

Minutes

**Regular Meeting
of the
Captiva Erosion Prevention District**
South Seas Island Resort, Alpha Cone Room
December 12, 2018 @ 1:00 P.M.

Commissioners Present : Dave Jensen, Chairman; Mike Mullins, Vice-Chair; Harry Kaiser, Secretary; Bob Walter, Treasurer; Michael Lanigan, Commissioner .

Staff Present: Carolyn Weaver, Acting, Administrator; John Bralove, Acting Assistant to the Administrator; Hans Wilson, Hans Wilson and Associates; Dr. William Strange, Economist; Dr. Gary Jackson, Economist .

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. Organization of the District Board Nominations

a. Chairman

The Chairman called for nominations for Chairman of the Board of Commissioners for 2019. Michael Mullins was nominated. After a brief discussion, Commissioner Mullins was elected unanimously and took over running the meeting.

b. Vice Chairman

Chairman Mullins called for nominations for Vice Chairman . Michael Lanigan was nominated and was elected unanimously.

c. Secretary/Treasurer (may be concurrent)

Chairman Mullins called for nominations for Secretary. Harry Kaiser was nominated and was elected unanimously .

Chairman Mullins called for nominations for Treasurer. Bob Walter Kaiser was nominated and was elected unanimously.

4. Approval of November 14, 2018 Regular Meeting Minutes

Commissioner Kaiser moved and Commissioner Walter seconded a motion to dispense with the reading of the minutes from the November 14, 2018 Regular Board Meeting and approve them as written. The motion passed unanimously .

5. Public to be Heard

Gerhard Thelan, owner of 2 properties on the bay side, raised the issue of condominiums having a recreation millage rate almost double of that for single family homes. He said it was statistically not valid. There was discussion and clarification among the Commissioners. Mr. Thelan also brought up the issue of classifying bay side homes at Sunset Captiva as beachfront . He thought this was a technicality and did not pass the smell test. Commissioner Walter

commented that all owners on Captiva share in the cost of the natural asset that residents are trying to preserve.

John Jensen, President of the Sunset Captiva HOA, had a question about the common element. Dr. Stronge explained that in previous studies this parcel had not been identified and was not accounted for. Commissioner Mullins commented that those owners who disputed their apportionment had plenty of time to gather additional data and appeal and urged moving on in the agenda.

6. Financial Report

a) Budget Performance Ending November 30, 2018

Treasurer Walter reported parking revenue continued to run behind budget but he thought it would eventually catch up. The Chair called for questions; there were none.

7. Old Business

a) Updated Presentation of Tentative Apportionment for Proposed 2021 Beach Renourishment Project - Dr. Stronge

Dr. Stronge reported he has made one change since the last presentation regarding multi-family properties with less than 10 units. Because his survey did not gather enough significant data, he is recommending the millage rate be calculated as if each multi-family parcel generates the same usage regardless of how many units are on that parcel, the same as each single family parcel is calculated.

Linda Laird, a Sunset Captiva homeowner, asked if there were any basic principles of the apportionment written. Dr. Stronge mentioned they will be in a report he will be issuing after the Board finishes providing its input. Commissioner Mullins explained the process. He suggested she attend Town Hall meetings when they are scheduled and talk to Administrator Weaver. Commissioner Lanigan suggested she look at CEPD's website and read the July 2018 minutes.

Dr. Stronge and Dr. Jackson presented and explained Tables 1 through 10 of their PowerPoint display that showed how millage rates were calculated. They also showed examples for basic millage gulf front single family assessments by beach zone, basic millage gulf front condominium family assessments by beach zone, and basic millage non-gulf front residential assessments by benefit category.

Dr. Stronge and Dr. Jackson completed their presentation by going through their recommendations for Refinements and Outline of the Basis Millage Assessment Rates; Adjustments to Storm Protection Assessments in the Village Zone; Adjustments to Storm Protection Assessments in the Upper Gold Coast Zone; Adjustments to Recreation Assessments for Homesteaded Properties; and Adjustments to Recreation Assessments for Institutional Properties and Utility Parcels.

After finishing the presentation, Dr. Stronge suggested he write the tentative apportionment report based on what was said today and submit it to the Board. Also he suggested he generate a list of assessments for each property that could be sent to homeowners, if CEPD chose to do so, have available if someone called in, or publish on their website. The Commissioners agreed.

b) TDC Funding - Quotes in Process

- a. **Beach Vehicle**
- b. **Alison Hagerup Beach Parking Amenities**
- c. **Beach Maintenance/ Monitor position**

c) Rope and Bollard Replacement Quotes - TDC Funds

d) Fence Repair for Alison Hagerup Beach Parking - Quote

Regarding Agenda Items 7(b) through 7(d), Commissioners agreed that since everything has been budgeted and approved, and they were voted on, the Administrator should move forward with these projects. There was discussion about whether a permit is required for the beach vehicle, what the issues are the public has regarding a vehicle on the beach, whether the repair of rope and bollard does include the replacement of signs, which it does, and whether CEPD is responsible for the ongoing maintenance of the ropes and bollards. The Commissioners agreed that CEPD will be responsible for the ongoing maintenance.

e) New/ Acting Administrator

Mr. Wilson recommended the Board approve Carolyn Weaver as the CEPD Administrator and outlined her credentials and qualifications. Commissioner Walter moved and Commissioner Kaiser seconded a motion to approve Carolyn Weaver as Administrator. After discussion, the vote was called and the motion passed unanimously.

Regarding the second position, Mr. Wilson reported he has received 85 resumes and has narrowed those down to 15. After Board discussion, Mr. Wilson recommended to the Board that the job be changed to Assistant Administrator. Commissioner Jensen said CEPD must be willing to pay the extra money this decision will require. It was suggested the job be called Deputy Administrator. The Board directed Mr. Wilson return in January with qualified deputy administrator candidates and what the cost implications are. Mr. Wilson suggested the Rules of Procedures and other documents be updated to reflect this change.

f) Joint Petition to Challenge Proposed Rule - Update

Commissioners reiterated their approval for payment to Ralf Brookes from the last meeting. It was agreed that in the future, the Chairman will repeat motions before they are voted upon.

g) CEPD Jurisdiction Regarding Bay Side Properties

Chairman Mullins asked whether CEPD's responsibility is an erosion control issue and suggested the District get feedback from those involved or concerned as well as consult CEPD's attorney. Mr. Wilson said CEPD should determine what its jurisdiction is as there are other agencies that have a role. The Chair said discussion of this issue will continue at future meetings but he thought CEPD had an obligation to let people on the bay side know whether CEPD is going to do anything or not. There was consensus that CEPD make sure it is receiving notices from the DEP and they include the bay side.

8. New Business

a) Cell phones for CEPD

Ms. Weaver proposed the Board approve the purchase and expenses for cell phones for the Administrator and the Deputy Administrator. She explained she thought this was necessary to ensure compliance with the Sunshine Laws. The phones would be in CEPD's name and if personnel were to change, the phones and phone numbers would stay with CEPD. The Chair said no vote is required since it was budgeted for. Board members agreed to the request.

b) Increase Chairman's Spending Amount from \$1,000

The consensus of the Board was to increase this limit to \$1,500 for any purchase that had not already been pre-approved in the budget. It was agreed that further discussion of this item would occur at the January 2019 meeting.

c) Reimbursement for Travel

Chairman Mullins explained he put this item on the agenda to discuss reimbursement for travel to Board meetings when special trips are required to have a quorum or a special or emergency meeting is called. Ms. Weaver read the appropriate paragraphs in the Rules of Procedure governing travel reimbursement. Ms. Weaver was asked to check with CEPD's attorney and come back to the Board in January with Ms. Stroud's advice.

9. Administrator's Report

Ms. Weaver reported on preliminary results of the poll of Captiva voters on whether they supported the March 2019 referendum. 279 mailings were sent; of those 8 were returned as undeliverable or not forwardable. She said there were 88 responses to date; 80 said "yes," 6 said "no," and 2 said they did not have enough information to make a judgement.

Ms. Weaver also reported the new meeting calendar was on the website and she had just received the third quote to upgrade the website. She said CEPD's landlord has put through an increase in rent of 2.5% which is consistent with the lease agreement. Commissioner Walter asked for a copy of the lease. Ms. Weaver added that requests for TDC grants are due on February 22, 2019. She thought CEPD should apply for support to have APTIM do the geotechnical follow-up work on Redfish Pass and to ask APTIM to provide a Scope of Work. Commissioners agreed.

10. Public to be Heard

Although there were no comments from the public, Commissioners discussed the participation of the public at today's meeting.

11. Commissioner Comments

Commissioner Lanigan said CEPD needs to be prepared to answer why the Army Corps did not fund the previous project and to explain why CEPD did not seek funding from the Corps for this project, if that turns out to be the case. He also commented that procedures need to be established for beach cleaning and use of the beach vehicle. He added that CEPD should budget for new furniture for the office.

Commissioner Walter listed the issues involved in why CEPD did not receive Corps funding for the last project, namely the lack of public access and not having the new easements the Corps insisted upon. It was mentioned that the lack of Army Corps funding ultimately did not impact the final cost of the project to the homeowners. Mention was made of CEPD's inability to get a Corps representative to meet with the Board.

Mr. Wilson explained the easement issue and reviewed the history leading to the Corps' decision to not assist with funding. He said he will meet with Ms. Weaver to document these issues and their history.

Commissioner Jensen thanked the other Commissioners for their willingness to volunteer for the office positions. Commissioners thank Commissioner Jensen for his service.

Commissioner Mullins raised concern about opening up issues again and Commissioners should be sensitive to this.

Adjourn

There being no further business, the Chairman adjourned the meeting at 4:25 P.M .