

Upper Captiva Community Panel
Adopted Minutes
October 23, 2012

Present: Kristie Anders, Dave Tompkins, Vice-Chair; Rick Fox, Treasurer; Zeke McDonald, Secretary; Peter Aldrian, Member; Bert Trapanese, Member; Hart Kelley, member; Margaret Banyan, FGCU; Kathie Ebaugh, Lee County Planning (by phone); and members of the public (Tom Murphy by phone).

Meeting called to order at 11:55am

Meeting Minutes

Zeke McDonald Motion to approve June 11, 2012 minutes as written

Peter Aldrian: Second

Decision: Unanimous in favor

Financial Report

Rick Fox reported that all of the billing was complete and sent to the UCCA Treasurer for submission to Lee County. The invoice from FGCU was for \$9,986.43. Rick summarized the process of payment, which is for Lee County to issue the check, give to UCCA and UCCA will pay FGCU. This bill was for the completion of Phase II of the project. Margaret Banyan reminded the committee that Phase III was already over 100% completed, but will wait to bill until project moves into the Phase IV (Task IV: Implementation & Delivery to Lee County BoCC).

Peter Aldrian Motion to accept financial report

Dave Tompkins: Second

Decision: Unanimous in favor

Public Comment

Sue Ann asked about purchase of the new phone to be shared among island organizations. Margaret Banyan and Rick Fox worked out the recommended phone for purchase.

Lee County Comprehensive Plan Amendments

Plan Amendments

Kristie Anders asked Kathie Ebaugh to comment on communities element. Kathie reported that Tony Palermo is handling that element. It will be brought before the CSAC and LPA again as a whole. Kathie explained that the Lee Plan Goals, Objectives, and Policies (GOPs) related to public and community input were being combined into one element. The relevant policies identify what level of review each community has for development. Kristie requested that Upper Captiva also have review when there are changes to land use or Lee Plan. Kathie responded that was an easy change to make. Discussion ensued about how the community is notified and which organizations or individuals get notice. Panel members requested that someone be added to the county's "interested parties" email list.

Other concerns over the Lee Plan changes is that the communities element made reference to communities meeting regularly. This will not be relevant to all communities, especially when they are not in an active planning process.

Kathie also noted that the Upper Captiva section of the Lee Plan is now Goal 4.

Information Clearinghouse

Kristie asked for an update or discussion on the information clearinghouse. Kathie responded that Lee County's response to an information clearinghouse was their on-line website. Kristie and others were concerned about the complexity of the site and passive nature (e.g., someone has to actively and regularly seek the information, rather than receiving the information). Margaret suggested the county look into providing an RSS feed for the site. Kathie responded that she would pass the information on to those responsible for the site.

Code Discussion

Discussion ensued regarding Lee County's response to the proposed code language.

Meeting requirements. Panel members expressed concern that one size doesn't fit all when it comes to meeting requirements. There was considerable concern to make sure that a meeting would be held on the island. The panel discussed three options: 1) request existing language go forward, 2) propose changes to submitted code, and 3) accept what is in existing Lee Plan. Bert proposed having standard meeting dates that the developers would know in advance and have to attend. Others were concerned that would be problematic in that developers might not have their plans worked out sufficiently before presenting to the island.

Hart Kelley Motion to ask Margaret Banyan to re-draft language and submit back to county

Peter Aldrian: Second

Discussion: Margaret will ask county to correct UCCP language in Lee Plan and include how notification occurs specific to our goals.

Decision: Unanimous

Further discussion ensued regarding Margaret asking Ken Gooderham about how they are revising their meeting code. Kathie requested that the code language be as similar as possible to other communities.

Further discussion ensued regarding interested parties list. Kathie Ebaugh reported that the community could have someone added to the interested parties list.

Peter Aldrian Motion: Add chair of the community panel as the contact for the county's interested parties list, currently that would be Kristie Anders

Bert Trapanese: Second

Decision: Unanimous in favor

Golf cart regulations. Discussion ensued regarding county's comment to look into golf cart requirements on Captiva. Kristie noted that Captiva's code is irrelevant to Upper Captiva, because the pathways on Upper Captiva are not public roads (as are Captiva's). Hart noted that he didn't believe that liability belonged to the owner of the property on a prescriptive easement –

unless, of course, the owner was negligent or intentionally harmful. Hart noted that he is concerned about enforcement of regulation. Hart also wanted to clarify the definition of a golf cart.

Peter added that the regulations would not regulate pathways, but the vehicle. The enforcement issue will possibly be something that is handled in the courts, not as a local law enforcement issue. Hart believed that the code should meet island needs, rather than just a definition from somewhere else. Kristie Anders agreed that the code should be more detailed.

Peter Aldrian Motion: He and Hart Kelley hold a subcommittee meeting on golf cart regulations and allow all to attend.

Hart Kelley: Second

Discussion: Margaret will get document to the subcommittee; meeting will be noticed.

Decision: Unanimous in favor

Dark skies. Discussion ensued regarding how to deal with dark skies comments.

Zeke McDonald Motion: He and Dave Tompkins hold a subcommittee meeting on lighting regulations and allow all to attend.

Dave Tomkins: Second

Decision: Unanimous in favor.

Invasive exotics. Hart Kelley commented that all exotics should be included. Kristie Anders responded that would include scovilla, mother-in-law tongue, etc. Others agreed that the cost and complexity would dramatically increase as a result.

Other items related to the code. Hart commented that he would like to see Lee County do a better job of code enforcement. For example, home rental (RSC1) currently requires no less than a one-week rental. Item tabled for further discussion.

Open Space. Tabled.

Planning Panel Organization

Zeke McDonald Motion: Nominate Kristie Andes as chair

Motion died for lack of a second

Hart Kelley Motion: Keep present officers

Bert Trapanese: Second

Decision: Unanimous in favor

Other Items before the Committee

Discussion ensued regarding how the panel would provide input at the hearing examiner meeting regarding the marina.

Zeke asked whether he should still represent the panel at the hearing – as an individual or representing the panel. The project has changed considerably since the letter was written, so it is unclear how the letter will still be relevant. Others argued that the letter was the panel's

perspective at the time and should be presented. Hart believed that the panel's process was flawed.

Hart Kelley Motion: Individual members represent their own perspective at the meeting.

Bert Trapanese: Second

Hart Kelley withdrew motion.

Kristie Anders Motion: A member of the panel be present at the hearing examiner to present the letter.

Zeke McDonald: Second

Decision: 5 in favor; 2 in opposition. Motion carries.

Zeke McDonald Motion: Adjourn meeting

Bert Trapanese: Second

Decision: Unanimous in favor.