

**Captiva Community Panel**  
**MINUTES**  
**May 5, 2009**

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

**Audience:** 25

The meeting convened at 9:05 a.m.

**Blind Pass:** CEPD administrator Kathy Rooker provided the update, noting that the metal wall of the containment cell for beach-incompatible sand was removed to get at the sand, trucking removal continues. Weather has caused some delay in Gulf-side sand removal; 32,000 cubic yards to be removed seaward of existing wall. The contractor has not been working 24 hours yet, will be going from 4 a.m. to midnight. A complete presentation will be offered at the CEPD meeting May 6, beginning at noon; Robert Neal with Lee County will be on hand to explain the project status and take questions.

**LDC:** Mike Kelly provided a brief introduction and overview of the process to date. His proposal was to submit what we have in hand from the last panel meeting (Draft #6) to Lee County for staff review. We have not changed anything of substance, but in discussion it was clear that four areas need further attention:

- Mangrove protection
- Height limitations
- Rental language for the RSC-2 zoned area
- Signs

Kelly offered an explanation of each issue and areas in need of resolution.

- While there is a strong desire by many to increase regulatory protection of the remaining mangroves, the county does not regulate mangroves and may not allow more restrictive language in its code.
- Modernization of height language is warranted, to avoid boxiness and allow for architectural diversity while allowing reasonable ceiling heights and designs.
- It's been raised in previous meetings the need to upgrade RSC-2 language to current usage and eliminate confusion in its interpretation.
- Consensus is that the sign ordinance is seriously out of date, but a thorough review is necessary to ensure that unintended consequences are minimized.

Kelly then made a motion to accept Draft #6, submit it to Lee County as the new Captiva Code for review, and to go back and look at mangrove protection, height limitations, estate zoning and the sign ordinance in the fall, convening a committee of interested islanders to study those four things to see if changes are in order (NP second).

Jensen asked why it was important to move this forward now. Hullar said it was good timing for Lee County, to be able to work with other communities' code submissions at the same time. Jensen asked about moving forward with nothing on these four areas. There is a potential change, sending forward says we agree with those items. Miville said if we're not clear about certain things and we're working on them, you don't send back the status quo. He's had issues with the height language for nine years, and we've had a couple of meetings where estate zoning was discussed. We're starting the process now, why put things in now? Contact county and find out what timeline for submission really is. Hullar said we have addressed a number of issues in a quality way, we have months of work on these other issues. Do we move forward or do we do nothing? Miville suggested we do nothing that it's not professional behavior to submit unfinished work. We should make it a two-step process. We will be working on these items, so find out when the county needs them.

Boyle said we have to come to grips with the knotty issues. This is just a delay tactic, a stall. Silverglide said the issues we're not dealing with are large enough that we need to deal with them. The RSC-2 issue only came to his attention at the last meeting. He was not prepared to submit a document he does not agree with. Hullar said he will not personally agree with any document the panel eventually submits. This is a living process that will undergo changes every time. Miville said that estate zoning has nothing to do with the rest of the island, most of the affected owners are here and can vote on it right now. Silverglide said the magnitude of potential changes are sufficient to wait. If it were one item, he could agree with moving forward, but he can't support an incomplete document. Jensen asked in these four areas what does the county use today? Gooderham said staff uses what is on the books today, which is the law until it is changed or removed.

At the request of some panel member Kelly and Gooderham summarized the impact and changes of the code language to date. How the code and plan and how each influences staff was also discussed. Mike Mullins said the safety shoulder process needs to be applied to this effort, and asked what public hearings have been held or explanations made. People have a bunch of questions, you may need a survey to the community. Numerous points could be interpreted in numerous ways. Hullar said everything that was cited is what is in force today, all we can do is change it. Stilwell said there's a lot more here, more homework we have to do, and asked for a show of hands of those attending who had problems with what was being discussed to submit. She said it was not wise to submit something we have put time and effort into it. Wait a few months, do some committee work. Pyle said she agreed at this point. Not ready to move this forward. The question was called and failed on a 6-3 vote.

Miville said the panel needed to form a committee, if you have an interest contact him or contact Kelly. Hullar said this work will resume sometime in October.

Miville said this can't wait until the fall, these are people's properties. Silverglide said one reason they expanded the panel is to be able to work 12 months a year. Can we put together a timeline on how to move these items forward? Hayduk suggested GoToMeeting software, a way to can get community involvement. Miville said they needed to be selective on the issues, and to tap into specialized interests and knowledge. RSC-2 is a sectional issue. Pyle said community input will need to happen when people are around, but we can certainly be working on individual items. Four committees or one committee dealing with all four things. Work now and have meetings in the fall. Kelly said they could develop a draft on these four elements. Do it with a committee of the whole. Kelly will be the collector of comments. Pyle will assist with committee to create a draft on each four items for group to work on. Hayduk said to make it accessible to all, and make changes live during meetings.

Silverglide said it was important to establish a timeline for this so we have a plan to move forward. Hullar said the panel needed to be ready for public meetings in November. Paul Garvey suggested the panel hire a professional planner, to help guide you and county staff. He had questions about what came back from staff in its informal review, and recommended a planner who is working with Estero Planning Panel. Silverglide made a motion to look into hiring a planner, and to authorize Hullar and Kelly to talk to a planner to see if it's appropriate (Jensen second). Motion was unanimously approved.

**Scott residence:** Ahmad Kareh with Bean Whitaker Lutz & Kareh Inc. introduced himself and offered an explanation of the variance request, showing site plan, and aerial. The subject property is at 11400/406 Dickey Lane, zoned TFC-2, 0.29 acre of land north of Dickey Lane. Variance is being sought for the street setback, code requires 20 feet, requesting variance to a 15-foot setback. A lot split was approved by variance a few years back along a substandard road. Extra copies of aerial and site plan available and were passed around the audience. Kareh offered a point-by-point explanation of how this request meets the variance criteria. When polled there were no objections from the neighbors in attendance:

- Kathy Rodriquez, 11450 Dickey Lane
- Elaine Smith, Dickey Lane
- Spencer Hall, Mango Court
- Paul Garvey, 14861 Mango Court

Hullar reiterated that all neighbors present supported the plan. He made a motion to support the variance (Boyle second), approval was unanimous.

**Hurricane response:** Pyle offered this month's summary noting that while a plan was established there was a little complacency in the community. There as discussion of preparations and committee assignments. The next committee meeting was set for July 10; check the Web site. Hullar again urged residents to go get hurricane passes from the city of Sanibel.

**Golf cart ordinance:** Gooderham offered an update on its status, that it had gone to the county commission at its May 4 Management & Planning meeting where it was decided to move it forward to a public hearing. He reminded all that this ordinance only increased the regulation for cart drivers in the existing zone; it did not expand the zone or allow night-time use. Both of those are engineering decisions to be made by Lee DOT staff. DOT's Harry Campbell has asked for a public meeting on the island to discuss the ordinance and his findings after a traffic survey in late April. Hullar made a motion to hold this meeting the first week in June prior to the next panel meeting, as an informational meeting and to get feedback. Motion died for lack of a second.

Pyle said it should be a meeting not in connection with a panel meeting, separate from any panel event. Boyle said if the community wants to make change, shouldn't the panel be present to hear it? Shirley Stanton suggested waiting until November to move this forward. Hullar said such a meeting might occur after the public hearing on the ordinance. Miville said the panel could send out a mass e-mail with whatever is available to the current list. Bob Brace asked if that could be restricted to people living in the zone. Silverglide asked if the DOT survey could be provided to the panel prior to the meeting. Boyle said the panel should be involved in any public meeting. Jensen made a motion to make the DOT informational meeting part of the June 9 panel meeting (Miville second). Approval was unanimous.

**Water quality:** Gooderham noted that the Coastal Advisory Council reviewed the Beach & Shoreline Fund requests at its April 20 meeting, with the only comment being that water quality projects in general could face some greater scrutiny when funds are so outstripped by requests. The exact shortfall is not know yet and may not be clear until the May 28 TDC workshop when the requests will be reviewed and ranked. He offered an explanation of the funding process and plans in advance of the TDC workshop. Mullins noted that the CEPD was asking how much bed-tax money is generated from Captiva rentals. Jensen asked Tony Lapi (an ex officio TDC board member) whether anyone had ever asked for this information before? Lapi said that figures are generated by random access to revenue reports, so getting dollar figures from the sources is better.

**Fund-raising:** Hayduk said he was looking at a date for a 2010 event.

**Other business:** Minutes from April 14 meeting were approved as published by unanimous consent.

The meeting adjourned at 10:50 a.m.

**-- Ken Gooderham, administrator**