

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT

MINUTES OF REGULAR MEETING

Tuesday, February 15, 2011

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, February 15, 2011.

CALL TO ORDER

Chairman Jerry Dixon called the meeting to order at 3:00 p.m.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Chairman Jerry Dixon, Commissioners Barry Benjamin, Tom Rivers, Jay Bliss and Herb Rippe were in attendance. The meeting was also attended by: Elyse Kemper, Assistant Secretary-Treasurer, District Attorney James Bedsole, and Dr. Steve Schropp of Taylor Engineering.

SECRETARY-TREASURER'S REPORT

Assistant Secretary-Treasurer Elyse Kemper delivered the Treasurer's report to the Board. Taxes received to date for Tax Year 2010-2011 equal \$319,680. The balance of taxes expected is \$74,856 and should be collected by April, 2011. Net funds available as of February 14, 2011 are \$1,896,878, less \$24,000 committed to Fort Mose.

A motion by Chairman Dixon, seconded by Commissioner Rippe to approve the Treasurer's Report passed unanimously.

APPROVAL OF MINUTES

A motion by Chairman Dixon, seconded by Commissioner Rippe to approve the Minutes for the December 21, 2010 meeting was passed unanimously.

Several Commissioners pointed out that the name of the dockmaster at the Conch House Marina is Mark Hellman.

Commissioner Bliss suggested several changes to the minutes of the January 18, 2011 meeting. He said he believed the funding for Fort Mose was needed because of a shortfall in funds provided by St. Johns County, not FIND. Will Smith of the County confirmed that fact.

Commissioner Bliss then suggested the minutes had omitted reference to a direction from the Board to Dr. Schropp to investigate and report regarding the possible clean-up of a 3-day long sand spill by ACOE in the south end of Salt Run. He also questioned whether the City of St. Augustine was responsible for derelict vessel removal outside the city limits. Lt. Steve Fricke, SAPD, aided the discussion by stating the City removes all derelicts within the District in conjunction with FWC. Several Commissioners stated the correct name for the site of the new high speed offshore driving school is St. Augustine Marine Center.

On a motion by Commissioner Benjamin, seconded by Commissioner Rivers, the Board unanimously approved the minutes of the regular meeting of January 18, 2011, as amended.

On a motion by Chairman Dixon, seconded by Commissioner Benjamin, the Board unanimously approved the Minutes of the Workshop meeting of January 20, 2011.

ENGINEERING REPORT

Dr. Steve Schropp of Taylor Engineering reported the Salt Run dredging project has been completed and that Phase 2 of the project had gone very smoothly. As for the sand deposit at the end of Salt Run, ACOE has no official record of the 3-day leak and will therefore take no action to remove the sand. Commissioner Dixon said the accident occurred 4 years ago and that it was not generally known about until a year after that. He said the next time something of this nature occurs, it should be documented immediately. Commissioner Bliss added that Salt Run has been completely blocked at low tide ever since the event.

Dr. Schropp suggested the District make a written request for ACOE to monitor the upcoming dredging of the flood shoal for incidents like this. Commissioner Rippe suggested asking ACOE for a formal response.

Dr. Schropp then presented a preliminary cost estimate for studying the breach and resulting siltation of the Summer Haven River. He recounted that all of the agency representatives at the January 20, 2011 workshop said there were no real regulatory roadblocks to the restoration of the river. At the workshop, the FDEP representative suggested creating several conceptual alternatives and then meeting with them to review the possibilities.

The initial phase of the study would consist of bathymetric and topographic surveys of the current state of the river, then a comparison of these figures to the pre-breach data existing for the area. From this comparison, three options could be created to remove the breach deposits and re-establish the flow of water through the river. Alternatives favored by FDEP could be identified prior to applying for permits.

The next phase would likely consist of core bores to obtain more detailed geotechnical data and assess natural resources. A preliminary project design would assume the material removed from the river could be returned to the breach. Cost estimates would then be possible as technical issues were assessed and identified. A question arose at this time as to what agency should lead the effort. Chairman Dixon said he believed the St. Johns County Board of County Commissioners should be the lead agency. The third phase would consist of the actual permit application process and the final phase would be the design and construction.

In response to a question by Commissioner Benjamin, Dr. Schropp said it may be possible to obtain a permit which would allow an immediate repair in the event of a future breach and that he would investigate and report at the next meeting.

Commissioner Rippe asked whether Taylor Engineering was asking for \$37,279 for Phase One of the plan and Dr. Schropp confirmed that amount. Commissioner Rippe said that was ten percent of the District's income for the year and asked whether FIND might offer assistance with the cost. Commissioner Benjamin said it was not a lot of money to study a problem of this magnitude and that there were probably funds available from the community. Commissioner Dixon said FIND will only spend money on the ICW and that the District could apply for a 50/50 FIND grant after Phase I, but that neither the County nor ACOE were likely to contribute.

Dr. Schropp further explained that gathering pre-breach information from other agencies, completing the new surveys and comparing the information with both the Board and FDEP would require about 60 days, making Phase One 4 months in duration. Dr. Schropp suggested a commissioner should be designated to work with FIND and the County to assure eligibility. Chairman Dixon volunteered to do this.

Commissioner Bliss suggested the Board consider seeking bids from other firms like Taylor Engineering to assure the District does not overpay for engineering services. Dr. Schropp responded that Florida law requires public agencies to choose engineering consultants based on qualifications, only, not on price. Attorney Bedsole added that the District would need to issue a request for proposals if it sought competitive bids, and that the process would take several weeks, at least.

On a motion by Commissioner Benjamin, seconded by Commissioner Rivers, the Board unanimously approved the expenditure of \$37,279 to Taylor Engineering for Phase I of the Summer Haven River restoration project.

OLD BUSINESS

A. Fort Mose Project.

Commissioner Benjamin asked Will Smith whether Fort Mose was set to be closed by the State Park Service. Mr. Smith replied that the County owns the land, not the State, and that the State has only one part-time employee to operate the park. If the State withdraws that employee, the County will take over operation of the site. Assistant Secretary-Treasurer,

Elyse Kemper then delivered to Mr. Smith a check from the District for \$24,000 for completion of the kayak dock.

Mr. Smith then discussed the progress of the Vilano floating dock. The design phase is complete and they are ready to apply for a grant. He gave commissioners a proposal for completing the dock which had a price of \$309,000 and explained the District's contribution would need to be one-half of the total if a FIND grant were obtained.

Vivian Browning of the North Shores Improvement Association said theirs is the lead agency on the Vilano dock. She said the dock would be a huge asset to the community as it could draw tourists and boaters to Vilano Beach. She said they hope to have the dock completed by February 2012 when Publix opens.

A consensus of commissioners expressed support for the project but no vote was taken to commit District funds.

NEW BUSINESS

A. Change in Mission Statement.

Commissioner Rivers opened discussions by expressing his support for the Mission Statement drafted by Ken Krauter and presented at the January 20, 2011 strategic planning workshop. Commissioner Benjamin said he had reservations about the proposed statement because it appeared excessively focused on economics. Mr. Krauter said the District's mission encompassed many activities such as recreation, boating, fishing, marine interests, government agencies, and taxpayers.

Commissioner Rivers moved to adopt the Mission Statement and Chairman Dixon seconded the motion for discussion purposes. The motion was withdrawn after discussion.

Commissioner Bliss suggested Mr. Krauter revise the Statement and bring it back to the Board. Commissioner Rivers said the statement should provide guidance to the Board. Mr. Krauter said the Mission Statement should guide the Board's activities in the future. Commissioner Dixon said the District was created to develop the port and the inlet and not to become an educational or recreational provider.

B. Other Workshop Items.

Commissioner Rippe said he is interested in the status of the District's real property holdings and that the property should be identified. He added that the District should consolidate and solidify its land titles to facilitate any potential uses of the land. Commissioner Dixon said no viable use exists for the parcels, whatever they are, because they are all wetlands. Mr. Krauter said he supports getting clear title to any District holdings. Attorney Bedsole agreed to update the Board on the District's real estate holdings at the next meeting.

On another workshop topic, Commissioner Rippe said he would like to see the Board create a documented set of policies and procedures for use by the Board and staff. Commissioner

Dixon said he objected to the suggestion because the District actually performs very few activities and its operation is simple. Mr. Krauter said written procedures for such things as derelict vessels would relieve the Board of having to consider the minute details of every action at each meeting and would promote strategic thinking.

Commissioner Bliss then suggested the District be expanded to cover all of St. Johns County. Commissioner Dixon said no Florida legislator would sponsor such a bill because it would mean an increase in taxes for most of the County's taxpayers.

C. FASD Conference.

Commissioner Rivers said the Florida Association of Special Districts conference in June should be attended by a member of the Board. Commissioner Benjamin suggested the District should pay for any commissioner who wants to attend the conference.

A motion made by Commissioner Bliss, seconded by Commissioner Benjamin, to amend the District's 2011 budget to provide up to \$600 for any commissioner to attend the FASD conference was passed by a vote of 4 to 1 with Chairman Dixon voting no.

D. Grady-Prather Reef - Amy Kennedy

Amy Kennedy appeared on behalf of the Flagler County Board of County Commissioners to request approval of an interlocal agreement donating \$20,000 of previously-approved District funds to Flagler County for the Grady-Prather artificial reef located 13.8 miles east southeast of Matanzas Inlet. She said the reef will receive up to one thousand tons of concrete bridge parts.

A motion by Chairman Dixon, seconded by Commissioner Benjamin, to approve the agreement and the \$20,000 contribution to the reef effort was unanimously approved.

E. Boats Abandoned in Port Waters.

Commissioner Bliss talked about the possibility of handling derelict vessels in a more efficient, time and cost-effective manner by contracting directly with vessel owners and salvagers to remove derelicts and at-risk vessels before they become eyesores. He suggested a certain hulk lying north of the Vilano Bridge could have been easily removed if it had been attended to quickly. Now, the vessel has fallen apart and no salvager will remove it.

Lt. Steve Zukowsky, FWC, said he has directed his derelict vessel officer to take over removal of the vessel mentioned by Commissioner Bliss. He said vessel removal is simplified if all of its identifying numbers have been removed.

Commissioner Bliss moved to have the District spend up to \$3,500.00 to remove the vessel if FWC finds no identifying numbers. Commissioner Rivers seconded the motion and it was defeated by a vote of 5-0.

Commissioner Dixon and Commissioner Benjamin both said the District should not be directly involved in the removal of derelict vessels because of the complicated legal situation

surrounding retrieval of such property.

Lt. Fricke, SAPD, said the City of St. Augustine has no jurisdiction to remove derelict vessels until requested to do so by a law enforcement agency. He said there are now three derelict vessels in County waters outside the District and that they must obtain grants from other agencies such as FIND for removal. Chairman Dixon said the Sheriff's Office should take responsibility for the removal of vessels outside District boundaries.

Commissioner Bliss said this particular vessel has been on the bank since November, 2010 and that he hopes the entire process can be sped up. Jim Piggott, City of St. Augustine, added that floating derelicts can be towed by a pre-selected contractor, but that sunken derelicts are always subject to bidding because of the expense.

Lt. Zukowsky explained that every derelict and at-risk vessel in the County will now be added to FWC's database for use by all agencies. In response to questioning by Commissioner Rippe, Lt. Zukowsky added that FDEP is not involved because their jurisdiction over all vessels was delegated to FWC when the agencies were reorganized in 1999. All marine-related violation issues are now within FWC jurisdiction.

Mr. Krauter suggested this would be a good issue to begin drafting a procedural manual for the District because of the time spent by the Board on the subject of derelict vessels. A consensus of commissioners agreed to have Mr. Krauter draft a set of procedures for derelict vessel issues and present the same to the Board for review.

PUBLIC COMMENT

There were no comments from the public.

COMMENTS BY COMMISSIONERS

Chairman Dixon discussed the fact the St. Augustine Lighthouse and Museum, Inc. has applied for trademark status for the phrase "Nation's Oldest Port". He said this would preclude any other person or organization from using this phrase as a brand or slogan and that he objected to that fact. He requested the District's attorney to evaluate the possibility of objecting to their application and report back to the Board.

Chairman Dixon then discussed whether the District should contribute to the navigation project planned by FIND this Summer. He said ACOE has not dredged the inlet because of the litigation over the erosion on North Beach, but that FIND will be at the inlet and adjacent ICW soon and the District could help clear the inlet by contributing one million dollars toward dredging the south tip of Porpoise Point. He said larger boats are now avoiding St. Augustine Inlet because of the heavy shoaling and that dredging would bring more business into the area. He also said spending down District reserves on the inlet is the Board's obligation as sponsors of the inlet. Depleting reserves is also a basis for expanding the tax base through enlarging the District's boundaries.

Commissioner Benjamin said spending all of the District's reserves on the inlet would preclude other projects.

Commissioner Bliss said he was pleased Commissioner Rippe had asked so many probing questions of the FDEP representatives at the Summer Haven River Workshop.

Commissioner Rippe said he thought dredging Porpoise Point would not be a problem for North Beach and he would favor depositing sand from Porpoise Point on the north beaches instead of the south.

NEXT MEETING

The Chairman announced the next regular meeting was scheduled for Tuesday, March 15, 2011, at 3:00 p.m. in the same location.

ADJOURN:

There being no further business, Chairman Dixon adjourned the meeting at 6:04 p.m.

Secretary-Treasurer

Chairman

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