

*DISCLAIMER: This is not a verbatim transcript of the meeting and is based upon the written notes and memory of a participant, attendee, or video observer.*

**Captiva Community Panel  
Tuesday, July 8, 2014 @ 9:00 PM  
Cone Room South Seas Resort**

**Members:**

**Susan Stuart (Chair)**  
**Sandy Stilwell**  
**Jerry McClure**  
**Paul McCarthy (quorum present)**

**Max Forgey and Patrick White, note takers**

**Sharon Jenkins-Owen, AICP;** Principal Planner, Lee County Department of Community Development; . [SJO@leegov.com](mailto:SJO@leegov.com) or [sjenkins-owen@leegov.com](mailto:sjenkins-owen@leegov.com).

**Mike Sawicki, LCSO**  
**Jeff Pawul, Captiva Fire Department**

Meeting convened at 9:15 AM by Susan Stewart who announced the presence of a quorum.

**Kathy Rooker (CEPD update):** Next meeting will be at Crown Room

**Jeff Pawul (Fire Department, for Eric Dickerson):** Making good progress on new fire house, and they're trying to keep dust down. Hope to have building with a dry interior by September when doors are installed, and hope to complete by year's end. They really appreciate community support. We had our first named storm on the other coast. Reminding residents and businesses to have plans in place.

**Mike Sawicki (for Doris H):** Want to reinforce that residents, guests, businesses have plans in place in event of a disaster. We are looking for a volunteer to work on MyCaptiva.Info to relay disaster preparedness info to website in storm events. The out of state web manager Beth needs assistance.

**Sandy:** Recommend talking with "Queenie" and perhaps link MyCaptiva to FD page for emergency updates. She is providing the same service for the Chapel and Historic Society.

**Mike S:** There is also a FB page that could benefit from this. Reinforces that this should be a volunteer post. A draft budget is due in September [presumably for beach erosion/hurricane prep?]

**Jerry:** Is that a lot of hours?

**Mike S:** Only when there's a storm. That's when you want a constant flow of information.

**Jerry:** It's PC based, which doesn't do much good for us Mac people.

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**Mike S:** We'll approach Queenie. We'll have a draft budget by September. Keep it volunteer based. There has been some summertime criminal activity. We rely upon people in the community to be our eyes and ears, so call us.

**Question from audience (Mimi Schultz?):** What's the best way to reach you?

**Mike S:** 477-1000 is **non-emergency** number. [Shared cellphone number with participants.] I answer 24 hours if needed.

**Lady in audience:** I live at 16898 Captiva Drive and there are problems with passing due to fast traffic moving way too fast just north of Blind Pass. I advise guests to look both ways

**Mike S:** I'll run some radar. We can't train vacationers as well as locals and employees. You'll always have slow sightseers and fast-moving people.

**Paul McC:** We have a low budget. I think it's best to reach out to property owners. Most of our expenses are donated—room, food, and the like. Peak-season fund-raisers are OK, but property owners should be willing to pay \$100. Our spring brochure came out nice. Ken drafted a long letter; should try a short one. Some non-Panel members might want to provide an endorsement of the Panel's work. [General consensus that all Panel members' names should be in the letter.]

**Susan S:** I think it's overkill. I'll be happy to work on a shorter letter and help with the selected names.

**PMcM:** The great thing about summer is that we're not competing with all the other fundraising activities—Big Arts, the Shell Museum, and the like. Most addresses are out of state and our message to them should be that while you're away we're looking out for you, meeting every month.

**Jerry:** Authorize you [Paul] and Sandy to proceed. Don't need to bring it back in August.

**PMcC:** Give 10 or 20 copies to each Panel member and to non-Panelists who see a lot of people, like Dave J, Tony and Jeff. Add the brochure.

**Sandy S:** Do we want to list \$100 donors?

**PMcC:** [Made comment.]

**Susan S:** Do we want Paul to share a draft with the rest of the membership?

**Sandy S:** I'm sure he'll do fine. [General consensus] Update on S Car Go. There has always been a need for transportation on the island. Years ago, Lee Plan was considering routes out here. It would be great if they come out twice a day. SCarGo—circle on Andy Rosse. I lost two parking spaces, which is a serious loss on the island. I paid for insurance. First

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day, we weren't allowed at SSR. There are potholes at the post office. Can't buy gas here; have to haul fuel in. I'm looking for a vote of confidence from the Panel. Ultimately this should promote safety. We can't turn around.

**Mike S:** The post office property is privately owned. Get permission from property owner. If you have questions take them to owner of record.

**Sandy S:** It's a matter of community spirit.

**Jeff P:** The fewer pedestrians on the road the better. Appreciate the trolley. Tween Waters is cooperating.

**Susan S:** Love the look—it's beachy fun, a real service.

**Sandy S:** In September we may just run on weekends.

**PMcC:** We have addressed this for years—the passageway around the Rauschenberg property. I have some experiences. I owned a trolley. It was costly; it was clunky. People wanted to be included; everybody wanted their own stop. Sandy's smart to take the initiative. There is a property rights issue [at the post office.] If somebody falls off, who gets sued?

**Sandy S:** Right now we're only running to the post office. No other private property.

**PMcC:** When people use my private dock for this commercial use, I have a liability issue. It's a great idea, but you need

**Max F:** I have two things. First item is the River Hall case. You have a one page chronology in your packet that summarizes the current status of this amendment to the Lee Plan. For those of you who are interested in reading my letter to County staff, I have made five copies. If you want anything else relating to this case, and the packet was 895 pages long, email me at either of the two addresses and I'll see that you get copies. The local planning board recommended denial by a 4-3 vote at their and the panel should note this case as it's related to the long term viability of Community Plans and the determination of an "overriding public necessity" in the plans of Bayshore, Buckingham, Alva, and Caloosahatchee Shores.

**Question from audience:** How do we think they'll vote?

**Max:** Mann and Manning have been opposed from the beginning and are not likely to change their minds. I would be surprised if Kiker would change his mind—he has strongly supported this application from the beginning. If there is going to be a swing vote it will come from Pendergrass or Hamman. Pendergrass voted to transmit the last time, and Hamman was appointed to the commission after that vote. All we need is one of them. Please remember that this is a transmittal hearing; the tentative date is September 17<sup>th</sup>. If there are three votes against the application, it fails. If there are three votes to transmit,

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there is still a chance at adoption time after the Department of Economic Opportunity conducts interagency review, although it is not DEO's practice to challenge local transmittals. Even if the BCC approves, it can still be appealed to circuit court if the neighbors are so inclined.

**Sandy S:** They should be pushing this hearing to after the elections, it's too political now.

**Max:** GreenPoint, the applicant, is not as eager as they once were. My second item is the Captiva Community Plan. I'd like to conduct an experiment. You have a handout in your printed packets. I have taken Ken's proposed language and marked it as KG. In most cases, I have offered an alternative with my initials. You will find that my version isn't all that different from Ken's. Then I leave space for YV=Your Version. I don't intend to go through all of this this morning, given the small group, but I would like to see if this approach works for us. We'll continue next week where we leave off today. The first item is alternative transportation options...

**PMcC:** Add "private provider" to list of options related to transportation language. Also safety is a big topic and should be added.

**Susan S:** Who is getting the toll revenue? Is Sanibel getting some of it?

**[PD Police Dept? Patrick's note, presumably Mike S] Mike S:** Some guests come to stay on Sanibel and then travel by car to Captiva, causing high parking demand from users that may be better served via another means.

**Susan S:** Bicyclists also a problem.

**Mike S:** Bikes need lights, most renters probably haven't been on bikes in years, and need some traffic safety rules. Problem probably best solved working with rental outlets. We may have a brochure we can distribute. I'll look into it.

**Other comments:** Add 'bridge' before tolls on Max's version. Consider having two policies—one for inter-island; one for 'intra-island.' Mention 'private trolley service' as an option. Should Captiva get some of the toll?

**MF:** Our next topic is dark skies.

**Sharon:** Upper Captiva recently added lighting provisions to their plan to protect sea turtles. The Lee County Code addresses commercial lighting regulations that direct lighting downward.

**Panel:** What constitutes light trespass?

**Sharon:** When light shines directly on to a neighboring property.

**Mimi:** How about the rental properties frequently lighting the beach? Is it commercial when they're renting it every week of the year? See my neighbor Tinderly.

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**Sandy S:** Can rental agencies help enforce turtle rules?

**PD/Mike S:** I think the ordinance applies to rentals as well. And will check out the Tenderly building for light trespass issues.

**Other comments:** Promote education and voluntary efforts.

**Jerry:** What does “actively promote” mean?

**Max:** That’s my own effort to find a word stronger than ‘encourage,’ which planners hate. You can actively promote via avenues other than the code. For example by voluntary effort or through requesting help from non-for-profit organizations, or community associations.

**Sharon:** Lee County will want qualifying language related to ‘actively promote’ if it’s to be used in the plan.

**Max:** Of course. Our next item is rentals vs. residential properties. You have Ken’s version and my version, and there’s an additional option, which is no policy at all.

**Jerry:** I don’t like that version. [General consensus in agreement with Jerry.] Also, I think the Max version is missing the word ‘not’ as in “may **not** be rented...”

**Max:** Thanks for catching that. I guess I got in a hurry.

**Other comments:** Put pressure on rental agencies to maintain the rules. How will this affect SSR and neighbors in rental units? Septic tanks were reason for limiting the number.

**Captiva Resident.** There are many inconsiderate rentals, unregulated and unsupervised mini-hotels, unmanaged garbage, etc. There should be a rental complaint hotline. I have experienced outrageous behavior next door by Gold Coast tenants over the 4th of July weekend (over 20 people in one house, bonfires on the beach, lights on all night, trash piled up on the street, shooting off fireworks, etc etc.) I was "scared" to confront them.

**Interactive discussion:** There are ways to "regulate" this pattern of conduct via County regulations, but it would be a better first approach to reach out to the property owners and their rental agents, advise them of the community's intolerance of this situation, and recruit them to help solve the problem.

**PMcC:** Maybe a regulation is needed regarding maximum guests per room, and parking

**PD/Mike S:** If enforceability ordinance existed, how would we prove it in the field, or in court? Similar to biking, this should probably be handled through the rental company.

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**PMcC:** The rental deposit could be at risk if they violate maximum guest regulations. The key is working with rental association to place a penalty for misuse of properties. Is there a 7 day restriction currently existing? How about # of people in units?

**Sandy S:** We really need a workshop to put all of this together

**Max:** How about during Septembers regular meeting? That will give us time to invite the rental firms and other people. Let's try to limit it to one hour.

**PMcC:** We should prep the rental companies with info and seek their input, ask for their attendance

General consensus on having workshop at September meeting.

**Susan S:** Sorry, but I am going to have to leave. You are welcome to continue working. I think this has been a very good meeting.

**PMcC:** We need to not forget to factor in VBRO and AirB&B into our discussion on rentals.

**Sharon:** The minutes from the last meeting incorrectly stated my email address. I can be reached at [SJO@Leegov.com](mailto:SJO@Leegov.com)

**PMcC:** let's look around for other successful rental regulations; surely Sanibel and FMB have tried.

Adjourned 10:45.