

Upper Captiva Community Panel
Approved Minutes
December 11, 2012

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

Meeting called to order at: 10:05

Meeting Minutes

Peter Aldrian Motion to approve October 23 2012 minutes as amended

Hart Kelley: Second

Decision: Unanimous in favor

Financial Report

Rick Fox noted that the new addition to the Financial Report included the FGCU payable amount of \$9,986.00 and a balance of \$1,079.00.

Peter Aldrian Motion: approve financial report

Dave Tompkins: Second

Decision: Unanimous in favor

Rick Fox informed the committee that there were delays in bill processing because Lee County rejected the format of the first UCCA bill, which was revised and sent back to Lee County. There were also delays because FGCU mailed the bill via postal service. For future bills Margaret will suggest that FGCU email the bill and that Rick, Margaret, and Kathie Ebaugh work together to get the bill formatted properly to avoid future delays. Margaret noted that Task 3 (Public Participation) had been over 100% billed but not charged and that we were getting close to the end of the grant funding.

Public Comment

Kristie opened for public comment. No public comment was offered.

Dave Tompkins asked where the phone that was purchased by the Road Commission, UCFRD, Safety Harbor, and UCCA is supposed to be kept - Rick responded that the phone will be held at Safety Harbor and that Allison will be the one to check in and out.

Code Discussion

Golf carts

The Golf Cart subcommittee had not yet had a chance to meet and would meet the following day. Margaret gave an update about the potential content a response to Lee County's comments. With reference to changes to the code, Bill Spikowski was careful about the development of the definitions of the golf carts (e.g., weight, etc.). Kristie gave an update about how the golf cart code came about. According to the county attorney, the only way to deal with the code is by regulating the golf cart itself. Hart questioned the enforceability of the code. Discussion ensued regarding enforceability. Ideas surfaced about how to 'certify' golf carts. However, there is no entity to do the certification. Kristie continued by outlining that in the discussion with the

county attorneys there were two windows that were possible: regulate the cart and regulate the businesses. Peter Aldrian said that his goal was if / when an accident happens, and a vehicle is too big or goes too fast, then there is some protection from law suits. Zeke McDonald wanted to have the code as something to protect the individuals, not necessarily that there will be an entity to provide on-going enforcement. Hart Kelley contributed that after all of these years, we have an avenue to pursue the golf carts and safety, then we need to pursue the basic code. Zeke stated that if we have a code, the community will be able to police itself. Hart concluded by stating that he is looking for big-picture code to cover the big issues.

Discussion ensued regarding how the Golf Cart subcommittee will report its results. The panel agreed that Hart would provide recommendations to Margaret, who would make any needed changes, run by Bill Spikowski and schedule an additional UCCP meeting where panel member could provide their final sign-off through a noticed meeting in January.

Dark Skies

Dave sent the code out to members for review. The code information and meeting minutes are posted in on the UCCA1.com webpage. The essence of the code is that lighting should be shaded, directed down, and not disturb your neighbor's property. Dave redid the pictures and included the examples of fully shielded luminaries. The points of issue with the staff recommendations were that they had a whole string of types of lights suggesting that some would be acceptable, some not- - the Dark Skies subcommittee decided to get rid of types of lights as long as the fixture was shaded, pointed down, and the light itself was confined to the owners property.

Committee rejected several of the other county proposals. Lee County recommended that lights that were attached to poles should not be higher than 15feet. That seemed to make sense to the group. Hart Kelley asked whether a light attached to a high house should be excluded. The subcommittee discussed this and wouldn't see that as an issue because the height limit would only apply to poles. Zeke McDonald mentioned that implementation of the code should be done over a 5-year period. Hart asked whether streets lights in Safety Harbor would have to be shielded (they are not now shielded). The response was yes, that they would have to be shielded. Hart suggested that the UCCA Board would be useful mediators and reported that David Pascal, Lee County code enforcement is unwilling to enforce the code at night.

Public comment - Deane Richardson pointed out that the reason why there are lights on Safety Harbor Wharf was due to safety and deterring robberies. Over the last 5 years there was much less theft of boat parts and boats themselves after the lights were installed. What is not seen in the code is mention of the three commercial areas on the island. Does the code need to allow for commercial to be exempted? The panel did not see the need to exempt commercial, as it allows for lighting for safety and security.

The panel's consensus was to remove the words, "nuisance" and "disabling glare."

Peter Aldrian Motion: accept Dark Skies committee recommendations, including the removal of "nuisance" and "disabling" glare and references to specific luminaries.

Bert Trapanese: Second

Discussion: Hart asked if the panel was recommending that the reference to the luminaries be eliminated. The panel responded yes, it wanted to remove that reference.

Decision: Unanimous in favor.

Brazilian Pepper Subcommittee

Dave Tompkins summarized the meeting regarding the current code. The current code simply says that if you sell your lot, you have to clear your pepper. It would cost \$4,000-\$6,000 to clear the lot. Realistically, there is no compliance date on removal, and we will never see the pepper eradicated through sales of lots. The code is a non-code at the moment. It does not address the basic problem. Bert Trapanese suggested starting a business harvesting the pepper. Kristie mentioned that it is against the law to buy, sell, trade, or propagate pepper. Kristie reminded the panel that this is also a problem with black rats - until you get rid of the pepper, you have a black rat problem. There is a big problem with the process to get rid of the pepper. Bert Trapanese: The goal is to kill the pepper. Zeke said that the panel should focus on the goal, which is to kill the pepper and do it in the most economical way.

Zeke McDonald Motion: To write a simple code that all land owners on Upper Captiva will eradicate Brazilian pepper on their property by the year 2025.

Hart Kelley: Second

Discussion: What if it propagates, what is done? The code will also include that the removal will be maintained.

Decision: Unanimous in favor.

Meeting codes

Discussion ensued about what the community wanted regarding the meeting code and whether there was an interest in sticking with original language or not. There was an interest in amending the code to make it applicable throughout the county with an additional section related to Upper Captiva.

Peter Aldrian Motion: Respond to Lee County with the original language and, instead, replace the words North Captiva with the meeting will be held, "within which the planning area (or LDC) where the project will be located."

Rick Fox: Second

Decision: Unanimous in favor.

Other Items before the Committee

Financing

Discussion about the \$1,000 balance. Rick would like to have \$5,000 from the UCCA to use for future work. He pointed out that if the panel used the existing \$1,000 grant from UCCA it would have to start paying bank fees, but that there were still unpaid expenses related to incorporation. Discussion ensued about how the community should organize itself. Peter wanted to ensure that the island maintain an organized group.

Rick Fox Motion: Put in a grant request for the panel to ask UCCA for \$5,000; Rick will draft the request and have Kristie sign.

Zeke McDonald: Second

Decision: Unanimous in favor.

Further Discussion: Kristie would like to make sure that UCCA knows that if anything happens to the panel, that the money will go back to UCCA.

Kristie reminded the panel that the contract is over-extended and that the public participation task has been exceeded. It was agreed that it is important to compensate Margaret for her time and work. Rick would like to have a meeting at the end of the contract period to discuss FGCU's / Margaret Banyan's performance. The panel agreed.

Margaret Banyan summarized the process for moving forward. The meetings will be noticed and there is plenty of time for further input.

Zeke McDonald Motion: Adjourn meeting

Bert Trapanese: Second

Decision: Unanimous in favor

Meeting Adjourned at 12:14 pm