

## Minutes

### Regular Meeting of the Captiva Erosion Prevention District

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

January 9, 2013 @1:00 P.M.

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

**Late:** Doris Holzheimer (Vice Chair)-joined the meeting at 1:04 pm

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

#### 1. Call to Order

Chairman Boyle called the meeting to order at 1:00 pm.

#### 2. Roll Call

The roll was called and the results are outlined above.

#### 3. Approval of Meeting Minutes

Chairman Boyle asked for a motion to approve the minutes. Mr. Kaiser moved and Mr. Mullins seconded a motion to dispense with the reading and approve the minutes as written from the December 12 Regular Board Meeting and the November 14 Regular Board Meeting. The motion passed unanimously.

#### 4. Public to be Heard

There were no comments from the public.

#### 5. Financial Report

Mr. Jensen reported there was nothing of note to comment on in the General Fund. In the Capital Project Fund, he called Commissioners' attention to a typographical error in the budget figures on the summary page for interest income. It should be state grant income. He noted that parking lot revenue for December was below budget because credit card income for the last 2 weeks of the month was not credited until January due to a technical problem with the Meter #1's modem. It has been fixed and no money was lost. He also said the assessment income appeared to be below what was budgeted for the month but this was due to a timing issue. Payments from the Tax Collector are running one week behind what the budget anticipated.

Ms. Rooker commended Ms. Paul-Young for catching an error the Lee County Tax Assessor made. As a result of catching the error and working with the Tax Assessor, CEPD collected an additional \$5,000 owed it. The Commissioners complimented Ms. Paul-Young and thanked her.

Mr. Jensen called for questions. Mr. Mullins asked whether foreclosures caused CEPD to lose assessment revenue. Ms. Paul-Young explained that CEPD ultimately would receive it.

## **6. Old Business**

### **a. Parking Fees**

Chairman Boyle explained that the proposal for new fees involved changing the minimum hours that could be purchased from 1 hour to 2 hours. The rate per hour remained the same at \$2 per hour and is consistent with what other county entities charge. 3 hours parking would be \$5, a \$1 discount; 4 hours would be \$7, a \$1 discount; and 6 hours would be \$10, a \$2 discount. Mr. Mullins moved and Mr. Jensen seconded a motion to approve these fees. Ms. Holzheimer asked what had happened to replacing the 2<sup>nd</sup> parking meter. Mr. Boyle explained a new part had been delivered in late December, the second meter was now working reliably, and there was no need now to spend \$17,000 on a new machine. Ms. Holzheimer said she thought the idea was to have a second machine that would take credit cards. Ms. Rooker said there was no need for a second credit card machine. Mr. Mullins said the second machine could be retrofitted to take credit cards if necessary. Mr. Boyle called for a vote on the motion and it passed unanimously.

### **b. Renourishment Project**

Chairman Boyle reported on a conference call on December 21 among Ms. Rooker, Jackie Keiser of the ACOE, CEPD's lobbyist, and himself to get a sense of where the Corps was. He said the net of the call was the emergency funding request is now being evaluated in Jacksonville, the evaluation is expected to be completed by January 18, and it will go to the ACOE Center of Excellence in the New York District for final technical approval. Mr. Boyle said Ms. Keiser ranked CEPD number 1 on her list of 4 Florida projects and she thought CEPD should easily qualify for the emergency funding, which is roughly \$4 million. He said Ms. Keiser thinks that for another \$1.5 million the entire project could be done and is looking somewhere in the Army Corps for the additional \$1.5 million. The problem is, he said, the ACOE does not have a work plan until Congress passes additional legislation so there is no money currently available.

Mr. Boyle continued that another option is to ask for money from Hurricane Sandy funding that has yet to be approved by Congress and which is earmarked just for New York and New Jersey. Efforts are being made to persuade Congress to broaden the use of the \$50 billion being discussed to include Florida as well as other states.

Mr. Boyle reported that on Monday Ms. Rooker and he had another meeting with Longboat Key and Collier County regarding sequencing. He said Longboat Key had received their ACOE permit but must go back because of errors in it. Collier County is still working on their permit, but the urgency is not as great since Collier County would be last in the sequence following Longboat Key and CEPD.

Returning to the ACOE, Mr. Boyle said March 4 is the deadline for the Corps to approve CEPD's request. The bid announcement CEPD sent out goes to March 5 and there are 15 days beyond this date to open submitted bids. If CEPD does not get ACOE funding, CEPD would go out for bids on March 4 and bids would be opened March 20.

There was discussion of possible start dates, which projects are dredged first if sequencing happens, how many dredges might be used, the impact Hurricane Sandy on the demand for dredgers, and how long CEPD's project might take using one or two dredges.

**c. Funding Status**

○ **DEP Grant Agreement**

Chairman Boyle said CEPD had negotiated the rate that the DEP had originally proposed (17.8%) up to 22.8%. He called for a motion to approve the grant. Mr. Mullins moved and Mr. Kaiser seconded a motion to approve the Florida Department of Environmental Protection Grant Agreement No. 12LE2. The motion passed unanimously.

○ **ACOE**

Chairman Boyle said this topic had been covered in the discussion of Agenda Item 6(b).

○ **ILA**

Chairman Boyle said there had been discussions with Commissioners Manning, Pendergrass, and Kiker, and County staff, as he had reported last month. He said CEPD's position continues to be that the best solution to the ILA funding is a fixed, absolute number. The 2<sup>nd</sup> "choice" is a percentage. CEPD has pointed out the flaws and pitfalls in the formula the County and the TDC continue to want to use. He said at a meeting with Commissioner Pendergrass, Mr. Pendergrass understood the issues and wanted to meet separately with County staff to discuss whether there were different or better options than the formula. CEPD has not heard back from Mr. Pendergrass.

Mr. Boyle commented he thought CEPD had Commissioner Kiker's and Commissioner Manning's support as well. Mr. Manning had put forth a measure yesterday at the Lee County Board of Commissioners to approve the reimbursement to CEPD of approximately \$70,000 spent for the CP&E beach survey to quantify damage from Debbie. It was approved and he thought this action demonstrated a willingness on the part of the Commissioners and the County to cooperate. Mr. Mullins suggested CEPD get a commitment from County staff to support CEPD in its request because if staff does not support it, it enables Commissioners to hide behind that.

**7. New Business**

Chairman Boyle said there was no new business. Mr. Mullins said he did not know whether what he was going to say was new business, but he suggested CEPD plan how it is going to communicate to citizens to get them more engaged to face some of the issues they are going to have when the project begins. Mr. Boyle said he had already asked Ms. Rooker to start working on a plan. He outlined some of the resources CEPD has to do this, such as the website, Newsletter, and Beach Briefs, and said CEPD will develop a communications plan.

**8. Administrator Report**

Ms. Rooker informed Commissioners that Walsh Landscaping, who had done the original work around the "Welcome to Captiva" sign, had come back and replaced many of the plants and had re-mulched at no charge to CEPD. Commissioners expressed their gratitude.

○ **DEP Rule Making**

Ms. Rooker reported she had participated in the second webinar that DEP had sponsored. She said many of the things CEPD was concerned about had been corrected. However, the issue of the loss of single family homes at South Seas Resort in the DEP cost-share calculation remained. Given that the time for public comments was ending

January 8, CEPD, with the assistance of Nancy Stroud, sent comments on this to the DEP. A copy of the comments, she said, is in the agenda materials. Ms. Rooker summarized the comments by saying CEPD's position is that beachfront single family homes within a resort that are available to the public as part of the resort's rental program and licensed by the Department and Business and Professional Regulation should be included in the state cost-sharing calculation.

- **Lee County Legislative Delegation Meeting**

Ms. Rooker reported the Delegation Meeting is scheduled for January 29 at Edison College. She said she is on the agenda and will thank the delegation for their support of last year's funding, talk about the importance of the state's beach management program, and express concern that the DEP's Bureau of Beaches and Coastal Systems has been eliminated and their tasks have been so widely distributed so as to dilute the importance.

Mr. Mullins suggested the schedule of yearly bed tax revenue be compared to outside circumstances to see how circumstances such as a hurricane impact bed tax revenues.

Mr. Mullins mentioned that the new general manager of SSIR, Bob Walters, had stopped by the Community Panel meeting and suggested CEPD invite him to its meetings. Mr. Boyle said he had already talked to Ms. Rooker about going to Mr. Walters' office to introduce CEPD and invite him to CEPD's meetings.

## **9. Public to be Heard**

There were no comments from the public

## **10. Commissioner Comments**

Mr. Mullins asked Hans Wilson about the BP settlement money process that Mr. Wilson had reported on at the last meeting but Mr. Mullins had missed because he had to leave early. Mr. Wilson repeated the information that he had conveyed last month and updated it.

Mr. Mullins asked Mr. Wilson his opinion on reports that old-timers at the DEP had been fired and new people from industry are being brought in, and how this might impact CEPD. Mr. Wilson said it has caused a lot of concern among DEP staff but the impact on CEPD is difficult to assess at this time.

Mr. Kaiser commented on how much money BP is spending on advertising promoting the Gulf Beaches and wondered how CEPD could tap into some of this money. He thought the meeting today was very positive. He also supported the idea of communicating with the community as the renourishment project moves forward.

Mr. Boyle suggested tomorrow's Briefing Meeting be canceled - without objection the 1/10/13 meeting was canceled.

## **Adjourn**

There being no further business, Chairman Boyle adjourned the meeting at 2:34 pm.