

## Minutes

### Regular Meeting of the Captiva Erosion Prevention District

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

May 13, 2015 @ 1:00 P.M.

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

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

**Stroemer & Company:** Jack Alexander

#### 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 April Meeting Minutes

Commissioner Kaiser moved and Commissioner Jensen seconded a motion to dispense with the reading of the minutes from the April 15, 2015 Regular Board Meeting and approve them as presented. The motion passed unanimously.

#### 4. Public to be Heard

Wayne Newkumet addressed the Commissioners. He had two observations: 1) it appears to him that from the groin extending to Sunset Beach, all the sand that was placed there has been lost; and 2) he thinks tilling to a depth of 36 inches exacerbated the sand loss. He added that the dune and plants newly planted there have been eroded into. Mr. Newkumet asked if there were a base that was established so that sand loss could be measured. Chairman Boyle explained that a base was established at the end of the project and the monitoring that will start next week will measure any loss. However, the monitoring report will not be completed until June or July. Chairman Boyle said that the monitoring report will be on the Board agenda once it is completed. He added that tilling is required by the DEP and Florida Fish and Wildlife Commission. Mr. Newkumet asked whether it was possible to get a waiver from the tilling requirement. Chairman Boyle said no. He added that over time sand gain and loss is seasonal - gain in the summer and loss in the winter. Commissioner Jensen requested Ms. Rooker ask the engineers whether a waiver from tilling has ever been issued.

James Evans, Director of Natural Resources for the City of Sanibel, mentioned a concern that citizens had brought to him of fisherman using chumming to attract sharks and he wanted to bring this to the attention of the CEPD. He said shark fishing and chumming is legal but attracting sharks close to the beach raises safety issues. Mr. Evans said he did not know whether the practice of chumming could be regulated but Sanibel does have a regulation that prohibits chumming within 1/2 mile of the beach. Mr. Evans said it is not clear whether Sanibel's regulation supersedes Fish and Wildlife

Commission regulations that say that chumming is a form of fishing and therefore is legal and local governments cannot regulate it. Chairman Boyle asked Mr. Evans for a copy of the Sanibel regulation that possibly supersedes Florida regulations.

**5. Financial Report**

**a) Budget Performance Ending April 30, 2015**

Treasurer Jensen presented this report. He said that in the General Fund, he saw nothing out of the ordinary. He asked for questions and there were none. Regarding the Capital Fund, he observed that parking revenue was strong with collections running ahead of what was expected.

**6. Old Business**

**a) Blind Pass Study**

Ms. Rooker reported that 6 companies had responded to the County's Request for Proposals. Evaluations are underway by the Short List Committee and there is a meeting on May 21 of the committee to discuss the rankings of the companies. She said the goal is to narrow the possible engineering companies to 3 for follow-up interviews. The committee will then make a recommendation to the Lee County Board of Commissioners for their approval and a contract and price will then be negotiated. Chairman Boyle said he thought the study will be completed by the end of the year.

**7. New Business**

**a) City of Sanibel Request – James Evans**

Chairman Boyle said the City of Sanibel is seeking to do beach renourishment on Sanibel under CEPD's permit. He said he thought this was a good idea and ought to be pursued. Commissioner Mullins moved and Commissioner Kaiser seconded a motion to begin a dialogue with CEPD staff, consulting engineers, DEP, ACOE, Florida Fish and Wildlife, etc. on how this can be accomplished under CEPD's permit, and this dialogue be conducted jointly by CEPD and Sanibel with the other parties involved.

Mr. Evans said Sanibel's biggest concern is the road since it is the only evacuation route off the island. He said that Sanibel does not anticipate any renourishment but they want to have all their ducks lined up just in case since it would take so long to acquire their own permit. The Chair called for the vote and the motion passed unanimously.

**b) FY2015-2016 Ad-valorem Tax General Fund Budget Draft**

Chairman Boyle explained that the intent is to keep the overall dollar figure that CEPD is operating under this year for the next year's budget, namely \$360,203. This would leave the District in a position to use the rolled-back rate for ad valorem taxes for the coming year. Commissioner Mullins moved and Commissioner Holzheimer seconded a motion to put forth the budget in the agenda materials as a target budget. Ms. Rooker commented that she did not get the property values from the County until July 1 and a budget cannot be officially established until after this date. Commissioner Mullins clarified the discussion by saying that this is a proposal of a budget. The tentative and final budget hearings take place in September, at which time the public has the opportunity to comment. Comments on the target budget ensued and the motion passed unanimously.

**8. Administrator Report**

**a) TDC FY 2015-2016 Beach & Shoreline Project Funding**

Ms. Rooker said CEPD has requested two grants. The first is the usual request for beach maintenance and the second is for \$325,000 for the Redfish Pass Study. The later assumes a 50% cost share. Both received tentative approval. She explained the TDC will formalize their approval at next Thursday's meeting and the list of approved funding will then go to the County Board of Commissioners for final authorization in September.

**b) 1- Year Post Construction Monitoring**

Ms. Rooker reported that a BeachBrief had recently been sent announcing that monitoring will begin Monday. It will take several months before the report is completed and the engineers present their report to the Commissioners.

**c) 2015 FSBPA Annual Conference**

Ms. Rooker said that if Commissioners are interested in registering for this conference, they should let her know by the end of the month. She will register people but they must make their own transportation and housing arrangements.

Chairman Boyle asked Ms. Rooker to report on both the Army Corps inquiry regarding the 2005 project and the FEMA claim. She said she responded to the Corps questions about the 2005 project on April 12 but has not heard back from them. Regarding the FEMA claim, she has not heard from them despite the fact that the deadline of 60 days for them to respond has long since passed.

**9. Public to be Heard**

Wayne Newkumet urged that CEPD to support the state purchase of land in the Everglades.

**10. Commissioner Comments**

Commissioner Mullins urged people to read the recent SCCF newsletter that carried a photo of the murky waters flowing from Lake Okeechobee down the Caloosahatchee and into the Gulf. He asked people to support the effort to have the water go to the Everglades. Finally, he said Florida is one of only five states that do not allow utilities to offer solar or alternative sources of energy. As a result, there is no aid to help citizens install solar energy. He said there is an effort to get 800,000 signatures on a petition that will enable the issue to be placed on a state ballot. He encouraged everyone to support this effort.

Commissioner Kaiser commented the sign as one enters Captiva still is looking good.

Chairman Boyle said consideration of a Resolution in support of acquisition of lands south of Lake Okeechobee and within the Everglades Agricultural Area from the U.S. Sugar Corporation to help restore freshwater flows to the Caloosahatchee and St. Lucie estuaries will be put on the June agenda. He also thanked James Evans for his role in working with CEPD on the Blind Pass issues. He has done a very commendable job.

**Adjourn**

There being no other business, the Chairman adjourned the meeting at 1:48 P.M.