

**Call to Order** Swin called the meeting to order at 7:32 p.m.

### **Roll Call**

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

Board members absent: Marlene Fox

Members present: Kerry Williams, Mark Yaros, Kari Downes, Tina Goodman, Linda McDonald, Jon and Peggy Flyte, Ken Ivey, Zeke McDonald, Bill Waibel, Jane, Carrie Malloy, Melonie George, Iphone, Iphone, Iphone, Micheal, 607-726-0057,

**Additions/Changes/Deletions to Agenda** - None

**Public Comments on Agenda Items** - None

### **Treasurer's Report / 2023 Budget Bill**

Not a significant amount of spending recently due to significant spending during hurricane spending October through December. April we approved spending for new signage \$12,000 for road signs and eliminated phone directory spending in May.

### **Current Island Concerns**

Hurricane Debris Removal The third and final pass started 7/26/23 north of the airport and part of the south part due to LCEC project access/blocking. Much of it has been posted on the website and FaceBook. They will take anything except new construction material and new landscaping. The next struggle is vegetation as it is all being deemed landscaping and not vegetation.

Illegal Dumping We will be creating No Dumping signs temporarily in strategic locations with information on how to report illegal dumping. Team Davenport and North Captiva Barge Company all have a new program for large garbage removal.

Community Island Clean Up Initiatives. We had no July cleanup, but plan to have more in the future depending on who we can get to take the excess garbage off the island. There is one large pile on island attracting rats and

### **Committees & Projects - Reports & Action**

Community & Membership Committee We had a successful cleanup in May and June, but skipped July due to low attendance. We plan to have a chili cookoff, poker run, homeowners party and recycle event.

Government Affairs Committee LCEC is in full swing to replace all electrical lines and boxes on island. We encourage all owners to be signed up for alerts through LCEC so you know when electricity will be stopped or interrupted. The general consensus for Pine Island is that they do not want to incorporate with anyone. Captiva residents have also been fighting large developments.

Waste management will still be private through team Davenport and soon North Captiva Barge Company.

Communication Committee David summarized that he continues to send out blog posts. 139 member families for 2023. Most of what he does is website maintenance and calendar maintenance. We will include information about UCFRD event on August 6 for Hurricane Preparedness with a lunch. UCCA will try to get a zoom for that event.

Island Development Committee the former Mainstay site appears to have some construction, but the company has not notified anyone of their plans yet.

Road Signs / Golf Cart Access Project Paula will be calling 8-1-1 to determine positioning of road signs for all road marking on island.

Beach Signs / Beach Access Paula will show a sample of the signs that will be installed at the nature preserve, Dolphin Beach, Butterfly Beach and Island Girl Charters docks. Signs will be posted with information about wildlife and rules like not driving on Oro Hidden Hodge Podge Escondido, and Schooner/Bartlett entrance to beach. We are looking for sponsors for signs. The beach at the end of North Airport Road does not have an official name.

Golf Cart Registry Project Looking to get all the new carts added online. Look

## **Town Halls**

- New Fire Chief / Duncan Rosen (Upper Captiva Fire & Rescue District) TBD

## **Other Business**



General Membership Meeting Minutes  
July 27, 2023

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Adjourn Paula made a motion to adjourn the meeting. Bill seconded the motion. All in favor. Meeting adjourned 8:29 pm

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

April 18, 2023

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