

Sebastian Inlet Tax District

Wednesday, April 10, 2019 4:00 p.m.

Regular Commission Meeting

Sebastian Inlet District Office

Indian River, Florida

Minutes

Present at the meeting were Chairman Jenny Lawton Seal, Commissioners Lisa Frazier, Beth Mitchell, Chris Hendricks, and 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, Kendra Cope (Indian River County), Sebastian Inlet State Park Manager Jennifer Roberts, Mel Scott (Atkins), Andrew Zamonis (FWC), Christine Noll-Rhan (Carr, Riggs & Ingram CPAs and Advisors), Carl French (contractor), Bart Buxton (homeowner).

Under Agenda Item I

Call to Order – Chairman Lawton Seal called the meeting to order at 4:00 p.m.

Under Agenda Item II

Approval of the Minutes of the regular Commission meeting of March 13, 2019 – Commissioner Mitchell made a motion to approve the minutes. Commissioner Rowland seconded the motion. **Motion carried 5-0.**

Under Agenda Item III

Information and Discussion Agenda

- A. Media and Information – Commissioners Frazier and Hendricks noted the new electronic format, being able to click on the digital links to read stories online. Question arose whether online subscription services may bar someone from reading if they've exceeded a certain limit of free articles per month and Mrs. Malyn asked Commissioners to keep her apprised if that issue arises. Also noted that feedback on whether the articles/topics included in the packet are of interest and relevant is welcome.
- B. Executive Director's Reports
 1. Update on Sand Trap Dredging and Beach Fill – Mr. Gray presented a PPT to Commissioners with an overview of the project's progress to date and a photo timeline. Dredging and pumping as part of the beach phase of the project started January 20, 2019 and ceased on March 6, per the contractor's RFI request and the District's authorization. There is an estimated 5,000 cubic yards remaining in the Sand Trap but due to prohibitive weather and a Northeaster that came through, the determination was made to cease operations on the beach, focus on demobilization on the beach and turn to phase II of the project - filling the DMMA. The decision also fit well into our timeline in terms of being off the beach by April 30. Final grading and tilling on the beach per technical specs took place on April 6. The placement area was 1½ mile area from R-10, just North of McLarty Treasure Museum, to R-17 at Ambersand Beach Park (Indian River County Public Beach Access). Total estimated sand bypassed to the beach 113,000 cubic yards and "as built" surveys will be conducted and reviewed. Mr. Gray then showed the photo timeline and walked the commission through the progression (*see attached presentation*). Commissioner Mitchell asked if Mr. Gray would get data from the wave and weather gauges from Dr. Gary Zarillo (FIT) showing the intensity and duration of the Northeaster that affected the project. Mr. Gray confirmed he would reach out to Dr. Zarillo to get the block of weather and data for that week-long timeframe. Ferreira Construction crews are now focused on phase II of the project, dredging the estimated 30,000 cubic yards of material from the channel that

will be pumped to the DMMA site. The estimated 5,000 cubic yards remaining the Sand Trap will also be dredged and pumped to the DMMA, taking total volume estimates to 35,000 cubic yards for stockpile. Crews will begin working day-shifts only and phase II of the project is expected to wrap by the end of May. Commissioner Mitchell reported visiting the inlet over the weekend and saw the pipe had been removed from the beach, questioning whether materials were still staged at Coconut Point. Mr. Gray verified that pipe and equipment were still staged at Coconut Point and that there was still activity as part of demobilization at the R-8 beach access point. Commissioner Frazier confirmed that daily turtle monitoring and clearing of work crews will cease when the contractor is off the beach, but that turtle monitoring will continue through the season to monitor what, if any, impacts the project may have had. Mr. Gray confirmed that monitoring will take place for the entire 2019 nesting season through October.

2. 2019 Lionfish Fest – Mr. Gray invited Ms. Kendra Cope from Indian River County to share information on this year’s Sebastian Lionfish Fest. Ms. Cope noted that for the last three years, SID has supported the Lionfish Fest with a \$500 sponsorship. Goal is to create public awareness around what Lionfish are and the habitat degradation they cause, primarily to artificial reefs and engaging the public in conservation efforts through a spearfishing tournament and follow-up cook-off event to promote consumption of Lionfish as food with seven local restaurateurs preparing the Lionfish for tasting. Ms. Cope anticipates 800 people will participate in this year’s event. This is the 4th annual and will be held on June 23 at Captain Hiram’s. Commissioner Mitchell made a motion to approve the \$500 sponsorship. Commissioner Rowland seconded the motion. **Motion carried 5-0.**

3. Discussion of Consent Agenda – Mr. Gray detailed consent agenda items. There is no authorized work for the Commissions’ review. Under Recommended for Approval, Item#1 – Mr. Gray noted this is the work order for the many easements SID has within the State Park, both submerged and upland. Some easements have expired, some are current and some need to be renewed. During discussion at last month’s SID Commission Meeting, it was noted that staff would work with CSI to consolidate as many easements as possible in response to a question raised as to whether they could be consolidated into one. Mr. Gray noted also looking to secure new easements that would assist SID with future projects, including; staging areas at Coconut Point and the gravel parking lot by the DMMA, a pipeline corridor from the South Jetty to McLarty Treasure Museum. Item #2 – Mr. Gray indicated this work order is for permit required nearshore hardbottom monitoring post-project, contracted to ATM who will subcontract with CSA Ocean Sciences to do the physical monitoring. Mr. Gray also noted that he is working with ATM to reduce the scope of required monitoring in the future. Item #3 – Mr. Gray noted that this work order pertains to seagrass monitoring to be conducted by Atkins North America, Inc. This work is a combination of permit required post-project monitoring and the continuation of annual field surveys conducted by marine biologists from Atkins of the seagrass beds on the Flood Tidal Shoal to the west of the inlet. For accounting purposes, charges for the work conducted will be categorized proportionately - as shown - in two accounts – (1) Sand Trap Dredging Account and (2) Mitigation/Monitoring Account. This is because the Sand Trap Dredging portion is eligible for the 75% cost-share from FDEP if awarded and as associated with the larger dredging, channel maintenance, sand bypass and nourishment project. Item #4 – The renewal of the MOU between Indian River County and Sebastian Inlet District for Coordination of Supplemental Dredging and Related Coastal Activities. Mr. Gray reported on the long-standing partnership with Indian River County. The agreement has been in place for five years and the renewal period would add an additional five years.
 - a. Authorized work for Commission Review: None at this time.
 - b. Recommended for Approval:

1. Work Order #1819-008-CSI, Coastal Systems International, Inc.- Sovereign Submerged Lands Easements, Not-To-Exceed \$46,100
 2. Work Order #1819-009-ATM, Applied Technology and Management, Inc. – 2019 Nearshore Hardbottom Monitoring, Not-To-Exceed \$119,518
 3. Work Order #1819-010-ATK, Atkins North America, Inc. – 2019 Flood Tidal Shoal and Navigation Channel Seagrass Monitoring, Not-To-Exceed \$47,143
 4. Renewal of Memorandum of Understanding between Indian River County and Sebastian Inlet District for Coordination of Supplemental Downdrift Nourishment and Related Coastal Activities
- C. Public Outreach Activities – Mrs. Malyn indicated a one-sheet bulleted list of public outreach activities was included in the Commission packets. She highlighted the work being done in planning the centennial celebration and awareness campaign, kicking off with the debut of our 100-year logo, historical video and the private event on May 23 for current/former Commissioners, FDEP and State Park representatives, partners, vendors and friends of SID. A PPT on the history of Sebastian Inlet and the District was developed and Ms. Malyn presented to approximately 60 people at the Marine Resources Council Brown Bag Luncheon on April 2, and Mr. Gray was the featured speaker at the Sebastian River Area Chamber Luncheon on April 9.

Under Agenda Item IV

Presentation of Independent Auditor's Report for Sebastian Inlet District FY 2018 Financial Statements – Christine Noll-Rhan, partner at Carr Riggs & Ingram CPAs and Advisors (CRI). Bound copies were provided to the Commissioners in advance for review. Ms. Noll-Rhan called the Commissioners' attention to the audit opinion on page 5, noting a clean audit opinion. She noted one additional paragraph and minor change this year based on a change in accounting principles relative to the way post-employment benefits are valued. The state requires SID to allow retired employees to maintain health insurance through SID. CRI worked with the Brevard County to book the associated liability as part of the audited financial statements. This liability has been booked during prior audits, the change comes in how it was measured. Ms. Noll-Rhan fielded questions from Commissioners and clarified the future approval process on SID's CD management, qualifying the type of approval CRI is looking for when it comes to the investment and reinvestment of SID's CDs according to the new ladder approach approved by the Commission. *(see attached 2018 Audit)*

Under Agenda Item VI

Park Matters - Park Manager Jennifer Roberts shared a hard-copy handout with the Commissioners. She reported that there had been a recent incident at the Park on the North Jetty between a fisherman and a boater that was staying close to the jetty for navigational purposes, returning from the Atlantic Ocean. The boater reported an object being hurled at the vessel. The boater, Joe Cramer, called the State Park and spoke with Mrs. Roberts. He also called the District office and spoke with Mr. Gray. A formal FWC report was filed. While there haven't been incidents like this recently, it was noted that this had been a concern in the past, specifically a few years ago when tensions seemed to be at their highest point. This is of course a concern for both the State Park and the District. Mrs. Roberts and Mr. Gray met to come up with a plan to proactively address issues like this to prevent any further incidents. Mrs. Roberts referenced the MOU recently finalized and executed between FDEP and SID (prompted by incidents a few years ago). It laid out the scope of and rules for supplemental security that could be provided by SID to enhance ongoing FWC patrols. Mrs. Roberts noted the hard-copy handout for review was a tentative 30-day schedule for supplemental security that she and Mr. Gray had drafted. Mrs. Roberts met with FWC to review plans as well, and FWC officer Andrew Zamonis is in attendance today to address any questions the Commissioners' may have. Supplemental security can be provided either by FWC or Brevard County Sheriff's Office, with FWC being the first preference as available. Commissioner Mitchell noted that what occurred constitutes a second-degree criminal felony, and she asked Officer Zamonis if FWC was able to make criminal arrests, in

addition to monitoring for resource violations. Officer Zamonis verified they are able to make criminal arrests and transport suspects to jail. Commissioner Hendricks asked if signage was posted by the North Jetty with rules, guidelines and notices. It was confirmed that signage is posted by the jetty indicating it is first a navigation structure, that boats have the right of way, and Mrs. Roberts noted that the Park had posted other signage with the full list of rules and regulations for those using the North Jetty. Commissioner Frazier asked for clarification on what current FWC patrols do in practice being new to the Commission. Mrs. Roberts confirmed that they patrol the park and do walk the jetty for security and looking for resource violations, and that Rangers also walk the jetty. SID Legal Counsel Kirschenbaum offered that historically, we know FWC presence curbs offenses of any kind and that the issue is that FWC resources are stretched thin. Officer Zamonis confirmed that there are currently four (4) officers to cover a territory that stretches from Indian River County West of 1-95 to US192 in Brevard County. He reported that three (3) new officers will be joining his command in August, and after 12 weeks of training will be on active patrols in the area. FWC is in the process of pulling people from Osceola County, Titusville and the Canaveral area trying to get through the summer. He also noted that FWC officers respond to serious accidents no matter where there are. Two officers scheduled to work the previously defined territory were called to a serious Jet Ski accident in Titusville, taking them off patrol in this region. Commissioners discussed the associated liabilities, and both Commissioner Mitchell and Legal Counsel Kirschenbaum who were present during the period of high tensions and intimately involved with the drafting of the MOU confirmed that the only thing SID could do to limit its exposure is to provide this supplemental security.

Under Agenda Item VII

Legal Counsel Update – none at this time.

Under Agenda Item VIII

Public Comment Period – Chairman Lawton Seal noted two members of the public signed up to address the Commission; 1- Barton Buxton, Vero Beach/Ambersand resident, a homeowner within the area of SID's sand bypass and nourishment project, and 2- Carl French, a contractor building a home within the area of SID's sand bypass and nourishment project. Chairman Lawton Seal called the public speakers' attention to the rules for addressing the Commission per the State.

Mr. Buxton indicated his reason for attending was his concern re: the ongoing project, noting that per his observations, crews were ineffective in properly placing sand on the beach, did not enhance the dunes and pumped sand out onto the nearshore hardbottom reef. As he was unable to share a PPT he had created, arrangements were made for Mr. Buxton to send it via email to Mr. Gray who would then distribute it to the Commissioners. Mr. Buxton noted that he is aware the beach profiles were surveyed before the project and would be surveyed post-project, and that those would substantiate his claims that there was a net-zero gain of sand on beaches within the project area. He noted several problems; 1-no compaction of pumped sand which has lost its binding agent, making it "fluffy" and allowing the sand to wash out easily, 2- Ferreira's equipment was on the East side of the trench and they were not taking sand and placing on the dune, rather they were digging down to make a berm. For two months right around king tide, the tide would come in every night and wash the sand that was on the beach out into the ocean. One of Mr. Buxton's photos compared a stretch of renourished beach to one right adjacent to the project area, noting that the profiles seemed to be quite similar. Mr. Buxton is concerned that turtle nesting will be adversely affected and that the nearshore hardbottom reef has been covered, smothered and killed. He is requesting that this contractor not work for SID in the future.

Mr. French indicated his reason for attending was the same as Mr. Buxton's. He had been in communication with Mr. Gray for the last two months, voicing his concerns. Mr. French showed pictures that he claimed showed the nearshore hardbottom reef had been covered by work crews and he accused crews of cutting into the dune to build the trench system, destroying habitat for nesting sea turtles. Another concern was the dark color of the water and materials being pumped. In addition to the "black sand", Mr. French claimed it was

“smelly and polluted”. Mr. French admitted being on the project site without authorization, actively interfering and approaching Mike Ciabattari, Ferreira project lead, and other crew members on multiple occasions. In the first instance, Mr. Ciabattari explained that the wet sand would initially be darker and would bleach in a few weeks time, but that did not satisfy Mr. French. Mr. French said he is on the beach every single day, taking pictures every single day. Mr. French claims that the dunes have not been built, the beach hasn’t been widened and almost all of the 100,000 cubic yards of sand that was pumped is gone.

Under Agenda Item IX

Consent Agenda – Commissioner Mitchell moved to approve the consent agenda with Commissioner Rowland seconding. **Motion carried 5-0.**

Under Agenda Item X

Commissioner Items – Commissioners Frazier and Hendricks had nothing to share at this time.

Commissioner Mitchell thanked the public speakers for their comments and opinions, noting that she was unsure of the accuracy of the claims being made. It is her understanding that FDEP has continuously been monitoring the project and that SID has been/is in compliance with permitting issued through FDEP. If there are issues with the contractor, Commissioner Mitchell expects that Executive Director James Gray has the capabilities to address them as he too has been monitoring the project on a routine basis. Commissioner Mitchell looks forward to seeing the photos and materials the speakers will be sharing with Mr. Gray via email. She further noted that these projects are never easy. It has been several years since the last dredging and sand bypass project as SID has been waiting for sand to accumulate in the Sand Trap. It will likely be another four to five years before the next project as SID waits for approximately 200,000 cubic yards to accumulate in the Sand Trap. SID is only mandated to bypass sand to downdrift beaches, and the Commission has actively chosen to engage in projects that look more like beach nourishment (ie: building beach profiles to technical specs) in large part for the benefit of the beachfront property owners in that area. The possibility does exist that the Commission may decide it is too difficult an environment to work in and just adhere to the mandate, putting sand on the dunes without any additional work on the beach. Commissioner Mitchell would like to see more cooperation and communication, and further noted that beating up the Executive Director will not win anyone points.

Commissioner Rowland commended Mrs. Roberts for making the decision to close the jetty the week before last due to weather conditions and for safety reasons. He asked for clarification on what grounds constitute a jetty closure. Mrs. Roberts indicated that if the waves reach 10 ft. in height, standard practice is to close the North Jetty gate and prohibit park guests from accessing it.

Under Agenda Item XI

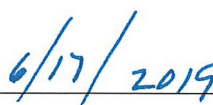
Unfinished Business – There was no unfinished business.

Under Agenda Item XII

New Business – There was no new business.

Adjournment – Chairman Lawton Seal adjourned the meeting at 5:45 p.m.


Secretary/Treasurer


Date