

## Minutes

### Regular Meeting of the Captiva Erosion Prevention District

'Tween Waters, Crow's Nest  
15951 Captiva Drive, Captiva, Florida 33924  
November 9, 2011 @ Noon

Commissioners Present: Mike Mullins (Chair); Doris Holzheimer (Vice Chair); Dave Jensen (Treasurer); Harry Kaiser (Secretary); Jim Boyle (Commissioner).

Staff Present: Kathleen Rooker, CEPD Administrator; JoAnn Paul-Young, CEPD Accountant; John Bralove, CEPD Assistant to the Administrator.

Consultants Present: Steve Keehn, Coastal Planning & Engineering

#### 1. Call to Order

The meeting was called to order by Chairman Mullins at 12:04 p.m.

#### 2. Roll Call

The roll was called and the results are outlined above

Chairman Mullins moved to Agenda Item 5.a., "Presentation by Lee County Commissioner John Manning." Chairman Mullins announced that CEPD and the County agreed in advance because of the number of items on the agenda that the Blind Pass subject would be discussed at the January 2012 meeting and today's discussion would involve only the new interlocal agreement for the next nourishment project. He then called upon County Commissioner Manning to speak.

#### 5. New Business

##### a) Presentation by Lee County Commissioner John Manning

Commissioner Manning said that the past is the past and he wants to move forward to the next phase of a clean, new interlocal agreement for the next nourishment project. Regarding Blind Pass, he said his goal is to have a regular maintenance program for Blind Pass. He said he will be at the January 2012 CEPD Board meeting for the Blind Pass discussion.

Chairman Mullins said that CEPD's priority was to be "shovel ready" in case federal funding becomes available earlier than expected for the next nourishment project. He then talked about other possible funding sources for the nourishment project, both state and local, including as much as \$8 million from the County. He mentioned the 1 cent additional bed tax that CEPD had proposed. Chairman Mullins also explained possible scenarios and funding estimates for the next nourishment project. He concluded by saying he too would like to see a new interlocal agreement negotiated soon for the next nourishment project and this would be

the primary emphasis in CEPD's near-future discussions before any discussion of Blind Pass. He added that he would also like to have a Blind Pass management plan.

In response to Chairman Mullins' remarks, Commissioner Manning cautioned that when one works with the Army Corps of Engineers, some control is lost over the project. He stated that the 1 cent was not legal, and funding from the General Fund could be looked at.

Chairman Mullins replied that CEPD's attorneys did not agree that the 1 cent bed tax increase was not legal. He also mentioned that CEPD has a good relationship with the Army Corps and that state funding for the next nourishment project is contingent on the Corps. He reminded the audience that all upcoming nourishment project costs are estimates and CEPD is working on a number of alternatives to keep costs down, including perhaps sharing dredge mobilization costs with Collier County, which might save as much as \$1 million.

Chairman Mullins called upon Steve Boutelle, Lee County Division of Natural Resources, for his comments. Mr. Boutelle said that prior to this meeting, most of the technicalities of a possible new interlocal agreement for nourishment were not clear to him, but as a result of this discussion, they are much clearer. Mr. Boutelle suggested that it was time to "start putting on paper what that agreement looks like" for the next project. He said that the parties need to start looking at the methodology to calculate the cost share. The County has a formula that has been used in other projects and has been provided to CEPD. He said that he did not know what CEPD thought about the formula, "but it is at least a starting point there...where we can start putting pen to paper."

Mr. Boutelle said that the County had a good body of work that could be drawn upon for a new interlocal agreement for the next nourishment project, including one just recently negotiated with Ft. Myers Beach. Regarding County funding for the project, he said that the source of County funds is an issue for the County to resolve and the source of County funds does not need to be in the new interlocal agreement.

Chairman Mullins agreed with Mr. Boutelle's statements regarding both working on a new interlocal agreement now and the source of County funds. He asked that the County send CEPD the Fort Myers Beach interlocal agreement and any other documents that might be useful. CEPD would use them as a model and template, write a first draft of a new interlocal agreement for the next nourishment project, and send it to the County for its reaction.

Chairman Mullins then called on Mr. Boutelle for additional comments. Mr. Boutelle said that regarding the beaches further south outside of the by-passing obligation, it was his understanding that the City of Sanibel does not see any need to provide additional sand above and beyond the bypassing volumes. Rob Loflin, Director of the City of Sanibel Department of Natural Resources, replied that "we're really just looking to be made whole for the effects of the groin and as far as we know those groin effects go to somewhere maybe the far western edge of Bowman's."

Chairman Mullins called upon other members of the audience for comments. John McCabe, representing the (Sanibel) Bayous Preservation Association, said “For those of us who live down drift, if you will, from the sand renourishment projects, we just want to make sure that that inlet management plan gets incorporated in the plan...From our perspective, it is at least as important as the beach renourishment...” Mimi Schwartzel, a Captiva homeowner, raised the concern of a heavy tax and assessment burden put on Captiva homeowners for beach nourishment. “We need to find resources...we need to look for funding...not put so much of the burden on the homeowners.” Annie Vanderbilt from the (Sanibel) Bayous Preservation Association said “I wondered if you would just clarify for me of the January meeting: is the county also coming to that one and the City of Sanibel for that discussion of Blind Pass and will that discuss the regular maintenance program or that possibility or something like that?”

Chairman Mullins responded by saying that he was optimistic that a draft of a good interlocal agreement for the next nourishment project can be reached between now and January. Then in January, he said, what can be discussed is what has been mutually agreed upon. Whether the draft of the new interlocal agreement “is positive or not,” it would be shared at that meeting. He added that reaching agreement on the new interlocal agreement should be accomplished before there is discussion of Blind Pass. Chairman Mullins added that “I do know that we are very interested in trying to coordinate anything that might get done in Blind Pass with the availability of any equipment that might be in the area...” including using equipment involved in the Ft. Myers Beach project. Both County staff and Sanibel representatives said they will attend the January meeting.

Commissioner Manning responded by saying that the Ft. Myers Beach option is not viable for dredging Blind Pass due to the problems encountered on the Ft. Myers Beach project. He also said that he hopes major points of agreement in the draft of a new interlocal agreement for the next nourishment project will be done by January and doing so is the key to moving forward “and anything beyond that is going to be gravy as far as I’m concerned.”

Chairman Mullins thanked everyone for attending this portion of the meeting and at 1:00 p.m. called a ten minute recess.

Chairman Mullins called the meeting back to order at 1:12 p.m.

**3. Approval of October Meeting Minutes**

Commissioner Kaiser moved and Commissioner Holzheimer seconded a motion to dispense with the reading of the minutes from the October 12 Regular Board Meeting and approve them. The motion passed without dissent.

**4. Public to be Heard**

Comments from the public were heard during the discussion of Agenda Item 5.a.

**5. New Business**

**b) Beach Access**

Administrator Rooker called the Commissioners' attention to Page 18 of the Agenda Materials, one of a series of maps that Barbara Manzano of Lee County Parks and Recreation had sent CEPD. It shows Captiva Island beach accesses. Ms. Rooker asked that Commissioners look at all the maps and send her any questions or observations by next Wednesday. She said that beach access and related parking is an important issue since CEPD needs more parking. Chairman Mullins talked about what CEPD has been investigating as solutions to increase parking.

**c) Lobbyist Proposal**

Administrator Rooker reported that no proposal had been received.

**d) Captiva Chautauqua**

Administrator Rooker explained that Kristie Anders, Education Director at SCCF, had contacted her about CEPD doing a presentation at this event which SCCF is sponsoring at the Captiva Holiday Village Festival. CEPD will present on the Thursday that SCCF has reserved for CEPD on the mission of CEPD and beach nourishment.

Ms. Rooker also thanked SCCF for their assistance in beach monitoring and especially Tim Gardner who has driven the beach-going vehicle and made monitoring so much easier. She said that Mr. Gardner had invited the commissioners to join them in these inspections.

**6. Old Business**

**a) Directors and Officers Insurance**

Administrator Rooker reported that she had checked into the issue of whether this coverage was redundant or overlapped with what the state provides and reported that it did not. Commissioners Kaiser moved and Commissioner Holzheimer seconded a motion to approve this coverage in the amount of \$10 million. The motion passed without dissent.

**b) Approval for Partners in Progress**

Commissioner Jensen moved and Commissioner Boyle seconded a motion to approve the Consumer Price Index and performance increase for Partners in Progress discussed at last month's meeting, to be effective June 1, 2011. The motion passed without dissent.

**7. Report of the Senior Administrative Consultant**

**a) Recent Erosion**

Administrator Rooker referred the Commissioners to the Agenda Materials in which there was a recent note from a homeowner about beach erosion and thanking CEPD for the work it has done. She also showed some recent pictures of beach erosion on Captiva. Questions were asked of Steve Keehn of Coastal Planning & Engineering about whether the erosion recently encountered was typical. Mr. Keehn replied that he thought it was and that part or most of the sand loss would come back. Chairman Mullins said that there was nothing that could be done now but to keep a watch on it. Commissioners asked Mr. Keehn about short-term fixes and he outlined some alternatives, reminding the Commissioners that permits might be required.

**b) Annual Audit Update**

Administrator Rooker reported that on-site field work for the annual audit would begin next Tuesday.

**c) Lee County Delegation**

Administrator Rooker reported on her presentation to the Lee County Delegation that took place on Monday. She said she thanked the delegates for their past support, requested that they maintain that level, that CEPD would be seeking funds for this year, and that it was vital to continue nourishment projects both on Captiva, in Lee County, and throughout the state. Chairman Mullins talked about getting Commissioners involved in meeting with local and state politicians and let them know how important beaches are. He also mentioned that it was also important to talk to citizens about the same issues.

**d) Alison Hagerup Park Update**

Ms. Rooker reported that the portable mats to allow the disabled to access the newly installed picnic tables at Hagerup Beach would be installed next week. They were acquired through a grant from the Tourist Development Council. This grant requires the Commissioners' approval, which is Agenda Item 7.f.

**e) Sanibel Sea School Request**

Administrator Rooker reported that Bruce Neil of the Sanibel Sea School has requested time at a Board meeting to make a presentation. Commissioners asked that Ms. Rooker get a better understanding of what Dr. Neil wants to do.

**f) Grant Approval**

Commissioner Kaiser moved and Commissioner Boyle seconded a motion to accept the grant from the Tourist Development Council contained in the Agenda Materials. The motion passed without dissent. Commissioners asked that a letter of thanks be transmitted to the TDC along with pictures of the new installation.

**8. Financial Report**

Treasurer Jensen reported that a \$250,000 certificate of deposit with Sanibel Captiva Community Bank was coming due in a few days. He said that it would be renewed with this bank at an interest rate of 1.1%. He also reported that the Lee County Tax Collector had refunded CEPD \$2,600 for fees for collection of taxes that were less than what had been billed to and paid by CEPD. Chairman Mullins said that the Florida State Board of Administration fund should be looked at as a source for CEPD investments.

**9. Commissioner Comments**

Mr. Keehn was called upon to make additional comments. He reported that the permit modification for the 2013/14 project had just been submitted and that it included a larger borrow area, changes to the pipeline corridor, year-round dredging, and a 2-year extension. He said that the design phase of the new project had been started and that based on what he had just heard at the meeting, Bowman's Beach would be taken off the design.

Chairman Mullins recommended that although CEPD cannot build a bigger beach now, this alternative should be considered for future projects to mitigate the possibility of sea level rise.

Commissioner Boyle asked about future meeting dates. The August 2012 meeting as currently scheduled may be a problem, he said. Commissioner Boyle moved and Commissioner Kaiser seconded a motion to change the August 2012 Board meeting date to August 15. The motion

passed without dissent. Commissioner Boyle also asked that a date be set to discuss parking. The Commissioners agreed to hold that discussion as part of the December 14 regular meeting.

Mr. Keehn mentioned that ordinarily sand dunes repair is not covered by Corps of Engineering funding but that he will make inquiries.

**10. Adjourn**

Chairman Mullins adjourned the meeting at 2:29 p.m.