

Sebastian Inlet District
Regular Commission Meeting
Wednesday, 4 PM, February 12, 2025
Sebastian Inlet District Office
114 Sixth Avenue
Indialantic, FL 32903

Minutes

Present at the meeting were: Chairman David Barney, Commissioner Lisa Frazier (Vice Chair), Commissioner Michael Rowland (Secretary/Treasurer), Commissioner John Campbell and Commissioner TJ Marshall. Also, in attendance were: Executive Director James Gray, Contracts & Budget Director David Kershaw, SID Public Outreach Associate Ed Garland, SID Legal Counsel Shawn Demers, Ken Torres (SISP), Marie Yarbrough (AtkinsRéalis), Bryan Flynn (ESA), Kylie Yanchula (IRC), Quintin Bergman (IRC), Eric Charest (IRC), Peter Gaudion (FWC) and Ray Cybula (FWC).

Under Agenda Item I

Call to Order – Chairman Barney called the meeting to order at 4 p.m.

Under Agenda Item II

Approval of the Minutes of the regular Commission meeting of January 8, 2025. Commissioner Rowland made a motion to approve the minutes. Commissioner Campbell seconded the motion. **The motion carried 5-0.**

Under Agenda Item III

Additions and Deletions

Commissioner Marshall said he would share a copy of an email exchange between Mr. Gray and himself during the Commissioner Items portion of the meeting agenda.

Chairman Barney said two items would be added to the agenda: A North Jetty Revetment Improvements Project update presentation by Mr. Flynn and discussion of a change order request for this same project. Commissioner Frazier made a motion to approve the agenda additions. Commissioner Rowland seconded the motion. **The motion carried 5-0.**

Under Agenda Item IV

Presentations

Mr. Flynn gave a PowerPoint presentation on the status on the first phase of the North Jetty Revetment Improvement Project – Phase 1. Contractors have completed demolition of the old jetty structure and finished installing the new sheet pile. Pouring forms for the front facia and sidewalk are the next steps. He also explained the benefits of extending the project 20 additional feet to the east to better tie into the easterly portion of the jetty structure, which would require a change order. Mr. Gray noted that a change order would improve a number of issues, such as eliminating the need to rebuild the tie-in to accommodate phases 2 and 3, and including a design that will accommodate the webcam without having to tear out any new construction. Mr. Flynn also highlighted tentative plans for Phase 2, which would include additional pilings and extend the width of the walkway by approximately eight feet. He said the improvements would support a 100-ton crane needed two complete the two phases. Mr. Flynn said the additional sheet pile and related materials needed to complete the 20-foot extension in Phase 1 would cost approximately \$383,000. Responding to Commissioner Marshall, Mr. Flynn said the contractor requested a 30-day extension, but that they could complete tasks within the original scope of work and will likely beat the original July finish date. For the sake of continuity,

Mr. Gray said he would discuss the proposed change order with Shoreline Foundation, Inc., under the New Business portion of the agenda (Under Item XIII).

Under Agenda Item V

Information and Discussion Agenda

A. Executive Director's Reports

1. Update on the 2024/2025 North Jetty Revetment Improvements Project – Phase 1

Mr. Gray said an update wasn't necessary because Mr. Flynn covered the topic thoroughly during the Presentations portion (Agenda Item IV) of the meeting agenda.

2. Update on the 2024/2025 Sand Trap Dredging and Beach Placement Project

Mr. Gray gave a PowerPoint presentation updating the Commission on the progress of the 2024/2025 Beach Placement Project. The two-phase project includes dredging the inlet channel and sand trap and placing about 215,000 cubic yards of material on Sector 1 beaches and truck hauling and placing 80,000 cubic yards on Sector 2 beaches. Everything is progressing well with the truck haul phase. The dredge is expected to be placed in the water next week. Three thousand feet of dredge pipe have already been fused. About 70 percent of the total volume of the necessary sand has been placed in Sector 2. Both phases remain on schedule to be completed by April 30. Chairman Barney asked whether the contractor will be able to place all of the sand trap material on the beach within the deadline. Mr. Gray responded, saying the contractor will be off the beach by the deadline, but may need to extend the contract to allow additional pumping from the sand trap to the DMMA, leaving the beach unaffected. It is difficult to determine whether a change order is necessary because dredging hasn't yet begun. Commissioner Frazier asked if the District plants the dune. Mr. Gray said the District does not plant the dune because it could limit the designated bypass placement area onto the beach, which is already narrow. At the Commission's request, Mr. Gray jumped ahead to discuss Item B1 on the Consent Agenda, which addresses a proposed change order to the dredging project.

3. Review of DRAFT Florida Senate Local Funding Initiative Request – FY 2025-2026 and DRAFT Florida House of Representatives Appropriations Project Request – FY 2025-2026 For: Sebastian Inlet North and South Jetty Maintenance and Safety Improvements Project (Phase 2 and Phase 3)

Mr. Gray said that this is the third year that the District has sought appropriations from the Florida Legislature for the North and South Jetty Maintenance and Safety Improvements Project. Rep. Robert Brackett and Sen. Erin Grall are the sponsors of the District's request for this legislative session. The District is requesting \$2 million to assist in the jetty construction project. The total project cost for all three phases is \$8 million. The funding requests have been developed in consultation with the District's lobbyist, Chris Lyon, of Lewis, Longman & Walker, PA. Commissioner Frazier asked whether the funding request is similar to those that were vetoed over the past two years. Mr. Gray said that the project was vetoed in the past because it was lumped in as a water project, which the governor was vetoing at the time. The District's updated management plan includes line items that make the project eligible for the type of grants the District is seeking. Commissioner Marshall asked whether Phase 3 is the south jetty. Mr. Gray said Phase 3 addresses raising the prominence of the rock protecting the crib structure at the north jetty extension. The south jetty is a minor component of the overall project cost, requiring only minor repairs but is included in the appropriation request. Chairman Barney asked whether the Florida Department of Transportation (FDOT) asked the District to delay work on the south jetty due its plan to replace the Sebastian Inlet Bridge. FDOT is not prescribing the order of work but FDOT managers are aware of District projects and schedule.

4. District Staffing Discussion

Mr. Gray said Mr. Kershaw is retiring from his position as the District's Contracts and Accounting Manager. Mr. Kershaw's last day is February 28, 2025. Commissioners congratulated him with a round of applause. Mr. Gray the District has posted Mr. Kershaw's position on several sites and has begun receiving applications. Mr. Gray is looking at temporary and long-term options due to the separation of duties required in a small office that is also a public agency. Chairman Barney asked about the District's ability to train a new employee if he or she is hired after Mr. Kershaw has retired. Mr. Kershaw said he will help Mr. Gray ensure a smooth transition.

5. Discussion of Consent Agenda

Mr. Gray review the Consent Agenda items for the Commission's consideration/approval. (Details are found under Agenda Item X).

Under Agenda Item VI

Public Outreach Activities

Mr. Garland gave an update on the District's outreach activities, noting that he is scheduled to give three presentations to various organizations in Indian River and Brevard counties. The District is also participating in a pilot study offered by the District's website provider, Streamlines. The pilot program offers a potential redesign of the website, a format called Amplify.

Under Agenda Item VII

Park Matters —Ken Torres

Mr. Torres had nothing to report.

Under Item VIII

Legal Counsel Update — Shawn Demers (Gray Robinson)

Per the direction of the Commission, Mr. Demers has been researching whether the Commission should adopt by-laws. Mr. Demers said his office could assemble by-laws in five to ten hours. Commissioner Marshall submitted for the record sets of by-laws of the Marion County Soil and Water Conservation District, as well as the Sanibel Public Library special district. He recommended using the by-laws as a template that a Commission sub-committee could develop for counsel to review. He said the submitted by-laws would help in the orientation required for new Commissioners and help provide more order to Commission meetings. Chairman Barney said the District is more than 100 years old and has operated successfully without by-laws. He recommended creating an operating manual that would be a living document. He cited a number of District facts and statistics that could be included in the operating manual. He said that few government organizations use by-laws. Commissioner Frazier said a living document should be located on the District's website. Chairman Barney said the information is available on the website but is not cohesive. Mr. Demers said an operating manual would fulfill the Commission's needs. Chairman Barney said he would not want staff to assemble an operations manual until its current projects are completed. Commissioner Marshall said the operating manual could be developed over time. Commissioner Campbell said staff should not be solely responsible for developing an operating manual since it is for the benefit of the Commission. Mr. Gray said a fact sheet summary would not be difficult for staff to assemble as long as the Commission provides direction. Commissioner Marshall made a motion that the Commissioners bring to the March meeting items to be included in an operating manual to add Chairman Barney's list. Commissioner Frazier said a motion is not needed. Commissioner Marshall changed his motion to request that the issue be included in the March agenda. Commissioner Campbell, who has experience in developing by-laws, suggested that Commissioner set specific items for discussion so that the Commission doesn't go down a "rabbit hole." Commissioner Rowland suggested the Commission table the task until the District has completed the north jetty project. Chairman Barney said the proposed task isn't time-sensitive but that he does support the development of a Commission operating manual. Mr. Demers said an operating manual could be helpful for new

commissioners, especially now that term limits are in place for Commissioners. Following additional discussion by the Commissioners, Mr. Gray asked for clarification on the Commissioners' interpretation of "orientation," as to whether they are referring to a physical document or, for example, providing new Commissioners with tours or having staff interact with Commissioners. Mr. Gray said he wants to interpret the concept of an "orientation" correctly. Commissioner Marshall said that the operations manual would be a document that Mr. Gray could use during orientation. After further discussion, the Commission agreed to delay further discussions about the topic until the April meeting of the Commission.

Under Agenda Item IX

Public Comment Period

There was no public comment.

Under Agenda Item X

Consent Agenda

A. Authorized Work for Commission Review

Accounting Processes Engagement, Accounting Information Consultants

Mr. Gray said Accounting Information Consultants (AI Consultants) currently provides the District limited assistance in accounting processes, payroll, and QuickBooks training and support on an as-needed basis. Under the Executive Director Spending Authority, Mr. Gray initiated a procurement process to engage Julie Silnutzer, owner of AI Consultants, to perform professional accounting services as a stop-gap measure until a replacement for Mr. Kershaw is hired and fully onboarded. The District has agreed to a rate of \$125 per hour, not exceeding 15 hours per month. The engagement with AI Consultants begins February 13, 2025.

B. Recommended for Approval

1. Change Order No. 1 – Work Order No. 2425-006-ATL, ATL Diversified, Inc. 2024/2025 Sand Trap Dredging and Beach Placement

Mr. Gray said the contractor for the Sand Trap Dredging and Beach Placement Project, ATL Diversified, is required to complete hydrographic surveys of the beach fill area to identify pre-fill and post-fill project fill volume requirements. The District's engineering consultant, AtkinsRéalis, determined that the project area experienced a loss of approximately 37,050 cubic yards of sand, with about 20,320 cubic yards lost in Sector 2 alone. The proposed change order would increase the truck hauling portion of the project by 15 percent, from 80,000 cubic yards to 92,000 cubic yards. The additional sand will enable the contractor to Construct a more uniform fill template and reduce the likelihood of gaps in the construction template. If approved the change order would increase the total ATL contract to \$534,600 or from \$6,253,300 up to \$7,787,900. Funding is available in the District's Sand Trap Dredging, Construction/Local Share Account and the project is eligible for at least 50 percent cost share under FDEP's beach Management Funding Assistance Program. Commissioner Frazier asked whether the contractor would require an extension of time to complete the change order. Mr. Gray said the work will be completed prior to the April 30 deadline. Chairman Barney asked whether the contractor is confident about delivering the additional sand. Mr. Gray said there is no concern at this point for the contractor to deliver the volumes in the change order.

Recommended Action:

Staff recommends that the Commission approve Change Order No. 1 to Work Order No. 2425-006 – ATL to the agreement with ATL Diversified, Inc. and authorize the Executive Director to sign on behalf of the District.

2. Work Order No. 2425-009-ATK, AtkinsRéalis 2025 Construction Phase and Post-Construction Sea Turtle Monitoring

Mr. Gray said AtkinsRéalís provides coastal engineering and biological support services to the District. Ecological Associates, Inc. (EAI) is under subcontract to Atkins for biological support services related to post-construction sea turtle monitoring. The proposed work order is for Atkins to provide construction phase and post-construction phase monitoring for the 2024/2025 Sand Trap Dredging and Beach Placement Project. The monitoring is required by FDEP. The total amount of Work Order No. 2425-009-ATK is \$254,052.63 and will be on a not-to-exceed fee. Commissioner Frazier requested an update on shorebird monitoring because the District in the past has provided only an update on sea turtle nesting. Mr. Gray said he would provide an update at the end of the season.

Recommended Action:

The recommendation of staff is for the Commission to approve Work Order No. 2425-009 – ATK to the contract with AtkinsRéalís and authorize the Executive Director to sign on behalf of the District.

3. Work Order No. 2425-10-M&E, Morgan & Eklund, Inc. 2025 March/April Hydrographic Survey

Mr. Gray said Morgan and Eklund, Inc. (M&E) provides professional hydrographic surveying services for the District, conducting semi-annual hydrographic beach surveys approximately 40,000 feet north and 30,000 feet south of the inlet, as well as the inshore portions of the inlet. The resulting data support the annual updates to the District's State of the Inlet Report and permit-required monitoring. The total amount of the work order is \$108,232 and funding is available under the District's Summer Hydrographics account. Mr. Gray noted that monitoring has supported the District's Management Plan Update, resulting in the reduction of the District's bypassing requirement from 90,000 cubic yards annualized to 75,000 cubic yards annualized, saving the District and taxpayers millions of dollars. Commissioner Marshall asked whether the District contracted Land & Sea prior to contracting with M&E. He also asked whether the monitoring was eligible for grants. Mr. Gray confirmed that the District used Land & Sea prior to M&E and that the summer monitoring is eligible for cost-share funding.

Recommended Action:

The recommendation of staff is for the Board to approve Work Order No. 2425-010 – M&E to the contract with Morgan & Eklund, Inc. and authorize the Executive Director to sign on behalf of the District.

4. Work Order No. 2425-011-Erdman, Erdman Video Systems, Inc. temporary Webcam Services

Mr. Gray said Erman has been providing webcam services since 2016. The webcam was removed in November 2024 due to its location within the current North Jetty Revetment Improvements Project. The District will reinstall the camera when the project is completed in July 2025. In December the Commission requested Mr. Gray to solicit a quote from Erdman for a temporary webcam to provide a time lapse of the jetty project and to provide a view of the inlet and channel. Mr. Gray said Erman quoted the District \$5,799 to install and provide a temporary webcam service and a \$200 monthly fee for web hosting and cellular service. Mr. Gray shared images that showed views of the location of the old webcam and where the temporary webcam could be located. Mr. Marshall asked whether Mr. Gray discussed with Erdman the need to communicate messages with the public via Erdman's webpage. Mr. Gray explained that Erdman has posted messages on the webcam page during past projects and closures and that the website currently displays a message announcing that the webcam is temporarily down due to the north jetty project. Mr. Marshall suggested a ticker on the webcam page. His concern was that a temporary live webcam would have to be replaced with

a static image in order to share announcements with the public. Mr. Gray said he may have misunderstood Mr. Marshall's original request. Mr. Gray said he has never heard of a ticker being used on the webcam page. Commissioner Frazier said the public is getting the message from the District's website and the state park about the webcam's temporary unavailability. Commissioner Rowland agreed, saying people are accepting the current situation, including his fishing club. Commissioner Frazier asked whether the live feed camera is necessary because people are receiving the information from other sources. Chairman Barney said Mr. Gray should discuss with Erdman whether the ticker feature could be added to the webcam page. Commissioner Marshall said that there are a lot of competitors to Erdman and that one of them may be able to provide what the District needs for a better price. Following further discussion among the Commissioners, Commissioner Campbell recommended that the District either agree to the temporary camera as proposed in the work order or do not install a temporary camera since it is only a six-month window. Commissioner Rowland agreed, saying he will continue to get his information via NOAA weather.

Recommend Action:

The recommendation of staff is for the Commission to approve the temporary webcam and Work Order No. 2425-011-Erdman.

5. REVISIONS TO Sebastian Inlet Tax District Conveyance Documents (Easements) to the State of Florida Department of Transportation for Construction of the Sebastian Inlet Bridge Replacement Project

In November 2024, the Commission approved several easement requested by the FDOT to assist in the construction of the upcoming Sebastian Bridge Replacement Project. FDEP requested FDOT revise the sketch and legal exhibits to only Temporary Easement for Parcel 701.1 and Subordination for Parcel 702.2. Mr. Gray said all other District approved easements remain the same.

Recommended Action:

The recommendation of staff is for the Commission to approve revised Temporary Easement – Parcel No. 701.1R and revised Subordination – Parcel No. 702.2R, and authorize the Chair to sign on behalf of the District.

Commissioner Frazier made a motion to approve the Consent Agenda items A1, B1, B2, B3 and B5, and to table B4. Commissioner Rowland seconded the motion. **The motion carried 5-0.**

Under Item XI

Commissioner Items

Commissioner Marshall — Shared with Commissioners a package of email exchanges between Mr. Gray and himself. Commissioner Marshall cited the January 2025 meeting minutes that stated Mr. Gray claimed that Mr. Marshall berates him through frequent emails. He asked whether Mr. Gray could produce the emails supporting his claim. Mr. Gray said he has a record of all of his communications with Commissioner Marshall. Commissioner Marshall said there is a concern about an employment action because Mr. Gray said Commissioner Marshall berated him. Commissioner Frazier said the January meeting minutes also show that Mr. Marshall claims that Mr. Gray has berated him. Commissioner Marshall said he didn't want to make a big deal out of the issue. Commissioner Frazier told Mr. Marshall that he already has made a big deal out of it. Commissioner Marshall reiterated that if Mr. Gray has emails illustrating that Mr. Marshall berated him, Mr. Gray should produce them.

Vice Chair Frazier — She found Mr. Marshall's documentation of his email correspondence with Mr. Gray disturbing and unnecessary. She is sad that Mr. Marshall has served for four months and is accusing Mr. Gray of not doing his job or communicating clearly with Mr. Marshall. She has never had a bad experience working with Mr. Gray, who has a sound and clean reputation in his field. She does not appreciate the disturbance of the District's business. She called Mr. Marshall's issues with Mr. Gray nonsense.

Commissioner Campbell — Nothing.

Secretary/Treasurer Rowland — He researched and recommended replacing the outdated electronics on the District's boat. He explained the benefits of the upgrade to a Garmin unit that will improve the District's efficiency when conducting work on the water. The Commission supports his request.

Chairman Barney — He agrees with Commissioner Rowland request to upgrade the electronics on the District boat. Responding to Commissioner Marshall's comments, Chairman Barney said Mr. Gray is one of the most renowned inlet managers in the state among his peers. Mr. Gray said funding is available in the District's budget and that he can purchase the equipment under his spending authority. He said he would bring this back to the Commission for review during the March 2025 meeting. Commissioner Marshall said his experience with Mr. Gray is different and that Mr. Gray was not responsive regarding an email he sent to Mr. Demers about a possible employee action item. He said Mr. Gray replied to Mr. Demers, but that neither Mr. Demers nor Mr. Gray responded to him. Mr. Demers said he was unsure as to what Commissioner Marshall was seeking from Mr. Gray or himself. If an employment action is filed against the District, the District will deal with it. Mr. Marshall said Mr. Gray's actions speak louder than words by his failing to respond to his email.

Under Item XII

Unfinished Business

No Unfinished business.

Under Item XIII

New Business

Change Order No. 1 – Shoreline Foundation, Inc. – 2024/2025 North Jetty Revetment Improvements Project – Phase 1

Mr. Gray shared a proposed change order for Shoreline Foundation to extend the North Jetty Revetment Improvements Project by 20 feet. The \$441,441 not-to-exceed amount includes the \$383,862.15 cost plus a 15 percent project contingency of \$57,578.85 in the event that unexpected structural conditions arise while the construction plans are being finalized. Commissioner Frazier asked if this was an emergency change order. Mr. Gray said it is not necessarily an emergency situation, but it is an emergency from a scheduling standpoint, because the contractor can act immediately if the change order is approved. Commissioner Rowland noted that the contractor's project bid was less than half of the next closest bid, and that the project remains well within the District's budget for the project. Commissioner Campbell asked whether the change order will impact the District's budget for the overall project because additional concrete will be required for the wider deck. Mr. Gray said that the District remains within the Phase 1 budget of \$4.7 million. In Phase 2, the design changes will not exceed what the District anticipated within the overall construction over Phase 1, 2 and 3. Chairman Barney said the District should expect additional change orders in the future because the jetty was built more than 50 years ago.

Commissioner Marshall made a motion to accept Change Order No. 1 - Shoreline Foundation, Inc. – 2024/2025 North Jetty Revetment Improvements Project – Phase 1 under New Business. Commissioner Campbell seconded the motion. **The motion carried 4-0.** (The Commission voted on this item prior to adjourning. Commissioner Rowland left the meeting (excused) prior to the vote.

Recommended Action:

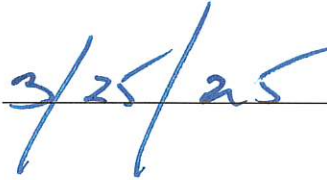
The recommendation of staff is for the Commission to approve the change order in the not-to-exceed amount of \$441,441 and authorize Mr. Gray to sign on behalf of the District. This will enable the contractor to begin scheduling the additional work without delay.

Under Item XIV

Adjournment — Chairman Barney adjourned the meeting at 6:44 p.m.


Secretary/Treasurer

Date


3/25/25