

**Captiva Community Panel**  
**MINUTES**  
*May 8, 2012*

**Attending:** Jim Boyle, Jay Brown, Jack Cunningham, Mike Kelly, Paul McCarthy, Jerry McClure, Mike Mullins, David Rohn, Susan Stuart

**Audience:** ~10

The meeting convened at 9 a.m. Reading of the April 10 minutes was waived, one correction was noted and the amended minutes were unanimously approved (Boyle/Rohn).

**CEPD update:** Administrator Kathy Rooker announced that Gov. Scott signed the FY 2012-2013 state budget, which included \$4.5 million for Captiva's beach restoration project, the only local project in Lee and Collier counties approved this year. The district wanted to thank lots of people, recognizing it is tough to get projects funded these days so a united community makes a huge difference. Any decision on when to start the project is pending, as they are waiting to hear from USACE on federal funding. She also noted that Captiva's beaches were also recognized by the American Shore & Beach Preservation Association as the best of the best for Florida Gulf Coast, thanks to a very strong show of support from the community. The district board was meeting tomorrow (May 9) at Tween Waters. Blind Pass: The county will hold a preconstruction meeting next Friday (May 11?), with work hopefully to begin next summer. She hoped to have more dates at the next meeting.

**Hurricane Preparedness:** Doris Holzheimer noted that the annual Hurricane Seminar would be held on Thursday, May 10, and that a flyer was included in the panel agenda packet. Lots of new information was expected, so encouraged residents to attend.

**Laika/Wightman issues:** Nathalie Pyle introduced herself as the secretary of the Laika/Wightman Lane Captiva Beach HOA. She mentioned that residents had raised neighborhood concerns about noise, odor and parking based on adjacent commercial properties on Captiva Drive. The association had invited county planner Kathie Ebaugh to last HOA meeting to discuss their concerns, as most of them seemed to come under county jurisdiction. Ebaugh went back to discuss code enforcement issues with her staff, and told them that most of the businesses at issue were grandfathered in due to when they established or the buildings were built. Ebaugh then suggested holding a community meeting in the Village, to give residents and businesses opportunity to discuss issues on how to live together. She suggested that county staff would facilitate meeting, at the invitation of the community plan. They thought it would be OK to hold this meeting over the summer since most people impacted live here year-round and it might be easier for both residents and business people to attend. Pyle was asking for the panel to sponsor this meeting, and the county will work with groups to bring together a gathering.

Brown asked whether the HOA had ideas as to what changes might be needed? Pyle responded that they had some suggestions, but a lot was to enforce existing rules or make minor changes that would lessen the impact on neighbors. The neighbors concerned that their interests aren't known. McCarthy said he was surprised by this request, as no one had ever mentioned this to me before as either a panel member or a business owner and resident in the Village. He said the panel has been here, noted that Pyle previously was on the panel, but no one came to bring this to our attention. Sandy Stilwell said some of those businesses are mine, and I've only been called once and have never been invited to HOA meetings. She noted business owners painted signs and tried to work with groups.

McClure said he was absolutely opposed to the panel sponsoring anything like this, as it should be a Captiva-wide issue. He said he had many of the same issues to deal with, and asked should the panel be trying to regulate this kind of stuff and should you be worrying about this? Pyle said their intention was it was not just for this neighborhood. Mullins said he had heard complaints before, and felt that the meeting time should be more into season as suggested. He felt the panel should wait until it weighs in on this. Have the HOA summarize issues and meet with businesses before the panel schedules a meeting, hold meetings before the fall and then have the panel re-address if they haven't made any progress on this. Discussion ensued on panel purview and meeting timing. McCarthy said these issues were valid, but he was more concerned about process. He felt the community does care about their concerns, but that this was an example of the need to improve communication on the island. He felt the county should not be the first place you go with issues such as this when the panel meets every month right here. If they feel they are not welcome, that's a concern for the panel. Boyle said the group should start by inviting business owners to an HOA meeting. Pyle said there had been approaches made to business and building owners, sometimes there's a response and sometimes not. We were concerned about code enforcement, which is why she spoke to Ebaugh who then suggested this avenue.

Brown said they should get business owners to the next HOA meeting, or call a special meeting, and see what progress can be made. If that doesn't go anywhere then we can look at a county meeting. Pyle agreed it was a bigger issue that just our two streets, and felt this could be an opportunity to facilitate a larger discussion. Rohn said there are bigger issues which he hoped the panel can address at some juncture. Mullins said these were legitimate points, but he suggested they try to do this informally first. Cunningham said the panel should look at code enforcement on the island, that the entire issue needs to be discussed. Mullins asked if there was an agenda for next steps – hold an informal meeting first, bring back in the fall when we have a broader audience, make bullet points for follow-up. McClure made a motion that the panel not sponsor the Laika/Wightman neighborhood request (Kelly second). Brown said that the HOA and businesses needed to work together over the summer to seek resolution, report to panel Sept.-Oct. to see what further action is then needed. Kelly asked how much of this is a rental issue, since there can be 75% rentals on those streets which means rental agencies have a role here too. The motion was called to unanimous approval.

**Hurricane preparedness:** Doris Holzheimer said the pre-season hurricane seminar was set for May 10, and described the agenda noting that new information would be available. She said island residents and owners must get a new hurricane pass, and they cannot provide them at the seminar but can be ordered through the Sanibel Police Department or [mycaptiva.info](http://mycaptiva.info). She reminded all that a new authorization letter would be needed only if the pertinent information has changed.

**LDC update:** Planner Max Forgey said the Captiva Code language would be heard by the county's Local Planning Agency on May 31, and if anyone wanted to speak at this hearing to let him know. Jeff Brown raised a question about when the new height language in the Lee Plan would be enforced. Since he was putting together plans for a new home and was told he had to comply with the old language still in the LDC. He mentioned he was aware of at least one other new home being planned that faced the same issue. Gooderham and Forgey said they would follow up with county staff and clarify the issue, but they assumed that once the new language was finalized for the Lee Plan it would take precedence over the code language until the code was brought into compliance, which was under way now.

A discussion of the proposed sign language followed, to clarify questions that had been raised by the Land Development Code Advisory Committee at its last review. Cunningham said there was not a clear statement of when and which code would apply if a sign was destroyed. He felt the panel should clarify

that it is the current code in force at the time they rebuild the sign to which new signs would have to conform, the code in place at the time of reconstruction. Sandy Stilwell said that would affect a sign that just was hit by a car, that the Jensen signs come to mind. Rohn said the whole point is to get signs into compliance over time, why should Jensen's have preference over another commercial entity.

Working from the memo prepared for panel members, the following changes were made to LDC language on signage:

- Under "Maintenance of Conforming Signs," paragraph (B) was amended to "Any such nonconforming sign may be re-erected according to the standards articulated in Sec. 33-1645."
- Under "Signs not requiring a permit," the section on bulletin boards would be left as it was prior to the changes made at the April meeting and a new paragraph would be added to read: "(I) Temporary banners, sandwich signs and other temporary ground signs promoting a specific event, to be located in the vicinity of the event being promoted and not exceeding 32 square feet in area for banners and ten (10) square feet for sandwich signs and ground signs. Such signs cannot be erected more than seven (7) days prior to the event, and must be removed no later than the day following the event."

These changes were unanimously approved on a motion by ??????????????????

**Communications:** Stuart noted that the Captiva Island Yacht Club had added the panel website to its website. She noted the panel site was getting 25-35 hits a week. She said they had collected great photos from the "Monday After The Masters" event, and we will include a photo release on next year's registration form so more photos could be used in the media and for marketing; the images could also be used for pre-publicity needs next year.

**Budget:** Gooderham gave a brief report on the panel's financial status based on the monthly handout.

**Water quality:** Gooderham said the current focus was on developing a more extensive website based on the water quality study, what people could do on their own properties, and as a complement to the planned mailing on water quality/landscape options that had previously been discussed.

**Fund-raising:** Mullins said the golf tourney was on for next year, according to Rick Hayduk. Brown noted he had heard some feedback that the silent auction was sub-par and felt rushed. Mullins said he did not feel it was a great idea at the start, and he missed some of the activities. However, the silver lining was absolutely enormous, and Hayduk could use some help with the auction since the entire event is a lot of work for one person to coordinate. Rohn suggested they advertise it to a wider audience. McCarthy said it was almost at capacity, and they would try to increase surrounding events. Mullin said once it was successful they could increase the entry fees. Cunningham said they should set funding objectives and work around that to shape the event, and keep it primarily a Captiva event. Terry McClure said it was hard to get people on the island interested in the auction gifts, and there was also a timing issue Gordon Hullar asked if this was the best time to have an event? Mullins said it was tied to the Masters, but they could work with Hayduk on planning in advance.

**Meeting conflict:** Gooderham explained that the potential June 12 conflict had resolved itself due to the delay it getting LDC language to the LPA, which eliminated it going to the county commission on June 12. The July 10 issue was just a warning that Gooderham would be out of the area from June 26 through July 9, so preparation for the July 10 meeting would either be done early or the night before.

**Other business:** Cunningham asked about code enforcement and the timing for any discussion about it. Mullins said the panel needed to define the issues it wanted to discuss. Cunningham said the Captiva Civic Association had borne the brunt of any blame for calling in code enforcement issues to the county, that it had gotten the reputation even if they did not make the call. McCarthy said the issue was not code enforcement, but selective enforcement of the code. If you're going to enforce the code for one, you have to enforce it for all. He discussed the sign enforcement issue with former resident Mike Cohen in early 2000. Mullins said either the panel or the CCA should be the organization leading on this, but that people should talk to one another first before calling the county officials. Gooderham suggested the panel should learn background on how the various parts of the code have to be enforced from county officials first, so they could have a more meaningful discussion. Rohn suggested the panel create a Captiva community handbook that's written in English so people can understand the rules here, and help people understand how the rules apply. Stilwell said many houses have illegal elements here, underbuilds, etc. This means when the county comes out to enforce, be careful what you ask for. McClure said we spent so much time on developing code, how much time would it take to translate it accurately into understandable language. Mullins said the point to have this on the agenda is a good one. Calling the people involved can work, using peer pressure or community pressure and the panel or some organization could facilitate without having an official role. Kelly said we don't know where the code lies, who enforces what. I'd like to hear what we can and can't do and who should be doing it.

The meeting adjourned at 10:20 a.m.

*--Ken Gooderham, administrator*