

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT
Board of Commissioners Meeting
9:00 a.m., Saturday, November 18, 2017
Hutchinson Shores Resort
3793 N. E. Ocean Boulevard
Jensen Beach, Martin County, Florida 34957-4303**

ITEM 1. Call to Order.

Chair Netts called the meeting to order at 9:03 a.m.

ITEM 2. Pledge of Allegiance.

Commissioner Cuzzo led the Pledge of Allegiance to the Flag of the United States of America.

ITEM 3. Roll Call.

Assistant Executive Director Zimmerman called the roll and Chair Netts, Vice-Chair Donaldson, Treasurer Blow, Commissioners Cuzzo, McCabe, O'Steen, Sansom, and Williams were present. Commissioners Crowley, Gernert and Isiminger were absent. Ms. Zimmerman stated that a quorum was present.

ITEM 4. Consent Agenda.

Chair Netts asked if there were any comments or questions regarding the Consent Agenda. There were none.

Commissioner Williams made a motion to approve the Consent Agenda as presented. The motion was seconded by Treasurer Blow. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 5. Additions or Deletions.

Chair Netts asked if there were any additions or deletions to the meeting agenda.

Mr. Crosley stated that he would like to add to the agenda: Item 17A., Critical Wildlife Area (CWA) Designation of Spoil Island V-7, Volusia County, Florida, MOU with Florida Fish and Wildlife Conservation Commission.

Commissioner Williams made a motion to approve the final agenda as amended. The motion was seconded by Commissioner Sansom. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 6. Public Comments.

Chair Netts asked if there were any public comments on issues that are not on today's agenda.

Mr. Jim Dragseth, with Whiticar Boat Works, discussed the need for deep-water in Willoughby Creek, Martin County and the shoal at Taylor Creek, St. Lucie County. He asked about private business piggy-backing onto FIND dredging projects.

Mr. Crosley stated that the District does work with private facilities allowing them to piggy-back onto FIND projects. Project Agreements are completed for site use and fees.

ITEM 7. Board Meeting Minutes.

Mr. Crosley asked if there were any comments or questions regarding the September 21, 2017 First Public Tax, September 27, 2017 Final Public Tax, October 13, 2017 Personnel, Finance, and Board Meeting minutes.

Treasurer Blow referenced his discussion of a “one-time” millage rate increase to address emergency hurricane damages during Item 12 of the September 21, 2017, First Public Tax Meeting Minutes, be added to the Minutes.

Commissioner Sansom made a motion to approve the September 21, 2017 First Public Tax, September 27, 2017 Final Public Tax, October 13, 2017 Personnel, Finance, and Board Meeting minutes as amended. The motion was seconded by Vice-Chair Donaldson. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed.

ITEM 8. Staff Report on Martin County Area Projects.

Mr. Crosley stated that Dredged Material Management Area (DMMA) O-7 is under construction by the U.S. Army Corps of Engineers (USACE), with an expected completion date in 2018. Preliminary plans and specs by the USACE for site DMMA O-23 are initiating. Acquisition of DMMA LT-4A, which serves the section of the Okeechobee Waterway (OWW) from the St. Lucie Lock to the western Martin County line was completed in 2008. The initial condemnation of a proposed site near OWW Route 2 (DMMA LT-13) has been suspended to evaluate more cost-effective alternatives for the low dredging volumes associated with this waterway.

Mr. Crosley stated that recent dredging of the Crossroads area (intersection of the IWW and OWW) was completed in 2010, in the summer of 2013, and mostly recently in 2016 utilizing the USACE Hopper Dredge Murden. Approximately 30,000 cubic yards of beach compatible material was placed in the St. Lucie Inlet Impoundment Basin for later removal during a County-sponsored shore protection project. This area and the recently permitted channel widener (advance maintenance) are scheduled for a full dredging project in late 2017. Reach IV of the OWW will be dredged in 2019 following the construction of DMMA O-7.

Mr. Crosley stated that the Fort Pierce Waterfront Protection Project was completed in 2013. This project constructed barrier islands near the Fort Pierce Marina. The project may be contributing to increased shoaling rates in the Intracoastal Waterway (IWW). The U.S. Army Corps of Engineers (USACE) and the District will continue to monitor the project area. The USACE included project permit conditions addressing potential shoaling and water flow issues within the IWW.

ITEM 9. Comments from the U.S. Army Corps of Engineers.

Ms. Shelley Trulock, the IWW Project Manager with the U.S. Army Corps of Engineers (USACE), stated that construction is progressing on DMMA O-7, Martin County. Currently, the dike is under construction and was excavated on-site. The crest elevation is approximately 15-feet above existing grade. The weir boards will be constructed of composite material. The containment basin will be surrounded by a perimeter access road, drainage structures and float protection. The contractor experienced

some delays when Hurricane Irma passed through the State, but they are still within the contract required completion date of July 2018.

Ms. Trulock stated that plans and specifications for the Atlantic Intracoastal Waterway (AIWW) Sawpit Reach III project in Nassau County will kick off February 1, 2018. There is \$2.2 million in the President's FY 2018 Budget that will be used for the plans, specifications and construction contract. The project consists of maintenance dredging of 600,000 cubic yards of material (based on last event) from the AIWW channel and settling basins in Cuts 24-26A, 27, 27A, 27C; and adjoining advance maintenance areas in the waters of Sawpit Creek, the Amelia River, and Nassau Sound.

Ms. Trulock stated that plans and specifications for the Intracoastal Waterway (IWW), Volusia County will be certified December 14, 2017. The project will be advertised December 22, 2017 with a contract award on March 8, 2018. The USACE received supplemental federal funding from Hurricane Matthew to complete dredging of the IWW in Volusia County. Funding was carried over into FY 2018 for this effort. IWW Volusia will be combined with Ponce Inlet dredging for one contract action. The project consists of dredging approximately 400,000 cubic yards from the federal channel with placement within a nearshore disposal area. The U.S. Coast Guard (USCG) has requested that 10,000 cubic yards of material at the USCG Ponce Inlet station be dredged. The USACE will add this project to the Volusia County contract as an option. The current proposal is to place this material in MSA 434A (Rose Bay Project).

Ms. Trulock stated that plans and specifications for DMMA O-23, Martin County have started. Project advertisement is scheduled for June 2018. Coordination is underway between the USACE and FIND regarding site drainage requirements. DMMA O-23 will utilize the same weir system as DMMA O-7. A Work Order for construction funds will be presented at the May 2018 FIND Board Meeting.

Ms. Trulock stated that the Currituck will be brought back early 2018 to dredge the Crossroads Reach and channel widener in Martin County. An updated survey will be performed in December 2017/January 2018 timeframe. If additional material is present, USACE and FIND staff will discuss the best path forward. If a standard procurement is deemed necessary, existing supplemental funding on hand will be utilized in conjunction with standard federal funding. The type of project decision will be made January 2018.

Vice-Chair Donaldson stated that Martin County is interested in the material for beach placement. Ms. Trulock acknowledged the request.

Ms. Trulock stated that the Town of Hillsboro Beach requested that the USACE investigate the potential to place material from the Broward Reach 1, Broward County, dredging project straight onto the beach north of the Inlet. The USACE staff has investigated this option, including extensive evaluation of the geotechnical samples, and it has been determined that the IWW material does not have the Department of Environmental Protection (DEP) color requirement to be placed straight on the beach. The material could be placed into the inlet basin, mixed with the material in the basin and then placed on the south beach.

Mr. Crosley stated that he met with the Town of Hillsboro Beach on this project. Because of DEP permitting conditions, the sand from the Broward dredging project cannot be placed directly on the beach. If the town can get the permit conditions modified, the project could move forward. Another solution would be for the town to obtain sand from the Boca Raton Inlet. The project also depends on the cost of the project to the town.

Ms. Trulock stated that the contract to remove the shoal from Bakers Haulover was awarded on September 19, 2017, to Cavache, Inc. The project will remove 50,000 cubic yards of material and place it on Bal Harbor Beach. The project press release has been completed. The project should begin next week, and the project impact area will remain open.

Ms. Trulock stated that the USACE staff has requested additional federal funding to address shoaling impacts due to the passage of Hurricane Irma for the Matanzas, Bakers Haulover, and the Crossroads Reaches. She noted that the Matanzas Reach project was just completed in May 2017 and the post Hurricane Irma survey shows that 50,000 cubic yards of material has been deposited into the channel.

Ms. Trulock stated that it is time to start thinking about the 2018 IWW Inspection Tour. The tour will be of the northern counties of the IWW. The Jacksonville District will be getting a new Colonel in July and it may be nice to shift the trip, so the new Colonel can join in.

ITEM 10. Brevard County Lease Term Modification, Dredged Material Management Area BV-52, Brevard County, Florida.

Mr. Crosley stated that Brevard County has been leasing and utilizing Dredged Material Management Area (DMMA) BV-52 since October 2015 for the beneficial dredging of nearby Turkey Creek. The project was impacted by Hurricane Irma. The county is requesting additional time to complete the project. There is no cost anticipated to the District from the approval of this request.

Mr. Matt Culver, with Brevard County, stated that recent impacts from Hurricane Irma flushed an additional 25,000 cubic yards of material into the dredge basin. The dredged material will then be hauled to a permanent location and the site restored to pre-project conditions upon project completion.

Mr. Crosley stated that Brevard County has been working with the District on this project. There was a weir failure and their contractor made temporary repairs to the weir. The weir is scheduled to be replaced and updated by the District upon completion of the county project. The county's request will delay the weir replacement. Staff supports the county's request.

Commissioner Sansom made a motion to approve a lease modification with Brevard County for DMMA BV-52 to allow an additional 25,000 cubic yards of material to be processed and removed for the Turkey Creek Dredging Project, Brevard County, Florida. The motion was seconded by Treasurer Blow. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

Commissioner Sansom asked for a derelict vessel update in Brevard County. Mr. Culver stated that the U.S. Coast Guard does not have funding or the authority to remove

vessels previously identified as derelict. The U.S. Coast Guard has funding available for vessels displaced by Hurricane Irma. Currently, 50 displaced vessels have been removed from the waterways, and are temporarily stored at an upland site. He stated that once the U. S. Coast Guard has completed displaced vessel removal, the county will review the funding needs for derelict vessel removal and contact FIND regarding grant funding.

Commissioner Sansom asked about the status of FWC derelict vessel funding. Ms. Zimmerman noted that the FWC will open their grant cycle in January 2018.

ITEM 11. Lease Agreement with City of Pompano Beach for Public Access Purposes at MSA 726, MSA 726-B and MSA 726-C, (also known collectively as Exchange Club Park), Broward County, Florida.

Ms. Zimmerman stated that on October 13, 1981, the Navigation District entered into a 25-year lease agreement with the City of Pompano Beach for public recreational purposes at Material Storage Area (MSA) 726, MSA 726-B and MSA 726-C. These sites comprise approximately 14 acres contained in three (3) parcels owned by the District, and are referred to collectively as “Exchange Club Park”. The City of Pompano Beach has operated a passive recreational area with a sandy beach and wooded trail at this site for numerous years, allowing public access to the upland and the Intracoastal Waterway. Staff has worked with the District’s attorney to draft a lease agreement with provisions for a five (5) year term.

Vice-Chair Donaldson made a motion to approve a five (5) year lease agreement with the City of Pompano Beach for the maintenance and passive recreational use of MSA 726, Broward County, Florida. The motion was seconded by Treasurer Blow. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 12. Scope of Services and Fee Quote for Professional Preliminary Engineering for Material Storage Area 434-C (South) Offload and Nearshore Placement, Volusia County, Florida.

Mr. Crosley stated that Taylor Engineering has submitted a scope of services and fee quote for preliminary engineering of the offloading and nearshore placement of material from Material Storage Area (MSA) 434-C (South) near the Ponce de Leon Inlet, locally referred to as “Rattlesnake Island”.

Treasurer Blow noted that many agencies need sand for their projects and beaches. After determining the quantity and quality of material in the site, the District could let the agencies know that the material is available for their removal.

Treasurer Blow made a motion to approve the scope of work and fee quote in the amount of \$220,898.82 (including \$94,957.88 for sub-consultant surveys, geotechnical investigations and cultural resource surveys) from Taylor Engineering for Preliminary Engineering for Material Storage Area 434-C (South) Offload and Nearshore Placement, Volusia County, Florida. The motion was seconded by Commissioner Sansom. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 13. Approval of the Low Bid for Fence and Gate Repair Due to Storm Damage at Dredged Material Management Area FL-3, Flagler County, Florida.

Mr. Crosley stated that in the wake of Hurricane Irma and possibly a tornado at District Site Dredged Material Management Area (DMMA) FL-3 on September 10, 2017, staff requested quotes from several contractors to replace the cantilevered gate and numerous sections of downed fence totaling approximately 1,200 linear feet. Three contractors responded with quotes for this work.

Commissioner Williams made a motion to approve the low bid in the amount of \$34,000.00 00 from Big Sun Fencing, Inc for fence and gate replacement and repair at DMMA FL-3, Flagler County, Florida. The motion was seconded by Commissioner O'Steen. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 14. Approval of the Low Bid for Fence Repair at Dredged Material Management Area SJ-14, St, Johns County, Florida.

Mr. Crosley stated that approximately 2,000 linear feet of fence line has been damaged at Dredged Material Management Area (DMMA) SJ-14. Staff received three quotes on this project.

Commissioner Williams made a motion to approve the low bid in the amount of \$33,500.00 from Big Sun Fencing, Inc. for fence replacement and repair at DMMA SJ-14, St. Johns County, Florida. The motion was seconded by Treasurer Blow. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 15. Finance and Budget Committee Report.

Commissioner McCabe made a motion to approve the recommendations of the District's Finance and Budget Committee, the September 2017 financial statements, the delegation of authority, and the expenditure and project status report. The motion was seconded by Treasurer Blow. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

Commissioner McCabe made a motion to approve the recommendations of the District's Finance and Budget Committee and to accept the Engagement Letter from Berger, Toombs, Elam, Gaines & Frank for the FY 2016-2017 audit. The motion was seconded by Vice-Chair Donaldson. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 16. Washington D.C. Report.

Mr. Crosley stated that the Federal Government is working under a Continuing Resolution (CR) that will expire on December 8, 2017. Congress will need to agree to new budget caps or pass another CR in December which is likely, as the appropriations bills in both chambers have been written based on topline spending level that exceed the BCA limits for FY2018.

ITEM 17A. Critical Wildlife Area (CWA) Designation of Spoil Island V-7, Volusia County, Florida, MOU with Florida Fish and Wildlife Conservation Commission.

Ms. Zimmerman presented the proposed Memorandum of Understanding (MOU) between the FWC and FIND to designate Spoil Island V-7 as a Critical Wildlife Area (CWA). The CWA designation would allow for closure of the island during nesting season. FIND's attorney has worked closely with FWC's attorney to craft an MOU that agrees to the establishment of the CWA while also protecting the interests of the District, USACE and navigational interests.

Commissioner Williams made a motion to approve the MOU between Florida Fish and Wildlife Conservation Commission (FWC) and the District concerning the establishment of Critical Wildlife Area V-7. Volusia County. Florida. The motion was seconded by Commissioner Sansom. Chair Netts asked for discussion.

Commissioner McCabe stated that because this island is close to a public boat ramp, it meets state regulations as an area that interferes with boating activity and it should not be designated a CWA. That argument is mitigated because the District does not plan to use this spoil island. She is concerned that the MOU is only for twenty years.

Attorney Breton noted that the District's concern is not the island itself. The District's concern is the proximity to the federal channel and the ability to dredge and maintain that channel. It is important that the CWA designation is not used to springboard against the USACE and FIND's IWW dredging activities with additional regulations and permitting.

Ms. Zimmerman suggested amending the motion to approve, to also include the Board's request to make this MOU a perpetual agreement.

Commissioner Williams amended the motion to approve the MOU between Florida Fish and Wildlife Conservation Commission (FWC) and the District, requesting a perpetual agreement, pertaining to the establishment of Critical Wildlife Area V-7. Volusia County. Florida. The motion was seconded by Commissioner Sansom. Chair Netts asked for discussion. Hearing none, a vote was taken, and the amended motion did not pass. The vote was: four (4) in favor, Donaldson, O'Steen, Sansom and Williams; and four (4) against, Blow, Cuzzo, McCabe and Netts. The motion died because of a lack of majority.

Commissioner McCabe made a motion to approve the MOU between Florida Fish and Wildlife Conservation Commission (FWC) and the District with the MOU language changed to read that it is a "perpetual agreement." The motion was seconded by Commissioner Cuzzo. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 17. Additional Staff Comments and Additional Agenda Items.

Mr. Crosley stated that he did not have any additional agenda items.

ITEM 18. Additional Commissioner Comments.

Commissioner O'Steen thanked Commissioner Cuzzo for last evening's Community Outreach Event. He noted that the setting was very nice.

Commissioner McCabe noted that there was a large public turnout for the dedication of the Port Orange Riverwalk. FIND received recognition for funding the project and the improvements that were made to the area.

Treasurer Blow stated that the City of St. Augustine will be submitting two applications for hurricane disaster relief funding. He would like to suggest that the District focus Disaster Relief funding for critical infrastructure repairs.

Treasurer Blow asked if there will be a January 2018 Board meeting. Mr. Crosley stated that there may not be a January 2018 Board meeting.

Vice-Chair Donaldson stated that St. Lucie County has an option to purchase the Port of Fort Pierce. They would like to turn the property into a project similar to Broward or Palm Beach County projects, which provide an economic asset to the community.

Commissioner Sansom stated that the City of Melbourne received a grant from the District to purchase property. The City is in the process of selling that property to a developer. He is working with the City and the developer to maintain public access at the site. If an agreement is not worked out; the District may have to request a return of the funding provided to purchase public waterfront property.

Chair Netts stated that he received a request asking if FIND would consider vacating a Right-of-Way to Flagler County. Mr. Crosley responded to the County that FIND is not interested in vacating the Right-of-Way. Chair Netts asked if that is a decision made by the Executive Director or the FIND Board.

Mr. Crosley referenced the District's Property Release Policy and stated that the County is requesting that FIND release a Right-of-Way that FIND does not own or have a legal interest in. FIND owns the property to the west of the Right-of-Way and the property that the Right-of-Way goes to is property that is owned by the State of Florida Internal Improvement Trust Fund. He stated that he will include a Land Management Policy item on the December agenda.

ITEM 19. Adjournment.

Chair Netts stated that hearing no further business the meeting was adjourned at 11:46 a. m.

Jon Netts, Chair

Attest: Frank Gernert, Secretary

(SEAL)