

Minutes

Regular Meeting
of the
Captiva Erosion Prevention District
South Seas Island Resort, Alphabet Cone Room
February 11, 2019 @ 1:00 P.M.

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

Staff Present: Carolyn Weaver, Administrator; Lindsey Tucker, Acting Assistant to the Administrator; Hans Wilson, Hans Wilson and Associates; Dr. William Stronge and Dr. Gary Jackson.

1. Call to Order

Chair Mike Mullins called the meeting to order at 1:00 P.M.

2. Roll Call

The chair called the roll and the outline is listed above.

3. Approval of Approval of Meeting Minutes:

- a. January 7, 2019 Regular Meeting Minutes
- b. January 10, 2019 Briefing Meeting Minutes
- c. January 17, 2019 Briefing Meeting Minutes
- d. January 24, 2019 Briefing Meeting Minutes
- e. January 31, 2019 Briefing Meeting Minutes

Commissioner Kaiser moved and Commissioner Jensen seconded a motion to approve all of the minutes listed above.

4. Public Comments - Review Rule 1.19

Chairman Mullins explained comments should pertain to items on the Agenda and called for comments from the public. The Commissioners agreed to discuss 7a on the agenda at this time. Notes are under 7a.

Joel Caouette, City of Sanibel, mentioned that Sanibel is working with Humiston and Moore Engineers for an emergency erosion prevention project at Santiva. They anticipate approximately 64,000cy, and the work is being done under the current DEP permits. The sand will be trucked in and placed.

5. Financial Report

a) Budget Performance Ending January 31, 2019

Per Treasurer Bob Walter, the parking lot revenue is up by 31%. He has a meeting scheduled with our auditors this Friday, Feb 15, to review the FY2018 audit report. It will be finalized and brought to the Board for approval at the March meeting.

6. Old Business

a) 2020-2021 Renourishment Project

a. Review Beach Project Analysis

Discussion was held regarding classifications. Dr. Stronge stated that land classifications are dictated by the state, to make sure the property appraisers in all counties use the same classifications. Commissioner Kaiser made a motion that multi-family homes under ten be classified the same as single family homes. Commissioner Lanigan seconded the motion. The motion was passed unanimously.

b. Review Tentative Apportionment

Discussion was held regarding what can be done to move forward with the tentative apportionment. The inequity for the condos, the homestead discount, common elements: all were discussed. Additionally, the Commissioners and economists spoke regarding understanding/reconciling the common elements and properties that are not truly gulf front being assessed for storm protection. These common element parcels do not have a property value listed. Commissioner Jensen made the motion that Dr. Stronge get back with APTIM to put a value on the gulf-front portion of the common elements, in order to determine storm protection values. Commissioner Kaiser seconded the motion. It was passed unanimously.

c. Schedule Town Hall Meeting

After discussion of times and dates, Commissioner Jensen moved and Commissioner Kaiser seconded a motion to schedule a Town Hall Meeting for Monday, April 8, 2019 starting at 5:01 P.M. for the purpose of explaining the tentative apportionment process. The motion passed unanimously.

Later in the meeting it was discovered that the historical society has an event on April 8, 2019 from 5:30-7:00. Commissioner Lanigan moved that we change the date to Tuesday, April 9, 2019 at 5:01 pm and Commissioner Jensen seconded the motion. The motion passed unanimously with the three remaining Commissioners.

b) Deputy Administrator

At first, this issue was passed over. It was later returned to, and Hans Wilson reported that HWA has identified the top two candidates. The Commissioners were all given the opportunity to talk with each of them. Ms. Weaver has stated she would be happy with either candidate. Chairman Mullins shared his concern with the first candidate, feeling he is overqualified and would soon leave. Commissioner Walter stated how hard it is to find people to employ on the island, due to the low unemployment rate and the location. Commissioner Jensen moved that HWA choose the Deputy Administrator of their choice. Commissioner Walter seconded the motion. The motion was passed with three votes in favor (Walter, Jensen, Kaiser) and two votes against (Mullins, Lanigan).

Additionally there was a great deal of discussion regarding HWA and their role. Chair Mullins made it known that he is not happy with the hiring/training process on HWA's end. It was decided that Mr. Wilson will attend a briefing meeting where the roles in administration and training will be discussed. The date of February 21, 2019 was originally

planned, but must be rescheduled. Ms. Weaver will get back to them with the possible dates.

c) Resolution 2019-02 Approving Restroom Facilities

Ms. Weaver reported that this resolution would allow the purchase of the new restroom trailer, which will have two unisex restrooms and one ADA restroom. Two companies are under consideration: Portable Trailers and Ameri-Can. Both are close in price. The approximate cost of \$58,000 is for the unit and delivery. It does not include preparing the land, running a water line, or running electric. There are additional funds in the TDC grant for those purposes. The resolution was read into the record. Commissioner Jensen made the motion to approve Resolution 2019-02; Chairman Mullins seconded the motion. The motion passed unanimously.

d) APTIM Hourly Professional Services Proposal 5 2118

Chairman Mullins was under the impression that the contract had already been signed. Per Ms. Weaver, it was moved from a previous agenda to be re-addressed the following meeting which never happened. APTIM has been working for us and no invoice has been sent. Commissioner Jensen made the motion to approve the contract; Chairman Mullins seconded the motion. It passed unanimously.

Chairman Mullins asked Ms. Weaver to get the Commissioner's clarification on the CEPD rules of procedure that address the need for a resolution for amounts of \$25,000 or more. She will look into it and get back with the Commissioners.

7. New Business

a) Condo Association Letter

Carroll Wetzel, who wrote the op-ed article to the Santiva Chronicle about the fallacious nature of the CEPD tentative apportionment, explained that he feels that the recreational benefit is already included in the just value of each property so they should not be charged more. He is proposing that a new methodology be used. Commissioner Kaiser shared he feels with the beach nourishment has increased the value of his home, not the rental rates and tourism. Mr. Wetzel also explained that he didn't feel that his new plan treated properties the same. He later asked Dr. Strange, "Does just value contain current and prospective benefits?" Dr. Strange answered yes, and went on to explain in further detail.

Regarding the objections that have been raised about the apportionment, Chairman Mullins explained again that this is a tentative apportionment and is provided to allow inquiries from the public. After the project is completed and the final costs are known, there is a public hearing at which a Preliminary Apportionment is presented and formal objections heard. After that public hearing, a Final Apportionment and Assessment is issued. We are currently at the tentative apportionment phase, and it has not been approved. There are corrections that remain to be made.

Gerhard Thelen voiced his concerns about the storm protection. He has found that he is paying the same price as a \$4 million beach front home even though he is not beachfront. He has suggested a second surveyor opinion. Chairman Mullins reminded the council that Mr. Thelen had voiced his concern back in 2014. Chairman Mullins agrees with Mr. Thelen

about a second survey. Once a decision is made, the Board will look into it.

Linda Laird believes that the current core methodology is wrong. She is not happy that the training with Dr. Stronge was not open to the public, and suggests that the public needs it explained to them just as well. Chairman Mullins explained that in the future the meetings will be recorded, live streamed and shared with the public. Ms. Laird suggested that the extremely intelligent residents on this island get together and create another solution. She would also like a contract with the board for caring for the dunes.

b) Commissioner Role

Chairman Mullins explained that with the staff turnover, he has been spending a great amount of time working on CEPD business, including training Ms. Weaver and reviewing the tentative apportionment spreadsheets. He would like to ask the other Commissioners to review what needs to be done and step up in areas where they have special expertise. Commissioner Jensen suggested that a list be made of areas where help is needed. Commissioner Walter agreed that he will help with the spreadsheets. Discussion was also held regarding the role of HWA in these duties and training. It was agreed to discuss that in a briefing meeting.

c) Drs. Stronge and Jackson Additional Payment Approval

Ms. Weaver shared that Drs. Stronge and Jackson have gone well beyond the scope of their contract, and submitted an invoice for an additional \$8,000, combined. Commissioner Kaiser made the motion to approve payment of the invoice and Commissioner Lanigan seconded. The motion was approved unanimously.

d) SOP Approval for Beach Vehicle Operation

Ms. Weaver shared the John Deere vehicle arrived and on its first trip got stuck on the beach. It is being returned for a four-wheel drive version, at no additional cost. She and Mr. Wilson have created draft SOPs for the beach vehicle and they were sent to SCCF for their input.

e) Construction Seaward of the ECL

Ms. Weaver reported that there was construction of a walkway that crossed the ECL. The DEP had issued the permit, without consulting the CEPD. The new home had neighbors with a walkover that also protruded into the ECL and they were allowed to continue with it, so the District's Attorney suggested we allow construction to continue. She suggested we move forward to create a procedure for the future. David Mintz informed us that there is a new Lee County Ordinance forbidding this, too, and he will forward it to Ms. Weaver for her review. Ms. Weaver did contact each Commissioner personally (excepting Mullins who may have the appearance of a conflict). After talking with them, Ms. Weaver instructed the DEP that CEPD had no issues with the walkway.

f) Uniform Collection Interlocal Agreement

Ms. Weaver reported that the Lee County Property Appraisers office sent us a Uniform Collection Interlocal Agreement for signature. Ms. Stroud has approved it. The last one was from 2003. Commissioner Jensen made a motion to approve the agreement. Chairman Mullins seconded the motion, which passed unanimously.

g) ACOE Letter of Explanation from APTIM

APTIM created a memo explaining why the ACOE was not used during the last beach nourishment . There are also several pages of documentation supporting the memo. Mr. Wilson talked about questions he would have for the ACOE, like where are they with easements, is there any funding available, what is their standard and what are we missing? It was suggested to ask Steve Boutelle to review the memo as well as our easements.

Chairman Mullins also stated he thinks we really need a meeting with the ACOE. Ms. Weaver will work on getting in touch with them. Ms. Weaver will further review the memo and get an outside opinion. Chairman Mullins discussed possibly having another company do the engineering survey.

h) TDC Budget

Ms. Weaver reported that the TDC Grant request budget is due on February 22. She submitted a budget for review. The differences include the possibility of paving the parking lot (\$50,000), which Chairman Mullins said would require some more research because we don't own the land.

Discussion was also held about running the electric for the restroom, which was included in the budget last year, as well as the beach vehicle and restrooms.

Commissioner Lanigan made a motion to approve the TDC Budget and Chairman Mullins seconded. Motion approved unanimously.

8. Administrator's Report

Ms. Weaver reported on the delivery of the John Deere, which is being returned and a four-wheel drive delivered in its place. This happened because the salesman told her others on the beach used 4x2 and had no problem. However, first time out we got stuck. They are upgrading us at no additional charge.

Ms. Weaver reported that the newsletter is scheduled to go out before the March 5th vote. In order to do that we need input from the Commissioners. Chairman Mullins asked Ms. Weaver to please email the newsletter to all the commissioners.

Ms. Weaver reported that the Vote - March 5 yard signs are here and asked that everyone please take one.

9. Commissioner Comments

Commissioner Jensen said it was a good meeting and he was glad people came out today.

Chairman Mullins asked Ms. Weaver to confirm the date and time with Hans Wilson & Associates for the briefing meeting regarding roles and responsibilities.

Adjourn

There being no further business, the Chair adjourned the meeting at 4:42 P.M.