

## Minutes

### Regular Meeting of the Captiva Erosion Prevention District

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

March 13, 2013 @ 1:00 P.M.

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

**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 1:01 P.M.

#### 2. Roll Call

The roll was called and the results are outlined above.

#### 3. Approval of Meeting Minutes

Mr. Kaiser moved and Mr. Jensen seconded a motion to dispense with the reading and approve the minutes as written from February 13, 2013 Regular Board Meeting and the February 21, 2013 Briefing Meeting. The motion passed unanimously.

#### 4. Public to be Heard

Chairman Boyle called upon Justin McBride of the Lee County Division of Natural Resources for an update on the Blind Pass dredging. Mr. McBride said things were going well, there had been less than 1 day's downtime, and production was almost half again greater than what had been expected. He added that when the inside dredging is completed, the County has budgeted for surveys of both inside and outside the pass. He also said his division was still working on the bridge and fishing issue. Mr. Mullins mentioned the idea of devoting one side of the bridge for fishing and the other side for pedestrians. Mr. Kaiser brought up the issue of a second groin to resolve the sand loss at the pass and its effect on Sanibel. There followed discussion of the issues involved and the need for support and cooperation among the parties involved. Mr. McBride said the completion date for the inside dredging is April 15 but could finish earlier.

#### 5. Financial Report

Mr. Jensen presented the financial report. Regarding the General Fund, he said that collection of ad valorem taxes had caught up to the budget and liability insurance was below the budget. Ms. Paul-Young explained CEDP had just received another quarterly invoice but she expected that this account would be under budget at the end of the year. Mr. Mullins asked about parking revenue and Mr. Bralove said March was the first full month that reflected the new parking rates and added he thought bad weather in the first 2 weeks of March had impacted revenues. Mr. Jensen said that the revenue still is higher than what was budgeted so far. Continuing to talk about the Capital Project Fund, Mr. Jensen mentioned

insurance was higher than budgeted, which Ms. Paul-Young attributed to a rate increase for Directors and Officers Insurance. Mr. Jensen said all special assessments were due April 1 and Ms. Paul-Young added that tax certificates would be sold on June 1 for those that are unpaid.

**6. Old Business**

**a. Annual Audit of Financial Statements**

Mr. Jensen presented that Annual Audit, a draft of which had already been sent to the Commissioners for their review and to forward questions to the office. He asked for questions and there were none. Mr. Jensen moved and Mr. Mullins seconded a motion to approve the Financial Audit for the year ending September 30, 2012. The motion passed unanimously.

**b. Renourishment Project**

Chairman Boyle reported that CEPD still has two irons in the fire. Regarding the joint project with Longboat Key and Collier County, he reported the Collier County Board of Commissioners had approved their project on February 26 but had requested the bid opening date be moved back to April 8, which was agreed to. Their standards and specifications had been sent to the dredgers and they are still working on permits. They have a pre-bid meeting scheduled for March 19. Chairman Boyle added CEPD would have a telephone pre-bid meeting the week of March 24. He explained since CEPD had already had a meeting in Jacksonville with the dredgers where most of their questions were answered, a telephone meeting would be sufficient.

Mr. Mullins expressed concern about pushing the bid date back to the extent that dredging costs go up. Mr. Boyle said that it was reaching this point and a drop-dead date might be April 15. Mr. Mullins made a motion to establish a drop-dead date for the joint project of April 15, 2013, and Mr. Boyle seconded it. Mr. Boyle suggested further discussion on this matter continue after Commissioners have an opportunity to talk about ACOE project because it is related. Commissioners agreed and the discussion turned to Agenda Item 6(c).

**c. Funding Status**

**o ACOE**

Chairman Boyle reported on the latest conversation he had with Jackie Keiser of the ACOE Jacksonville District. He said that although CEPD was told that approval of the FCCE funding was supposed to take place last week, that CEPD needed to be ready to fund the engineering and design costs, that the last signature required was from Major General Walsh and it was sitting on his desk, CEPD has heard nothing and it is not clear why.

Mr. Boyle added there are additional developments, including that the House Appropriations Committee is going to hold hearings on how Hurricane Sandy funds are being spent and a group has resurrected the old issue of the effectiveness of renourishing beaches. Major General Walsh has called for a meeting of all the districts' heads next week in Wilmington, Delaware to discuss all the beach renourishment projects. Mr. Boyle was told that Colonel Dodd of the Jacksonville District is going to recommend to General Walsh to approve immediate action on

CEPD's project and one other in Florida, in part due to the safety considerations of there being just one road off the island, an issue that CEPD has pushed hard according to Ms. Rooker. Mr. Boyle said he thinks CEPD is very, very close to getting at least the emergency funding. The other part, to use "CG" or general construction funds to do the entire project, needs assistance to get funding from another bucket. That is why, he explained, he has assigned a 75 to 80 percent chance to this scenario. Mr. Boyle said Ms. Keiser is still planning on awarding the contract on or about July 1.

Mr. Mullins asked about the ILA with Lee County and Mr. Boyle said the County is talking about a \$6 million cap to what is awarded to CEPD and if it goes over this amount, it would have to go back to the County Commissioners for a vote. The County may be waiting to see how much CEPD gets from the Feds. Mr. Boyle thought that once CEPD gets clarification from the Corps, things will start to come together with the County.

Discussion turned back to the motion on the table. Mr. Jensen expressed concern that if this motion were passed, CEPD has eliminated that chance to partner with Collier County and Longboat Key if the ACOE funding does not come through. Mr. Boyle said that at the April 10 Regular Board Meeting another motion could be passed. Ms. Rooker suggested the motion needed to have language in it to say "if CEPD were not to get ACOE funding." Mr. Mullins moved to amend the motion to add "contingent upon whether CEPD gets Army Corps money" and Mr. Boyle seconded it. After a brief discussion, a vote was called on the amendment and it passed unanimously. A vote was then called for on the original motion as amended and it passed unanimously.

Questions were raised about when would be a good time to get the word out to the public about the project. Discussion ensued about a Town Hall Meeting and when would CEPD have enough information to communicate effectively with the public before many people left town. Mr. Boyle talked about plans to distribute a pamphlet on the project and to produce a map of where work is being done and updated information, which would be posted on CEPD's website. After additional discussion, Mr. Mullins moved and Mr. Boyle seconded a motion to have a Town Hall Meeting on April 10 at 5:00 pm and to implement all appropriate communications to let the community know about it. The motion passed unanimously. Commissioners agreed to keep the Regular Board Meeting time at 1:00 P.M.

Chairman Boyle moved the discussion back to the Army Corps funding and asked the Commissioners to approve a resolution for an expenditure of up to \$529,438 for the Army Corps of Engineers to provide engineering and design services contingent upon them receiving federal funds and upon their request. Mr. Mullins expressed appreciation for the job Mr. Boyle and Ms. Rooker have done in moving forward on this based on the storm funds and taken the probability of getting these funds from 60% to 99%. Mr. Mullins offered Resolution 2013-2 and Mr. Jensen seconded it. Ms. Rooker read the entire resolution aloud. After a brief discussion, the motion passed unanimously.

- o **ILA**

Discussion of this Agenda Item occurred in an earlier discussion.

**7. New Business**

○ **BP Claim**

Ms. Rooker called Commissioners' attention to the information in the Agenda Materials and Mr. Mullins reported that based on the information provided by CEPD's attorney Nancy Stroud and by attorney Jason Maughan, he did not think that pursuing a claim was worthwhile.

**8. Administrator Report**

○ **Beach Award**

Ms. Rooker reported Chairman Boyle represented CEPD at the ASBPA Award Ceremony in Washington, D.C and accepted the Best Florida Gulf Coast Beach on its behalf. Ms. Rooker thanked Jack Cunningham, who was in the audience, for his compliments about receiving the award. She also thanked the CCP for one of their participant's compliments on the CEPD Newsletter.

**9. Public to be Heard**

There were no comments from the public.

**10. Commissioner Comments**

Mr. Mullins asked about the problems he had heard about regarding fires on the beach. Mr. Boyle reported on his dealings with this issue and Ms. Rooker reported that she had contacted Parks and Recreation, received a copy of the appropriate ordinance banning fires in Lee County parks, and had provided the ordinance to the Deputy Sheriffs who patrolled Captiva. They had also been contacted about this by Vickie Little of Parks and Receptions. Ms. Rooker reported CEPD is preparing appropriate signs to put at Hagerup Beach Park. Ms. Holzheimer thought this was particularly important since she had just learned that most barrier islands are a perpetual dry zone.

Ms. Holzheimer asked whether the audited financial statements were posted on CEPD's website. She was told they were not but CEPD's budget was. It was agreed that a notifications would go on the website saying that it was available for review at the CEPD office.

Mr. Jensen requested CEPD's lobbyist be asked to inquire about why the ACOE said it was unable to piggyback with CEPD's partnership with Collier County and Longboat Key, especially in view of tight budgets. Mr. Boyle said he would ask.

Mr. Boyle asked Commissioners whether they had any interest in printing a 2014 calendar that would have appropriate pictures and CEPD meeting dates. Commissioners supported the idea and made suggestions. Ms. Rooker mentioned that the Board may need to approve a budget for this project.

**Adjourn**

There being no other business, Chairman Boyle adjourned the meeting at 3:15 pm.