

Minutes of the Regular Meeting of the Captiva Erosion Prevention District

'Tween Waters Inn, Wakefield Room
15951 Captiva Drive, Captiva, FL 33924
Wednesday, April 14, 2010

Commissioners Present: Mike Mullins (Chairman), Dave Jensen (Treasurer), Harry Kaiser (Secretary)

Commissioners Absent: Doris Holzheimer (Vice Chair), Rene Miville (Commissioner)

Consultants Present: Kathleen Rooker (Senior Administrative Consultant); John Bralove (Administrative Consultant)

I. Call to Order

Chair Mike Mullins called the meeting to order at 12:03 p.m.

II. Roll Call

The roll was called and the results are detailed above.

III. Approval of CEPD Meeting Minutes

Mr. Kaiser moved and Mr. Jensen seconded a motion to dispense with the reading of the minutes and to accept them as written. The motion passed without dissent.

IV. Public to be Heard

There were no comments from the public.

V. Financial Report

Mr. Jensen reported that he had no updated financial information since the last meeting. He stated that CEPD has a loan payment due May 1.

In conjunction with Ms. Rooker, Mr. Jensen reported that the Blind Pass Project has technically not been closed out. The project is under budget but Mr. Mullins commented that there may be more expenses coming in, especially if the County re-sweeps the pass. Mr. Jensen stated the funds left over from the project are approximately \$350,000 and are held by CEPD in an interest-bearing account. Mr. Mullins thought

that before these funds are spent, there should be a public meeting to let interested parties know that there may be additional costs before CEPD goes forward and pays out any more. An accounting of funds from the County as well as other agencies is necessary. There is concern among the CEPD Commissioners and citizens that money for beach nourishment is not being adequately replaced to draw on in the next couple of years when it may be needed. Previous requests for information have not been answered. CEPD will ask its attorney to draft a letter that includes citation of the public records laws that supports CEPD's entitlement to this information.

Mr. Jensen asked questions regarding budget line items in this and next year's budgets related to 2013 and 2014 projects. Mr. Mullins mentioned the possibility of paying more on the loan than is due on May 1 and the possible need to open a line of credit. A decision whether to pay down the principal will be discussed at future meetings prior to the due date of the next loan payment. Ms. Rooker stated that the amount due on the loan after the May 1 payment will be just over \$2,022,000.

VI. Report of the Senior Administrative Consultant

- a) Parking Lot – Ms. Rooker reported that the rain had created deeper potholes at the CEPD lot. Lee County has put the lot on its schedule for heavy regrading and topping, possibly in May. Until this major resurfacing, the potholes will be patched as a temporary measure, if possible by the end of the week.

Mr. Bralove discussed the data and chart in the board packet that showed a month-to-month comparison of parking revenue for the past two and one-half years. Through the first six months of the current fiscal year, revenues are down slightly because of cold weather in February and March. This shortfall could be made up, he thought, in the final six months. But if revenues for the final six months of the year match the previous year, the current year's revenues will finish 2% below last year's figures. Mr. Mullins requested that the Board be shown data for the last five years at next month's meeting

Ms. Rooker and Mr. Mullins commented on the loss of revenue possible stemming from the reopening of the Turner Beach parking lot, the possibility of finding more parking locations, sharing revenue with owners of those other parking locations, and the purchase of additional parking meters. Ms. Rooker mentioned that additional parking will enhance CEPD's share of beach nourishment funds.

- b) DEP Visit – Ms Rooker reported that Vince George and colleagues from the Department of Environmental Protection (DEP) will visit Captiva between April 27 and April 30, primarily to look at the Blind Pass Project. They will visit the pass to review the pending re-sweeps, among other things, and spend some time at the CEPD office during this period for a friendly discussion with no specific agenda.

Note: A communication from Mr. George subsequent to when this meeting was held changed the dates to May 4 through 7. The visit to Blind Pass is the morning of the 5th.

- c) Army Corp Visit – Ms. Rooker also reported that members of the Army Corp of Engineers will visit CEPD the last week of May. They will assist CEPD in finding additional parking and work with the District to find additional cost-share opportunities. This is an exploratory meeting.
- d) Blind Pass Stakeholders Meeting – Judy Zamomra, Sanibel City Manager, has invited a group of people who are interested in Blind Pass to meet on May 10. CEPD will attend this meeting and urge that a Blind Pass inlet management plan be developed and implemented to, among other things, establish a trigger point for re-dredging before Blind Pass closes again.

As part of this discussion, Mr. Mullins suggested that CEPD get a letter from Sanibel acknowledging that more sand was deposited on Sanibel at the last nourishment than was required in the interlocal agreement in order to reduce any further obligation.

- e) Recreational Survey – Ms. Rooker reported that Bill Stronge had completed 447 interviews for the winter survey. He will need approximately two weeks to do the analysis, and he expects to have a preliminary report for the Board at the May meeting.

Dr. Stronge has agreed to perform the summer survey, if one is done, between July 1 and July 6 in order to capture data from the 4th of July vacationers. The results would be available in August in enough time to assist in decisions leading up to the November referendum. There was discussion as to whether surveys should be coordinated with what the Tourist Development Council conducts on Ft. Myers Beach. Commissioners were reminded that Dr. Stronge needs a decision in May as to whether to conduct the summer survey. The summer survey will cost \$19,565.

Mr. Mullins mentioned that one of Dr. Stronge's findings from his survey work was that the second-most cited problem was that of seaweed and algae on the beaches and in the water. Discussion took place around the topic of Sanibel, Lee County, and Florida ordinances regarding the cleaning and raking of beaches after a fish kill or seaweed accumulation incident. Mr. Mullins mentioned that CEPD does not have a policy to deal with accumulation of seaweed and fish kill.

VII. Old Business

- a) Board Reorganization – Mr. Mullins reminded the Board that he had previously agreed to extend his term but the issue of new officers still needs further discussion. Ms. Holzheimer has expressed willingness to remain as Board Vice Chair, Mr. Kaiser expressed willingness to remain the Board Secretary, and Mr. Jensen said he was willing to play any role the Board would like. With two commissioners absent, it was agreed to continue this discussion at the next meeting when more Board members could attend.

- b) Resolution Adopting a Policy for Defense of Officers and Employees – After much discussion, the Commissioners attending decided to continue this topic at next month’s Board meeting because of the absence of two commissioners. In the meantime, Ms. Rooker will send to all Commissioners a copy of CEPD’s Directors and Officers Liability Insurance policy. CEPD’s attorney will be asked to prepare a letter citing state laws that provide public officials such as the CEPD Commissioners with liability protection and indicating whether Commissioners are compensated for time spent supporting CEPD’s defense above and beyond the expectation when the Commissioner was elected or appointed.
- c) Public Records Request – Ms. Rooker sought approval from the Board to send a letter to Roetzel and Andress, the representative of last September’s filer of the public records request. After reading the letter to the Board, Mr. Jensen moved and Mr. Kaiser seconded to send the response with the one minor correction that was noted. The motion passed without dissent.

VIII. New Business

- a) Approval of FY 2009 Financial Statements – Mr. Mullins offered congratulations to Ms. Rooker, Ms. Paul (the CEPD accountant), and Commissioner Jensen for the 2009 audit. It was completed well before the September due date, at less cost, and with no exceptions. Mr. Mullins read a summary of the audit report. Mr. Jensen moved and Mr. Kaiser seconded to approve the FY 2009 audit. The motion passed without dissent. It was requested that this item be placed on the agenda for the next Board meeting when all Commissioners could be present.
- b) Bed Tax Resolution – Mr. Mullins raised the idea of a 1% bed tax on short-term Captiva rental to be earmarked exclusively for Captiva beach nourishment and related projects. The idea stemmed from, he said, concerns that money for nourishment might not be as readily available in future years. The merits of whether to seek Lee County Board County Commissioners’ approval and how to accomplish this were discussed. Comments were invited from the audience. They were supportive. Three alternative resolutions were formulated by CEPD’s attorney and Chairman Mullins, and the merits of each were discussed. Option 3, a resolution asking the Board of County Commissioners to either adopt a referendum or ordinance, was the one preferred by the Commissioners. Mr. Jensen moved and Mr. Kaiser seconded a motion to approve the resolution identified in the Board materials as Option 3 and to authorize Chairman Mullins to meet with the Board of County Commissioners and bring back from that meeting the BOCC’s decision for the CEPD Commissioners to act upon. The motion passed without dissent. The topic will be placed on the agenda for the next Board meeting to hear results Mr. Mullins’ meeting and to ensure additional discussion when all Commissioners are present.
- c) Pollster Proposals – Ms. Rooker presented information on two companies that have provided bids for a poll of Captiva voters prior to placing a referendum on the November ballot. Questions were raised about each proposal, including clarification of how many

participants would actually be surveyed and whether one additional question could be added involving the 1% bed tax increase proposal without increasing the cost. Mr. Jensen moved and Mr. Kaiser seconded a motion to seek clarification on these issues and bring back a contract proposal to the Board for approval at the April 29 Board Briefing Meeting. The motion passed without dissent.

- d) Bond Counsel Proposals – After discussion regarding two proposals, the merits of a bond versus a commercial bank loan, and the deadlines for a decision, this agenda item was deferred until the next Board Briefing Meeting.

IX. Commissioner Comments

There were no comments.

X. Adjourn

The meeting was adjourned at 2:57 p.m.