote removal, noting Sanibel's public-beach ownership imposes more regulatory hoops and that private-property responses offer more leeway; he advised that any organized culling affecting public property would need county coordination and likely involvement from the Florida Fish and Wildlife Commission.

South Seas redevelopment

Mintz reviewed multiple pending legal actions: an appeal of the appellate reversal of a judge's limitation of South Seas to 912 units, an appeal of an administrative finding that a code amendment exempting South Seas from hotel-density limits did not violate the Captiva plan, and the CCA's pending summary-judgment motion seeking dismissal of South Seas' claim that hotels are excluded from the 912-unit cap; he also described a public-records dispute with the Community Panel where South Seas is supposed to provide a reduced set of documents for the panel to review; counsel discussions are ongoing.

Road ownership, limited development order, CERT petition, and timeline implications

Suarez reported that South Seas filed a limited-development-order application that may incorrectly imply full ownership of the resort's main access road and would place signage on privately owned road segments and private property; homeowner and condo associations are coordinating with counsel to notify the county. Mintz added that the CERT petition challenging the rezoning will be heard August 4 and that appellate outcomes on the appeals and the CERT petition will determine whether development proceeds or is placed on hold pending further litigation, with the CCA's Sept. 1 hearing and potential appeals extending timelines if the community prevails.

Iguana control program

The panel noted that CEPD had formerly funded an island-wide iguana control program and that CEPD appears to have withdrawn from routine funding due to expiration of a state grant, prompting the panel to examine past costs, vendors, and outcomes. Gooderham compiled vendor cost and capture data for the panel's review.

The panel reviewed vendor pricing and estimated that retaining two vendors one day per week each would cost about \$52,000 per year and that vendors typically remove about 20 iguanas per visit, totaling roughly 40 per week when both operate; no island census exists to assess total iguana population size. The panel confirmed approximately \$157,000 in available funds and discussed using up to \$52,000 for one year while pursuing grants, community fundraising, or CEPD budget support to avoid long-term depletion of panel reserves.

Participants debated whether vendors had covered South Seas under the panel's prior program and whether the panel could limit areas it can access for trapping if South Seas does not permit vendor entry; CEPD-era coverage reportedly included the whole island but access arrangements varied historically. The panel explored tactical questions about targeting removal during winter or breeding/egg-laying windows to increase effectiveness and proposed inviting vendors to educate the panel about best seasonal practices and capture variability (e.g., 20 vs. 40 per day).

A CEPD official stated the eradication matter is not closed, suggested CEPD budget inclusion as an option, and committed to obtaining financial details on prior grant spending and to add the topic to the next CEPD agenda for clarification. The panel passed a motion (Mintz/Laird) directing Gooderham to coordinate with CEPD and the vendors, to advise vendors of the panel's intent to retain them, to commit up to \$52,000 for one year if CEPD does not fund the program, and to invite vendors to present at the August meeting.

Beachfront lighting enforcement

Attendees reported intensified code enforcement around beachfront lighting, described enforcement officers photographing properties from standing positions, and explained local tactics to document light reflection at ground level for upcoming HEX hearings on July 27. Members criticized the enforcement as punitive and arbitrary, noted severe fines for non-abated properties, and shared examples of settlements (e.g., 45% filtering glass) that resolved individual citations.

Participants debated whether enforcement reflects county policy and discussed escalating to the Board of County Commissioners if HEX hearings do not produce a reasonable, clarified standard distinguishing visible lights from lights that actually illuminate turtle nests. Mintz offered to contact commissioners or community development and suggested arranging a representative to appear at the August panel meeting if hearings fail to resolve the issue.

Stormwater committee

The stormwater update reported a consultant timeline targeting an October public presentation and a December final draft, while committee members raised concerns that the study may exclude side streets, which would worsen drainage impacts there. The group discussed poor expected turnout for an in-person October meeting and agreed Brown and Mintz should seek clarification from County Commission Kevin Ruane and push for inclusion of side streets in the analysis.

Wastewater planning

The wastewater discussion centered on pausing a study until South Seas unit counts are determined because development-driven increases could force expansion of regional treatment capacity and change the cost-benefit of local sewer solutions. Speakers noted Kimley-Horn's view that expanding the FGUA plant is feasible but highlighted uncertainties about DEP approvals, costs, and county plans for FGUA's future.

Bayside Resilience Program

Attendees confirmed that CEPD has discontinued participation in the Bayside Resilience Program and agreed to schedule a full discussion for the August meeting and a broader discussion in September when more stakeholders are available; Linda Laird and others expressed interest in participating.

Fundraising Events

Thye-Miville reported two confirmed fund-raising events—the December 1 “Welcome Back” cruise and a February 10 entertainment event—and described active sponsor solicitation with assistance from Linda Laird and Mike Mullins; the group agreed to prepare the customary year-end fund-raising letter, timed for mid-November, with Gooderham drafting the initial version and the letter potentially listing priorities such as Bayside resiliency and iguana control.

Nominating Committee

The panel reviewed upcoming seat expirations, clarified that only Linda Laird's seat requires a nominating committee recommendation because Ken Suarez and Bruce McDonald are CPOA appointees, and Mintz requested Tony Lapi to chair the committee and asked Jim Berg and Mark Reiss to serve; the committee must recommend a candidate by October and the organizer will collect contact information and confirm willingness to serve.

Green Flash Marina

A public notice published July 1 (comment period through July 31) describes an application to replace a 15-slip facility with a 49-slip marina including 14 lifts, consisting of 20 permanent moorings and 29 transient slips for the restaurant; the notice allows public comments via the Jacksonville District regulatory system or direct email to Michael Ornella at USACE, and permits requests for a public hearing in writing with stated reasons.

Panel members and an audience participant raised questions about the number of permanent slips and the potential for increased parking demand, traffic impacts at the S curve, and effects on kayak navigation; members urged prudence and recommended requesting a public hearing to clarify impacts if sufficient community interest exists.

Christian Andrea, a Ventura Captiva owner and board member, joined the meeting, apologized for short notice, and requested permission to share an exhibit related to his concerns. He shared a screen capture overlay comparing a proposed dock layout to a 2023 study and noted differences and similarities, including a configuration of roughly 49 docks. Attendees were

surprised that the proposed docks appear to extend into areas the community perceives as its waterfront boundary, and the presenter explained riparian rights and perpendicular measurements that allow docks to extend into the water.

Participants described the proposed secondary dock leg's impacts on adjacent views and surrounding properties and questioned whether that leg and the total number of slips are necessary for a residential zone. They compared the slip count to Cabbage Key and raised concerns about boating noise and activity levels near homes. Community members said they want to work with Green Flash, praised them as good neighbors, and expressed surprise that they had not received timely public notice of the current application. The discussion included a request for continued meetings with Green Flash to coordinate development and community questions about the application process.

Panelists clarified that the adjacent community can request a public hearing, and a representative of Ventura Captiva indicated the HOA would request one. Panel members noted they could also request a public hearing and discussed the July 31 deadline for filing such a request with the Jacksonville District. Environmental, parking, and water-quality concerns Panelists raised parking and aquatic-preserve/water-quality concerns and noted the likely involvement of SCCF or similar agencies in reviewing such permits. Attendees questioned whether additional boating would exacerbate local water issues near the island.

A participant asked how many slips Tween Waters has and learned it is around 30 slips, reinforcing perceptions that the proposed 49 slips are comparatively large. The group discussed that permits are issued by state and federal authorities, so applicants do not necessarily present to the local panel before applying.

Panel motions, vote, and adjournment

Mintz/Brown moved and the panel voted unanimously to request the Jacksonville District hold a public hearing on Captiva and to invite Green Flash to present to the panel; the motion passed and Gooderham agreed to coordinate with Mintz on the request. The meeting concluded with no further substantive comments.

Action Items:

- Sergeant Winton will provide a confirmed legal update next month on the legality of out-of-state (Montana) registrations for UTVs and whether such registrations permit operation on Florida roadways.
- The Captiva Community Panel may consider options for physical deterrents (e.g., rumble strips or reflectors) along the S-curves and at the Rauschenberg turn to improve pedestrian safety.
- South Seas will provide approximately 1,000-2,000 pages of documents to the panel for review as part of the public records litigation.
- The affected South Seas homeowner associations will work with their counsel to notify the county that they do not own the entire road and are not party to the limited development order application.
- CEPD Commissioner John Wade will obtain financial details on the previous grant's spending and add iguana funding to the CEPD agenda for the next meeting.
- The panel will request that the vendors provide more detailed monitoring and operational data when they meet with the panel in August.

- Gooderham will reach out to CEPD and the two vendors, arrange vendor attendance at the August meeting, and report back offline to the panel.
- Lapi and Suarez will let the panel know how the July 27th HEX hearings go and whether enforcement can be resolved through that process.
- Mintz will reach out to one of the commissioners or community development and coordinate with Gooderham about attending the August meeting.
- Brown and Mintz will meet and speak with Commissioner Kevin Ruane to clarify the stormwater study scope (including side streets) and the planned public meeting format.
- Gooderham will draft the annual fundraising/community letter and circulate it for edits.
- Lapi will chair the nominating committee.
- Mintz will obtain contact information for Jim Berg and Mark Reiss and confirm whether they will serve on the nominating committee.
- Gooderham will post the Green Flash public notice and USACE contact information on the panel website.