

Upper Captiva Community Panel  
Draft Minutes  
March 6, 2013

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

Meeting called to order at 12:08p.m.

Meeting Minutes

**Peter Aldrian: Motion to approve January 3, 2013 minutes**

**Bert Trapanese: Second**

**Discussion:** Zeke McDonald did not have a chance to go over minutes and would like to approve with the provision that it may come up at next meeting if there are any changes.

**Decision:** Unanimous in favor

Treasurer's Report:

Rick Fox reported that the UCCA did not pay the \$823.00 for the attorney. There was a reimbursement to Dr. Banyan for \$141.00 that took effect before the FGCU contract was in place. Therefore, the UCCA cut a check to UCCP for the amount of \$682.00 and Rick deposited into the UCCP account.

**Peter Aldrian: Motion: Approve Financial Report**

**Zeke McDonald: Second**

**Decision:** Unanimous in favor.

Public Comment

Code discussion. The panel discussed the feedback from the community on the proposed set of codes. Hart Kelly noted that there were 42 comments made on the online feedback form,. Rick Fox reminded panel members that the purpose of the on-line feedback was to give people the chance to comment. Bert Trapanese wanted to keep getting feedback and thought that the tool used was problematic and that there was a lack of interest. Bert proposed putting the codes up for a community vote because some people are pro, some are con, some are neutral. Zeke McDonald believes that the panel is the proxy for the public and that the panel should serve as the decision making body. The panel discussion ensued as to whether to have a vote or not. Hart's concern is whether the codes are enforceable – that the three codes are too broad and general in scope and he wouldn't want to go forward as panel number. Margaret Banyan gave a history of how code was developed (through considerable research and meetings with county officials) and how other community panels come to a final decision.

**Bert Trapanese Motion: Submit codes to population for an up or down vote on each of the four codes using election buddy before sending to Lee County.**

**Hart Kelly: Second**

**Public comment:** members of the public commented that they were under the impression that voting had already occurred in terms of deciding which codes to move forward.

**Decision:** Motion failed. Yay: Bert Trapanese, Hart Kelly; Nay: Peter Aldrian, Kristie Anders, Dave Tompkins, Zeke McDonald, Rick Fox.

Kristie Anders reminded participants that there are still four public meetings that the code has to go through and that there was opportunity for revisions. It is preferable that the community move the codes forward with as much agreement as possible, as the county doesn't want to referee the outcome between community members. Kathie Ebaugh reported that the codes will still go through the LDCAC (Land Development Code Advisory Committee), EROC (Executive Regulatory Oversight Committee), LPA (Local Planning Agency), and BoCC (Board of County Commissioners).

**Zeke McDonald Motion:** Send proposed codes to the County for final review.

**Rick Fox:** Second

**Discussion:** Hart Kelly proposed a friendly amendment to vote on sending each code to county individually.

**Decision:** Unanimous in favor.

#### *Meeting Code*

Hart Kelly questioned whether the code is redundant as it already appears in goal 25. Zeke McDonald provided clarification that there are additional requirements in the Upper Captiva code that does not appear in Goal 25 (Lee Plan). Kathie Ebaugh commented that it further defines the process.

**Zeke McDonald Motion:** Approve code 1 (meeting code)

**Rick Fox:** Second

**Discussion:** Hart believes it is redundant..

**Decision:** Motion carries. Yay: Peter Aldrian, Kristie Anders, Dave Tompkins, Zeke McDonald, Rick Fox; Nay: Hart Kelly and Bert Trapanese.

#### *Golf Carts*

**Zeke McDonald Motion:** Advance proposed golf cart code to county staff for review.

**Peter Aldrian:** Second

**Discussion:** Dave Tompkins pointed out that this code was the most controversial. Hart Kelly still believes that the code is unenforceable and that it will endanger residents more and leave the homeowner open to litigation. Peter Aldrian is in favor, as the reason to pass the code is to get those vehicles that are approved. If there is an accident an attorney will say that did not have a legal golf cart. Zeke McDonald believes that it does not add to liability and that enforcement is up to the citizens. For example, Safety Harbor Club can stop people. It will cut out abuse and is something to hang hat on.

**Public Comment:** Members of the public commented that it sets a good parameter and that the Lee County Deputy has said to call him and he will come out to help with enforcement.

**Decision:** Motion carries. Yay: Peter Aldrian, Kristie Anders, Dave Tompkins, Zeke McDonald, Rick Fox, Hart Kelly; Nay: Bert Trapanese.

#### *Dark Skies*

**Zeke McDonald Motion:** Advance code to county staff

**Rick Fox: Second motion**

**Discussion:** Hart Kelly believes it is subjective and that the island is fine this way. Peter added that the code is good because now, as a result of the proposed code he has caged lights. Bert Trapanese pointed out that Peter Aldrian has done without code and that the code isn't necessary. Zeke McDonald believes that this is protecting the greatest assets of the island. Important statement that it is an important element to living on Upper Captiva. The public awareness equals compliance. Hart Kelly believes it is least enforceable throughout the clubs (e.g., Safety Harbor).

**Public Comment:** Expressed support for night sky code.

**Decision:** Unanimous in favor.

*Brazilian Pepper*

**Zeke McDonald Motion:** move the code re: Brazilian pepper to County staff

**Rick Fox: Second**

**Decision:** Unanimous in favor.

Planning Panel Organization

Panel members discussed the process to hold upcoming panel elections. The panel has to elect an election chair and decide on the process to hold an election.

**Peter Aldrian Motion: Nominate Bert to be election chair**

**Zeke McDonald: Second**

**Decision:** Unanimous in favor

**Hart Kelly Motion: Let chairman pick time and election process**

**Peter Aldrian: Second**

**Discussion:** Kristie is concerned about election process that would be held entirely online and needs to be discussed.

**Hart Kelly:** Withdraw motion

Bert Trapanese would like to create a registered voter list where the process would be to create a mechanism to facilitate voting. Marcia Anders cautioned the panel to be sure not to confuse the island list with an official registered voter list. The panel discussed a tentative timeline: Nominate candidate: April - May and potentially hold election in the month of July.

**Dave Tompkins Motion: extend the tenure of panel numbers until the election process concludes**

**Bert Trapanese: Second**

**Decision:** Unanimous in favor

Dave Tompkins asked when we could expect a response from the county about the codes. General discussion regarding timeline ensued. The timeline depends on the county committees.

Bert Trapanese will suggest a meeting to pull together election process.

New Business

Peter Aldrian wanted to find time in the future to discuss new fire codes such as the need for a second exit, generator safety, and sprinklers systems.

**Rick Fox Motion: Adjourn meeting**

**Bert Trapanese: Second**

**Decision:** Unanimous in favor

Meeting Adjourned at 2:03 p.m.

DRAFT