

**Sebastian Inlet Tax District**  
Wednesday, July 10, 2019 4:30 p.m.  
Regular Commission Meeting  
Sebastian Inlet State Park Fishing Museum  
Vero Beach, Florida

**Minutes**

Present at the meeting were Chairman Jenny Lawton Seal, Commissioners Lisa Frazier, Chris Hendricks, Beth Mitchell, and Vice Chairman Michael Rowland. Also in attendance were: Executive Director James Gray, Contracts & Accounting Manager Dave Kershaw, Public Information Associate Michelle Malyn, District legal counsel Jack Kirschenbaum, Sebastian Inlet State Park Manager Jennifer Roberts, William Ferrell (North Beach Civic Association), Kendra Cope (Indian River County) and Pete Seidle (ATM).

Under Agenda Item I

Call to Order – Chairman Lawton Seal called the meeting to order at 4:32 p.m.

Under Agenda Item II

Approval of the Minutes of the regular Commission meeting of June 12, 2019 – 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 – 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 reported reviewing survey data that had just come in with Applied Technology Management (ATM). Final dredge volumes for the Sand Trap and channel estimated at 167,000 cubic yards with 113,570 cubic yards going to the beach for placement and 52,690 cubic yards directed to the DMMA for stockpile. Sand Trap excavation was approximately 124,500 cubic yards, as compared to the 119,000 cubic yards estimated in the original contract. Channel excavation totaled 43,500 cubic yards which was also more than anticipated. Commissioner Mitchell asked what percentage of the stockpiled sand is beach-quality. Mr. Gray reported that the vast majority is beach-quality, estimating 50,000 cubic yards for future truck haul projects. Ferreira Construction did overdredge some portions of the channel, which is included in final volume estimates. Per the contract that outlines a +/-1 ft. tolerance for overdredging, Ferreira's range was -8.5 ft to -10.5 ft. In some areas the channel was dredged down to -11/-12 ft., and per calculations, approximately 4,000 cubic yards currently in the DMMA is overdredged material that SID will not be charged for as part of the project. Mr. Gray reported that a formal Change Order will be presented at the next Commission meeting based on the actual, final volumes, for which SID will be charged. Commissioner Mitchell asked what to expect, and Mr. Gray indicated the Change Order will be for approximately 18,000 cubic yards, or \$150,000. Mr. Gray reported that post-project monitoring is ongoing. Sea turtle monitoring will be ongoing for the 2019 season. In the project area through June 30, biologist have documented; 329 nests/311 false crawls for Loggerheads, 35 nests/31 false crawls for Green and 1 nest/0 false crawls Leatherback. This indicates that the material placed on the beach had no negative impact. Field work for the nearshore hardbottom monitoring was recently completed due to favorable weather conditions. It was completed in less time so we anticipate a cost savings. Mr. Gray noted he is working on data submittals to FDEP. A final report will be generated in next 60 days. Aerial photography also completed, to be shared with Don Deis at Atkins as a precursor to field work for seagrass monitoring.
2. District Website Update – Mr. Gray shared that as a follow-up to the discussion on this item at the last meeting, he had participated in an online demo of ADA requirements and web software called Streamline with Mrs. Malyn. Streamline is one of three vendors endorsed by Florida Association of Special Districts (FASD) in working to support their membership with regard to ADA compliance requirements. Mr. Gray noted that

Mrs. Malyn currently has access to a trial version, and he anticipates migrating to Streamline in the next few months. As a budgeted item, Mr. Gray indicated that this does not need Board approval.

3. Cybersecurity Preparedness – Based on recent examples of municipalities that had been hacked with data/access being held for ransom, Mr. Gray reported having discussions with Indian River Networks, the vendor that manages IT functions for the District including data storage/server and security. The District is not vulnerable to losing its data as our information is backed-up to the Cloud daily. Were a breach to occur, IRN has 24/7 monitoring and alert systems in place and IRN could have our data restored within several hours.
4. American Shore and Beach Preservation Association (ASBPA) Conference 2019 Abstract Accepted – Dr. Mike Jenkins, ATM, submitted an abstract for the District, similar to what was submitted for FSBPA. He will be presenting the information on projects and monitoring on a national level.
5. Discussion of Consent Agenda – Mr. Gray detailed consent agenda items.

a. Authorized work for Commission Review:

1. Summerlin's Marine Construction, LLC, Work Order No. 1819-13 – Mr. Gray reported that he authorized the repair of a number of channel markers that were down on June 18, and because the \$7,800 cost was above his authorized spending limit he emailed the Commission for immediate notification in the interest of public health and safety, and in anticipation of heavy boating traffic for the July 4<sup>th</sup> holiday weekend.

b. Recommended for Approval:

1. Executive Director Spending Authority, Resolution No. 07.10.19-2

On occasion, there are projects that require immediate attention and approval to fulfill the District's charter. The channel markers are an example of such work. The Executive Director currently has spending authority for up to \$5,000 and it has been at that level for at least 15 years. Staff recommends raising the Executive Director's spending authority limit to \$10,000. Legal counsel Kirschenbaum read the resolution. Commissioner Frazier noted that "available for inspection" could be interpreted in different ways, rather than language requiring that it be brought forward at the next Commission meeting. Legal counsel Kirschenbaum suggested amending the resolution to add language that reads; "And shall be brought to the Commission at the next meeting after the expenditure is made or contract is entered into..". **Commissioner Frazier moved to add such language, per legal counsel recommendations, to the resolution. Commissioner Rowland seconded the motion. Motion carried 5-0. Chair Lawton Seal noted for the record that amending the resolution had passed, and that spending authority would be approved as part of the Consent Agenda.**

2. Resolution Requesting Funding Assistance from State of Florida Beach Erosion Control Program – FY 2020/21, Resolution No. 07.10.19-3

Mr. Gray indicated that the State of Florida and FDEP requires an annual resolution from local governments requesting funding assistance through the Beach Erosion Control Program. SID has submitted these in the past. Legal counsel Kirschenbaum read the resolution.

3. 2020 Legislative Representation, Lewis Longman & Walker, P.A., Work Order No. 1819-14-LLW

Mr. Gray noted the District contracting legal representation on occasion to protect and maintain the functions and responsibilities of its charter. Though it is uncertain at this time, Mr. Gray believes the District's Charter may be discussed during the 2020 legislative session. In the event that 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 and delegation meetings. We anticipate those within the next month or so. In the past Lewis, Longman & Walker, P.A. (LLW) has represented the District with good result. This work order engages LLW to represent the

District during the 2020 legislative session and if executed, would be effective August 1, 2019 through July 31, 2020. Contract engages LLW for a flat fee of \$48,000 or \$4,000/month. Tentative budget for FY 19/20 presented to the Commission incorporates the expense of \$4,000/month through 7/31/2020. It is the recommendation of staff to authorize the Executive Director to sign letter of engagement with LLW. Commissioner Rowland asked if pricing structure was consistent with past engagements and industry standards. Mr. Gray indicated it was. Commissioner Frazier verified that LLW would receive the flat rate fee whether there was or was not a review of the District's Charter during the 2020 legislative session. Mr. Gray verified that was the case. Commissioner Frazier asked if discussions did arise and were ongoing beyond that timeframe, would it be under the auspices of this contract. Mr. Gray indicated going beyond the timeframe would mean executing a new contract based on hourly rate. Commissioner Mitchell also noted for the record that LLW represents the Florida Association of Special Districts (FASD).

- C. Public Outreach Activities – Mrs. Malyn referred to a summary of activities in the Commission packets highlighting two larger projects in addition to the website migration presented by Mr. Gray.

First, on Saturday, September 14 from 10:00 a.m. – 4:00 p.m., the District will host a family-friendly community event celebrating the District's centennial. Planning and coordination with Sebastian Inlet State Park (SISP) and other vendors, partners has been ongoing. There will live music by the tide pool, a fishing and surfing clinic for kids, educational sessions in the BG's second floor venue/classroom on sea turtles and marine science, the USCG Auxiliary is involved in several ways and will be doing a safe navigation and boating session. Twenty (20) groups, associations and organizations have been invited to set up informational booths. As an overview, Mrs. Malyn offered to share additional detail as appropriate. Commissioner Frazier noted she would be happy to help as a volunteer. Chair Lawton Seal asked if we have a back-up date and Mrs. Malyn said with so many moving parts and partners, it would likely be a go or no go event.

Second, as part of the 100<sup>th</sup> anniversary plan previously presented to the Commission, we have talked with three vendors and publishing houses re: coffee table book and have started to turn our attention to that with the goal of it being ready for the holiday season. Mr. Gray indicated that the plan Mrs. Malyn referenced estimated publishing at \$25,000 and quotes we have been receiving are all within a range of that to print 1,000 copies. We have received two of three quotes to date and Mr. Gray noted looking for Commission approval to continue with this idea of going forward with the coffee table books and not to exceed a \$25,000 budget. Commissioner Mitchell asked if there was any intention of selling the books to recoup some of the expense to the District. Mrs. Malyn noted that the original plan was to publish 750, give away 500 (in a variety of ways), and sell 250, recouping approximately \$8,000. Revisiting the plan from last Fall now, recent discussions revolved around not making money on the books and giving away all printed copies. Mr. Gray indicated not wanting to show revenue from book sales and Commissioner Mitchell appreciated that perspective. She suggested considering recouping a portion of the expense, based on what the market would bear, still showing some cost to the District versus revenue. She noted her efforts to distribute a book wholesale to partners and felt that a limited number of 500 would be manageable. Discussion ensued on moving forward with the project and potential vendors who may be interested in selling the book; SISP Gift Shop, BG's Surfside Grill & Marina, Vero Beach Book Store, among others. Chair Lawton Seal asked Park Manager Jennifer Roberts how the SISP Gift Shop purchases books like this and in what quantities. Mrs. Roberts indicated buying outright, and estimated lower volume at 10 books at a time, but felt that BG's would be interested too. Commissioner Hendricks asked if they make a profit off their books. Mrs. Roberts indicated that books have been selling really well, but that she was unaware of cost structure as the Gift Shop is managed by the Friends of Sebastian Inlet State Park, nonprofit. Commissioner Hendricks emphasized we should be sure to move forward with a publishing house to produce a quality product representing the District and felt the staff may benefit from a discussion on pricing to determine an exact dollar amount to recoup. Commissioner Hendricks also noted that there should be defined criteria for the 500 that are to be given away. Consensus to move forward and allow staff to determine how to recoup some of the expenses incurred by the District, authorizing the Executive Director to review and execute a contract not-to-exceed \$25,000.

#### Under Agenda Item IV

Update on Sebastian Lionfish Festival and Indian River County Artificial Reef Program – Kendra Cope, Indian River County

Ms. Cope reported on a successful event with over 600 participants, thanking the District for sponsorship of \$500. The 4<sup>th</sup> Annual and most successful to-date, there were information vendors and partners at the event, great tasting stations from local restaurants and a steady stream of residents that came out to support the effort. Ms. Cope also noted that the tournament removed 201 Lionfish. As the program benefitting from supplemental funds raised at the Lionfish Festival, Ms. Cope also reported on the Indian River County Artificial Reef Program and scheduled deployments based on weather conditions beginning in July. This year, deploying 3 artificial reefs in the 40-acre permitted reef site, approximately 3 miles offshore and 5 miles South of Sebastian Inlet. (See Map Handout for additional detail)

#### Under Agenda Item V

Budget Discussion and Recommendation of Not-To-Exceed Millage Rate for FY 2019-2020, Resolution 17.10.19-1

Mr. Gray noted the materials in the Commission packet. He highlighted the only change re: the language of “Funds Carried Forward” and following up with Carr Riggs & Ingram, CPA. Industry standards call for either the above of “Use of Fund Balance”, preferred by staff. “Budget Surplus for Contingency” language was also discussed on 5-year plan. As an internal document, we can amend as we see fit and label that line item as “Emergency Reserves”. No other substantive changes since the budget presentation at the last meeting.

Re: Recommendation of Not-To-Exceed Millage Rate for FY 2019-2020, Resolution 17.10.19-1 By July 1 of each year, the Property Appraisers of both counties certify the taxable value of property within the District’s boundaries supplying that to the District. Within 35 days, the District must inform the Property Appraisers Offices of a) the prior year millage rate, b) the current proposed millage rate, c) current year rollback rate and d) the date, time and meeting place of Tentative Budget and Millage Hearing. August 4 is the deadline this year. At this Commission meeting typically, Commissioners review the two budget scenarios; Option A-keeping the levied millage rate at the current level (0.0877 mills) or Option B-using the calculated rollback rate of 0.0831mills to maintain general revenue of approximately \$2.1M. Were the Commission to select Option A, that would constitute a tax increase that would need to be advertised as a tax increase according to regulations governing the District. Recommendation by staff is to accept the rollback rate and authorize the Chairman to sign the aforementioned resolution. Mr. Gray presented the tentative date/time for the Tentative Budget Hearing (at SISP at 5:30 p.m. on 9/11/2019) and Final Budget Hearings (SID office at 5:00 p.m. on 9/25/2019). Legal counsel Kirschenbaum read the resolution. **Commissioner Mitchell moved to adopt Resolution 17.10.19-1. Commissioner Rowland seconded the motion. Motion carried 5-0.**

Commissioner Frazier noted that she may have date conflicts with both budget hearings. Chair Lawton Seal asked all Commissioners to alert Mr. Gray as to their schedules to confirm both September budget hearing dates.

#### Under Agenda Item V

Park Matters - Park Manager Jennifer Roberts noted that the July 4<sup>th</sup> holiday weekend, brought in 17,000+ visitors over the four-day weekend. It was a great weekend at the Park. Sea Turtle activity on the North side of the inlet continues and so far this year, there have been 3 Leatherback nests, 584 Loggerhead and 276 Greens, as a higher year for Greens. On June 27, we had a record number of crawls, 65 crawls in one night. Florida has 175 Parks and 100 miles of coastline within those parks, 1,351 miles of coast total. Within the 100 miles, there are 40 Parks that are doing sea turtle monitoring.

#### Under Agenda Item VI

Legal Counsel Update – Nothing at this time.

#### Under Agenda Item VII

Public Comment Period – Nothing at this time.

#### Under Agenda Item VIII

Consent Agenda – Commissioner Frazier moved to approve the consent agenda. Commissioner Mitchell seconded.  
**Motion carried 5-0.**

Under Agenda Item IX

Commissioner Items – Commissioner Frazier noted hearing that the Sebastian Inlet North Jetty was voted the Best Fishing Pier by National Geographic at a recent event from Commissioner Susan Adams. Staff to confirm. No other Commissioner Matters noted.

Under Agenda Item X

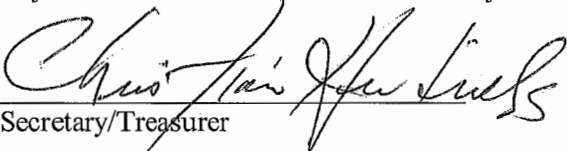
Unfinished Business – Nothing at this time.

Under Agenda Item XI

New Business – Nothing at this time.

Under Agenda Item XII

Adjournment – Chairman Lawton Seal adjourned the meeting at 5:53 p.m.

  
Secretary/Treasurer

Date 5/14/2019