

## Minutes

### Regular Meeting of the Captiva Erosion Prevention District

Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida 33924  
May 14, 2014 @10:00 A.M.

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

**Staff Present:** Kathy Rooker, CEPD Administrator; John Bralove, CEPD Assistant to the Administrator; Bob White, Hans Wilson and Associates

**Stroemer & Co. Staff Present:** Jack Alexander

**CP&E Staff Present:** Michelle Pfeiffer, Tom Pierro

**CEPD Attorney Present:** Nancy Stroud

**Others Present:** Dr. William Stronge, Economist

#### 1. Call to Order

Chairman Boyle called the meeting to order at 10:00 A.M

#### 2. Roll Call

The roll was called and the results are outlined above.

#### 3. Approval of April Meeting Minutes

Commissioner Kaiser moved and Commissioner Jensen seconded a motion to dispense with the reading and approve the minutes as written from the April 9, 2014 Regular Board Meeting. The motion passed unanimously.

#### 4. Public to be Heard

There were no comments from the public.

#### 5. Financial Report

Treasurer Jensen presented the financial report. He said ad valorem tax collections were on target for the year and asked for questions regarding the General Fund. There were none. Regarding the Capital Projects Fund, he reported that the non ad-valorem collections were just about all in and that parking lot revenue was strong, with April's surpassing \$18,000. He called for questions about the Capital Project Fund and there were none.

#### 6. Old Business

##### a) Approval of Amendment 1 to Interlocal Agreement between Lee County and CEPD

The Chair introduced this Agenda Item by saying that the Lee County Board of County Commissioners had approved CEPD's request to raise the cap of the ILA from \$6.1 million to \$7.1 million. Commissioner Mullins moved and Commissioner Kaiser seconded a motion to approve the Amendment. The motion passed unanimously.

**b) 2013/14 Beach Renourishment Project Apportionment Plan**

Chairman Boyle went over Page 13 of the Agenda Materials, pointing out the proposed total assessment was \$5,701,050. He said that Page 14, the cash flow projection, displayed CEPD's ability to maintain a capital fund balance of at least \$1 million going forward to the next project. He then called upon Dr. Stronge to present his and CP&E's "Captiva Island 2013-14 Beach Nourishment Final Apportionment Plan."

Dr. Stronge went over the plan and explained the information contained in the Tables. He mentioned that the difference between what the Board saw in April and the one presented today reflected a greater amount being paid down on the loan which meant the amount being assessed to taxpayers was less.

Regarding Storm Benefit adjustments, he explained a new Reach – 3C – had been added. It was added at the Board's request to recognize that some bay front properties had a small parcel of land seaward of the road that provided access to the beach. He also explained how two properties north of Blind Pass were treated. He said the coastal engineers determined that these two properties were in a high erosion area but their structures were on the bay. Consequently they were put in the same reach as similar properties that were on the Gulf, but since they were further back, they were assessed based only on loss of land and not loss of structure.

Regarding Recreational Benefit adjustments, Dr. Stronge explained the various ones outlined in his report, including those involving multi-family homesteaded properties that were treated as single family, a decision Dr. Strong said the Board had made a couple of nourishments ago. Commission Mullins asked about the assessment on the Gulf Way parcel. Dr. Stronge explained that the Tax Appraiser is researching the history of this property but currently has assigned no value to it. Chairman Boyle added that the CEPD has no authority to assign or change Just Values.

Chairman Boyle suggested the following motion: "I move that the preliminary assessment role be filed with the Captiva Erosion Prevention District pursuant to Section 10, Paragraph 9 of CEPD's enabling legislation." Commissioner Kaiser moved and Commissioner Mullins seconded the motion as suggested by Chairman Boyle. Commissioner Mullins asked to see the wording the board had approved regarding the use of the multi-family designation and the homestead element. He added that if CEPD is attempting to get at rental homes paying a bigger piece of the pie, the method CEPD is using is flawed. Chairman Boyle responded that there was no such intent. He explained that it was the County's designation of "multi-family" to approximately 68 properties in the 2014 tax roll that resulted in the change. It was not the CEPD that made the change.

Chairman Boyle explained that the Board had not instructed Dr. Stronge to survey in 2010 the extent to which privately owned homes are rented. CEPD has no data on this. The existing criteria for this renourishment were approved unanimously by the Board in 2010. There was no effort in this renourishment cycle to assess rental properties at a higher rate. He explained that the assessment model used since 1988-89 is data-dependent. The data comes from the Tax Assessor's office. CEPD does not determine Just Values and has no enabling legislation authority to assign Just Values nor to change or assign DOR codes. The data also comes from Dr. Stronge's

beach surveys based on categories the Board gave him in 2010. The third source of data is beach erosion that the professional engineers provide based on physical measurements. The Chair agreed that rental properties should be assessed at a higher rate but this renourishment cycle did not plan for this. To make changes now would put CEPD in legal jeopardy. Commissioner Kaiser said that in the future, CEPD needs to address the issue of single family homes being used as rentals. Chairman Boyle agreed, adding that beach surveys in the future need to ask additional questions so that the necessary data is generated.

Chairman Boyle called for a vote on the motion. Commissioners Boyle, Jensen, Holzheimer, and Kaiser voted “yes”; Commissioner Mullins voted “no”.

**c) Approval of Resolution 2014-4 for DEP Permit Application Fee**

The Chair asked if there were a motion to approve the expenditure and the accompanying Resolution 2014-4 for \$20,597. Commissioner Mullins moved the motion and Commissioner Kaiser seconded it. The motion passed unanimously.

**d) Approval of Amendment to the Rules of Procedure**

Commissioner Mullins moved and Commissioner Kaiser seconded a motion to approve the proposed amendment to the Rules of Procedure Rule 2.04 – Bank Accounts, (d) Project Reserve Fund. The motion passed unanimously

**7. New Business**

**a) Captiva Tourist Development Tax Collections Report**

Chairman Boyle called upon Commissioner Mullins to comment on this Agenda Item since Commissioner Mullins had asked for this to be placed on the Agenda. Commissioner Mullins said he did this to make sure as early as possible that the TDC was putting away enough money for beach renourishment. He said they should be able to pay at least a 50% cost share. He said CEPD should draft a letter to the Coastal Advisory Council and the County Commissioners, as well as the TDC, to encourage them to raise the amount. Chairman Boyle said CEPD had done very well getting 37% of what Captivans paid in bed taxes over the last 8 years compared to the 26.4% that the County earmarks for beach and shoreline. Chairman Boyle said the county rate of 26.4% was too low and should be raised to get closer to the 36% range that used to be the percentage. He agreed with Commissioner Mullins that CEPD should continue its pursuit to get closer to the 50% cost share.

**8. Administrator Report**

Ms. Rooker reported that the Beach Project reconciliation had been submitted to the DEP just 5 months after the completion of the project and they had agreed with all the recordkeeping. They have already approved money to be sent to CEPD. She added that an additional \$137,000 will be collected via an amendment to the grant.

**a) Budget Workshop Date**

Ms. Rooker asked Commissioners to set July 8 for the budget workshop starting at 2:00 P.M. Ms. Rooker asked Commissioners to send her any comments and suggestions for the budget. Commissioner Mullins asked about the role of CEPD in Blind Pass. The Chair said he had spoken with Commissioner Manning, and Commissioner Manning was waiting for Steve Boutelle to return to work before there was discussion with CEPD.

**b) Candidate Qualifying Dates for CEPD Board**

Ms. Rooker pointed out the forms that Commissioners who were up for re-election needed to submit and the deadlines for them. She mentioned that the forms were also available online to download.

**9. Public to be Heard**

Mike Boris thanked the Commissioners for their service.

**10. Commissioner Comments**

Commissioner Kaiser praised the Commissioners and staff for doing a great job on the project especially in light of the ACOE withdrawing from the project. He thought Captivans were going to be very happy. He also commented on the subject of a bike path on the beach that he had heard discussed at the Panel meeting yesterday. He was vehemently against it. Commissioner Mullins clarified for Commissioner Kaiser how this discussion came about.

**Adjourn**

There being no other business, the Chair adjourned the meeting at 11:33 A.M.