

Captiva Community Panel
MINUTES
11 June 2019

Present: Mike Mullins (presiding), Jay Brown, Bob Walter, Antje Baumgarten, Dave Jensen, Mike Lanigan, Rene Miville. **On phone:** David Mintz, Mike Kelly, Mike Boris
Ken Gooderham excused. Max Forgey note taker; Carter Elbon recorded meeting.

9:10 a.m. – Meeting called to order by Mike Mullins.

MM: Acoustics are challenging in this room. Ask that everybody bring their chairs closer to the table. We're having trouble with call ins.

JB move approval of minutes, **BW** second
Reservation expressed by **ML**; will work with Ken on it. Unanimous approval.

Commissioner Sheryl Sims, Captiva Fire District: Chief had another commitment. Jeff Pawul sent brochure regarding June 27th hurricane preparedness event at the Fire Station.

Deputy Chris Lusk, LCSO: 325 calls last three weeks. Nothing major. Biggest issue – complaints about parking on side of streets, especially on Andy Rosse Lane. We will keep close eye on construction sites. In Florida, trespassing at a construction site is a felony if it is properly posted. Didn't want people to do beach access under these circumstances. It's a liability to the property owner.

MM: Dr. Mobed's house is under construction and it's a popular fishing site. That's an issue.

CL: If you see something that just doesn't feel quite right, report it. Even at 2 am it's ok to call me. Lt. Sawicki live here.

MM: Regarding the gates [proposed at the end of Andy Rosse Lane] which David added to the agenda...

<**DM:** Could we put this off for another time?>

BW: Isn't this a CEPD issue?

MM: Only one of public beaches is run by CEPD, so it could be combined with others.

CL: Re. the recently washed up shark. Florida Wildlife Commission declined to respond. No sign of stress or injury to the shark. Elliot, one of their approved researchers, is working on the island this summer. He came to respond and removed the shark. Otherwise they seldom respond.

BW: South Seas usually takes care of these. We have resources and we are close by.

CL: FWC is charged with this, but they have limited resources and can't often make it, so we do.

AB: Would you go as far as Blind Pass Bridge?

BW: Probably yes. We would go if nobody else could.

CL: Dead sharks are very rare on Captiva. Fort Myers Beach has a full-time crew that responds to calls like this; we don't. This was reported as a pregnant hammerhead. If it happens again, I would recommend calling the Sheriff's Office non-emergency hot line.

DJ: We should remind people that there is a sheriff's office non-emergency number.

CL: 477-1000 is our non-emergency number, but if it's an emergency call 911 even if you know that we're on the island.

MM: CEPD update. Beach Renourishment. Jackie Kaiser, with the Corps of Engineers Jacksonville District, couldn't attend yesterday's CEPD meeting. She was put in charge of a large allotment of federal funds. We can still get federal funding to support the beach, but we need to do some work. She requested a memo of support. Aptim's Steve Keehn was at the meeting. Had ideas, including a rack for parking bicycles, which might help us get credits for beach access. The previous 27.7% federal share dropped to 7.7%. A federal government person vacationing here found that we had some restrictions on access. If we can show more access, that would be helpful. Remove Wightman and Laika [no beach access] signs. Should permanently remove those signs. Michelle Pfeiffer & Steve Keehn from Aptim attended meeting and spoke re Redfish Pass. The idea is to identify an emergency sand source in Redfish Pass. It won't commence until 2020. Tentative operating budget was discussed at the CEPD meeting. About \$360,000 all paid by county. In September there will be two budget meetings—temporary and final. They will be at 5:01 p.m. I asked for \$600,00 for sea level rise issues of which ca. \$100,000 are in there preliminarily. After Aug. 4th tax rates can't go higher. We are required to advertise increases in our rates. Upgrading Allison Hagerup Beach has mobile restrooms. Parks Dept. requires handicapped parking on concrete pads; we will install those. We've reached out to neighbors. Title searches show only South Seas and Lee County as property owners. Getting survey and title searches. Also, there's sad news. Dave Jensen will be retiring from CEPD Board after 25 years in September.

<**DM:** Re Wightman and Laika. Inaudible.>

MM: We're trying to show Army Corps of Engineers that those roads are accessible. Want HOAs to know. Carve out bicycle parking seaward of road. Four bicycle slots equal on car space. In 2013 we were expecting \$7 million contribution but it got pulled at the last minute. Separate meetings for CEPD to explore. We'd like to have that 27% contribution. Now to an item not on agenda. Richard, how long will you need for your Island Store presentation?

Richard: Three minutes.

Lisa Graham of RLR Investments, owner of Island Store, to which we will be doing major repairs: I'll address the exterior; Richard will explain the interior changes. It's registered as a historic site and building, which does make the renovation challenging. We will file for a certificate of appropriateness with the Lee County Department of Community Development. [*Presented plans.*] These are for the exterior only. We're repairing all the siding. We will be taking this to the July 17th meeting of the Historic Preservation Board. They will look at scope of work. The building will look the same on the outside, but we will be asking to use longer-lasting materials. [*Gave examples.*] It's up to Historic Preservation as to whether this will be allowed. When we bought Sundial Beach Resort, we asked Richard whether he could partner with us to put in a Bailey's Store at the Sundial. It was the best

decision we ever made. We begged Richard to be our manager/ tenant and he agreed. We want to move the small liquor store inside the Island Store to the Royal Shell building across the street. The liquor store needs to be zoned for package sales, which it is not at the present time Current zoning is CS-1, which does not allow package stores. C-1 does. We want rezoning to C-1. Beverly Grady of Roetzel & Andress is our attorney on this project. There was a mass rezoning 25 years ago. We'd like to pursue this with the county. We don't own the building, but we have a long-term lease and right of first refusal. Owners have given us permission to proceed. [Read from Grady communication. No new on-site development.] There is a possibility that the county will consider this grandfathered. We would like to hear your thoughts

MM: This presentation is for information only per David and Ken. It was not properly noticed. We can't take any action today. It will come back at next meeting.

BW: You'll have to come back so they can have minutes.

RM: What year was zoning changed?

LG: 25 years ago.

MM: Let's not get into the minutiae. Bylaws apply. We wanted them to have an opportunity to be heard. We can't be quoted. We can't say anything officially.

RM: We can't rule today.

Richard: Evolution — the liquor closet will move across the street allowing us to stay open during construction. Building needs a lot of work, inside and outside. New roof, plumbing/AC. Move things around the interior. [*Presented plans.*] There will be no increase in square footage, but we are rearranging. [*Responding to a question as to number of parking spaces.*] Not changing footprint.

JB: So today you are asking Panel if we have any concerns?

Richard: Yes, nod your head if you think this is a good idea. There will be six parking spaces at the store, as many as four across street.

<**DM:** Can't hear. Extended inaudible comments.>

MM: I'll repeat what David was saying. We'll invite them to come back another time to provide details. Thank you for the presentation. We have strict procedures. People need to have an opportunity to make their comments, and that's why we require formal notice.

<**MK:** Re location of liquor store. Otherwise inaudible.>

MM: We should all pass on any comments we have heard at this meeting, and when they come back, some people may have concerns.

RM: Lisa, could you check with Beverly Grady re the 25 year ago rezoning and how that came to be. We have come a long way.

MM: We're behind. Update on iguana control.

DJ: Our test has progressed. The plan is for Alfredo to go out on 10 consecutive Tuesdays. Today is the sixth and he has captured 76 so far.

JB: Are we ready to go to Lee County and say we've heard enough?

DJ: Let's keep with the experiment.

<**DM:** Iguanas have been seen climbing up doors and windows at the Green Flash.>

DJ: There are hot spots of iguana activity on the island and this is one of them. Alfredo is quite aware.

MM: Are they attracted to trash in dumpsters?

DJ: Iguanas don't eat garbage; they eat hibiscus. Vegetation, flowers.

MM: David, report on the Andy Rosse Lane entrance.

<**DM:** At the last meeting we discussed the entrance to Andy Rosse Lane. I'd like the Panel to approve the plan to install the pavers and bricks and clean up the entrance, and to send a letter to the owners of the newspaper boxes asking for them to be removed and relocated. Some of them are derelict and some may not have permits. Request letter from the Panel endorsing the application for funding,

JB: I think what I heard is that David is asking Panel to authorize \$5,000 budget for the project as proposed plus ongoing \$90/month maintenance, and we will ask owners of newspaper boxes to remove them.

<**DM:** And we will ask Lee County to maintain the entrance. If county can't budget it, we can.>

JB: We will be asking the county to pay for the maintenance?

<**DM:** Correct.>

MM: At the last meeting, I recall that somebody raised the question of contributions from businesses and adjacent property owners. Is that no longer being pursued?

<**DM:** The view of the committee was that it should be something the county should do. There is a budget for removal of garbage, so we thought this was [a reasonable request], but if for some reason the county can't do that, we thought it would be appropriate to set up fund raising from local businesses.>

The application process is lengthy. Panel would like letter to County to pay for both. If they say not, Panel will pay.

JB: It's a good project, but is it the proper use of Panel funds?

RM: Could go either way.

MM: There's a question I would ask Ken if he were here. We're a not-for-profit corporation. Does it affect the whole island and is it appropriate to spend money on it?

JB: I agree. It's a good project, but it's not really planning. Don't know if it's a good use.

MM: Let's make motion.

JB: Move approval. If County fails to step in, Panel will commit to paying \$5,000 & \$90/month. (MM: seconded.)

RM: Ask neighbors to pay first. If, for example, the Andy Rosse neighbors raised \$4K, we should pay for the rest. They would benefit most. Advise restricting the motion to seek fund raising first.

JB: We need to decide whether to proceed now, and whether we want to be the backstop.

MM: I like Jay's point. Parks and Rec should get involved.

<**MB:** Supportive of project. I like Rene's backstop idea. I live next door; there's a problem with the problem with the Yolo tractor. Condition of sidewalk.>

<**DM:** I have talked to them about this.>

<**MK:** Not sure we should get into this as a Panel. We could welcome contributions for the original plan. Panel shouldn't get itself on the hook with the maintenance. It should be done, but won't vote for it, although I would contribute to it.>

Vote: Nos 7, Ayes 2. Motion failed.

10:10 recess to fix machine. 10:18 waiting for MK. Reconvened 10:20.

MM: All present. David, would you like to repeat the motion?

<**DM:** Don't want to [lose] the initiative of the neighborhood in this project. I understand the concern. Move that Panel support the project including removal of mailbox and sending the letter to County requesting funding. If County can't support the application, Panel will support through contributions.>
MM second.

BW: We just went through a long presentation and couldn't act because it wasn't on the agenda and we're making motions about this.

MM: It was on the agenda.

<**DM:** We put it off from last month. It includes clean up, installation. Simplify it so it would be more natural, and less appealing to rabbits.>

DJ: Will plants and flowers be native?

<**DM:** Yes. Native plants are unappealing to rabbits.>

ML: I sent a Blind Pass film. There were dead fish all over passageway, unattended knife. We were told to take it to the county, but this is on our agenda. I don't get it.

<DM: No problem with Panel going to County; just takes vote. Put it on the agenda. Panel decision.>

ML: I think minutes will show otherwise. We were told to wait until we put the whole package together.

MM: As I understand, this a modified version in which the Panel doesn't backstop the funding, but we lend our support to the idea of fundraising and County assistance.

JB: They're looking for an endorsement of the idea and our best effort in fund-raising.

BW: Who are "they"?

MM: A committee that we created with Lee Childers and Sandy Stilwell.

BW: My concern is that this will be a bunch of sand in six months. Haven't seen plans.

MM: They gave us plans; they went through the process. If it isn't maintained the Panel won't be on the hook. They are now asking us to lend our imprimatur to the project. Move to support project. If county doesn't fund it, we'll fund.

RM: Good branding.

JB: Request will come from Panel. Right, David?

<DM: Correct. Will also ask for newspaper boxes to come out.

Yes votes: Boris, Mintz, Miville, Brown, Mullins, Baumgarten. No votes: Lanigan, Jensen. Walter. (No Kelly vote.)

JB: To sum, Panel will send letters to mailbox people. Panel will not pay but will help community raise funds.

BW: Is there an agreement between the box owners and Mucky Duck for the boxes?

<DM: Not allowed on Mucky Duck property.>

MM: Can't just pull them up.

[10:30 am]

MM.: Re Captiva Code revisions. I'll be out at 11:30 am for appointment

<DM: I'd like to see comments to Ken and me by June 30th Then they'll be reviewed and go back to Panel. Final vote would be at November Panel meeting. Then to the county for action. There will be a full discussion with the community at the November meeting. >

MM: At last meeting there was a lot of back and forth. Did we indicate then that we were establishing a June 30th deadline for responding?

<MK: Can Ken send us a timeline well before the 30th?>

<DM: Absolutely. Ken will produce one week before 30th. We can extend it further. Will send comments to members per MK's request. >

JB: Panel members will have until the 30th.

DJ: Then we vote?

JB: David hasn't clarified that yet. We want this all resolved before the November Panel meeting.

DJ: If I make a comment, it's so other people can see my comments?

JB: David will figure out what comments require [additional revisions and then he sends it on for approval at the November meeting?]

AB: If disagreement, do we take then back to Panel?

JB: DM hasn't defined that process yet. Then he'll define what is needed.

<DM: Contradictory comments will have to be worked out before November. Nothing goes out until approved by Panel. Will go to property owners for comment before November. If more time is needed, we'll take more time. We're looking for consensus.>

<MK: Just so we get it all before November.>

JB: After November meeting we go to county.

ML: What effort to inform residents who won't be here in November?

<DM: All proposed amendments will go out well before November meeting. We are looking for suggested changes to the document which was distributed at the last meeting. We will incorporate your suggested changes into documents which we already have. These will go out to every property owner.>

ML: Future meeting dates are Oct. 12 and Nov. 8.

AB: How will they get the documents?

<DM: Send by mail and email.>

BW: How about two meetings in November & December?

JB: Next step. All comments by June 30. That's what we're committed to. A lot depend on how many comments; what level of disagreement among ourselves? Could take a few Panel meetings. David is saying how we would like it to be, but it may take longer.

MM: Do we have July meeting? [*Consensus: yes.*] How about Aug. 1 to make comments? [*Apparent agreement.*]

<DM: We could put compendium out by Aug 15th>

JB: Don't think you'll be ready for November meeting. Anticipate more debate.

<DM: We had survey; we had workshops. We voted on every issue. Proposed language doesn't reflect what people thought they had approved. Hope we can fine-tune language>

JB: People will rethink. They will be wondering if that's what they really agreed to. It will invite more debate about several of these issues. Maybe I'm wrong.

MM: Then we can bump to December.

<DM: I agree. If it takes more time, it takes more time.>

JB: You're running a great process, but I think it's going to take longer than you think it will. Let's get our well-thought-out comments to David or Ken no later than Aug. 1st.

ML: There's nothing to prohibit us from sharing all our comments with each other?

JB: Is there any problem with each of us sharing our opinions with each member of the Panel?

<DM: You can send your comments to everybody, but don't respond.>

JB: So if Mike L says something and I don't agree with him, I have to wait until the Panel meeting to tell him that. [Agreement.] Re Wastewater. Soil sample project is complete. We have evaluated the McCarthy Drain area. Dr. Tomasko returns June 26th and will repeat water sampling at McCarthy's Marina to get a wet season sample. Will offer findings to date. Panel will have draft in late summer. We'll evaluate final draft on website to comments. We can make recommendation at that time. Public meeting late fall, or early winter.

<MB: Development. Nothing new. \$117K in bank.>

MM: Communications. Reaching out to people with writing skills. Please contact me.

<DM: Captiva Drive Improvements. Working on engineering contract this summer.>

MM: County taxation. Tentative assessment by Property Appraiser at over \$1.5 b. Will report in August meeting Mike L just left meeting, so no Hurricane Report.

AB: MM & AB will talk in Aug. Will develop hurricane response strategies.

JB: Sea Level Rise. Linda gave exhaustive report. We requested proposal from Dr. Peter Shang to model the impacts of increase storm events over the next 30 years. Proposal has been received; committee has not yet evaluated; it is very comprehensive. LA with Rauschenberg Foundation has given plans to mitigate impact. Impact of natural option, e.g. oyster bed planting, on mangroves. Influence existing mangrove regulations. It is relatively easy to get permits for removal if you contribute to mitigation bank elsewhere. Committee is exploring whether we should take a stronger

position on mangrove protection. CEPD could protect bayside as part of its overall mission as well as Gulf side.

MM: Erosion. CEPD's enabling legislation conveys broad powers. They are an independent district and can raise taxes if commission supports. I asked Nancy Stroud [attorney] and Hans Wilson [our engineer/administrator] to look into [the scope of] our authority. She said in a two sided response letter that we have broad power. CEPD board would have to approve. Most bayside properties are in private ownership, seaward of sovereign submerged lands. Some work would have to be done by outsiders. In my opinion that's not unlike the Gulf side. We welcome volunteers for Dave Jensen's seat. That Board will make a lot of decisions. Hans Wilson is a coastal engineer. He says, and I am paraphrasing, that most of the properties on the bayside are in private ownership; seaward of those properties are sovereign lands. Personally, this is not different from the beach side challenges for beach renourishment.

JB: This is very important. I have learned a lot about island vulnerabilities. We think about the beach, but there's more vulnerability on bayside. Barely higher than sea level. Mike's effort is very important to our future.

MM: I'd like to read last paragraph of the letter re: erosion.

<**DM:** *Static. Illegible.*>

RM: Sea level rise. We can't put it back. Permission was the problem 25 years ago with beach renourishment. Maybe a referendum allowing buildback in cases of emergency. This is not how to do it; we need legal process.

MM. Rene shared report he wrote for emergency response some years ago. Voters supported \$15 million fund if needed. Be proactive about problems and solutions. We already have plan for beach. Bridge & road can be elevated. What to do on other side? CEPD has history of planting vegetation on dunes. They could also plant mangroves etc. Will require cooperation from community. Hans spoke at Sea Level rise symposium in January 2016, which was very well attended by people off Captiva, and he said that septic tanks are the first things to go. Runoff is a big issue. There are alternatives; it's very encouraging that we are looking into these items. Committee has found a wonderful report from Kiawah Island. Delray Beach and Collier County have done some good work. Very encouraging.

JB: Concludes my report.

<**DM:** Encouraging hard-working committee. Very proactive. Willing to work with CEPD. Looking into funding. Good thing.>

JB: Kiawah Island [South Carolina] has a great plan that emphasizes adaptability.

New Business:

AB: Re the Bridge. When you come from the south there's a warning of a \$500 fine for littering. Does this apply to sidewalks? Have we ever checked?

<**DM:** Close bypass bridge to fishing. Move to reach out to DOT & County Would Ken reach out to County on this matter?>

MM: Agree. It's an attractive nuisance. Move to reach out to County to close bridge to fishing.

JB: What is process, David?

<**DM:** Reach out to sheriff; give comprehensive list of incidents to DOT and make that request.>

MM: Can we address fines first? In past I have been told that deputies can't enforce unless the DOT takes action. Somebody came out at night once and knocked all the lights off my dock.

RM: Dave, there are three places right off the bridge where they can fish. If they prohibit in other places will they still have the right to fish?

DJ: We're not eliminating the right to fish.

RM: Knowing County Commissioners will get so upset...

MM: You're so good at schmoozing them.

JB: Second.

BW: Not a County issue. State Dept of Transportation issue.

MM: It is.

BW: It's a life safety issue.

Unanimous.

Meeting adjourned 11:20 a.m.