



Captiva Erosion Prevention District

Board Meeting Minutes

Monday, September 14, 2020

Location: Zoom

- I. Call To Order
  - a) Chairman Michael Mullins called to order the regular monthly meeting of the Captiva Erosion Prevention District (CEPD) at 1:00pm on September 14th, 2020 in a virtual meeting via Zoom.
- II. Roll Call
  - The following persons were in attendance:
    - Commissioners:
      - Seat 1, Harry Kaiser, Secretary
      - Seat 3, Michael Mullins, Chairman
      - Seat 4, Bob Walter, Vice Chairman
      - Seat 5, Richard Pyle, Treasurer
    - CEPD Attorney: Ralf Brookes
    - CEPD Contractors: Evan Cutler, John Riegert
    - Representing APTIM: Nicole Sharp
    - Representing Coastal Protection Engineering: Thomas (Tom) Pierro
    - Members of the Public
- III. Approval Of Minutes For June 8th, 2020 CEPD Board Meeting
  - Secretary Kaiser motioned to dispense with the reading of the minutes for the June 8<sup>th</sup>, June 11<sup>th</sup>, July 13<sup>th</sup>, and August 10<sup>th</sup> meetings and accept them as printed. Chairman Mullins seconded the motion.
    - In Favor: Secretary Kaiser, Chairman Mullins, Treasurer Pyle, Vice Chairman Walter
    - Absent: Commissioner Miville
    - The motion passed. Minutes are approved.
- IV. Approval Of Minutes For June 11th, 2020 CEPD Briefing Meeting
  - Minutes approved per previously noted motion.
- V. Approval Of Minutes For July 13th, 2020 CEPD Board Meeting
  - Minutes approved per previously noted motion.

- VI. Approval Of Minutes For August 10th, 2020 CEPD Board Meeting
- Minutes approved per previously noted motion.
- VII. Approval Of Minutes For August 13th, 2020 CEPD Briefing Meeting
- Secretary Kaiser motioned to dispense with the reading of the minutes for the August 13<sup>th</sup> and September 10<sup>th</sup> meetings and accept them as printed. Vice Chairman Walter seconded the motion.
    - In Favor: Secretary Kaiser, Chairman Mullins, Treasurer Pyle, Vice Chairman Walter
    - Absent: Commissioner Miville
    - The motion passed. Minutes are approved.
- VIII. Approval Of Minutes For September 10th, 2020 CEPD Tentative Hearing
- a) Note for verifying Secretary Kaiser's vote
- Secretary Kaiser confirmed his aye vote regarding tentative millage rate vote.
  - Mr. Brookes confirmed the legality of this affirmation.
- b) Minutes approved per previously noted motion.
- IX. Public Comments – Limited to 3 minutes per each member of public
- Mr. Carol Wetzel: Mr. Wetzel requested a reaction to the letter previously submitted to the CEPD. He expressed his concern about a delay. Chairman Mullins stated that he proposes to the Board to appoint Mr. Evan Cutler to reach out and coordinate the exchange of information with Dr. Stronge. Mr. Wetzel stated that he believes that a new study, of a different type, would be required. Mr. Wetzel requested a speedy response from the CEPD.
  - Mr. Bob Adler: Mr. Adler stated that his legal firm drafted the letter which was submitted to the CEPD. He stated his opinion that the study was deeply flawed on a factual basis. He requested that the Commissioners consider the options of redoing the entire study or exploring a different method. He referred to specific examples of flaws, which he had included in the letter. He requested a meeting and dialogue with Dr. Stronge and the tabulation of the survey results from the Homestead Exemption Survey.
  - Mr. John Rosen: Mr. Rosen stated that the concerns in the letter have been discussed with the CEPD for the last 18 months. He requested a date for a meeting for resolution. Chairman Mullins stated that this is not yet possible, as Mr. Cutler has prepared an outline and Commissioner Miville had suggested the involvement of engaging former Commissioner Steven Cutler. He stated that there is no legal requirement to do a tentative apportionment.
  - There was additional discussion about the approach used by Dr. Stronge, the typical process, and the unexpected events which have shifted the focus of the CEPD Board. Chairman Mullins explained the work currently being done to address the specific concerns of the letter.
  - Mr. Wetzel suggested an agreement that at the October Board meeting an update would be provided. He also requested comment from CEPD's attorney Mr. Ralf Brookes regarding a potential disclosure issue.
  - There was some discussion regarding the source and status of the apportionment numbers being referenced.
- X. APTIM Report

- Chairman Mullins stated that City of Sanibel voted unanimously not to be included in the CEPD's project at this time.
- a) Redfish Pass Inlet Management
    - Ms. Nicole Sharp provided an overview and update on the Redfish Pass Inlet Management Study. She stated that Humiston & Moore (H&M) and some residents of North Captiva Island have raised objections to the study. The study has been accepted by the State but has not yet been approved, and the objections will delay the approval process.
    - She explained why, according to APTIM, the concerns aren't valid.
    - The State has granted H&M and the landowners two 90-day extensions to meet with the State to express their concerns. A large scale records/data request was completed and future meetings are anticipated.
    - Mr. Pierro explained the role of the study performed in relation to the Inlet Management Plan (which is developed by the State). He recommended the utilization of monitoring data to update the bypassing properties.
    - Ms. Sharp confirmed that the two 90-day extensions are back-to-back, totaling 180 days. During this time there will be an internal meeting, and the Florida Department of Environmental Protection (FDEP) will determine if additional Technical Advisory Committee (TAC) meetings are needed.
    - Ms. Sharp provided an update on the geotechnical investigation at Redfish Pass.
  - b) LGFR – Sanibel Update I too
    - Ms. Sharp confirmed that they are revising the request to reflect the vote of the City of Sanibel not to participate at this time. Chairman Mullins clarified that Sanibel has indicated that this may change in the future.
    - Mr. Pierro spoke to the Blind Pass Project and the Blind Pass Inlet Management Plan and clarified the data listed in the report. He clarified that the State's financial commitment is equal to 21.07% of the actual construction costs.
    - There was discussion about at what point the City of Sanibel would need to modify their decision in order to be included in the project.
  - c) Renourishment Project Planning
    - Mr. Pierro stated that they are doing design updates but are using old surveys. He provided an update on the design in comparison to the work performed two years prior. He stated that based on September 2019's survey data, it was found that the beach recovered from Hurricane Irma and this changed the volumetrics and erosion rates used in the design. He stated that this is a substantial difference. There is another survey planned for the beginning of October.
    - Recent photos taken during beach monitoring were shown.
    - Mr. Pierro addressed the costs of the project and how that may be impacted by the timeline of project implementation and construction window.

- Mr. Pierro discussed that the permits allow construction during turtle season and described the regulations which are in place including prescribed monitoring protocols.
- He stated that bids should be out in early January. The timeline for the process was outlined briefly to ensure that sufficient notification would be provided to all constituents.
- There was discussion regarding the flexibility required for the project in regards to both the costs and the contractors' and the residents' needs.

d) Community Panel - Sea Level Rise

- Mr. Pierro confirmed his availability for the Captiva Community Panel scheduled for October 2, 2020 at 9:00a. The Board was informed of the cost (to be billed at the normal hourly rate, and covered under current contract).
- Mr. Pierro discussed the maps he had received from the CEPD.
- Chairman Mullins invited Mr. Pierro to prepare a brief presentation for the Community Panel. Mr. Pierro and Ms. Sharp confirmed their willingness to do so.
- Mr. Pierro addressed the question of offshore barriers and methods to address holes and the vulnerabilities of the beach side and the permitting.

XI. Financial Reports August 2020

- Treasurer Pyle led the discussion the August 2020 Financial Reports.

a) Accountant – Wiltshire, Whitley, Richardson & English

- Treasurer Pyle stated that he has been working closely with Mr. Jason Smith, C.P.A.

b) Auditor – Mauldin & Jenkins; engagement letter

- Treasurer Pyle motioned to renew the contract from Mauldin & Jenkins as the outside auditor for the coming 3 years, including the current fiscal year ending September 2020. Secretary Kaiser seconded the motion. A vote was held and passed.
  - In Favor: Secretary Kaiser, Chairman Mullins, Treasurer Pyle, Vice Chairman Walter
  - Absent: Commissioner Miville

- Parking revenue August

- Treasurer Pyle stated that the parking revenue continues to be consistent.
- Mr. Riegert stated that the most recent revenue report supplied to the Department of Parks and Recreation showed approximately \$40,000-\$50,000 for August.
- Treasurer Pyle stated that the revenues have greatly exceeded the budgeted amount.
- There was brief discussion about the cost of the parking fine vs the cost of the parking pass. Mr. Riegert confirmed that if the fine amount were to be changed, the change must be performed via the Lee County Department of Parks and Recreation.

c) Capital Budget

- Mr. Riegert stated that the State is delaying payment of approximately 75% of their budget until the end of their fiscal year (April 2021).
- Discussion was held regarding who should be involved in the preparation of the Capital Budget.

## XII. Discussion Items

### a) Address Chairman's spending authority for remainder of fiscal year – Mullins / Miville

- A review of the \$25,000 interim spending funds following termination of previous Administrator.
  - Discussion was held about a way to confirm that the invoices submitted fairly reflect the services being provided.
  - Treasurer Pyle discussed the payment process.
  - Vice Chairman Walter stated that he would like for another Commissioner in addition to Treasurer Pyle to sign off on invoices received and paid. Discussion was held about the utilization of an effective procedure.
  - A breakdown of spending to-date was presented (\$25,460) and the amount was compared with that which would have been spent under the former Administration.
  - Commissioner Miville joined the meeting.
  - Discussion was held regarding the amounts invoiced and paid during the transition and the anticipated necessity for additional interim funding.
- Commissioner Miville motioned to add a \$20,000 interim package to be monitored by the Chairman and Treasurer for administrative expenses. Vice Chairman Walter seconded the motion. A vote was held and the motion passed unanimously.
  - In Favor: Secretary Kaiser, Commissioner Miville, Chairman Mullins, Treasurer Pyle, Vice Chairman Walter
- Discussion was held regarding the budget line item entries for interim funds expended. During the discussion, the Board determined that the previous motion to add funds for interim administrative expenses was not required, as they were already included and authorized in the existing budget.
- Commissioner Miville motioned to rescind the previous vote to add a \$20,000 interim package to be monitored by the Chairman and Treasurer for administrative expenses. Chairman Mullins seconded the motion. The motion passed unanimously.
  - In Favor: Secretary Kaiser, Commissioner Miville, Chairman Mullins, Treasurer Pyle, Vice Chairman Walter
- Mr. Gray and Vice Chairman Walter left the meeting.
- Commissioner Miville shared his thoughts on the type of candidate he believes to be ideal for the position of Administrator moving forward and solicited the opinions of the other Board Members. Discussion was held.
- Chairman Mullins summarized the action steps agreed upon at a prior workshop and requested an update from Commissioner Miville on these

steps. Commissioner Miville stated that some elements of this report were pending information and that the survey/questionnaire was not ready. Commissioner Miville stated that he will provide a report on the Search Committee and give Mr. Gray a more active role.

b) Ad Valorem TRIM Update – John Riegert

- Mr. Riegert stated that the tentative millage rate was adopted on September 10, 2020 in the amount of .4395, which is a 3.22% increase over the rollback rate.
- The advertisement is placed and set to be aired on September 16, 2020.
- The Final Budget Hearing is set for September 21, 2020 at 5:01pm.

c) Non-Ad Valorem Update – Evan Cutler

- Mr. Cutler stated that the tax update was submitted in draft form to the Lee County Assessor's Office. He discussed discontinuity which was discovered in the tracking of the payoffs and how this challenge was resolved.
- Any new payoffs submitted up until October can be forwarded to their office.
- The Standard Operating Procedure (SOP) is being updated to reflect the changes made to the Tax Assessor's reporting form.
- Mr. Cutler stated that he and Mr. Riegert are working with Streamline to simplify the process moving forward.

d) Administrative Calendar – Bob Gray

- Chairman Mullins explained the administrative work that repeats annually, including State requirements, TRIM requirements, audit requirements, and others. He proposed that this schedule of set, repeating events be referred to as the Administrative Calendar moving forward.

e) Legal Questions

- Computer Access Data Recovery Act
  - Mr. Brookes stated that this Act applies only to businesses as currently written (for-profit and non-profit). He stated that the Florida League of Cities (FLC) would be willing to sponsor a bill to assist local governments in this area.
- Non-local quorum
  - Mr. Brookes stated that the FLC is addressing the potential for remote meetings to continue in the future.
  - The October Board meeting is able to be held on Zoom.

f) Parking Lot

- Meter Service Agreement and Warranty
  - Mr. Riegert stated that one meter is now running, and one meter has an ongoing issue. He discussed the existing warranty and the process for repair under warranty.
  - He stated that regular maintenance is an option that is not currently being utilized by the CEPD and recommended that they consider doing so.
  - Secretary Kaiser motioned to hire Parker Systems as maintenance support for the parking meter systems.

Commissioner Miville seconded the motion. A vote was held and the motion passed.

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

- COVID Parking Attendant

- Mr. Riegert stated that there has not been a parking attendant in place since the former Administration was terminated. He recommended that the service not be continued. Chairman Mullins stated he would like Vice Chairman Walter to be present for this conversation and would like it to be discussed at the next Board Meeting.

- Eliminate Beach Event Form on Website

- Mr. Riegert stated that he will contact the Department of Parks and Recreation to confirm that the CEPD can direct applicants directly to their office.

- Discussion was held about storage fees and other costs related to the toilets as well as possible avenues moving forward. The topic was tabled for further discussion with Vice Chairman Walter.

g) Search Committee – Rene Miville

- This was discussed previously in the meeting (VII(a)).

XIII. New Business

- Chairman Mullins stated that the rules call for reorganization of the Board's Officers in December, including the Chairman and those of Treasurer Pyle and Commissioner Miville. He suggested that the CEPD send out a Beach Brief to the community to see who may be interested and requested that Mr. Riegert locate the SOP and forward it to the Members of the Board for review to ensure that the SOP is being followed in this process.

XIV. Commissioners' Comments

- Commissioner Miville commented on progress made and his late arrival.
- No additional comments were made.

XV. Adjournment

- The meeting was adjourned.