

Sebastian Inlet Tax District

Wednesday, July 8, 2020 at 4:00 p.m.

Regular Commission Meeting

Virtual via Zoom and in accordance with Resolution No. 03-30-20-1

Minutes

Present at the meeting were Chairman Jenny Lawton Seal, Vice Chairman Michael Rowland, Commissioner Chris Hendricks, Commissioner Beth Mitchell and Commissioner Lisa Frazier. Also in attendance were: Executive Director James Gray, Contracts & Accounting Manager Dave Kershaw, Public Information Associate Michelle Malyn, SID Legal Counsel Jack Kirschenbaum, Sebastian Inlet State Park Manager Jennifer Roberts, Raymond Cybula (FWC), Andy Zamonis (FWC), Cathy Ferrell (NBCA), Tuck Ferrell (NBCA), Pete Seidle (ATM), and Justin Bartusek (citizen).

Under Agenda Item I

Call to Order – Chairman Lawton Seal called the meeting to order at 4:01 p.m. and asked SID Legal Counsel Mr. Kirschenbaum to read the Zoom meeting instructions for participants and the general public.

Chairman Lawton Seal noted for the record that all Commissioners were present.

Under Agenda Item II

Approval of the Minutes of the regular Commission meeting of June 10, 2020. Commissioner Rowland made a motion to approve the minutes. Commissioner Mitchell seconded the motion. **Motion carried 5-0.**

Agenda Item III, B, 7: Discussion on the Proposed Agreement between FWC and the Sebastian Inlet District for Additional Law Enforcement Services (moved to the beginning of the meeting)

Mr. Gray noted that Lt. Zamonis and Officer Cybula were present representing FWC. Last week, Mr. Gray sent the proposed FWC contract to all Commissioners for review. Based on the Memorandum of Agreement (MOA) entered into by Sebastian Inlet State Park (SISP) and the Sebastian Inlet District (SID) in November, 2018 and prompted by past unlawful activities on the North Jetty, the MOA provided a mechanism for SID to contract additional security services, working in tandem with SISP. Particularly around periods of heavy use like snook season. Mr. Gray indicated a significant reduction in reports of unlawful activity, but noted in his recent discussions with Lt. Zamonis, 74 citations had been written by FWC on the North Jetty year-to-date. The proposed agreement has a five-year term with an optional five-year extension, at a rate of \$65/hour which includes all administrative fees, and can be on an as-needed basis. Mr. Gray indicated that SID currently budgets \$50,000 annually for supplemental security services and recommended SID move forward with the proposed FWC contract. Discussion ensued. Commissioner Rowland was in favor and confirmed a reduction in reports of conflicts between anglers and boaters. Commissioner Frazier noted the language in the contract as hiring FWC to patrol numerous locations, but the attached exhibit is focused on the North Jetty. The scope does not match the exhibit of the North Jetty. She felt the language needed to be more clear, narrowing SID's intent and that perhaps patrolling the shorelines and DMMA may make sense to include. Mr. Gray said he was in the process of making red-line changes to make the language and scope more clear in those respects. He indicated this was a proposed draft for discussion purposes on how best to move forward and that a final agreement would be brought back to the Commission for review and approval. Commissioner Mitchell felt it would be helpful for SID legal counsel Mr. Kirschenbaum to weigh in on the history of this agreement, and how it came to be that SID was in the position to pay for added security and public safety.

Mr. Kirschenbaum noted that many years ago, SID entered into a MOA with SISP and FDEP that included and qualified use of the North Jetty. The agreement as written was not clear with regard to public safety and who would be responsible for policing the North Jetty. At the time, certain circumstances existed where SISP had the ability to police but later those law enforcement duties were moved away from SISP, redirected to FWC, ultimately leaving little enforcement capabilities with SISP. Then there were a number of incidents on the North Jetty,

between fisherman, and between fisherman and boaters navigating the inlet. It became obvious that there had to be some stepped up law enforcement on the North Jetty. The question arose regarding whose responsibility it was. Negotiations began between SISP and SID on how to provide public safety on the North Jetty. Ultimately, it was determined that as a result of the ownership of the jetty, the relationship that existed between SISP and SID in management of the jetty, that SID had potential liability if someone was harmed or hurt as a result of an incident that occurred on the North Jetty. Continued negotiations resulted in the referenced and updated MOA in 2018 with more clearly defined responsibilities (SISP/SID) and a provision for SID to hire supplemental law enforcement services.

Commissioner Mitchell thanked Mr. Kirschenbaum for the succinct overview. She noted some serious incidents on the North Jetty dating back a number of years. Complaints were brought forward at public Commission Meetings and via the website email submission form, and were numerous. At the time, when SID turned to FWC for help, they were not in a position to provide increased patrolling with limited officers responsible for covering large geographic area. While Commissioner Mitchell wants a safe and secure environment on the North Jetty, she noted still having some ongoing questions about whether the responsibility for that lies with SID based on the language included in the 2018 MOA and falls within SID's mission. She encouraged discussion and noted that should SID decide to enter into an agreement with FWC, she would be in favor of an as-needed basis. Right now, SISP is operating at 50% capacity and during monthly Commission meeting for the last 6 months to 1 year, SISP has indicated things were going well with regard to management of the North Jetty. Commissioner Mitchell would not be in favor of a flat-rate, open-ended contract as described. Mr. Kirschenbaum suggested that he and Mr. Gray review the 2018 MOA, and assess all courses of action for future discussion. Mr. Gray summarized his course of action; 1-send the Commission Mr. Gray's red-line copy of the contract, 2-continue discussions with FWC, and 3-bring the agenda item back for discussion to the Commission in August.

Under Agenda Item III

Information and Discussion Agenda

A. Media and Information – No discussion.

B. Executive Director's Reports

1. COVID19 Discussion

Mr. Gray reported the office is open with a maximum of 2 staff members present daily. Mr. Gray indicated that the staffing schedule and protocols in place to include mask wearing in common areas and visitors by appointment only will continue through at least the end of July. Mr. Gray recommended August's Commission meeting be virtual and that at the meeting, the Commission extend the original Resolution allowing for meetings to be virtual as it is set to expire in August.

2. Donation of Artwork to the District

Mr. Gray shared photos of a donation of 6 original watercolor paintings to SID by Sharon Perschnick for display at the SID office.

3. Update on Inlet Monitoring Efforts

Mr. Gray reported that 2020 sea turtle monitoring is ongoing and will continue through October. Nearshore hardbottom monitoring by CSA Ocean Sciences is almost complete. The team is scheduled to be finished with field work this Thursday. Aerials were flown by GPI Geospatial last week of the western flood shoal and the shorelines North and South of the inlet. Those western flood shoal aerials are the starting point for the Don Deis and the Atkins team to conduct ground-truthing and field work on seagrass. Mr. Gray anticipates that will be in late July/early August.

4. Update on Beach Easements - Sediment Bypassing

As a follow up to last month, Mr. Gray reported that in order for SID to place sand on private property as part of the upcoming beach and dune repair project (ETA: Nov/Dec) an easement must be granted from all property owners within the project area. The easement instrument along with the property illustrations and letters explaining the project will be processed early next week for mailing. Completed/signed easements are being requested for return by September 1, 2020. Mr. Gray indicated SID would be working with the North Beach Civic Association to promote the project and return of the signed easements granting SID authority to place sand. Commissioner Rowland asked what would happen if someone declined to sign/grant easement to SID. Mr. Gray indicated that property would essentially be skipped as a last resort.

5. Update on Upland and Submerged Easements – SISP

Mr. Gray reported that they are in the FDEP “Managers Review Phase”, the final stage. FDEP has requested additional files from Tim Carlile at Land & Sea Survey, and it is moving forward. No additional information on completion timeline from FDEP. Once the agreements are received, Mr. Gray will review with legal counsel Mr. Kirschenbaum and bring it forward to the Commission.

6. Request for Statements of Qualifications – Regional Economic Benefits of Sebastian Inlet/2020 Update

Mr. Gray reported issuing an RFQ based on prior discussions to update the regional economic benefits analysis from 2013. It was advertised on July 1 with proposals due July 24 to the SID offices. If all goes well with the selection committee review and timing, Mr. Gray anticipates bringing a short list back to the Commission in August and a contract possibly in September. Commissioner Mitchell indicated she thought the Commission had discussed delaying this project during this time of Covid-19, suggesting it be delayed for a year based on current conditions. Should we go forward now, Commissioner Mitchell suggested that it include an analysis of how Covid-19 impacted the study. Mr. Gray indicated a Covid-19 analysis section was part of the proposal and that after vendor selection, the Commission would not need to move forward right away if the decision was made to delay. Commissioner Mitchell felt it may be prudent to delay. Commissioner Frazier asked where this was posted. Mr. Gray indicated it was advertised via demandstar.com, Florida Today and Indian River Press Journal, as well as being posted to the SID website.

7. Discussion on the Proposed Agreement between FWC and the District for Additional Law Enforcement Services

(Moved, see page 1.)

8. Discussion of Consent Agenda – No items on Consent Agenda.

C. Public Outreach Activities – Mrs. Malyn referred to a summary of activities in the Commission packets and offered to answer any questions. She highlighted two items: 1-Sebastian inlet feature piece will run in Vero Beach Magazine in August. The writer interviewed both Mr. Gray and SISP Manager Jennifer Roberts for the story; 2-As per the marketing plan referenced last month, we are starting to develop the digital content anticipating digital/online communications to be dominant in the next 6 months, and community partnerships and events slated for the second half of the fiscal year in 2021. Examples would include educational videos we’re currently working to develop with CSA and Atkins on the respective monitoring they do for SID. Commissioner Frazier congratulated Commissioners Mitchell, Lawton Seal and Rowland on their re-election, noting the story featured on the SID website and on social media.

Under Agenda Item IV

Preliminary Budget Discussion – FY 2020-2021

Mr. Kershaw noted that each July the Commission reviews the Department of Revenue 420 Forms for both Brevard and Indian River counties. The District has to complete and submit these forms back to the TRIM representatives in

Tallahassee and both counties by August 4. On page 10, line 4 shows the gross taxable value for operating purposes. For Brevard County it is \$23.1B. For Indian River County it is \$5.3B.

In addition to the DR 420 Forms, Mr. Kershaw called attention to a spreadsheet that calculates the rolled-back rate using the gross taxable value provided by the county property appraisers. Based on the figures referenced, the rolled-back rate is .0796 which would generate \$2,264,745 in ad valorem taxes for SID for FY 2020-2021. The second spreadsheet on page 15, uses the current rate of .0831. Using that rate, it would generate \$2,364,326 in ad valorem taxes. If the Commission chooses to use that rate, the rate of .0831, SID would have to publish a notice of proposed tax increase. On page 16, there is a comparison of the preliminary budget for the coming FY using the proposed and current roll-back rates. Mr. Kershaw indicated Resolution No. 07.08.20-1 adopts SID's proposed millage rate of .0796 for FY 2020-2021.

Commissioner Mitchell made a motion to approve Resolution No. 07.08.20-1 adopting a millage rate of .0796 for FY 2020-2021. Commissioner Rowland seconded the motion.

Discussion ensued. Commissioner Mitchell referenced discussions at last month's meeting re: concerns of Covid-related impacts to property values and state reimbursements. There seemed to be consensus at that time that SID should anticipate a likely decrease in both revenue streams in the coming years. Commissioner Mitchell had suggested that \$250,000 could be allocated to reserves as part of the FY 2020-2021 budget and noted that it could still be done using the .0796 roll-back rate. On page 16, the revenue "Reserves" are budgeted at \$135,000 and the expense budget does have a separate line item for reserves for catastrophic events, like a major hurricane causing severe damage to the jetties/inlet. Commissioner Mitchell suggested we add \$250,000 to the revenue "Reserves" line, bringing the total to \$385,000. To avoid being forced to raise taxes next cycle to cover operating costs. Commissioner Frazier asked how many months operating reserve is typical for independent special districts, noting that 6-months is a recommended for municipal government, and was that related to the \$250,000 being recommended. She also questioned whether there were any laws related to how much can be held in reserves without allocating it to specific projects. Commissioner Mitchell indicated that Mr. Gray qualified the average operating costs at \$700,000. The current, budgeted \$135,000 is equal to 2 ½ months of operating. Adding \$250,000, would be the equivalent 6 months in operating costs in reserves. Mr. Gray indicated he was not aware of any legal requirements. Mr. Gray indicated that SID Auditors, Carr Riggs and Ingram, had recommended 3 months of reserves. Commissioner Mitchell suggested Mr. Gray reach out to other special districts to see what they anticipate, what discussions are being had and how they handle reserves for operating. Commissioner Hendricks suggested he would be comfortable with 3 months as suggested by CRI or perhaps go up to \$250,000 in total. Commissioner Mitchell asked if a decision needed to be made today. Mr. Gray indicated further discussion can be added to August's agenda. Mr. Kirschenbaum read Resolution No. 07.08.20-1.

Motion Restated:

Commissioner Mitchell made a motion to approve Resolution No. 07.08.20-1 adopting a millage rate of .0796 for FY 2020-2021. Commissioner Rowland seconded the motion. **Motion carries, 5-0.**

Mr. Kershaw noted that the Tentative and Final Budget Hearings were scheduled for September 9 and September 23 respectively. Chair Lawton Seal asked legal counsel Mr. Kirschenbaum if the meetings could be held virtually via Zoom and he indicated they could, meeting the same public notice and participation criteria that applies to monthly Commission meetings.

Under Agenda Item V

Park Matters – Jennifer Roberts, SISP Park Manager

Mrs. Roberts indicated that the Park continues to operate at 50% capacity and is limiting group size. Closures have been somewhat frequent, especially on the weekends. The decision was made to re-close the McLarty Treasure

Museum and the Fishing Museum, largely due to volunteer staffing. Turtle Walks have been restarted as of July 1, for a few days a week and limiting the number of participants to 8 to appropriately social distance and enforce safety regulations.

Under Agenda Item VI

Legal Counsel Update – Jack Kirschenbaum, Gray Robinson & District Legal Counsel – nothing to note.

Under Agenda Item VII

Public Comment Period

Mr. Ferrell, representing the North Beach Civic Association, indicated property owners were appreciative of the anticipated beach and dune project later this year.

Under Agenda Item VIII

Consent Agenda

No Consent Agenda items.

Under Agenda Item IX

Commissioner Items –

Commissioner Mitchell – Commissioner Mitchell noted she genuinely enjoys working with her fellow Commissioners and looks forward to serving another 4 years.

Commissioner Frazier – none noted.

Commissioner Hendricks – none noted.

Commissioner Rowland – none noted.

Chairman Lawton Seal – Chair Lawton Seal echoed Commissioner Mitchell’s comments.

Under Agenda Item X

Unfinished Business – Nothing at this time.

Under Agenda Item XI

New Business

Under Agenda Item XII

Adjournment – Chairman Lawton Seal adjourned the meeting at 5:10 p.m.

Secretary/Treasurer

Date

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