

Minutes of the Regular Meeting of the Captiva Erosion Prevention District

Celebration Center

11513 Andy Rosse Lane, Unit 4, Captiva Dr., Captiva, FL 33924

Wednesday July 8, 2009 @12:00pm

Commissioners Present: Mike Mullins (Chairman), Dave Jensen (Treasurer), Doris Holzheimer (Vice Chairman), Harry Kaiser (Secretary), Rene Miville (Commissioner)

Administrative Consultants Present: Kathy Rooker (Consultant), Ruth Wilburn (Consultant), Joann Paul

I. Call to Order

Chairman Mullins called the meeting to order at 12:05pm.

II. Roll Call

Roll Call was performed and the results are detailed above.

III. Approval of CEPD Meeting Minutes

June 10, 2009 Regular Meeting Minutes

Comm. Kaiser moved to approve the minutes. The motion was seconded and passed unanimously.

IV. Public Comments

Public comments were heard.

Comments were raised concerning people driving golf carts onto beach access paths and out on to the beach. Concerns were also raised concerning dogs on the beach and furniture and personal items being left over night on the beach. "No golf carts on the beach" signs were requested.

V. Financial Report

The treasurer presented the financial report.

Comm. Kaiser moved to approve the Financial Report. The motion was seconded and passed unanimously.

VI. Report from the Senior Administrative Consultant

a) DEP Update of 2005/06 Project

The DEP closeout is getting closer. After Lisa Armbruster visit during the Re-nourishment workshop Lisa went to visit Vince George [DEP] to discuss the closeout. It was determined that no quarterly reports were filed after 2004 even though they were prepared. Quarterly reports are up to date for 2009. The in house audit [compiling all DEP closeout information for submission] will be completed while Consultant Rooker is on vacation and will be reviewed for submission to the DEP after her return.

There is no idea what the end result of this closeout will be and Consultant Rooker is concerned considerable monies will be owed to the DEP for over-payment.

b) Blind Pass Status and Celebration Date

The Blind Pass Ribbon Cutting is planned for September 25, 3009 at 10:00am. Preparations for this ribbon cutting are under way.

The status of the Blind Pass project is of great concern since it has been weeks since a dredge has operated in the Gulf and the project continues to fall further and further behind. The published status reports from Robert Neal makes little or no sense in the time line for completion and the people of Captiva expressed concern at the Panel meeting.

Comm. Miville gave a report on what he had learned from talking to Lee County Public Works Director, Jim Lavender. A meeting was set for Friday at 3pm at Jim Lavender's office to discuss this project. All commissioners were invited to attend. Chairman Mullins, Comm. Miville and Consultant Rooker will be attending. Comm. Miville will confirm this meeting and inform the other commissioners.

Comm. Jensen made a motion to have a meeting with Jim Lavender. The motion was seconded and passed with a vote of 4 in favor and one opposed.

c) Summary of June 11 Renourishment Workshop

A summary of the Re-nourishment Workshop is in the meeting packet. There is a magazine article that helps describe how the Corp of Engineers works. Consultant Rooker recommended everyone read this article.

It is recommended that Consultant Wilburn listen to the tape and take notes on the NEPA process and exactly what is said regarding this permit.

Chairman Mullins recommended a Critical Path Chart for this workshop to ensure a complete understanding of both organizations and the deadlines required. This is to identify crossovers between both alternatives as well as isolate upcoming CEPD activities to prepare for the next beach re-nourishment cycle. This CPC should include the Blind Pass Project until completion.

VII. Old Business

a) Professional Services Contract

Commissioners requested a compressed/shortened version of the scope of service for all three contracts. The Professional Services Agreement and the Capitol Professional Services Agreement are ready to be signed. The Professional Service Agreement for Standard Operating Procedures Development will be held for future discussion.

b) Budget Amendments

The Budget Amendments were moved to be accepted as written by Comm. Jensen and seconded. The amendments were unanimously approved.

c) **Bed Tax Revenue**

Discussion on how difficult it is to get the exact bed tax figure was conducted. Consultant. Rooker and Chairman Mullins backed out the bed tax figure with the help of the sales tax department in Tallahassee. Consultant. Rooker is to get this figure in writing. It is recommended the CEPD make its presence known at the TDC and educate them on how important the Captiva tourism is to the bed taxes collected. Through making the CEPD presence known at the TDC it is hoped that they recognize Captiva more accurately in grant funding.

d) **Oil and Gas exploration**

Consultant Rooker shared concerns of lobbyist Debbie Flack on this issue as well as photos of oil rigs she recently saw off the California coast. It was agreed an aggressive PR plan will be needed to spread the word on this important community issue.

VIII. New Business

a) **Revetment and Groin**

Consultant Rooker is meeting with the Sanibel City Manager on July 22, 2009 to bring her up to date on the project and what is happening with the revetment and groin.

The revetment was discussed. It is not clear to the extent of damage if any but it must be put back the way the contractors originally found it. For the record; upon asking the county to put back the revetment rock and they responded they would return the rock if they were not held responsible for any damages to the revetment.

Commissioner Miville has talked with Robert Neal and with Jim Lavender on this issue. Con. Rooker has talked with Steve Keehn of CP&E about possible solutions. This will be addressed further at a later time with engineering issues on Blind Pass project being of immediate concern.

b) **Stop the Beach Renourishment v. Florida Department of Environmental Protection**

Beach nourishment funding is potentially at risk. The CEPD must stay on top of developments and be ready to fight a PR battle to rally support and awareness.

c) **Lee County Parks and Recreation**

The CEPD was granted an extension on the 2008 grant for bathrooms at the beach parking lot. Barbara Manzo is looking into alternative bathroom solutions.

It was recommended the CEPD look into how Federal Stimulus dollars are being allocated.

Lee County Parks and Rec. recently visited Captiva and had concerns with the Yolo operation located on the beach at the end of Andy Rosse Lane. They have a concession set-up on the beach and use motorized vehicles on the beach. Parks and Rec. would like to know how the CEPD would like then to respond to this operation. They can ask Yolo to leave the beach or they can charge them a concession fee which would generate income to go to the CEPD. There is some question about their beach use being grandfathered in. Comm. Jensen will look into this matter. Comm. Jensen and Chairman Mullins will talk to the Yolo owner. This will be re-visited at the next meeting. This situation will also be discussed at the next Captiva Panel meeting.

d) 2009 Trim

A review of the budget meeting was given. Several DR420 scenarios were considered. A motion was made to increase the tax rate to .2322 . This is an increase of 25% over the role back rate. Commissioner Miville moved to accept the .2322 millage rate. The motion was seconded and unanimously accepted.

e) Management Meeting with Auditor

The latest letter from the auditor was reviewed and discussed. The meeting Con. Rooker and Comm. Jensen attended was reviewed and discussed. The letter makes an offer to settle the outstanding balance and complete the audit. Chairman Mullins asked for authority to negotiate this offer up to the asking amount of \$16,500 with the hope to settle for a lesser amount. This audit has been a difficult and frustrating procedure. There is a concern that even with payment final documents will be withheld and a plan to receive the documents must be established. Comm. Jensen moved that Chairman Mullins have the authority to negotiate this offer up to the asking amount of \$16,500. The option was seconded and unanimously approved although both Comm. Holzheimer and Comm. Kaiser were not pleased with the outcome and were uncomfortable with the final amount.

IX. Commissioners' Comments

The newsletter was discussed and the need to make this a piece that people want to read. It was recommended each commissioner write an article for the next publication.

Meeting adjourned 2:57pm