

Captiva Erosion Prevention District  
Monthly Meeting Minutes  
June 8<sup>th</sup>, 2020  
Location: Zoom

I. Call To Order

- Chairman Michael Mullins called to order the regular monthly meeting of the Captiva Erosion Prevention District (CEPD) at approximately 1:00pm on June 8, 2020 in a virtual meeting via Zoom.

II. Roll Call

The following persons were in attendance:

- Commissioners:
  - Seat 1, Harry Kaiser, Secretary
  - Seat 2, Michael Lanigan, Commissioner
  - Seat 3, Michael Mullins, Chairman
  - Seat 4, Bob Walter, Vice Chairman
  - Seat 5, Richard Pyle, Treasurer
- CEPD Staff: Joe Wagenti, Administrator
- City of Sanibel: Joel Caouette
- Members of the Public

III. Approval of Minutes for May 11, 2020 CEPD Board Meeting

- Secretary Kaiser motioned to dispense with the reading of the May 11<sup>th</sup> Board Meeting and accept them as printed. Treasurer Pyle seconded the motion. Minutes were approved.

IV. Approval of Minutes for May 28, 2020 CEPD Briefing Meeting

- Secretary Kaiser motioned to dispense with the reading of the May 28<sup>th</sup> Briefing Meeting and accept them as printed. Treasurer Pyle seconded the motion.
- Chairman Mullins clarified that at the bottom of page 13 there is reference that the Commissioners in attendance agreed to recommend a 25% budget/revenue increase for a vote at the June Board Meeting. The clarification is that although they were in agreement, they did not vote on the decision.
- A vote was held and passed unanimously with modification as noted above.
  - For: Secretary Kaiser, Chairman Mullins, Treasurer Pyle, Vice Chairman Walter, Commissioner Lanigan

V. Public Comments

- Mr. Joel Caouette, representing the City of Sanibel, stated that construction is complete on

the Sanibel Captiva Road Project. The final stage is to install vegetation. The vegetation stage has been put out for quotes and a contractor will likely be selected next week. Chairman Mullins conveyed the compliments he has heard regarding the success of the project. Mr. Caouette stated that they are finalizing beach access through the Sanibel Captiva Conservation Foundation (SCCF) for sea turtle vehicles and emergency vehicles. He stated that there are not yet indications of sea turtles present due to multiple factors.

## VI. Financial Reports May 2020

- Treasurer Pyle led the review of the May financials on pages 15 – 19. He stated that the only major changes were the repayment of a \$700,000 loan and the transfer of cash from the general fund to the capital fund.
- The checking account contained \$1M a year ago and is now at \$214,000 due to the loan repayment of \$700,000 and due to the increased allocation (\$767,000) of money to the capital fund. The goal, Treasurer Pyle explained, is for the capital fund to have ready cash available for projects.
- Chairman Mullins requested clarification regarding when this change took place, as it typically would occur at the beginning of the fiscal year, and asked if there is a standard operating procedure (SOP) which addresses this. Treasurer Pyle referenced the rules of procedure and suggested that this be done more frequently rather than annually. Chairman Mullins stated that the administration should operate under the SOPs, which cannot be inconsistent with the rules of procedure. Chairman Mullins stated that his perspective is that it would not be advisable to do it during the year because “we cannot raise additional ad valorem money during the course of the year”. Treasurer Pyle agreed that before money is transferred it is important to ensure that the general fund has sufficient capital.
- Regarding the capital fund, Treasurer Pyle called attention to the change over the last year due to money coming out of the State Board of Investment account for the purchase of treasury bills and treasury notes. Total equity is approximately \$3.3M, up from approximately \$2.8M a year ago.
- Chairman Mullins asked about the reserve accumulations on page 21. He stated that he understood that parking monies stopped during the March, April, and May time frame but he doesn't see indications that the money is rolled over to reserve accumulations. He requested clarification as to why it doesn't show in the reserve accumulations. Treasurer Pyle stated that he had noticed that as well and wanted to ask Administrator Wagenti about it. Chairman Mullins said he thinks that reporting should reflect that substantial reserves are being carried forward in addition to the monthly increases in parking revenue. Chairman Mullins requested that in the future it is to be a legitimate subsidiary ledger of reserves. Treasurer Pyle agreed. Chairman Mullins stated that they will settle this as a separate matter.
- Treasurer Pyle requested a motion to approve the budget for FY 2020/2021 which was discussed in the workshop held the prior week. Chairman Mullins requested suspending the approval until the following month to allow further review and refinement.
- The financial report was accepted.
- Treasurer Pyle motioned for the approval of the final audit report for FY 2019. Chairman Mullins seconded the motion. Motion was approved.
- Administrator Wagenti may submit the final audit report to the State of Florida Department of Revenue and the Department of Financial Services.

- Treasurer Pyle was excused from the meeting.

## VII. Discussion Items

### a) General/Capital Budgets – TRIM FY 20/21

- Chairman Mullins confirmed that, as previously agreed, the FY 2020/2021 budget will be delayed one month and that one or more workshops will be scheduled at the request of Treasurer Pyle.

### b) Review of the CEPD Planning Documents

- Chairman Mullins stated that although the team (Chairman Mullins, Administrator Wagenti, and consultant Robert Gray) had previously agreed upon the utilization of Microsoft Projects, Administrator Wagenti has continued to use monday.com and it is causing confusion as there are two sets of plans being presented.
- Chairman Mullins noted that there are still inaccuracies on monday.com and that he has tried to get certain items deleted for over a year.
- Administrator Wagenti clarified that he is working with both programs simultaneously and described what he believes are the strengths of each program.
- Chairman Mullins stated that they had agreed upon identifying roles when documenting responsibilities related to projects rather than listing the names of specific individuals, and noted that monday.com listed names. Chairman Mullins requested that Administrator Wagenti make this change to reflect the original agreement. Administrator Wagenti confirmed that he recalled the meeting and would make the appropriate changes.
- Chairman Mullins asked if the annual letter from the Lee County Property Appraiser was received. Administrator Wagenti confirmed that it was received. Chairman Mullins advised that this preliminary letter is typically sent to the Commissioners and requested that Administrator Wagenti do so. It was observed that the rate seems relatively flat. Administrator Wagenti was informed that he shall forward the official appraisal of July 1<sup>st</sup> to the Commissioners upon receipt.
- Chairman Mullins suggested that a detailed review of the planning documents be scheduled for Thursday due to the inconsistencies present. For example, page 31 referred to a tentative apportionment letter labeled “sent” in 2018 and Chairman Mullins states he has been trying to get that removed because it is simply not correct information. He added that there is a draft but it is not yet complete or approved.
- Both Chairman Mullins and Administrator Wagenti agreed that using a copy of an old monday.com as Administrator Wagenti had done was not an effective approach.
- Chairman Mullins noted an additional document which had out of date and incomplete information with past dates listed and which is in direct conflict with the other documents provided. He referred to the weekly meetings that Administrator Wagenti is having with the consultant (Mr. Robert Gray) in order to get the information updated and to establish a plan.
- Administrator Wagenti stated that he doesn't understand the purpose of writing a plan if the dates are going to change. Chairman Mullins clarified that the goal was to create one plan, not multiple conflicting plans. He also clarified that the apportionment is independent but must be completed prior to the project start.
- Chairman Mullins also provided the example of Army Corps of Engineers still being

listed on the monday.com documents and the need to get approval, although they have already met on this issue and the deadline had been missed.

- Chairman Mullins explained that Administrator Wagenti needs to be a driver in pursuing funding and developing the plan to present to the Board for further discussion and that it was for this purpose that Administrator Wagenti was directed to meet weekly with the consultant. Chairman Mullins stated that his understanding is that those meetings have been canceled.
- Action steps were discussed, including: create an RFP and submit it to vendors for bids, and complete an interlocal agreement (currently in draft form). Chairman Mullins stated that these tasks and others need to be identified and listed in the planning and that a timeline must be established.
- Administrator Wagenti stated that Sanibel is doing an engineering study that will take 4 to 6 weeks to complete. Chairman Mullins asked Mr. Caouette if they will be ready to make a decision when that report is available. Mr. Caouette stated that this information will be very useful for the city council in making a decision.
- A collaborative effort for joint impact was discussed as a strategy in pursuing county funding and possibly state funding.
- Chairman Mullins asked Administrator Wagenti what other key decisions or elements he needs from the Board in order to prepare a construction plan. Administrator Wagenti replied that he needs funding information.
- Chairman Mullins requested an update on the porta potty project in the parking area. Administrator Wagenti stated that Lee County permitting had responded a few weeks ago and that he is currently working with the Lee County Department of Transportation on this.
- Chairman Mullins requested the plan for this project, as it is not new.
- There was some discussion about the feasibility of easement revisions and the feasibility of the project in general. Chairman Mullins stated that the project is very vague.

c) FY 18/19 Audit Approval

- This was completed previously in the meeting as noted above.

d) Bed Tax Update

- Chairman Mullins offered compliments to Mr. Ralf Brookes (CEPD attorney), who was no longer present. Mr. Brookes was able to reach someone in the department who provided bed tax information. As a result, there is now some information that can be used to aggregate the total contribution other than other taxes paid to the county.
- Chairman Mullins requested a minor correction to page 72, stating that the numbers don't make a lot of sense but assumes that it takes the 5% bed tax and applies it to the taxable transient sales. Thus the number should consistently be 5%, but some are and some aren't. He stated that there are calculation errors on Administrator's part and that from 2005 or 2006 back to 2000 the law was 3%, which explains the past differences.
- Chairman Mullins stated that he wants the calculation errors to be resolved and he then wants to review a 10 year time period (2009-2019). He stated he would like to use those numbers in discussions with the county and to share them with the panel. He

expressed that he needs to ask Mr. Brookes about confidentiality prior to sharing the information.

- Vice Chairman Walter stated that the ebb and flow of the numbers make sense. Chairman Mullins agreed that the gross numbers do, but clarified that he wants an accurate figure that can be communicated to the county and that the county will not give that information to CEPD directly. In an 8 year period between projects CEPD is contributing north of \$20M as an island to Lee County in transient bed taxes alone. Chairman Mullins established that this should be put into a spreadsheet and that any mistakes should be clarified, at which point it could be possible to meet with Linda Doggett (Lee County Clerk) to request formal numbers annually.

e) Parking Lot Pricing and Continuation of Parking Attendants

- Administrator Wagenti requested to move the pricing back to the normal level and stop the parking attendants for the weekend service.
- Chairman Mullins clarified that the purpose of the attendants was to clean payment machines and porta potties to reduce the risk of COVID-19 spread. Administrator Wagenti confirmed. Chairman Mullins stated that the County Manager had expressed this need in a public meeting and asked Administrator Wagenti if they have given permission to stop the service. Administrator Wagenti replied that CEPD is the only beach doing it. Chairman Mullins requested that Administrator Wagenti contact the county in writing to ask in an effort to ensure that the county requirements are being met. Secretary Kaiser agreed.
- Commissioner Lanigan asked Administrator Wagenti how frequently the restrooms will be cleaned moving forward. Administrator Wagenti responded twice a week. Commissioner Lanigan stated he thinks that's not enough. There was speculation about how frequently Sanibel cleans their bathrooms.
- Chairman Mullins noted that the reserve accumulations shows zero parking revenue for April and May. Administrator Wagenti confirmed and stated that he's just done the deposit for May 15<sup>th</sup> through the end of the month (\$38,000 which will be reflected in the following month's budget). He has projected at least \$40,000 for June.
- Chairman Mullins asked what the negatives are for the rate currently in place. Administrator Wagenti responded that some comments have been received that the cost is too expensive. Vice Chairman Walter noted that he doesn't believe there has been a drop in demand. Chairman Mullins discussed the initial reasons for increasing the cost, specifically the effect of high traffic on locals and raising the rates to narrow access.
- Chairman Mullins suggested that the attendants be eliminated and the costs be kept the same. He stated that the Board could then determine if changes are needed based on public response. Harry Kaiser supported this idea. Commissioner Lanigan expressed his concerns about the bathroom cleaning schedule and requested at least once a day service. Chairman Mullins and Secretary Kaiser agreed. Administrator Wagenti stated this is an issue because twice a week service is with the bathroom company. Chairman Mullins suggested solutions to this challenge. Administrator Wagenti agreed to contact Bob Johnson's people to request morning cleaning. Chairman Mullins expressed that daily monitoring will be needed to control the condition. Bob agreed and noted that if an upgraded facility is put into place, the higher standard of maintenance will continue going forward.

- Chairman Mullins confirmed that everyone was in agreement. Administrator Wagenti acknowledged the Board's response. Chairman Mullins requested that the task of cleaning and/or monitoring porta potties be assigned to the beach buggy monitor.
  - Administrator Wagenti confirmed that he will advise the county in writing of the withdrawal of attendants.
- f) Sea Level Rise (SLR) Possible Request for Funding
- Chairman Mullins informed the Board that he received a call from Linda Laird, Chairperson of community panel looking into sea level rise with particular emphasis on the non-Gulf side. Chairman Mullins and Mr. Caouette and others from the panel are part of a committee collaborating on this effort. They've completed a grant proposal for modeling, although it is unknown if they'll get accepted. Ms. Laird had asked if CEPD would be willing to assist by providing \$25,000-\$50,000 if it is not funded by the fish and wildlife foundation. Chairman Mullins recounted that he had told Ms. Laird that he would like to see it put on the agenda for review of her proposal.
  - Chairman Mullins stated that a number of requests may come up going forward and that there is money in the budget this year, approximately \$100k, for this purpose. Secretary Kaiser stated that there are many committees dedicated to this effort and that he's not convinced that CEPD should get involved in sea rise issues and should, instead, focus on erosion.
  - Chairman Mullins specified that he is not seeking to engage in discussion, that he shared this for informative purposes only and that further discussion will be needed. Chairman Mullins advised that Ms. Laird may arrive at a future meeting with this request in hand.
- g) ILA [Interlocal Agreement] Discussion – APTIM Blind Pass Memo
- Chairman Mullins stated that this two are mixed in error. Administrator Wagenti confirmed these are two different discussions.
  - ILA Discussion
    - Chairman Mullins stated the need for a draft agreement and indicated that one got started last year. He said there is a need to establish dates and coordinate with and have meetings with Sanibel and Mr. Steve Boutelle. This document should address how the project goes forward, how to coordinate together, should anticipate a variety of issues (e.g. working 24/7 on both islands, where to place staging areas for mobilization of equipment in an optimal and mutually agreeable area). There was some discussion about possible locations.
    - Chairman Mullins also requested that there be coordination with design. He suggested that Administrator Wagenti look at prior drafts and draw from them. Administrator Wagenti should also include in the draft information regarding funding and cash flow (e.g. reserves, income from parking and assessments) and prepare a source of funds document to identify where the money is coming from and where the gaps are. He discussed the possibility of a loan from Lee County for a portion of the work being done, which should also be included in the agreement.
  - APTIM Blind Pass Memo
    - Questions were raised about the cause of erosion on the Sanibel side and as to the inlet management study. Mr. James Evans (City of Sanibel) had indicated in a couple of public articles or reports that the erosion problem on the northern part of Sanibel is being caused by the groin.

- Chairman Mullins stated that at some point there should be a discussion on the inlet management agreement between APTIM, Sanibel, Lee County, and Captiva which suggests something different. He said he can send that to Administrator Wagenti and it can be discussed another time. He requested comments. Vice Chairman Walter agreed that a conversation would be a good idea.

h) SOP for Annual Third Party Audit Support Approval

- Administrator Wagenti stated there are not many updates, just a few changes to reflect a tighter schedule after October and November to start the audit process. Jason Smith (CPA) and Treasurer Pyle have reviewed it and approved. Chairman Mullins asked if it is included in the meeting documents. Administrator Wagenti confirmed. Chairman Mullins stated if that is the only change, he will agree. Commissioner Lanigan stated that he had read it and finds the change is appropriate.
- No vote on the approval occurred. It will be on the agenda for next month.

i) Administration Report

- HR Employee Policy Manual Draft
  - Administrator Wagenti stated that the first draft of the HR policy manual is complete and will be an ongoing discussion. Administrator Wagenti requested feedback and stated that it will likely double in size rather soon. Chairman Mullins stated best to work through current content prior to expanding upon it. Administrator Wagenti stated he'll be putting it into a versioning system and requested that Commissioners email him their feedback and revisions so that they may be incorporated into the main document.
  - Commissioner Lanigan stated that he'd reviewed the document and would like to discuss some points immediately. He asked Administrator Wagenti if this was modeled from the Lee County HR manual and Administrator Wagenti confirmed. Commissioner Lanigan stated that the scale and reporting structure of the two entities are different, and as a result a lot of it doesn't make sense. Commissioner Lanigan noted that the HR manual draft indicates multiple examples in which Administrator Wagenti can dismiss an employee but that there is no mention of who can dismiss the administrator. Administrator Wagenti stated he would like guidance on that.
  - Commissioner Lanigan indicated that section 2.1 provided a definition of at will, seeking clarification about the role of the board. An unidentified speaker asked why a manual is being created when there are only two employees. Commissioner Lanigan responded that rules are needed even if only for two people but that much of it doesn't make sense for an operation of this size. Chairman Mullins agreed and clarified what is needed from the document (e.g. compensation, holidays, sick policies, hiring and firing policies). Chairman Mullins stated that the board has a fiduciary responsibility and an oversight responsibility and the authority of the Board must be very clear in this document.
  - Commissioner Lanigan suggested the use of a subcommittee to focus on the HR manual to prepare it quickly and efficiently and volunteered to assist in working on it. Chairman Mullins stated he had emailed similar feedback to Administrator Wagenti and that Mr. Brooks was copied. Mr. Brooks had expressed that a subcommittee could be formed but suggested that the meetings of the subcommittee should be open to the public and posting accordingly. Chairman Mullins stated that there is a standing briefing meeting on Thursdays at 1p which are frequently canceled due to attendance, but that the time period could be used

going forward if needed. Commissioner Lanigan confirmed that if he is working alone on the project, there is no need for meetings.

- Beach Monitoring 1.52.15
  - Administrator Wagenti referred to most recent beach monitoring report and requested feedback from the Commissioners on the monitoring system currently in place. Secretary Kaiser stated that he noted today the 4 feet drop off in front of approx 5 houses is now gone and that the rough surf of the last couple of days brought the sand back. Secretary Kaiser stated that he feels monitoring is not currently needed.
  - Chairman Mullins stated that he had asked Administrator Wagenti to take pictures and send them to APTUM for comment.
  - Commissioner Lanigan asked how often beach observation is taken. Administrator Wagenti said it was weekly when fully staffed. He stated that monitoring is currently occurring twice a month, and after hiring another person they will return to weekly monitoring. Secretary Kaiser stated John was present for monitoring 4 days ago. Chairman Mullins asked for the timeline for finding a replacement for John. Administrator Wagenti said 2-3 weeks.
  - Chairman Mullins stated he's been copied on emails about people building structures with driftwood and with turtle season active DEP is doing frequent monitoring. Chairman Mullins asked what the SOP was on beach monitoring and if action should be taken when trash is noted to be present. Administrator Wagenti stated he wants small trash to be picked up. Chairman Mullins asked about holes being dug which creates risk to both turtles and human safety and if a property owner is notified in those cases. Administrator Wagenti stated that a rake is used to even it out. Secretary Kaiser agreed about the significant risk posed by holes and added that tents are an additional concern. Chairman Mullins stated it does not seem that it's necessary to modify the SOPs at this time.
- Portable Project Update
  - Chairman Mullins confirmed this had been previously discussed.
- Fifth Third Loan Payoff
  - It was confirmed that the loan has been paid off. Chairman Mullins requested a detailed summary report. Administrator Wagenti stated he had requested this and the signature to release the collateral from the loan.
- CEPD Emergency Resolution Virtual Meetings 2020-2 COVID-19 Extension
  - Administrator Wagenti wanted to remind the Board that this is still occurring every Thursday.
- CIHS [Captiva Island Historical Society] Documentary Film Footage
  - Administrator Wagenti updated the Board that he is working with President Tom Libonate and Committee Member Ken Sneed of the CIHS to get the film footage brought over and that it should be finalized this week.
- Office Operations
  - Chairman Mullins asked about a staff member who had potentially tested positive for COVID-19 but was still in the office. Bob Walters stated it's a private issue being discussed in a public forum. Administrator Wagenti agreed. Chairman Mullins sought clarification from Mr. Brooks, who advised that it is best to discuss the status



of the office opening hours, cleaning schedules, leave allowances, and sick policies.

### VIII. Public Comments

- Mr. Carol Wetzel
  - Mr. Wetzel applauded the schedule Chairman Mullins is putting together, specifically regarding Mr. Wetzel's interest of the apportionment and ad valorem. He stated it is visible what is going on.
  - He referred to a discussion which occurred about a year ago with the economist in which they agreed to disagree. He stated that due to the distance there was no follow up and requested a follow up Zoom call with the economist and anyone else who may be interested in participating. Chairman Mullins mentioned the standing Thursday meetings held at 1pm, which is publicly announced regularly and would allow for more than one Commissioner to be present if they wished to do so. Chairman Mullins suggested that Mr. Wetzel contact Dr. Stronge or Commissioner Lanigan, who played a big role in the apportionment, and set it up for an upcoming Thursday meeting.
- Mr. Robin Vince
  - Mr. Vince noted that the height of the dunes has gradually changed as a result of the planting that the CEPD has done over the years. He inquired if the next renourishment, in addition to adding to the depth as renourishment always does, there are particular plans to promote the height of the dunes. He stated that doing so increases overall island stability and protection. He referred to dune landmarks and how the heights of said landmarks in the survey as referenced in his deeds are no longer accurate.
  - Chairman Mullins stated that dune height does vary based on storm activity and time, and that he thinks of dunes as surge protectors. They sacrifice themselves to storm surge in order to protect the property that's landward. Chairman Mullins stated that every time CEPD does a project, it engages native dune plants, which in turn accumulate more sand. He discussed the significant difference in height accrual between a vertical pvc pipe and plants on his own property as an example. He stated that there will be a detailed plan from the engineers as to how that will be done and Chairman Mullins is happy to work directly with Mr. Vince in further developing his dunes. It was acknowledged that there are other perspectives on the pros and cons of dunes in general.

### IX. New Business

- Administrator Wagenti spoke of the proposal from the economist for the work he has done, stating that CEPD has paid north of \$55k over the last few years. He stated that the original contract was \$41k, however they have asked him to come out a few more times and have calculated more iterations which accounts for the extra \$14k. MFL stated that he had requested the information, and that Dr. Stronge and Gary Jackson come a number of times to do extra work that he thought was part of the original agreement. Commissioner Lanigan suggested keeping this experience in mind when looking ahead at future economists. Chairman Mullins inquired if Commissioner Lanigan could join the meeting with Mr. Wetzel and the economist. Commissioner Lanigan agreed.

### X. Commissioners' Comments

- Vice Chairman Walter: no additional comments
- Commissioner Lanigan: no additional comments

- Secretary Kaiser: no additional comments
- Chairman Mullins asked Mr. Brooks how long CEPD can continue to utilize Zoom for meetings. Chairman Mullins stated that he would prefer to continue them for as long as possible. Mr. Brooks responded that it is likely allowed during Phase 2, and when in full recovery there will likely be some kind of legislative response allowing Zoom meetings going forward. At this time, under the Governor's executive orders, it is permitted. It was noted that there is more public participation on Zoom meetings that they've seen in the past.

#### XI. Adjournment

- Meeting was adjourned.