

## Minutes

**Regular Meeting of the  
Captiva Erosion Prevention District**  
15951 Captiva Drive, Captiva, Florida 33924  
August 10, 2011

Commissioners Present: Mike Mullins (Chairman); Harry Kaiser (Secretary); Dave Jensen (Treasurer); Jim Boyle (Commissioner).

By Telephone: Doris Holzheimer (Vice Chair)

Consultants Present: Kathleen Rooker (Senior Administrator); John Bralove (Administrative Assistant)

### 1. Call to Order

The meeting was called to order by Commissioner Mullins at 12:03 p.m.

### 2. Roll Call

The roll was called and the results are outlined above.

### 3. Approval of July Minutes

Mr. Kaiser moved and Mr. Boyle seconded a motion to dispense with the reading of the minutes from the July 13, 2011 meeting and approve them. The motion passed without dissent.

### 4. Public to be Heard

Mr. Mullins noted that Shannen Hayes from the Captiva Current and Tim Gardner were in the audience. There were no comments from the public.

### 5. Financial Report

#### **Budget Amendment /Transfer – Document Number BA2011-01**

Mr. Jensen reported on the reason for this budget amendment: that it is estimated that \$50,000 of the \$95,000 budgeted for professional and legal fees will not be used this fiscal year. It can be moved to reserves with enough of a cushion remaining in the budget after the transfer for the remainder of the year. He explained that after the end of the year, this amount, like other reserves left in the General Fund, is moved to the Capital Projects Fund. Mr. Jensen also said that the Budget Amendment should be modified to say that the transfer is from the General Fund to reserves.

Mr. Boyle moved and Mr. Kaiser seconded a motion to amend the Budget Amendment to reflect that the transfer of professional /legal fees is from the General Fund to reserves and to approve it as amended. The motion passed unanimously.

Mr. Jensen explained that the \$435,516.94 in the account "Due from General Fund" on Page 10 of the Agenda Materials is the amount collected this year in tax assessments and will be adjusted to move from the Operating Fund to the Capital Projects Fund.

### 6. Report of the Senior Administrative Consultant

**a) September Meetings: Regular Meeting, Tentative Budget Hearing, Final Budget Hearing**

Ms. Rooker reminded the Commissioners of the meeting dates and times for September:

September 8 - Regular Board Meeting at 3:00 pm

September 8 - Tentative Budget Hearing at 5:01 pm

September 22- Final Budget Hearing at 5:01 pm

Mr. Mullins asked that the FSBPA and other critical dates be carried on the Master Calendar.

Ms. Rooker updated the Commissioners on Blind Pass. She reported that the Biological Opinion was finished but the permit is still pending. It is expected approximately October 1. She reported on the Ft. Myers Beach project and that the dredging there was way behind schedule. She estimated that it would not be completed until February 2012. Mr. Mullins asked why there were no Blind Pass updates from Robert Neal recently. Ms. Rooker responded that there was no new information and Mr. Mullins suggested that Mr. Neal should still file these reports even if the report said that there was no new information.

Mr. Mullins asked that the discussion move to Agenda Item 8.a., Collier County/CEPD Joint Project Discussion.

**8. New Business**

**a) Collier County/ CEPD Joint Project Discussion**

Gary McAlpin, Collier County Coastal Zone Management Director, John Sorey, Naples Vice Mayor, and Scott Johnson, Naples City Purchasing Department, introduced themselves to the CEPD Commissioners. Mr. McAlpin presented information on and described the next Collier County 2013-14 nourishment project currently estimated to cost \$25 million for 8 linear miles of beaches. He talked about the potential costs savings if the two jurisdictions involved shared costs and resources. He shared information on how their project is funded, their permit modification, and other information.

Mr. Mullins shared the history of CEPD, how the District funds its projects, and the status of CEPD's next project. Commissioners expressed enthusiasm and support for continuing to pursue collaboration efforts and share information. Mr. McAlpin agreed to continue the dialogue, send copies of their plans, and share information.

Mr. Mullins returned the agenda to the next item in sequence, Agenda Item 6.b., State Cost Sharing.

**6. Report of the Senior Administrative Consultant**

**b) State Cost Sharing**

At the request of Commissioners at the last meeting, Ms. Rooker obtained from Mr. Keehn of CP&E estimates of what the cost share might be under the reevaluation of cost sharing resulting from the tightening of state regulations. She referred to pages 14 through 16 which showed:

Existing Cost Share with Sanibel	31.05%
Estimated Revised Cost Share with Sanibel	24.80%
Estimated Revised Cost Share without Sanibel	20.52%

Ms. Rooker explained that with the reduced cost share, CEPD needs to find more parking and public access to Captiva's beaches.

Discussion ensued regarding where additional parking might be found. Ideas included reconfiguring the parking at Turner Beach and working with 'Tween Waters, South Seas, CCA, the Yacht Club, and McCarthy's Marina. Other ideas included buying a lot, using some of the space around Building #4 at South Seas, and using space at the Post Office. Ms. Rooker mentioned that if additional parking were found, both the ACOE and the DEP require that the fees all be the same and that permanent signs must be posted. She also said that parking must be within ¼ mile of the beach to qualify.

Ms. Holzheimer asked that a spreadsheet be prepared of potential parking areas and/or solutions. Ms. Rooker reminded the Commissioners that at the July meeting they had decided to have a Briefing meeting after September to discuss these issues. She was instructed to set something up and Ms. Holzheimer suggested Thursday, October 13 at 1:00 pm. This date was set tentatively and will be confirmed.

Mr. Mullins said that because there is a lot of work coming up, such as collaboration with Collier County, recreation of the economic model, the need for additional public parking, and even on the accounting front, he has been encouraging Ms. Rooker to look for additional staff support. He reminded the Commissioners that CEPD's primary mission is nourishment and that help to relieve Ms. Rooker for this next nourishment project might be necessary. He mentioned that at some point CEPD needs a fulltime project manager who just works on the next beach nourishment and all the aspects that go along with it. He asked that Ms. Rooker get back to the Commissioners as to whether CEPD is going to get some help staff wise in the October time frame.

Ms. Rooker then reported that the memorial plaques to place on the newly-acquired picnic tables at Hagerup Beach Park had arrived and passed around one of them. Mr. Mullins commented that he would like to see CEPD get more contributions but cautioned that restrictions might need to be established to reduce the possible proliferation of memorial plaques.

## **7. Old Business**

### **a) Correction to June Regular Board Meeting Minutes**

Mr. Boyle moved and Mr. Jensen seconded a motion to correct the minutes of the June 15 meeting, substituting "Ding Darling" for "SCCF" on Page 2. The motion passed unanimously.

### **b) Request to Lee County for Public Records**

Ms. Rooker reported that the response from Lee County to CEPD's first request was insufficient. On July 22, a second request was sent, a copy of which appears in the Agenda Materials on Page 18. She noted that neither an acknowledgement nor a response had been received. (Note: a response was received via email on Thursday, August 11.)

Mr. Mullins asked for input from the Commissioners about where CEPD should go from here. After discussion, it was decided that a follow-up meeting with the County should not be scheduled until a response was received from the second public records request. In addition, the consensus was that CEPD should do its homework, get the facts together, make sure it is on solid footing, and then meet with the County. To that end, Ms. Rooker agreed to obtain the relevant Lee County ordinances, state statutes, and similar enabling

legislation. Also CEPD will find the blue ribbon panel report prepared in the 90's that talked about beach management, a search will be made to find whether written agreements exist that substituted TDC grants instead of assessing the County, and ask Nancy Stroud for an opinion on whether CEPD can assess the County.

Mr. Mullins reported on the presentation to the Sanibel-Captiva Chamber of Commerce that Ms. Rooker made at the Captiva Yacht Club on Tuesday, August 9. He said it was a wonderful presentation and that many people came up to Ms. Rooker afterward to compliment her, report that they did not know about the significant economic impact that she reported, and asked how this information had been obtained. Mr. Mullins reported that Sanibel Vice-Mayor Mic Denham suggested CEPD contact Judi Zimomra because she is likely to have Sanibel beach economic information. Mayor Denham also asked that CEPD send Ms. Zimomra a copy of the PowerPoint presentation. Mr. Jensen suggested that CEPD become a member of the Chamber of Commerce and Mr. Mullins suggested that CEPD ask that the Chamber distribute CEPD's talking points.

## **8. New Business**

### **b) Final Reconciliation of DEP Grants 99LE2 and 02LE2/Amendment # 8**

Ms. Rooker reported that Ms. Paul-Young and she had carefully scrutinized the DEP reconciliation, agree with it, and recommend that CEPD pay back the \$342,182 that both parties have agreed upon. She stated that this closes out two grants that DEP had consolidated into one and allows CEPD to open up a new grant, which is not allowed if other grants have not been closed out. Commissioners agreed that a cover letter should accompany the payment saying that this closes out both grants and it also be noted on the check. Ms. Rooker agreed to do so. Mr. Boyle moved and Mr. Kaiser seconding a motion to repay the CEP \$342,182. The motion passed unanimously.

Ms. Rooker explained the importance of Amendment 8. She explained that the \$724,000 that reverts back to the DEP was not money that was ever given to CEPD. Rather, it was funding designated for CEPD that was never used or spent and reverts back to the DEP. She said that it does not involve any cash expenditure or payment from CEPD. It was noted that the address on Amendment 8 is incorrect and Commissioners requested that a cover letter be included with the signed copy when it is returned to DEP. Mr. Boyle suggested that the cover letter include language that says essentially that we agree on the mechanics of the closing out the two previous grants and we agree that we are now starting with \$100,000 toward our next 2013-14 project. Mr. Boyle moved and Mr. Kaiser seconded a motion to approve Resolution #2011-05, authorizing the Administrator to sign Amendment 8, with the additional provision that the address be corrected and a cover letter, as described, be included. The motion passed unanimously.

### **c) Change of CEPD Representative on Coastal Advisory Council**

Mr. Mullins provided background on how CEPD has two representatives to the CAC: CEPD is entitled to one seat and he is the representative, with Mr. Jensen as the alternate. Ms. Rooker's seat on the CAC is by virtue of her appointment by Tammy Hall and not as CEPD's representative. Mr. Mullins asked that another Commissioner take his place. Mr. Kaiser moved and Mr. Jensen seconded a motion to appoint Mr. Boyle as CEPD's representative on the CAC. The motion passed unanimously.

**d) District Name Change**

Mr. Mullins said that the current name constrained CEPD to erosion prevention and this was not really accurate. He suggested a new name: Captiva Beach Preservation District. He said that there might be alternatives and that CEPD could ask its constituents for input. Ms. Rooker call the Commissioners attention to Page 31 of the Agenda Materials, which outlined the process involved, including the need for Florida House and Senate approval of a bill to change the name. Commissioners expressed concern, given the climate, that such a request could open the way for state-wide opponents of special districts in general, and for opponents of CEPD specifically, to do away with CEPD. Commissioners agreed upon the need to evaluate the risks, and to specifically seek input from Nancy Stroud and Lisa Armbruster, test out the idea with legislators who might sponsor the bill to get reading on whether seeking such a bill is relatively easy and a good time to do it or not, and determine the consequences if a name change bill is not passed or approved. Ms. Holzheimer expressed support for asking CEPD's constituents to determine a name; Mr. Boyle disagreed. Mr. Mullins suggested that any new signage be designed modularly to allow for a possible name change.

**e) Budget Considerations**

Mr. Mullins called for a discussion of the roll-back rate versus the higher millage rate that was approved at the last meeting. He expressed concern about the public's perception of increasing the millage rate by 10% in light of the economy, the political climate, and what other jurisdictions are doing. Commissioners then discussed the various pros and cons of the issue. Mr. Mullins asked that data be presented at the next meeting that showed the difference between the two millage rates based on a property value of \$1 million and the average increase per property. He also asked that CEPD determine what the Fire District is doing. Ms. Rooker agreed to do both of these and the Commissioners can look at this data and continue the discussion at the next meeting

**f) FY 2011/12 Proforma Budget for Capital Projects**

Ms. Rooker called the Commissioners' attention to Page 40 of the Agenda Materials. She mentioned that this is the first time they are seeing this budget and that it will be voted upon as part of the September budget hearings and proceedings. Mr. Mullins said that it would be useful to have last year's figures and to see the variances. He also would like to see a monthly report on capital reserves. Mr. Boyle asked about assessments collected. Mr. Mullins talked of the possible need to put more money in the budget for additional financial help to support Ms. Paul-Young. He said that as other projects come up, like the economic modeling and his desire to create a book of past project costs, CEPD should have back-up, have that person sit in on Board meetings, and have reports handy. If CEPD has too much work to do, that means it needs more resources.

As part of this agenda item, Ms. Rooker reported that she had just learned that Lee County has a meter at the entrance to Hagerup Beach Park that counts pedestrians, bicyclists, and vehicles that come into the lot. She reported that the County has asked for, and been given, CEPD's count of tickets sold and that there are large discrepancies. County staff expressed concern over their count's reliability and were more confident in CEPD's counts, to the extent that they were thinking about removing their counter. Mr. Mullins said that the data was nonetheless important and requested that Ms. Rooker ask the County not to remove its

counter just yet. He also asked that CEPD request ticket sales data from Sanibel for the parking lots for which it is responsible.

**g) Summer Newsletter Draft**

Commissioners looked over the draft and suggested changes. Those changes are to be sent back to the Commissioners for review once they are made. Commissioners were asked to have all their changes and comments in by August 15.

Returning to Agenda Item 8.e., Mr. Kaiser asked about office leasing. The pros and cons of various options available to CEPD once the current lease expires were discussed. Mr. Mullins remarked that CEPD should start early and see what the alternatives are. He wants to be proactive. He asked that the Board appoint one Commissioner to work with Ms. Rooker on this.

**9. Commissioner Comments**

Mr. Boyle asked that a timeline for the next nourishment project be developed and be available for the next meeting. He also passed out an article from the Financial Times about storm-prone areas. He wondered whether CEPD should consider going wider and higher in the next nourishment like Collier County appeared to be doing. Mr. Mullins suggested that CEPD should take a look at this.

Ms. Holzheimer commented on the status of Blind Pass. Mr. Mullins said that CEPD was not in a good position to monitor Blind Pass. He further stated that CEPD should begin to advocate that the Blind Pass Project be done right and properly, which perhaps includes a groin on the Sanibel side, as has been suggested by the DEP and other experts. He said that CEPD might run the project and that CEPD should not be paying out any more money for this project other than what has already been obligated.

Adjournment – Mr. Mullins adjourned the meeting at 5:25 pm.