

Commission approved minutes on February 12, 2025. Awaiting signature of Treasurer.

Sebastian Inlet District

Regular Commission Meeting
Wednesday, 4:30 PM, January 8, 2025
Sebastian Inlet State Park Fishing Museum
Vero Beach, FL, 32963

Minutes

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

Under Agenda Item I

Call to Order – Chairman Barney called the meeting to order at 4:30 p.m.

Under Agenda Item II

Approval of Minutes of the regular Commission meeting of December 11, 2024. Commissioner Campbell made a motion to approve the minutes. Commissioner Marshall seconded the motion. **The motion carried 4-0.**

Under Agenda Item III

Additions and Deletions

Commissioner Marshall said he would bring up several items during the Commissioner Items portion of the meeting.

Under Agenda Item IV

Presentations

There were no presentations.

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 gave a PowerPoint presentation on the \$1.8 million North Jetty Revetment Improvement Project, which will rehabilitate approximately 190 linear feet of revetment structure and includes constructing a steel seawall, fortifying it with 1,650 tons of granite boulders and rebuilding the sidewalk along portions of the north jetty that were impacted by storms. The contractor, Shoreline Foundation, anticipates completing the project by July 2025.

Mr. Gray said the District's outreach initiatives have included media interviews, website and social media updates, and online FAQ sheets. Contractors have demolished and removed 200 feet of the old pier and have removed debris from the site. The contractor expects to begin installing the permanent seawall sheeting on January 9, requiring about two months to complete as crews work west to east. Mr. Gray will travel with Mr. Flynn to a mine in Georgia on January 9 to inspect the rock to ensure that it is suitable for the project. A marine mattress

will be assembled offsite and moved on site, where it will sit beneath the armor stone. The last step will be the rebuilding of the sidewalk.

Commissioner Marshall said he spoke to a staff member at the Surfside Grill who was under the impression that the jetty project was ahead of schedule. Mr. Gray said the District's message has remained constant: that the project is on schedule to be completed in July. Commissioner Campbell said that misinformation is being shared on social media and that he has been directing people to visit the District's website for accurate information.

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

Mr. Gray gave a PowerPoint presentation on the project, saying that 215,000 cubic yards of sand will be placed on Sector 1 via dredging and 80,000 cubic yards will be placed on Sector 2 via truck hauling. A public outreach campaign is ongoing. The contractor began work on January 6 and has begun hauling and has also begun mobilizing the dredge. The District is collaborating with Indian River County on a beach closure schedule. Two crews will work simultaneously to complete both sectors by April 30. Responding to Chairman Barney, Mr. Gray said it will require about three weeks to mobilize the dredge. Commissioner Campbell asked about the placement of beach-compatible and non-compatible materials. Responding to Commissioner Campbell, Mr. Gray said that all beach-compatible sand will be placed on the beach, with lower quality material to be placed in the District's Dredged Materials Management Area. Commissioner Marshall asked whether turbidity monitoring results are available. Mr. Gray said turbidity monitoring has not begun yet, but will occur when sand is placed in the water.

3. Quarterly Financial Review

Mr. Kershaw gave an overview of the District balance sheet and variance report for the quarter. He explained that assets equal liability plus equity, with the totals on both sides balancing out to \$23,048,508.30. He reviewed assets, including petty cash, the PNC main operating account and the SBA investment account. Incoming ad valorem funds are going into the PNC account to streamline check-writing for current District projects. He also reviewed liabilities and equity balances, including \$13 million in assigned funds and \$4.2 million in unassigned funds. Commissioner Marshall asked whether DEP requires the District to have the \$13 million in assigned funds in place as part of the grant process. Mr. Kershaw and Mr. Gray said that the District must have funds in place as a financial requirement. Mr. Kershaw gave an overview of the variance report, noting that tax receipts from Indian River and Brevard counties are on track at 81.8 percent collected to date. He also highlighted several items under the general government and the District's "physical environment" projects and programs. Commissioner Marshall asked whether the higher tax fees are raising more revenue. Mr. Kershaw said the District is collecting the same amount of revenue as planned but that fees are higher because ad valorem revenue is higher. Mr. Kershaw's entire presentation is available in the recorded minutes.

4. Discussion of Consent Agenda

Chairman Barney said all of the commissioners sought to speak about the District's negotiations with Indian River County to update the supplemental beach nourishment MOU, noting that Mr. Demers was not in attendance when the topic was discussed during the December Commission meeting. He invited Commissioner Marshall to ask Mr. Demers questions about the draft MOU. Mr. Marshall said he has had email conversations with Mr. Demers about Section 9 of the draft MOU. He said he had concerns about specific language addressing the payment of attorneys' fees in the event of the District's losing a legal dispute. Commissioner Marshall said Mr. Demers indicated that Section 9 could be removed if the

Commission has concerns about protecting itself. He questioned whether there should be a motion to remove Section 9. Mr. Gray said he revised additional sections of the MOU following the December Commission meeting discussions and is coordinating the changes with Indian River County's coastal team. Mr. Demers, a contract lawyer, said he includes a clause on recouping legal fees in all of his contracts; however, the clause is not required and he takes no issue if the Commission removes the article. Commissioner Rowland asked whether it would be better to remove the article based on the District's history, a reference to a past lawsuit the District lost. Mr. Demers replied yes. Mr. Marshall said the core of the issue was a gray area of liability whereas if Indian River County litigated with the District and won, the District would be required to place 829,000 cubic yards of material and pay all legal fees. He recommended removing the section in question. Responding to this concern, Mr. Gray said the latest draft MOU now includes a provision addressing the mitigation of inlet effects included as a separate article. Mr. Demers has reviewed these changes, but the draft MOU is not ready for the Commission's review because it is under review by Indian River County. Commissioner Marshall made a motion to remove Section 9 from the draft MOU. Commissioner Rowland seconded the motion. **The motion carried 4-0.**

Under Agenda Item VI

Public Outreach Activities

Mr. Garland gave an overview of the past month's public outreach activities, including public awareness campaigns for the North Jetty Revetment Improvements Project and the Sand Trap Dredging and Beach Placement Project. He will attend the annual Indian River Lagoon Symposium in February and is drafting a web article about the Sebastian Inlet Management Plan.

Under Agenda Item VII

Park Matters — Ken Torres said FDOT has completed pothole repairs throughout the state park and will repave the parking lot as part of the Sebastian Inlet Bridge replacement project.

Under Agenda Item VIII

Legal Counsel Update – Shawn L. Demers, Gray Robinson
Mr. Demers had nothing to report.

Under Agenda Item IX

Public Comment Period

There was no public comment.

Under Agenda Item X

Consent Agenda

A. Authorized Work for Commission Review
There were no items.

B. Recommended for Approval

1. FDEP Grant Agreement No. 25SRP04 Sebastian Inlet District Coconut Point Shoreline Resilience

Mr. Gray provided background on the proposed living shoreline project. In 2022, the Commission approved a \$99,685 work order for Environmental Science Associates to assist the District with the design and permitting of a living shoreline along the south side of Coconut Point. Erosion caused by Hurricane Nicole prompted District staff to pause the work order and the State Park built an emergency shoreline stabilization project in 2023. In 2024,

the Florida Department of Environmental Protection (FDEP) Resilient Florida Program issued Agreement No. 25SRP04 to commit state funds for the partial reimbursement of the Sebastian Inlet District Coconut Point Shoreline Resilience Project, which calls for installing 15 reef arches and 45 seven-gallon red mangroves along approximately 90 feet of shoreline adjacent to Coconut Point. Within the grant application, the \$95,002 local share match is divided among the District, Hedrick Brothers Environmental and MANG, an established nonprofit consulting company. The District's grant match portion is \$7,918 and will be used for permitting and construction certification previously authorized under the 2022 work order. The remaining \$87,084 is from an in-kind combined match from Hedrick Brothers Environmental and MANG. Commissioner Marshall said he sent questions to Mr. Gray regarding the item and sought clarification. His key concern was that the FDEP approved the grant having seen bids and quotes from Hedrick Brothers and MANG. Mr. Gray explained that there was not a bid process but project costs were provided and discussed with FDEP as part of the grant application process. Commissioner Marshall said he had concerns about the state being gifted by contractors seeking payment for what they claimed would be in-kind services. He said he would have expected MANG and Hendrick Brothers quotes to be included in the application. He said the grant agreement is the type of item to which the Commission should have one or two readings before considering a vote. Commissioner Rowland said the Commission has years of experience and that the District runs a "tight ship." Commissioner Marshall said he liked the project but would only approve it if he could see invoices from the contractors. Mr. Gray said the costs are all broken down within the grant application. He said that the Commission can pause the project if it chooses. Commissioner Marshall reiterated his concern that there are no project quotes from the contractors. Mr. Gray said the issue may be semantics, that there is no traditional quote, but the information is included in the grant application. Mr. Campbell agreed that it may be an issue of semantics. Mr. Gray explained how the District addresses grant applications and specifically Grant Agreement No. 25SRP04. Mr. Marshall said he is seeking documentation showing how the contractors submitted their bids. Mr. Gray said he will be able to provide more information. Commissioner Rowland said he has worked with Mr. Gray for many years and that Mr. Gray has the Commission's and the public's best interest at stake. He asked Commissioner Marshall to give Mr. Gray the benefit of the doubt. Commissioner Marshall responded, saying that he took Commissioner Rowland's advice to meet with Mr. Gray privately prior to Commission meetings to discuss the agenda but that he met with Mr. Gray about a month earlier (November 8, 2024) and that Mr. Gray berated him in public. He said that Mr. Gray said things that were so inappropriate in a public restaurant that he documented the meeting in writing in case there is an employable action on it. He said he wasn't accusing Mr. Gray of anything. Referring to his earlier request to see contractors' invoices, he said Mr. Gray has not met his standards. Mr. Gray said Mr. Marshall has made the issue personal and agreed that the meeting was inappropriate and that he documented it as well. Mr. Gray asked not to be berated publicly and to consider his daily responsibilities when seeking email responses within a certain amount of time. Commissioner Marshall said that the Commission meeting is the only venue in which he could legally discuss District business with the rest of the Commission. Chairman Barney said the District functions with minimal staff and that the three staff members are the best that the District could have. He said Mr. Gray is one of the most respected coastal engineer in the state of Florida. He said that if the FDEP finds the grant acceptable, then he is OK with it.

Recommended Action:

The recommendation of staff is for the Commission to approve FDEP Grant Agreement No. 25SRP04 and authorize the Executive Director to sign on behalf of the District.

2. FDEP Grant Agreement No. 24IR1 – Amendment 2 Sebastian Inlet IMP Implementation
Mr. Gray provided background on the District’s grant agreement with the FDEP. Under the agreement, the District was to provide up to \$1.25 million at a 50-50 cost share ratio for the partial reimbursement of the 2022/23 Upland Sand Truck Haul and Beach Placement Project. In August 2024, the Commission approved an amendment to the grant agreement, which amended the grant task start date from September 28, 2023 to September 28, 2022 to reduce internal FDEP accounting conflicts with processing reimbursement to the District. In December 2024, the FDEP provided the District with Amendment 2 to the grant agreement, which increases the total grant funding by \$6,122,500 to \$6,747,500, and updates three attachments within the agreement. Commissioner Marshall sought clarification regarding the local funding in the grant. Mr. Gray said Amendment 2 amends the original grant agreement because the District is now placing sand within the state park, which is eligible for 100 percent reimbursement.

Recommended Action: Staff recommends that the Commission approve Amendment No. 2 to FDEP Grant Agreement 24IR1 and authorize the Chairman to sign on behalf of the District.

Commissioner Rowland made a motion to approve the Consent Agenda. Commissioner Campbell seconded the motion. **The motion carried 3-1 (Commissioner Marshall voted against the motion).**

Under Item XI

Commissioner Items

Commissioner Marshall — Commissioners should be discussing issues as a group, not individually in private with Mr. Gray. Commissioner Marshall also took issue with the District’s process for creating the monthly meeting agenda. He said that he never received a copy of the agenda via email when the other commissioners had received their emailed agendas and thought he may have been slighted. Mr. Marshall said he accidentally deleted the email containing the agenda and that it was his own fault. He said he apologized profusely via email to Mr. Gray. He suggested that the Commission should also consider one or two agenda readings prior to the official meetings. His discussion with Mr. Gray regarding the District’s webcam provider, Erdman, did not go well and the topic seems to have been buried. He doesn’t think there are a good set of guidelines as to how the Commission should operate. He also referenced his conversation with the Surfside Grill concessionaire who he said had not received notice about the north jetty project, which impacts that business. Mr. Torres disagreed, saying he has kept the management and staff at the restaurant apprised of the District projects. Commissioner Marshall said he believed that the public largely seeks information about the District on the webcam page and that nothing about the jetty closure was posted on that page. Mr. Demers extended an offer to Commissioner Marshall to discuss District business outside of District meetings. Mr. Gray said he has moved on from the unfortunate meeting with Mr. Marshall and has been experiencing anxiety as Commissioner Marshall berates him through frequent emails and misdirection. Mr. Gray was unaware that Commissioner Marshall had a personal issue with him. Mr. Gray requested that they work together in a professional manner in the future. Mr. Marshall said that asking tough questions is not berating Mr. Gray. He asked Mr. Gray to produce emails that illustrate he was berating Mr. Gray.

Commissioner Campbell — Asked Mr. Demers if he thought the MOU seemed beneficial to both the District and Indian River County. Mr. Demers said yes. He also thanked Mr. Gray and Mr. Flynn for the north jetty project tour prior to the meeting.

Vice Chair Frazier – Absent.

Secretary/Treasurer Rowland — Asked whether there could be a time limit during the Commissioner Items section of the agenda.

Chairman Barney – Asked whether by-laws should be developed for the Commission without it being a major expenditure. Mr. Demers said he will research the request and determine a fiscally responsible option. He thanked Mr. Gray for the north jetty project tour.

Under Item XII

Unfinished Business

There was no unfinished business.

Under Item XIII

New Business

No new business.

Under Item XIV

Adjournment — Chairman Barney adjourned the meeting at 6:25 p.m.

Secretary/Treasurer

Date