

Upper Captiva Community Panel  
Minutes of the February 6, 2012 Meeting (Approved 3/9/12)

Meeting called to order at 12:06pm

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

December 13, 2012 Meeting Minutes

**Rick Fox Motion:** Accept minutes of December 13, 2012

**Dave Tompkins:** Second

**Decision:** Unanimous in favor

Treasurer's Report

**Treasurer's Report:** Rick Fox provided the financial report as of February 6, 2012 and requested that it be attached to the 2/6/12 minutes. There was no activity and the balance remaining for the project remained at \$23,718.

**Margaret Banyan:** updated on the FGCU Bill and contract. Notified panel that FGCU would not produce another bill until Task 2 is completed, which is anticipated to be around May 2012. Margaret also notified the panel that FGCU made an error on the first bill and did not charge the appropriate amount for overhead. FGCU will do a corrected bill.

**Peter Aldrian Motion:** accept report

**Zeke McDonald:** Second

**Decision:** Treasurer's Report accepted by unanimous vote.

Public Comment

None at this time

General Discussion

A general discussion took place regarding providing access to meetings via a Wi-Fi hook up using Skype or another internet based program, rather than simply using the more expensive telephone option. Safety Harbor has installed a wireless connection in the club house. Margaret offered that FGCU could do research on options and ask the technology staff for advice. Microphones would certainly be needed.

**Zeke McDonald Motion:** ask FGCU to assistance in using Skype/wireless system remote access to meeting.

**Peter Aldrian:** Second

**Discussion:** Peter offered a friendly amendment to include any other system that would provide meeting access. Zeke accepted amendment. Rick Fox suggested that FGCU should coordinate with Alison office manager how to make it work and related cost. Rick was interested in identifying a system that would last. Peter suggested that high capacity routers are now relatively low in cost if needed. There was a suggestion by the previous attorney that meetings be recorded, however it was noted that the meeting minutes are the official record of the meeting, regardless of a recording.

**Decision:** Unanimous in favor

### Updates

#### Pathways

Margaret Banyan updated panel on the pathway code progress and offered a very rough draft code for response by the panel.

Zeke would feel more confident discussing any code after re-organization because of more participation on panel and suggested a survey on whether code on vehicle operation would be a good move in order to get a barometer on the community's sentiment. Kristie Anders responded that the panel should produce its best thinking before sending to the community, as the community can't react to a blank piece of paper. Rick agreed that the panel should come up with ideas for approval. Kristie Anders would like to see the panel draft something, send to county staff to determine whether it is legal, have conversation with public, and then go back with a re-draft. Rick Fox would like to see something done and get documentation in order.

A general discussion ensued to as to the issue of licensed drivers, how the county has previously treated pathways as roadways in construction issues and code enforcement and zoning.

The panel discussed the pros and cons of developing code that covered minimum age, speeding, and intoxication. Peter suggested that code enforcement is not possible unless you have a code. Enforcement would require that Upper Captiva residents could log complaints. Zeke McDonald liked the speed and weight definitions. Members of the public agreed that a definition of an electric vehicle is a "tried and true" model.

**Peter Aldrian Motion:** Accept document as put together and send out to code advisors (Bill Spikowski or Jerry Murphy) and let them take a read.

**Zeke McDonald:** Second if friendly amendment to exclude insurance.

**Peter Aldrian:** Agreed

**Discussion:** Arthur Mason (public): offered input that a friendly amendment should be to get rid of safety language on the vehicle. Zeke McDonald offered a friendly amendment to exclude safety on vehicle. Peter Aldrian did not agree to remove. Dave Tompkins would like to include alcohol / intoxication in regulation and would like to add lights as a requirement on vehicles. Rick Fox agreed with adding lights and would also add safety as part of rental agreement. Kristie Anders agreed with adding some kind of lights on board at night. Discussion ensued regarding a more in-depth amendment of the code. Changes noted on draft code.

**Peter Aldrian Amended Motion:** Accept documentation that Margret Banyan put together to exclude insurance and add lights and send it to advisor for review without panel endorsement at this time.

**Kristie Anders:** Second

**Decision:** Unanimous in favor

#### Code writing assistance

**Peter Aldrian Motion:** Allow Margaret / FGCU to discuss code with Bill Spikowski or Jerry Murphy with a rate of not to exceed \$2,000 (15 hours at 175 hours)

**Zeke McDonald:** Second.

**Discussion:** Margaret indicated that the 15 hours at 175 hours was approximately \$2,625.00

**Peter Aldrian Amended Motion:** To cap initial review at \$2,500.00

**Zeke McDonald:** Accepted amendment

**Decision:** Unanimous in favor

#### Information Clearinghouse

Kathie Ebaugh updated the panel on the information clearinghouse and asked panel members to give her feedback on the way it is currently designed. At the next meeting, Kathie will walk through how it works.

Zeke McDonald requested that for future meetings regarding code that Margaret Banyan / FGCU provide a printout of pages with line numbers to facilitate better discussion.

#### Brazilian Pepper

Margaret Banyan presented information on a draft code for invasive species or Brazilian Pepper removal. Peter Aldrian would like to add Australian Pine. Panel members agreed that just focusing on Brazilian Pepper removal at this point would be best.

**Zeke McDonald-** motion to accept proposed invasive exotic and replace with Brazilian Pepper and send to advisor for review.

**Peter Aldrian:** Second

**Decision:** Unanimous approval

#### Night Sky

Margaret Banyan presented initial research on night (dark) sky ordinances. Provided to panel Model lighting ordinances and discussed the various 'zones' that might be needed. Discussion ensued as to how the existing beach zone would interact with any residential or potential commercial zones. Jane Mason as part of the committee would like to meet with Zeke McDonald to discuss.

#### Planning Panel Organization

##### Vote to Become a Separate Entity from UCCA

**Rick Fox Motion:** UCCP become a separate entity from UCCA

**Peter Aldrian:** Second

**Discussion:** Dave Tompkins asked what happens to the panel when grant runs out? Rick Fox wants the panel to continue its existence as a way to maintain relationship with the county for the sake of continuity. Peter Aldrian believes that FEMA needed an organization like the panel to be an entity to talk to. The island needs to ensure that there is not a vacuum in decision making.

**Decision:** 4 approved

**Opposed:** 0 opposed

**Abstain:** Dave Tompkins

#### Draft By-Laws

**Zeke McDonald Motion:** adopt final By-Laws as last draft of 10/27/11

**Peter Aldrian:** Second

**Discussion:** Discussion ensued regarding the relationship of the current work product and contract. There was general agreement that the current panel fulfill the county contract as structured. Members discussed how the sunshine law would be treated after the current funding is concluded. Kristie Anders wanted to be careful about sunshine and still maintain open voting procedures. Panel decided to clarify and vote on how the current contract would be structured.

**Decision:** Unanimous in favor.

**Rick Fox Motion:** UCCA shall continue to be the accommodating contracting agent for FGCU

**Peter Aldrian:** Second

**Decision:** Unanimous in favor

### Elections

Margaret Banyan presented a draft timeline for elections. Discussion ensued as to which positions would come up for election in 2012 balancing the need for stability and openness. There was general agreement that the director election / appointment schedule would be as follows:

	<b>2012</b>	<b>2013</b>
Elected Positions	At-large (position 1) At-large (position 2)	At-large (position 3) Environmental Representative Business Representative
Appointments	Safety Harbor Club	UCCA

The panel discussed who of the current panel directors filled which seat:

- Environmental: Kristie Anders
- Safety Harbor Club: Rick Fox
- Business: Peter Aldrian
- Upper Captiva Civic Association: Zeke McDonald
- At-Large Position 1: Empty
- At-Large Position 2: Empty
- At-Large Position 3: Dave Tompkins

**Zeke McDonald Motion:** Open elections for two at-large positions and seek appointment from Safety Harbor.

**Peter Aldrian:** Second

**Decision:** Unanimous in favor

### Nominating Committee

Peter agreed to chair nominating committee

**Zeke McDonald Motion:** appoint Peter Aldrian as the UCCP position to chair the nominating committee

**Kristie Anders:** Second

**Decision:**

**Favor:** 4

**Opposed:** 0

**Abstain:** Peter Aldrian

The nominating committee would be comprised of approximately three people. Peter suggested that the nominating forms notified candidates of the final disclosure form. Rick Fox described the procedures of Safety Harbor to assist with how the elections might be managed.

Margaret Banyan agreed to work with Peter to resolve the remaining details.

**Adjournment at 3:15pm**

Peter Aldrian Motion: Adjourn meeting

Zeke McDonald: Second

Decision: Unanimous in favor