

## Minutes

### Regular Meeting of the Captiva Erosion Prevention District

Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida 33924

January 11, 2017 @ 1:00 P.M.

**Commissioners Present:** Dave Jensen, Chair; Mike Mullins, Vice Chair; Bob Walter, Treasurer; Rich Stegmann, Commissioner.

**Absent** (excused): Harry Kaiser

**Staff Present:** Kathy Rooker, CEPD Administrator; John Bralove, CEPD Administrative Assistant; Hans Wilson, Hans Wilson and Associates; Jack Alexander, Stroemer & Company.

#### 1. Call to Order

Chairman Jensen called the meeting to order at 1:00 P.M.

#### 2. Roll Call

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

#### 3. Approval of November 9, 2016 Regular Meeting Minutes and December 1, 2016 Briefing Meeting Minutes

Commissioner Mullins moved and Commissioner Stegmann seconded a motion to dispense with the reading of the minutes from the November 9, 2016 Regular Board Meeting and the December 1, 2016 Briefing Meeting and to approve them as presented. The motion passed unanimously.

#### 4. Public to be Heard

There were no comments from the public.

#### 5. Financial Report

##### a) Budget Performance Ending December 31, 2016

Treasurer Walter reported that parking lot revenue was up 16% over this time last year. The Chair asked for questions and there were none. Mr. Alexander said that tax revenues were coming in as expected.

The Chair recognized Deputy Sheriff Mike Sawicki to discuss the hours the parking lot should be open given the vandalism that occurred last week and issues raised at the Community Panel meeting yesterday. To enable discussion, Commissioner Mullins moved and Commissioner Walter seconded a motion to change the hours the Hagerup beach parking lot is open from dawn to dusk.

The discussion raised issues such as the best way to control the lot, lights, surveillance cameras, the presumption of safety and security, legal responsibility, and legal liability. It was suggested CEPD determine the amount of revenue that might be lost if the lot closed at dusk. Ms. Rooker commented that the Lee County website listed the hours as from dawn until dusk. The signs posted

at the lot say 7:00 am to 11:00 pm. Deputy Sawicki thought the signs should be consistent with what is on the website. Chairman Jensen suggested the issue be formally put on the agenda for the next Board Meeting. Commissioner Mullins withdrew his motion and Commissioner Walter agreed to withdraw his second.

## **6. New Business**

### **a) Notice of 2017 DEP Grant**

Ms. Rooker said CEPD had asked for funding from the Florida DEP for the Redfish Pass Survey (\$187,500) but no money was available for 2016-17. She referred Commissioners to the letter to Chairman Jensen from the Florida DEP on page 13 of the Agenda Materials. The DEP informed CEPD that funding might now be available and to submit a scope of work. It was sent. This past Monday, Ms. Rooker received an email saying the scope of work that was submitted was determined by the DEP committee reviewing grants to be out of date and needed to be updated. It was accompanied by 1-1/2 pages of comments.

Ms. Rooker conferred with Tom Pierro and Michelle Pfeiffer of CB&I and requested they talk to the DEP engineers, get clarification on the comments, and submit a new scope of work. The new scope of work will most likely involve more money than was originally requested and approved by the CEPD Board because additional tasks appear to have been added. She said the new scope of work will be submitted in February and Commissioners will be asked to approve it. Chairman Jensen said it will be put on the February agenda.

### **b) Memorandum: Use of CEPD Ad Valorem Taxes**

The Chair provided background information on the reason CEPD's attorney, Nancy Stroud, was asked to clarify the authority of the CEPD in the use of ad valorem taxes. Ms. Rooker provided an attorney memorandum saying that ad valorem taxes must be for "corporate purposes." Ms. Rooker quoted from the letter: "It is clear, however, that the CEPD cannot stray beyond its corporate purposes to other general governmental purposes not related to beach and shore presentation, such as infrastructure projects or service not related to beach and shore preservation."

Commissioner Mullins thought the question asked of CEPD's attorney was too narrow. He said the issue goes beyond what ad valorem taxes can be used for and should include enhancing the recreational use of the beach. After discussion, the Commissioners agreed decisions on a proposed project, and whether it is within the purview of the District, will be considered when a request is made.

## **7. Old Business**

### **a) December 1, 2016 Briefing Meeting Update**

Ms. Rooker reminded the Board that they had requested additional information from Jeffrey Fallin of the ACOE as result of the December 1, 2016 Briefing Meeting. Page 17 of the Agenda Materials provided Mr. Fallin's answers to those questions. She said the biggest issue is the response to Question 1, where it appears that CEPD would not get credit for federal cost-sharing for the approximately 5,000 feet along the 'Tween Waters stretch.

Mr. Fallin's other responses were also discussed. The pros and cons of working with the ACOE were discussed. Commissioners agreed CEPD should maintain its status as a Federally Authorized Project.

They also agreed to have an alternatives analysis performed and to have CEPD's attorney provide an opinion as to whether the easements CEPD have are sufficient and satisfactory for future projects.

**b) Blind Pass Update**

Ms. Rooker reported the maintenance dredging to be done by Lee County is scheduled to begin in January although there has not been any mobilization yet. She referred the Commissioners to Page 18 of the Agenda Materials containing some facts and figures on the proposed dredging. Ms. Rooker said that when more information becomes available from Lee County, CEPD will put it out in a Beach Brief. Commissioner Mullins suggested that when more information becomes available, a meeting for both Sanibel and Captiva residents be held. Ms. Rooker said that the dredging is a Lee County project but she will pass the recommendation on to Steve Boutelle.

Ms. Rooker said the Blind Pass Management Plan Study, which is separate from this maintenance dredging, is in the calibration and modeling state. The engineers are close to making a recommendation and how the work should be done to manage it. Ms. Rooker said the Technical Advisory Committee, of which she is a member, is meeting on January 17 and she will have more information after that meeting.

**8. Administrator Report**

**a) Beach Tilling and Escarpment Leveling**

Ms. Rooker reported the tilling was delayed by high wind conditions and a mechanical problem but still will be completed by Friday. Ms. Rooker also reported this is the last year CEPD is required to do tilling, turtle monitoring, and shorebird monitoring for the 2013/14 Beach Renourishment Project.

**b) Presentation to Lee County Delegation**

Ms. Rooker said she is making a presentation to the Lee County Delegation next Thursday. She outlined what she is planning to present. In summary she said we cannot keep up with the beach erosion we have now and the list of critically eroding beaches is growing. Beach managers need an increased amount of funding than has been available in the past and the funding needs to be available each and every year.

**c) Presentation at FSBPA Conference**

Ms. Rooker announced that CB&I and CEPD are doing a joint presentation at this conference February 8-10, 2017 on "Long Term Success and Future Approach of the Captiva and Sanibel Islands Beach Renourishment Program."

**d) Beach Status 1/3/17**

Ms. Rooker called attention to the current photos. There appears to be some sand loss in the Gold Coast area.

**e) Project Planning Timeline**

Ms. Rooker outlined the additions and changes that have been made since Commissioners viewed the last timeline.

**9. Public to be Heard**

There **were** no comments from the public.

**10. Commissioner Comments**

Commissioner Mullins said he was asked at the Panel meeting by Rene Miville whether the Emergency Nourishment Plan was up-to -date in reference to the adequacy of funding for an emergency project.

Commissioner Walter asked when assessments for the last project were sent out. Ms. Rooker and M r. Alexander talked about the process and the various deadlines.

**Adjourn**

There being no further business, the Chair adjourned the meeting at 2:40 P.M .