

## Minutes

### Regular Meeting of the

#### Captiva Erosion Prevention District

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

November 9, 2016 @ 1:00 P.M .

**Commissioners Present:** Dave Jensen, Chair ; Mike Mullins, Vice Chair; Harry Kaiser , Secretary; Rich St egmann , Commissioner (via telephone) .

**Absent (excused):** Bob Walter.

**Staff Present:** Kathy Rooker, CEPD Administrator; John Bralove, CEPD Administrative Assistant; Jack Alexander, Stroemer & Co.; Hans Wilson, Hans Wilson and Associates; Michelle Pfeiffer, CB&I; Tom Pierro , CB&I.

#### 1. Call to Order

Chairman Jensen called the meeting to order at 1:04 P.M .

#### 2. Roll Call

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

#### 3. Approval of October 12, 2016 Meeting Minutes

Commissioner Kaiser moved and Commissioner Mullins seconded a motion to dispense with the reading of the minutes from the October 12, 2016 Regular Board Meeting and 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 October 31, 2016

In the absence of the Treasurer, Jack Alexander presented the financial report . He said since this is the first month of the fiscal year, there is not a lot of activity to report . There was nothing unusual regarding the General Fund. In the Capital Projects Fund, the semi -annual interest payment on the project loan was made. The parking lot revenue exceeded what was budgeted. Mr. Alexander added that next month the assessment revenue will begin to come in. The Chair called for questions and there were none.

#### 6. New Business

##### a) Army Corps of Engineers - Jeff Fallin

The Chair introduced Jeff Fallin, Project Manager, Jacksonville District of the Army Corps of Engineers. Ms. Rooker introduced Tom Pierro and Michelle Pfeiffer of CB&I, CEPD's coastal engineers.

Mr. Fallin presented PowerPoint slides starting with the ACOE/CEPD project history and authorization, including the issues related to the ACOE 2013 findings:

- Those parcels currently lacking "open to public" easements for the portion of the private uplands between the ECL and the landward limit of initial construction were ruled to no longer qualify for Federal cost share, regardless of the vegetation line. This resulted in a decrease of Federal cost share down to 3,435.4ft or 14% from the original 27.72%; and
- The Captiva Drive segment was questioned, which further decreased the Federal cost share down to 0.72%

The findings report said that CEPD acquired all lands required in the authorizing document. However, they have not been updated to the "PERPETUALSTORMDAMAGE REDUCTION EASEMENT" for private uplands landward of the ECL line. The majority of these lands are vegetated dunes outside of the current required project fill footprint. Vegetated Dunes cannot be made "open to the public" due to Florida Statute provisions regarding the protection and prohibition of dune impacts.

Mr. Fallin continue his presentation with outlining the "Way Ahead," which included steps the CEPD might wish to undertake to resolve these issues and what the ACOE might do. A question and answer period followed. Commissioner Jensen thanked Mr. Fallin for coming to the meeting and said the Commissioners will need time to digest and discuss what they have learned.

**b) Approval of DEP Grant 12LE2 Amendment 3**

Ms. Rooker explained there were funds remaining from this grant and the purpose of the amendment is to move this remaining money to the monitoring portion of the budget. She thought there was enough remaining for the Year 2 and Year 3 monitoring and perhaps even Year 5. Commissioner Mullins moved and Commissioner Kaiser seconded a motion to approve Amendment 3 of Agreement No. 12LE2 with the Florida Department of Environmental Protection. The motion passed unanimously .

**7. Old Business**

**a) Approval of 2017 CEPD Meeting Calendar**

Ms. Rooker explained that the proposed calendar called for Regular Board Meetings to take place the second Wednesday of each month with the exception of September when budget hearings occur. Briefing Meetings are scheduled for every Thursday except for the Thursdays directly following a Regular Meeting and Thanksgiving . The Captiva Community Panel usually meets the day before the CEPD meetings but there are four instances during 2017 when this would not happen unless one of the two groups changes their customary dates. After discussion, Commissioner Kaiser moved and Commissioner Mullins seconded a motion to approve the meeting calendar as proposed with the second Wednesday of each month except for September set as CEPD Regular Meeting dates. The motion was passed unanimously.

**8. Administrator Report**

**a) TRIM Certification**

Ms. Rooker reported the Florida Department of Revenue has determined that CEPD's Truth in Millage (TRIM) submissions meet the stated requirements and the District's taxing authority and the maximum millage levy requirements are in compliance .

**b) Beach Status**

Ms. Rooker reported that there remain escarpments at Sunset Beach and the staff and CB&I continue to monitor the conditions.

**c) Confirmation of a Board Briefing Meeting Date Re: Army Corps Presentation**

There was discussion about possible dates for a Briefing Meeting for Board members to follow- up on today's discussion with the ACOE. It was decided this meeting would take place on December 1 at 1:00 P.M . at the CEPD office. Additional meetings may be scheduled if necessary.

**d) December Regular Board Meeting Survey**

There was a brief discussion on whether there were any significant agenda items anticipated for the December Regular Board Meeting. Commissioner Mullins moved and Commissioner Kaiser seconded a motion to cancel the December meeting. The motion passed unanimously.

**e) Project Planning Timeline**

MS. Rooker said she would change the timeline to reflect the decision to hold a Briefing Meeting on December 1. She added it will be updated again based on what is decided at that meeting.

**9. Public to be Heard**

Steve Boutelle, Lee County Division of Natural Resources, reported they were in the process of qualifying bids for the dredging of Blind Pass, they appear to be within budget, and he anticipated the work would begin in January 2017.

**10. Commissioner Comments**

Commissioner Mullins said he has received reports about the quality of the sand -that it is hot . He also said he has heard complaints from people whose properties are classified as multi-family. They complain about the classification and why they are paying for sand that they do not need. He thought as CEPD pursues the issue of easements and how the issue is sold, it should be careful what is being proposed to people. He is concerned the District might encounter a situation similar to what happened on Ft. Myers Beach. Chairman Jensen said the issue of easements is a very important question to be answered before the next economic study.

**Adjourn**

There being no further business, the Chair adjourned the meeting at 2:26 P.M.