

St. Augustine Port, Waterway & Beach District

Minutes of Regular Meeting

Wednesday, September 16, 2009

The Regular Meeting of the St. Augustine Port, Waterway & Beach District was held in the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida on Wednesday, September 16, 2009.

**CALL TO ORDER**

Chairman Barry Benjamin called the Meeting to order.

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

All Commissioners were in attendance at the time of roll call with the exception of Commissioner Jerry Dixon who arrived late. Also in attendance were from Secretary-Treasurer Dennis Bell's office, Elyse Kemper, Secretary-Treasurer Dennis Bell, Assistant Secretary, Debbie Paterson, the District's Attorney, Jim Bedsole, Rita Gallegos from Jim Bedsole's office, Dr. Steve Schropp of Taylor Engineering, Ken Krauter, the District's Consultant, Jim Piggott, Director of General Services from the City of St. Augustine, Commander Barry Fox from the St. Augustine Police Department, Lt. Steve Zukowsky from Florida Fish and Wildlife Conservation Commission, and Philip Alia from Vivid Media Concepts. From the public: Brendan Burke from IAMP, Victor Aquinn from USCG Auxiliary and Leslie White from the National Heritage Area Designation Committee.

**SECRETARY-TREASURER'S REPORT**

Secretary-Treasurer Dennis Bell presented the Treasurer's Report dated August 31, 2009. He noted that since the fiscal year ends in September, the Treasurer's Report was actually showing 11 months of data. Originally committed funds as of August totaled \$378,293.00, of which \$274,730.00 has been spent. He has received another bill for the month of September totaling \$24,000.00 or \$25,000.00 so of that \$378,293.00 "we've actually spent \$300 during the current year." Total funds available as of August 31<sup>st</sup> included \$1,880,503.00. The reason there is no interest shown for some of the CD's is because the interest isn't put on the account until the CD matures, therefore, not much interest is shown on the report. As far as taxes, "we've just about collected everything." There was a budget of \$385,133.00 of which \$382,256.00 has been collected. As of September 16, 2009, net funds available total \$1,801,999.00.

Vice-Chairman Carl Blow asked Mr. Bell if he felt the Board would ever see the \$70,346.00 from the State of Florida and Mr. Bell replied that "it's coming more and more..." Ms. Kemper stated that about \$1,000.00 comes in about every 4 or 5 months.

**APPROVAL OF MINUTES OF REGULAR MEETING HELD ON TUESDAY, AUGUST 18, 2009**

Chairman Barry Benjamin asked if all Board members had received their copy of the Minutes via email.

Mr. Bedsole indicated that because of technical difficulties, the Minutes stopped before the end of the Meeting and he thought an Addendum needed to be made to the Minutes and

try and relate on the Minutes, what occurred after that point. He recalls that there was comment made about the residency issue of the Chairman. With the Board's approval, he will put something together to try and pick up the end of the Minutes and have it ready at the next Meeting.

Ms. Paterson pointed out that although the machine indicated it was still recording, it obviously was not.

Commissioner Jay Bliss indicated that under "Summary of Actions Taken", #3 should be stricken from the listing as it was not the substance of the A.G.'s letter and #4, he would like added at the end of that line item, "by a vote of 3 to 2."

#### **MOTION**

**A motion was made by Commissioner Tom Rivers and seconded by Chairman Barry Benjamin to approve the Minutes as amended.**

Vice-Chairman Carl Blow felt since Mr. Bedsole was going to be adding to the end of the Minutes when the tape recorder no longer recorded, the matter should perhaps be tabled until the next Meeting.

Mr. Bedsole noted that it didn't matter. Discussion ensued with several variations of the Motion. The final Motion was explained by Chairman Barry Benjamin as:

**All in favor to approve the Minutes and amend them next time. The motion passed unanimously.**

Commissioner Jay Bliss brought up the fact that he thought it was interesting that the Minutes were already posted for public view. He felt that this wasn't the case in the past.

Ms. Paterson pointed out that it was always that way. When the Minutes were sent out or emailed, they were also emailed to be put on the web site. Discussion between Commissioner Jay Bliss and Ms. Paterson continued with Ms. Paterson indicating that the Minutes always have appeared on the web site prior to their approval. After much discussion, it was decided that the Minutes be posted after their approval, not before.

#### **KEN KRAUTER, Consultant**

At the 1/20/09 Meeting, the Board approved Task Order 2009-1 which had two items in it - both related to the dredging of Salt Run and the other of the San Sebastian River. The first item in the San Sebastian River concerned derelict boat removal at mile marker #33 and he did investigations and provided a report to the Board and then Taylor Engineering did some investigation of the situation around mile marker #33 and he believed from the Minutes from the Meeting reflect that further action was put on hold and "that being the case, just as a matter of good housekeeping, I'd recommend that Task Order 2009-1 be closed out as two items were deferred initially..." The Board saw no problem with his suggestion.

#### **ENGINEERING REPORT**

Dr. Steve Schropp reported that regarding the Salt Run dredging, final plans and specs, his staff met with City staff at a pre-bid on 9/15/09. There seemed to be more questions by the Contractors and the Contractors have until Monday, 9/21/09 to submit any further questions. They are moving along with the City. When Commissioner Jerry Dixon asked how many Contractors were in attendance, Mr. Pigott noted that they had 14

different companies in attendance at the pre-bid meeting and they have had 39 companies download the plan. Discussion followed and Dr. Schropp noted that bids were due no later than October 6<sup>th</sup>.

With regard to the San Sebastian River dredging, Dr. Schropp indicated that on the 20<sup>th</sup> of August the environment permit application was submitted to the DEP so within the next few days they are coming upon the 30 day review period for DEP so they expect within the next week or so they will receive a request for additional information from the DEP on the permit application.

Regarding the St. Augustine Mooring Field, the Marine Fisheries Services had written its letter okaying the project and that letter is making its way up the chain and then it will come down the chain and go before the Corps of Engineers. Once the Corps has that letter in hand, it is ready to issue the permit. Dr. Schropp indicated that Tara Alford in Tallahassee said that she has the draft permit ready to sign relating to the Mooring Field and will issue that as soon as the Corps' permit is issued.

#### **OLD BUSINESS**

##### **National Heritage Area Designation**

Ms. White took the podium and thanked the Board for continuing to consider offering a support letter for the Heritage Area. She updated the Board on their progress. Recently, the City of St. Augustine Beach has recorded a Resolution in support of the National Heritage Area as well as Flagler County and the City of Palm Coast. Over the next several months, they will be targeting the other municipalities within the region for Resolutions of support. They now have over 250 signatures of support from local individuals and also a listing of support received from local businesses and elected officials. She provided each Commissioner with a copy of their Newsletter and one for the Port's record (which will be filed in the National Heritage Designation file at the Port office.) On 9/21/09 National Heritage Partners Meeting, she is hoping that Commissioner Tom Rivers will be able to participate on behalf of the Port Board. Discussion followed regarding whether the Port will provide a letter of support.

Vice-Chairman Carl Blow added a line to the letter of support that says: "Note that The St. Augustine Port, Waterway & Beach District's support does not and should not be considered to provide funding for this effort to establish a National Heritage Area." Further discussion ensued.

Commissioner Tom Rivers brought up the fact that the Newsletter that they had just received, and it was brought up at the last Meeting, that one of the conditions is the official name of the National Heritage Area would be the Nation's Oldest Port National Heritage Area and he didn't think that was necessarily the case. Further discussion followed.

##### **Phillip Alia - questionnaire for the Commissioners re: web site**

Phillip Alia from Vivid Media Concepts took the podium to give an update on the web site and publicity related to the Port. He has done a lot of testing on the Port's laptop and he thanked all of the Commissioners for their patience and their emails. He tested it as thoroughly as he could, and troubleshot it as best as he could. Ms. Paterson brought to his attention a few more "glitches" that are occurring and he is going to be working with it during the Meeting today to make sure that there aren't any other issues involved. As far as the web site goes, he did contact Old City Web Services and was informed that he couldn't do anything with the site until they received authorization

from the point of contact which is Secretary-Treasurer Dennis Bell. Once Mr. Bell gives them "the green light, then I'm okay to work with them to just get into the back of the site to see what's there..." As far as the questionnaire and as far as the content of the site, he asked the Board if he could defer that until the next Meeting. As far as the publicity plan, he would like to put a Power Point presentation as well as other visual aids to present to the Commissioners and what their recommendations are. They have been looking since January 1<sup>st</sup> at accomplishments of the Port - things that should be getting to the media and he would like to present that at the next Meeting. His desire for the next Agenda would be a General Publicity Agenda item and under that would be the web site, publicity and a couple of items that are all within that area. He noted that he and Mr. Bedsole spoke about one of the ideas under publicity would be putting some sort of credit clause within any type of local or Interlocal Agreement. He explained about plaques - where there's credit due (such as with the fire department), signage is important and they will be working together on getting the language correct. He will email the Commissioners the questionnaire related to the content as soon as he can get into the web site and then following that, he will present at the next Meeting, a publicity plan for the next 6 months. Discussion followed regarding problems with some of the Commissioners receiving their Minutes with Commissioner Tom Rivers indicating he also had problems with receiving the Minutes. Discussion followed regarding the different types of computers each Commissioner had and the problems might be related to their receiving Minutes, emails, etc. because of that.

Ms. Paterson explained that she had emailed Old City Web Services regarding the fact that they published the Meeting but not the Public Hearing and received an email back indicating it had been posted, yet, when she looked it up on the web site, it was not there. Old City subsequently emailed her back indicating that it was in a cache and it should clear up in 2-3 hours.

#### **Discussion on Assistant Secretary Position**

Chairman Barry Benjamin asked if all of the Board members had received a proposal from Dennis Bell's office and all indicated they had. Ms. Paterson noted that one was not received for the Port's files. He explained that the proposal indicated that Donovan & Bell would do Port's secretarial services, for a fee of \$1,000.00/month. He explained that Ms. Paterson's bills were in excess of the budgeted amount. He pointed out that a vote needed to be taken as to whether or not the Board wanted to accept Donovan & Bell's proposal for \$1,000.00 or "do we want to go with Debbie's...probably somewhere, a halfway uneducated guess about \$1,700.00 a month..."

Ms. Paterson pointed out that it varies every month according to what was asked of her to do to perform the duties that the Board desired.

Mr. Bedsole noted that Donovan and Bell's office does not include doing the Minutes and his proposal indicated (he thought) that his office (Mr. Bedsole) could do the Minutes - he noted that the Minutes are quite lengthy and "that has taken Debbie, you correct me if I'm wrong, about maybe 16-17-18 hours a month to create that document and I pulled that out of her billing..."

Ms. Paterson stressed that it does take a long time indicating that Mr. Dobson had said that only motions needed to be taken care of it - but she was asked to do it the long way.

Chairman Barry Benjamin noted that they have had the Minutes done both ways but he liked the lengthy Minutes because he could refer back to them and he would have all of the information.

Mr. Bedsole again noted that the Minutes "just need to contain the motion, and a vote and actions taken by the Board. Characteristically, a Commission would want a summary of discussion by each person who speaks and the County does the Minutes that way, I think the City probably does them that way - so you get kind of a capsule of everybody's opinion and then you get the action at the end of it and I think that would be - that would probably cost about \$350.00 a month to produce Minutes like that." Discussion ensued about it being a set fee.

Vice-Chairman Carl Blow commented it was his understanding that Donovan & Bell and Mr. Bedsole's office would commit to a fixed fee per month and asked Ms. Paterson if she would commit to a fixed fee per month.

Ms. Paterson indicated she would not.

Vice-Chairman Carl Blow indicated it was a business decision - he again asked Ms. Paterson if she would entertain a fixed fee rate.

Ms. Paterson said, "no, because if you look at my Invoices, you see how I log everything I do - cover thy butt - and I do it that way and I've done it that way for over 30 years and I don't want to change...a couple of things, I never got answers from Barry...but you said last time, when I check voice mail, I charge \$5.00 just to check it and \$5.00 to return the call. I'd like you to show me somewhere where I did that. I get the voice mail, I return the call - if they want a beach pass, I direct them to the right place. As far as Minutes, Chairman Benjamin wanted the long Minutes. I'm all for the short Minutes...I hear it twice, but you wanted the long Minutes - that's what I did. Anytime you do that you are...for every hour and Mr. Bedsole's office can correct me if I'm wrong but I've been doing this for years - for every hour of tape you're listening to, and if they're quality, you have at least double that and then you have to go back and listen again to make sure you caught the words right and so I couldn't give you a fixed fee. I would love to stay with you guys; I've told you before, it won't break my heart...but if you want to know something that happened back in 1989 and I've been sitting here, how long...how many times have you asked me questions...but a lot of the stuff that has been stored for all these years until we got that possessed computer laptop over there, is on my computer so it would have to be, unless you want to start all over again...then you have to hire me as a Consultant to give you that stuff. I mean time is money..." Discussion followed with Ms. Paterson saying, "I guess I probably should have raised my rates 5 years ago when I raised other people's rates, then we wouldn't be having this discussion.

When Vice-Chairman Carl Blow asked Ms. Paterson if she would give a fixed rate and she answered, "you people ask me to do different things and I'm going to stick to that fixed rate when it takes me more hours and I'm taking away from my other clients where I am making the money, I can't do it!"

Commissioner Tom Rivers questioned Ms. Paterson about her .25 hour increments and she explained that's how she has always charged all of her (monthly) customers for over 30 years. She explained that she checks voice mail first thing in the morning and probably 10 to 12 times throughout the day. There seemed to be some confusion on the Commissioners' part as they were under the assumption that Ms. Paterson charged .25 hours for checking the voice mail and another .25 hours for returning the call - she

explained exactly how it was done - if she retrieved a message and then returned the call, that was all in one rate of .25 hours - the .25 hours at the end of the day was for all of the times she checked voice mail and didn't have to return the call. He also questioned her checking for emails at the rate of .25 hours each day - she explained that this was a different charge as checking voice mail was regular secretarial time and checking emails was at a different rate than secretarial rates.

Chairman Barry Benjamin again asked for clarification as he felt she was charging two separate times for checking voice mail and then returning the call - she clarified it once again.

Ms. Paterson explained that in the beginning when she was initially hired, Brad Davis was the Secretary and then they asked him to be Secretary-Treasurer and he felt he couldn't handle both positions so she was hired as "Assistant Secretary." She explained that she would record the minutes, transcribe them, fax them to him and he would add/delete, etc. and she would change them accordingly. However, when the new Secretary-Treasurer was hired, that wasn't done anymore and the checking of the Minutes fell into the hands of the Chairman.

Chairman Barry Benjamin pointed out when Ms. Paterson said she could not go with a fixed rate, that "something is better than nothing."

Commissioner Tom Rivers indicated that he personally liked her and enjoyed working with her and he hated to see her go "but when it comes down to dollars and cents, we're going to have to do something about that..won't you just consider a fixed rate, just consider, would you?"

Ms. Paterson asked the Commissioners to look at her Invoices and see if they would consider a fixed rate. Further discussion ensued regarding the public's view of her charges and how she kept time sheets and could prove every charge that was charged to the Port Commission. She also asked why this would come up after almost 20 years.

Vice-Chairman Carl Blow indicated that the backup for the Invoices was not available until the day of the Meeting for the Board to look at and Ms. Paterson indicated that's how she was told to handle it - no one directed her to do it differently and following the last Meeting, she decided to appease the Board by billing a day earlier than usual and she faxed Donovan & Bell's office every backup sheet to support the final bill. Discussion followed.

#### MOTION

**A motion was made by Chairman Barry Benjamin and seconded by Vice-Chairman Carl Blow (with deep regret) to accept Donovan & Bell's and Mr. Bedsole's proposal for \$1,350.00 for the position of Assistant Secretary to replace Debbie Paterson.**

Commissioner Jay Bliss indicated that it was now time to discuss the question - he thought that the Board was going to put this out for bids and Vice-Chairman Carl Blow indicated that this was another route. Further discussion ensued.

**A roll call vote was taken: Commissioner Jerry Dixon: "no", Vice-Chairman Carl Blow: "yes", Chairman Barry Benjamin: "yes", Commissioner Tom Rivers: "the human part of me wants to say 'no', but the business side of me..." "yes", Commissioner Jay Bliss: "no". With three Commissioners indicating "yes" and two Commissioners indicating "no", the motion carried.**

Ms. Paterson clarified that this would be effective October 1, 2009.

**PUBLIC INPUT**

Jim Piggott took the podium and noted that in reference to mooring fields - assuming that they get the permit within the next couple of weeks, they're looking at probably the first meeting for their Commission sometime in October - that's if they obtain the permit within the next couple of weeks. They had a meeting last week to go over a draft of some of the Ordinances that they will be proposing. The meeting consisted of a representative from FWC, Coast Guard, two City Law enforcement representatives as well as Commissioner Carl Blow as a representative from F.I.N.D. so he could act as a representative from the St. Augustine Port, Waterway & Beach District as well since they couldn't have all of the Port Commissioners there due to the Sunshine Law, the City's Attorney and Sam Aducewitz, the Harbor Master. The individuals who attended the meeting thought that the Ordinances were within compliance with Federal and State laws.

Commander Barry Fox took the podium and related since the derelict boat program began they have handled approximately 65 vessels. They've either had the owner remove them or they have removed them. Currently, there are five in the process and one is in the process with FWC. One of those vessels - the one at USFPO has completely fallen apart so they will have to start over on that particular one. The individual who was attempting to move it now has one of his vessels stuck there too so they will have to start that process all over again. The City is in contract with the company working on the bridge to remove the one that had ended up under the new temporary bridge, they are going to remove that for the City - it is not identifiable any longer - it hadn't been identifiable when it blew under the bridge and now it has deteriorated to the point that it is totally unidentifiable. The two in north river are out to bid at the present time. There is some concern regarding a large catamaran in the south end of Salt Run. It was on the bottom. They know that the owner has taken action to remove it - he cut it up in pieces and put it at the Lighthouse Boat Ramp. The City is removing that now and are working on a bill for him for tipping fees and moving it. Their concern is that it is still marked with two buoys and although they haven't been able to get out and check on it yet the vessel has been taken down to the low water mark so they have to wait until their vessel is back in service so they can go and see if the lower half of that vessel is still there and then they will have to continue on with communications with that individual about moving it. He could pull the map up for the tax base of the St. Augustine Port, Waterway & Beach District. Up until this point, he has been dealing with derelict vessels within that map, but as they go south, the District boundary seems to change to just one side of the Intracoastal and it begins to get real confusing as to where does "our MOU in reference to me dealing with derelict vessels, actually, is it going to be just the east side of the Intracoastal or is that just your taxing base and the Intracoastal as a whole and all the marshes and small tributaries are part of what you want me to pull the vessels from?" Discussion ensued with Mr. Bedsole noting, "it's generally within the District." He said the question had come up from a gentleman in the shores who had two vessels blow in "basically across the river over onto the west shore and up towards his dock, one's on the bottom and he's got one tied up on his dock. He came to me and asked me what we could do for him in reference to these vessels and he's volunteered to float the one that's on the bottom because he does it occasionally hoping someone will come get it - it's more like a houseboat. He'll go out and pump it and it'll float and then it'll fill up with water and then it will sink..." That's why he wanted to come before the Board and ask what their jurisdiction was.

Mr. Bedsole asked Commander Fox to give him a map or an aerial showing the location of it and he will be able to tell him whether it's within the District or not. Discussion followed with Commander Fox noting that it was south of Vail Point.

Commissioner Jerry Dixon indicated that if it was south of Vail Point, there would be a problem.

Vice Chairman Carl Blow noted that he thought that the City received a grant from F.I.N.D. for derelict boat removal. He suggested that Commander Fox get with Will Smith from the SJC Parks and Recreation Department.

Commissioner Jerry Dixon suggested that the County should find the funding source which is F.I.N.D. but then they need to meet with the City as well.

Commander Fox has it set up that the FWC and the Sheriff's Office refer all reports to him because it is cost effective in the manner it is set up because the County and the FWC have no where to pull the boats, etc. so the City is always involved. Further discussion followed with Jim Piggott adding comments as well.

Commander Fox noted that they are still working on the boat at marker #33. The City has been in contact with the owner who brought it back up, it was supposed to be sold but never was so the case file is back open. From their understanding, there is no self-propulsion.

Commissioner Jay Bliss shared his thoughts that "concerning the center line of the Intracoastal Waterway, I think that this Port District should be taking responsibility for the oversight and the well-being of the ICW. If anybody comes through here, they say to themselves, I'm in Port District waters and the dividing line on a map is not something that they're going to accept when they collide into some wreck that's sitting.." He brought up the fact that Chairman Barry Benjamin resides out of the District and, therefore, has no homestead within the District.

Chairman Barry Benjamin indicated that he had three houses; two in the District and one outside of the District.

Mr. Bedsole will review the matter concerning whether or not some of the boats mentioned are within the District's boundaries.

Lt. Steve Zukowsky took the podium. He first reported on Mr. Getzinger's steel hull vessel. Officer Richmond is working on that case. His instructions to Officer Richmond was to get with Mr. Getzinger and give him until August 21<sup>st</sup> to get the vessel squared away or off the water. He was on a leave for a couple of weeks and when he came back, he found the boat still sitting there with nothing changed over the Labor Day weekend. On Monday, Officer Richmond will have his report in to him to give to Commander Fox so that they can go ahead and start more processes. Mr. Getzinger will receive a few citations which perhaps will give him some incentive prior to his having to appear before a Judge. He has also talked with the State Attorney about whether they would be okay with the FWC doing the majority report and the City will go ahead and pull the vessel. "My chain of command doesn't usually like that. If we're going to be the ones charging a person with a derelict vessel, they want us to do the whole thing and also contact PBS&J for removal, but as you all know, PBS&J doesn't get here in a timely manner. They basically wait until several derelict vessels pile up and then they come in and take care of them all at once. So I have to talk to the State Attorney's office...this will get fixed by next week, at least we'll be moving forward." He wanted the Board to be aware that the City is going to have a full-time marine officer. There

will be an FWC officer who will meet with Corporal Jerry Whitehead of the City once a week and work with them if they need FWC's help and assistance on all derelict vessel issues, mooring field issues, etc. A marine sanitation device enforcement detail is tentatively scheduled for October. The officer's operational plan has to be reviewed. Vessels that are anchored up will be checked - primarily sailboats will be checked for marine sanitation devices and navigation lights north and south of the Bridge of Lions and the new area south of St. Augustine Shores as well as other areas. Coast Guard Mayport personnel will be invited to partake, Corporal Whitehead and one from the Sheriff's Office marine posse, if they're interested as well. The Easter Sunday disaster with fatalities has been wrapped up. Their report has been concluded. The State Attorney has declined to file any charges on the fatality. WJXT News 4 in Jacksonville's web site reports on any boating accident and has the full 79 page report with all the conclusions, photos and all the interviews. The red fish are running now and he told about violations.

#### **NEW BUSINESS**

##### **Vilano Beach Fishing Pier Floating Dock Addition Phase I - Wil Smith**

Wil Smith was not in attendance, however, Vice Chairman Carl Blow noted that he would speak on behalf of Mr. Smith. Mr. Smith had sent him an email which he forwarded to each Commissioner with no comments on it so as not to violate the Sunshine Law. "But the gist of it is..we had committed \$10,000.00 to that Phase I project which was doing the design work and I guess he's gettin' geared up to hire somebody to start the permitting for that in the design and basically, he wants a check and I told him, I said, 'well I'll bring it up for the Board and if they authorize that then we can ask Donovan & Bell...'"

Commissioner Jerry Dixon questioned Vice Chairman Carl Blow whether it was up to \$10,000.00 or \$20,000.00 - in the Interlocal Agreement.

Vice Chairman Carl Blow answered that "the total cost is 50 (\$50,000.00) and he got a grant from F.I.N.D. for \$25,000.00 and North Beach is paying 5 (\$5,000.00) and the TDC is paying 10 (\$10,000.00)..."

Commissioner Jerry Dixon pointed out that the process would be to submit an Invoice and then it's paid - the Agreement has been signed. Discussion ensued.

Vice Chairman Carl Blow noted that he'd let Mr. Smith know to submit an Invoice to Dennis Bell.

##### **Concern of erosion of the north beaches - Bob Moore**

Chairman Barry Benjamin indicated that Mr. Moore had sent an email to all of the Commissioners.

Commissioner Tom Rivers asked Dr. Schropp that he had thought that a letter was sent to the Army Corps of Engineers to conduct a study on the north beaches and wanted to know if there had been any response to that letter.

Commissioner Jerry Dixon pointed out that the County funded the study and "Taylor did it, did it not?"

Dr. Schropp said, "I believe you may be referring to a request we made of the Corps of Engineers to look into doing a feasibility study for the jetties...the jetty

modification and the Corps didn't have the permit and did not proceed." Discussion followed.

Chairman Barry Benjamin told Mr. Moore that it was too involved to be brought up at this Meeting and he would put it on the Agenda for October's Meeting and he said he may or may not come to it. Discussion evolved that if Mr. Moore did not come to the October Meeting, there was no reason to discuss it.

#### **COMMENTS BY COMMISSIONERS**

Commissioner Jerry Dixon had no further comments.

Vice Chairman Carl Blow displayed a flag and it had F.I.N.D. as a sponsor and then on the other side of the flag it had the Marine Industry Association - he noted that the reason he brought the flag was to explain to the Board that F.I.N.D. has a program that sponsors cleanups such as the Trash Busters Program. The County used to apply for F.I.N.D. grants but several years ago, they began coming before the St. Augustine Port, Waterway & Beach District for monies. His question to the Board was, "do you want me to talk to the County representative to see if he would rather apply for the F.I.N.D. grant for his program and free up the money that we had committed for something we can't get a grant for? In other words...so the only reason I'm bringin' it up is I'm thinking, well, if we can get somebody else's money to do something, that's better for our taxpayers, but if you'd like to leave it like it is, that's fine with me too..."

Commissioner Jerry Dixon interjected, "obviously, our District is to F.I.N.D., is that part of the County?" Discussion followed regarding F.I.N.D. is for the whole County.

Vice Chairman Carl Blow said, "anyway, if you'd like, I will call him and ask him if that's something that we would entertain; if not, we'll just leave it like it is."

Chairman Barry Benjamin noted he thought it was worthwhile and Vice Chairman Carl Blow indicated he would talk with the County representative. Discussion followed regarding F.I.N.D. grants.

Commissioner Tom Rivers commented on the Vilano Beach issue. "I feel strongly that somebody's going to be here next month." Further discussion followed.

Commissioner Jay Bliss had no comments.

#### **NEXT MEETING**

Although this was not mentioned until during the Public Hearing, the next Meeting is scheduled for Tuesday, October 20, 2009 at the same location.

#### **ADJOURN**

Chairman Barry Benjamin adjourned the Meeting and noted that the next Meeting (Public Hearing) would be taking place at 5:05 p.m.

Ms. Paterson asked a question about the transition and how little time she had to do the Minutes, file, etc.

Chairman Barry Benjamin said, "Dennis, you and Debbie can work out that transition, rightt?"

Mr. Bell answered, "yeah. "

Vice Chairman Carl Blow said, "I just want to say, Debbie, I'm sorry things didn't work out the way - and I appreciate all the years and effort that you've put into this and I wish you luck..."

Ms. Paterson said, "well, let's just say that I was here before Taylor..."

Commissioner Tom Rivers said, "Debbie, I'd like to thank you for all of your service to us and in the short time I've been here, it's been a pleasure working with you and I really hated to vote the way I did, but, good luck.

Ms. Paterson said, "thank you."

Chairman Barry Benjamin said, "I feel exactly the same way" (however, due to the quality of the recording, and at this point, I wasn't taking notes, I'm not exactly sure if it was Chairman Benjamin - Debbie Paterson.)

Ms. Paterson once again thanked the Commissioners and said, "no tears."

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Secretary-Treasurer

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Chairman

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**SUMMARY OF ACTIONS TAKEN:**

- 1) Mr. Bedsole pointed out that due to technical difficulties, the 8/18/09 Minutes stopped recording before the end of the Meeting. He will put together an Addendum to add to the Minutes and have it ready for the next Meeting.
- 2) Under "Summary of Actions Taken" in those same Minutes, #3 will be stricken from the listing and at the end of line item #4, "by a vote of 3 to 2" will be added - this, of course, will now change that line item to "#3" instead of #4 since #3 will be stricken.
- 3) The Minutes of the 8/18/09 Meeting were approved and will be amended at the next Meeting.
- 4) In the future, the Minutes will be posted on the web site after their final approval, not when they are first emailed to the Commissioners.
- 5) Consultant, Ken Krauter's Task Order 2009-1 was closed out.
- 6) For the October Meeting's Agenda, Philip Alia will have a line item called "General Publicity" and under that will be the "web site". He will be giving a Power Point presentation as well.
- 7) As soon as Philip Alia can get into the web site, he will email the Commissioners a questionnaire.
- 8) A motion passed after a roll call vote that Donovan & Bell will perform all of the secretarial duties for a fixed rate fee of \$1,000.00 per month and Mr. Bedsole's office will do the Minutes of the Meetings for a fixed rate fee of \$350.00 per month effective October 1, 2009 instead of having Ms. Paterson be the Assistant Secretary.

St. Augustine Port, Waterway & Beach District

First Public Hearing on Budget & Millage Rate

Wednesday, September 16, 2009

The First Public Hearing of the St. Augustine Port, Waterway & Beach District on the Budget and Millage Rate was held in the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida on Wednesday, September 16, 2009.

**CALL TO ORDER**

Chairman Barry Benjamin called the Public Hearing to order at 5:05 p.m.

**ROLL CALL**

All Commissioners were in attendance. Also in attendance were from Secretary-Treasurer Dennis Bell's office, Elyse Kemper, Secretary-Treasurer Dennis Bell, Assistant Secretary, Debbie Paterson, the District's Attorney, Jim Bedsole, Rita Gallegos from Jim Bedsole's office, Dr. Steve Schropp of Taylor Engineering and Ken Krauter, the District's Consultant. There was no one in attendance from the public.

**PUBLIC INPUT**

As there was no one from the public in attendance, there was no Public Input.

**SET MILLAGE RATE AND BUDGET**

Secretary-Treasurer Dennis Bell noted that at the last Meeting, the Board adopted the Millage Rate of 0.0539 which will generate \$391,035.00 in taxes and an additional \$50,000.00 in interest which will bring the total financial sources of \$441,035.00. The total Budget expenditures would then be \$441,035.00 of that the major items of expenditure are going to be Consulting Services: \$25,000.00, Secretarial Services: \$16,500.00, Legal Services: \$13,000.00, Engineering Services: \$24,000.00 as well as a charge that the District needs to pay the Tax Collector's office: \$20,000.00 and Unassigned District Projects: \$297,975.00.

There were no questions concerning any of what Mr. Bell had said and Chairman Barry Benjamin confirmed that the Millage Rate was the roll back rate.

**MOTION**

**A motion was made by Chairman Barry Benjamin and seconded by Commissioner Tom Rivers to adopt the roll back rate. The motion passed by a unanimous voice vote.**

Vice-Chairman Carl Blow wanted to make some observations. The Trim notice that went out showing all the taxing authorities showed the Port District as having a 2% increase. All Trim notices are different based on individual property, "but when I looked at mine, under the Port Authority, it was the same exact dollar amount, whether it was in the column your taxes this year if proposed Budget changes made and in the column your taxes this year if no Budget change is made, was exactly the same dollar amount so from - even though it's a 2% increase, it appears to be a very small impact on your typical tax bill

when you look at it and then the other observation is when you look at a prior year - this is I guess, 2007-2008, we had a 7% decrease that year so even though it shows a 2% increase, the prior year, we actually had a 7% decrease, so, I think this Board's been very frugal with the taxpayer's money. Anyway, I just wanted to mention that."

Secretary-Treasurer Dennis Bell indicated that at the end of the year "with this Budget, we'll end up with close to two million dollars..." Discussion ensued.

Vice Chairman Carl Blow mentioned "that the Federal Government is - they're really looking at what their funding responsibilities are in the Intracoastal Waterway and...as it stands now, we're the local sponsor for the Inlet and the Corps or the Federal Government is supposed to be primarily responsible for funding - keeping that Inlet open, but I think we ought to always be on alert that - that due to the problems with the Federal Government and budget cuts and so forth, my horror, my nightmare is that they're going to make the Inlets...they're going to make Inlets like Jacksonville, Port Everglades, Port of Miami Inlets that carry a lot of cargo and they're going to say 'yeah, we're going to keep funding those' but then they're going to look at the Inlets like our Inlet and Ponce Inlet and Sebastian Inlet but that are not heavy cargo or not Inlets used for commercial cargo-type traffic - they're primarily used for fishing, recreational activity and commercial fishing and my fear is the Federal Government is going to say 'well, we're not going to fund those anymore'. I think the State and local Governments ought to fund those, so that's one reason for keeping two million bucks in reserve because if we ever got stuck with that Inlet with 400% responsibility, we could spend two million dollars in a heartbeat." Discussion followed.

Dr. Steve Schropp offered his observations - "the dredging that is taking place in the Intracoastal Waterway that the Corps of Engineers...the Federal Budget has tightened up, the Corps has had less budget for dredging the Intracoastal Waterway...it would behoove this District to have funding available - funds available to take on some dredging projects..." Further discussion ensued.

As Ms. Kemper was not speaking near a microphone, it was very difficult to hear exactly what she was saying, however, she did mention that the Final Public Hearing on the Budget and Millage Rate would be held Tuesday, September 29, 2009 at the same location, however, rather than in the City Commission Meeting Room, the Public Hearing will be held in the small meeting room and it will be publicized in the newspaper after the 24<sup>th</sup> but before the 27<sup>th</sup>. The Public Hearing will begin at 5:05 p.m.

**ADJOURN**

Chairman Barry Benjamin adjourned the First Public Hearing on the Budget and Millage Rate.

Secretary-Treasurer

Chairman

**SUMMARY OF ACTIONS TAKEN:**

- 1) A motion passed unanimously to adopt the roll back rate of 0.0539.