

BEACH AND SHORE PRESERVATION ADVISORY COMMITTEE

The Indian River County (IRC) Beach and Shore Preservation Advisory Committee met at 3:00 P.M. on Monday, February 20, 2006 in the First Floor Conference Room "A" of the County Administration Building, 1840 25th Street, Vero Beach, Florida.

Present were Chairman Bill Glynn, Ralph Sexton, David Barney and Frederick Dillon, Board of County Commissioners (BCC) Appointees; Vice Mayor Tom White, Vero Beach Appointee; Councilman William Ahrens, Indian River Shores Appointee; Robert Tench, Orchid Appointee and Mayor John McCants, Fellsmere Appointee.

Absent were Mayor Nathan McCollum, Sebastian Appointee; John Berrigan (both excused); and Bob Anderson (unexcused), BCC Appointees.

Also present were Commissioner Liaison Art Neuberger and IRC staff: Mike Zito, Assistant County Administrator; Jim Davis, Public Works Director; Dr. Jonathan Gorham, Coastal Resource Manager; James Gray, Coastal Engineer; Rick Herren, Environmental Specialist and Reta Smith, Assistant to the Executive Aide. Others present: Martin Smithson, Sebastian Inlet Taxing District (The District); Sheryl Koenes, Disney's Vero Beach Resort; John Burns, South Beach Property Owners Association; Bill Johnson and Laurie Schmitt, Sea Oaks; Lee Cockey and William Suddath, North Beach Civic Association.

Call to Order

Chairman Glynn called the meeting to order.

Approval of the Minutes of January 16, 2006

ON MOTION by Vice Mayor White, SECONDED by Mayor McCants, the Committee voted unanimously (8-0) to approve the minutes of January 16, 2006 as presented.

Update on Sectors 3 and 5 Dune Restoration Project – James Gray, County Coastal Engineer

Mr. Gray distributed a sheet with information on the dune restoration

project, a copy of which is on file in the Commission office. He related the total amount of sand hauled to Sectors 3 and 5 was 219,428 tons and they were now finishing grading of the Sea Grape Trail access area. Mr. Gray stated it looked like there would be a potential change order to the contract stemming from a reduction in quantities, due to natural recovery from the 2004 hurricanes. He specified the reduction was approximately 70,000 tons, resulting in about \$1.45 million change order decrease in the contract. Mr. Gray summarized there was a potential increase due to the necessity of repaving Seagrape and Turtle Trails and a possible fuel adjustment increase, for a total of \$300,000; so there would be about a \$1.1 reduction, bringing the project total to approximately \$5 million instead of \$6.

Chairman Glynn asked where the money saved would go and Mr. Gray responded it had been allocated for Sector 7 beach restoration. He explained these were part of the hurricane recovery funds which the Department of Protection (DEP) had agreed could be used for the South County project.

Commissioner Neuberger asked if the fuel adjustment clause was part of the contract. Mr. Gray stated it was not part of the contract and he had not formally seen it yet, but it had been discussed because of the increase in fuel prices. Commissioner Neuberger wondered why the contractors felt they were entitled to a fuel adjustment if it was not written into the contract.

A discussion followed.

Chairman Glynn mentioned he had noticed the North Beach area shoreline had been accreting a little and wondered if that was due to the return of sand washed out with Hurricanes Frances and Jeanne. Dr. Gorham felt a lot of the recovery this summer was because sand sitting offshore that had eroded from the dunes and beaches was working its way back to the beach.

Status of John's Island Project – Dr. Jonathan Gorham, County Coastal Resource Manager

Dr. Gorham recapped the John's Island project entailed replenishing approximately 2.5 miles of shoreline with about 45,000 tons of sand. He related an Interlocal agreement had been signed to share the cost with John's Island, with the County using the same DEP hurricane recovery dune project money that was used for the Sectors 3 and 5 projects. Dr.

Gorham related bids for the project had been opened on January 25, 2006 and the low bid came in at \$1.145. He added the Board of County Commissioners (BCC) approved the contract award to Ranger Construction at the February 7, 2006 BCC meeting, and he anticipated being ready to give them a Notice to Proceed by February 24, 2006, with completion being scheduled for April 1, 2006.

Update on Bid Packages for Sectors 1, 2 and 7 – Dr. Jonathan Gorham, County Coastal Resource Manager

Dr. Gorham confirmed the DEP had agreed to approve the Sectors 1 and 2 projects of 258,000 cubic yards of sand, funded by the Federal Emergency Management Agency (FEMA). He noted the permit modification was not in hand yet and the fourth response to their Request for Additional Information would be submitted on February 24, 2006. Dr. Gorham expected the County to receive a Notice of Intent to Issue on Sectors 1 and 2 by March 15, 2006.

Dr. Gorham explained in order to get Notice to Proceed on Sector 7 they would have to settle on the draft permit conditions, then complete and review the preconstruction biological monitoring. He wanted the Committee to know the permitting was still not finalized, even though they were at the end of a very long road. Dr. Gorham related they had gone out to bid on the project as early as they felt they reasonably could, in order to get the bid responses and at the same time finalize all the permitting.

Dr. Gorham referred to the bid tabulation sheet and related material, a copy of which is on file in the Commission office. He explained the contractors had been given the option of a base bid to build Sector 7 before May 1, 2006; bid alternate #1 to build the Sector 7 and Sectors 1 and 2 projects before May 1, 2006; and bid alternate #2 to build both of the projects between November 1, 2006 and May 1, 2007. Dr. Gorham clarified it had been done this way because of reservations about the availability of equipment in the dredging industry, and rather than get no bids and have to rebid, it had been decided to do the options.

Dr. Gorham confirmed nobody had submitted bids for spring 2006 construction, and two contractors had submitted bids for alternate #2, those being Manson Construction Company for \$15.76 million and Great Lakes Dredge & Dock Company, LLC (Great Lakes) in the amount of \$13.99 million. This broke down to \$7.2 million for Sectors 1 and 2 and \$6.7 million for Sector 7, and FEMA had indicated they would adjust their authorization to reflect the bid price for Sectors 1 and 2. He clarified this

would be a 90% federal cost share, along with participation on that project with the Sebastian Inlet Tax District (The District), which would leave the total local cost of under \$600,000 to build Sectors 1 and 2.

Dr. Gorham pointed out Sector 7 had always been a 100% locally funded project, however as part of the aftermath of Hurricanes Frances and Jean the DEP had agreed to allow the County to apply any of the unexpended hurricane dune project money on that Sector. He estimated there should be approximately \$3.8 million left over for the Sector 7 project, which would leave a local share of about \$3.4 million. Dr. Gorham specified between both of the projects the County was leveraging around \$10 million of state and federal money, with a local outlay of just over \$4 million.

Dr. Gorham stated he was reasonably happy with the bid price received from Great Lakes for fall construction, noting they were the industry leader and had done a good job on the previous Sectors 1 and 2 projects. Chairman Glynn asked if the County had anything saying Great Lakes would start in November, 2006 or would they just finish by May, 2007. Dr. Gorham clarified the requirement was for the project to be built between November 1, 2006 and May 1, 2007, but it was not instructing them specifically to start on November 1, 2006. Chairman Glynn noted the project would be approximately 60 days and expressed concern Great Lakes could start the project in March, 2007, based on the bid.

A discussion followed about the bid process.

Chairman Glynn said he had read through past minutes and found nothing reflecting the County going into 2007 with Sector 7. Dr. Gorham indicated it should have been clear that November to May was the next dredging window for the work to take place. Mr. Davis pointed out the third bid alternative was discussed by the Committee on page two of the December 19, 2005 minutes.

Mr. Barney asked if the County could award the bid before getting the permits from the DEP. Dr. Gorham said they could award it prior to final permit and Notice to Proceed issuance. Commissioner Neuberger wondered if this wasn't treading on thin ice unless we were 99% certain we would get the permits. Dr. Gorham agreed we would like to have the permits in place before going to bid, but he had a high degree of certainty with Sector 7 and thought we were far enough along on Sectors 1 and 2 to be able to make a recommendation to the BCC on the bid.

Dr. Gorham asked for a recommendation from the Committee to the BCC that the contract be awarded to Great Lakes for November, 2006 construction. He specified the only other option would be to rebid the project and he did not recommend that.

A discussion followed about the difficulties of getting bids because of all the work around for dredging companies.

ON MOTION BY Vice Mayor White, SECONDED BY Councilman Ahrens, the Committee voted unanimously (8-0) to recommend the Board of County Commissioners award a contract to Great Lakes Dredge & Dock Company, LLC for Fall, 2006 construction of Sectors 1, 2 and 7.

Dr. Gorham related the only remaining hurdle for Notice to Proceed was the biological monitoring, which must be done this summer in order to proceed with the project. He stated the County was working with DEP on trying to modify some of the methodologies for monitoring to make them a little more useful in the kind of conditions we encountered. He emphasized it would be a lot simpler to have the summer to accomplish the work, rather than having to get it done in February and March, because the conditions would be a lot better.

Update on Permitting Process for Sectors 3 and 5 – Dr. Jonathan Gorham

Dr. Gorham reported the remaining segments in the overall Beach Preservation Plan were Sector 3 in the Wabasso area and Sector 5 in the City of Vero Beach. He related the County had been speaking with Coastal Technology Corporation (Coastal Tech) about getting a scope of work for design and permitting services for Sector 3, but had not seen anything yet. On Sector 5 the first effort would be to explore the possibility of federal reauthorization of the project to gain some additional money for the work. He confirmed he would be attending the American Shore and Beach Preservation Association meeting on March 1, 2006, and one of the things he would do was meet with individuals to start that process.

Dr. Gorham stated the County had not yet submitted permit applications for either Sector 3 or 5 at this time. He indicated the first step would be to contract for the design of the project, which was what they were looking at with Coastal Tech for a scope for design and permitting.

Chairman Glynn opined we were getting further and further along with nothing going on with Sectors 3 and 5, and asked for an idea of when a package would be ready to submit for the permits for those projects.

Dr. Gorham said it was the intention to pursue Sector 3 first, and felt the design would be ready by the end of the 2006. Chairman Glynn inquired if he was correct in assuming it took 18 to 24 months after that to pull a permit. Mr. Gorham responded the federal side of the process, containing the requirements for Environmental Impact Statements, was a minimum of 18 to 24 months. Chairman Glynn asked if there was any way the permitting process could be moved forward by getting the package put together sooner. Dr. Gorham noted up until now staff had been working 100% on both the emergency recovery dune projects and Sectors 1, 2 and 7. He advised the design process was fairly involved and complicated and the more time spent in design, the less time would be spent in permitting, and he did not think we should hurry the design just to get a permit application in. Chairman Glynn protested we did not have the time because if this thing continued to drag out, serious oceanfront properties would be lost.

Mr. Bill Johnson, Sea Oaks Property Owners Association, thought it was important for everyone to understand the concerns of those who lived in the Barrier Island. He read from a prepared statement he had circulated to the members, a copy of which is on file in the Commission office.

Mr. William Suddath, Sea Oaks resident, said he had come to this meeting directly from the offices at Coastal Tech and as far as they were concerned no one had received any work orders from the County. He suggested the Committee make a motion to instruct County staff to immediately issue a work order to Coastal Tech, or whoever they thought was appropriate, to begin the permitting process for Sectors 3 and 5.

Mr. Davis responded to Mr. Johnson's comments by pointing out the County had spent \$6 million on Sectors 1 and 2, \$7 million restoring the FEMA dunes and \$13 million Dr. Gorham was recommending the Committee award the bids for in Sectors 1, 2 and 7, which added up to \$26 million. He did not know where else the County had spent \$26 million in such a short period of time on any project. In terms of the short term projects, he thought the County had done a lot of work, and in the long term once Sectors 3 and 5 were done the Beach Preservation Plan that was developed in the 1990's would pretty much have been implemented.

Mr. Suddath stated the County had not spent \$26 million, but had

gotten money from federal and state governments and spent it. He accused Mr. Davis of misrepresentation. Mr. Davis pointed out approximately \$8 million was local money the County had taken from the Additional One Cent Sales Tax.

A lengthy discussion followed about the need to move faster on the projects.

Vice Mayor White asked Dr. Gorham how much it would cost if the Committee made a motion for him to approach the BCC to start Coastal Tech on the permitting process. Dr. Gorham said it would not cost anything directly because they would task the consultant with a cost estimate and a scope of work to get us to the stage where we could submit a permit application. He recalled for Sectors 1, 2 and 7, this had cost approximately \$.75 million, excluding the work for characterizing the offshore borrow area.

A discussion ensued.

**ON MOTION BY Vice Mayor White,
SECONDED BY Mr. Tench, to recommend the
Board of County Commissioners expedite all
future programs for Sectors 3 and 5.**

Mr. Barney said he was recusing himself from voting and completed a Voting Conflict form, which on file in the Commission office. Councilman Ahrens suggested the motion be more specific about a timeframe.

**ON AMENDED MOTION BY Vice Mayor White,
AMENDED SECOND BY Mr. Tench, the
Committee voted unanimously (7-0) to
recommend the Board of County
Commissioners issue a work order within 90
days for engineering services on Sectors 3
and 5 so the permit packages could be sent to
Tallahassee by the end of 2006. Mr. Barney
recused.**

Groins and other methods of keeping sand on the beaches were discussed.

Mr. Davis related the funding that had been applied to the beaches was the unincorporated area's share of the One Cent Sales Tax. He

clarified none of the municipalities' sales tax money was being used for beach renourishment. He suggested one way to move the projects along would be to get the cities to cooperate with One Cent Sales Tax funding, just like the unincorporated areas or to establish a Countywide Erosion Control District so there was equity.

Vice Mayor White indicated the Once Cent Sales Tax money for the City of Vero Beach had been earmarked for specific projects for the next several years.

Chairman Glynn insisted there was no shortage of funding. He said Representative Mayfield had told him the County did not have any of their programs in place to spend any money Representative Mayfield could get from Tallahassee.

Mr. Barney thought it was time local governments started pressuring the state to allow some more experimental technology be used. He felt it was important to change the climate because it was important to have something to keep the sand on the beaches.

A discussion followed about projects in other areas of the country and the world and how they were working.

Status of County Beach Parks – Jim Davis, County Public Works Director

Mr. Davis reported Wabasso Beach was the only park that was not open at this time. He said the County would soon be going out to bid for restoring the restroom buildings, the boardwalk and the picnic tables to get Wabasso Beach back in full service. He noted Turtle Trail and Seagrape Trail would be completely renovated and resurfaced due to the trucking activity of all the sand from the FEMA dune projects.

Update from the Sebastian Inlet Taxing District Commission – Marty Smithson

Mr. Smithson said he had been working through the maze of regulations and cooperating with the County on the Sectors 1 and 2 projects. He told residents of Sea Oaks sitting in the audience he would be glad to come to their place and give a presentation on what was going on with The District. He specified last August they had come out with a draft Inlet Management Plan, so there was a long range plan on what should be done at the Sebastian Inlet.

Chairman's Matters

Chairman Glynn related the Sanderling development had just put in a beautiful sea wall and Sea Oaks was getting ready to put one in also. He stressed you could not build sea walls in increments and the Sanderling sea wall would have a major effect on beaches to the south. Chairman Glynn warned the County could end up having a giant sea wall running from the south end of Sector 2 all the way down past Marbrisa. He thought a domino effect would be created, with one sea wall creating the necessity for another one, and so on. He stressed the only thing we could do to stop this was to get sand on our beaches.

Ms. Laurie Schmitt of Sea Oaks clarified a very limited amount of Sea Oaks was getting a sea wall and the rest of them were not allowed to do so. Chairman Glynn said even if Sea Oaks put in a small sea wall, if we did not get sand on the beaches they would have to put in a larger sea wall over time. He noted Summerplace where he lived had started out with an 800 foot sea wall and had ended up with a 2400 square foot sea wall.

Other Matters

Vice Mayor White said he had been getting a lot of letters about a house being built on the ocean next to Riomar golf course that was 60 feet in front of the coastal construction line. Dr. Gorham indicated he had gone over there to look at the plans and it looked as though it was legal. He specified it was a 13,000 square foot house on a modest lot and it would overshadow the neighbors' property.

A discussion ensued.

Mr. Barney advised there were three houses being rebuilt in Summerplace subdivision and he was upset because they were on a septic system that would be going within 25 feet of the sea wall. He outlined the Committee had received a presentation two years ago from Dr. Barile of Harbor Branch Oceanographic Institute on water quality tested along our beaches that showed we were getting some signs of sewage in the ocean. He stated the County Health Department was drafting an ordinance so the septic systems would have to be set back at least 75 feet from the water and grandfathering would not be allowed.

Mr. Barney thought it was important to start looking at putting all of the Barrier Island on sewers and get rid of septic systems.

There being no further business, the meeting was adjourned at 4:43 p.m.