

Call to Order Swin called the meeting to order at 6:02 p.m.

Roll Call

Board members present: Kevin Downes, Melissa Heberle, Marlene Fox, Paula Garrett, Swin Swinford, Bill Fry, Bonnie Whitmore, David Bolme

Board members absent: Steve Huber

Members present: Candi Highsmith, Debbie Renner, Dave Renner, Bradley Whitmore, Jeff Fox, 18636602930, Paul Caskey, Kristi Riggle, Laura Hartle, Steve Crawford, Scott Matthews, Karen Wildman, Roy Wildman, Wesley Whitmore, Teresa Bolme, Lt. Mike Sawicki, Deputy Chris Lusk, Helen Justice, Mark Justice, Karen Yaros, Steve Ward, Marni Ward, Debbie Hudson, Sherman Cottrell, Lisa Walker, Duncan Rosen, Jeff Irvine, Sheila Irvine, Tina Goodman, Linda McDonald, SueAnn Cousar, Judy Balk, Pat Levin, Deb Levin, Rich Gross, Kerry Williams, Alice Williams, Lo Turner, Susan Turner, Peggy Clancy-Flyte, Lee Highsmith, Lisa Oswald, Kermit Oswald, iPhone User, vfh, Steve Holt, Anne Caroline Taylor, Dick Taylor, Gary McBride, Nicole Rossi, iPhone User, Rick Oldenettel, Anne Ray, Terry Grimm

Additions/Changes/Deletions to Agenda - None

Public Comments on Agenda Items - None

Treasurer's Report / 2023 Budget Bill noted that January, February, and March data are published on the website.

Financial Report (Q1 2023) will be posted on the website at the next board meeting.

Current Island Concerns

Hurricane Debris Removal The new crew has started with vegetative debris and has completed vegetation portion from Panama Shell to Schooner this week. Trevor and Hudson Taylor from the island have had great response using the big machine operation from homeowners. C&D removal should be next in a more regular pattern. They really appreciate keeping the debris separated, making their job easier and quicker. They feel they can be finished by the June 30th deadline. They will be reaching the south side of the island as well. Some of the larger vegetation will be grinded in order to get it easier to remove. They warned homeowners that it will be louder, but they will try to keep the time used to a minimum in respect to nearby homes. SueAnn asked

that the crew not leave any equipment on Sundays where the island worships. Swin is coordinating LCEC with DRC.

Community Island Clean Up Initiatives. Kevin and Paula coordinated the successful April Cleanup. Future cleanups are to be determined with the success of the debris cleanup.

Crime / Theft / Neighborhood Watch Homeowners are not reporting any crime that has been rumored on social media. Lt. Sawicki said that most incidents have been civil matters; some being contractors using theft as an excuse to delay deadlines. He noted that we are experiencing some of the same issues as many on mainland, unfortunately. Lt. Sawicki reminded us to be fully aware of their contract and ask questions – especially sub-contractors. He reminded homeowners to lock doors, golf carts (he recommended a bike lock as an easy crime thwart) and take general safety precautions that we have taken for granted. Lee County does have a leash law that will be enforced on our island. Lt. Sawicki also covered lighting regulations with regard to sea turtle nesting. He suggested using clings to place on windows to remind people to turn out lights. Lt. Sawicki reminded the group that any vehicle on the beach is illegal. The only exceptions are law enforcement, UCFRD, and sea turtle monitoring. If there is an emergency, call 9-1-1. 239-477-1000 is the non-emergency number. Lt. Sawicki can be reached at 239-281-7210. Deputy Lusk can be reached at 239-633-5127.

Internal Combustion Vehicles The vehicles are not illegal at this time, but hopefully the Upper Captiva community can come up with an enforceable plan. Swin read a letter from Mikki Rozdolski* summarizing the Lee County Plan with regard to internal combustion vehicles. Lt. Sawicki clarified that because our roads are private, there are no speed limits or driving regulations that can be enforced by the county or police department. June 8 is a meeting with commissioner Ruane (former mayor of Sanibel and helpful to island communities). We can discuss further May 17 at the town hall with LCSO.

Committees & Projects - Reports & Action

Community & Membership Committee Kevin summarized a successful Island Cleanup was yesterday. Marlene asked for feedback about hosting the chili cookoff fundraiser with positive feedback and will move forward to coordinate it.

Government Affairs Committee Swin and Duncan are working on the town hall with Commissioner Ruane which will start with a questionnaire of homeowners.

Communication Committee David summarized that we have 136 member households (there may be more than one member per household) and that 54 did not renew. We have 539 email subscribers. David has sent 20 informational emails this quarter. We have a YouTube channel where you can find town halls and meetings.

Island Development Committee No report.

Road Signs / Golf Cart Access Project Paula showed an example of the street signs that her husband, Scott put together for us. 147 signs for 38 posts. She will send out the invoice to everyone so they can see pricing before the board approves.

Golf Cart Registry Project Golf cart registry has 153 registered and is being updated because some were lost in the hurricane. Bill reminded everyone that if a cart is seen or lost, this registry can help locate the owner or cart. Sherman recommended that homeowners have a logo or identifier on their cart to help. SueAnn mentioned the possibility of having a street sign so one can find a particular street from the beach. Paula discussed the beach signs that will warn visitors about rip tide, sea turtles, and other regulations and suggestions. Golf cart beach blocking will be discussed with the new fire chief.

Town Halls

- Lee County Sherriff's Office Wednesday, May 17th
- Lee County Commissioner Keven Ruane Thursday, June 8th
- New Fire Chief / Duncan Rosen (Upper Captiva Fire & Rescue District) TBD

Other Business

Adjourn Paula made a motion to adjourn the meeting. Kevin seconded the motion. All in favor. Meeting adjourned 6:16 pm

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North Rame
District One
Carl L. Pendragon
District Two
Roy Sordahl
District Three
Brian Harmon
District Four
Mike Greenwell
District Five
Roger Desjardins
County Manager
Richard W. Beach
County Attorney
Danna Marie Collins
County Hearing Examiner

April 18, 2023

Mr. Swin Swinford, President
Upper Captiva Civic Association
Via Email: swin.swinford@uppercaptivacivicassociation.org

Re: Internal Combustion Powered Vehicles

Mr. Swinford,

Thank you for wanting to better understand the implications of the Lee Plan, specifically Policy 26.3.2, as it pertains to use of internal combustion powered vehicles on North Captiva.

POLICY 26.3.2: *Except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways on North Captiva.*

This policy was adopted into the Lee Plan by Ordinance 09-09 in 2009 as part of a community plan for North Captiva (Goal 25), and renumbered to Goal 26 by Ordinance 18-18. As you correctly observed, Policy 26.2.3 has not been codified into Lee County's Land Development Code (LDC). In fact, in 2014 provisions to implement Policy 26.2.3 were explicitly rejected by the Board of County Commissioners when the LDC was amended by Ordinance 14-13 to include land development regulations specific to North Captiva.

The Lee Plan is the County's comprehensive plan that provides the principles, guidelines, standards, and strategies for the orderly and balanced development of land within unincorporated Lee County. The Lee Plan is not a regulatory document with authority over motor vehicle or equipment operation. There is nothing in the Lee Plan that permits enforcement of Policy 26.2.3 by the Sheriff or Code Enforcement and there are also no violation provisions or penalties for violation of the Lee Plan. In short, the operation of a motor vehicle or equipment is not a land use matter.

Chapter 316, Fla. Stat., provides uniform traffic laws that apply throughout the state and its several counties and municipalities. Chapter 316, Fla. Stat., functions to prohibit any local legislation on traffic control or the enforcement thereof under



the police power of a County or municipality, except as may be expressly authorized by the Uniform Traffic Control Law. Nowhere within Chapter 316 is Lee County permitted to prohibit the operation of vehicles with internal combustion engines.

Please let me know if you have any questions.

Sincerely,



Mikki Roudsaki, Interim Director
Department of Community Development