

## Minutes

### Regular Meeting of the Captiva Erosion Prevention District

Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida 33924

November 14, 2012 @ noon

**Commissioners Present:** Jim Boyle (Chair); Doris Holzheimer (Vice Chair); Mike Mullins (Commissioner); Dave Jensen (Treasurer)

**Absent** (excused): Harry Kaiser (Secretary)

**Staff Present:** Kathleen Rooker, CEPD Administrator; JoAnn Paul-Young, Accountant; John Bralove, CEPD Assistant to the Administrator

#### 1. Call to Order

Chairman Boyle called the meeting to order at 12:01 pm.

#### 2. Roll Call

The roll was called and the results are outlined above.

#### 3. Approval of October Meeting Minutes

Mr. Mullins moved and Mr. Jensen seconded a motion to dispense with the reading and approve the minutes as written from the October 17 Regular Board Meeting. Mr. Jensen asked for clarifications on two points and after receiving them, a vote was called. The motion passed unanimously

#### 4. Public to be Heard

Jack Cunningham said that at the Captiva Community Panel meeting held yesterday, there was discussion of the cost of the Minnesota Twins facility upgrade and its possible impact on reducing beach renourishment funding. It had been suggested, he said, that the Panel write a letter to the Board of County Commissioners expressing concern. Mr. Cunningham said he thought this should be a united effort among beach communities and CEPD should ultimately be responsible for leading this effort. He further stated that something needs to be done now. Mr. Jensen thought it should be a community effort, that the CEPD Board is only five people. Chairman Boyle supported Jensen's view and suggested to Mr. Cunningham that both CCA and CCP might consider with their membership sending letters to County Commissioners. Mr. Mullins supported Mr. Cunningham's position and asked that the subject be on the agenda for next month's Board Meeting. Chairman Boyle agreed to that request.

#### 5. Financial Report

Mr. Jensen reported CEPD has just completed the first month of its new fiscal year. He mentioned that parking lot revenue was up about 1/3 over the budget for October.

#### 6. Old Business

##### a. Renourishment Project

Chairman Boyle summarized the Board decision from last month: to go out for bids for the renourishment in December and provide the contractor with a startup date window between June 1 and September 1, with work to be completed by December 31, 2013. He also said that CP&E had been asked to bring a Scope of Work to this meeting, which is contained in the Board's Agenda Materials. Chairman Boyle asked Ms. Rooker to read Resolution 2012-13, to approve the expenditure of \$24,982 for design update and bidding service for the 2013/14 Project, which she did. Mr. Jensen offered and Ms. Holzheimer seconded the Resolution. There was discussion about eliminating small, incremental contracts with CP&E; what might be saved in dredging costs if the June 1 to September 1 window strategy were successful; what might cause the cost of the dredging to be higher and what are the financial consequences; the January 18, 2013 deadline for the ACOE to make decisions about Tropical Storm Debby emergency funding; the impact of damage in the northeast from Hurricane Sandy; and whether to use the ACOE if ACOE funding is not forthcoming. There being no further discussion, Resolution 2012-13 was voted upon and passed unanimously.

**b. Funding Status**

○ ILA

Chairman Boyle reported there was no change and would not be until other funding sources were clarified. Mr. Mullins requested that discussion of CEPD's negotiating strategy be reviewed at the next Board meeting. Chairman Boyle agreed to put this on the agenda.

○ DEP Grant Agreement

Chairman Boyle reported that Ms. Rooker's efforts, and various meetings with DEP staff, had moved the cost-share from the initial proposal of 17.8% to 22.8%, which translated roughly into \$1 million additional funding. However, Ms. Stroud had not had a chance to review the legal aspects of the Agreement thoroughly so it will be discussed again and voted upon at the next Board meeting. There was discussion about the reorganization at DEP and who CEPD would be dealing with in the future. Mr. Mullins suggested that in the agreement, under "Local Sponsor," CEPD be listed and that the email address in the same area be CEPD's generic email address. He also asked about the maximum and minimum of the \$4.6 million that might be used in the 2013/14 Project. Mr. Keehn explained that the maximum is \$4.6 million or 22.8%. Ms. Rooker added that the Agreement says the DEP financial obligation will not exceed \$4.7 million or up to 22.8%. Mr. Keehn explained that unless there is a misstatement of "facts on the ground," the cost-share of 22.8% will not change. Mr. Keehn also said that what was instrumental in the negotiations was convincing DEP to change their rules to be in compliance with the law. Mr. Keehn added that CEPD's negotiating efforts helped tremendously.

○ ACOE

Chairman Boyle reported he was encouraged with the meeting CEPD had in Washington in October with ACOE staff, and since returning from that meeting, Ms. Rooker has forwarded to the Corps in Jacksonville additional information. Mr. Boyle added that the ACOE liaison told him she would submit her report to Atlanta by the end of this month, well in advance of the December 18 deadline. The next step will be a review in Washington D.C. He also reported that CEPD was informed by J. Keiser that the

emergency grant request being developed was for \$4.6 million. He said that this is the number in the PIR that will be going to Atlanta and eventually to Washington.

## **7. New Business**

### **a. TDC Grant Agreement**

Ms. Rooker reviewed information on the 2 grants that had been approved by the Board of County Commissioners. She explained that the CEPD Board needs to approve the Grant Agreement. Mr. Mullins moved and Ms. Holzheimer seconded a motion to approve both TDC Grant Agreements. The motion passed unanimously.

### **b. 2013 Meeting Schedule**

#### **o Regular Board Meeting**

Chairman Boyle explained that the proposed schedule continues to have the Regular Board Meetings on the traditional second Wednesday. The Captiva Community Panel usually has their meetings the day before. To maintain this spacing, CEPD will ask the Panel to move their date in May 2013 to May 7 and the one in September to September 3. There was discussion about when CEPD Regular Board Meetings should begin and the Commissioners agreed to a starting time of 1:00 pm.

The Final Budget Hearing and Regular Board Meeting date of September 19 was discussed. Alternative dates were proposed and Commissioners agreed to move this date to September 23, with the starting time for the Board Meeting of 3:00 pm and the starting time for the Final Budget Hearing of 5:01 pm.

#### **o Budget Workshop**

There was no discussion or changes in these dates.

#### **o Board Briefing Meeting**

Chairman Boyle proposed to schedule one Briefing Meeting per month on the last Thursday. Both Mr. Jensen and Mr. Mullins said they preferred scheduling the Briefing Meetings for every Thursday and urged that the practice continue. They agreed that the meetings could always be cancelled.

Mr. Jensen moved and Mr. Mullins seconded a motion to approve the calendar as proposed with the following adjustments: begin Regular Board Meetings at 1:00 p.m., with the exception of the September 23 meeting, which will begin at 3:00 p.m.; schedule Briefing Meetings for every Thursday at 1:00 p.m.; and move the Regular Board Meeting and the Final Budget Hearing from September 19, 2013 to September 23, 2013 at 3:00 p.m. and 5:01 p.m. respectively. The motion passed unanimously.

## **8. Administrator Report**

### **a. Washington D.C. Trip Update**

Ms. Rooker commented she had sent the Commissioners a summary of the trip about 2 weeks ago and provided additional information. She added that the trip took place before Hurricane Sandy struck the northeast and she cannot tell what impact on emergency funding Sandy will have. She thought the meeting was invaluable in getting a better packet to Jacksonville and subsequently to Atlanta and the extra information was very important.

Ms. Holzheimer asked whether there were plans to meet with Representative-elect Trey Radel and was told that CEPD's lobbyist, Greg Burns, will meet with him. There was discussion about who else had been helpful and what they were doing. Ms. Holzheimer asked whether CEPD was making a presentation to the local Legislative Delegation in December as it had done in the past. Ms. Rooker commented that CEPD was not seeking additional state funding this year. Mr. Mullins commented that CEPD should still do at least a briefing and update for the Delegation to remind them of how important beach funding is. He also talked about offshore drilling and the growing interest in drilling in the Gulf. He thought this issue should be brought up at the Legislative Delegation meeting as well. Chairman Boyle said he and Ms. Rooker would get together on setting an agenda.

**b. Parking Lot Fees**

Mr. Mullins brought up that the sign at Hagerup Beach was faded. Ms. Rooker responded that the sign had been replaced in late October. Mr. Mullins also said he heard complaints about the parking meters not working at Hagerup Beach. Discussion ensued about the reliability of the machines, keeping extra parts, and the possible need to replace one of the machines. Mr. Boyle asked Mr. Bralove to get a quote on a new machine as the problematic machine was 7+ years old.

Ms. Rooker presented and explained the documents in the Agenda Materials related to parking lot rate and hour structure, including Options 1, 2, and 3. There was discussion about whether people stayed longer than their ticket entitled them to and monitoring this. Mr. Mullins said in talking to the Sheriff's Department staff in the past, they told him they do check for violations. He asked Ms. Rooker whether CEPD has "asked them to do their job." Ms. Rooker responded "yes." Mr. Mullins said CEPD should "put something in writing and ask them to do their job." He added "they are paid to do this job..." and suggested that CEPD "ask them to enforce it..." Lastly, he said "let's ask them to show us how many tickets they've issued." Mr. Mullins then asked Ms. Rooker to return to her parking rate proposal.

Ms. Rooker continued by saying the staff's recommendation was to stay in line with what others in Lee County charge - \$2 per hour - but raise the minimum to 2 hours. At the same time, she said, other choices beyond the first 2 hours, at a proportionately lower hourly rate, will reduce the average hourly rate, putting CEPD below what others charge. But in the end, CEPD will come out in a better position, Ms. Rooker said. Mr. Jensen said he would like to see data about how many tickets are written, get data such as how many people go over their expiration time, and gather other empirical data. Mr. Mullins asked that \$5 for 3 hours be put into the analysis since it is easy for people to reach in their pockets for a \$5 bill. Mr. Boyle said an analysis using rates of \$4 for two hours, \$5 for three hours, \$7 for 4 hours and \$10 for six hours be presented at next month's meeting. Data from credit card sales will also be gathered.

**c. TRIM Certification**

Ms. Rooker reported that the Florida Department of Revenue had reviewed the maximum millage levy calculation final disclosure documents and had determined that CEPD is in compliance with Florida Statutes. She also reported the Department of Revenue had reviewed the millage certification documents and determined that it meets the certification requirements of the Florida Statutes. She added no Board action is required.

**9. Public to be Heard**

Jack Cunningham suggested the issue he brought up at the beginning of the meeting be put on next month's agenda. Chairman Boyle responded that it had already been done (ILA negotiation strategy). Mr. Cunningham also sought clarification on ACOE funding. Lastly, he expressed pleasure at the direction in which the CEPD Board was headed.

**10. Commissioner Comments**

Mr. Mullins suggested CEPD look into selling space on the parking lot receipt – advertising, coupons, or something similar. Chairman Boyle said CEPD would look into it.

Mr. Mullins also expressed some concern about the future of the Coastal Advisory Committee. Mr. Boutelle, of the Lee County Division of Natural Resources, who heads the Committee and was in the audience, said the CAC was going to refocus its efforts but was not going to be dissolved.

Dave Jensen asked if staff could check the parking lot periodically for expired dash board parking tickets before next month's Board Meeting.

**Adjourn**

There being no further business, Chairman Boyle adjourned the meeting at 2:21 pm.