

Minutes of the Regular Meeting of the Captiva Erosion Prevention District

'Tween Waters Inn, Wakefield Room
15951 Captiva Drive, Captiva, Florida 33924
August 11, 2010 at 12:00 P.M.

Commissioners Present: Mike Mullins (Chairman); Dave Jensen (Treasurer); Harry Kaiser (Secretary); Doris Holzheimer (Vice Chair) - via teleconference

Commissioners Absent: Rene Miville (Commissioner).

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

I. Call to Order

Chair Mullins called the meeting to order at 12:17 p.m.

II. Roll Call

The roll was called and the results are detailed above.

III. Approval of July Minutes

Commissioner Kaiser moved and Commissioner Jensen seconded a motion to dispense with the reading of the minutes from the July meeting and approve them. The motion was approved without dissent.

IV. Public to be Heard

There were no comments from the public.

V. Financial Report

Mr. Jensen reported that the financial statements were in good shape through July 31, 2010 and that year-end projections are on target and ahead of budget. CEPD has not paid Blind Pass invoices for this year and will not do so until the meeting with Karen Hawes is held. [See Agenda Item VI (b).] In the meantime, another bill has been received.

Discussion ensued regarding paying off the existing loan, discussions with banks regarding financing for the new nourishment project, and the relative interest of various banks. Mr. Mullins expressed concern about the difficulty of getting a loan in this economy, the need for a cash flow projection, and the possibility of pursuing bonds rather than a conventional loan.

Ms. Rooker reported that CEPD's auditor, Stroemer & Co., is ready to start the audit for the current fiscal year in November. They expect to have it completed by January.

VI. Report of the Senior Administrative Consultant

a) Florida League of Cities Liability Insurance

Ms. Rooker reported on her conversation with the Florida League of Cities about CEPD's insurance coverage. She mentioned that Insurance Certificates for South Seas Resort and Lee County were received. The Insurance Adjuster recommended that CEPD add a sign warning of uneven surfaces, replace broken curbs, pound in rebars that secure the curbs if they are sticking up, and continue to keep a log when visiting the lot. Mr. Mullins asked that a list of possible contingencies be prepared and compared to the insurance policy to see where CEPD may have gaps in coverage. It was also suggested that the insurance agent meet with the Board.

b) County Manager Meeting

Ms. Rooker reported that the meeting that was scheduled with Karen Hawes on July 15 had to be cancelled because Ms. Hawes had not been able to discuss the various issues with her staff. The meeting has been tentatively rescheduled for August 24 but this date may not work because of Mr. Mullins' schedule. Mr. Mullins asked if there were anyone else who could attend in his absence and commented that it may need to be rescheduled. No one responded that they were available. Ms. Holzheimer asked to be reminded of what was on the agenda for the August 24 meeting and was the bed tax issue one of them. Ms. Rooker and Mr. Mullins listed the following item to be discussed:

- Delineation of cost share of nourishment and the need to receive a clear formula;
- CEPD did not receive fair share from last nourishment;
- As a result of not receiving fair share from last renourishment, CEPD is asking the County to pick up more of the remaining cost from Blind Pass;
- If the Blind Pass re-sweep puts down more sand on Sanibel, it is not CEPD's responsibility to pay for it since the District has met its obligation under the interlocal agreement.

Both Mr. Kaiser and Ms. Holzheimer commented on how important it is that the Chair of CEPD be involved in this meeting. Mr. Mullins is trying to re-juggle his schedule. Ms. Holzheimer asked whether another commissioner could be substituted. Rescheduling the meeting, Mr. Mullins said, is difficult given the busy schedules of all parties. He stated that he is trying to salvage the August 24 date.

c) TRIM Update

Ms. Rooker reported that everything regarding the TRIM is up-to-date and on schedule.

VII. Old Business

- a) Response to Lee County’s derailment of penny tax concept

Mr. Mullins talked about the history of this issue and the difficulty of “fighting City Hall.” Dave Jensen suggested CEPD might need outside assistance and Mr. Mullins mentioned enlisting the aid of Captiva businesses and the possibility of getting guidance from Lee County Commissioner Manning.

- b) Resource/pamphlet for referendum and renourishment information

Ms. Rooker stated that this item stemmed from the idea she had to include in the Fall Newsletter an article entitled “Why Now?” It was not intended to be a pamphlet. She shared 16 reasons she had delineated to answer why CEPD was pursuing funding for a project that would not be completed until 2014. She said she would share these reasons with the Commissioners for their feedback.

Mr. Mullins requested that a schedule be developed listing vehicles and strategies for referendum publicity starting in September. The Board Briefing scheduled for tomorrow will be used to develop this schedule.

- c) PIP Contract Rate

Mr. Mullins reported that Robert Gray requested that this item be delayed until the September meeting.

VIII. New Business

- a) Resolution Authorizing Construction of Erosion Prevention Project

Mr. Mullins read the resolution out loud in its entirety. Mr. Jensen moved and Mr. Kaiser seconded to approve the resolution. The motion passed unanimously.

- b) Department of Transportation Plans for Turner Beach Parking Area

Ms. Rooker talked to Clay Simmons of the Lee County DOT who said that the project at the Turner Beach Parking Lot was not an erosion control project and not within CEPD’s jurisdiction. Mr. Simmons was invited to attend the Board meeting but declined. Commissioners suggested ideas related to this matter such as asking for an attorney general’s opinion, contacting Florida DEP, and notifying the Maddens and the Sheets, neighbors adjoining the parking area. Ms. Rooker will send a draft of a letter to Clay Simmons to the Commissioners. Jim Boyle, who was in the audience, agreed to get the Captiva Panel involved.

c) Beach Vehicle

The discussion involved the advisability of purchasing a beach vehicle and insurance coverage. No action was taken.

d) Blind Pass Permit Modification

Mr. Mullins requested that mycepd@gmail.com be copied whenever there are emails exchanged with Lee County staff so that there is an archival record. He requested that Ms. Rooker ensure that all Commissioners comply.

Ms. Rooker suggested that CEPD meet with the County and Sanibel, share plans for the next nourishment, and ask at that time whether they have any plans that they want to discuss with us. At that time bring up the issue of sand volume. Mr. Mullins suggested that this topic could be added to the agenda for the meeting on August 24. The discussion turned to the bed tax issue and the County treating CEPD with disrespect and there was no further discussion or action on this issue.

e) 2011-12 Local Government Funding Request

This agenda item discussion revolved around the advisability of approving a resolution of support for Lee County's funding request to the Florida DEP. Such a resolution had been passed in previous years. Mr. Mullins commented that Commissioners might approve this resolution subject to clarification of what CEPD is paying and what Lee County is paying. After additional discussion, Commissioners agreed to add the wording "predicated upon a mutually agreed upon cost-sharing formula" and hold further discussion at next month's meeting after talking with Nancy Stroud.

IX. Commissioner Comments

There were none.

X. Adjournment - The meeting adjourned at 2:52 P.M.