

Sebastian Inlet District
Regular Commission Meeting
Wednesday, 4 PM, December 11, 2024
Sebastian Inlet District Office
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 Christina Morelli (Gray Robinson), Quintin Bergman (IRC), Eric Charest (IRC), and Dr. Gary Zarillo (Florida Tech).

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 November 13, 2024.

Commissioner Marshall requested two revisions: (1) A note that he abstained from voting on the September 2024 minutes as he was not on the Commission during those meetings, and (2) an inclusion of Mr. Gray's statement that the District received a \$6.5 million grant for the upcoming beach project (under Consent Agenda item 2). Commissioner Frazier made a motion to approve the minutes as amended. Commissioner Rowland seconded the motion. **The motion carried 5-0.**

Under Agenda Item III

Additions and Deletions

There were no additions or deletions.

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 provided a PowerPoint presentation update on the North Jetty Revetment Improvement Project, which includes installing 400 feet of seawall, placing 1,650 tons of granite boulders and constructing a new concrete walkway. The District awarded the \$1.8 million project to Shoreline Foundation, Inc. The project mobilized in November 2024 and is expected to be completed in July 2025. The District has been providing regular updates on its website, app and social media. The contractor has completed the temporary sheeting and has begun demolition of the pier structure in advance of installing permanent sheeting. The contractor has relocated some of the existing armor stone to create a breakwater within the District's jetty maintenance easement. New rock will be placed on marine mattresses to reduce armor stone settling. Commissioner Frazier asked if turbidity barriers will be installed. Mr. Gray said the recent surf has been too rough to secure turbidity barriers. However, the

engineer is routinely testing turbidity levels. Commissioner Rowland asked whether some of the old rock will be reused or hauled away. Mr. Gray said large granite and some large limestone rock will be reused, but demoed concrete will be removed by the contractor or reused by the state park. Regarding the Commission's interest in adding a temporary camera, Mr. Gray said there may be logistical challenges, such as placing the camera high enough and out of the way of construction equipment, but that the District is working with Erdman to determine whether a fixed camera could be located on the weather station at the tip of the north jetty. Commissioner Rowland suggested a small wireless camera. Commissioner Frazier asked whether the temporary camera is included in the budget. Mr. Gray said funding is available. District staff has also been taking frequent photos from the same location to document project progress. Commissioner Frazier asked whether agencies that provide grants require project photos. Mr. Gray said photos will be available if requested but that the main focus is completing project grant tasks. Commissioner Marshall said a pivoting camera would meet two objectives – providing a time lapse, as well as navigational safety by providing a view of the channel. Mr. Gray said he will relay Commissioner Marshall's request to Erdman.

2. Discussion on the 2024/2025 Sand Trap Dredging and Beach Placement Project
Mr. Gray provided a PowerPoint overview of the Sand Trap Dredging and Beach Placement Project. He said there is about 215,000 cubic yards of sand available in the sand trap and the inlet channel to be placed on the Sector 1 beach in Indian River County. The Commission also approved a bid alternate for placing 80,000 cubic yards of purchased sand on the Sector 2 beaches, where there are about 80 homes. This project is needed to help meet the District's bypassing objective. The project must be completed by April 2025 due to sea turtle nesting season. Mr. Gray visited the sand mine, Capron Trails, earlier in the week with the project engineer, AtkinsRéalis, and shared images of the sand mine. The sand meets the required specifications of the contract, he said. An on-site regulatory meeting is scheduled on December 13, 2024. The District is awaiting FDEP to issue the Notice to Proceed. The District has also sent an informational letter about the project to beachfront homeowners as the first step in its outreach campaign.

3. Review of the DRAFT Memorandum of Understanding (MOU) for Coordination of Supplemental Beach Nourishment and Related Coastal Activities between Indian River County and Sebastian Inlet District
Mr. Gray provided a PowerPoint to summarize the original MOU between the District and Indian River County that addressed beach sand placement and monitoring in Indian River County. He said the District would not be able to fulfill its statutory requirement of bypassing sand onto downdrift beaches if Indian River County conducted beach nourishment on Sectors 1 and 2. He said the MOU identifies the District's primary sand placement area as Sectors 1 and 2, as well as a supplemental placement area south of the project area, about 40,000 feet south of the inlet. The MOU was renewed in 2014 and extended for a year in 2023 during the update of the Sebastian Inlet District Management Plan. The MOU is currently expired. Mr. Gray said the draft MOU includes several updates. They include updating the District's bypassing objective from 90,000 cubic yards per year to 75,000 cubic yards per year, updating the Supplemental Placement Area, adding an Indian River County beach access provision, updating state and federal funding reimbursement between Indian River County and the District, and continuing to recognize sand volume credits for District-placed or District-purchased sand. To address Commissioners' concerns, Mr. Gray said he is developing a provision for Indian River County and District review that references beach nourishment as mitigating the effects of the inlet. Mr. Gray provided a schedule of the MOU review process, which is expected to culminate in March with the Indian River County Commission's review/approval. Mr. Gray, responding to Chairman Barney, said the MOU does not impact the 2024/2025 Sand Trap Dredging and Beach Placement Project. Commissioner Marshall

said he believes the huge difference between the old MOU and the new draft MOU is Section 9, which addresses agreement disputes, litigation, and coverage of all legal cost by prevailing parties. He described the added item as borderline indemnification. Brevard taxpayers pay the cost of the District at a three-to-one ratio over Indian River County. He said Brevard taxpayers would be paying three to one if Indian River County prevailed in a legal dispute under Section 9 in the draft MOU. If Section 9 remains, Commissioner Marshall said the Indian River County Commission should look at the District's meeting minutes in which Mr. Gray explained that FDEP 2024 Annual Inlet Report shows a cumulative bypassing deficit of approximately 829,000 cubic yards of material, but that FDEP acknowledges adjacent beach projects have mitigated the deficit to 35,000 cubic yards. Commissioner Marshall said that 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. Mr. Gray said the District's attorney included Section 9 in the draft MOU during his legal review. He said the provision can be removed at the Commission's will.

Commissioner Marshall said people who own multiple properties are watching the District closely. He said he sees little value in the draft MOU. Chairman Barney said he agrees that the document should acknowledge that the sand placement deficit is only 35,000 cubic yards. Commissioner Marshall said Section 10 states that there are no "commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained herein." Mr. Gray said one way to clean up the MOU language is to add a section that gives the District credit for sand placement by the District. Additional language can be added that states in some cases beach nourishment offsets inlet effects. Commissioner Marshall said he isn't a fan of signing the MOU and would like to see a tangible benefit for signing it. Mr. Gray said he will work with Mr. Demers to refine the MOU language. Commissioner Marshall also requested clarification on Item F, which addresses the District's Dredged Material Management Area (DMMA). Chairman Barney and Commissioner Rowland gave examples of District partnerships with agencies that used non-beach compatible material from the DMMA to complete projects. Mr. Gray extended an offer to meet with commissioners separately prior to Commission meetings to provide them with additional background on topics. Commissioner Marshall also said a section of the MOA addressing beach access at Ambersand also needs to be adjusted because access is no longer granted through Ambersand. Mr. Gray provided background on the issue but noted that over the longevity of the contract, access could be available for dredging if needed. Mr. Gray will work with Mr. Demers and Indian River County and report back to the Commission.

4. Discussion of Consent Agenda

Mr. Gray reviewed three Consent Agenda for the Commission's consideration. (Details are found under Item X)

Under Agenda Item VI

Public Outreach Activities

Mr. Garland gave an overview of the past month's public outreach activities, including media interviews focusing on the 2024/2025 North Jetty Revetment Improvement Project, a media campaign for the 2024/2025 Sand Trap Dredging and Beach Placement Project, and a December 13 coastal cleanup event at Sebastian Inlet.

Under Agenda Item VII

Park Matters — Ken Torres

Ken Torres was unavailable to attend the meeting. Mr. Gray, speaking on his behalf, said park use on the north side of the inlet has diminished due to the North Jetty Revetment Improvement Project. The contractor has improved security to prevent unlawful access to the North Jetty project site.

Under Agenda Item VIII

Legal Counsel Update – Christina Morelli, Gray Robinson
Ms. Morelli 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. Sebastian Inlet Tax District Conveyance Documents (Easements) to the State of Florida

Mr. Gray said the District has been updating its easements for the past two years. Easements are necessary for the District to complete a multitude of projects identified in the District's Charter. The purpose of the agenda item is for the Commission to approve Upland Lands Easement No. 33359, which grants the District access to an upland equipment shed and cable corridor for maintenance and monitoring of the offshore tide gauge. A Sovereignty Submerged Lands Easement for the offshore cable was in 2022. Easement No. 33359 is valid for 50 years, but staff has expressed interest to the state in having the easement valid until 2071 so that it is consistent with submerged lands easement, Easement No. 42541. Commissioner Marshall said he wanted to be sure the District has insurance and that the state is protected. Mr. Gray confirmed that District easements are protected by insurance.

Recommended Action: The recommendation of staff is to approve Easement 33359 and authorize the Chairman to sign on behalf of the District.

2. Work Order No. 2425-008-SEA, Scientific Environmental Applications – Permit Applications for Geological and Geophysical Surveys on Potential Offshore Sand Borrow Sources

Mr. Gray said one of the implementation strategies in the Sebastian Inlet District Inlet Management Plan requires the District to identify suitable quality sediment sources to meet its sand bypassing objective. Scientific Environmental Applications (SEA) was the only respondent to submit its qualifications when the District advertised for geological and geophysical survey services. The purpose of this agenda item is for the Board to select SEA and approve Work Order No. 2425-008-SEA to provide contractual services to assist the District in securing permits from the Bureau of Ocean Energy Management (BOEM) to explore potential offshore sand borrow sources that could be available to the District for future bypassing projects. Funds are budgeted for the \$19,634 work order. Commissioner Marshall said he likes the idea of using an offshore source for sand because it is less silty, but he said he would vote against the measure because this was the second time he was being asked to vote on an item with only one bidder. He said he needed comparables and that the optics looked terrible. Mr. Gray said the District advertised per statutory requirement. Commissioner Frazier said that the particular need is a specialty and that single bids are not uncommon. She asked Dr. Zarillo, the project bidder, if he had done this kind of work in the area in the past. He cited several projects he completed in the 90s and early 2000s. Chairman

Barney said upland sand is dwindling and prices will increase and other government agencies may vie for the same offshore sources that the District is studying. He said that it is imperative that the District understand what sand is available and that it get its "name on the books" to claim offshore sources. Commissioner Marshall said he was pleased with Dr. Zarillo for including his prices in his proposal, but reiterated that there are no comparables. Mr. Gray reiterated that he would be happy to discuss agenda items separately with Commissioners more deeply prior to Commission meetings. Commissioner Campbell was favorably impressed by Dr. Zarillo's \$130-per-hour rate. Mr. Gray noted that the District could have solicited work orders from other companies that the District has under a continuing services contract but that the rates would be much higher. Commissioner Marshall said he was pleased with the briefing materials but did not see fiscal due diligence in them.

Recommended Action: Staff recommends that the Commission select Scientific Environmental Applications to assist the District with securing permits from BOEM and authorize the Executive Director to sign the contract agreement on behalf of the District. Staff also recommends the Board approve Work Order No. 2425-008-SEA and authorize the Executive Director to sign on behalf of the District.

3. Amendment No. 1 work Order No. 2324-012-CRI (Carr, Riggs & Ingram)

Mr. Gray provided background on the agenda item, explaining that under a work order approved in April 2024, CRI was contracted to provide auditing and tax preparation services to the District for \$32,350. On December 2, 2024, CRI informed the District that it has restructured into types of services; Carr, Riggs, & Ingram, LLC (providing attest services) and CRI Advisors, LLC (providing non-attest services). The purposes of the agenda items is to Approve Amendment 1 to Work Order No. 2324-012-CRI and to approve updated engagement letters between the District and the two CRI entities. There are no changes in fees, except for \$500 from the originally approved work order that has been transferred to CRI Advisors, LLC, to complete the non-attest services.

Recommended Action: Staff recommends that the Commission approve Amendment No. 1 to Work Order No. 2324-012-CRI and authorize the Executive Director to sign the updated letters between the District and Carr, Riggs & Ingram, LLC., and the District and CRI Advisors, on behalf of the District.

Chairman Barney said he would ask the Commissioners to vote on Consent items individually because Commissioner Marshall had earlier stated that he would not support Consent Agenda Item 2. Commissioner Marshall reversed his position based on information Commissioner Campbell provided during the earlier discourse. Chairman Barney then called for a blanket vote. Commissioner Rowland made a motion to approve the Consent Agenda. Commissioner Campbell seconded the motion. **The motion carried 5-0.**

Under Item XI

Certificates of Recognition

Chairman Barney read aloud Certificates of Recognition for former Chairman Jenny Lawton Seal and former Commissioner Beth Mitchell. Mr. Gray said the certificates will be framed and mailed to the former Commissioners.

Under Item XII

Commissioner Items

Chairman Barney asked Commissioner Campbell and Commissioner Marshall to formally introduce themselves.

Commissioner Campbell — Introduced himself to the Commission.

Secretary/Treasurer Rowland – Merry Christmas and Happy Holidays.

Chairman Barney – Happy holidays and announced an FSBPA conference in February.

Vice Chair Frazier – Merry Christmas and Happy New Year.

Commissioner Marshall — Introduced himself to the Commission and offered to share a presentation he created using Erdman webcam images for a time-lapse view of the north jetty project area.

Under Item XIII

Unfinished Business

No Unfinished business.


Under Item XIV

New Business

No new business.

Under Item XV

Adjournment — Chairman Barney adjourned the meeting at 5:58 p.m.

 _____ Date 1/13/25