

Sebastian Inlet Tax District

Wednesday, September 9, 2020 at 4:00 p.m.

Regular Commission Meeting

Virtual via Zoom and in accordance with Resolutions No. 03-30-20-1 and No.08-12.20-1, adopted at the Regular Commission Meeting on August 12, 2020 to allow for an extension of electronic meetings due to COVID19.

Minutes

Present at the meeting were Chairman Jenny Lawton Seal, Vice Chairman Michael Rowland, Commissioner Chris Hendricks, Commissioner Beth Mitchell and Commissioner Lisa Frazier. Also in attendance were: Executive Director James Gray, Contracts & Accounting Manager Dave Kershaw, Public Information Associate Michelle Malyn, SID Legal Counsel Jack Kirschenbaum, Sebastian Inlet State Park Manager Jennifer Roberts, Pete Seidle (ATM), Eric Charest (Indian River County), Justin Bartusek (Indian River County), William Ferrell (North Beach Civic Association), Laurette Koellner, Bart Buxton, Todd Heckman, D. Swigler.

Under Agenda Item I

Call to Order – Chairman Lawton Seal called the meeting to order at 4:00 p.m. and asked SID Legal Counsel Mr. Kirschenbaum to read the Zoom meeting instructions for participants and the general public.

Chairman Lawton Seal noted for the record that all Commissioners were present.

Under Agenda Item II

Approval of the Minutes of the regular Commission meeting of August 12, 2020. Commissioner Rowland made a motion to approve the minutes. Commissioner Mitchell seconded the motion. **Motion carried 5-0.**

Under Agenda Item III

Information and Discussion Agenda

A. Media and Information – no discussion.

B. Executive Director's Reports

1. COVID19 Discussion

Mr. Gray reported the office continues to be open during normal business hours, M-F, 8:30-4:30.

Appointments are still required for visitors to the office and we are wearing masks. At the end of the meeting and for planning purposes, he asked how Commissioners wanted to handle October's Regular Commission meeting, whether to meet in person or continue meeting virtually. Unanimous agreement with every Commissioner opting to continue virtual meetings. Chairman Lawton Seal also noted it would be difficult to maintain 6 feet social distancing in the District office to accommodate members of the general public.

2. Update on Beach Easements – Sediment Bypassing Projects

Mr. Gray reported the District has received 35 signed/notarized easements to date of the total 83 parcels in response to the letters sent by the District in July. Two (2) property owners have declined following discussions with Mr. Gray re: the project so no future placement of sediments would be on their property. Twenty-three (23) homeowners are in current discussions with Mr. Gray re: a modified version of the easement to be more acceptable to those property owners for their signatures. Twenty-three (23) homeowners have been unresponsive. Mr. Gray is attempting to get a hold of these 23 homeowners. We currently have 45% of the requested easements and are working with the 23 homeowners on the modified easement for signature. Mr. Gray reported the conversations have been pleasant, but he does not have a

final modified version to present to the Commission for their approval today. Commissioner Rowland asked what would happen where the property owners have declined. Mr. Gray indicated they are part of the southern part of the project area and it can be accommodated in future construction plans. Commissioner Frazier confirmed that the properties would be bypassed and asked if the parcel were adjoined. Mr. Gray indicated yes, they would be bypassed and are adjoined at located at the southern end of the District's sand placement area. Any sand placement would be below mean-high water which is not their property. Commissioner Rowland asked about any related consequences of not placing sand on those properties or homeowners changing their minds. Using the example of homeowners who have declined to sign the easement prior to the construction of our upcoming project, Mr. Gray said there is no mechanism in place -because we've already contracted the job, the contract has already bid associated based on the amount of sand and placement areas -we would more than likely have to wait until the next project to include them. Commissioner Mitchell asked Mr. Gray to speak to those that have been unresponsive and Commissioner Frazier asked what the deadline for response is. Mr. Gray reported that the District is provided the homeowner mailing list by Indian River County Property Appraiser and interestingly enough, there have been a number of exchanged properties since the time we requested the addresses in July, so it's been to title in the process of selling the home. We have had some correspondence back from the title companies indicating the new owner and Mr. Gray has made contact in those cases, awaiting response. Mr. Gray reported he is also working closely with the North Beach Civic Association on outreach to neighbors. Mr. Gray noted another challenge is properties that are second homes with seasonal residents. Commissioner Mitchell verified the District is dealing with three groups; (35) signed, (23) modifications and (23) unresponsive. She asked Mr. Gray to report on the status of the property owners in the group seeking modifications. Mr. Gray confirmed and is currently working with the homeowners/their attorneys on amendments to the easements prior to bringing the suggested language back to the Board for approval. Going back to Commissioner Frazier's question about timeline, Commissioner Mitchell asked where are we with regard to the project. Mr. Gray noted the project had gone out to bid with public advertisements on August 28 with a deadline for response on October 2 and looking to construct this coming December - March 30. He would like to have these easements in place prior to contract award and suggested that having the easements back by the end of the month would be good. Commissioner Mitchell asked if Mr. Gray felt he would come to resolution with that group soon. Mr. Gray indicated he felt by the end of this week, perhaps next, an agreement on language would be reached.

Commissioner Mitchell proposed to the other Commissioners that the item be tabled to give Mr. Gray and Mr. Kirschenbaum some additional time to focus on finalizing the easements, that it sounded like a decision needed to be made about whether or not the District is moving forward with this project by the end of the month. Commissioner Mitchell then noted the Final Budget Hearing was scheduled for September 23 and asked if this item could be revisited by the Commission then. District Legal Counsel Kirschenbaum verified it could procedurally. Commissioner Frazier asked for confirmation that at the September 23 meeting, Mr. Gray and Mr. Kirschenbaum would be able to provide the Commission with an updated easement per the request of these homeowners, plus an update on those that have been unresponsive. Commissioner Mitchell asked if there was anything else other than these easements that would keep the District from going forward with the project in December. Mr. Gray indicated construction availability may also play into timing during what is the height of construction season. He noted multiple, large projects coming online of which he's aware. Mr. Gray further noted there is an alternate included in the bid package with construction next season. Commissioner Mitchell added that the intent of the discussion on 9/23 would be to make a decision one way or another as to whether or not the District would be moving forward with this project, not wanting to revisit this in coming months. Commissioner Frazier asked what % positive response would we need to warrant moving forward. Mr. Gray said location would be a significant consideration, as would fill density. Because the southern project area has less fill density based on damage from the storms at the beginning of the year, if the properties were opting out in that area, we could compensate in construction plans. In the middle and northern portion of the project area, we have more fill density. We also have the ability to extend the fill template North, enabling us to continue with this project. Commissioner Frazier asked for a map of the project area to be included at the meeting. Commissioner Hendricks asked Mr. Kirschenbaum whether the District would be in violation of any

agreements related to the District's responsibilities as defined by State and local governments in choosing not to move forward with the project. Mr. Kirschenbaum indicated the District would not. **Consensus to schedule a special call meeting at 4:00 p.m. on September 23.**

3. Update on 2021 DMMA Sand Excavation and Beach Placement Project

Mr. Gray referred to the discussion in the prior agenda item, offering to answer any addition project-related questions from Commissioners.

4. Discussion of Consent Agenda - (see Agenda Item VIII)

Motion to approve the Consent Agenda made by Commissioner Mitchell. Seconded by Commissioner Rowland. **Motion carries 5-0.**

C. Public Outreach Activities – Mrs. Malyn referred to a summary of activities in the Commission packets and offered to answer any questions. In the interest of time, she highlighted one item - the series of videos being produced and released to raise public awareness around the different types of biological monitoring conducted by the District (hardbottom, seagrass, sea turtle/shorebird). Mrs. Malyn indicated these had been/will be posted to the District website and across social channels with the hardbottom monitoring video recently released as the first. She offered to send links to any Commissioners who hadn't already seen it/as they are posted.

Under Agenda Item IV

Budget Discussion – FY 2020-2021

Mr. Gray noted for the record and the benefit of the general public that the Tentative Millage and Budget Hearing would be held today at 5:30 PM. He will go into that discussion at that time.

Under Agenda Item V

Park Matters – Jennifer Roberts, SISP Park Manager

Mrs. Roberts noted that sea turtle season is winding down but a few nests are still being noted in the daily counts. She posed a question to the Commission seeking more information on the large sea turtle sculptures she has seen in Indian River County. Commissioner Mitchell indicated that was a non-profit fundraiser for the Mental Health Association approximately 15 years ago with she thought 23 turtles spread out throughout the community. She asked if Mrs. Roberts was interested in securing a turtle, and Mrs. Roberts confirmed. Commissioner Mitchell volunteered to try to find a contact and more information for Mrs. Roberts. Mrs. Roberts also reported that Labor Day weekend had been quite busy and that the nonprofit group Friends of Sebastian Inlet are actively seeking volunteers to expand their support of the Park. Commissioner Mitchell asked if the Park was still at 50% capacity. Mrs. Roberts said they have tried to accommodate more people in the past few weeks and it seems to be working well, but they are still experiencing temporary closures due to capacity mainly on the weekends. Mr. Gray mentioned he saw a news article re: an endowment gift made to the Park and asked if Mrs. Roberts could share the details. A woman who volunteered at the Park and loved birding at Sebastian Inlet left a \$1M gift in her estate plans. A portion of that will be used to create educational panels near the fishing museum with information about the different bird species and where to find them in the Park.

Under Agenda Item VI

Legal Counsel Update – Jack Kirschenbaum, Gray Robinson & District Legal Counsel – no matters.

Under Agenda Item VII

Public Comment Period –

Chairman Lawton Seal opened the floor to public comment. Mr. Ferrell commented as a homeowner within the project area and representative of the North Beach Civic Association. He has been active on the IRC project, sector

3 project, helping to secure easements and working with IRC representatives. Recently, has been working with Mr. Gray relative to the easements within the District's project area. He expressed his support for the project in bringing much needed sand to that beach front area and working with his neighbors on securing easements for the District. The dune component is important to coastal resiliency and for environmental reasons, referencing sea turtle nesting in the area. He expressed appreciation for the District's efforts. Noting other members of the public on the Zoom call and to accommodate for any unforeseen technical issues, Chairman Jenny Lawton Seal again read the instructions for members of the general public to "raise their hand" to make public comment. After a waiting period and no requests noted, the floor was closed to public comment.

Under Agenda Item VIII
Consent Agenda

a. Authorized work for Commission Review:

i. Work Order No. 1920-023-LSS, Land and Sea Surveying 2020 Summer/Fall Hydrographic Survey

Mr. Gray informed the Commission that it was time for the semi-annual hydrographic survey. This data supports the annual updates to the State of the Inlet report and permit-required monitoring. Total amount of the work order: \$94,000 invoiced on a lump sum basis. Funding is budgeted and available under "Summer Hydrographics", Account No. 5373-309.

ii. Recommended Selection of Consultant for RFQ No. 2020003-Regional Economic Benefits of the Sebastian Inlet-2020 Update

Mr. Gray reported the Selection Committee had reviewed, scored/ranked, and met to confirm the selections based on the submissions. Ten (10) companies downloaded the RFQ from www.demandstar.com with 2 submissions from The Balmoral Group, LLC and Cardno, Inc. Selection Committee consisted of Mr. Gray, Duane DeFreese (Executive Director IRLNEP) and Mrs. Malyn. The Balmoral Group, LLC was ranked #1 and Cardno, Inc. was ranked #2. Recommended that Commissioners approve the committee's final rankings and authorize negotiations, respectively.

iii. Resolution Requesting Funding from State of Florida Beach Management Funding Assistance Program-FY 2021/22-Resolution No. 09.09.20-3

Mr. Gray indicated the State of Florida, FDEP, requires an annual resolution from local governments requesting funding assistance through the FDEP Beach Management Funding Assistance Program. The resolution enables FDEP to consider the District's Local Government Funding Request (LGFR) for FY 2021/22. For FY 2021/22, Mr. Gray intends to request funding for permit-required 2021 post-construction monitoring related to the 2018/19 Sand Trap Dredging and Beach Placement project and construction funding for the upcoming 2020/21 DMMA Truck Haul and Beach Placement project. FDEP funding requires a 50% local match. Funding is budgeted and available under "Sand Trap Dredging, Construction/Local Share", Account No. 5372-311 and "Sand Trap Dredging, Permit Related Costs/Monitoring", Account No. 5372-470.

iv. Work Order No. 1920-024-LLW, Lewis, Longman & Walker, P.A.-2020-2021 Legislative Representation

Mr. Gray indicated this is a continuation of the services contracted with LLW this FY. In the event specific legislation is proposed relative to the District, it is important that legal

representation is secured in advance to prepare and respond prior to legislative delegation and committee meetings. This work order engages LLW to represent the District during the 2021 Legislation Session for a flat fee of \$48,000. The contract period runs from October 1 through September 30, corresponding with the District's FY. Funding is budgeted and available under "Legal/Legislative/Executive", Account No. 5140-312. Commissioner Frazier asked whether we utilized their services frequently as part of last FY's engagement and whether there was value in those services. Mr. Gray indicated he engaged with them prior to the delegation meetings last year and found their services helpful.

b. Recommended for Approval – none at this time.

Under Agenda Item IX

Commissioner Items –

Commissioner Mitchell – Commissioner Mitchell appreciates Mr. Ferrell's comments and indicated the District is currently moving forward with the project in good faith. She hopes everyone will come on board so we can provide the protection that homeowners need on their property. Since 2004, when the District settled its lawsuit with the beachfront property owners, we have taken a position that we are partners with the beachfront property owners and have operated that way since then. She hopes the partnership will continue so we can move forward to do the things we need to do to keep the inlet open while providing some protection to the property owners. She looks forward to Mr. Gray and Mr. Kirschenbaum working out the rest of these kinks so we can move forward in December.

Commissioner Frazier – none noted.

Commissioner Hendricks – Commissioner Hendricks voiced his unqualified support for Commission Mitchell's comments.

Commissioner Rowland – none noted.

Chairman Lawton Seal – none noted.

Under Agenda Item X

Unfinished Business – Nothing at this time.

Under Agenda Item XI

New Business

Under Agenda Item XII

Adjournment – Chairman Lawton Seal adjourned the meeting at 4:52 p.m.


Secretary/Treasurer


Date

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