



Captiva Erosion Prevention District
October Board Meeting
Monday, October 11th, 2021
Tween Waters Inn, Ding Darling Room
15951 Captiva Drive
Captiva, Florida 33924
Public Attendance via Zoom

1. Call to Order

- Chairman Miville called to order the October Board meeting of the Captiva Erosion Prevention District (CEPD) at approximately 1:00 pm on October 11th, 2021. Due to him being remote, he asked Treasurer Pyle to act as chairman for the meeting. Treasurer Pyle then called the meeting to order from the meeting site.

2. Roll Call

- Secretary Kaiser motioned to authorize Chairman Miville and Commissioner Mullins to appear remotely. Chairman Miville seconded the motion. Discussion was invited and Commissioner Mullins asked if Vice Chairman Silvia was present. His concern was not having a quorum since there were not three commissioners present. Executive Director Nelson asked attorney Ralph Brookes to please speak on the matter. Attorney Brookes stated that we would continue the meeting even though we did not have a physical quorum and that we could continue with the meeting and have discussion items. If there were any votes needed to be taken, we could take them and then ratify them at the next meeting. The only issues we had were within CEPD house and there is no state law that requires a physical quorum for that. A vote was held. The motion passed unanimously
 - In favor: Chairman Miville, Secretary Kaiser, Treasurer Pyle, Commissioner Mullins
- The following persons were in attendance:
 - CEPD Commissioners:
 - Seat 1, Harry Kaiser, Secretary
 - Seat 2, Richard Pyle, Treasurer
 - Seat 3, Rene Miville, Chairman
 - Seat 4, John Silvia, Vice Chairman (computer issues-missed roll call)
 - Seat 5, Michael Mullins, Commissioner
 - CEPD Staff:

- Jennifer Nelson, Executive Director
- Daniel Munt, Technical Policy Director
- Lindsey Ford, Legislative Administrative Aide
- Ralf Brookes, CEPD Attorney
- CEPD Engineers:
 - Nicole Sharp, APTIM
- Public
 - Carolyn Weaver
- Becker
 - Nicholas Matthews

3. Approval of Minutes

- September 13th, 2021 Board Meeting, September 13th, 2021 Tentative Budget meeting, and October 2nd, 2021 Final TRIM Budget meeting
 - Secretary Kaiser motioned to dispense the reading of and to approve the minutes of the September 13th, 2021 Board meeting, the September 13th, 2021 Tentative Budget meeting, and the October 2nd, 2021 Final TRIM Budget meeting. Chairman Miville seconded the motion. Discussion was invited. A vote was held, and the motion passed unanimously.
 - In Favor: Secretary Kaiser, Treasurer Pyle, Chairman Miville, Commissioner Mullins
 - Not Present: Vice Chairman Silvia

4. Changes to the Agenda

- Executive Director Nelson requested we change item 8B on the agenda. She had just received a message before the meeting started that Carrie Schuman with SCCF would not be able to attend due to being sick. She suggested we have her attend another meeting or create a workshop with her at a later date.
- Secretary Kaiser made the motion to change the agenda per Director Nelson's request. Commissioner Mullins seconded the motion. The motion passed unanimously.

5. Public Comments – Limit 3 minutes per person

- Public comment was invited.
- No public comments

6. Financial Reports

- September Financials
 - Treasure Pyle gave an update on the budget. He stated that the end of fiscal year reports showed our finances were a little ahead of where we thought they may be due to the renourishment project. He then said after reviewing the financials everything looked good and there were no surprises.

7. Old Business

- Carolyn Weaver

- Treasurer Pyle mentioned that Carolyn Weaver had filed a suit against us in small claims court. He then turned it over to Director Nelson for more information. Director Nelson then stated she wanted to have attorney Brookes go over the case and the next steps. Attorney Brookes said we received a summons for a small claim's lawsuit in Lee county. We were set for mediation via zoom on November 24th, 2021 at 8:30 AM. We would need someone to attend from our agency as well as attorney Brookes. Carolyn Weaver was on the meeting and Treasure Pyle asked her if she wanted to give her presentation. Carolyn Weaver stated she was looking for payment for \$4,000 which was for the 14-day notice that was in her contract that she never received. She said that she believed in her emails it showed that there was a contract. She filed a suit because she felt like she kept getting pushed off by us at the board meetings. Secretary Kaiser mentioned that we had a lawyer and thought this was taken care of. Attorney Brookes said that was for a case before this situation and that he will represent us in small claims, but there was nothing else in court before for this matter. Attorney Brookes also stated that Carolyn had a contract with Hans Wilson but not with CEPD. However, he believed that the issue Carolyn Weaver had was that it didn't matter if she worked the fourteen days after turning over the job or not, it was in her contract to have them. He said we could then discuss if we could settle this today or in mediation. Commissioner Mullins stated a contract was offered to her and she was paid for the 14 days and more, but Carolyn Weaver did not like the terms of the new contract at working 5 days a week. He did say that even though she was paid, this was a nuisance suit and he suggested we cut her request of \$4,000 in half and offer her \$2,000. Chairman Miville asked attorney Brookes why Carolyn was not going after Hans since they had a contract. Commissioner Mullins then stated that the contract with Hans had terminated and since she was subcontracted through him, they wanted to make a contract directly with CEPD. Commissioner Mullins made a motion to pay Carolyn Weaver \$2,000. Secretary Kaiser seconded the motion. Discussion was held. Motion was passed 3 to 2. Carolyn Weaver was asked if she would accept the \$2,000 settlement. Carolyn Weaver said she wanted to have the offer in writing so she could make her decision and made some statements for clarification on her side of things. Commissioner Mullins then asked attorney Brookes if he could make a new motion to withdraw his motion because he didn't want to keep going through this as it seemed Carolyn wanted to keep dragging this on. Secretary Kaiser stated he wanted this to be over and to ask Carolyn again if she accepted this offer or if she wanted to settle in court. Carolyn Weaver accepted the \$2,000 offer and said she will withdraw her claim in court. She was told she will receive the letter and check in the mail.
- Vote for motion by Commissioner Mullins to pay Carolyn Weaver \$2,000
 - In Favor: Vice Chairman Silvia, Secretary Kaiser, Commissioner Mullins
 - Opposed: Chairman Miville, Treasurer Pyle

- Tourist Development Tax Funding Grant-Beach Park Maintenance
- Tourist Development Tax Funding Grant- Alison Hagerup Parking Lot Upgrades
 - Executive Director Nelson went over the grants that we had applied for right after she started. We were awarded \$127,500 for parking lot maintenance and paying the attendants and maintenance of the lot. We were also awarded \$231,000 for parking lot engineering upgrades. If this is the direction we decide to move forward with, we have the funds to do so. Commissioner Mullins asked if this covered what we were paying for the port a potty. Director Nelson let him know that it does cover all those expenses. Commissioner Mullins brought up purchases made by previous staff that were not done in the right way. He just wanted to make sure if upgrades to the lot are made, to make sure we have a detailed list of items and costs. Also, that we follow the chain of order as far as going to current treasurer to approve anything. Executive Director Nelson also stated we cleaned the bathrooms one time during the parking lot closure, due to people not following directions and using them.
- Beach Renourishment Update
 - Technical Director Munt gave his beach renourishment update. Nicole Sharpe from APTIM was also present and gave an update on the dune plantings. We have ordered 350,000 plants and once they start planting them, we will know if we have too many. Commissioner Mullins asked what we do if residents do not want the dune plantings in their yards. Nicole Sharpe said that the contractor will walk ahead and decide where the plants will go. If residents have any issue, they can let us know and we can skip an area if they need to. Technical Director Munt concluded the update with information from Kelly Sloan from SCCF about the turtle nests. He discussed the nests that were moved as well as any that were still incubating. SCCF is continuing their research on the matter.

8. New Business

- State Lobbyist Proposal
 - Executive Director Nelson asked Chairman Miville to introduce Nicholas Matthews from Becker since he was in attendance with them at a previous workshop. Chairman Miville discussed his approval of Becker and how impressed he was with them. Commissioner Mullins asked how we track what they are doing for us and not just if they are collecting money. Chairman Miville agreed and made a motion to hire Becker based on an acceptance of an MOU. Stating that we will not sign unless there is an approved contact. Secretary Kaiser seconded the motion. Discussion was then held. Nicholas Matthews from Becker went over how he would track beach funding at the state level and making sure CEPD would get enough of that money. He then said that there is now resiliency funding that they want to lobby on and make it easier for us to get access to that money. Especially since we are a special district, we should be able to be an applicant and they are lobbying for those changes. They will report to us when they speak with them and what resolutions they receive. They will

also help us with local bills that will travel up to Tallahassee. Commissioner Mullins stated that we already pay lobby fees to FSBPA and they monitor already if we need to fill out any local funding paperwork. We also have help from APTIM making sure that all of that is followed. He wanted to know if we needed more help from them and what else they would provide. Nicholas Matthews went over any additional help they would be. As far as lobbying harder for us to have access to money that we could not get on our own. Chairman Miville asked how they could find us more grants if we already had others, such as APTIM helping us get those grants. Nicholas Matthews stated that our district would discuss different projects we would apply for and that they would just make sure we had all the help and planning we needed to get those grants. He then said that right now there is a half a billion dollars over the next few years sitting at the state level that we cannot apply for as a special district due to an oversight in the way it was written. They want to make sure we can fix that and become eligible for that money. Commissioner Mullins brought up the fact that we did not have a physical quorum and would we be able to vote on this. Chairman Miville said we could vote on it and then it would just have to be ratified. Commissioner Mullins then said he wanted them to get a contract together for the next meeting with specifics and then we would vote on it at the next meeting. A vote for the motion was held and passed unanimously.

- In Favor: Chairman Miville, Vice Chairman Silvia, Secretary Kaiser, Treasurer Pyle, Commissioner Mullins

9. Administrative Report

- Staffing Changes
 - Executive Director Nelson stated Lindsey Ford was a part time employee in the office that they wanted to keep as well as add another full-time person, James Elston, for John's former position. She noted the changes she made in his contract as well as the savings we still had from the previous contract for that person. The board went over the verbiage of the contract and asked for clarification on vacation policy. Commissioner Mullins asked if they could just clear up specifics on time off being accrued. Executive Director Nelson said they would fix that and then she wanted clarification that she had the rights to hire without permission as stated in her contract as long as it was within the approved budget from the board. Commissioner Mullins agreed that Executive Director Nelson had the permission to hire staff on her own as long as it stayed within the allotted approved budget from the board. He then asked if there was any other items he needed to be present for as he needed to leave.
 - DNS Port
 - Executive Director Nelson let the commissioners know that we would be switching over to Microsoft to help us keep things flowing in the office easier. This would switch our emails over as well.
 - Dredge Boat Ride

- Executive Director Nelson discussed the boat ride they took out to look at the dredge site with Congressman Donaldson as well as members from SCCF and the Mayor of Sanibel, Holly Smith, and Nicole Sharpe from APTIM. This was to educate everyone on the project and let them see how it was progressing.
- ILA with Lee County
 - Executive Director Nelson let the board know that the board of county Commissioners would be voting on the amount of money they would be giving to the CEPD and an additional million we are hoping to get. That meeting takes places on October 19th, 2021.

10. Commissioner's Comments

- Secretary Kaiser mentioned how well the project is going and how nice everything was coming together.

11. Adjournment

- Treasurer Pyle moves to adjourn the meeting. Chairman Miville seconds the motion. The meeting was adjourned.