

Upper Captiva Community Panel
Approved Minutes
June 11, 2012

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

Meeting called to order at 10am.

5/14/12 Minutes

Zeke McDonald Motion: approve minutes as corrected

Rick Fox: Second

Decision: Unanimous in favor

Public Comment

Tom Jenkins. Tom self-identified as being with the marina group. Believes that the panel has taken a stance against marina. Was concerned that the UCCP held meetings held at tough times and that residents did not have sufficient input. The marina group did its own poll and found there was 79.1% support for marina (186 properties; 110 responses). Was concerned that the island had to have boat access and will need dockage on island in the future.

Bryan Brillhart- Was concerned that there was no effort was made to inform NCIC of the UCCP meeting in advance. Was concerned that meeting notices should go directly to those affected by meeting. Bryan was not on SueAnn's email list and didn't get notice. Bryan read the letter written at a time when the marina application was still insufficient - and was concerned that the panel did not wait until it was sufficient.

Kristie Anders responded that she would like to have email list provided by NCIC to panel in to order to better communicate.

Zeke McDonald responded that the information that the panel had was delivered at the marina's on-island meeting, so it was the only information available. Zeke confirmed that the letter was not unsupportive of the marina project and that the panel was commenting on its consistency with Goal 25.

Bryan Brillhart responded that the panel should not respond to project in an open (vague) way and suggested that it should elaborate with points. Further, he disagreed that the panel had the right to make conclusion. Would like to have it discussed at a later point – or in another meeting.

Kathie Ebaugh reiterated that Goal 25 will be moved & re-numbered taking out meeting & placing in common goal because it is causing confusion in the element. Staff draft is being reviewed internally and will go out to community. She communicated that the county has no position on whether the panel speaks on an issue. It can occur however the community would like the discussion to occur.

Jeff Morrel spoke on behalf of the marina. He is a property owner that does not currently have dock access and would like dock access. He was, therefore, in favor of the NCIC project.

Financial Report

Rick Fox reported that the Financial Report is identical to last month. Rick showed that what was spent was listed under cost incurred to date.

Zeke McDonald Motion: Accept financial report

Dave Tompkins: Second

Decision: Unanimous in favor.

Code Discussion

Bill Spikowski introduced himself. Bill is a planning consultant who mostly does work in the community and for public agency clients. Bill gave a summary of the approach he took to put the code in draft form. Since county doesn't recognize the island pathways as streets, the island had flexibility to not follow state law. He believes this is a really good thing for the community. Bill described that when it goes to the county, he / community will lose control over the form of the document. Bill clarified whether the island was to be referred to as Upper or North Captiva and geographically what areas of the island were to be affected. It was clarified that the island is North Captiva and the community (settlement) is Upper Captiva. Bill will reverse that language in code to refer to Upper Captiva.

Discussion

Peter Aldrian: Regarding type of carts, discussed the issue of liability on the roads and the need to do something on the pathways in the instance that there is an accident. If a cart is deemed illegal then the owner can be sued. There were some general concerns over implementation and over enforcement.

Hart Kelly Motion: Table code for a full day discussion.

Bert Trapanese: Second

Zeke McDonald: Call to question

Decision: Motion failed (Yay: 2; Nay: 4)

Hart Kelly: Questions the enforceability of the code and whether or not segways would be included. Bill Spikowski responded yes, segways would be included. Hart Kelly suggested that they add lawnmowers to line 327. Bert Trapanese commented that he was worried about enforcement.

Bert Trapanese Motion: Put full code up on UCCP email in order to get resident input before send to county.

Hart Kelly: Second

Discussion ensued regarding how to best unify the community around the code language.

Decision: Motion failed (3 Yay; 4 Nay)

Discussion ensued regarding putting code draft up on the website and sending to the county for preliminary review. There was acknowledgement about reticence to move forward, but the community will have a chance to review concurrently with the county.

Outdoor Lighting Standards

Kathie reiterated the process of review for the county. The county will get drafts even before it goes in final form and is not the end of public input process. BoCC will ask whether staff thinks that there is public support for the process. County staff review will help the community to review.

Bert Trapanese asked how the code is different than current code? Bill responded that the county code allows light to go straight up to sky. Hart Kelly asked who determines a nuisance glare? Bill responded that it was complaint driven code enforcement. Zeke believes that it is a great idea to preserve darkness. Bert thought that they should go by "island code" - meaning courtesy to neighbors and was opposed to county code. There was agreement that special events should be added to line 494.

Invasive Exotics

Hart Kelly asked why this code did not include other invasive exotics? (e.g. melaleuca). Kristie responded that Brazilian Pepper would get rid of black rat problem and clarified that the code would not affect the state property.

Dave Tompkins Motion: Send entire draft code to county with revisions

Zeke McDonald: Second

Decision: Motion carried (Yay 5; Nay 2).

Margaret will re-post to web when Bill's revisions are done.

Elections

Need to nominate need officers for panel, including chair.

Zeke McDonald Motion: Table to next meeting

Hart Kelly: Second

Decision: Unanimous in favor

Fiscal & Administrative Matters

Dave Tompkins Motion: Allow Rick to send invoice to county once the bill is received from FGCU at an amount not exceed \$11,000.

Hart Kelly: Second

Decision: Unanimous in favor

Margaret asked that the panel approve an additional \$1,500 for Bill Spikowski to complete code drafting work and assist with implementation.

Zeke McDonald Motion: Budget another \$1,500 for Bill Spikowski

Kristie Anders: Second

Decision: Unanimous in favor.

Dave Tompkins asked where we stood on getting the phone system? Rick responded that he got agreement that all of the entities he considered would participate. He would get the money to buy the machine.

Future Meeting Date

Hart Kelly Motion: would like no further recommendation or opinions on projects until the panel has a chance to discuss how it will respond as a whole.

Bert Trapanese: Second

Decision: Unanimous in favor

This should be put on agenda for next meeting

Next meeting date might be considered to be around 3rd week in August. Dave back around 24th of August

Zeke McDonald asked that Kathie Ebaugh & Margaret Banyan determine revised timeline of the contract between UCCP and the county.

Zeke McDonald Motion: Adjourn meeting

Rick Fox: Second

Decision: Unanimous in Favor

Meeting adjourned at 12:16p.m.