

Upper Captiva Community Panel
Meeting Minutes
March 9, 2012

Meeting called to order: 12:12pm

Present: Panel Members Kristie Anders, Chair; Dave Tompkins, Vice-Chair; Rick Fox, Treasurer; Zeke McDonald, Secretary; Dr. Margaret Banyan, FGCU Planning Consultant; Lee County Staff: Kathie Ebaugh; and members of the public. Peter Aldrian excused.

February 6, 2012 Meeting Minutes

Dave Tompkins: Accept minutes of February 6, 2012

Rick Fox: Second

Decision: Unanimous in favor

Treasurer's Report

Treasurer's Report. Rick Fox asked that the report be attached as a part of March 9, 2012 minutes. Arthur Mason said that \$5,000.00 was committed by UCCA. To date, UCCA has paid \$823 to Bob Pritt, which leaves \$4,177.00 remaining. In addition, there was \$1,000 set aside for incorporation that was independent from the \$5,000. Rick Fox said that the original intent was to use the UCCA funds at the end of the contract. Margaret Banyan updated on the FGCU Bill and contract. Arthur Mason signed the amended contract and will produce an updated bill once task #2 is completed.

Zeke McDonald: Motion to accept report

Dave Tompkins: Second

Decision: Accepted by unanimous vote

Public Comment

Steve Hall: Thanked the committee for the plan and communications process to date especially with reference to NCIC. Very important to have communication process in place. Permit is at the Corps of Engineers. The Hall's own submerged land on both sides of canal and have strong objection to the proposal. Hall has already made comments to oppose and is concerned about the huge traffic jams on the canal. March 13th is the deadline for comments. Dredging would undermine mangroves and sandy beaches on Steve's property. Would like to ask panel to research all agencies where people must go for permits. This would be helpful for those who want to provide comments.

Zeke McDonald asked if the Army Corp has permitting influence over man made canal? Kristie Anders responded yes. Steve Hall added that the Army Corp has very severe restrictions and are involved because of major dredging involved in the project. Steve has asked for a public hearing. Steve added that Safety Harbor Club will also be asking for a hearing. Discussion continued regarding the presence of manatees and the implications for the application and permits. Kristie Anders said that this application is why panel should exist beyond the county contract. Steve Hall reiterated that the process of communication is critical and would like to figure out a way to improve upon ways that communication occurs.

Kathie Ebaugh described the county's info clearinghouse. People have access to applications online. The site is focused on projects that go through Lee County. Kristie Anders responded that she tried portal but the site provided insufficient information. There is a need for an information clearinghouse for North Captiva that is different from other communities and would like to get something different. Kathie Ebaugh requested information on what additional items the panel or community wanted the county to provide. Suggestions included expansion of permits to all agencies. She also said that Community Development (CD) has created a clearinghouse of zoning applications, but is not currently providing links outside the CD department. She will have to check on how Lee County could provide access to other departments and requested help from the community in defining what was needed. Kristie Anders was interested in how to hook to other departments and receive information much like a public library does.

Zeke McDonald Motion: Panel should establish a mechanism to gather affected agencies and alert residents of applications and variances.

Zeke McDonald: withdrew motion.

Arthur Mason commented that he supports Steve Hall's suggestion and that UCCA will take a position against the marina proposal and appropriate up to \$6,000 to hire Fowler-White to oppose. He also intends to raise \$5,000 more. Arthur sees this proposal as totally incompatible with Goal 25. This is the panel that created Goal 25 when basic document is under fire and urged the panel to take a position. Not compatible with document that the panel wrote. Arthur thinks that the panel should provide a submission to the Hearings Examiner & BoCC. Kristie Anders responded that panel members would be able to serve as expert witnesses at hearing examiner. Members can be an expert witness and can testify as to what Goal 25 meant. Margaret Banyan added that the panel might later serve to facilitate decisions in the community, much like Estero or North Fort Myers. Zeke McDonald thinks that the panel's position should reflect island opinion.

Arthur Mason added that the Kinsey Inn has not had a zoning meeting on the island and would like to be able to go to hearing examiner without an island meeting. Kathie Ebaugh added that other communities have defined in the LDC what types of projects get heard; for example, special exceptions, signage, or development orders. The better defined types of meetings and when that things get heard. Kathie will send examples of other meeting codes. Kristie Anders said that it is critical that the public hearings be properly timed. If it is held so early the island recommendations could be side-stepped. If held too late, the on-island meeting may have no impact on the project development.

Zeke McDonald: That it become a priority of panel to establish a resource with flow chart that describes the process through which building projects and variances through all layers of government.

Dave Tompkins: Second

Discussion: Kristie Anders appreciated the motion, but wondered whether the panel was creating an unfunded mandate. Who will spend time and be thorough and maintain the processes? If developed, perhaps the panel might look for money to maintain. Zeke considered that FGCU would be able to develop and put up on the website. Kristie noted that she has been paying for

and holding the uppercaptiva.info domain name. Margaret added that a theoretical flow chart could more easily be created that did not have individual names, but responsible divisions, for example, the National Marine Fisheries. Kristie Anders added that with wells the island needed a flow chart from the Dept. of Health or in the case of fire issues, fire prevention. Dave Tompkins added that once you get a contact established that information could be shared. Zeke McDonald also wanted to see how Upper Captiva could get on the interested party lists of the agencies that approve projects.

Zeke McDonald: Amended motion for FGCU to draft the flow charts.

Dave Tompkins: Agreed to amendment.

Decision: Unanimous in favor.

Kristie Anders proposed a second motion for the panel to write new code that would further refine policy 25.1.1 – public meetings.

Zeke McDonald Motion: Move that the panel pursue further codification of 25.1.1 to give more specific guidelines to public informational meeting.

Rick Fox: Second

Discussion: Arthur Mason added that he would not like to assume that this process was not already codified.

Decision: Unanimous approval

Draft Vision

Kathie Ebaugh described that Lee County is updating the Lee Plan and creating a new community element. All policies that are common will be put into the front part of the element. The various community's goal are designed to implement the vision. Any amendments to goals should be done now. For example, 25.1.3 & 25.1.4 might need to be updated.

Dave Tompkins Motion: Establish a committee of the whole to re-examine & refine visit goals, objectives, policies.

Zeke McDonald: Second

Discussion: None

Decision: Unanimous in favor

Kristie Anders noted that the status of the Kinsey application has been considered insufficient by staff; one of the reasons is the failure to hold community meeting.

Night Sky

Discussion that the subcommittee further develop the intent of the Night Sky ordinance. Margaret will draft code ideas and Zeke will send to committee. There is clearly an enforcement problem, but regulating fixtures might be more advantageous.

NCIC Discussion

Discussion of the NCIC application continued. Kristie Anders wondered whether or not the panel agreed to have letter drafted as a panel, Zeke would like to show up in person to hearing examiner and would like to develop a letter. Arthur Mason agreed to work with Zeke on the letter. Secretary Zeke McDonald and Arthur Mason will draft and if suitable will send to county

planning staff. The panel members concurred to send letter to county staff reflecting project incompatibility with Goal 25. Arthur Mason wanted to add Steve Hall to the committee. Kristie Anders added that when the marina land was re-zoned to Grady's Lodge, it was not intended to become a boat barn.

Margaret Banyan gave update on Bill Spikowski's work with UCCP.

Kristie Anders said that if an issue is not brought up at the hearing examiner, it cannot be brought before the Board of County Commissioners. Kathie Ebaugh thought that it was better to send letter to the Lee County staff person than the hearing examiner because it then becomes part of the staff report.

Planning Panel Incorporation Update

Zeke McDonald Motion: That Margaret Banyan convey papers to Arthur Mason to finalize incorporation.

Rick Fox: Second.

Discussion: None

Decision: Unanimous Approval

Elections

Margaret Banyan described election procedure for electronic voting and that FGCU will facilitate one person, one vote.

Zeke McDonald Motion: Extend deadline to end of April and for mailed ballots to be postmarked (not received) by April 30, 2012.

Dave Tompkins: Second

Discussion: None

Decision: Unanimous in favor

Other Items before the Panel

Margaret Banyan will propose dates for a committee of the whole to meet to work on the vision. Margaret will not attend.

Rick Fox Motion: Adjourn

Zeke McDonald: Second

Decision: Unanimous in favor

Meeting was adjourned at 3:10pm