

Captiva Community Panel

MINUTES

April 14, 2009

Attending: Mike Kelly, Dave Jensen, Rick Hayduk, Gordon Hullar, Nathalie Pyle, Jim Boyle, Rene Miville, Sandy Stilwell, Harry Silverglide

Audience: 15

The meeting was convened at 9:05 a.m.

Communications tower: David Felton with Communications Development Services Inc. was introduced, and offered background on the project, including the previous request to the panel that resulted in the Lee Plan amendment to allow the tower's construction. He noted that the application for the special exception had been submitted to county staff, and was pending approval and a hearing in June. Felton noted the proposed tower location in South Seas Island Resort, and that a radio equipment room was also needed which meant there were flood plain issues to address. What was proposed is a self-contained system, operational during and after storms; the elevated equipment pad puts mechanical elements above the flood plain. Backup generators were planned with a 72-hour run time after storms until refueling was needed. A 170-foot monopole was planned as previously discussed with the top 15 feet of tower for public safety radio equipment. So far, three carriers were interested in participating -- ATT, Verizon/Alltel and Sprint/Nextel. Looking at the end of August or beginning of September to start construction. A June 11 public hearing was scheduled, and there were still some environmental approvals after that.

Miville asked how the equipment building was to be built. Felton said it would be CBS and stucco. Miville hoped he would consider greener building options, and mentioned a new technique that's stronger and more environmentally sound. Felton said he was requesting support of the panel for the June 11 hearing. Hayduk said he was not speaking for any South Seas associations, but he had attended association meetings and this has been brought up at all their meetings -- more positive responses without any pushback, almost complete support among associations. An audience member asked when the tower would be complete and operational? Felton said it would be 60-90 days to completion and a certificate of occupancy. Foundation for tower would be done first, drilled and poured concrete foundation to support monopole. Stacking of tower and flying steel for platform followed, normally took half a day. It would be operational prior to actual CO, 30-60 days after start. Mostly quiet work in between, not heavy construction. Kelly moved to approve tower proposal as discussed (Boyle second), approval was unanimous. It was noted there were no objections by audience members.

Golf cart: Gooderham noted there were copies of the last draft available. He offered a brief overview of the ordinance and noted that the shared-use path language was still contained in this version, despite there not being any such paths on the island. Miville offered comments on golf carts on the island in general, and that the panel could utilize an e-mail survey to assess island opinions on the various options in terms of use, locations and restrictions. An audience member asked if the cart area would be marked and enforced? Hullar said the ordinance will allow deputies to enforce the law. Tobe Deutschmann Jr. on behalf of the Captiva Civic Association offered some suggestions, including that Lee DOT would conduct a survey and he understands there's no expansion of the current golf cart zone. He said the CCA would like neighborhood survey to allow for full community input. The CCA does not oppose golf carts, but there are safety issues. Carts are using safety shoulders to escape traffic right now. Any changes in existing regulation needs to be looked at. Panel may want to think about doing a poll, which is well within its bylaws. Ad hoc polls will have questions. The CCA will offer to participate in construction of any poll.

Silverglide said the issue is enforceability for use of golf carts at night. Without ordinance, enforcement is arbitrary. This makes the rules un-enforceable. The issue is do we want to be able to enforce nighttime use, or continue with arbitrary use as we have it today. This ordinance is intended to protect Captiva. Anecdotal evidence isn't really useful; there are more issues with other forms of transportation than with golf carts. Pyle said that the ordinance would require a licensed driver to operate carts any time of the day, that alone will improve safety of golf cart use. Current laws allow younger drivers, this will make it more stringent overall at any time. If we get to expanding the zone, there will be a neighborhood survey about that.

An audience member said he thought that the Captiva Fire District did respond to a golf cart incident in the last year, not sure about it. Miville said that surveys can cover a lot of ground, cost can be considerable. We can send out an e-mail tomorrow, find out what the whole island thinks about this, poll the entire community. Deutschmann said there was rather broad language in the draft ordinance. It does talk about the entire island, who knows what could come out of the county. Hullar said the Board of County Commissioners does not have the right to expand the zones by its own administrative codes.

Mike Mullins said the issue has been before the panel for more than two years. Stilwell said the panel had been talking about this a long time, but it keeps getting put off. I see kids driving carts who don't know what they're doing on the road. This also affected people who get DUIs, still have to have a license to operate a cart; if the license is suspended they can't resort to a cart to get around. She agreed that zone expansion is controversial, would not want to move forward without polling the community. An audience member noted he had worked for New Jersey DOT and was involved in surveys. He felt you need to ask the opinion of people who use the road, not just the Captivans. He urged the panel to

survey those who use the road. Pyle said this ordinance does not expand the golf cart zone. Only about making golf cart use safe on Captiva and putting laws in place to use at night. Silverglide said another benefit is that cart drivers will be inherently insured because they're licensed; right now it's a litigation nightmare. Put rules in place, then we can look at poll to get community sentiment on expansion if that's desired. Silverglide felt low speed vehicles will eventually take over and carts will go away as prices go down.

Miville offered a motion to ensure that any expansion will not be entertained without a community poll. That allows us to move on from this, warns the county that we want a professional poll to determine sentiment. No second was offered. Silverglide offered a motion to approve the ordinance as stated without the shared use path language (Kelly second). Art Kammarer asked if the modifiers describing how carts needed to be outfitted were legal terms or not, and if not would they need to be modified. Gooderham offered to ask the County Attorney's Office about that. Sharon Michie asked whether the ordinance could address the issues of children being restrained in car seats and the total occupancy of carts. Gooderham would also follow up on that. Hullar said that we have questions that need to be answered first, should a vote continue? Silverglide said a motion was on floor and to call the motion. It was approved 9-1 (Boyle dissented).

Land Development Code: Gooderham offered an overview of what had been done to this point, that copies of Draft #6 were annotated to indicate changes from the previous draft based on panel discussions at public meetings. Paul Garvey of the CCA was asked about the status of mangrove protection language that the CCA attorney was going to be asked to draft. Paul said that minor tweaks might be done prior to the May panel meeting. Miville noted that the panel had been waiting quite some time for changes, it's time to move forward. He wished something could be done about the height restrictions text and the "above average grade of the lot." He said the county considers the crown of the road as the average height. Garvey said that the county does not have a standard, according to Bobby Stewart. This would set a standard.

Michie said the language concerning guest houses does not address servants quarters. Define guest house vs. servant quarters. People are renting servant quarters due to a loophole in the ordinance. They should be able to live there as a caretaker for free, for consideration, but they cannot be rented to a third party. She suggested adding a fourth bullet: "Servants quarters will not be rented or leased." Miville said that would be totally unenforceable. Michie said she had been cited for this in the past, was cited in the past month for a corporate retreat ad, when it was a family corporation related by marriage. Kelly suggested putting the current draft on the Web site, make the May meeting a public meeting, and move forward. Gooderham suggested the panel look at moving this off the table and sitting down next fall to discuss what you want to tackle next. There was a discussion of review process. Pyle said they should publicize it for the next meeting, post it online and be ready to move it on.

Leash laws: Pyle offered background of a recent dog attack involved her dog on the beach. She said a number of people feel there a real problem with dogs off leash on the beach. There were multiple jurisdictions for animal control on Captiva, either Animal Control or Parks & Rec. There was signage as you come on the island, thanks to Parks & Rec. She noted she will pursue this with the county and rental agents, and may or may not bring it back for any endorsement. Stilwell said she agreed with this concern. Miville suggested she send letter to Barbara Manzo at Parks & Rec to put up a sign about dog leasing.

Blind Pass: Kathleen Rooker with the CEPD noted that the contractors were not able to pull dredge into the Gulf as planned due to weather conditions. The containment cell is very full, trucking is starting this week, two loaders and eight dump trucks during the day only. A community celebration was planned at completion, sometime in July. In response to a question, she said they would be loading trucks on the Captiva side to truck materials to the refuge, and she did not know where they will store the trucks at night. A discussion ensued of the project, sand quality, trucking and cell removal. Sand will be used to fill waste treatment ponds by the Bayous neighborhoods. It was noted that the containment cell is a construction zone, a dangerous area.

Hurricane committee: Doris Holzheimer reminded the audience to get their hurricane passes now at Sanibel Police Department, to get a letter for someone checking your property to the Captiva Fire District. She noted the last Structural Safety Inspectors class was not well attended, only one new person. They have not held the practical session yet. Mullins said people needed phone calls to remind them to attend. Holzheimer said they will have date of next SSI training on the Web site.

Water quality: Gooderham noted that a request for just under \$100,000 had been submitted to the Beach & Shoreline Fund of the Tourist Development Council prior to the March 18 deadline. The \$6.57 million in FY 2009-2010 requests will be heard by the county's Coastal Advisory Council on April 20, and then by the TDC in a special workshop May 28. He assumed that funding requests would exceed available funds as last year, and that the Captiva project would need a legislative finding of appropriateness by the TDC as was required last year -- that was standard policy.

Fund-raiser: Hayduk reported that the April 8 event was a successful first effort, raised \$41,000 in gross revenues with some still outstanding and some bills to pay. He felt it was a great collaboration, and that we had a lot to learn for the future. A good time for all and a good display for Captiva and the panel. Silverglide offered thanks to Hayduk and the resort for all the hard work done to make this possible. Miville noted a great turnout by volunteers and the community. Holzheimer suggested the workers should document what was done for future years. Mullin said he had created a Web album to distribute.

Gooderham said he would look at payment options for the future, since accepting credit cards was proving more work than expected.

New business: Gooderham noted he finally had followed up on past discussion about news boxes at Turner Park, and that the county policy was that legitimate news boxes could not be removed from public right-of-way while advertising content boxes could be removed. Barbara Manzo with the county Parks & Rec suggested the panel make a request to initiate notification and removal. Boyle made a motion to write a letter to request removal of boxes that can be removed (Miville second); unanimous approval.

Stilwell noted that DOT had contacted her in March to say a sidewalk was going to be installed on Andy Rosse Lane for public safety. She had asked them to wait until after May 4 to allow seasonal traffic to lessen. She said it would be on the south side of the street, to connect to paver path. Miville asked if we could stain the concrete. Jensen asked whether pavers could be used instead.

The meeting was adjourned at 10:40 a.m.

-- Ken Gooderham