

**Minutes  
of the  
Regular Meeting of the  
Captiva Erosion Prevention District**  
South Seas Island Resort, Alphabet Cone Room  
May 9, 2018@ 1:00P.M.

**Commissioners Present:** Dave Jensen, Chair; Mike Mullins, Vice-Chair; Harry Kaiser, Secretary.

**Absent** (excused): Bob Walter, Michael Lanigan.

**Staff Present:** Damon Grant, Administrator; John Bralove, Administrative Assistant; Hans Wilson, Hans Wilson and Associates.

**1. Call to Order**

Chairman Jensen called the meeting to order at 1:00 P. M.

**2. Roll Call**

The Chair called the roll and the results are outlined above.

**3. Approval of April 11, 2018 Regular Meeting Minutes**

Commissioner Kaiser moved and Commissioner Mullins seconded a motion to dispense with the reading of the minutes from the April 11, 2018 Regular Board Meeting and approve them as written. The motion passed unanimously.

**4. Public to be Heard**

There were no comments from the public.

**5. Financial Report**

**a) Budget Performance Ending April 30, 2018**

In the absence of Treasurer Walter, Mr. Grant gave this report. He said parking revenue in the month of April exceeded what was budgeted by \$16,585 for the most part due to the parking fee increase that took place on February 1. Also, CEPD received a check for \$29,666.88 from the Army Corps of Engineers refunding to the District money advanced to the Corps for the 2013-14 project that was never spent. He added CEPD made the bi-annual payment on the 2013-14 project loan in April which included paying an extra \$100,000 to reduce the principal. He closed by saying CEPD has received all but \$3,266 of what was budgeted for ad valorem tax revenue.

Commissioner Kaiser asked where the FEMA Debbie and Irma reimbursements are reflected. He was told they appear on the balance sheet which Commissioners usually do not see. Mr. Grant reported on the status of the FEMA Hurricane Irma claim. He added that the Hurricane Debbie funds are earmarked for the next renourishment, and any revenue that exceeds expenses in the General Account for the year also goes to pay for the next project. It was agreed Commissioners will receive balance sheets each month along with the other financial statements they have been receiving.

## 6. Old Business

### a) **Acceptance of Annual Audit Report from Mauldin & Jenkins**

Commissioner Mullins moved and Commissioner Kaiser seconded a motion to accept Mauldin & Jenkins Annual Audit Report for the fiscal year ended September 30, 2017. The motion passed unanimously .

### b) **Update for Honoring Former Administrator Rooker**

Commissioner Mullins said at the last meeting Commissioners agreed to present Ms. Rooker with a letter of commendation and a plaque. Mr. Grant added CEPD's attorney said an appropriate gift is allowed . Commissioner Mullins suggested this item be deferred until such time as all Commissioners can participate in the discussion. The Commissioners attending agreed.

### c) **Update on Turner Beach Shoreline Stabilization Project**

Mr. Grant reported he met with James Evans. Mr. Evans said Sanibel is looking for an engineer for this project and might use APTIM. Sanibel will submit a letter to CEPD asking for authorization as is required by CEPD. CEPD will then have its engineers review the project. Mr. Grant said if Sanibel uses APTIM, the process will be much easier.

### d) **Update on Blind Pass Inlet Management Study**

Mr. Grant reviewed what happened at the April 27 meeting. He said stakeholders have until May 11 to provide feedback to the County. He added citizens need to exercise patience since it will take time to receive permits and fulfill the other requirements before any work can be done. He also mentioned Commissioner Lanigan, who was unable to attend the April 27 public meeting, was brought up-to-date at the Board Briefing Meeting that was held on May 3.

Mr. Grant reviewed with Commissioners the three alternatives presented at that public meeting and said Alternative Three seems to be the one acceptable to most people including the County. Commissioners briefly discussed the three alternatives. Commissioner Jensen asked if there were advantages, now that CEPD's project was on the radar, of combining the CEPD project with whatever is done at Blind Pass. Commissioner Mullins thought CEPD's project would begin before any work is done at Blind Pass. However, the District should check with the County.

### e) **Update on Rope and Bollard Repair/Replacement**

Mr. Grant reported staff has marked most of the areas needing attention and the next step is to talk to potential contractors. He said when the work would begin has not been determined but there are advantages to waiting until the first of October . Commissioner Mullins suggested issuing a Beach Briefs prior to the commencement of work so that people know in advance the work is being done and who to contact if they have questions.

### f) **Discussion of CEPD's Legislative Authority**

Discussion involved what tasks related to Captiva's beach are within CEPD's jurisdiction. Mr. Grant mentioned the possibility of submitting a mid-term request of the Tourist Development Council for a beach vehicle, beach monitoring, clean-up, and related tasks. Commissioner Mullins suggested money be put in next year's budget for these things even if CEPD does not receive TDC funding for them.

Commissioners directed Mr. Grant to pursue the mid-term request with the TDC and to follow-up with CEPD's attorney which items in the Community Panel's List of Concerns contained on Page 16 of the Agenda Materials is consistent with the Enabling Legislation. Regarding the iguana nuisance, Mr. Grant said he has put the Panel in touch with the Lee County authorities who deal with this problem.

**g) Erosion Control Line Map**

Mr. Grant reported he has obtained a new map from the County. Commissioner Mullins suggested this map be brought to Board Meetings.

**h) Update on Project and CEPD Operations Timeline**

Mr. Grant reported on the timeline on Page 19 of the Agenda Materials. Commissioner Mullins suggested a range of estimated costs of the new project be presented in the preliminary apportionment letter that will go to homeowners. Commissioners requested they see Dr. Stronge's draft of the Recreational Benefits Report prior to him presenting it at the June 13 Board Meeting. Mr. Damon was asked to arrange for a phone call for Commissioner Mullins with Dr. Stronge. It was suggested town hall meetings be put on the timeline.

**i) Update on Beach Vehicle**

Mr. Grant reviewed the quote that was submitted. He said it did not include maintenance. He will talk to CEPD's landlord about a place to park the vehicle. Commissioners deferred action on this item until all Commissioners are available to discuss it.

**j) Update on History of CEPD Project**

Both Chairman Jensen and Mr. Wilson led the discussion on this matter. Mr. Wilson suggested CEPD needs to determine what it wants to do and where to best put the money. There was discussion about first doing a video on the referendum process and then one on the history of CEPD. Commissioner Mullins questioned the need for a video on just the referendum.

**k) Legal Opinions**

**1. Expressing Board's Appreciation for Kathy Rooker's Service**

This item was discussed earlier in Agenda Item 6b.

**2. Liability Implications of Beach Maintenance**

CEPD's attorney said the District might have exposure to liability claims if it were to take greater responsibility for the beach.

**3. Applicability of Sunshine Laws to Contract Employees**

CEPD's attorney said these laws do cover contract employees.

**4. Ethics Training Requirement for Board Members**

CEPD's attorney said Commissioners are not required to take this course but it is offered.

**7. New Business**

**a) Upcoming Project Apportionment and Referendum Timeline**

This agenda Item was discussed earlier in Agenda Item 6h.

**b) Refund from the U.S. Army Corps of Engineers**

This agenda Item was discussed earlier as part of the Financial Report.

**c) Discussion of Easement on Strap #03-46-21-02 -0000B.0050 - Commissioner Mullins**

Commissioner Mullins suggested staff review all easements granted in 1988 that had additions or changes made by the grantor similar to the one under discussion. Mr. Wilson advised the District to get an opinion from its attorney as to whether updates to these kinds of easements are necessary.

**d) Discussion of Lee County Bed Tax**

Commissioner Mullins said there are two reasons to bring this issue up: 1) the article contained in the Agenda Materials said there was more money available; 2) the property mentioned in the article did not appear to be on the Gulf of Mexico. Mr. Wilson said that in various discussions at Coastal Advisory Committee meetings, there were interpretations that docks and certain other structures functioned as shoreline protection and therefore qualified for TDC funding.

This discussion brought up the issue of whether CEPD has jurisdiction over the bay side of Captiva. Chairman Jensen said he is concerned about dealing with issues that are not within CEPD's purview. Commissioner Mullins thought Commissioners need to talk about this issue in the near future. Mr. Grant commented that when the County population reaches 750,000, fishing piers and aquatic/nature preserves will not be eligible for TDC funding.

**e) Discussion of Use of Former Administrator as Consultant - Hans Wilson**

Mr. Wilson referred the Commissioners to the email he sent, a copy of which is on Page 28 of the Agenda Materials. He asked whether Commissioners would like to arrange for any consulting options with Ms. Rooker in light of issues Hans Wilson and Associates encountered. Mr. Damon said changes had to be made that were not originally talked about by the Board at the December 7 Special Board Meeting, which may have caused some misunderstandings. He said the Board needed to be informed of these changes. After discussion, the consensus of the Commissioners was the Board agrees appropriate and professional action was taken, CEPD will not use Ms. Rooker's email to initiate any outgoing email under her name, the emails to her that are forwarded will be used to review and act on CEPD business only, and any personal email will be forward back to her.

**8. Administrator Report**

**a) BeachStatus Photos**

Commissioners reviewed the photos.

**b) Ethics Training Update**

This item was discussed earlier in Agenda Item 6k4.

**9. Public to be Heard**

There were no comments from the public.

**10. Commissioner Comments**

There were none.

**Adjourn**

There being no further business, the Chair adjourned the meeting at 3:14 P.M .