



Board Meeting Minutes
of the Regular Meeting of the
Captiva Erosion Prevention District
South Seas Island Resort, Alpha Cone Room
November 12, 2019 @ 1:00 P.M.

Commissioners Present: Mike Mullins, Chair; Michael Lanigan, Vice Chair; Harry Kaiser, Secretary; Bob Walter, Treasurer

Excused: none

Staff Present: Carolyn Weaver (Administrator); Joe Wagenti (Deputy Administrator); Hans Wilson and Robin Mixon (Hans Wilson & Associates); Tom Pierro and Beau Suthard (APTIM)

1. Call to Order

Chairman Mullins called the meeting to order at 1:00 pm.

2. Roll Call

The Chair called the roll and the results are outlined above.

3. Approval of October 7, 2019 Board Meeting Minutes

Commissioner Kaiser moved to approve the minutes.

Commissioner Mullins seconded the motion

Comments: None

Motion carried unanimously

Approval of October 17, 2019 Briefing Meeting Minutes

Commissioner Kaiser moved to approve the minutes.

Commissioner Mullins seconded the motion

Comments: None

Motion carried unanimously

4. Public Comment

Gerhard Thelen asked if the study in the agenda packet was the current or the old. He noticed the millage rate for the condos is the same. Commissioner Lanigan reported that is currently



correct, but the tentative apportionment has not yet been approved so it is still a discussion item for the Board.

Chairman Mullins asked Carroll Wetzel to give his presentation regarding ad valorem versus benefits-based assessment. Mr. Wetzel, President of Captiva Shores, stated about a year ago he had reviewed the apportionment study for beach renourishment and felt "this is kind of squirrely." He then met with Commissioner Mullins and engaged in ongoing discussions, to which he thanked the group.

Mr. Wetzel has submitted a pro's and con's sheet (in materials) and wants the Board to take a fresh look. He believes the current methodology does not have community support nor is it fair. These are not only his views but also the views of others in the community that have spoken with him.

There was further discussion addressing a scenario that a \$3M property on the bayside should pay as much as \$3M property on the Gulf side. Comparisons of how home owners should be assessed was likened to how everyone pays the same tax for schools.

Commissioner Walter left the meeting at 1:08pm

Mr. Wetzel wanted the Board to consider ad valorem adjusted taxes and cited New Jersey as an example. He does not agree that 'usage' should be a part of the assessment. He thinks we should follow what the school is doing on the island.

Commissioner Lanigan discussed how ad valorem based on property value is assessed. Bayside is an issue because they do not have beach access. The question becomes is ad valorem unfair to those that do not have beach access? Mr. Wetzel says the discrepancy is shown in the price and also stated commensurate usage is not based correctly.

Commissioner Walter returned to the meeting at 1:13 pm

Chairman Mullins explained the process of the economist and wanted the public to know the CEPD is still looking at all alternatives and the tentative assessment should be finalized in the first quarter of 2020. If the public wants to help, recruit the public to help with funding sources. Also, CEPD is looking in lobbying consultants.

Commissioner Lanigan explained that the Army Corps of Engineers (ACOE) put value to the project if CEPD uses the benefits model. Also explained that the CEPD is not tied to the past.

Commissioner Kaiser wants the CEPD to work on getting prices down but the ACOE has put a lot of restrictions on eligibility.



5. Financial Report ending October 31, 2019
Commissioner Walter had nothing to add.

6. ACTION ITEMS

- a. SOP for Appointing Commissioner
ACTION REQUESTED: Motion to approve new Standard Operating Procedure entitled "Appointing a Commissioner to a Vacant Seat."
WHY ACTION IS NECESSARY: To provide consistency for appointing a Commissioner.
WHAT THE ACTION ACCOMPLISHES: Approves SOP on appointing a Commissioner when a seated Commissioner resigns mid-term. This will maintain consistency for all applicants to the position.

Commissioner Lanigan motioned to approve
Commissioner Kaiser seconded the motion
Discussion: None
Motion carried unanimously

- b. Resolution 2019-13 Approve Project Budget for FY 19/20
ACTION REQUESTED: Approve Resolution 2019-13 Project Budget FY 19/20
WHY ACTION IS NECESSARY: To approve the capital budget for FY 19/20
WHAT THE ACTION ACCOMPLISHES: Approves capital budget in the amount of \$919,614

Commissioner Walter motioned to approve
Chairman Mullins seconded the motion
Discussion: The proposed budget Total Income should read \$1,361,446 (the grant income of \$441,832 was omitted in error)
Motion carried unanimously

- c. 2020 Meeting Dates
ACTION REQUESTED: Motion to approve the meeting dates as set forth on the attached calendar for 2020
WHY ACTION IS NECESSARY: To set dates in advance
WHAT THE ACTION ACCOMPISHES: Allows dates to be noticed to county and public as required.

Commissioner Kaiser motioned to approve
Chairman Mullins seconded the motion
Discussion: None
Motion carried unanimously



- d. Agreements for Tourist Development Tax Funding
ACTION REQUESTED: Motion to approve the Agreements for Tourist Development Tax Funding documents for the Lee County FY 2019-202
WHY ACTION IS NECESSARY: To authorize signatory to execute contract.
WHAT THE ACTION ACCOMPLISHES: Allows Administration to return an executed contract for CEPD Beach Park Facility Maintenance for \$130,100 as well as Redfish Pass Sand Search & Borrow Area Design in the amount of \$349,932.25.

Commissioner Kaiser motioned to approve
Commissioner Mullins seconded the motion

Discussion: None

Motion carried unanimously

- e. SOP for Emergency Beach Cleanup
ACTION REQUESTED: Motion to approve SOP for Emergency Beach Cleanup
WHY ACTION IS NECESSARY: To set standard procedures for Administration to follow when experiencing dead fish, especially during red tide events.
WHAT THE ACTION ACCOMPLISHES: Sets standards that provide Administration with guidelines to follow during emergency beach cleanup occurrences.

Commissioner Lanigan motioned to approve
Commissioner Kaiser seconded the motion
Discussion: Commissioner Lanigan wants it to be broad in nature and not limit to Red Tide; staff will add to the SOP.

Motion carried unanimously pending review of changes

7. Old Business

- a. Ad Valorem Apportionment – Carroll Wetzel spoke during Public Comment.
- b. RFP for Accounting Firm
Ms. Weaver went over the latest RFP from Wiltshire, Whitley, Richardson, & English, P.A. of \$2500/mo. The Board agreed and Ms. Weaver will draft a resolution to switch firms.
- c. DEP Discussion re Beach Access and Hotel Accommodations
Ms. Weaver explained the current regulations that give public access credit for hotel/motels that have greater than 6 units per property, such as Jensen's on the Gulf,



as opposed to properties that only have one rental unit but can house larger numbers, such as Bali Hi.

Chairman Mullins explained how CEPD has received more money in the past and need to look into lobbying more to DEP. He would also like to look into a possible trolley if it adds more value towards funding.

- d. Update on Parking Lot
Mr. Wagenti discussed limiting the amount of pavers in order to move through permitting easier.
- e. Redfish Pass – Resolution 2019-03 approved, TDC FY19/20 approved.
Ms. Weaver wanted to bring before the Board that FY19/20 has started, and we should move forward in the process. The Board agreed. Tom Pierro was informed.
- f. Advocacy Letter
Ms. Weaver provided a draft of a typical advocacy letter.
Chairman Mullins wanted input from the commissioners on the best practice for the public and CEPD should advocate.
The Board suggested to send the letter to FSBPA for comment. Also, Chairman Mullins recommended to contact Debbie Flack to find possible lobbyists to help.
- g. Emeritus Commissioner
Chairman Mullins explained the reasons for this position and to honor the commitment of past commissioners.
Commissioner Lanigan offered a 3-year term and past experience of 8 years.

Commissioner Walter left the meeting at 2:20pm

Chairman Mullins offered to make a motion

Commissioner Lanigan made a motion to add the Emeritus position
Commissioner Kaiser seconded the motion
Motion carried unanimously

Commissioner Walter joined the meeting at 2:26pm

8. New Business

- a. APTIM and Coastal Protection Engineering – Tom Pierro
Tom Pierro and Beau Suthard (geologist and program manager) are present.



Mr. Pierro explained the process of moving away from APTIM and start his own firm, Coastal Protection Engineering (CPE). Michelle Pfeiffer is now with CPE.

Mr. Suthard further explained the administrative structure and the continued services of APTIM.

Issues discussed were funding and project costs.

Next steps are to study the survey from September 2019 and the first gate is the design survey (to be done in the first quarter of 2020). That will give a better outlook of the size of project. Then plan and specs development.

The second gate is the design, in summer of 2020. That will drive the amount of sand needed. Unit cost of sand is \$20-\$25/cu yd.

The third gate is the bids; that will detail the exact prices.

He suggested taking advantage of the summer season might lower prices as well.

The permit is up to 2029.

Mr. Pierro explained the comprehensive plan and that Steve Kheene also added an emergency plan and in 2012 both plans have been brought together. CEPD is the holder of two permits: State permit and ACOE permit. They include the offshore borrow area, trucking, and raising the elevation 0.5'.

Need to add the Redfish plan into the main plan.

Permitting is not an issue at this time.

Mr. Pierro explained the quality of sand and why the borrow areas are chosen.

CRBS units – coastal barrier resource system, the only area would be the use of Red Fish system. The CRBS stops at the southern end of North Captiva.

Chairman Mullins asked if CEPD can use Blind Pass and Mr. Pierro explained it can but the sand is not really compatible.

Mr. Pierro discussed parking and the length of shoreline is dependent on public access point.

Commissioner Walter left the meeting at 2:59pm

Chairman Mullins would like the 'gates' in the main timeline.

Joel Couette, City of Sanibel, reported that the permit for the Sanibel project was issued today and should be done by May 1, 2020.

Commissioner Walter joined the meeting at 3:02pm

- b. Lobbying – Richard Pinsky, Akerman
Chairman Mullins explained all the reasons why CEPD should employ a lobbyist.



c. Administration Contracts

Commissioner Walter made a motion that Chairman Mullins be given authority to act on behalf of the Board to approve Administrative Contracts for December, 2019, not to exceed \$24,999

Commissioner Lanigan seconded the motion

Motion carried unanimously

d. Subcommittee

Ms. Weaver update on the mission statement of the subcommittee.

Chairman Mullins requests that potential members are present in the next meeting. And asked Linda Laird to be involved in sea level rise and to form an interface between committees.

Commissioner Walter left the meeting at 3:10pm

e. Mauldin & Jenkins Contracts – Daniel Anderson

Ms. Weaver explained the difference of the letters; the first is the actual audit, the second letter is if there is an issue with the audit.

Commissioner Lanigan made a motion to approve the 2019 Engagement Letters with Mauldin & Jenkins to begin the audit

Commissioner Walter seconded the motion

Motion carried unanimously

9. Administrators' Reports

Ms. Weaver reported the 2013 Lee County Interlocal Agreement was forwarded to the appropriate Assistant and Deputy County Managers for update prior to the 2020/21 Renourishment.

a. CDM Training – Acceptance and Scholarship

Both Joe Wagenti and Carolyn Weaver were accepted into the Certified District Manager Training program to be held in Tallahassee the last week of January, 2020. Board has not yet approved attendance.

b. TRIM update

Ms. Weaver explained that the advertised NOTICE of the budget hearing had the wrong numbers in the publication; the numbers were corrected, approved by TRIM, re-advertised and re-hearing held today.

The advertisement and the breakdown will be offered to the board at the re-hearing.



Commissioner Walter joined the meeting at 3:21pm

8.c. Administration Contracts

At this time, Chairman Mullins requested that Carolyn Weaver and Joe Wagenti leave the meeting so that the commissioners could discuss their interim contracts and plans, as their current contracts expire November 30, 2019, with the resignation of Hans Wilson & Associates.

After general discussion, the decision was made to make the positions employees, instead of consultants. There was no decision made as to the titles for the positions. No decision was made regarding keeping Ms. Weaver and Mr. Wagenti; job decisions will be written and posted, possibly on Indeed, to see what other possible candidates might be available.

The meeting suspended at 4:00pm

The meeting was called to order again at 5:25pm

The Board agreed to vote to appoint a Commissioner to fill the empty seat. The vote was held by ballot which included Dick Pyle and John Silvia. Mr. Pyle was unanimously approved.

10. Adjournment

The Chairman adjourned the meeting at 5:30pm