

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT

MINUTES OF REGULAR MEETING

Tuesday, February 21, 2012

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 21, 2012.

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, Vice-Chairman Tom Rivers, and Commissioners Herb Rippe and Jay Bliss were in attendance. Commissioner Barry Benjamin was absent. The meeting was also attended by: District Counsel Jim Bedsole, Dr. Steve Schropp of Taylor Engineering, Secretary-Treasurer, Dennis Bell and Assistant Secretary-Treasurer, Elyse Kemper.

SECRETARY-TREASURER'S REPORT

The Treasurer's Report was delivered by Elyse Kemper. For fiscal year 2011-2012, total committed funds equal \$254,450 of which \$167,454 has been spent. \$304,968 of tax revenues have been received and \$63,197 more are expected. As of February 15, 2012, net funds available for use equaled \$1,695,667. In response to a question by Commissioner Bliss, Ms. Kemper said Board of Administration Fund B makes no interest income. She will deposit the proceeds of Fund A into the District's local bank when the balance becomes nominal. Currently, the District withdraws a small amount from Fund A each month.

APPROVAL OF MINUTES

Commissioner Rippe moved to approve the minutes for the January 17, 2012 meeting, seconded by Chairman Dixon. The Board unanimously approved the January 17, 2012 minutes.

ENGINEERING REPORT

Dr. Steve Schropp delivered the engineering report on behalf of Taylor Engineering. He said the new marker signs had arrived for replacement of those missing in Salt Run and that they have been delivered to the contractor for installation.

Dr. Schropp said the second public hearing on the Inlet Management Plan (IMP) will be held February 22, 2012 by the Florida Department of Environmental Protection (FDEP). Commissioner Rippe said he planned to attend and that he is encouraged by a recent letter from FDEP acknowledging the Intracoastal Waterway (IW) needed to be included in the IMP. Dr. Schropp added he hoped FDEP would consider all of the available shoals for sand by-passing and that he will review FDEP's recommendations at the next meeting.

Dr. Schropp then continued with a discussion of the status of the permit application for the restoration of the Summer Haven River (SHR). He said he met with Linda Ginn and her attorney, Jake Varn, and Jan Brewer of St. Johns County about a month ago to consider the best way to move forward with the application. He said St. Johns County has refused to act as an agency sponsor for the application and that chances for approval would be higher if another agency such as the District stepped in to apply. He said other agencies were likely to be more cooperative with the District as an applicant. Based on using the District as an applicant, he estimated the initial phase of the application would cost much less than the \$100,000 already budgeted.

Commissioner Rippe asked if the application would be for all phases of restoration. Dr. Schropp said the strategy is to make a "bare bones" application to restore the river's topography to its configuration in 2000, the earliest year for which topographical information is available.

Linda Ginn said the non-profit Friends of Summer Haven River (Friends) has no staff but lots of volunteers and could accomplish some of the restoration work. In response to questioning by Commissioner Bliss, Ms. Ginn said they intended to ask for no funds in addition to the \$100,000 already budgeted.

Jake Varn, attorney for Friends, said they met with representatives of St. Johns County last month and found the county was unwilling to sponsor the project. He said the options were now to use either the District or Friends as applicant for the permit. He said other agencies would look more favorably upon the application if it were sponsored by the District and that it would also be easier to obtain grant funds.

Commissioner Rippe asked Mr. Varn and District Counsel Bedsole what the drawbacks might be for a District-sponsored application. Mr. Varn said he believed no liability exists for the application process other than the possibility of litigation if an objection was lodged against the application. Mr. Bedsole said that, in addition to objections, the District would be responsible for carrying out the terms of the permit during the construction phase. That responsibility would include liability for managing and monitoring the work as well as the inevitable expense for consulting services of various types.

Dr. Schropp said the District would only be responsible for Taylor Engineering's services in the application process and not in the construction phase. He said the county had offered its database for use in the project and that others may step forward to volunteer services or equipment. In response to a question from Commissioner Rivers, Mr. Bedsole said the biggest problem for the District would be to oversee the project for the entire term without any staff to do such a job.

Mr. Varn said Friends proposes to have Mrs. Ginn manage the project on behalf of the District and that her services would cost the District nothing.

Dr. Schropp and Mr. Varn were both of the opinion the District could assign its permit, once obtained, to Friends at any point in the project. This could potentially relieve the District of responsibility for the construction phase if the Board decided not to go forward with the work.

Commissioner Rippe moved to have the District sponsor the permit application to restore the Summer Haven River. The motion was seconded by Commissioner Rivers and unanimously approved on a roll-call vote.

Mr. Varn said he would write Chairman Dixon a letter explaining how Friends expects the project to go forward and how Friends will work with the District in the application process. Dr. Schropp said he would like to have Commissioner Benjamin continue to work as the Board liaison.

PUBLIC COMMENT

Chairman Dixon asked Wil Smith, Director of Parks and Recreation for St. Johns County, about the progress of the Vilano Floating Dock. Mr. Smith said the bid of Yelton Construction of St. Augustine was the winning bid at \$296,000. He said the work is required to be completed within sixty (60) days after the award.

Commissioner Rippe said he had been contacted by managers for the tall ship Bounty which will be at the City Marina from April 26 to 30. He said the Bounty usually draws one to three thousand visitors per day and does not put to sea with visitors.

Lt. Steve Zukowski, Florida Fish and Wildlife Conservation Commission (FWC), said the new idle speed zone markers are in place on all county bridges and that FWC will begin enforcement immediately.

The annual Blessing of the Fleet will be Sunday, April 1. He said participants will be kept away from the Bridge of Lions this year to avoid some of the challenges to seamanship which raised concerns at last year's ceremony.

He said four derelict vessels exist now in District waters. Two vessels are north of the Vilano Bridge and two others are in the area of the Butler Park boat ramp. Both of the boats north of the Vilano Bridge have sunk. The owner of one of them has agreed to move it. The other vessel is on the bottom in sixteen feet of water near Marker 53 on the eastern side of

the IW. He said this vessel poses no hazard to navigation and is turning into an artificial reef. Commander Steve Fricke, City of St. Augustine Police Department, said the cost for removal of this vessel would be \$3,500.

Commissioner Bliss moved to have the vessel near Intracoastal Waterway Marker 53 removed for \$3,500. Commissioner Rivers seconded the motion.

Commissioner Rippe said he did not see why the District should remove the vessel if it poses no hazard to navigation and is performing a useful function as an artificial reef. Commissioner Rivers and Bliss said it should be removed.

On a roll-call vote, Commissioners Bliss and Rivers voted for removal of the vessel, and Commissioners Rippe and Dixon voted against. Therefore, the motion failed to carry.

John Olsen of 2634 Hugh Edwards Drive, Jacksonville, Florida, discussed his company, Cree Industries, which manufactures artificial logs from sawdust. He said they plan to establish training and manufacturing facilities here which would eventually employ a large number of people from the local community.

Chairman Dixon then discussed the ongoing talks between the Army Corps of Engineers (ACOE) and District consultants regarding a proposed standing agreement by which the District would fund emergency dredging by ACOE. These talks began during the Summer of 2011 when the dredge Currituck became available for several days. Since then, the beach renourishment project has begun and the need for emergency dredging has disappeared. He directed Mr. Bedsole to revise the agreement proposed by ACOE and provide it for the next meeting.

OLD BUSINESS

Consultant Ken Krauter presented a revised policy regarding external communications by Board members. He said it had been revised pursuant to the Board's direction that it addresses comments by individual commissioners rather than private individuals.

On a motion by Commissioner Rivers, seconded by Chairman Dixon, the Board approved the policy with Commissioner Bliss voting against.

After the vote, Commissioner Bliss explained he saw no reason for such a policy because commissioners are already bound by the District's charter to act ethically in accordance with Chapter 112, Florida Statutes.

Mr. Krauter then presented an outline for a district handbook which he said could contain basic information regarding the District and the responsibilities of Commissioners, as well as policies adopted by the Board and current budget information.

Commissioners Rippe and Bliss commented about the need to have concise information available regarding such topics as the public records law, the public meetings law and voting conflicts of interest.

Commissioner Rivers moved to adopt the table of contents and allow Mr. Krauter to spend up to eight (8) hours in providing a full version of the handbook for review at the next meeting. The motion was seconded by Commissioner Rippe and unanimously approved.

COMMENTS BY COMMISSIONERS

Commissioner Rippe thanked Mr. Bedsole for the recent opinion letter he provided to the Board regarding voting conflicts of interest.

Chairman Dixon mentioned Governor Scott's plans to audit all special districts to assess their ability to fulfill their chartered purposes. Commissioner Rippe said he believes the District should prepare for the audit by gathering information on its activities for the past year. He said it is likely the governor's office will be looking at larger financial issues.

Commissioner Bliss distributed a memorandum he wrote regarding proposed emergency treatment of derelict vessels in danger of sinking. He said local tow companies could be hired by the District to keep sinking derelicts afloat until they can be removed. Thereby, the high cost of recovering sunken vessels could be avoided and the removal process expedited. He also discussed a vessel anchored in Salt Run which appears to have a billboard or large banner on each side advertising a local marina. He said this was unsightly and should be prohibited.

NEXT MEETING

The Chairman announced the next regular meeting is scheduled for Tuesday, March 20, 2012, at 3:00 p.m. in the same location.

ADJOURN:

There being no further business, Chairman Dixon adjourned the meeting at 5:30 p.m.

Secretary-Treasurer

Chairman

wk/rg/port/minutes2-21-12