

Minutes of the Regular Meeting of the Captiva Erosion Prevention District

'Tween Waters Inn, Wakefield Room
15951 Captiva Drive, Captiva, Florida 33924
July 14, 2010 at 12:00 P. M.

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

Consultants Present: Kathleen Rooker (Senior Administrative Consultant); John Bralove (Administrative Consultant); Joanne Paul (CEPD Accountant); Steve Keehn (Coastal Planning and Engineering).

I. Call to Order

Chair Mullins called the meeting to order at 12:01 p.m.

II. Roll Call

The roll was called and the results are detailed above.

III. Approval of May Meeting Minutes

Mr. Kaiser moved and Mr. Jensen seconded a motion to dispense with the reading of the minutes from the May meeting. Ms. Holzheimer expressed concern that Robert Neal's comments regarding a response to a question Mr. Miville asked was unclear. Ms. Rooker agreed but stated that the minutes accurately reflected Mr. Neal's response. Ms. Holzheimer also commented on the detail of the minutes and that they should reflect more of a summary of the proceedings. The motion to dispense with reading the minutes was approved unanimously.

Mr. Kaiser moved and Mr. Jensen seconded a motion to re-order the agenda to allow the items with which Mr. Keehn is involved to be discussed first (VII – Old Business, Engineering Report, Emergency/Comprehensive Plan, and Deepwater Horizon and Protective Strategies). The motion passed without dissent.

IV. Public to be Heard

Ms. Rooker explained that she had talked to Jim Boyle about the installation of mobile toilets in the Hagerup Parking Lot that adjoins Mr. Boyle's property as part of the review of whether to use Lee County Department of Parks and Recreation funds to install this facility. Mr. Mullins called upon Mr. Boyle for his comments. Mr. Boyle passed on a letter to the commissioners expressing his objections. Both Mr. and Mrs. Boyle added comments. After additional discussion, Ms. Holzheimer moved and Mr. Jensen seconded to reject the proposal from the County. The motion passed unanimously.

V. Financial Report

Mr. Mullins led the discussion on whether to pay down the existing loan given that the borrowed money is earning less than 1% interest and the loan rate is 3.6%. After discussion, the Board agreed to bring this issue up again after the end of the budget year and after the November 2 referendum.

VI. Report of the Senior Administrative Consultant

a) Parking Lot

Ms. Rooker reported on the request for a refund of \$16 from a patron who had parked in the Hagerup Parking Lot and had put in a \$20 bill for a \$4 parking fee expecting the parking meter machine to give change. The Commissioners decided to refund the \$16 in this specific case without deciding whether this would be the policy in the future.

b) Important Meeting Dates

Ms. Rooker reminded the Commissioners of future meeting dates and called their attention to those dates listed on Page 17 of the agenda materials.

c) ASBPA Meeting

Ms. Rooker reported that this meeting is scheduled for October 13 through 15 and reminded the Commissioners that the regular Board meeting had been rescheduled to October 19 to allow attendance at that meeting. Ms. Rooker expressed interest in attending and the Commissioners approved subject to there being no scheduling or work conflicts.

d) Meeting with County Manager

Ms. Rooker reported on her meeting with the Lee County Manager, Karen Hawes, that they had on June 11. The three items discussed were:

1. The formula used to determine the TDC share of funding for beach renourishment projects has not been documented.
2. CEPD did not receive a fair share of the TCD funding for the 2005-06 beach nourishment project.
3. CEPD requested that TDC be responsible for the remaining local cost share associated with the 2005-06 project.

Ms. Hawes had to postpone her response to the three items discussed until July 15. Another meeting will be scheduled and Mr. Mullins will attend with Ms. Rooker.

e) Bed Tax

Mr. Mullins reviewed the history of this issue. The District now has received a letter from Florida Attorney General, Bill McCollum, who was asked to rule on two issues. On the first, he upheld CEPD's position that the District has "significant contiguity with the county..." This was contrary to the Lee County Attorney's finding.

On the issue of CEPD's ability to levy a 1 cent bed tax, the Attorney General stated that "It is the policy of this office not to comment on the authority of one governmental agency at the request of another agency. Lee County was contacted by this office to determine whether the county would join in your opinion request and the county declined to do so. Therefore, no comment is expressed on your second question."

Commissioners expressed concern and regret about the apparent lack of good faith from Lee County in dealing with this issue. CEPD will continue to pursue this matter by contacting members of the Board of County Commissioners.

f) OSHA Training

Ms. Rooker reported the number of people trained was 214. CEPD has the names of those trained sorted by areas in which they reside or group for which they work or volunteer in case they are needed.

VII. Old Business

a) Engineering Report

Mr. Keehn briefly reviewed what he had presented at the last meeting. He discussed changes he was proposing in the Benefit Analysis Zones after discussions with Kathy Rooker and Bill Stronge. The purpose of the changes was to make the zones more representative, characteristic and consistent. Mr. Mullins suggested that the charts show addresses and Mr. Keehn agreed to add them in the detailed charts. Mr. Mullins also called for placement of more monuments to help property owners identify where their properties are.

Mr. Keehn commented that the construction cost estimates include a 15% contingency and a 3% per year inflation factor. He then presented revised data on cost-sharing based on three alternatives: all three regions (Captiva and Northern Sanibel including Bowman's Beach), Captiva and Northern Sanibel excluding Bowman's Beach, and Captiva alone. He also reviewed possible Federal and County cost scenarios and included data on an "emergency" budget as another scenario. The Commissioners asked questions of Mr. Keehn and reviewed the various scenarios, their related costs, and the likelihood of cost-sharing with Lee County, the state, and the federal government. Ms. Rooker explained that CEPD is able to spend less on a project after a long-range plan is

submitted to the DEP but it cannot be increased. Mr. Miville moved and Ms. Holzheimer seconded to approve \$15,000,000 as the number to go in the resolution ordering the referendum (see the minutes below under Agenda Item VIII (a) New Business “Resolution Ordering a Referendum”). The motion passed unanimously.

Ms. Rooker mentioned that Mr. Keen must submit a plan to DEP at this time. Ms. Holzheimer asked that Ms. Rooker and Mr. Keehn pull together a one-page report and rationale for the \$15 million scenario. Mr. Mullins suggested that the submission to DEP contain caveats concerning the project scale if CEPD does not receive full funding. Mr. Keehn will share the costing alternatives with Steve Boutelle and Vince George for feedback that he would like to receive by the end of the month.

b) Emergency/Comprehensive Plan

Mr. Keehn commented on progress in redoing the Emergency/Comprehensive plan. He said that what is in the engineering report, what was done in the emergency project in 2005-06, and the long range plan are big pieces and can be integrated into a new plan. He reported on four goals for the future:

1. Continue to monitor hot spots and the groins to see if refinement to the design is necessary or it is simply a high erosion period.
2. Re-establish the intent of the 10-year permit. He recommended that CEPD work with Florida Shore and Beach to help get this going again.
3. Continue the plans and specs for the next project starting with the next survey and submit those as the plans for the next project to get the process going and get the permits. He also recommended studying the feasibility of the Redfish Pass sand borrow area.
4. Normalize Blind Pass management especially regarding periodic maintenance and inlet management based upon new conditions at the pass. Both need to be re-clarified. He also recommended that CEPD not be the lead in this. Among other reasons he stated that Lee County is in a better position to take on the risk.

Mr. Keehn also talked about dividing the Emergency Project into four different types:

- Major
- FEMA qualified (any size but FEMA will pay 90%)
- Small projects less than 300,000 cubic yards – assuming no outside money
- Washout (facilitating projects on people’s property) - would be valuable to the community

c) Summer Survey

The matter of whether Bill Stronge should conduct a summer survey was discussed. Ms. Rooker reported that, according to Dr. Stronge, if a summer survey were done, it would bring CEPD’s numbers up. He also said that a summer survey was necessary because the people who come to Captiva during the summer have a different profile than those who come in the winter, and a summer survey has not been done in quite some time. Ms. Rooker also reported that Mr. Stronge had reduced his price for a summer survey from

\$20,000 to \$14,000 but will reduce the number of visits from 9 to 6. Mr. Jensen moved and Ms. Holzheimer seconded to approve Dr. Stronge performing the summer survey provided that it would be completed by the end of July. The motion passed without dissent.

d) Deepwater Horizon and Protective Strategies

Mr. Keehn reported on the probability of the oil spill impacting the Lee County coast being less than 1%. He warned that there is still some risk, especially if there is a hurricane.

Mr. Keehn reviewed the plan as last presented and identified 5 components of the plan:

1. Community Response Program
2. Berm and Swale Plan
3. Boom Plan
4. Mechanical Cleanup
5. Final Cleanup

He suggested that CEPD forward its plan to EOC and ask them to approve it and send it up the line for approval. Doing so sets the stage for CEPD to be paid back for costs that may be incurred and puts BP on notice that there are certain measures they must implement. Mr. Keehn commented on a series of recommendations in his report. He cautioned that the Lee County booming plan is not precise enough and needs more refinement. There is not enough detail for a contractor to know precisely where booms should be placed. Mr. Mullins requested that Ms. Rooker follow-up with Joe Pappalardo based on Mr. Keehn's recommendations. Mr. Jensen moved and Ms. Holzheimer seconded to submit the plan to the County and follow up with these other matters. The motion passed without dissent.

VIII. New Business

a) Resolution Ordering a Referendum

Ms. Rooker read the proposed resolution in its entirety to be voted on November 2, 2010 regarding the issuance of bonds. Mr. Miville moved and Mr. Kaiser seconded a motion to approve the resolution. The motion passed unanimously.

b) Survey Proposals

Mr. Mullins reviewed the history of this item. Both Ms. Holzheimer and Mr. Jensen thought that there would be no benefit derived from doing this project at this time. Ken Godderham, one of the bidders, was called upon for his comments. He thought that it was too late to conduct a survey now, that perhaps one done after the referendum might be useful, and that CEPD should put some of its resources in an awareness campaign. After additional discussion, no action was taken.

c) DR-420 Tentative Millage Rate and Budget

The Commissioners discussed the merits of four alternative rates: 0.2474, 0.2522, 0.2721, and 0.3010. Mr. Jensen moved and Mr. Miville seconded a motion to establish the Tentative Captiva Erosion Prevention District Millage rate at 0.3010 for the Truth in Millage requirements. The motion passed with all five commissioners voting for the motion.

d) Town Hall Meeting and Apportionment Hearing

Dates and times for the aforementioned were discussed. The Town Hall Meeting was set for October 20, 2010, at 1:00 p.m. The Apportionment Hearing was set for October 20, 2010, at 4:00 p.m. The location of these meetings will be determined.

Other dates set during the discussion of this agenda item: August 25, 2010 - Bill Stronge's report received by the Commissioners for review prior to the September 8 Board meeting.

Mr. Jensen moved and Mr. Kaiser seconded that the December Board of Commissioners meeting be cancelled. The motion passed without dissent.

IX. Commissioner Comments

Mr. Miville requested that the Board allow him to take a lesser role. He suggested that the Board consider creating an advisory board of one to work on matters related to Blind Pass. Mr. Mullins asked the Commissioners to think about Mr. Miville's request and be prepared to discuss it at the start of the next meeting.

X. Adjournment - The meeting adjourned at 4:48 pm.