

**Sebastian Inlet District  
February, 2019 Regular Commission Meeting  
Wednesday, 4:00 PM, February 13, 2019  
Sebastian Inlet District Offices  
114 Sixth Avenue, Indialantic, Florida 32903**

**AGENDA**

- I. Call to Order – Chairman Lawton Seal**
- II. Approval of Minutes – Regular Commission Mtg. – January 09, 2019**
- III. Information and Discussion Agenda**
  - A) Media and Information**
  - B) Executive Director’s Reports:**
    - 1. Update on Sand Trap Dredging and Beach Fill**
    - 2. Review Highlights of FSBPA Conference**
    - 3. Public Outreach Activities**
    - 4. Additional Items**
    - 5. Discussion of Consent Agenda**
- IV. Review of Florida Sunshine Law - Jack Kirschenbaum, Gray Robinson**
- V. Legal Counsel Update – Jack Kirschenbaum, Gray Robinson**
- VI. Public Comment Period**
- VII. Consent Agenda**
  - A) Authorized Work for Commission Review:**
    - 1. Bank of America – Old account closeout.**
  - B) Recommended for Approval:**
    - 1. Work Order 1819-006-ATM for permit required during and immediate post construction sea turtle and shorebird monitoring within the project area. Total Cost is Not-To-Exceed \$148,697. Funds are budgeted and available under Sand Trap Dredging, Permit Related Costs/Monitoring Account No. 5372-470.**

**VIII. Commissioners Items**  
**Commissioner Mitchell**  
**Commissioner Frazier**  
**Commissioner Hendricks**  
**Commissioner Rowland**  
**Chairman Lawton Seal**

**IX. Unfinished Business**

**X. New Business**

**XI. Adjournment**

# Sebastian Inlet Tax District

Wednesday, February 13, 2019 4:00 p.m.  
Regular Commission Meeting  
Sebastian Inlet District Office  
Indianalantic, Florida

## Minutes

Present at the meeting were Chairman Jenny Lawton Seal, Commissioners Lisa Frazier, Chris Hendricks, and Michael Rowland. Commissioner Beth Mitchell was absent (excused). Also in attendance were: Executive Director James Gray, staff members Dave Kershaw and Michelle Malyn, District legal counsel Jack Kirschenbaum, Chip Baumberger (CSA Ocean Sciences), Samantha Pessolano (Ecological Associates, Inc.), Dr. Mike Jenkins (ATM) and Sebastian Inlet State Park Manager Jennifer Roberts.

### Under Agenda Item I

Call to Order – Chairman Lawton Seal called the meeting to order at 4:02 p.m.

### Under Agenda Item II

Approval of the Minutes of the regular Commission meeting of January 9, 2019 – Commissioner Frazier moved to approve with Commissioner Hendricks seconding. **Motion carried 4-0.**

### Under Agenda Item III

Information and Discussion Agenda

- A. Media and Information – There was no discussion of the contents of the media packet.
- B. Executive Director's Reports
  1. Update on Sand Trap Dredging and Beach Fill – Mr. Gray asked Dr. Jenkins of ATM to give the Commissioners an update on the project, noting that he had been down to the project site to observe on numerous occasions and communications between the contractor and the State Park had been going well. Dr. Jenkins reported that not much progress has been made because of multiple equipment malfunctions. They are currently up and running again, and sand is being discharged to the beach. Sea turtle season begins March 1, and anticipating a minimum of 4 weeks of additional work on the beach, monitoring protocol will be required. Mr. Gray noted that the monitoring protocol is part of the consent agenda. Commissioner Rowland asked if the Commission should be concerned and Dr. Jenkins noted that the problems that have arisen have been atypical; the clutch on the dredge failed, a booster pump had a mechanical issue – all unanticipated issues, not deficiencies, that disrupted work. Per the contract, Ferreira is not getting paid while sitting idle, rather they are paid on the volume of sand removed from the sand trap and channel. Commissioner Frazier questioned whether SID will incur unexpected additional cost in monitoring given the delay by Ferreira. Dr. Jenkins noted for the record that the job was bid based on permits which allows the contractor to work on the beach until May 1, and anticipated costs of monitoring within that framework.
  2. Review Highlights from Florida Shore & Beach Preservation Association (FSBPA) Conference – Mr. Gray reported having great participation among Commissioners and staff at the recent FSBPA Technical Conference held in St. Augustine. Based on feedback at a recent staff meeting, Mr. Gray noted that the Sand 102 introductory session was very helpful for new staff members and he

proceeded to outline highlights from the conference. Among them, Dr. Houston recognizing the beaches to the south of Sebastian Inlet as being stabilized based on the bypass work previously done by the Sebastian Inlet District. As noted at prior Commission meetings, the Sebastian Inlet District had a special 1½ hour session devoted to the inlet's history, scientific management approach, and the technical and environmental aspects of managing the Sebastian Inlet. The session featured Administrator Martin Smithson, FIT's Dr. Zarillo, ATM's Dr. Mike Jenkins and CSA Ocean Science's Erin Hodel. In addition, Commissioner Mitchell prepared comments to surprise and recognize Mr. Smithson for his service and impending retirement during the session among a room filled with his peers. Commissioner Mitchell then invited conference attendees to join the Sebastian Inlet District in a champagne toast to Mr. Smithson's retirement at the evening Welcome Reception. The champagne toast was underwritten by Gray Robinson, ATM and ESA, and Mr. Gray thanked Mr. Kirschenbaum and Dr. Jenkins for their support in surprising and recognizing Mr. Smithson.

3. Public Outreach Activities – Mr. Gray noted he was recently invited to speak to AP students at the Florida Preparatory Academy about coastal restoration, and will be among those featured at an upcoming Career Day session. Mr. Gray asked Mrs. Malyn to share additional detail with the Commission on public outreach activities. Mrs. Malyn noted preparing for FSBPA and meeting with Amber Batchelor, the new executive at the Sebastian River Area Chamber of Commerce, thanking Commission Frazier for making that introduction. Mrs. Malyn reviewed recent media coverage related to the current dredging and beach renourishment project, and Mr. Smithson's retirement and Mr. Gray's appointment, also noting that Florida Today's Dave Berman reached out for our take on the Mayfield bill and photos of the current project now that we are on his radar. We see this as positive. Continued work on the 100-year anniversary planning per the outline presented to the Commission; 1- 100-year logo and historical video have been finalized, as presented at FSBPA, 2- creating a master timeline of activities incorporating all components in that outline and content/posts expected to be done by the end of the week for review, 3 - met with BG's and the State Park Manager to further discuss the two events. Per the Park's preference, we will be hosting the private, invitation only cocktail reception on May 23, with the public community event to be held in September (September 15 or 16). Caterer and other vendors have been secured for May 23 – exactly 100 years to the day of SID's creation. We will be doing a few sneak peeks in April before our official launch on May 23; 1 - MRC Brown Bag lunch (April 2), 2 – Sebastian Chamber of Commerce luncheon (April 9), 3 – release of logo and :30 video teaser/coming soon.
4. Additional Items – Mr. Gray noted having a few additional items, provided as a supplemental handout for Commissioners.
  - a. Coastal Management Bills – Mr. Gray reported reviewing both bills in detail. General observations; specific to coastal management and funding, establishes funding priorities for inlets, authorizes FDEP to spend appropriate funds for management of inlets, identifies 75% cost share for inlet districts, identifies 10% of appropriated funding for inlets, requires funding for approved projects to remain available for 18 months, proposes a tiered approach or ranking for annual project funding. In response, Mr. Gray suggested SID should consider updating the Inlet Management Plan to more accurately reflect target bypass sand volumes based on Dr. Zarillo's work (actual between the range of 55,000-70,000 vs. the uncertified 90,000 recommended by the TAC in 2005), consider updating the regional economic benefits report (as completed in 2013), identify potential dune vegetation enhancement projects from R-1 to R-8 within the State Park where no direct sand bypassing occurs, and develop a Hurricane and Severe Storm Recovery Plan. Legal Counsel Kirschenbaum recommended that Mr. Gray reach out to Mayfield to find out whom she had draft the bill, discuss intentions directly with that person. It may constitute legislative intent later, may dictate our approach in the future. Commissioner Hendricks concurred that it is better to have those discussions now before “the ink is dry.” Commissioner Frazier asked if anyone

was planning to go up for legislative day in March. Chairman Lawton Seal indicated we do have lobbyists working on our behalf in Tallahassee on an as-needed basis - Lewis, Longman & Walker, P.A. - but Chairman Lawton Seal and Mr. Gray agreed that SID may want to consider organizing a trip to Tallahassee. Mr. Gray further recommended that the Commission may want to consider a letter of support at its March meeting, depending on the outcome of his conversations with Mayfield's office.

- i. SB446 (Mayfield) – Coastal Management; Revising the criteria FDEP must consider in determining and assigning annual funding priorities for beach management and erosion control projects; revising the ranking criteria to be used by FDEP to establish certain funding priorities for certain inlet-caused beach erosion projects; revising requirements for the comprehensive long-term management Oplans; requiring the plan to include a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan.
    - ii. HB325 (LaMarca) – Coastal Management; Revises criteria FDEP must use in determining and assigning annual funding priorities for specified beach management and erosion control projects; specifies tiers for such criteria; requires tiers be given certain weight; requires FDEP to update active projects list on its website; specifies allowable uses for certain surplus funds; requires funding for certain projects remain available for specified period; revised method FDEP ranks and funds certain inlet management projects; requires FDEP to update and maintain report regarding progress of certain inlet management projects; revises requirements for comprehensive long-term management plan; requires FDEP to submit 3-year work plan and related forecast for availability of funding to Legislature.
  - b. Sebastian Inlet District Ranking – As it applies to receiving cost share funding for District projects, the ranking for inlets was released last week. SID was ranked #5 and had requested approximately \$4M, \$3M of which was the State portion. Typically, the top 3 projects will get funded, but Mr. Gray reported that it is all based on the appropriation by the legislature. If for example, the legislature appropriated \$52M and inlets are to receive 10% of total appropriations, we have a chance of receiving funding. If we do not receive funding this legislative session, we have up to 3 years to continue requesting funding for the current sand bypassing project.
  - c. Channel Marker Repair – SID was informed that channel marker #28 (red) within the inlet was missing. Mr. Gray approved moving forward with Summerlin Marine to repair that channel marker.
5. Discussion of Consent Agenda – Mr. Gray detailed consent agenda items. Item #1, under authorized work for Commission review is closing an old, obsolete account at Bank of America that dates back to when SID had an account at the Bank of Indialantic. The account has been dormant for many years. All funds will be moved into our active PNC checking account. Item #1, under recommended for approval relates to the permit required sea turtle and shorebird monitoring previously discussed during the project update. Mr. Gray noted that the monitoring is eligible for a 75% cost-share. Commissioner Rowland verified that the total cost for monitoring including during, immediate post-construction monitoring and 3 years post-construction. Mr. Gray confirmed that was the case. Dr. Jenkins noted that some of the funds are earmarked as contingency funds for nighttime monitoring should we have a leatherback sea turtle on the beach to nest, meaning that we may not expend the full amount.
- a. Authorized work for Commission Review:

1. Bank of America – Old Account Closeout

b. Recommended for Approval:

1. Work Order #1819-006-ATM – Applied Technology & Management Inc. – For permit required sea turtle and shorebird monitoring during and immediate post construction within the project area. Total cost is Not-To-Exceed \$148,697. Funds are budgeted under Sand Trap Dredging, Permit Related Costs/Monitoring Account No. 5372-470

Under Agenda Item IV

Review of Florida Sunshine Law – Legal Counsel Jack Kirschenbaum reviewed Florida Sunshine Law, Public Record law and records retention requirements for Commissioner and staff. (*see attached PPT*)

Under Agenda Item V

Legal Counsel Update – no additional items at this time.

Under Agenda Item VI

Park Matters - Park Manager Jennifer Roberts reported that the Florida Pro surf competition was held in January and went really well. Park officials hope to host the event again next year. Mrs. Roberts noted that Right Whales had been spotted at the inlet in recent days, and that the Marine Resources Council (MRC) had come in to do a training and educational session for park staff and volunteers that Mrs. Malyn from SID also attended. In addition, the park is proposing to put in a restroom facility near the tidal pool area and Mrs. Roberts has had preliminary discussions with Mr. Gray. They hope to put in a pre-fab unit with water/power and are currently reconfiguring where it should be placed based on easement reviews. Mrs. Roberts reiterated having a few joint meetings with SID with representatives from the Sebastian Chamber, the Coast Guard Auxillary and to begin the planning process for the two upcoming SID events coinciding with the 100-yr. anniversary (private event – May 23; public event – September 15 or 16). Mrs. Roberts had previously shared they were conducting a search to fill one of the Assistant Park Manager positions, vacated by Matt Pfifer. Mrs. Roberts reported hiring a gentleman coming from a State Park in the Panhandle area and who will be on-site in March. Mrs. Roberts noted that Sebastian Inlet State Park is fortunate to have a non-profit, volunteer organization that supports the park. That group was in transition, with President retiring, and last month had elections to seat new Board members. The group - Friends of Sebastian Inlet - is focused on park improvements. That is welcome and exciting news.

Under Agenda Item VII

Public Comment Period – none at this time.

Under Agenda Item VIII

Consent Agenda – Commissioner Rowland moved to approve the consent agenda with Commissioner Hendricks seconding. **Motion carried 4-0.**

Under Agenda Item IX

Commissioner Items – Commissioner Frazier asked when would be the appropriate time for the Commission to further discuss and consider the possibility of updating the Inlet Management Plan. Discussion ensued and consensus was to readdress that item at the April Commission Meeting. No other Commissioner items noted.

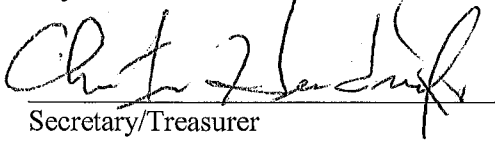
Under Agenda Item X

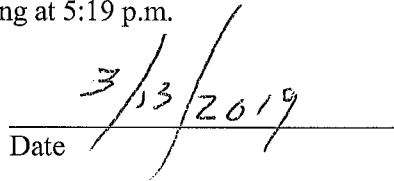
Unfinished Business – There was no unfinished business.

Under Agenda Item XI

New Business – There was no new business

Adjournment – Chairman Lawton Seal adjourned the meeting at 5:19 p.m.

  
Secretary/Treasurer

  
Date