

Meeting Minutes

CEPD Special Meeting (Continuation)

Date: November 17, 2025

Time: 1:00 PM

Location: Hybrid (In-person & Zoom)

1. Call to Order & Roll Call

The continued Special Meeting of the Captiva Erosion Prevention District (CEPD) was called to order.

Commissioners Present:

- Bernie Dupree
- Bob Walter
- Renee Miville
- John Wade (via Zoom)
- Tim McGowan (via Zoom)

A motion to allow remote participation by Commissioners Wade and McGowan for voting purposes was approved unanimously.

2. Purpose of Continued Meeting

The meeting continued from the prior session due to lack of quorum needed to finalize the **Memorandum of Understanding (MOU)** related to the **Interlocal Agreement with the City of Sanibel** for the North Sanibel beach nourishment component.

New information regarding cost-share adjustments and state funding eligibility was reviewed.

3. Project & Cost-Share Update

3.1 Updated Cost Share with Sanibel

Commissioners reviewed updated calculations which increased Sanibel's share to approximately **27.3%** (previously ~26.2%).

The MOU was updated accordingly and distributed to the board.

3.2 State Funding

APTIM (Nicole Sharp) explained:

- CEPD normally receives ~**21% cost-share** from FDEP.
 - Inclusion of the Sanibel recreational component may qualify CEPD for **an additional 2%**, potentially raising reimbursement to ~23%.
 - Retroactive funding must be requested and is not guaranteed, though historically the state has been well funded for such projects.
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4. Motion – Approval of MOU with Sanibel

A motion was made and seconded to approve the **Memorandum of Understanding** with Sanibel.

Attorney David Jackson confirmed the document included a clause protecting CEPD from liability if the project area runs out of sand.

Vote: Unanimous approval.

5. Amendment to Great Lakes Dock & Dredge Contract

The board next considered approval of the amendment to CEPD's contract with **Great Lakes Dock & Dredge (GLDD)**.

5.1 Liquidated Damages

Commissioners discussed anticipated liquidated damages due to project delays.

- Damages are **\$3,000 per day**.
- Estimated at ~22 days so far (~\$66,000).
The amendment confirms that Sanibel's participation will **not** place CEPD's liquidated damages recovery at risk.

Motion to approve the amendment: Passed unanimously.

6. Public Access Pathways, Dune Elevations & Design Concerns

A substantial portion of the meeting focused on public access paths, dune elevations, and post-construction dune management.

6.1 Dune Height Memo

Nicole Sharp (APTIM) reported:

- A memo is being prepared detailing why project dunes were designed at **10 ft NAVD (north)** and **12 ft NAVD (south)** based on historic dune elevation data and resilience goals.
- Memo expected by end of the week.

6.2 Request for Analysis on Potential Dune Reductions

Commissioners McGowan and Wade noted that a resident petition had prompted a request for:

1. Explanation of dune heights (in progress)
2. Feasibility and cost of lowering dunes in select areas (not yet started)

6.3 Critical Issue: Lack of Pathway & Vegetation Design Progress

- Commissioner Wade expressed strong concern that **Earth Balance**, previously identified as the contractor to design dune vegetation plans and angled access paths, had become **non-responsive** despite repeated attempts from APTIM.
- This has delayed the vegetation/walkway design that was expected weeks earlier.

APTIM confirmed Earth Balance had not responded to multiple inquiries.

6.4 Discussion of Alternatives

Options discussed:

- Hiring a local contractor such as **Walsh** or **Coastal Vista** for renderings and vegetation planning.
- Having CEPD or vendors stake the paths directly in the field.
- Great Lakes cutting temporary paths before leaving the island.

6.5 Immediate Need for Access at Andy Rosse Lane & Other Public Points

With tourist season beginning, there is an urgent need to ensure safe public access across newly constructed dunes.

Agreed points:

- Temporarily **lower dune crossings by ~2 feet** (while maintaining a protective buffer).

- Implement **Phase 1**: installation of **ropes and bollards** at key public access points (Andy Rosse, parking lot, Whiteman, Laika).
 - Revisit dune heights after a 30-day monitoring period.
 - Longer-term vegetation & final pathway designs to be contracted out if Earth Balance does not respond imminently.
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7. Direction to Staff

- **Brighton Heard** and **APTIM** will re-engage Earth Balance once more; if no response within 48 hours, solicit proposals from alternative qualified vendors.
 - Proceed with **Phase 1** access and safety work immediately.
 - Coordinate with contractor **Bob Johnson** to begin installing ropes and bollards at high-use access points.
 - Stake and delineate paths as needed until final designs are completed.
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8. TRIM Notice & Budget Hearing Requirements

Attorney Jackson briefed the board on a new issue with TRIM compliance:

- The TRIM notice was published in the incorrect section of the newspaper.
 - CEPD must re-notice and hold a new final TRIM hearing.
 - Publication must occur within 15 days; hearing must be held **2–5 days after publication**. The board agreed to tentatively target the week of **November 20–25**, pending confirmation of newspaper publication timing.
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9. Adjournment

With no further business, the meeting adjourned.