

Upper Captiva Planning Panel  
Minutes of the February 23, 2011 Meeting

Meeting called to order at 2:10pm

Verification of notice posted for the Planning Panel.

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

Introduction of Panel Members and UCFD Members

**Peter Aldrian Motion:** to approve minutes of the January 15, 2011 meeting

**Zeke McDonald Second**

**Discussion:** Zeke McDonald questioned whether it was intentional that the Fire Commission always be invited to the meetings. Kristie Anders stated that because there was more than two Fire Commission members on the panel, it had to be noticed.

**Decision:** Minutes were adopted by a unanimous vote.

Kristie Anders described the history and composition of the Upper Captiva Community Panel.

Public Input

It was clarified that the public would have a chance to give comment under the public input item as well as input prior to the Panel making a decision on each item. The following members of the public spoke:

- Stewart Evans expressed concerns that:
  - meeting notice was not mailed to all property owners.
  - not all minutes were able to be found on website
  - a treasurer's report was not included with the minutes
  - more property owners were needed to be involved in the process
- Bert Trapanese stated that the panel had lost sight of its purpose. Asked what the goals of the panel were.
- Hart Kelly stated that major goals of the panel (ingress-egress, roads, garbage, etc) were not achievable through county – concerned that major goals aren't able to be accomplished through the panel. Hart also questioned the panel's goals.
- Mark Muller stated that he was behind the panel 100% during the initial planning process, but not if the panel was to get into regulation, for instance restricting building height. Concerned about unintended consequences. Concerned about it creating a less friendly culture on the island.
- Gene Murphy: The islanders were expressing legitimate concerns and were unhappy with direction of the process. Recommended that all islanders should express their feelings and reach a centrist position.
- Arthur Mason: Added that the environment was also one of the major concerns of islanders, but not addressed in the second phase of the planning process.

Panel members were asked to respond to questions posed by attendees.

Margaret Banyan clarified that all of the recent minutes were posted on the website on the upper most tab of the planning panel. In addition, the meeting date was set after the letters went out to the island and there is no one island-wide email list available.

Peter Aldrian addressed Bert Trapanese's comments and stated that the panel purpose was related to Smart Growth and island preservation. The planning process was also due to a declaration by FEMA that Upper Captiva was not a community and the island needed to be recognized as such. Peter also stated that the second phase had more community input in the planning process and that was the goal of the panel.

Kristie described the public input process during the first phase of the planning process. Kristie also discussed that the money expended to date had been from UCCA. There ensued a brief discussion over the need for a Treasurer's report as a standard item during the meetings.

Margaret Banyan provided a short history of the planning process and discussed that many of the island issues were not necessarily able to be resolved through a land use planning. Margaret also described the current contract with the county. Kathie Ebaugh followed that the current contract with the county was for code writing designed to meet local needs.

Margaret Banyan delivered the results of the survey that were received as of the deadline of 2/18. Margaret Banyan noted that the survey results indicated island polarization.

Panel members responded to the survey results.

- Dave Tompkins: surprised by the results, as all of the issues were covered in previous meetings.
- Peter Aldrian: recommended to suspend the planning process
- Zeke McDonald: not surprised by results; the results were heavily influenced by email conversations; the panel's intent was merely to request island opinions about what code should be written (if any).
- Rick Fox: recognized that the questions that were on the survey were generated by the results of previous meetings, but the survey said to him that most islanders didn't want to do anything about issues posed.
- Kristie Anders: had faith in the process – and it worked to open up dialog – was concerned about Brazilian Pepper and its propensity to breed black rats.
- Peter: clarified that the panel was independent of UCCA; Arthur Mason agreed that the panel was independent and only used UCCA for administrative convenience.

Public Input

- Sue Ann Cousar: thinks email conversation affected the survey.
- Mark Muller: wanted meetings on the weekends
- Hart Kelley: better response rate from this survey—considered this survey to be more inclusive. Reflected that lack of code enforcement was the issue. Thought the survey was poorly worded.
- Stewart Evans: didn't want to imply committee had an agenda – but that it didn't reflect opinion of the island; lack of communication with property owners;
- Hart Kelly: thought that it was still important to have an MSBU for roads and that exotics still should be addressed. Margaret Banyan pointed out that the MSBU process was not part of the currently county contract with UCCA.
- Steve Hall: thought that survey reflected that owners would not prefer new codes, but that panel was important to maintain; considered the possibility of remote participation in meetings; questioned whether UCCA could fund a broader planning process.
- Bert Trapanese noted that the island was founded on polarization and that the challenge to the community was communication and that three things were important: on-off, around, and trash

and the rest will come to us as we get those three big things done. He believed the panel should find a better balance between residents and owners.

- Arthur Mason commented that the panel was important to keep and add to the quality of life and polled each member of the panel as to what was the most important of their things to the island.

Peter: major concern: roads or easement / liability

Dave: road ownership

Zeke: Brazilian Pepper and lights

Rick: Brazilian Pepper

Kristie: Brazilian Pepper

Mark Muller suggested the panel focus on just a few issues and suggested conducting another survey.

Bert Trapanese: removing peppers before development was important

Howard Kulin: conserving island was important – commented that this was missing from survey

Kristie: considered that one of the island's major challenge was peppers

JW Otis provided a written comment: "you guys/gals is doing swell!"

#### Panel responses

- Zeke thought that the lack of communication was an issue, especially as it concerned misinformation.
- Peter: thought the panel had communicated well, but that owners don't want the panel and referred to Question #12.
- Rick: wanted to consider abiding by the survey results – community didn't want panel to do anything.
- Zeke: questions the implications of ending the contract with the county.
- Kathie Ebaugh responded that she would consult with the county and get back to the panel on the range of options.

Kathie Ebaugh described the role of the Community Development division at Lee County. Kathie discussed that the county funding only covered code development, but she would request clarification on options the panel would have for moving forward. A brief discussion about the usefulness of a TDR program ensued. Kathie concluded a TDR program was not currently in place or viable for Upper Captiva due to the current market for land or homes.

**Zeke McDonald Moved:** Hold a duly noticed April meeting with two items: 1) Sunset of Upper Captiva Community Panel and 2) consider the possible mechanisms for achieving community's goals.

**Second:** Dave Tompkins

**Discussion:** Kathie Ebaugh reiterated that she would check with the county to see what all of the options and ramifications of closing out the contract were. Panel members considered that they would need more time to discuss and get more information. The Panel indicated that it had a responsibility to the county and that it could be a mistake to disband before all of the information was available. Peter Aldrian clarified that the panel should have its meeting prior to going forward with the regular agenda.

**Motion:** passed by a unanimous vote.

Steve Hall: expressed that the panel should continue..

Hart Kelly expressed that the survey was clear and that there were other mechanisms to get the community work done and there was no need to continue the panel.

**Zeke McDonald Moved:** Adjourn the meeting.

**Second:** Dave Tompkins

**Discussion:** None.

**Motion:** passed by a unanimous vote

Meeting Adjourned at 5:00pm.