

Captiva Community Panel
MINUTES
June 9, 2009

Attending: Jim Boyle, Ron Gibson, Rick Hayduk, Gordon Hullar, Dave Jensen, René Miville , Nathalie Pyle, Harry Silverglide, Sandy Stilwell

Audience: 15

The meeting convened at 9:05 a.m. The minutes from the May 5 were unanimously approved on a motion by Hullar (Boyle second).

Golf carts: Harry Campbell with Lee County DOT and Lt. Joe Poppolardo with the Lee County Sheriff's Office were introduced, and Campbell offered a brief explanation of the background leading up to this public meeting on the proposed golf cart ordinance for Captiva Island. Campbell sought to clarify the difference between decisions that were enacted by ordinance (such as requiring one to be a licensed driver to operate a golf cart) vs. those which were engineering decisions made by DOT (such as allowing night-time use or expanding the golf cart zone on the island).

He said a traffic survey was conducted in late April with an eye to three possibilities: Allowing night-time use in the existing cart zone in the Village, expanding the zone to Tween Waters Inn for daytime use and expanding the zone to Tween Waters Inn for night-time use. He noted that there not been any crashes involving pedestrians on the island 2006-2008, which was a good record compared to other communities such as Fort Myers Beach. He felt the safety shoulder had been very helpful to both bicyclists and pedestrians, and that it was important that the community take ownership of this shared-use facility by adjacent property owners helping to keep the shoulder clean, for example, and keep vegetation properly trimmed. He did note that the survey showed some dangerous uses at night, such as pedestrians walking with their backs to traffic or wearing dark clothing with no illumination. He suggested the community consider offering reflective devices such as the state used to provide, that there were possible sponsorship opportunities to help pay for such devices.

Campbell noted there had been some bike crashes during the three-year period studied, one with injuries. Also, there had been four crashes involving rental scooters, all with injuries. He said that indicates someone renting something they're not familiar with. There were no reported crashes of golf carts on Captive Drive, but some issues in other locations with golf carts.

Campbell said the DOT position was to consider concerns of the community panel and island residents in any possible extension of daytime use of golf carts on Cap Drive to the Tween Waters middle driveway. As to the night-time use, he wanted to listen to comments today. The survey estimated that expanded golf

cart use would mean a delay of 1-2 minutes for drivers, not significant. DOT felt that, other than the Jensen curve, cart operation could occur safely. He said that carts need to share road with traffic, not just ride on the shoulder, and he may decide to require carts to use the travel lane except in emergency situations and to allow passing to occur as needed. The shoulder was used heavily by pedestrians and bikes, should not be considered for use to share with carts. Hullar asked if the current rules don't require carts to stay in the traffic lanes. Campbell said nothing says they can't use the lane. It's in everyone's best interest to have them share the road and prohibit cart use of shoulder in this zone. Hullar asked if one could require that in an ordinance. Campbell said that's a traffic regulation, not appropriate for an ordinance. Silverglide asked about Segueways, and Campbell noted they were primarily a sidewalk vehicle due to their speed and size.

Poppolardo gave a brief explanation of the proposed ordinance, that you would have to be 16 years old to operate a cart on Captiva, to make use safer. He said the extension of a cart zone is a DOT decision, not part of any ordinance -- but that the ordinance would regulate use of the carts based on those engineering decisions. He said people have expressed desire to drive carts to Tween Waters Inn, to lessen use of bigger vehicles. Carts would offer them an alternative to vehicle use. Having drivers be 16 or older makes it safer in general, more responsibility for the operation. Bob Brace asked if the licensed driver requirement was still in the ordinance. Poppolardo said it was, but that other controls could not be included based on the county attorney's interpretation of state law. Brace asked about the cart upgrades being required still being included. Poppolardo said they were for night use, but can't include other upgrades discussed due to state law. Campbell said the ordinance would put the same restriction on use of carts at night that a teen has on driving a car at night. The ordinance requires upgrades, and its language mirrors state language. He reiterated that the decision to allow nighttime use is a traffic regulation decision.

Ann Bradley asked who people would contact with visibility issues? Campbell suggested call the property owner first if you know them. If the obstruction was on private property, it's difficult to remedy; if it's in the right-of-way, then the county has jurisdiction. Campbell said the first reading for the ordinance was today, the next one could be in two weeks. Gibson said that then DOT would make the decision. Campbell said DOT could do that today, but they would rather wait until the age restriction is in place as there are concerns about unlicensed drivers driving on the roadway. Kim Herres asked about pedestrians vs. bike directions? Campbell said the law is that pedestrians should walk facing traffic, bikes go with traffic as required by law. Hullar said the previous panel resolution excluded any geographic discussion, and that we would not want that changed. Campbell said at the prior meeting there was discussion of extending the cart zone to Tween Waters, but we wanted to evaluate traffic during peak season -- which we did. DOT believes we can extend operation to Tween Waters, with carts sharing the road with traffic adding 1-2 minutes to driving time. But we're

not ready to do anything today. Also, additional signs will be necessary to improve safety through the curve; it's not pretty, but necessary.

Miville said while there's fear of a massive expansion of the cart zone by a few, we don't know what the island consensus is. This is simply a procedural matter to regulate what's there. Silverglide said residents did not have the information Campbell brought it to us today, which shows it's safe and prudent to extend the zone to Tween Waters. Telling people we won't do it because a few don't want it is disingenuous; the island is not interested in stopping cart use, but in extending it. Most objections were about time getting off the island, and Campbell has addressed that. Also we have a good safety record so far. More use will expand the chance for accidents, but proper use can keep it safe. Hullar said the discussion was about a procedural issue, but it's not a good time to expand the use. No agenda item has been published that this would be discussed today. Pyle said the panel can talk about it today, but we assured people we would not send a recommendation to the county without giving them a chance to discuss it.

Silverglide said he objected to those comments, that one individual representing an organization that has been disingenuous about this. We've been discussing this for about three years, where are the opponents? Miville said the panel could present new information to the community electronically, act responsibly, inform the community and then act and move forward. Get a general consensus to inform before acting. Hullar said we don't know how many people are for or against it. Jensen asked that if the community decides we want it to expand cart zones, what's next? Campbell said the county has a certain core level of services we provide to all, but we're looking to you to tell us what your concerns and interests are and we will do our best to accommodate you. If nighttime cart use is desired, we feel comfortable once the ordinance is approved allowing that use in the Village. This ordinance will be adding age restrictions for night-time use. But we're not prepared to extend use to Tween Waters immediately, we want to hear feedback. Miville urged people to give us feedback in 30 days.

Sharon Michie asked if the delay was per cart or in general? She also asked whether we could we try it temporarily, say during EDT when the sun is up longer. Campbell said once the ordinance passes, the community can ask DOT to provide nighttime use in the Village by request. We will respond to safety issues and problems, if there are crashes we will do things to address those crashes. Silverglide said we've had three years of discussion and comments, and I've only heard only a small number of objections from the same group of people. Let them come before us and voice their objections, so we can have a honest conversation and move forward. Brace said shouldn't you reach out to the public for input? Summertime is a bad time to get feedback. Silverglide said cart use has been ongoing, we're just trying to regulate it. Let the opponents come forward.

Stilwell asked that if we decide to go forward with night-time use in the Village, when will it go before the county commission. Campbell said that was a DOT decision. The ordinance sets rules, DOT decides whether to move forward. If the ordinance passes in August, and we feel comfortable allowing night use, we could move forward at that time...the end of summer. We would want to confirm from the panel that night-time use is recommended by the panel. Pyle made a motion to confirm the panel's resolution to allow night-time use of golf carts in the Village upon passage of the proposed ordinance (Boyle second). Approval was unanimous.

Miville made a motion to instruct Gooderham to email an update to get feedback from the community re expansion of the cart zone to Tween Waters (Silverglide second). Stilwell said that could confuse the issue between the night-time ordinance and any zone expansion. Let ordinance pass, get people used to it, then get feedback in the fall. Hullar said if we want real feedback, we will need to go to a survey. Silverglide felt it was silly, that people can make this distinction. Jensen said this was the first time we've had the information Campbell brought to us today. Silverglide said now we have the facts from DOT, it's time to go forward. We've taken a lot of the myths away today, now it's time to hear from the community. Miville said the update could include DOT's findings and discussion of expansion. Pyle asked if this could be done after the ordinance is approved. Campbell clarified the points raised in a CCA letter to the county commission before the May M&P meeting where the cart issue was discussed, noting that they are separate issues. He said he would work with Gooderham to develop a short accurate write-up for the Web site. The vote was called and resulted in a 4-4 tie and failure. Stilwell reiterated that she wanted this to go out later.

CEPD update: Kathy Rooker was introduced. She said that a dune planting with the county was planned, on the back dune in the Tween Waters stretch. This was being done through a grant from the state, and would prevent erosion and protects animals and habitat. Noting that people needed to buffer lighting along the road for the turtles, she said the plantings will provide a good buffer. She observed there were 23 turtle nests on island. On Blind Pass, the weather has not been good for dredging, and the pass sand is coarser and harder to move. Completion is still expected in July. Stilwell asked what would happen in the event of a major storm nearing the area. Rooker said the dredge equipment would have to come out of the Gulf. Stilwell said she hoped the crew was stepping it up to get done before storm season. Rooker noted they may extend hours to work more shifts.

Hurricane preparation: Doris Holzheimer was introduced, and noted that we were now in hurricane season, and we've done all the work we can do to be prepared. She noted the materials provided for your pickup at this meeting, and said that 84 hurricane passes were issued for Captiva so far, significantly down from prior years. She encouraged people to get their passes from the city of

Sanibel now, and so send in their information to the Captiva Fire Department as well. She encouraged people to keep watching the mycaptiva.info Web site. Ann Bradley added that there was some good information on what you needed to keep in terms of records for possible evacuation as well.

TDC water quality funding: Gooderham provided a brief explanation of the TDC action at a May 28 workshop, when the members decided not to support the three water quality projects in the FY 2009-2010 request list and instead ask the county to pick up funding for those projects this year. This was partly driven by a \$2 million shortfall in revenues vs. requests the Beach & Shoreline Fund faced this year, thanks both to decreased bed tax collections and the diversion of beach funds to support baseball effort in the county. The TDC had an item on its June 12 agenda to formally request that the county fund the three projects, and had discussed a possible funding split if necessary.

Pyle made a motion to have Gooderham draft a letter from the panel to support that the county pick up the cost of the second year of Captiva's water quality study (Stilwell second). Miville said he believed Commissioner Bob Janes will ask for support of the project from the county general revenue fund. Stilwell said that when island beaches closed, there was a dramatic effect on tourism. Michie said the rental agents were working to compile bed tax collection numbers for the islands. Holzheimer said the CEPD also passed a resolution in support of the project's funding. Jensen asked if a letter will be sent regardless of what happens Friday? The consensus was that it would be sent. The vote was called and was approved unanimously.

Financials: Stilwell gave a brief explanation of the monthly reports, and congratulated Hayduk again on a great job with the festival fund-raiser.

Water quality: Jensen said there was nothing further to add, except to encourage people to please send in their support for funding to the county commissioners. Gooderham said he would be sending a list of talking points with the commissioners' e-mail addresses to the Captiva list this weekend.

Land Development Code: Miville noted that he had been contacting planners to help the panel finalize its code language draft, including Jack Luft, Bill Spikowski, Carrie Call, Joe McHarris, Dan Delisi, Dave Depew and Jerry Murphy. He said he explained to each what was happening; asked for their experience on Captiva and in the county; asked if they would support consensus even if it is wrong to do. He also asked their impressions of other planners and how they saw the particular effort. Gooderham has mapped out a scope of work to go out immediately and get responses before the next panel meeting, so we can make a decision. All of them understand that interacting with the Captiva planning universe is good for them into the future. We've established a nice rapport with a group of planners; firms with provenance and clout vs. smaller new energy firms. Holzheimer asked how this fits with what Mike Kelly is doing? Miville said we

need a professional to move the draft forward. Pyle noted there was a recommendation made at the last meeting, Miville was moving forward on that. She asked if the scope could be sent to panel members. Miville said it would be sent out this week, and read the text of the scope to the audience. He suggested to make the deadline July 6 for the July 7 meeting. Miville made a motion to send out an RFP to planner this week (Boyle second), approval was unanimous. Holzheimer asked if we will get bogged down in the controversial issues. She hoped you will continue that work, not hold up everything for a few issues. Pyle said that was discussed last time extensively and voted down at the last meeting.

Fund-raising: No report.

Other business: Stilwell raised the issue of the proposed causeway toll increase. She said the county staff proposal which was under discussion was to raise the transponder toll to \$3 per trip with no further discounts for more frequent users. She said the Sanibel-Captiva Chamber of Commerce was launching a campaign against it, and was trying to compile figures from businesses and people as to the cost to them to do business out here if the increase went through. Everyone agreed islanders would see an increase in cost of services. She said the toll proposal will be addressed by the county commission in August, so we have time to launch a good campaign against this increase. Hayduk said it included the cost of transponders for staff, plus working with the BPSI county van service. This was important for recruiting and staffing. Hayduk said we've been telling the TDC that trouble was coming with area tourism, now they see it -- now reacting instead of acting about this issue.

Miville said he had spoken with Commissioner Bob Janes about the causeway bonds, about what kind of deal the county got. It could save them \$2-\$3 million in refinancing. We can't just complain, we need to offer them an alternative. Stilwell said the county raised the causeway toll last time right after Hurricane Charley, and we did not have any time to organize any effort. Now we have time to act. Kim Herres said that higher tolls will mean less traffic, so the county will defeat themselves. Poppolardo said the staff report was presented at the same time as golf cart ordinance, so he happened to hear the discussion at the commission meeting. He said the county is looking to get funds quickly, to generate more revenue right now, and will not wait to see benefits of refinancing.

Stilwell said this affects everybody, we all need to get on board. Tony Lapi said this also needed to be raised at the June 12 TDC meeting. It affects the community because businesses can't donate to people in the community if we need to divert money to pay for increases. Sherrill Sims said this even affects school kids. If a child has to go to a special needs school, that's two trips a day for the entire school year. Think about the times you cross the bridge for medical visits, etc. -- we need to bring it down to a personal level.

Silverglide made a motion to have Gooderham draft a letter to the county commissioners to oppose toll increases, and to encourage people to forward to service people we work with to send in as well (Pyle second). Boyle said he hoped the letter would give them some examples of how this affect businesses and residents, impacts TDC taxes and cost of services. Herres said if costs go up and revenues go down, what's the impact on taxes? Hayduk said the cash toll may not be a decision-maker for guests. The loss of discounts affects the day-trippers and day visitors, as well as service providers. This affects our margins, our ability to hire and invest in property, has an impact on use of local service providers. Resorts are holding our own, but having to discount heavily as costs all around continue to go up. Add in a business's ability to reinvest in the local community and on employment, and the true economic impact is a tentacle of many -- might be \$50,000 annual for South Seas alone.

Stilwell said the Chamber is trying to make it easier for people to provide information. Boyle hoped the county would make increase more equitable vs. Cape Coral bridges, and asked if it was tied to voters out here. Hayduk said some estimates were that Captiva collects \$3.5 million in bed tax annually alone. Silverglide noted that there is no toll to Fort Myers Beach, which automatically gives those businesses an advantage. Herres suggested any letter be copied to the Chamber. The vote was called to unanimous approval. Gooderham was directed to send a draft to panel ASAP.

The meeting adjourned at 11:00 a.m.

— ***Ken Gooderham, administrator***