

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT**

Board of Commissioners Meeting

9:00 a.m., Friday, December 15, 2017

The Shores

2637 South Atlantic Avenue

Daytona Beach Shores, Volusia County, Florida 32118-5643

ITEM 1. Call to Order.

Chair Netts called the meeting to order at 9:00 a.m.

ITEM 2. Pledge of Allegiance.

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

ITEM 3. Roll Call.

Secretary Gernert called the roll and Chair Netts, Vice-Chair Donaldson, Treasurer Blow, Commissioners Crowley, Isiminger, McCabe, O'Steen, Sansom, and Williams were present. Secretary Gernert participated by telephone. Commissioner Cuzzo was absent. Secretary Gernert stated that a quorum was present.

ITEM 4. Consent Agenda.

Chair Netts stated that there were no items on the Consent Agenda,

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 20A, Change Order #3, Nassau Reach I, Atlantic Intracoastal Waterway Maintenance Dredging Project, Nassau County, Florida; and Item 20B, A Proposal (CR 69) to Amend Section 9 of Article VII of the State Constitution Concerning Special District Tax Collections.

Treasurer Blow made a motion to approve the final agenda as amended. 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 6. Public Comments.

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

Ms. Jessica Winterwerp, Coastal Division Director with Volusia County, stated that she would like to thank the District for their funding assistance for the construction of a fishing pier at Inlet Park and for the development of the Swoope Site boat ramp which the County uses for its artificial reef program.

Mr. Crosley noted that the Swoope Site is a perfect example of a commercial-industrial waterway access site. The site has a public boat ramp and deep-water channel barge access.

Commissioner Bill Lindlau with the City of Oak Hill thanked the District for providing funding assistance for improvements to Sunrise Park.

ITEM 7. Board Meeting Minutes.

Mr. Crosley asked if there were any comments or questions regarding the November 18, 2017 Finance and Board Meeting minutes. There were none.

Vice-Chair Donaldson made a motion to approve the November 18, 2017 Finance and Board Meeting minutes as presented. The motion was seconded by Commissioner McCabe. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed.

ITEM 8. Staff Report on Volusia County Area Projects.

Mr. Crosley stated that Phase I of the Dredged Material Management Plan (DMMP) for the Intracoastal Waterway (IWW) in Volusia County was completed in 1993. Phase II of the DMMP was completed in 1994 and all major land acquisition was completed in 1997.

Mr. Crosley stated that there are six (6) identified IWW dredging reaches within Volusia County, supported by seven (7) Dredged Material Management Areas (DMMAs) that have been identified and purchased for waterway maintenance. The 50-year dredging projection is 4.2 million cubic yards. The storage projection is approximately 9 million cubic yards.

Commissioner McCabe stated that a citizen called her regarding a derelict vessel that has washed up on the shore of Rattlesnake Island (MSA 434). Ms. Zimmerman stated that the U.S. Coast Guard (USCG) and Florida Fish and Wildlife Conservation Commission (FWC) are focusing on removing vessels displaced by the recent hurricanes and until that task has been completed, derelict vessel removal is on hold. Mr. Crosley stated that the District can assist the local community through the District's Derelict Vessel Removal Assistance Program.

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 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. A five-year Memorandum of Agreement (MOA) between the USACE and Florida Department of Environmental Protection's (FDEP) Parks Department has been initiated and will allow for placement of material on Amelia Island State Park.

Ms. Trulock stated that plans and specifications for the Intracoastal Waterway (IWW), Volusia County will be combined with the Ponce Inlet dredging project into one contract action. The project consists of dredging approximately 400,000 cubic yards from the federal channel. The USACE has received the permit modification to expand the nearshore placement. The contract modification includes the U.S. Coast Guard's (USCG) request to dredge 10,000 cubic yards of material at the USCG Ponce Inlet station. The current proposal is to place this material in MSA 434A (Rose Bay Project).

Ms. Trulock stated that construction is progressing on DMMA O-7, Martin County. Currently, the dike is under construction. The contractor experienced some delays when Hurricane Irma passed through the State. The project is expected to be completed within the contract required completion date of July 2018.

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. The USACE and FIND staff will walk the site sometime in January 2018 to determine drainage options. The USACE has requested a legal opinion from the FIND counsel on any requirement to maintain drainage from the adjacent property. 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 in early 2018 to dredge the Crossroads Reach and channel widener in Martin County. An updated survey will be performed in the December 2017/January 2018 timeframe. 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.

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 and Ms. Trulock will be meeting with the Hillsboro Inlet District about this project next week. 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. 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 removed 50,000 cubic yards of material and placed it on Bal Harbor Beach. The beach quality sand is beautiful.

Treasurer Blow asked about funding to address shoaling impacts due to the passage of Hurricane Irma for the Matanzas Reach. He stated that 50,000 cubic yards of material that has been deposited into the channel could be used for the Summerhaven River Restoration project. Mr. Crosley noted that unfortunately, the District cannot fund the restoration project directly under existing program rules, but would support efforts to secure federal supplemental funding to address the shoaling problem.

ITEM 10. Presentation of Disaster Relief Applications, St Johns County, Florida.

Ms. Zimmerman stated that the City of St. Augustine has submitted two (2) applications requesting disaster relief funding for reconstruction projects. Each project will be scored individually and must receive an average of 35 points or more to become eligible to receive disaster relief funding. She reviewed the program budget, funded projects and pending projects.

Mr. Jim Piggott, General Services Director, with the City of St. Augustine, presented the application to demolish and replace the City of St. Augustine's Municipal Marina's south and central fuel docks. The marina docks were severely damaged from Hurricane Irma. The south dock requires demolition and replacement of all existing float modules, utility equipment and pilings. Both docks will require repair or replacement of dock components, support systems and utilities including all infrastructure. Currently 28 out of 88 slips are active. Total repairs are estimated to be \$2.5 million. The Port District provided \$150,000.00 to repair the fuel operations dock and equipment. The marina has applied for FEMA funding. The City is following all of FEMA's bid requirements to remain FEMA eligible. Damages to the marina from these storms have been devastating to the boating public, the marina, its employees and the community. The City would like to move forward with these marina repairs quickly. The marina has ten (10) full time employees and six (6) part time employees and their jobs depend on these marina repairs.

Mr. Jim Piggott, General Services Director, with the City of St. Augustine, presented the application to replace and realign thirteen (13) of the 100-foot St. Augustine Lighthouse Boat Ramp Pier's damaged concrete double-tee sections. The pier was severely damaged by storm surge and high winds from Hurricane Matthew in 2016. Damaged support pilings, pile caps, handrails and potable water piping will also be replaced. The repairs are estimated to be \$396,710.00. The City applied to FEMA for funding and to date has not received any FEMA funding.

Commissioner Leanna Freeman, with the City of St. Augustine stated that the City has approximately 13,000 residents that support the infrastructure for five (5) million annual visitors to the City. The marina services provide an economic benefit to the community. She stated that the pier is an important asset to the community and is used by residents and tourists. She thanked the board for their consideration and support of these applications.

Commissioners completed their application scoring sheets. Ms. Zimmerman stated that both applications have scored above 35 points and are eligible for funding.

Treasurer Blow made a motion to approve: Item 10.1, City of St Augustine, Municipal Marina repairs for funding consideration, St. Johns County, Florida, at the requested amount of \$625,000.00; and, approval of Item 10.2, City of St Augustine, St Augustine Lighthouse Boat Ramp Pier repairs for funding consideration, St. Johns County, Florida, at the requested amount of \$99,177.50. The motion was seconded by Vice-Chair Donaldson. Chair Netts asked for discussion.

Commissioner Isiminger asked about requiring a pro-rata funding share from the applicant for this program. Ms. Zimmerman stated that the 75% match required can come from FEMA or the City.

Commissioner Sansom suggested that each application be voted on separately.

Treasurer Blow amended the motion to approve, Item 10.1, City of St. Augustine, Municipal Marina repairs for funding consideration, St. Johns County, Florida, at the requested amount of \$625,000.00. The motion was seconded by Vice-Chair Donaldson. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

Treasurer Blow amended the motion to approve, Item 10.2, City of St Augustine, St. Augustine Lighthouse Boat Ramp Pier repairs for funding consideration, St. Johns County, Florida, at the requested amount of \$99,177.50. 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 11. U.S. Army Corps of Engineers Intracoastal Waterway Setback Policy and National Marine Fisheries Service Biological Opinion Policy Review.

Ms. Tori White, Deputy Chief Regulatory Division, with the U.S. Army Corps of Engineers (USACE) Jacksonville District, provided a comprehensive overview of the Jacksonville District's revised Intracoastal Waterway Setback Policy, as well as enforcement strategies for unauthorized/noncompliant structures. She referenced the Jacksonville District's Programmatic Biological Opinion Overview and noted that the full presentation will be presented at the February 17, 2018 Board meeting. The presentation can be provided upon request.

ITEM 12. Scope of Services and Fee Quote for Additional Professional Services for Final Engineering Design - Dredged Material Management Area BV-4B Brevard County, Florida.

Mr. John Armbruster, with Taylor Engineering, presented a scope of services and fee quote for additional work required to complete plans and specification for DMMA BV-4B.

Chair Netts asked about the salinity level monitoring stations. Mr. Armbruster stated that based on the modeling, Taylor Engineering does not expect salinity to be a problem. He noted that there are several techniques that can be used to remove salinity, such as pumping the saltwater out with booster pumps

Chair Netts asked if there is an alternate site that would be less expensive for the District to develop. Mr. Crosley answered no and stated that adjacent land is jurisdictional, and this reach of the waterway has high dredging requirements.

Commissioner Sansom made a motion to approve a scope of services and fee quote from Taylor Engineering in the amount of \$151,111.50 (which includes \$32,715.00 for sub-consultant survey and utility location services) for Additional Engineering Services, Final Engineering Design - Dredged Material Management Area BV-4B, 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.

ITEM 13. Review of the Navigation District’s Proposed 5-Year Dredging and Dredged Material Management Area (DMMA) Plan.

Mr. Crosley stated that staff has updated the District’s 5-year plan for dredging and DMMA construction. This information provides a basis to plan and finance future waterway improvements.

Commissioner Sansom asked about project priority numbering. Mr. Crosley stated that site construction is prioritized by highest dredging needs.

Commissioner Crowley noted that D-29 had a Temporary Use Agreement that has expired. Mr. Crosley agreed and noted that section of the waterway has low dredging requirements. He stated that he will add the items suggested by Commissioners.

ITEM 14. Scope of Services and Fee Quote for Preliminary Design and Permitting, Broward County Reach I, Hillsboro Inlet District Permit Modification Broward County, Florida.

Mr. Crosley presented a scope of services and fee quote, from Taylor Engineering, Inc. to conduct the required work to modify the existing Hillsboro Inlet District’s permit.

Commissioner McCabe made a motion to approve a scope of services and fee quote from Taylor Engineering in the amount of \$20,762.00 to coordinate with the Hillsboro Inlet District to modify the existing operational permit allowing Intracoastal Waterway material to be placed in the inlet impoundment basin for eventual beach placement, 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 15. MSA 727-B, “Aldorf Park” Lease Agreement to City of Pompano Beach, Broward County, Florida.

Ms. Zimmerman stated that the District owns MSA 727-B and leases the property to the City of Pompano Beach for use as a boat ramp and recreational park. The City of Pompano requests to renew the lease for MSA-727-B Aldorf Park for another 5-years.

Commissioner Crowley asked if this site is available for use by marine contractors. Ms. Zimmerman answered yes and noted that the commercial use language in the lease has been strengthened.

Secretary Gernert made a motion to approve a 5-year lease agreement with the City of Pompano Beach for public park and boat ramp at MSA 727-B, Broward County, Florida. The motion was seconded by Commissioner McCabe. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 16. Review of the District’s Easement and Surplus Lands Policies.

Mr. Crosley stated that the District owns or maintains an easement over numerous sites along the 406 miles of Intracoastal Waterway from the Georgia-Florida state line through Miami-Dade County. In 2009, the Board standardized the process for surplus lands or evaluating easements for use or abandonment.

Mr. Crosley noted that the sale of all public lands is subject to F.S. (Florida Statutes) Section 274.05 and must be offered to a public entity before being eligible to be auctioned

to the highest bidder in a public auction. Upon request, easements are evaluated on a case-by-case basis for value to the District's management of the Intracoastal Waterway (IWW). Currently, all eligible land management actions are reviewed and approved by the Board.

Treasurer Blow stated that he feels that anytime the District receives a request related to vacating land or an easement, it should come before the Board. He visited the site in Flagler County that generated this discussion. The site is an upland parcel with very little jurisdictional wetlands between the District's site and the IWW. The right-of-way in question is on a cul-de-sac that provides access to the District's site. It would be a mistake for the District to give up any of this property.

Chair Netts stated that what he would like to address is: 1.) Is the decision to not give up the right-of-way a Board decision; and 2.) Should FIND be stock piling land.

Mr. Crosley stated that the District has no incentive to release land. The District does not know what type of land needs will be required in fifty-years. Taylor Engineering has been advising the District for many years not to release land, once it is gone, it is gone.

Dr. Taylor stated tht the District's 50-year management plan is currently being updated. In the process they are evaluating all District land to determine its viability. The report summarizes all factors that have changed since the first 50-year management plan was completed.

Chair Netts asked if the District holds land that cannot be used for a DMMA. Dr. Taylor answered yes. Mr. Crosley noted that those properties can be used for mitigation, traded for a viable piece of property, or used for public access.

ITEM 17. Taylor Engineering Hourly Rate Adjustment.

Dr. Taylor stated that for 2018 he is proposing an average 1.1% increase for all staff and a 1.9% adjustment for technical and professional staff. He stated that this request is in line with industry standards. He stated that he respectfully asks that the Board consider this request.

Commissioner Williams noted that Taylor Engineering's contact is covered under a Continuing Services Contract and their work is superior. He suggested that the District review and discuss that contact every two-years.

Commissioner Isiminger stated engineering services are evaluated on quality, not cost. The only way the District would select another firm would be if they are more qualified than Taylor Engineering. Taylor Engineering's work is superior.

Commissioner Williams made a motion to approve the rate adjustment requested by Taylor Engineering for 2018. The motion was seconded by Commissioner McCabe. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 18. Finance and Budget Committee Report.

Commissioner McCabe made a motion to approve the recommendations of the District's Finance and Budget Committee, the October 2017 financial statements, the delegation of authority, and the expenditure and project status report. The motion was

seconded by Commissioner Sansom. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 19. Washington D.C. Report.

Mr. Crosley stated that the Federal Government is working under a Continuing Resolution (CR) that would have expired on December 8, 2017. Congress will need to agree to new budget caps or pass another CR in December which is likely.

Mr. Crosley stated that the Magnuson-Stevens Act Bill is moving quickly. Mr. Davenport spoke with Representative Don Young about the District's language being included in the bill and it was not. When the bill is on the floor for a vote, there may be an opportunity to add the District's language to the bill. Florida has two Federal Representatives that are involved in the bill and he may schedule an appointment with those Representatives to discuss language that would be beneficial to the State of Florida.

Mr. Crosley stated that because of Federal budget cuts to the USACE, the District has been funding and doing a portion of the USACE's work on the IWW in Florida. This bill requires the District to mitigate for doing work that the USACE would not have to mitigate.

Commissioner McCabe stated that the bill's definition of mitigation does not fit the job that that the District is required to perform. The District should not be required to mitigate for doing the work that is related to the USACE's job.

ITEM 20-A. Change Order #3, Nassau Reach I Atlantic Intracoastal Waterway Maintenance Dredging Project, Nassau County, Florida.

Mr. Crosley stated that based on a post-project hydrographic survey, an additional 8,823 cubic yards of material was dredged in the northern limits of this project. The removal of the additional volume was desirable and within the original contract parameters. This resulted in a Change Order for \$82,853.62.

Mr. Crosley stated that the total amount of change orders equals \$305,850.48, exceeding the Executive Director's authority for 10% of the original contract. Change Order #1 equaled \$18,661.00 for Dredged Material Management Area (DMMA) DU-2 weir modifications. Change Order #2 equaled \$204,335.86 for additional dredged material in the southern limits of the project. Change Order #3 equaled \$82,853.62 for additional dredged material in the northern limits of the project.

Commissioner Williams made a motion to approve Change Order #3 in the amount of \$82,853.62 for an additional dredged volume of 8,823 cubic yards for the Nassau Reach I Atlantic Intracoastal Waterway Maintenance Dredging Project, Nassau County, Florida. The motion was seconded by Commissioner Isiminger. Chair Netts asked for discussion. Hearing none, a vote was taken, and the motion passed unanimously.

ITEM 20-B. A Proposal to Amend Section 9 of Article VII of the State Constitution Concerning Special District Tax Collections.

Mr. Crosley stated that Attorney Jon Moyle brought to his attention a state constitutional amendment (CR 69) has been proposed that would require all special taxing authorities (with the current exception of water management districts) to have their authority renewed by referendum every ten (10) years (beginning on January 7, 2019). This

would effectively require the majority of land owners within the Florida Inland Navigation District to approve the District's taxing authority every ten years. Mr. Moyle and other interested parties are working to include navigation taxing districts in the exception amendment.

Attorney Breton discussed the obstacles and ramifications of this proposed amendment to the District.

Commissioner Sansom stated that the District needs to work with every group that this amendment would affect to help defeat this proposal.

Mr. Crosley noted that the District's Waterway Economic Impact studies help justify why the District needs to continue maintain the Waterway.

ITEM 20. Additional Staff Comments and Additional Agenda Items.

Mr. Crosley stated that the January 19, 2018 Board meeting is cancelled.

Ms. Zimmerman noted that if a Commissioner would like changes made to their contact information for the Assistance Program packages, please make those changes and return the contact sheet to her.

Commissioner Crowley received the Young Leader Award at the December meeting of the Greater Miami Chamber of Commerce.

ITEM 21. Additional Commissioner Comments.

Commissioner McCabe thanked everyone for attending last evening's Community Outreach Event.

Commissioner McCabe thanked the Board for the Appreciation of Service Plaque and noted that it is really nice and she appreciates it.

Commissioner O'Steen asked if he could be provided with a set of USACE Duval/St. Johns County set-back policy maps.

Vice-Chair Donaldson stated that St. Lucie County purchased the Port property to establish a mega-yacht repair facility. It is hopeful that the facility will become a marine industry economic engine.

ITEM 22. Adjournment.

Chair Netts stated that hearing no further business, the meeting was adjourned at 1:00 p. m.

Jon Netts, Chair

Attest: Frank Gernert, Secretary

(SEAL)