

Minutes

Regular Meeting of the Captiva Erosion Prevention District

Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida 33924
October 9, 2013 @1:00 P.M.

Commissioners Present: Jim Boyle, Chairman; Doris Holzheimer, Vice Chair; Harry Kaiser, Secretary; Dave Jensen, Treasurer; Mike Mullins, Commissioner.

Staff Present: Kathleen Rooker, CEPD Administrator; John Bralove, CEPD Assistant to the Administrator; Robin Mixon, Hans Wilson and Associates; Hans Wilson, Hans Wilson and Associates

CP&E Staff Present: Nicole Sharp, Steve Keehn

1. Call to Order

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

2. Roll Call

The roll was called and the results are outlined above.

3. Approval of Meeting Minutes

Commissioner Mullins moved and Commissioner Jensen seconded a motion to dispense with the reading and approve the minutes as written from the September 3, 2013 Tentative Budget Hearing and the September 23, 2013 Final Budget Hearing. The motion passed.

Commissioner Kaiser moved and Commissioner Holzheimer seconded a motion to dispense with the reading and approve the minutes as written from the September 23, 2013 Regular Board Meeting. Commissioner Mullins said the section of the minutes where he talked about sharing information, in Commissioner Comments, did not represent the point he thought he was making and perhaps it was not clear. His approach in estimating 50% higher than the previous assessment had nothing to do with the high end of the range given to people in 2010. It had to do with the estimated final cost and CEPD should give people a sense of this. Chairman Boyle said this can be discussed later in this meeting but the minutes accurately reflect the discussion. The Chair asked if there were further discussion on the minutes, and there being none, called for a vote on the motion. The motion passed unanimously.

4. Public to be Heard

Jack Cunningham offered congratulations and thanks to the Board for the project. Jay Brown also expressed his thanks for the work the Commissioners had done on the project.

5. Financial Report

Treasurer Jensen called Commissioners' attention to the financial statements beginning on Page 9 of the Agenda Materials. He said CEPD has reached the end of its budget year and the statements reflect the two Budget Amendments passed by the Board in August and September. He said he had no other comments and asked for questions. Commissioner Mullins asked if CEPD were on track for

the new (current) fiscal year. Chairman Boyle said yes and Treasurer Jensen said he was not aware of anything new that had come up.

6. Old Business

a) Renourishment Project Update

Nicole Sharp of Coastal Planning & Engineering reported that sand began being pumped Monday, October 7. One load was pumped before heavy seas forced a shut down; four loads were pumped by yesterday evening. There are approximately 2,000 cubic yards per load. This sand is being used to build the pad. The second dredge is due to arrive Friday and progress will be faster when the second dredge is added. She said the Contractor is doing a great job maintaining safety. Chairman Boyle echoed those sentiments.

Commissioner Mullins asked about a measurement of progress. Ms. Sharp said fill placement data is provided for every hundred feet. Commissioner Mullins asked how often CEPD intended to update its website. Chairman Boyle responded that as soon as the second dredge is operational, Great Lakes will provide a new schedule, which will be immediately posted on the website. Mr. Keehn said better and more accurate progress reports will be able to be put together when the second dredge comes on line. Chairman Boyle said he felt that if one added a week to the current published schedule, it would be accurate.

b) Dune Planting Proposal

Mr. Keehn presented a draft of the Bid Information, Contract Documents, Forms, and Technical Provisions for the Dune Vegetation and Post and Rope Fence Project. He explained these were the documents that would be sent out to solicit bids. Chairman Boyle said Mr. Keehn would come back to the Board in November with a recommendation on who to use. Chairman Boyle explained there was nothing to vote on today but he would like discussion and consensus particularly on the plant mix. Mr. Keehn recommended six plants whose names and quantities were listed on Page 42 of the Agenda Materials.

Mr. Keehn said the amount budgeted was \$165,000. He said the number of plants proposed would not allow planting extending the entire length of the island for that amount. He recommended targeting areas having the greatest need and perhaps come back in a year or two and fill in if the Board wants. Post and rope fences would be built just at the access areas. Concentration would be on three areas where plans are to restore dunes and protect the scarps: near Sunset Beach, the Village area, and down toward Turner Beach. Plants would be added in between these areas as needed and as the budget allows. Mr. Keehn said the bid specifications are very general in order to simplify the selection. When a contractor has been selected, more detail will be fleshed out. Commissioner Kaiser suggested sea oats as the primary plant and Mr. Keehn said sea oats comprised 80% of the total number of plants.

Mr. Keehn said smaller plants will be used for economy purposes but they will be self-watering and self-fertilizing. Commissioner Mullins asked when the plants will go in. Mr. Keehn said in the spring. Mr. Keehn said he was looking for comments from the Board so he could finalize the bid documents. Commissioner Kaiser asked about making plants available to the homeowners as was done last time. Commissioner Mullins said he thought it was more trouble than it was worth, it competed with the SCCF Native Plant Nursery, and the interest was not huge. He asked for Ms. Rooker's opinion and she agreed with Commissioner Mullins. So did the Chair.

Commissioner Mullins asked about the posts erected during the last project. Mr. Keehn said he was going to make removal of the old posts and rope a part of the contract. Also, he would make removal of the non-native inkberry plants, as the contractor sees them, part of the contract. Mr. Keehn added "Keep Off the Dunes Vegetation" signs would be placed.

Chairman Boyle asked if there was agreement on the bid documents. Commissioners responded yes and Chairman Boyle asked Mr. Keehn to come back at the November 13 meeting with a recommendation for a contractor.

7. New Business

a) Accounting Services

Chairman Boyle started the discussion by saying that he and Ms. Rooker had interviewed 4 or 5 people about providing accounting services to CEPD since JoAnn Paul-Young had left. Stroemer and Company provided the proposal that is contained in the Agenda Material for \$30,996 per year, which is about the same as what CEPD had paid Ms. Paul-Young. Chairman Boyle called for a motion. Commissioner Jensen moved and Commissioner Kaiser seconded a motion to approve the Stroemer proposal. The Chair called for discussion and Commissioner Mullins asked about the appropriateness of having a bookkeeper from the same company that does the audit. Chairman Boyle explained that Stroemer is CEPD's auditor for the fiscal year that just ended but would not be the auditor for the fiscal year for which they are doing the bookkeeping. CEPD will have to select a new auditor for the fiscal year ending September 30, 2014.

The Chair called for the vote and the motion passed unanimously. The Chair asked Ms. Rooker to read Resolution 2013-17 aloud. Ms. Rooker read the Resolution aloud. Commissioner Mullins offered Resolution 2013-17, approving the expenditure of \$2,583 per month for recurring bookkeeping services, and Commissioner Kaiser seconded it. The motion passed unanimously.

8. Administrator Report

a) Proposed 2014 Board Meeting Calendar

Chairman Boyle mentioned that earlier in the year, there had been discussion of publishing a CEPD calendar for the community using renourishment photos. If this is to be done, meeting dates for the coming year need to be finalized for the regular monthly meetings and the Budget Hearings. He said the projected cost for this is approximately \$5.00 per calendar based on a quantity of 100. Ms. Rooker clarified that the cost was for the printing and did not include mailing it out. Chairman Boyle said Commissioners needed to decide to do this or not. Commissioner Jensen asked how many were proposed to be printed. Commissioner Mullins suggested printing 200, not mailing them out, and have people come pick them up. The Chair explained the purpose of the calendar was to encourage more people to come to CEPD meetings. Commissioner Holzheimer was in favor of the idea; Commissioner Jensen said he did not see people coming over to get a calendar and did not think it was important. Commissioner Mullins suggested printing 200 as an experiment and if it is popular, print more. Chairman Boyle thought it was worth an experiment. Commissioner Mullins moved and Commissioner Kaiser seconded a motion to produce 200 calendars. The Chairman called for the vote and the motion passed 4 to 1, with Commissioner Jensen voting no.

An aerial photo was suggested as one of the photos and Justin McBride, who was in the audience, said he could get one. Ms. Rooker said she thought the calendar needed to be printed before Thanksgiving. Commissioner Holzheimer suggested asking residents to submit photos to engage the community. Ms. Rooker was concerned about offending people if their photo was not used.

The discussion turned to meeting dates. Ms. Rooker said the proposed calendar had the second Wednesday of every month for the Regular Board Meeting except for February, where the FSBPA technical meeting conflicted. September was also an exception. She said the September budget hearing dates cannot be in the calendar until the Lee County Board of Commissioners and the School Board set their budget hearing dates. Commissioner Mullins suggested that the week of the meetings be noted even if the day cannot be determined yet. Ms. Rooker said Briefing Meetings also had not been proposed pending Board discussion. Chairman Boyle said Briefing Meeting dates will be discussed at the November meeting.

Commissioner Mullin asked why the February Regular Meeting could not take place on Tuesday, February 11 instead of Wednesday, February 19. There was no objection. Commissioner Mullins moved and Commissioner Boyle seconded a motion to have the February Regular Board Meeting on Tuesday, February 11. The motion passed unanimously.

9. Public to be Heard

Jay Brown once again thanked the Board for their work on the project. He commented that in 2010, homeowners had been sent a broad projection of what their share of the project cost might be. He said it would be helpful to receive an update now that there are a lot more facts, assuming there are not a lot of dramatic changes. Chairman Boyle explained the assumptions on which the original letter was based and why a \$15 million referendum was sought. He said the \$15 million became the high side of the range that homeowners received in the 2010 letter. He explained the low range number people received assumed some Federal and State funding. He outlined other variables that might affect the final cost, including taking money out of reserves. When all is said and done, he thought the final number might not be too far from the middle range that everyone received in the 2010 letter.

He said CEPD would need to go through another apportionment process to come up with updated figures and it was very complicated and expensive. Further, in talking with the District's attorney, there is nothing in CEPD's enabling legislation that lets CEPD do this. Moreover, if new numbers were sent out to people, CEPD would run the risk of people having a legal basis for not paying their bills. If people did not pay their bills, the Chair said, the only option left to the Board to pay all the bills would be to have a huge ad-valorem tax hike for years, which would affect everyone on the island no matter if they were on the bay or the Gulf.

Chairman Boyle told Mr. Brown that his best guess was that Mr. Brown's assessment will be in the mid-range of the figures in the 2010 letter. He added the assessed value of one's property also comes into play. The values have gone up for some people and down for others. If one's assessed value goes up, their share will go up, and vice versa. It is all based on mathematics. Chairman Boyle added that the assessed value of one's property is only one of eight factors or variables that go into the total assessment calculation.

Commissioner Mullins thought CEPD should take the perspective to find a way to communicate to the homeowners a message and have a cheat sheet at meetings so that when numbers are talked about, they are consistent with regard to the total cost of the project. At the last meeting, he said, he suggested that people be invited to come in and meet with the staff. He said hiding behind a legislation scare is the wrong way to go. People have a need for information and CEPD can deliver that information. Chairman Boyle responded that it was not a legislation scare; it was a legislation reality. He explained that the methodology the Board operates under was approved by a court judge. If CEPD were to step outside the enabling legislation, it is at risk. Commissioner Mullins asked again for an Opinion of Counsel and Chairman Boyle said he just explained everything. He asked Mr. Brown did he understand where he was and Mr. Brown said "pretty much so." Chairman Boyle said people can come in to the CEPD office at any time to get the information; people can come to CEPD meetings any time

Mr. Brown said he was asking for a way to get an update and a narrowing of the range. Chairman Boyle asked Mr. Brown whether he had gotten what he had come to the meeting for and Mr. Brown said yes. Commissioner Mullins said CEPD is "avoiding being direct about this." Chairman Boyle asked Mr. Brown whether he had been indirect with Mr. Brown when he told Mr. Brown he would be in the middle of the range. Mr. Brown said no. Commissioner Mullins said instead of putting roadblocks in the way, think of a way to let people know. Commissioner Kaiser said people can get the information they need by calling the office and CEPD does not need to turn itself inside-out. He added the project will be completed within 3 months and in 3 months CEPD will know all of this. Chairman Boyle agreed that people can call the office, which they are doing, or come to a Board Meeting.

Commissioner Mullins explained that he was suggesting a cheat sheet so that CEPD does not deliver conflicting messages and communicates one consistent piece of information. Chairman Boyle responded that if people come to Board Meetings, they will get one consistent answer rather than get wrong information at some other non-CEPD meeting. Commissioner Jensen agreed that CEPD should be consistent but what he hears in the discussion is exactly what Chairman Boyle said – the assessment is in the middle of the range. He added that he knows people who are calling in to the CEPD office and Ms. Rooker is giving them this information. Mr. Cunningham asked would it be a good idea to put in a newsletter a general statement similar to what the Chair had made a little earlier in the meeting. The consensus of Commissioners and the audience was that this was a good idea. Commissioner Mullins said the caveats were still needed. Commissioner Jensen agreed

10. Commissioner Comments

Commissioner Jensen said he was very happy to see the project underway. Commissioner Kaiser was very pleased that after getting the bad news from the ACOE, CEPD picked itself right up and got the project going anyway. He added that with the demand from up north, CEPD's project will be finished in a hurry because the dredgers want to get up there. CEPD was fortunate to fit into a small window. Chairman Boyle added that the timing of the project is a good fit for the island – this being a slow time for the island.

Commissioner Mullins asked whether CEPD is still paying a lobbyist. Chairman Boyle said the lobbyist is now on a retainer for about \$1,500 per month. Commissioner Mullins asked whether CEPD was continuing to pursue matters with the ACOE. Chairman Boyle said Ms. Keiser of the Army Corps Jacksonville District said at the FSBPA meeting an AAR (Action After Review) group had been formed to review the Captiva situation. This group would be meeting with Corps staff from Atlanta

and DC to see what is appropriate moving forward from the ACOE point of view. The Chair said the review was just starting and Ms. Keiser will get back to CEPD with what can be done down the road. Chairman Boyle said he also asked CEPD's lobbyist whether there was a way to get reimbursement from the Corps after the project is completed and the lobbyist said no.

Commissioner Mullins suggested CEPD work on resolving the beach access and parking issues before the next project. He mentioned the Community Panel's pending survey where there may be some questions about the beach. He said beach nourishment questions should be in there to try to get a sense of the community's willingness to give up some things. He suggested CEPD take advantage of the community in this regard and engage with them. Chairman Boyle explained that regarding the ACOE funding, Captiva lost 4% cost share because Andy Rosse Lane had no dedicated parking for beach access. CEPD lost the rest not because of parking but because of easements. He explained how the old Erosion Control Line (ECL) had defined public access but this had changed. The Corps now wants new easements that are based on a different line, the "Six Foot Contour Line." It is essentially at people's back doors. The Chair explained that to get the new easements, each property owner would have to agree to the easement. Commissioner Kaiser said he did not think he or his neighbors would be willing to grant such an easement. Chairman Boyle went on to explain that CEPD had "Old Form Easements" which were signed in 1988, where the ECL was used. They are essentially construction easements. However, in the late 1990's the ACOE came up with "New Form Easements," which CEPD does not have. These are public use easements.

Commissioner Mullins said CEPD should be proactive in how the community wants CEPD to enhance access. He said he has in the past asked about the easement and was told by Nancy Stroud that CEPD had them, but he has never seen them. Chairman Boyle said he has seen them, they are in the office, and CEPD has the originals for every property. Commissioner Mullins asked if CEPD were going to pursue new easements and Chairman Boyle said not at this time. Chairman Boyle added that the state and the county recognize the ECL and their funding is not dependent on what the Corps uses. Commissioner Mullins suggested a separate meeting to address this issue. Chairman Boyle agreed.

Adjourn – There being no other business, Chairman Boyle adjourned the meeting at 2:21 P.M.