

**ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT**  
**MINUTES OF REGULAR MEETING**  
**Tuesday, August 25, 2020**

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, August 25, 2020.

1. **CALL TO ORDER**

Vice-Chairman Tom Rivers called the meeting to order at 3:00 PM.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

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

4. **ADOPTION OF AGENDA**

**A motion by Commissioner Brown to approve the agenda as prepared by Secretary Kemper was seconded by Commissioner Flowers and unanimously approved.**

5. **PUBLIC COMMENT:**

Ed Slavin

6. **GOVERNMENT REPRESENTATIVE COMMENTS**

Sgt. Josh Underwood, SJSO, reported that last month his agency responded to 141 calls for service, 4 marine accidents, and issued 9 citations and 28 warnings. In response to questions from the board he explained a catamaran south of the 312 Bridge had taken on water but was saved when the FWC provided an emergency bilge pump.

Sydney Lindblad, St. Johns County Parks and Recreation, reported planned improvements to the Doug Crane Boat Ramp will begin in the Fall when boat ramp use diminishes and that the preliminary review of the county's grant request to FIND for improvements to the Vilano Boat Ramp access channel has been favorable. Next year the county plans to request a two hundred thousand dollar grant from FIND for the development of a county-wide maritime master plan. Also, the county commission recently approved the interlocal agreement for the District's participation in the Vilano Boat Ramp project and she will be appearing at the next meeting to have the agreement approved.

Lt. Steve Zukowski, FWC, reported there were no boating accidents and only one BUI since

the last meeting. His agency assisted with security and safety in several “Trump Flotilla” boat parades throughout the county in which thousands of vessels paraded along the ICW and the St. Johns River. In response to questions from the board, he said boating safety zones or no-wake zones may be established by a local jurisdiction, city or county, and then asking FWC to enforce it. Boating safety zones are usually established around boat ramps, fuel docks, or bridges and extend 500 feet to either side of the facility.

## **7. SECRETARY-TREASURER’S REPORT**

Secretary-Treasurer Kemper delivered the financial report. As of July 31, 2020, the District had expended a total of \$199,426 for budgeted projects and \$112,278 for operating expenses. As of that date, the District had a total of \$2,432,621 on deposit, of which \$2,172,710 is available in reserve. A separate account for the Summer Haven River restoration project contains \$712. Vice-Chairman Rivers requested Ms. Kemper to direct any agency or party who plans to appear before the board seeking grant money to provide documentation on the request at least one week prior to the meeting at which they plan to make the request. She said the District’s website contains a grant application form which is suitable and that she will ask everyone to use it. The commission was in support of this request. Commissioner Flowers asked Ms. Kemper to have the District’s auditor come to a meeting and explain to the board why it is not an audit violation for the individual who keeps the District’s accounts to also be one of the two signatories required for each check.

## **8. APPROVAL OF MINUTES**

**A motion by Commissioner Brown to approve the minutes of the regular meeting of June 16, 2020, was seconded by Vice-Chairman Rivers and passed by a 2-1 vote after Commissioner Way abstained because he was not at the June 16 meeting.**

**A motion by Commissioner Flowers to approve the minutes of the special meeting held July 25, 2020, was seconded by Commissioner Way and passed unanimously.**

## **9. ENGINEERING REPORT:**

Ken Craig, P.E., appeared on behalf of Taylor Engineering and reported that his company had responded to a public records request on behalf of the District and that they had billed the District for the accounting and administrative time required to comply with the request, which was from Commissioner Flowers. Commissioner Flowers said the request was a public records request and should have been free. Mr Craig said his firm is contracted to provide services to the District and that they consider responding to a request from a commissioner for certain records is within the services described by their contract. Mr. Craig then presented Taylor’s renewal contract, which had been reviewed by the board several months ago and which had been modified at the request of commissioners. Commissioner Flowers and Commissioner Brown objected to the binding arbitration clause in the contract and Commissioner Brown moved to approve the contract with the exception of subparagraph 25(D) on page 8, the binding arbitration clause. The motion was seconded by Commissioner Way and passed unanimously. Mr. Craig said he would consult his legal counsel before agreeing to the change.

## **10. NEW BUSINESS**

### **A. Discuss letter to ethics committee**

Commissioner Flowers said the most recent payment to make emergency repairs to a piling and marker in Salt Run was unauthorized and should have been delayed until a regular meeting. She also complained that other markers in Salt Run had been repaired in the past at much less expense. She then stated that Commissioner Way had contacted the contractor and negotiated a price and that Mr. Way was or is a business partner of the contractor and that this was a breach of ethics. Commissioner way said he does not know the contractor, and never spoke with him about the repair, and never negotiated anything regarding the repair. Mr. Bedsole said emergency repairs to markers in Salt Run have been authorized by the board since the approval of a resolution on May 21, 2002. The resolution allows the District's engineers to seek informal bids and the Chairman is authorized in his sole discretion to approve the work. The price limit set by the resolution was \$6,000 in 2002.

### **B. Discuss legal referral regarding the previous Chairman**

This item was tabled.

### **C. Discuss expenditures by Taylor Engineering**

This item was tabled.

## **11. OLD BUSINESS**

### **A. Discussion on May Street boat ramp**

Commissioner Flowers discussed information she obtained from the City of St. Augustine and the Florida Department of Environmental Protection. She said DEP officials advised her the agency has no interest in the project. She proposed going straight to the city with the idea. Commissioner Brown suggested there may be a need for a set of plans and asked if she had talked with Taylor Engineering. Vice-Chairman Rivers said the location is already heavily used by the small boat community and that improving the site is a waste of money because everyone uses it anyway and it is often flooded. Commissioner Brown said it may be prudent to put the job out for bids and that plans would be required to obtain competitive bids. Commissioner Flowers then withdrew the item from consideration.

### **B. Follow-up on zip ties for marine sanitation devices**

Commissioner Brown said he has researched the issue and determined that the District has authority to pass regulations governing the use of marine sanitation devices. He discussed measures imposed in other jurisdictions and said requiring actual locks for these devices is unusual because they are mostly governed by federal regulations. Lt. Zukowsky, FWC, addressed the board and said in his experience, a locked bathroom door on a boat satisfies

the requirement for a locking device. Commissioner Brown said several cities in the Florida Keys have effective regulations for this problem and that many of the existing regulations require a dye tests even if there is a lock.

**12. PUBLIC COMMENT**

Ed Slavin

**13. COMMENTS BY COMMISSIONERS:**

Vice-Chairman Rivers read a letter from District Counsel Jim Bedsole which tendered Mr. Bedsole's resignation to the board and suggested the board begin immediately to advertise the position. Mr. Rivers directed Secretary Kemper to do so.

**14. NEXT MEETING:**

Vice-Chairman Rivers announced the next regular meeting of the board will be held at 3:00 PM on Tuesday, September 15, 2020, in the St. Augustine Beach City Commission Room.

**15. ADJOURN**

There being no further business, Vice-Chairman Rivers adjourned the meeting at 4:22 PM.

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Secretary-Treasurer

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Chairman