



Captiva Erosion Prevention District Board Meeting Minutes

April 13th, 2020

I. Call To Order

Chairman Mike Mullins called to order the regular meeting of the Captiva Erosion Prevention District (CEPD) at 1:00 p.m. on April 13th, 2020 via a virtual meeting through Zoom.

II. Roll Call

Chairman Mike Mullins affirmed that the regular board meeting was open to the public and acknowledged public attendance at the virtual meeting. Chairman Mike Mullins conducted a roll call of Commissioners.

The following persons were present:

Commissioners: Chairman Mike Mullins, Vice Chairman Bob Walter, Secretary Harry Kaiser, Treasurer Richard Pyle and Commissioner Michael Lanigan.

CEPD Staff: Administrator Joe Wagenti and Assistant Administrator Kimmy Foulds.

The following person was present to represent CEPD: Ralf Brookes, CEPD Attorney.

The following person was present as representation of the Sanibel/Captiva Road Protection project:
Joel Caouette from the City of Sanibel.

III. Approval Of Minutes For March 9th, 2020 Board Meeting Minutes

There was a question for clarity regarding the documentary information.

Chairman Mike Mullins explained the \$10,000 reference pertaining to the documentary and said that an amendment would be made to refer to the \$10,000 for CEPD to have access to editing footage in the documentary.

Secretary Harry Kaiser motioned to accept the minutes as dispensed, with the amendment to refer to the Board having access to the editing footage. Treasurer Richard Pyle seconded the motion. Motion to accept the March 9th, 2020 Board meeting minutes, with the amendment, passed unanimously.

IV. Approval Of Minutes For March 19th, 2020 CEPD Emergency Board Meeting COVID-19 Minutes

Secretary Harry Kaiser motioned to accept the minutes of the CEPD Emergency Board meeting COVID-19 as dispensed and printed. Treasurer Richard Pyle seconded the motion. Motion to accept the March 19th, 2020 CEPD Emergency Board meeting COVID-19 minutes passed unanimously.

V. Public Comments

The Sanibel/Captiva Road Protection project was discussed with Joel Caouette from the City of Sanibel. Mr. Caouette updated the CEPD Board of completing the project by May 1st with a strategy for landscaping during the raining season with low, fast growing vegetation to retain sand. Commissioner Michael Lanigan inquired if the pole that size was part of Sanibel. Mr. Caouette confirmed that the pole was not in the scope of work for Sanibel, the pole was independent from Sanibel and was from LCEC.

VI. Financial Reports March 2020

Treasurer Richard Pyle pointed out that the parking lot revenue was approximately \$32,000 in March, compared to \$28,000 a year ago; and April revenue for the parking lot will be zero.

CEPD Administrator Joe Wagenti affirmed that April revenue from the parking lot will be the biggest hit. He stated that the DEP permit will be finalized in the next week or two and all the criteria has been met for the parking lot from the first review. Chairman Mike Mullins added that CEPD hopes to get everything done in the parking lot before the parking lot is open again.

Treasurer Richard Pyle announced that on 4.13.2020, CEPD moved \$237,750 out of Florida PRIME and invested \$436,750 into treasury notes for 2022. Treasurer Richard Pyle stated by investing cash with more interest, this made CEPD's checking account an excess of \$200,000 and over \$3.8 million in treasury bills.

Office expenditures were communicated; along with TDC monies, FEMA and bed tax. CEPD Administrator Joe Wagenti voiced the CEPD prosperity program to list vendors and contractors suspended or eliminated during the shutdown during COVID-19. Treasurer Richard Pyle confirmed that he reviews the office budget every month, works closely with Mr. Wagenti on check signing and overall, the office has done a great job in generating revenue to put in reserves and in operations.

VII. Discussion Items

a) **Beach Brief 003-20 Beach Survey**

b) **Public Comments From Beach Brief 003-20 Beach Survey**

CEPD Administrator Joe Wagenti voiced that the Beach Brief and Public Survey were informative documents that would be part of the minutes for public review.

c) **CEPD Emergency Resolution 2020-2 COVID-19**

CEPD Administrator Joe Wagenti asked the Board if the CEPD Emergency Resolution 2020-2 COVID-19 should be amended per Section 5 wording "every seven (7) days" be eliminated.

Evaluation of the Emergency Resolution transpired. CEPD Attorney Ralf Brookes described the theories behind the wording phrase with examples cited from state and local governments. He commented that CEPD is on uncharted territory and suggested the safest way without challenges, is to revisit and leave the "every seven (7) days" in the resolution.

Chairman Mike Mullins conferred that he was inclined to go along with the legal advice, be conservative and motioned to stay with the original resolution to renew “every seven (7) days.” Treasurer Richard Pyle seconded the motion and the motion passed unanimously.

d) **CEPD Administrator Report**

CEPD Office Staff Update: CEPD Administrator Joe Wagenti articulated that he will remain working in the CEPD office, Kimmy Foulds has been working remotely and John Riegert has not been working for CEPD for the time being.

CEPD Vendors' Update: CEPD Administrator Joe Wagenti detailed the CEPD austerity program pertaining to vendors. He mentioned that he removed the portable bathrooms from the parking lot with directives to start the service later. As well as, he reduced the rate of the parking lot maintenance by half the cost to continue beach maintenance and picking up trash every day.

CEPD Attorney Ralf Brookes Update: CEPD Administrator Joe Wagenti asked the Board to approve the proposed letter CEPD Attorney Ralf Brookes compiled regarding bed tax that will be sent to the state and Lee County.

Chairman Mike Mullins provided a background in the bed tax history with CEPD and pointed out that there have been conversations regarding LGFR with public access. He proposed if CEPD previously put anything in writing to Lee County asking about bed tax in Captiva. CEPD Administrator Joe Wagenti replied he reached out to Lee County by email last year and received a response with a statement citing a statute, without an answer.

Treasurer Richard Pyle made a motion to approve and send the bed tax letter to the addresses. Chairman Mike Mullins stated he wanted the bed tax inquiry to be on record and seconded the motion. The motion was approved unanimously.

Partners In Progress Report Bob Gray: CEPD Administrator Joe Wagenti verified that he and Bob Gray have been working on a SOP for an emergency plan. He added that due to the COVID-19, the CEPD office was forced to work remotely and be accessible. Chairman Mike Mullins agreed with the idea of working remotely and was in favor to be a virtual office, using the cloud and internet.

e) **TDC Report And APTIM Contract**

CEPD Administrator Joe Wagenti expressed that the TDC grant for 2019/2020 was for the major project to begin October 1st, 2020. He asked the Board if the project could be postponed until further clarification would be gathered from other consultants, other ideas and voiced that LGFR rules have changed the last six (6) months.

Deliberations took place pertaining to the APTIM contract, funding and specifics about several tasks that have been reported as statuses but have not been delivered. Chairman Mike Mullins established that the CEPD would hold a public Briefing Meeting to discuss the philosophy and details regarding the APTIM report with Sanibel.

VIII. New Business

Chairman Mike Mullins asked for new business items. There were not any new business topics for discussion.

IX. Commissioners' Comments

Chairman Mike Mullins thanked everyone for attending the Board meeting.

X. Adjournment

Chairman Mike Mullins adjourned the Board meeting at 2:38 p.m.