

**Sebastian Inlet Tax District**  
Wednesday, December 11, 2019 4:00 p.m.  
Regular Commission Meeting  
Sebastian Inlet District Office  
Indianalantic, 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, Mike Schneider (Gray Robinson), Bryan Flynn (Ecological Science Associates), Peter Seidle (Applied Technology Management), Sebastian Inlet State Park Manager Jennifer Roberts, Peter Fallon (North Beach Civic Association), William Ferrell (North Beach Civic Association), Dave Swigler (Baird), Dr. Gary Zarillo (Florida Tech).

Under Agenda Item I

Call to Order – Chairman Lawton Seal called the meeting to order at 4:01 p.m

Under Agenda Item II

Approval of the Minutes of the regular Commission meeting of November 13, 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

Before giving his formal report, Mr. Gray directed the Commissioners' attention to a handout that detailed all 2020 Commission meeting dates, time and location.

1. Report on Beaches

Mr. Gray presented a photographic report of current beach conditions based on his recent site survey following several Nor'easters that came through and impacted our beach placement/project area. In November, three (3) Nor'easters came through with significant wave heights of up to 5-9 ft. with shorter period swells. Real-time data from the District's offshore ADCP located just North of the N. Jetty recorded these data sets. Within the northern-most sector of the District's project area, at R-10, there was minor berm erosion but no notable impact. At R-11, minor dune impacts, some berm deflation at approximately 1-2 feet. As we get into the residential area, starting at approximately R-12 (or 2,000 ft. into project area), observed conditions included: 5-6 foot dune escarpment and continued deflation of that berm. At R-13, the dune escarpment was 6-8 feet and Mr. Gray observed dune retreat. At R-14, still seeing the dune escarpment but less significant, and a steeper profile. Continuing further South, minor impacts at R-15 and no notable impacts at R16 and R-17. Really the noted visible impacts of significance are between R-12 to R-14 and Mr. Gray estimated about 20,000 cubic yards of sand loss in this 3,000-foot section. His recommendation is to continue to monitor that section of beach. Beach surveys were completed November 21-25, and we will use those to calculate the actual volumetric losses mainly on the upper portions of the beach profile that will recover more slowly.

2. Discussion of Regional Economic Benefits of the Sebastian Inlet Update

Mr. Gray reviewed the summary handout he prepared for Commissioners in detail. The previous economic analysis prepared by Cardno Centrix dates back to 2013 and was also provided to the Commissioners in advance for discussion purposes. Mr. Gray noted that the Commission approved a FY 2019-2020 budget in September that included funds earmarked for an updated study in 2020. Mr. Gray asked for direction from the Commission on how to proceed and what kind of data should be included in the report, outlining his thoughts

as part of the handout. With guidance, Mr. Gray will draft an RFP and he indicated he would like to have a comprehensive scope of work identified as part of that RFP. Commissioner Rowland indicated that we may want to consider keeping the scope similar to 2013, with 2013 as a baseline and so we have like-to-like comparison data. Commissioner Hendricks noted the methodology used in 2013 was defensible, but also referenced other economic studies he'd read that quantified the value of the IR Lagoon to the region much higher. He further noted that at its core, an updated report should quantify the value to the region of having a navigable inlet. That should serve as valuable information for the District in justifying its mission and reason for existence. Commissioner Mitchell noted seeing other studies that were lagoon-wide, but indicated the scope of the 2013 was confined to just that, the value of having a navigable channel and the impact of the inlet. Commissioner Frazier indicated she was in favor of expanding the scope of the economic analysis and data collected to build on what had previously been done, posing the idea of placing a value on the Florida Tech science/research partnership, as an example. She also noted a need for the formal report to re-packaged as a marketing collateral piece with info graphics for the general public designed to be easy to read with key points and easy to comprehend. Commissioner Mitchell indicated we may want to draft a more open-ended RFP, with 2013 baselines and data sets as a minimum, but allowing the consultants as experts to define the methodology and other data points useful in qualifying the regional impact of the inlet. Commissioner Mitchell asked how the findings have been used by staff, and with what frequency. Mr. Gray indicated that in his short time with the District, the economic benefits of the inlet have been used in many different presentations and as part of general community awareness and outreach. There was general consensus around the value of proceeding with an economic update. Commissioner Hendricks asked if we could make the first task of the RFP to give us a scope of work and what data sets we should consider gathering – all aimed around justifying the mission an existence of the District. Those recommendations could then be brought back to the Commission for review, further discussion and refinement. Commissioner Mitchell reiterated that it may be best not to write an RFP that is so boxed-in that consultants, who are the experts, would not have the opportunity to bring forward valuable information, data and tools that could be useful to the District. All were in agreement. Mr. Gray indicated that he would consult his notes from this discussion to begin drafting an RFP.

As a point of interest, Chair Lawton Seal asked SISP Manager Jennifer Roberts if she was aware of whether FDOT would be gathering data on how the proposed bridge renovations/replacement would be impacting navigation, and if that data could be shared. Mrs. Roberts indicated she wasn't sure but that she and Mr. Gray would be attending an informational meeting organized by FDOT re: the bridge project on December 20. She offered to report back.

3. Discussion of Consent Agenda –No Consent Agenda items at this time.
  - a. Authorized work for Commission Review: None at this time.
  - b. Recommended for Approval: None at this time.
- C. Public Outreach Activities – Mrs. Malyn referred to a summary of activities in the Commission packets, highlighting recent work. Two items to note; 1- copies of the historical coffee table book have been provided to all IRC and Brevard County public libraries that fall within the District's boundaries for inclusion in their collections for the general public to check-out, 2-web migration ongoing with a sneak peek of the new site planned for Commissioners at the January meeting.

*Commissioner Frazier was excused by Chairman Lawton Seal at 5:40 PM to attend the Sebastian City Council Meeting. Remaining Commissioners constitute a Quorum.*

#### Under Agenda Item IV

Wind, Wave and Weather Presentation – Dr. Gary Zarillo, Florida Tech

Dr. Zarillo presented the annual overview of the monitoring program with data dating back to 1997, and a formal report will be submitted to Mr. Gray. These data sets come from the fixed, permanent equipment at the Sebastian Inlet funded by the District to include the submerged ADCP, offshore to the North of the N. Jetty (installed in 1993) and the

meteorological station on the tip of the N. Jetty (installed in 1997). (SEE ATTACHED PPT & FORMAL REPORT FOR DETAIL)

Under Agenda Item V

Park Matters – Jennifer Roberts, SISP Park Manager

Mrs. Roberts noted that the SISP Night Sounds Concert Series has returned with a popular band, Hot Pink, scheduled to perform at the December concert on 12/14 and SISP expects good attendance. Mrs. Roberts again noted the FDOT meeting re: bridge project is scheduled for 12/20 and both she and Mr. Gray will be attending. As referenced at the last meeting, the Florida Park System will be celebrating its 85<sup>th</sup> anniversary in 2020 and is planning activities at parks throughout the entire State. An event will be held at SISP on Saturday, February 8 and more detail will be forthcoming as the planning process continues.

Under Agenda Item VI

Legal Counsel Update – Nothing at this time.

Under Agenda Item VII

Public Comment Period – Dr. Peter Fallon and Mr. William Ferrell signed-in to address the Commission. Chairman Lawton Seal recognized Dr. Fallon.

Dr. Fallon indicated he is a homeowner on the beach within the District's project area, near the Ambersand beach access. After Hurricane Dorian skirted Florida, this section of beach was hit pretty hard by several Nor-Easters as noted in Mr. Gray's update for the Commission. Significant escarpments and dune erosion are a major concern for all beach front residents in this area. Dr. Fallon estimates the dune has receded 5-6 feet. He noted a federal dune repair project in 2003 that was very successful and appreciated by all of the residents on this strip of beach. Dr. Fallon noted he was making a request on behalf of the North Beach Civic Association and himself, asking the Commission to consider using some of the sand currently stockpiled in the District's DMMA for dune repair and erosion control if another major storm comes through this winter with particular attention given to the 2,000-foot section of beach noted by Mr. Gray as having observed impacts from the Nor'easters in November. Dr. Fallon also asked the Commission to consider what criteria would constitute moving forward with another beach renourishment project.

Mr. Ferrell reiterated Dr. Fallon's request on behalf of the North Beach Civic Association and as another homeowner near the Ambersand beach access to consider a dune repair and erosion control project. Mr. Ferrell also questioned the stringent monitoring requirements set by FDEP with regard to the nearshore hardbottom. As a long-time resident, he noted that the width of the beach extended much further out years ago and that the exposed hardbottom was at one point all covered by sand as part of a wider beach profile. He suggested the Commission consider appealing to FDEP. Chairman Lawton Seal indicated the Commission would take these comments and requests under advisement.

Under Agenda Item VIII

Consent Agenda – No Consent Agenda items at this time.

Under Agenda Item IX

Commissioner Items –

Commissioner Mitchell thanked the staff for their hard work over the course of the last calendar year.

Commissioner Hendricks reviewed the employment contract between the Sebastian Inlet District and Mr. James Gray as the Executive Director, following the discussion and vote at last month's Commission meeting relative to his annual review and any adjustments in compensation. He indicated that as a formal contract signed by the District, it states the Commission would furnish Mr. Gray with a formal review initiated in December. He suggested that the Commission call an Executive Session when Commissioner Frazier is in attendance to discuss the evaluation process and compensation for Mr. Gray. Commissioner Hendricks further noted having done some research, talking with Human Resource professionals in Indian River and Brevard counties and with the State of Florida re: best practices in reviewing contract employees. He indicated that a contract provision could not be amended by motion at a Commission meeting. Commissioner Mitchell raised a Point of Order, indicating that to reopen any item or issue

voted on by the Commission, it would require a Commissioner who voted in the affirmative is willing to reconsider according to Robert's Rules. Commissioner Mitchell indicated that Commissioner Frazier would be among those who would need to indicate a willingness to reconsider and questioned whether the District Commission could call an Executive Session per State of Florida Sunshine Law. Commissioner Hendricks indicated he believed HR issues could be addressed in Executive Session despite State of Florida Sunshine Law. As legal counsel Jack Kirschenbaum was not in attendance, with another lawyer from Gray Robinson standing in, the suggestion was made that we seek legal counsel on whether or not HR issues can be addressed in Executive Session. Commissioner Hendricks indicated he was concerned that the District was currently in breach of contract and he would be agreeable to any solution that addresses the issue at hand.

Chairman Lawton Seal indicated that the first U.S. female surfer was added to the Olympic team for Tokyo – Melbourne Beach native Carolyn Marks.

Commissioner Rowland also thanked the staff for a great year and wished all a happy holidays and prosperous New Year.

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 5:42 p.m.

  
Secretary/Treasurer

Date 2/12/2020

(4 of 4)