

Minutes of the Regular Meeting of the Captiva Erosion Prevention District

'Tween Waters Inn, Wakefield Room
15951 Captiva Drive, Captiva, FL 33924

May 12, 2010, 12:00 Noon

Commissioners Present: Mike Mullins (Chairman), Dave Jensen (Treasurer), Harry Kaiser (Secretary), 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 12:00 p.m.

II. Roll Call

The roll was called and the results are detailed above.

Note: Because of the need to discuss the Deepwater Horizon oil spill at the beginning of the meeting, the agenda as originally set was re-ordered.

III. Deepwater Horizon Oil Spill Discussion

Mr. Mullins introduced special guests and visitors including:

J.A. Stakenburg, Lee County Emergency Operations Center
John Wilson, Lee County Emergency Operations Center
Judi Zimomra, City Manager, City of Sanibel
Joseph Poppalardo, Lee County Sheriff's Department
Jerry McCormick, Sr., Diversified Florida
Jerry McCormick, Jr., Diversified Florida
Brad Smith, Sanibel Captiva Conservation Foundation
Amanda Bryant Sanibel Captiva Conservation Foundation
Marcos Borrás, South Seas representative

Mr. Wilson presented an overview of the oil spill situation, explained the role of the various federal, state, and local agencies involved, the plans in place or under development and other perspectives on the spill. He stated that plans continue to evolve as more information becomes available. Plans will be implemented within 72 hours of forecasted impact. Mr. Wilson also said that the focus as to what is to be protected is currently environmental and ecological; the beaches are not a current priority. He then fielded questions from Commissioners and the audience. He urged CEPD to review the

environment sensitivity maps and provide feedback to Lee County by Tuesday to add to the contingency plans. SCCF has already done this and Brad Smith agreed to share this information with CEPD. Mr. Wilson offered to put CEPD in contact with contractors to discuss contingency options that CEPD might choose to implement

Mr. Mullins invited comments from the audience and Mr. McCormick, Sr. and Mr. McCormack, Jr. shared their experience. Members of the Fire Department and Sheriff's Department, SCCF staff, Marcos Borrás of South Seas, and other members of the audience also shared their comments and observations.

Judy Zimomra urged the audience to work through the unified chain of command and explained the problem of using untrained volunteers in situations like oil spills where there are health risks. She also referred participants to the www.mysanibel.com website to view protected area maps and other important information relevant to both residents of Sanibel and Captiva.

IV. 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.

V. Public to be Heard

Jim Boyle suggested that CEPD might want to purchase a vacuum truck for beach clean-up. There was a discussion of the purchase of other clean-up and protection equipment.

VI. Financial Report

Mr. Jensen reported that CEPD had just recently made a loan payment and the balance was now just over \$2 million. He also mentioned that the district had received another invoice from Lee County of \$120,000 for Blind Pass. Mr. Mullins reported on his past meetings with BOCC Commissioner Hall. She had told him that she had talked to Steve Boutelle and there was about \$20,000 left to pay, so when a bill for \$20,000 was received, CEPD paid it. Yet CEPD continues to receive additional invoices. CEPD has not been told how much is left to be paid. Mr. Miville and Ms. Rooker will meet with Lee County staff next Monday to get these questions answered. Mr. Jensen completed his report by saying that parking revenue and assessment collections were on target.

Mr. Mullins asked how much revenue CEPD is receiving from real estate closing fees. The amount was estimated to be around \$2,000 and more information will be provided at the next meeting.

VII. Old Business

a. Blind Pass

Mr. Miville reported that he had done personal soundings on the width and depth at the entrance to Blind Pass. His findings suggest to him that the channel is shallower than originally projected but wider, making the likelihood of the water flow being the same as projected. He reported those findings to Robert Neal, who mentioned to Mr. Miville that he would still like to dredge the front of the pass even if the pass is stable. Mr. Neal, Mr. Miville reported, is going to pursue a permit modification now for some 100 million cubic feet to be moved to Bowman's Beach. Commissioners raised concerns over paying for sand moved to this area.

b. Board Reorganization

The position of Chair and the role of other Commissioners were discussed. Ms. Holzheimer urged Mr. Mullins to continue as Chair at least until the end of the year. Mr. Kaiser agreed. Mr. Mullins agreed to take it under advisement.

Ms. Holzheimer mentioned the need to look at reorganization from a somewhat broader perspective – reassignment of responsibilities, refocusing, and re-prioritizing. Mr. Jensen and Mr. Mullins agreed with this observation.

c. Penny Tax on Transient Rentals

Mr. Mullins reported on the status of this project. The County Attorney's office does not agree with CEPD's position. CEPD suggested receiving a ruling from the state Attorney General's office. BOCC Commissioner Judah has agreed that this is the right step. Ms. Holzheimer **MOVED** and Mr. Miville **SECONDED** to have CEPD's attorney prepare a brief on the legality of the tax to be presented to the Florida Attorney General. The motion passed without dissent.

c) Bond Attorney

Ms Rooker reviewed the history of this agenda item and the negotiation for lower fees. Mr. Miville **MOVED** and Ms. Holzheimer **SECONDED** to accept the proposal from Mark Raymond. There was discussion about whether this proposal included work on the possible bed tax referendum. According to the proposal, it does not. Mr. Mullins advised to vote on this motion and ask Ms. Rooker go back later regarding any resolution on the bed tax. The motion passed with Mr. Mullins voting nay because the cost is too high.

d) Pollster

Ms. Rooker reviewed this agenda item and reminded the Commissioners that she had been tasked to find out whether adding a second issue to the poll would increase the fee. Both companies bidding said that there would not be an increase

in fees. Mr. Mullins raised the question as to whether CEPD should do a poll or a survey, and whether it should be of property owners not just tax payers. The discussion also involved the quality of data, how it is gathered, the experience of the data gatherers, and the original purpose for having the poll. The issue of whether a poll or survey constitutes advocacy or not was also raised. Mr. Boyle was asked to comment on his experience with political polls.

Mr. Jensen commented he would rather see the money used for education of the community such as town hall meetings. It was decided that CEPD would get more information from the bidders and that Dan Wexler and Steve Cutler would also be asked to comment on the project with Mr. Mullins and Ms. Rooker. This agenda item will be revisited at the next meeting after more information is obtained.

e) FY 2009 Financial Statements

This agenda item was a continuation from the last meeting and was designed to ensure that commissioners who missed the last meeting received hard copies of the FY 2009 audit.

VIII. New Business

a) Response to Deepwater Horizon Oil Spill

This item was moved to the front of the agenda (see Agenda Item III).

At this time, the matter of responding to Lee County by next Tuesday (as mentioned in Agenda Item III) was continued. The consensus of the Commissioners was that CEPD should look at the maps, identify sensitive areas that SCCF has not already identified, and add to the areas contingency plan. Mr. Mullins and Ms. Holzheimer agreed to assist Ms Rooker in this effort. In addition, CEPD will ask Steve Keehn whether CEPD's sand borrow area can be protected from the oil spill and where the prevailing loop current runs in relation to it.

b) November 2, 2010 Election Resolution 2010-3

Ms. Holzheimer **MOVED** and Mr. Jensen **SECONDED** a motion to approve this resolution. The motion passed without dissent. The original of the resolution was signed by the Commissioners.

c) Penny Tax on Transient Rentals

The resolution was passed at the previous Board meeting. The original of the resolution was signed by the Commissioners.

IX. Report of the Senior Administrative Consultant

a) TDC Grant Requests

Ms. Rooker reported that the Tourist Development Council had recommended CEPD grants and they would be approved tomorrow.

b) Army Corps Visit

Representatives of the ACOE will be visiting May 25 and May 26 to assist CEPD in looking for more parking. This visit is one to assist CEPD and there will be no penalty if additional parking is not identified. Mr. Jensen was asked to participate in this meeting.

c) DEP Reconciliation

After being reviewed by Lisa Armbruster and updated based on her comments, the reconciliation report was shipped to Vince George at DEP. Ms Rooker also reported that Mr. George's visit to Captiva had been cancelled due to the oil spill.

d) Parking Lot Visitor Counts

Mr. Bralove presented data on the number of parking tickets sold at the Hagerup Parking Lot in the last 2-1/2 years. This data will be reviewed when Dr. Stronge presents his winter recreational survey data tomorrow at the Board Briefing meeting. Increasing parking and related issues were also discussed.

e) October Board Meeting Date

Due to a scheduling conflict, Ms. Rooker suggested that the October 2010 Board meeting be changed from Wednesday, October 13 to Tuesday, October 19. Mr. Jensen MOVED and Ms. Holzheimer SECONDED a motion to change the meeting data. The motion passed without dissent.

f) Partners in Progress, Inc. Contract

The Partners in Progress, Inc. contract with CEPD is up for renewal on June 1, Ms Rooker stated. The terms of the contract provide to an automatic increase based on the Consumer Price Index and a corresponding amount about not to exceed 3% of the base contract. Commissioners reviewed data outlining the financial savings PIP had accomplished in the last year, performance, a "report card," and other data provided in the agenda materials. Due to the length of the meeting and Commissioners' desire to view the data more thoroughly, this agenda item will be reconsidered at the June meeting.

X. Commissioner Comments

There were none

XI. Adjourn

The meeting was adjourned at 4:06 p.m.