

# Sebastian Inlet Tax District

Wednesday, November 13, 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, Vice Chairman Michael Rowland, Commissioner Chris Hendricks, Commissioner Lisa Frazier, and Commissioner Beth Mitchell. 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, and Bryan Flynn (BSA).

### Under Agenda Item I

Call to Order – Chairman Lawton Seal called the meeting to order at 4:30 p.m., and proceeded with the Election of Officers for 2019-2020.

Commissioner Mitchell made a motion to keep the current Slate of Officers to include:

Jenny Lawton Seal – Chairman

Michael Rowland – Vice Chairman

Chris Hendricks – Secretary/Treasurer

Commission Rowland seconded the motion. **Motion carried 5-0.**

### Under Agenda Item II

Approval of the Minutes of the regular Commission meeting of October 9, 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 – There was no discussion of the contents of the media packet.

B. Executive Director's Reports

1. Update on FDEP 2019 grant reimbursement

Mr. Gray shared an informational update with the Commissioners. In August 2019, SID had submitted a grant to FDEP associated with the 2018-19 SID dredging/bypass project. Included in Commission packets, a \$1,910,710.08 reimbursement check received by the District on October 25.

2. Post Hurricane Dorian North and South Jetty Evaluation

Mr. Gray reported that Wantman Group, Inc. conducted a comprehensive assessment of both the North and South jetties post-hurricane Dorian on September 10. As the State Park had removed the North Jetty grates, it presented an ideal opportunity to have the structural engineering assessment completed as the SID maintenance schedule called for this kind of review every 3-4 years and was almost due. The last assessment was conducted post-hurricane Matthew in 2016. Mr. Gray reviewed the findings of both reports in detail and referenced the Memorandum of Agreement (MOA) between FDEP and SID delineating the maintenance responsibilities of each entity, as executed November 2018. Fundamentally, SID is responsible for maintenance and repairs for the navigational structure below the concrete cap, and SISP is responsible for the concrete cap, up. Mr. Gray further reported having met with SISP Park Manager Jennifer Roberts to discuss the reports and plans for repairs according to the MOA. Mr. Gray noted that the current report re-identifies issues and areas of concern that were referenced in the 2016 report. No action had been taken following that report as FDEP and SID were working on clearly defining each entity's responsibilities. Commissioner

brackets with straps at the base and drilled into the concrete cap, and fixing the broken welds on the support structure.

b. Recommended for Approval:

1. Work Order No. 1920-006-FIT-Florida Institute of Technology-Wave, Weather, and Tide Data Collection at Sebastian Inlet, Florida for FY 2019-2020

Mr. Gray indicated this contract authorizes FIT to continue the collection of wave, water level, water temperature and meteorological data from both the ADCP offshore North of the inlet entrance and the meteorological station at the tip of the North Jetty. Data sets required in producing the annual State of the Inlet report. In addition, this scope of work includes the purchase and installation of an additional Acoustic Doppler Current Profiler (ADCP) to the West of the inlet entrance and East of the Sand Trap. The purpose of the additional ADCP will be to document conditions contributing to sand transport and infill patterns of the sand trap. Total amount of this work order is \$169,991.47. This is a budgeted item to be charged to Staff Engineer/Engineering; Wave and Weather Station-5370-345.

2. Work Order No. 1920-007-GR-Gray Robinson, P.A. – General Legal Representation 2019-2020

Mr. Gray indicated that Gray Robinson had been providing legal counsel to SID since 2004. This work order approves a letter of engagement for an additional 3-year term, from October 2019 to October 2022. Mr. Kirschenbaum will continue to be our attorney. Funding available in the Legal Counsel- Attorney/Administrative-5140-310.

- C. Public Outreach Activities – Mrs. Malyn referred to a summary of activities in the Commission packets, highlighting recent work with Florida Tech to release the State of the Inlet report/findings to the media, the kickoff of the Educational Lecture Series (November-April), ongoing webcam and website work. She further noted that the coffee table books were delivered early and if any Commissioners' were interested in purchasing books as holiday gifts to reach out to her individually. Mrs. Malyn answered questions from the Commission re: coffee table book availability to the general public and the webcam.

Under Agenda Item IV

Executive Director Annual Evaluation

Mr. Gray indicated his start date was 12/14/2018 and that he will soon be reaching the 1-year mark, precipitating a formal review. He had worked with Legal Counsel Kirschenbaum to send out evaluation forms to all Commissioners, per the way prior Administrator reviews have been handled. Commissioner Mitchell asked that this item be added to the Agenda to discuss and refine the process for reviewing the Administrator, now titled Executive Director, annually. Commissioner Mitchell said letter and evaluation form from Mr. Kirschenbaum came as a surprise from a timing standpoint. She thought it was important that the Commission contemplate the process, outlining the process that had been in place for 14 years in reviewing the prior Administrator. Letters and evaluations forms were sent out, returned to Mr. Kirschenbaum and shared amongst the Commission. At the next meeting, a discussion was had to determine what if any action to take. Commissioner Mitchell noted the timing of the evaluation has always been in the Spring, allowing the Commission to anticipate any cost of living or performance-based salary increases during the budgeting process. She further indicated that while Mr. Gray came on board in December 2018, both Mr. Marty Smithson and Mr. Gray worked together through the end of March 2019 until such time as Mr. Gray officially took over. Commissioner Mitchell had discussed this with Mr. Gray. She believes the timing of this review needs to be adjusted and suggested that a formal evaluation process be delayed until March or April, recognizing in the meantime that he has been on board for almost one year and awarding him a 3% cost of living increase until such time as a formal evaluation is conducted. Commissioner Mitchell noted she would like some additional information before completing a formal review – a copy of the contract between SID and Mr. Gray, and salary comparisons of similar positions, as examples. Commissioner Frazier asked if duties of the Executive Director were spelled out in the formal contract, and Mr. Gray indicated they were. Discussion ensued. Commissioner Hendricks asked if past Administrator's have had a performance plan, as key to doing a formal evaluation of any position, and suggested that one be drafted before any

evaluation takes place. Commissioner Frazier noted that the contract with duties listed could be a starting point in developing a performance plan. Commissioner Hendricks agreed, but noted a performance plan would incorporate the when and how in the example given of “Keep the Board informed.” as one of the duties listed in the contract. Commissioner Hendricks asked about the timing of annual performance reviews for other staff members. Mr. Gray indicated that Mr. Smithson had completed reviews for both staff members last December. Commissioner Hendricks noted the connection between staff performance and Mr. Gray’s management as a measure of his performance. He further noted that the Commission may also want to consider shifting the timing of annual evaluations to coincide with FY (October – September). Commissioner Frazier asked if a performance plan with measures could be developed by Mr. Gray from the contract and there was general consensus. Mr. Gray was tasked with coming up with the performance plan and performance measures with Mr. Kirschenbaum, for the Commission’s review. Commissioner Mitchell also indicated that in the past each Commissioner had the opportunity to visit with the Executive Director personally to discuss their formal review.

Commissioner Mitchell made a motion to approve a 3% cost of living salary increase for Mr. James Gray effective in December, deferring a formal evaluation to March/April, employing the process historically used, but with additional information including Mr. Gray’s contract, performance plan/measures developed by Mr. Gray with prior input from the Commission and salary comparisons of similar positions. Commissioner Frazier seconded the motion. **Motion carries 3-2.** Commissioner Hendricks and Rowland dissenting.

Under Agenda Item V

Park Matters – Jennifer Roberts, SISP Park Manager

Mrs. Roberts noted that a recent retirement celebration was held for Ranger Terry O’Toole, a 39-year SISP staffer, whose last day was October 31. Another long-term staffer, Ranger Ed Perry, will also be retiring at the end of November after spending more than 30 years at SISP. Mrs. Roberts also shared that the Florida Park System was recently recognized nationally, receiving its 4<sup>th</sup> Gold Medal for excellence in park management. Lastly, the Florida Park System is looking forward to its 85<sup>th</sup> anniversary in 2020 with planned activities at parks throughout the state during the CY. SISP will be involved in the celebration, and will likely be hosting an event at SISP in February. Commissioner Mitchell asked about the criteria for closing the North Jetty, noting some recent closures. Mrs. Roberts indicated that it is a judgement call made by Rangers and Park Managers with regard to public safety.

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 Mitchell moved to approve the consent agenda. Commissioner Rowland seconded. **Motion carried 5-0.**

Under Agenda Item IX

Commissioner Items – None noted.

Under Agenda Item X

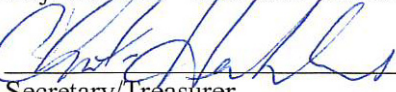
Unfinished Business – Nothing at this time.

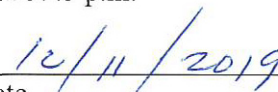
Under Agenda Item XI

New Business – Nothing at this time.

Under Agenda Item XII

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

  
Secretary/Treasurer

  
Date