

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT
MINUTES OF REGULAR MEETING
Tuesday, December 18, 2018

The regular meeting of the St. Augustine Port, Waterway & Beach District was held at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida on Tuesday, December 18, 2018.

1. **CALL TO ORDER**

Chairman Barry Benjamin called the meeting to order at 3:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the flag of the United States of America followed.

3. **ROLL CALL**

Chairman Barry Benjamin, Vice-Chairman Tom Rivers, Commissioners Chris Way, Matt Brown, and Sandy Flowers were in attendance. The meeting was also attended by Mike Trudnak of Taylor Engineering, District Counsel Jim Bedsole and Secretary-Treasurer Elyse Kemper.

4. **SECRETARY-TREASURER'S REPORT**

Secretary-Treasurer Kemper delivered the financial report. As of November 30, 2018, the District had spent \$23,306 on previously-budgeted items including law enforcement overtime, the removal of derelict boats, and marine electronics for the Sheriff's Office. Operating expenses for this fiscal year total \$32,545, and \$200,000 previously committed to the City of St. Augustine for the seawall connectivity project has been paid, making the total spent to date \$257,856. The District has net funds available for use of \$1,762,204 and currently holds \$204,689 for the restoration of the Summer Haven River. Expected tax revenue for the 2018-2019 fiscal year is \$526,341 of which \$344,180 has been collected.

5. **APPROVAL OF MINUTES**

Chairman Benjamin opened the floor for comments or corrections of the minutes of November 20, 2018 and Commissioner Flowers said she had some corrections to the comments made by Teddy Meyer on page 4 of the minutes. She said Mr. Meyer responded to her questions regarding the change in the price of the work the county was requesting the District fund from 30 thousand to 70 thousand dollars. She said his initial response was that he could not answer the question but that he later explained it. Also on page 4, she said Carl Blow had added a comment to Mr. Meyer's discussion of boat ramp construction by saying permits were hard to get. Her third correction was to Item 11 on page 6, saying Chairman Benjamin would not allow further discussion.

Commissioner Flowers went on to opine that it would not be difficult to record video of the meetings and post them on the District's website. She offered to use her cell phone for this purpose. Comments by other commissioners indicated more study of this was necessary, including an examination of the cost of having this professionally produced.

A motion by Vice-Chairman Rivers to approve the minutes with Commissioner Flowers' revisions was seconded by Chairman Benjamin and passed with 3 votes in favor, 1 vote against, and 1 abstention.

6. ENGINEERING REPORT

Mike Trudnak delivered the engineering report on behalf of Taylor Engineering. He said the contractor is on site at the Summer Haven River. Re-starting the project has been delayed because of the need to coordinate with FWC on the placement of the permanent least tern nesting area previously planned for the east side of the restoration dune. Because of erosion, this area will be placed on the west side of the dune instead and will require a permit change. In 2019, the permit requirements as to least terns will expire. Funds for the project have recently been replenished by the addition of four hundred thousand dollars from the Florida Legislature and the payment of a \$352,000.00 debt from St. Johns County.

7. OLD BUSINESS: NONE

8. NEW BUSINESS

Commissioner Flowers began the discussion by announcing that all the board members are required by law to have a bond pursuant to the District charter and that all of the other commissioners should vacate their seats and retire from the board unless they obtain surety bonds. Commissioner Flowers went on to say that she intends to file an action for a writ of mandamus in local circuit court within three days unless the board agrees to obtain such bonds.

District Counsel Jim Bedsole responded that no commissioner has been personally bonded for over twenty years, mainly because of the huge coverage limits already in place insuring the District for any kind of loss, including losses due to mis-management, malfeasance or theft by elected officials.

Commissioner Flowers went on to say that commissioners are being paid an illegal amount for their service. Mr. Bedsole pointed out that the District charter allows commissioners to receive a maximum of \$300.00 per year pay for services. Secretary/Treasurer Kemper said that commissioners receive \$200.00 per month each for costs and expenses, such as travel.

Commissioner Flowers then said Vice-Chairman Rivers had been lawfully elected but that Chairman Benjamin had not. Chairman Benjamin said he had been elected several months ago and Commissioner Flowers responded that he was required to be elected after the new board took its seat in the November meeting. Mr. Benjamin said he had no problem having another election.

Commissioner Flowers then had a discussion with Mr. Bedsole regarding her perceived need for a surety bond as opposed to a fidelity bond and her belief that the board needed to immediately resign. Several board members said they had no intention of resigning, to which Commissioner Flowers replied she would be filing a lawsuit.

As a final topic, Commissioner Flowers asked the board to approve payment of her bond fee of \$340.00, and moved to pay her own bond. The motion died for lack of a second.

Chairman Benjamin then called for an election and Vice-Chairman Rivers nominated Chairman Benjamin for chair, and the motion was seconded by Commissioner Way.

Commissioner Flowers then nominated Commissioner Brown and was seconded by Commissioner Rivers.

Chairman Benjamin called for a vote. Four votes for Chairman Benjamin and one vote for Commissioner Brown were cast.

After the vote, Commissioner Flowers told Chairman Benjamin he could not vote for himself. Chairman Benjamin replied that he could and did vote for himself. Commissioner Flowers said the board does everything wrong and is not representing the taxpayers.

Commissioner Flowers then requested to be sworn in and Mr. Bedsole offered to do so. Commissioner Flowers then said it was not necessary as all they needed was a notary public. Then she asked Mr. Bedsole if she could drop by his office and have the form notarized. Mr. Bedsole said she could do so at her convenience.

Commissioner Flowers said District consultant Ken Krauter has no authority and should not be allowed to use a business card with the District logo. She elaborated that Mr. Krauter is very important to the board in that his recommendations are often followed and that he represents the board and the District to the public. Commissioners responded that Mr. Krauter was hired by the commission and they have no problem with his business card.

Commissioner Flowers then told the board that she considers all the government employees who from time-to-time attend District meetings to be official liaisons subject to public meeting regulations. Mr. Bedsole said these employees of other government agencies are not appointed liaisons or advisory committee members subject to public meeting requirements, and that merely speaking to an employee of another unit of government regarding District affairs will not subject a board member to prosecution.

Commissioner Flowers said she discovered a federal regulation which means that no Corps of Engineers development permit is needed to construct a new boat ramp at the Hospital Creek intersection with May Street. She said the regulation clearly states that no person or agency needs to be notified or consulted and no permit needs to be obtained before the District builds up to a twenty-foot wide ramp in that location. She said the fill necessary can be purchased for one hundred dollars and that up to 50 cubic yards of concrete may be placed in the water without a permit. FIND Commissioner Carl Blow advised Commissioner

Flowers to consult a coastal engineer before spending the \$100.00. Chairman Benjamin thanked her for the information.

9. GOVERNMENT REPRESENTATIVE COMMENTS

Jim Piggott, Director of General Services for the City of St. Augustine, reported the city has plans to move several derelict boats in the coming weeks. Several vessels have sunk in the anchorage south Crane Park and one more in another location. All or parts of each will be removed and disposed of at a cost of \$4,500 in local matching funds, which he is requesting from the District. He said the remaining seventy-five percent of the cost will be paid by the Florida Inland Navigation District.

Lt. Steve Zukowsky, Florida Fish and Wildlife Conservation Commission, added that one of the boats is so deep that only the mast is a hazard to navigation and that it should be cut off. The rest of the hull will be left in place. One vessel is in the marsh northeast of St. Augustine Airport and removal of it in tact may be possible. In response to questions from Commissioner Flowers, Lt. Zukowsky said the vessels will be towed to the city's yard on Riberia Street by SeaTow or Boat US, and broken up for disposal. In response to questions from Commissioner Way, Mr. Piggott said these are the last derelict vessels known at this time.

A motion by Commissioner Way to approve the expenditure of \$4,500.00 to remove the derelict vessels was seconded by Chairman Benjamin and passed unanimously.

Cpl. Josh Underwood, SJSO Marine Unit, reported that last month his agency spent 92 officer hours in the water, responded to 51 calls, performed 14 inspections, and issued 19 warnings and 4 citations. He said no new derelicts have been located.

Commissioner Flowers said a marker was almost down in Salt Run and that she sent an email to the board in November asking that it be repaired. Commissioner Brown suggested the process of notifying the board could be formalized to make certain the information is passed on to the right person. Chairman Benjamin said the procedure has been to contact Taylor engineering and Taylor Engineering then hires a contractor. Commissioner Way said finding a contractor with the time and resources to re-set a piling in the deep mud of Salt Run could be difficult. Cpl. Underwood said he notified the U.S. Coast Guard of the problem and that the marker is still solidly anchored but is leaning over. Chairman Benjamin suggested board members call Taylor Engineering directly next time to expedite repairs.

Lt. Zukowsky, FWC, reported with FWC Officer Bill Miller. They said the recent Regatta of Lights in St. Augustine and the holiday boat parade in Ponte Vedra had gone well even though the weather was bad. He said the Coast Guard Reserve and Auxiliary had assisted.

Officer Miller said they recently stopped a boat near the Vilano Pier whose operator proved to have been operating the boat while intoxicated. He was cited for BUI and for assaulting two officers during the stop.

They reported the redfish action at Guana Dam is slowing and that snook are beginning to return to Flagler County. Otherwise, a prior offender was arrested again for failing to tag oysters harvested in St. Johns County waters.

Teddy Meyer, St. Johns County Parks and Recreation, said his agency has begun to remove old or out-dated signs from ramps and beaches in an effort to standardize signage.

In response to questions by Vice-Chairman Rivers, Mr. Meyer said the new signs referring to the Vilano boat ramp as Vilano Landing are the result of the county's re-branding campaign. He then presented the board with a list of existing and possible ramp sites the county is considering, including some for non-motorized vessels such as kayaks and canoes.

Carl Blow, St. Johns County's representative to the Florida Inland Navigation District, presented details to the board regarding the planned dredging near St. Augustine Inlet and the Intracoastal Waterway near Matanzas Inlet later this year. He said a survey by the Corps of Engineers revealed that damages from recent hurricanes were much worse than expected, totaling over 300,000 cubic yards of sand. He said the Corps has requested 2.5 million dollars from FIND for the project and the item is on FIND's agenda for consideration. He said the dredging will take place in 2019.

In response to questions by Commissioner Flowers, Mr. Blow said the City of St. Augustine requested a grant from FIND several years ago to build a kayak launch on Riberia Street and the funds were later diverted to help repair damages to the City Marina. Mr. Blow said he did not believe the funds were still available under the original grant request.

Commissioner Flowers said access to the water in St. Augustine is limited. Mr. Blow said a good potential site is under the east end of the 312 Bridge where the Florida Department of Transportation often parks equipment. He said the main problem with the site is accessing S.R. 312. Access would require the construction of a road on either the north or south side of 312. He said the site has deep water access, lacks wetlands, and lies within the City of St. Augustine. The land is privately owned but it may be possible to purchase it for dedication as a park or preserve.

In response to questions by Commissioners Flowers and Brown regarding the District's reserve fund, Mr. Blow said the reserve is for emergency repair to the St. Augustine Inlet in the event of a temporary blockage from storm damage. He said the reserve is set at one million dollars because of the high cost of dredging. He said the Corps of Engineers operates a hopper dredge for small jobs that costs \$25,000 per day, travel included, and is sometimes available on short notice for emergencies. The District has never been forced to use the reserve because federal funds allocated for emergency repairs have been available after recent hurricanes. However, the potential need will continue to exist.

10. PUBLIC COMMENT: NONE

11. COMMENTS BY COMMISSIONERS

Commissioner Rivers reported he recently attended the local meeting of legislative representatives and again presented the concept of expanding the District's boundaries county-wide. He said the response was very positive.

Commissioner Flowers requested Secretary/Treasurer Kemper to find out how to establish a District email address or domain from which commissioners would be able to both send and receive email. Ms. Kemper said she would consult the District's website manager and report back.

12. NEXT MEETING:

Chairman Benjamin announced the next regular meeting of the board will be held at 3:00 p.m. on Tuesday, January 15, 2019, in the St. Augustine Beach City Commission Room.

13. ADJOURN

There being no further business, Chairman Benjamin adjourned the meeting at 4:40 p.m.

Secretary-Treasurer

Chairman