

Captiva Community Panel

MINUTES

Jan 10, 2017

Attending: Andreas Bieri, Mike Boris, Dave Jensen, Peter Koury, Mike Lanigan (phone), David Mintz, Rene Miville, Mike Mullins, Tom Rathbone, Sandy Stilwell, Bob Walter

Audience: ~20

The meeting was convened by Mullins at 9 a.m. Following a roll call, the Dec. 13, 2016, minutes were unanimously approved (Koury/Stilwell).

Officers: Mullins (as vice president since past president Jay Brown had termed out in December) called for the nominations for 2017 panel officers: Miville was nominated for president (Jensen/Walter). Mintz was nominated for president (Rathbone/Koury). Both agreed to serve if elected. Following discussion and with no further nominations, a vote was called with Miville receiving six votes (Jensen/Miville/Mullins/Walter/Bieri/Lanigan). Miville took over as chair and called for nominations for vice president. Rathbone nominated Mintz, who offered to decline. Walter nominated Mullins, who said he would serve but was willing not to as necessary. After discussion, Mintz agreed to serve and was unanimously elected. Mintz nominated Boris to continue as treasurer, and he was unanimously approved. Mullins nominated Koury to continue as secretary, but Koury declined. Miville nominated Mullins as secretary, and he was unanimously approved.

CEPD: *Kathy Rooker:* Beach tilling under way, last one required by 2013 project. Work was delayed from Jan. 9 due to wind. South Seas was being done first for the convenience of tourists, and crews would be working on escarpments and staying away from vegetation. Project would take 3-4 days, should be done by Friday, two tractors for tilling and dressing. *Walter:* CEPD meeting dates? *Rooker:* Usually second Wednesday of month, 1 p.m. at Tween Waters' Wakefield Room. *Miville:* Blind Pass status? *Rooker:* Dredging will start at any moment, ramp up in January.

CFD: *Deputy Chief Jeff Pawul:* 420 calls in 2016, 10-15 less than 2015. Beach fires are not allowed at parks, can be held elsewhere but you need a permit from county. Most fires are not permitted. *Mullins:* Containers OK, not open fire. *Pawul:* Citation from county code. Used to be allowed in past. *Jack Cunningham:* Change in personnel? *Pawul:* Looking to hire two more in March, firefighters-EMTs. Volunteers not feasible any more, training and requirements very difficult nationwide. *Jensen:* Who sets ambulance coverage standards? *Pawul:* By county EMS, tied to call volume basically. Tried to get one on the island during season due to distance to travel. *Koury:* Sanibel has one we can access? *Pawul:* At Station 1, open access. *Walter:* Blind Pass condo fire, great job by both depts. *Mullins:* What else does ambulance provide? Advance life support in dept. now, right

LCSO: *Sgt. Mike Sawicki:* In and out of Hagerup Park many times a day, use as turnaround during patrols. Increased ATV patrols, more effective than patrolling by car. Better visual deterrent on the beach, one ATV was down due to repair, getting a new one this week. Asked why is Hagerup Park open until 11 pm? Don't know history of this, why it was decided to allow it when standard county rule was sunset. *Walter:* Gating

and closing, could not turnaround. *Sawicki*: Can't move people out of park until 11 pm now. Don't have a problem, just need to examine park usage to see if we want to keep it open. *Rooker*: CEPD can discuss tomorrow. Not just people parking there causing problems, people from other areas walking in there as well. *Mintz*: Who's authority? *Rooker*: CEPD can change hours. Used to be until dusk. *Mullins*: Installing lights and camera discussed in the past, creates illusion of safety in the community. Should discuss it again. *Sawicki*: Look at county policies and decide if we concur or not. Compare to Sanibel as well. Dog usage at Turner vs. Hagerup, dogs on leashes now OK. Just need consistent rules. *Miville*: Turner has infrastructure in place, is it a failed model? *Sawicki*: Have found people engaged in unsavory activities there. Discussion.

Stilwell: No public parking in area otherwise, it is used a lot at night. May be used by restaurant patrons for beach walks. *Sawicki*: Interactions generally friendly. Closing hours just give us a mechanism to address any problems. *Koury*: Roosevelt Channel, high speed jet skis blazing through there. A lot of paddleboards and kayaks in use as well, going to end up badly. Like to hear about other complaints first. *Sawicki*: Call when it's happening, easier for us to catch them. *Koury*: Used to be rare, now daily occurrence. New rentals of jet skis on island, is that an information option? *Sawicki*: Yes, not certain they're associated. Could also be renters with their own equipment. Might be able to find them at one of the docks. *Koury*: Ever use cameras? *Sawicki*: No. Speed limit is idle speed zone all the way down. Northward, only 500 feet out from shore. Then seasonal slow speed zone out further.

Planning proposal: *Miville*: intro. *David Depew*: You all know these issues far better than I. Extensive discussion last year. Very cognizant of need to control costs. Staff did not know what was intended by RFP, so proposal was very broad. Two ways to control costs: Specify what you're after and we'll focus on that. Also need timetable to proceed, allows me to fit into schedule better and reduce costs by moving it away from time-sensitive projects. What do you specifically envision out of this? *Miville*: Would like to control this in terms of accomplishment. Cut to core of issues. Look forward to language that has more teeth in it on density, island control. *Depew* is very flexible, look at most important factors you want to accomplish, then have dialogue. What you want to achieve without how to achieve it. *Walter*: Discussion. Same group meet with *Depew* again to develop specific RFP. *Mintz*: Wastewater committee discussion genesis. Density concerns due to capacity offered by central sewer system. How to bulletproof plan and code, confident in control to community. Second was River Hall being overruled by county commission. Not about present, concerned about future. Spoke with *Depew* about challenge to plans from county, developers, Captivans. Discussion. Do not know if all provisions will be approved by county.

Sharon Jenkins-Owen: March 27 hearing for plan update in front of Local Planning Agency (LPA), trying to have staff report to you before March panel meeting. *Mintz*: Trying to be bulletproof, but don't have final plan from county yet. Get plan accepted as presented, then present it to you to make it stronger. Look at plan now, which ones? *Depew*: Sound as though all you want based on proposal is 1.1 and 1.2, could add in more later. *Boris*: Is it possible to have a bulletproof plan? *Depew*: River Hall a unique situation. Did not do a very good job in drafting language, not applicable to Captiva. Behind the scenes work in Tallahassee came into play. Narrowly focused, difficult to use as example. Martin County adopted mandate for super-majority, that was thrown out as it was not supported by data and analysis. Come up with provisions supported by data and analysis. Never 100% bulletproof... 95% possible, never achieve perfection in legislation. The best language you can propose and back up today. Never absolutely impossible to do something. *Mintz*: Get most of what we've proposed approved, then present to you for analysis on issues that mean something to us – density, heights, etc. Tell us if we need to do more to strengthen them. Second

option, county rejects many of the meaningful things we feel are important, back to square 1.5. Sit down with you and discuss options. *Depew*: Makes sense, option 1 a lot cheaper than 2. *Miville*: Best way to approach this? *Depew*: Do nothing until you get feedback on what is in the pipeline already. If it goes off the rails, we have a different problem than if it is adopted by BoCC. *Jay Brown*: Panel needs to accept responsibility to make sure it has done everything possible to protect existing density on this island. Take density completely out of the picture on sewer decisions. *Miville*: Difficult time to find anyone who feels otherwise. *Brown*: So much pushback on wastewater discussions.

Mullins: How many iterations have we done? Slow turnover of entire process is problem. Put it off until we get the current plan completed, as opposed to engaging his services now. *Walter*: Something we don't have yet, vs. going back to ground zero. Wait for feedback, get decision, then how to harden it to get to 98%. First thing county says is to go to the community panel. *Miville*: How long? *Jenkins-Owen*: March 27 LPA hearing was more convenient for panel, that delayed hearing. Goal to get you something before March meeting. After LPA, goes to commission for adoption, then transmitted to state. *Miville*: LPA smart group this year? Know how we stand by March. *Jenkins-Owen*: Had a lot of conversations already. *Koury*: Where are we headed? Work with what we have now to approval then start with Depew. How is March 27 stuff germane? *Walter*: Cannot change what we submitted already. *Forgey*: Would not recommend it. *Depew*: Can make changes on the spot. *Koury*: Introduce hardening language on the spot? *Depew*: If staff comes back with something you don't like, engage in a dialogue. Don't introduce new concepts, get what you can get and then work on hardening. *Walter*: Spent a lot of work on language with county staff already. *Forgey*: Never seen any plan backed by this much debate, data, analysis and total openness. Can always be improved. *Jenkins-Owen*: If you want different language, discuss at LPA after you're reviewed staff report. Board has ultimate decision. Get it in front to LPA and move it forward.

Jensen: Have Mintz and Depew review staff report once before LPA hearing. *Miville*: See staff report, then see what need to happen. *Walter*: County feedback by March meeting, react to report. Need to know what it is. *Stilwell*: Moved to March for Gooderham, should we plan for meeting now? *Walter*: Get it by February panel meeting? *Jenkins-Owen*: No way, but March is very doable. *Mullins*: Just trying to understand context. Could be a couple of years to next iteration. *Mintz*: Not a couple of years, not substantive changing plan but reviewing existing plan to harden. Need to keep it a narrow focus. We have worked with staff extensively, may want to engage to discuss how best to proceed. *Depew*: Can block schedule to be available March 14, up in the air. *Koury*: Hardening consisted of adding data and analysis into plan. Would have to go back for review all over again. *Stilwell*: In a constant state of planning, see this one through then make changes. *Miville*: What we want is ordinances, where the teeth are. What's best plan of attack? *Mullins*: Building on Brown's concerns based on the feedback he's gotten. Could take longer than we expect.

Miville: Odds of someone being able to put in high-rise due to availability of sewer service? *Depew*: Will someone ask, vs. will they be allowed? Will they ask, probably. Will they be successful? Community will show up en masse to object. Would they succeed if they went to court? Hard to say. Judge unwilling to overturn legislation (plan), more likely if quasi-judicial (zoning). Say 1 in 10 chances, never a 0% chance. No certainty in this game. *Mintz*: Get it to 0.0001% *Koury*: Focusing on next iteration. Hardening takes place in code, not plan. When is that up? *Depew*: Anytime, goes through a process. Don't know whether it's plan or code. Easier to get around code provision than plan provisions. *Mintz*: A lot of aspirational language, overview, broad language. County is shifting on what goes where, new regime is making changes. Get plan approved, get specific code provisions developed based on plan. Makes rules, not just

rumors. How we turn plan into enforceable language in the code. *Stilwell*: County made a lot of cuts in past discussions, used to be in the plan now they want it in the code. *Miville*: Next step? *Mintz*: Get staff report prior to March meeting. Ship it to Depew, hopefully not a lot there. If there is, ask Depew to participate in March meeting. Get it through LPA and BoCC. Once plan is adopted, Depew can review and recommend on how to harden code vs. plan. *Miville*: When does he get paid? *Mintz*: Gets paid once we see report and decide what we need. *Depew*: What costs is in my mind, that's when we start billing.

Miville: Recap of action. *Mullins*: Discussion of March meeting. Lanigan dropped during discussion. *Forgey*: Say on record about hearings. *Gooderham*: Summary of process, LPA is public hearing where we can defend panel's position if opposed by staff. LPA makes a recommendation which is carried forward to the county commission adoption hearing. That's also open to the public, anyone can speak or comment on proposal and we can ask for whatever the panel wants. This ultimately is a political decision, so show of support is crucial.

- **ACTION**: Follow up to ensure staff report is on schedule, forward to panel, Forgey and Depew ASAP prior to March 14 panel meeting to determine participation and response at March 27 LPA hearing.

LCEC: *Tricia Dorn*: Introduction. Presentation on reliability. 2015-2016 events. Some failed equipment issues, accidents, vegetation. Scheduling vegetation management. Some done already, more scheduled in 2017 and 2018, shorter schedule than normal due to vegetation growth. Secured the 9-1 circuit running from South Seas to Blind Pass. Just completed trimming in December. Problems we've fixed... circuit maintenance. Recloser mechanism tries to recomplete broken circuit, but it's a "three strikes and you're out" try to clear temp interruption. *Miville*: What were conditions of equipment? *Dorn*: Infrared inspection, can identify problems early before failure. Avoid interruption if we at before failure. ??? : Crews working at turns at Wiles and Cap drive yesterday. Why? *Dorn*: Look at and report, could be age, equipment failure. Repair followed by analysis to avoid recurrence. S curve removal and repair of overheard facilities. *Mullins*: Very responsible, keep on removing them. *Dorn*: Buried all the lines through the curve, property owners were fabulous to make this a quick process. *Koury*: Cost? *Dorn*: Around a million dollars, will look it up. *Mullins*: Tween Waters cost to underground their lines? How does it affect repairs and staffing? *Dorn*: All trained in both under and overhead. Discussion. *Brown*: Blips in power, from something touching wires? *Dorn*: If continuous, there's another problem. *Brown*: Nuisance due to resets, As long as we have overheads, we'll face this? *Dorn*: Should not have momentary outages, trimming should take care of that. If occurs on a regular basis, call me and we can investigate issues. *Miville*: Who represents islands? Geoff Roepstorff.

Planning: *Forgey*: Nothing to add.

Sea Level Rise: *Forgey*: Symposium Friday, 10 am GIS session. 1-5 p.m. is rising sea level, six outstanding speakers. Reserve your space so we know you're coming. *Miville* to make opening presentation. Discussion of registration, etc.

Committees:

Wastewater: *Brown*: Gooderham got response from county utilities director Pam Keyes, study agenda is on Assistant County Manager Doug Meurer's desk, shooting for March or April workshop with BoCC.

Discussion on process. *Brown*: Want me to continue as chair? Consensus was yes. Discussion of lobbying before commission workshop, Brown to go for sure. Restated committee members, all want to stay.

Captiva Drive: *Mintz*: Lee DOT meeting on Dec. 12, Randy Cerchie agreed to fund survey update for right of way, which will help with any easements or acquisition necessary to allow for safer pedestrian access. Shared roadway for carts, cars and bikes. Invited to meeting with Johnson Engineering after last panel meeting. Survey next month, have not yet discussed cost for project. Explained hurdles in project... If path is built, inviting people to be at risk, and it must meet all requirements for safety and federal regulation. Survey will ID hurdles, risk, and determination. *Mullins*: Post to avoid liability? *Mintz*: Cooperative property owners, South Sea and Rauschenberg Foundation. *Gooderham*: “Dangerous by Design” report out today, will name Lee County as most dangerous area for pedestrians. That may make requests for pedestrian improvements more attractive to county. *Rathbone*: Number of accidents? *Mintz*: A lot of near-misses, not a lot of hits. Accident waiting to happen. *Rathbone*: Doesn't help argument. *Mintz*: Discussion of owners. Have to be creative work with property owners. Need to see survey first. LCEC poles an issue as well. *Mullins*: First S curve is also a problem. Owners don't know they're responsible to keep vegetation trimmed as well. Look at more areas on the island, increase chance to get this piece done.

Committees: *Mintz*: Review committees, listed in packet. Ask people to look this over, think about which committees we want to pursue going forward, how to populate them from the community. *Miville*: Email to community to see which committees and who wants to serve.

Financials: *Boris*: Budget envisions increase of revenue, to cover Depew. Even if we do not more than last year, need to plan for fund-raisers. Depew commitment in addition to revenue plans. Discussion. *Cindy Brown*: Community Foundation of the Islands, don't support anything on Captiva. Historical Society and CCA, why not panel as an option? Want info on organization first. *Mullins*: Review of needs. Asking us to do more things but we're getting less money. *Boris*: Set a high bar and not met it. *Miville*: Money in budget for Depew. *Boris*: Budget is not money in the bank. *Mintz*: Development Committee, Jack was chair last year. Who is on it now? *Miville*: Address for the next meeting. *Boris*: Would you be willing to serve? *Cunningham*: Willing to be on committee, but not chair it. *Mintz*: Find chair for next meeting.

- **ACTION:** Get info on panel to Cindy Brown. Circulate committee list to community to solicit members.

Other business: *Mintz*: Panel received letter from Tom Libonate. *Miville*: Just got it, take time to think about it. Discussion, prepare for next meeting. *Mullins*: Forwarded it to others, invite other rental agents when we discuss it. *Jensen*: At CCA the Historical Society has Randy Wayne White speaking on life as a guide. *Mintz*: Everglades Coalition conference last week, “Three Estuaries, One Solution.” – Caloosahatchee, St. Lucie, Florida Bay. Moving water south to Florida Bay through the Everglades Agricultural Area (EAA). Not just moved but also treated before it goes into Glades, storage and treatment south in the EAA. Integrated schedule starts in 2021, planning done in 2026, construction starts in 2031. Agreed but no land has been purchased yet, not clear that Scott, South Florida Water Management District or sugar companies believe moving water south is necessary. They feel storage north of the lake is sufficient, or deep well injection (which means water is lost forever). State has to pay its fair share (50%) of plan. Negron plan (to purchase 50,000 acres) pending in Legislature. May want to weigh in at some point. Not just buy land, but move up implementation. Right water right quality in the right place at the right time. A lot happening, but a lot can go south. *Miville*: Vote at next session? Rooney not for moving water south,

I've heard. Sugar is valuable commodity, ask local legislators how they're going to vote. *Mullins*: Both Rooney and Rae Ann Wessel said they support Negron at December meeting.

Mintz: Marsh rabbits proliferating on island in Village area. Monitor lizards have now been found on Captiva. Two in last six months, very invasive and destructive. *Rathbone*: Rabbits good source of food for some predators, bobcat or coyote. Would not be introduced, have to come naturally. *Koury*: Have coyotes almost every night. *Cunningham*: Iguanas in back yard, will Sanibel remove them?

The meeting adjourned at 11:40 a.m.

-- *Ken Gooderham, administrator*

DRAFT