

## Captiva Community Panel

# MINUTES

*Jan. 9, 2018*

**Attending:** David Mintz, Rene Miville, Jay Brown, Mike Boris, Dave Jensen, Mike Kelly, Antje Baumgarten, Mike Lanigan, Tom Rathbone, Mike Mullins

**Audience:** 15

Meeting convened 9:05 am. Following introductions, the Dec.12, 2017, minutes were unanimous approved as presented (Mintz/Rathbone).

**Officers:** After a call for nominations for president, David Mintz was nominated (Mullins/Boris) and approved unanimously. Mike Boris was nominated as vice president (Mullins/Brown) and approved unanimously. Tom Rathbone was nominated as treasurer (Mintz, Jensen) and approved unanimously. Finally, Mike Mullins was nominated as secretary (Jensen/Mintz) and approved unanimously. *Mintz:* Thanks to Rene Miville for his service as president this year. Thanks to the panel for this vote of confidence, hope to maintain stability and productive approach. We function under Sunshine. A lot of thinking out loud, work done in the public eye, can be messy and take time, but takes place where people can see it. Plan to preserve paradise.

**CEPD:** *Kathy Rooker:* Meeting tomorrow in the Ding Darling Room at Tween Waters. Irma discussion, post-storm monitoring survey report. Team checked every profile on beach, good picture of where we lost the most sand. Also, heard from economists last month, will decide on one this month, the one selected will decide on assessment structure for next renourishment project. Storm benefit analysis for next project, proposal will be discussed by APTIM tomorrow. Economist for recreation, engineer for storm benefits of next project. Meeting is at 1 p.m.

**CFD:** *Assistant Chief Jeff Pawul:* Tourism up, see it in run numbers, last year was highest ever. Thanks to Jay Brown for donating part of property good training opportunities there. Discussion. *Pawul:* Mike Sawicki's father passed away on New Year's Day auto accident, out of town on that. Joe and Chris still here. DO SOMETHING ON PANEL FOR MIKE

**Library:** *Lisa Riordan:* Introduce new full-time librarian, Colleen Barany, has been here since Thanksgiving.

**Captiva Code:** *Mintz:* Multi-year project, did the plan now to the code part to implement plan. Background and discussion. three stage process... public input, research and draft, review and refine language. Open issue to the public, open process gives us a better product and more credibility with county. Explained workshop breakdown outlined in packet. Not the only topics, and not how we will deal with them. Need public input on these and any other issues the community feels is important. Four workshops as specified, discuss and get input. Plus send out survey to community to rank importance. Collect as much information and input as possible. Second stage is this summer, we will research and review input, look at options, what is pre-empted, to review in fall and next season. More input at that point to arrive at solid language by the end of next season. Is this plan acceptable to panel? *Max Forgey:* One big session, or breakouts? *Mintz:* One session, everyone working together. Meeting in the round so

everyone can comment on everything. *Brown*: Survey good idea, need feedback. More opportunities to suggest things. *Gooderham*: This is a first draft, open to your changes, don't have to make any decisions until next meeting. Plan is to have things ready to go so that once the panel approves final version Feb. 13, can mail out link to voters and property owners list plus email list. Give community until end of march to respond to survey, bring preliminary results to the panel at the April 10 meeting with full survey results to the panel at the May 8 meeting. *Miville*: Reach out to rental agents? *Mullins*: Orienting for complaints? *Miville*: Forward survey for new homeowners. *Mintz*: Work with Gooderham on that? *Mintz*: Creative way to reach out to people. *Kelly*: New plan, basis for going through this process. Old plan and old code is posted on the website for all to read. Useful to anyone to look at to see what we created. History of how we got to this point. Make new plan available. *Mintz*: On website, a lot of discussion on relationship between plan and code. At conclusion of February meeting, hold the first workshop on beach issues. *Gooderham*: Not just discussion code issues, but anything the community brings, work to refer it to the right authority. *Mintz*: Dead fish analogy, problem, then jurisdiction, then action. Discussion.

*Mintz*: Contract with county... non-starter with planning director. Staff technical assistance available as needed, periodic meeting to review and discuss. No agreement to be considered. No more budget for community planning. County staff is doing planning for other communities, will assist us. Have set up two meetings, with Pendergrass and Manning, to see if they will reconsider agreement and funding for Captiva in coming years. Supportive in the past, we'll see what they will do. *Boris*: Significance of agreement? *Mintz*: Not more support, just money if it comes available and indicated panel is official representative of Captiva on this issue. Discussion. *Boris*: Letter of understanding? *Mintz*: Going to try. *Brown*: Make statement about input? *Mintz*: Difficulty with community planning process. Discussion of process with staff. *Miville*: We started and did it the right way. Sympathy from commissioners to protect Captiva's ability to plan. Meet a certain threshold for support? *Mintz*: Concur with support from commissioners. Discussion. *Lanigan*: Any money put away to work on this? *Mintz*: Work of the panel. Create a committee to deal with some of these issues? Depew grant is in place, not forward progress yet, have him focus on density? Have Forgey and Depew work on ideas this summer. *Gooderham*: Other communities may get more engaged now that staff has brought up plans to change their plans to conform with new county structure. *Mullins*: Who is responsible, need to acknowledge other organizations on the island. CEPD, CFD, LCSO. *Mintz*: Panel as facilitator as much as driver of process. *Mullins*: Add questions to generate funding in survey? How much is this work worth?

- **ACTION:** Update survey based on comments. Follow up with Depew. Meetings with commissioners. Prepare postcards, mailing lists and draft online survey.

**North Captiva LDC:** *Mintz*: Summary of issues. 2005 error, can give you explanation after meeting. Passed resolution at last meeting, distributed to county commissioners. *James Evans*: Sanibel City Council passed a resolution on Coastal Construction Control Line (CCCL) septic prohibition. *Mintz*: Summarized concerns and sent to staff, problem with septics and change of line of prohibition. Three days ago got email from county attorney, pull proposed amendment from Jan. 16 hearing for staff to analyze. Go back to Land Development Code Advisory Committee, Executive Regulatory Oversight Committee, and Local Planning Agency, staff analysis. *Boris*: Kudos for your work.

- **ACTION:** Follow up with staff on CCCL language and plans to update language.

**Captiva Drive Speed:** *Lanigan*: Study was conducted in December, received preliminary info yesterday,

still working on it, still want to do a site inspection. Hope to bring it to panel at February meeting. Lack of high speed volume on the Gold Coast and Tween Waters portions of the road, average speed 30-31 mph. Does not vary much regardless of speed zone. Pedestrians and cyclists present, don't know if speed change and people take necessary precautions. Lee DOT very responsive and professional. Should have info for next meeting. *Mintz*: Presence of LCSO on roads marked increased thanks to your work. Issued more than 100 tickets. *Miville*: Percentage of those entering island for the first time? *Mullins*: Point of question? *Miville*: Experienced drivers vs. first-timers. *Baumgarten*: Safety issue is not speed, but that the road not wide enough? *Mullins*: Walk quite often, people do tend to slow down when they see you., LCSO impression consistent with study, large vehicles appear to be moving much faster than they are.

- **ACTION**: *Study update at February meeting.*

**Website**: *Mullins*: held meeting, status report. *Lanigan*: Will be in position to meet with vendors later this month. *Mullins*: Be clear what we want, vs. hiring someone first. *Lanigan*: More accessible, improving website. *Mintz*: Decision in Feb? *Mullins*: Status report. *Mintz*: One vendor submitted already, have you been in touch with him? *Lanigan*: Not yet. *Mintz*: Get back to him on that, let him know status? *Miville*: Use a small shop since website will be a limited universe. *Mintz*: Think about making this committee the Communications Committee. *Lanigan*: Ask other folks to be part of that. *Mintz*: Standing committee, website part of that. Create communications network to reach anyone on the island. Sherell Sims offered her list, is willing to work on committee. *Baumgarten*: Need to hear from people, rental agents good at communicating to people who are not here. *Brown*: Don't limit committee to people on the panel. Panel member can head the committee, staff with people from the community. *Boris*: need some extra help. *Mullins*: Ask two government entities (CEPD and CFD) for their databases. Reach out to rental agents, may not turn over their lists but they have good contacts. *Mintz*: Ongoing database constantly being updated.

- **ACTION**: *Website update in February.*

**Captiva Drive walkway**: *Mintz*: LCEC review of walk-through. \$17,000 to relocate the two poles. Contact IWA, Comcast and CenturyLink to review their equipment. Meet with Rauschenberg Foundation and property owners, then go to DOT.

- **ACTION**: *Follow up with other utilities.*

**Overbooking**: *Riordan*: In touch with four main rental agents about panel letter. Eager to see community input on this issue, use it to establish agenda going forward. Kingfisher responded letter in rental packets, nothing from Royal Shell yet. AMRC posted letter in units. Royal Shell committed to send letter, no call back from Sue Longo on actual actions or input. *Mullins*: reach out to them on survey issue? *Riordan*: Could do that, of course.

**Invasive species**: *Jensen*: Called Fish & Wildlife Commission contact, what if we did nothing and population exploded. Nuisance, eat vegetation and burrow into seawalls. With cold snap, did anyone notice them? Supposedly get too cold, go in hibernation and fall out of trees. *Miville*: Saw Cuban Anole. *Riordan*: Heard some were thrown away. *Mintz*: When community feels there's a problem, then we can decide how to act – go to county, hire someone to trap them. Not there yet. Counting on you to tell us to take action. ??? Rabbits? *Mintz*: Two problems, live ones and dead ones in the road. *Miville*: CROW

picks them up. Discussion. *Baumgarten*: Do iguanas have impact on ecosystem of Captiva? *Jensen*: FWC said no impact for green iguanas, Nile monitors are a problem. *Miville*: Coyotes? *Evans*: Considered nuisance species. *Mullins*: Sanibel has budget to deal with this, everything that needs to be done takes money. Good fund-raising year thanks to Jay Brown, with support we can get things done. *Jensen*: Could consider taxing unit if we need to fund community actions, if it's something community wants. Discussion.

**Development:** *Lanigan*: P&L on back of packet, very good year. Almost \$80,000 donated this year, grateful for this support. Consider supporting panel with all the efforts we have planned for the year. Events planned, goal to have three events – March Rauschenberg Bayside Tour, Monday After The Masters and cruise. MATM looking for players and sponsors, will be April 9. *Rathbone*: Described Rauschenberg tour, secured sponsors already. only 50 tickets, sold 25 already. See Gooderham or call number to reserve and pay for tickets. Thanks to Tom Libonnate for designing materials. *Mullins*: Record funding, less than 10% of property owners.

**Disclosures:** *Gooderham*: With likelihood of county funding waning, looked at what the county requires panel members to do that's not included in bylaws. Only thing may be financial disclosures, explanation of what's involved. Do you want to keep requiring them? *Mullins*: Disclosures onerous. *Mintz*: Makes sense to keep them, useful for community to know that's happening. *Boris*: nominal disclosure, more than willing to let world know we don't have conflict. Avoid the appearance of a conflict. *Mullins*: Conflict issue. *Gooderham*: Conflict is more than financial disclosure. If an issue comes to the panel from which you could materially benefit, supposed to declare a conflict of interest, abstain and file a simple form. *Mintz*: Bring forms to next meeting to discuss and vote.

- **ACTION:** *Circulate forms and put on February agenda.*

**Financial:** *Boris*: Best condition ever, will need to continue that effort to expand the base of support. *Baumgarten*: Give flyer to neighbors to encourage their support. *Boris*: Incumbent on all of us to talk to other islanders. *Miville*: One man who made a major contribution to panel, Robert Rauschenberg. Discussion.

**New business:** *Jensen*: History Society event this evening, memories of old-time restaurants, 5:30 p.m. at CCA hall. *Mintz*: Andreas resigned, Mike Kelly appointed by CPOA to assume that seat. Discussion. *Mullins*: TDC reticent to share bed tax info from Captiva, called it confidential. Relented and gave it to CEPD, reneged on that now. Helps us understand the extent of our economic impact in county. Discuss next time to see if we want to take action. Discussion. *Forgey*: Three educational opportunities... Sea level rise symposium. Gasparilla Island group attended, will now conduct their own some time next year. Let you know more as it develops. 2) If new to panel or learn about land use law, Florida Planning Association putting on symposium March 23, Prof. Peter Henn FAU, 90-minute summary of land use law. Will send info to Mintz and Gooderham. APA website, 1000 Friend of Florida

*Rae Ann Wessel*: Great job on CCCL issue, David Mintz. Jan. 22-23 taking a bus to Tallahassee to lobby legislators. Looking at appointment now, great opportunity, leave Monday, lobby Tuesday, back Tuesday night. James Evans: Bill to expand oil drilling in Gulf to east Gulf, Louisiana Rep. Scalise sponsor. tremendous impacts on economy and environment. A lot that is horrendous in this bill. Rep. Rooney opposed to it, also Gov. Scott. *Mintz*: Any background or council HB 4239, happy to put something

together on that. On agenda for next meeting. *John Dale*: How close? *Evans*: As close as possible. *Mullins*: Spoke to Legislative Delegation on this a few years ago. *Gooderham*: Not just the drilling and spill threat. A lot of infrastructure in water and on mainland, some areas have also lost viable sand sources due to pipeline being laid through them. *Riordan*: CCA board member, four art shows this year. One last day is today. Jan. 25 opening, two more after that. Chegal classes, slow movement exercise and meditation, Tuesday and Thursday morning. 23 classes total in season \$20 donation for one or all.

- **ACTION**: *Prepare information on drilling ban for February meeting?*

The meeting adjourned at 10:45 am.

-- *Ken Gooderham, administrator*

DRAFT

## Wastewater alternatives workshop

Jan. 9, 2018

**Attending:** Dave Jensen\*, Mike Kelly\*, Mike Boris, David Mintz\*, Jay Brown\*, Mike Mullins\*, Tom Rathbone, Mike Lanigan, Antje Baumgarten \* *Wastewater Committee member*

**Audience:** 10

*Brown:* Background on committee and efforts to date. Met with SCCF, Sanibel officials and staff; septic engineers Bob Himschoot and Kelly Hill; Lee county staff Doug Meurer and Pam Keyes. Current practice, most homes served by septic systems, mostly older conventional systems. There are some performance systems as well. Three package plants at Tween Waters, Sunset Captiva and Captiva Shores. South Seas is served by a wastewater treatment plant (WWTP) operated by FGUA. For septic, no records and no regulatory regime to maintain operations. Committee tried to develop information on septic effectiveness. Operate best in places with large lots and water tables further below grade. We have some very dense areas here, and groundwater is at best 2-3 feet below grade. Not the best system for our geology. Evidence of issues? SCCF water quality study in 2011, discussion of study. Not a lot of bacterial difference, elevated levels of nitrogen in septic areas, nutrient loading. Sanibel has a long-term commitment to centralized sewer, almost all properties are connected. Conclusion was there were a number of potential issues with current wastewater practices, but would need to move forward with more fact-finding research.

*Brown:* Performance system treats effluent in tank, what is released has lower level of pollution. Double cost of conventional system, works best with continuous use not stop-and-start. What would a centralized system look like? FGUA did analysis to use existing plant. Broad estimate of \$30 million to expand current plant. Does not cover individual hookups and disruption to community. Some issues with expansion -- in mangrove area, low lying and near tidal bayfront. Met with county staff to review findings, asked for input, Supportive of efforts to evaluate wastewater alternatives for Captiva. To pay for MSTU and get approval from majority of community. Regulatory regime? Not within county authority. *Mintz:* County will not regulate, if community wants to form regulatory authority could accomplish that to some measure.

*Brown:* Three likely choices: Maintain status quo, no public outcry. Develop regulatory regime and evolve to performance systems. Pursue central WWTP system in some form.

*Brown:* Went to county, explained findings, sought outside expertise on issue to allow community to make an informed choice going forward. How other communities made this decision, factors they used to determine path. More research on status quo, number and life expectancy. Evidence of environmental consequences of maintaining current systems. Latest technology, cost and life cycle. Feasibility and cost for regulatory regime. Best design for central system if desired? Cost of central system vs. cost of maintain current or needed systems on annual basis. How to proceed democratically?

*Brown:* County developed study scope, went to RFP, chose TKW Consulting Engineers. Committee has met with TKW staff to confirm objectives, impressed with them and efforts so far. Finishing late spring, presented to community in public workshops. *Hal Miller:* Dept. of Health more concerned with calcium in pools rather than health of treatment systems. *Tom Libbonate:* Sea level rise (SLR) will cause the

overall disaster. *Brown*: In study to evaluate that in overall. *Kelly*: Tried to accomplish that in last code effort. *Mullins*: State controversy stalled county. *Gooderham*: Jurisdictional issues between county and state, and some shirking of duty. *Mintz*: Taxing unit and agreement to give authority. *Lanigan*: Choices? *Brown*: A lot of information we don't have now, a range of choices. *Jensen*: If it comes to a vote, it will be on one solution. *Brown*: Survey of options to cull community interest. *Ann Brady*: Will TKW participate in community sessions? Density issue needs to be part of this.

*Brown*: Next steps, TKW finishes study and presents to community. Public input from that to ascertain support for options, other factors. A lot of different ways it could turn out. A lot of scenarios. Will get a sense of the best way to get to central sewer if necessary. *Boris*: Demonstrate need, testing to show things are not performing today. Water quality is often a driving force. *Jensen*: Sanibel is a leader in environmental issues, our communities need to show we'll deal with our issues before asking the state to step up on Lake O issues, etc. *Baumgarten*: Asking people to make a big investment in community but Lake O is still an unsolved issue. *Mullins*: SLR will force actions in the future, a lot of unknowns. *Brown*: May also be more affordable overall than the status quo. *Miller*: Four package plants now? *Kelly*: A long planning horizon can change everything, between SLR and other future impacts. *Mullins*: Some communities opt to put it on the credit card, let major costs kick in on sale of property. *Brown*: No agenda here, no predeveloped opinion, we just want to gather all the facts we can to inform the community on future action. Discussion of Keys and state funding options.

*Brown*: As to building density, many believe septic are natural constraint on development on island. As long as we can control zoning and building heights, we can control density. If we lose that, we face issues. A major concern in community. *Kelly*: A lot of mistrust over density. *Mintz*: Have a lot of controls in plan now, but maintaining that is always tenuous. How do we bulletproof that language? *Mullins*: Transparency is an important component of what we're doing. No agendas, but people need to know what we're doing. *Brown*: Posted info on website, can add more as we get materials. Will speak to any island organization who wants more details on study and effort.

Workshop adjourned at noon.

-- *Ken Gooderham, administrator*