

St. Augustine Port, Waterway & Beach District

Minutes of Regular Meeting

March 22, 2005

The Regular Meeting of the Port, Waterway & Beach District was held in the St. Augustine Beach City Commission Meeting Room, 2200 AlA South, St. Augustine Beach, Florida on Tuesday, March 22, 2005 at 4:00 p.m.

Chairman Jack McGuinness called the meeting to order.

In the absence of Secretary-Treasurer Dennis Bell, Elyse Kemper from his office called the roll. Commissioners Barry Benjamin, Rick Gleeson and Tom Rivers were in attendance. Commissioner Jerry Dixon arrived late. Also in attendance were: the District's Attorney, Geoff Dobson, Engineering Consultants, Dr. Steve Schropp and Dr. Rajesh Srinivas. From the public: Chris Benjamin, Jay Bliss, Kurt Hasselman, Ed Sargant and Kay Barrickman from Old City Web Services.

The Pledge of Allegiance followed.

Chairman Jack McGuinness asked if anyone had anything to add or change to the February 22, 2005 Minutes. Although no motion was taken, the Minutes were approved as presented.

Elyse Kemper presented the Treasurer's Report dated February 28, 2005. The Master Plan Update - what was committed has now been spent. The total was \$48,849.00. There is \$1,275,513.00 in the State Board of Administration. Funds available as of February 28, 2005 total \$48,741.00 in Wachovia Bank less net committed funds, the balance available was \$1,268,659.00. The taxes that were budgeted totaled \$361,899.00, of which \$304,676.00 has been received to date; \$440.00 was received this past month for prior years' taxes. A balance of \$17,008.00 from prior years remains outstanding. Taxes still expected total \$57,223.00 for the current year. Funds available as of this date in the Florida State Board of Administration total \$1,275,513.00. Funds at Wachovia total \$51,247.00. Total available funds are \$1,271,165.00. There was some overtime for the marine police patrol and web design costs were just recently paid.

The Treasurer's Report was accepted as presented.

Commissioner Tom Rivers asked if it would be possible to obtain a copy of the Treasurer's Report in advance of the meeting.

Chairman Jack McGuinness said that they had requested Mr. Bell, the Secretary-Treasurer, to do this a number of different times. Ms. Kemper will take care of this.

Vice Chairman Rick Gleeson suggested sending the Treasurer's Report along with the Agenda.

Chairman Jack McGuinness asked Ms. Kemper to contact Assistant Secretary Debbie Paterson to see if the Treasurer's Report could be sent along with the Agenda.

Dr. Steve Schropp presented the Engineer's Report, indicating he had three things on which to report. The Salt Run channel marker replacement - they have gotten word from the sign manufacturer that the signs should be delivered this week. Chip Yelton has been contacted and informed that he should expect the delivery of the signs and he has indicated that he would get out there, perhaps as early as this weekend, to replace the signs and put the markers back in place. He had been asked by the Board at the last meeting the possibility of F.I.N.D. Waterways Assistance Program as a source of funding for derelict vessel removal. He contacted Mark Crosley, the Assistant Executive Director at F.I.N.D. about the District's ability to do that. He informed Dr. Schropp that as a navigation district, you are "somewhat restricted in the types of projects that F.I.N.D. will fund under the Waterways Assistance Program. Derelict vessel removal is not one of those activities directly allowed. He did tell me, however, that the District could perhaps make the argument that under some conditions,

removal of derelict vessels might be qualified under an environmental mitigation or an environmental-type project which the District is allowed to do". He got the impression that would be a bit of a stretch, but it could be a tactic that the Board could try if it wanted to pursue F.I.N.D. Waterways Assistance Program funding. He did note, however, that the County and local governments have no such restriction and in fact derelict vessel removal is a recognized priority activity under the Waterways Assistance Program for the County and local governments.

Chairman Jack McGuinness pointed out the problem of F.I.N.D.'s application deadline being April 1<sup>st</sup> of each year when derelict vessels are dealt with on an individual basis.

Dr. Schropp noted that applications had to be in no later than April 1<sup>st</sup>, funding does not actually become available until October under the Waterways Assistance Program. The third item he had to report on was to check with Flagler County regarding artificial reefs and the possibility of using in particular, some of the materials which Carl Blow has identified. He has talked with Amy Kennedy of Flagler County. She informed him that the County has very recently permitted a new artificial reef site which is located about 14 miles east of Matanzas Inlet, very near the County line. That site is permitted for 1,500 tons of concrete rubble and perhaps other materials and she did express an interest in the concrete material that is potentially available at the Airport. She asked if she could inspect that material and "we told her at this point, we would report our initial discussions to the Board and we could provide her further information following your deliberation about what you may want to do on that". He also asked her whether boats could go into artificial reef sites. She directed him to some recent guidance from the Corps of Engineers which states clearly that fiberglass vessels are not acceptable any longer for artificial reef sites. To his knowledge, other types of constructed vessels - wood or steel - would be suitable, but not fiberglass vessels. He indicated that Mr. Blow has provided him with a hard copy photograph of the material which he is forwarding to Ms. Kennedy.

Chairman Jack McGuinness asked how Flagler County has been transporting materials to the site and who pays for it.

Dr. Schropp said he believed that Flagler County recently was submitting a grant application to obtain funding for transporting material.

Vice-Chairman Rick Gleeson indicated he was unsure where they were in the process because the person who had submitted the grant application has taken a job in Volusia County - Amy Kennedy is her replacement. Discussion followed.

Vice-Chairman Rick Gleeson noted that he had talked with Bob Swett earlier in the day regarding Sea Grant Update. The final material is at the printers and they will be generating an on-line proof to make sure everything is in order and then they will do a test printing and then the Sea Grant people will actually look at the product before going forward with putting it on the waterproof paper. Print copies should be available, if everything goes smoothly, by the next meeting.

When Chairman Jack McGuinness asked who would proof the product, Vice-Chairman Rick Gleeson answered, "that will be Bob Swett and David Fann that worked on it".

Commissioner Jerry Dixon indicated that they had skipped his Agenda item - Derelict Boats. He said he had a discussion with Jason Sheffield of the City of St. Augustine who indicated that there are 13 boats. He told Mr. Sheffield that the Port Commission was open for discussion on it - he needed to come before the Board first with an estimate of what it is going to cost. He also indicated that the Board is willing to help fund the project, but that "might be tied to some other type of regulations that would keep this from continuing to happen - there's no regulations in the City right now". Mr. Sheffield is going to get back with Commissioner Dixon next week.

Chairman Jack McGuinness reminded Commissioner Jerry Dixon that "we need to approach this on a boat per boat basis, because of potential variation in

costs". He encouraged Commissioner Jerry Dixon to "keep it moving along here so that we can...correct a bad situation".

Chairman Jack McGuinness noted that Mr. Dobson had given each Commissioner a copy of an Interlocal Agreement between the Port, Waterway & Beach District and the Trash Buster Marine Litter Abatement Program.

Chris Benjamin, 9 Davis Street, St. Augustine, FL took the podium. The Marine Litter Abatement Program has been in place for six years. They operate a boat in the waterways in the harbor and in the north - the Matanzas River and down the Sebastian River. They remove litter and contaminants as they have Hazmat capabilities. They do transits for surveys for different agencies, they have helped with dredging projects in the past. They also do wildlife rehabilitation. "The agreement you have before you is an amended one from the last meeting which I was not able to attend at the last moment and Mr. Dobson has waved his wand over it and amended the language to his satisfaction about the expenditure of funds in the District and the budgeting process. Except for the fact that at paragraph 5 - 1 line 4, there seems to be a word missing, I believe it's the District, Geoff". He pointed out that the word "District" was missing. Mr. Dobson agreed.

Chairman Jack McGuinness reminded the Board that one of the concerns voiced at the last meeting was that Mr. Benjamin's operation covers the entire County.

Mr. Benjamin said that had been changed in the agreement. Discussion ensued.

Mr. Dobson said the original request by Mr. Benjamin was "for an automatic 5 years and we can only - you can't find your future Commissions to budget the money so there is in essence a provision that if you fail to budget it, then the agreement terminates, otherwise, it continues for 5 years. Secondly, it does now indicate that the abatement program is in the entire physical area under District jurisdiction..." He checked with the Secretary of State and "they are a non-profit corporation, active and current".

Chairman Jack McGuinness asked who the principals were in the organization.

Mr. Benjamin named Nicholas Meiszer, Margaret Laidlaw of Government TV, Jan Pearce, who is the Manager of Belz Outlet Mall, Susan Vanton-Hoak is the former public relations director of the Oceanographic Institute in Ft. Pearce (Harbor Branch) and David Shoar. Volunteers do most of the work. Discussion followed.

Chairman Jack McGuinness asked about the payment of \$7,500.00 - did they want it in one lump sum or as they went along.

Mr. Benjamin indicated that Commissioner David Ponce made the motion and he was the one who made the motion for 5 years. He indicated that it was best to pay \$7,500.00 during the first year "because we pretty much know what expenses are - a lot, as I said at the original meeting, a lot of what we do with expenses is volunteer incentives because we are sending people out to do very difficult work sometimes. The boat we're using is a 17' Stumpknocker and I hesitate to tell you this, but we've had it loaded with over a thousand pounds many times and sometimes we have to bring it in and take it out again. We've picked up refrigeration units, broilers, parts of boats, an engine - a Chrysler engine from a derelict - we thought that was the one thing we wanted to get out because you know, if somebody hit it, the wood might crumble, but the engine wouldn't - and we actually had to pry that into the boat and when we dropped it into the container at the landfill, it went through the bottom...it was that heavy". Typographical errors were discussed in the agreement and changed accordingly.

#### **MOTION**

**A motion was made by Commissioner Jerry Dixon and seconded by Commissioner Tom Rivers to approve the agreement with Keep St. Johns County Beautiful with the project sponsor, Trash Buster Marine Litter Abatement Program, as written with changes as discussed. The motion passed by a unanimous voice vote.**

Vice Chairman Rick Gleeson noted that the Port's logo should be displayed.

Mr. Benjamin agreed since he was "ready to move into full gear with this and as it says in the agreement, the display of your logo on the boat, T-shirts or hats, or whatever we're giving the volunteers does not obligate you and does not incur any liability to you".

Discussion ensued regarding bulletin boards that the Board has discussed in the past and when the Trash Buster Marine Litter Abatement Program volunteers know when they are going out, an announcement could be put on the bulletin boards to let people know.

NE FL Regional Planning Council Boat Ramp Study was on the Agenda. Chairman Jack McGuinness noted that Commissioner Tom Rivers had given each Commissioner a copy but time didn't permit the Commissioners to read all of the material he presented. Discussion followed.

Commissioner Tom Rivers said, "one reason I copied this for you all is because...I used to be a member of the NE FL Regional Planning Council and so I went off about 2002, I think it was and ever since then, they send me Agendas and I saw on the Agenda for February that they were going to discuss the boat ramp study so I went up to the meeting. This was the - this is the beginning of the study and they've put a 6 month timeframe on it. In fact, the timeframe is within the body of this - so this is really just for your information and I thought if you all would read through this, as all of you have served on this Board longer than I have and if you find discrepancies or additional information that they ought to have, you would call Amanda Smith. Now her name is on the front, and make corrections or additions or suggestions because I've spoken with her several times and she would encourage that - and it will probably come up...on the Regional Planning Council Meeting of May. They're skipping April and if it does, I'll go up and see what additional material they have. One interesting thing that she brought up at the meeting and I think it's in this body too is that she thought that new developments that border on the Intracoastal or other public waters ought to have some stipulation that funds need to be set aside or property needs to be aside within that development for boat ramps or access to the water, which I think is a good idea..." Discussion followed.

Chairman Jack McGuinness noted that another item on the Agenda was Master Plan Mission Statement which Commissioner Tom Rivers wanted brought up. He asked the Board if they wanted to come up with a "vision statement" - "is it necessary"? He explained that there were very good recommendations in the Master Plan Update that need to be discussed in "depth and detail".

Commissioner Tom Rivers said, "well I...believe that we should put together a mission statement, yes, but...also it was discussed at the last meeting that that could be done at a workshop too. I'm not so sure we can just sit here and create a mission statement".

Chairman Jack McGuinness said, "my experience over the years and I hope I don't rub anyone wrong on this is - vision statements are just that - statements - and they usually end up on someone's desk somewhere gathering dust and after all is said and done...if we need a vision statement, fine, let's have a workshop and do a vision statement - anyone have a suggestion on when that workshop should be...?" Discussion followed regarding advertising deadlines. It was decided that the Workshop could start at 3:00 p.m. with the Regular Meeting following at 4:00 p.m. The next meeting was scheduled for Tuesday, April 19, 2005 at 4:00 p.m. with a Public Workshop preceding the meeting at 3:00 p.m. regarding "vision statement".

When asked by Chairman Jack McGuinness about the Workshop on Website Development, Commissioner Tom Rivers suggested April 12<sup>th</sup> and discussion followed regarding advertising the Workshop. The Workshop will take place at Old City Web Services, 2155 Old Moultrie Road, St. Augustine, FL beginning at 2:00 p.m.

Under New Business, Chairman Jack McGuinness stated that Commissioner Tom Rivers had desired to put "Comments by Commissioners" under New Business and asked if anyone had any comments, asking Commissioner Tom Rivers first.

Commissioner Tom Rivers indicated he didn't want it under New Business; he wanted it at the very end of the meeting even after Public Input. He reported that since Chairman Jack McGuinness asked him to go to the Port's office, he did, and found it to be "pretty much in order; it's very neat. Things are arranged in the filing cabinets. I found a wealth of information that I wished I had gone into and looked at while I was running for this office. In fact, I might propose, that if possible, that any Commissioner that wants one can have a key to that room so that we can get into it without having to go to the Custodian. Sometimes you have to look around to find the Custodian". Discussion ensued.

Commissioner Tom Rivers noted that he did do a news release and sent a picture (of Jack McGuinness giving David Ponce his plaque) into the St. Augustine Record and asked if anyone saw it - no one had. He said he would do another one and see when it "catches on".

Commissioner Jerry Dixon indicated he liked the idea of Commissioner Tom Rivers of putting "Comments by Commissioners" at the end of the Agenda.

Commissioner Barry Benjamin noted that dredging problems needed to be addressed in the San Sebastian River.

Chairman Jack McGuinness indicated that the subject was addressed in the Master Plan so that was a good point.

Vice Chairman Rick Gleeson asked about the Website Workshop, "that will be a Workshop then to decide what to actually put on it - the design of it - is that the idea?"

Chairman Jack McGuinness answered, "right - to decide what type of information should be in it, what we want to include - do you want to include the original Charter, do you want to include the Master Plan and so forth and so on"?

Chairman Jack McGuinness asked for public input.

Jay Bliss, 12 Oglethorpe, took the podium. "On July 28<sup>th</sup> at 5:00 p.m., the St. Augustine North Davis Shores Neighborhood Association is meeting and Jeanette Burke would like one of you folks to be - and address that group at 5:00 p.m. just to give us some update...and it's at the Alligator Farm - and the acronym is SANS and I think it's St. Augustine North Davis Shores Neighborhood Group". He also stated that he was contacted by Eric Spundberg who is a yacht designer in town. He asked who the Harbor Master was. He told him that the Harbor Master's position was made obsolete "whenever a District, a special waterway District, such as yours, is put in place".

Commissioner Jerry Dixon corrected Mr. Bliss in saying, "we've always had a Harbor Master appointed by the Governor - the last one was Mel Longo..."

Mr. Bliss said, "the Statute specifically states that the Governor shall no longer appoint a Harbor Master when there is a Port and Waterway District in place".

Commissioner Jerry Dixon stated that they appointed one up until four or five years ago. Discussion followed.

Mr. Bliss thought it was interesting that in "1937 legislation, there is specific language that addresses the need to take care of the problem of derelict boats. It's there and it's been there and so this is nothing new and I would really encourage - I heard you gentlemen speak of taking care of things on a boat by boat basis...all I know is I have been offended by at least two boats that I've seen here since, for the last three years that have just been derelict and I really think that that is something that this group should be responsible for".

Chairman Jack McGuinness said, "I hope you get the impression from us that we are moving very positively in that direction because our intention several years ago when we were working with the City was to get an on-going way which we could access the State funds which have since dried up and now we're starting...and that's why we are trying to do it on a boat by boat

basis because some of the situations are pretty outlandish and...especially if they're sunken boats or whatever and depending on what the hull construction material is and so forth - it can be pretty expensive - but we are moving positive in that direction and I appreciate very much if you continue to remind us of our responsibility". Discussion followed.

Commissioner Tom Rivers reminded the Board he thought they had asked Steve Fricke to give them an update on how many boats had been down between the last meeting and this.

Chairman Jack McGuinness said he had spoken to Commander Fricke following the last meeting and gave him a copy of the original Interlocal Agreement between the District and the City - he hadn't been aware of it. He apologized that he hadn't spoken to him prior to the meeting. He had wanted to remind him that there was a meeting. Discussion ensued.

Commissioner Jerry Dixon will get together again with Jason Sheffield of the City of St. Augustine as well as Commander Fricke.

Commissioner Tom Rivers asked that on the Agenda for the next meeting there be an item called Progress Report to see what has been done, if anything.

Dr. Srinivas took the podium when asked by Chairman McGuinness if he would like to give an update on progress for the beach renourishment project. They have responded to four of the five questions to the Request for Additional Information for the permit application they submitted to the FL Department of Environmental Protection last week. The last question, they are responding to this week. They should have a response to the Request for Additional Information complete before the end of this week and after that, the State has 30 days to make a decision whether to call it complete or ask for more information. Bidding is going out shortly. When asked by Vice Chairman Rick Gleeson how much sand they are going to pump, Dr. Srinivas indicated he thought it was close to two and a half million cubic yards of sand.

The next meeting was scheduled for Tuesday, April 19, 2005 at 4:00 p.m., preceded by a Workshop at 3:00 p.m. on the "Vision Statement".

There being no further business, Chairman Jack McGuinness adjourned the meeting.

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SECRETARY-TREASURER

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CHAIRMAN