

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT
MINUTES OF REGULAR MEETING
Wednesday, October 14, 2020

The regular meeting of the St. Augustine Port, Waterway & Beach District was held at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida, on Wednesday October 14, 2020.

1. CALL TO ORDER

Vice-Chairman Tom Rivers called the meeting to order at 3:00, p.m.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Vice-Chairman Tom Rivers and Commissioners Matt Brown, Chris Way, and Sandy Flowers were in attendance. The meeting was also attended by Secretary-Treasurer Elyse Kemper and Jim Marino of Taylor Engineering. Clay Meek was present from the start of the meeting, initially as a member of the general public, and, upon the completion of the vote on Agenda item 11(A), as set forth herein, as General Counsel for the District.

4. INVOCATION

Vice-Chairman Tom Rivers offered the invocation.

5. ADOPTION OF AGENDA

Vice-Chairman Tom Rivers proposed amending the agenda to move discussion of the vote on the engineer's contract to occur prior to the engineering report, which was item 10 on the agenda. **A motion to approve the amended agenda was made by Commissioner Brown, seconded by Commissioner Way, and passed by a 4-0 vote.**

6. PUBLIC COMMENT

Ed Slavin

7. GOVERNMENT REPRESENTATIVE COMMENTS

Jim Piggott appeared on behalf of the City of St. Augustine. Mr. Piggott gave a summary of the derelict vessels that had been removed in 2018, 2019, and 2020. Five were removed or destroyed in 2018. Four were removed or destroyed in 2019. Twelve were

removed or destroyed in 2020, to date. The total cost for the removal or destruction of the twenty-one vessels was \$144,354.08, of which FWC paid \$73,000.00, FIND paid \$32,320.25, and the St. Augustine Port, Waterway & Beach District paid \$35,831.25. Four additional vessels are identified for removal or destruction and FWC has approved a grant of \$44,800.00 to partially cover the cost of the destruction or removal of those four vessels.

Josh Underwood of the St. Johns County Sheriff's Marine Unit reported that, since the last meeting, there had been 114 calls that had been responded to, 6 boating citations issued, and 14 warnings given. It was also reported that a Trump boat parade was planned and permitted for 10:30, a.m., on October 24, 2020, to occur within the intercoastal waterway.

Carl Blow of the Florida Inland Navigation District ("FIND") advised that funds had been approved for a 50% match for dredging at Salt Run and Villano. Commissioner Flowers questioned why the sand was being dredged by bucket and barged off. Mr. Blow advised that the sand was too fine and not of beach quality and, thus, had to be barged off and not used on the beach. In discussing the dredging and potential for beach use, the term "below mean high water" came up. Mr. Marino of Taylor Engineering was then asked to and did give a definition and explanation of "below mean high water."

8. SECRETARY-TREASURER'S REPORT

Secretary-Treasurer Kemper delivered the financial report. As of the fiscal year ending September 30, 2020, the District spent: \$1,973 for overtime hours of police officers of the City of St. Augustine; \$11,759 for overtime hours of deputies of the St. John's County Sheriff's Department; \$23,886 for derelict boat removal; and, \$6,277 for the Regatta of Lights. The State Board of Administration account has a balance of \$23,131. The Operating Account has slightly less than \$101,301. The money market account has \$2,284,124.

Upon approval by the Commission, the District's meetings are to be converted into appropriate electronic format and downloaded to the website and You Tube channel in audio format by Avid Design Group. The cost as to future meetings will be \$100.00 per month and the cost as to past meetings will be \$3,700.00 to upload the last 23 or 24 past meetings, half of which is to be paid up front, and half is to be paid upon completion. **A motion to approve and**

proceed was made by Commissioner Flowers and seconded by Commissioner Way and passed by a 4-0 vote.

The annual contract for accounting services was brought up for consideration. **A motion to approve the contract was made by Commissioner Brown and seconded by Commissioner Way and was passed by a 4-0 vote.**

9. APPROVAL OF MINUTES

Vice-Chairman Tom Rivers proposed a correction to the minutes of the September 15, 2020, regular meeting on page 4 to reflect that Vice-Chairman Tom Rivers spoke with a representative of the neighborhood's association and not the homeowner regarding the Porpoise Point lot. **A motion to approve the minutes as amended was made by Commissioner Brown and seconded by Commissioner Flowers and passed by a 4-0 vote.**

The minutes of the September 15, 2020, First Public Hearing were considered next. **A motion to approve the minutes was made by Commissioner Way and seconded by Commissioner Brown and passed by a 4-0 vote.**

The minutes of the October 1, 2020, Final Public Hearing were then considered. **A motion to approve the minutes was made by Commissioner Brown, seconded by Commissioner Flowers, and passed by a 4-0 vote.**

10. ENGINEER'S CONTRACT/ENGINEERING REPORT

Jim Marino, President of Taylor Engineering, was present on behalf of Taylor Engineering. The contract with Taylor Engineering was brought up for consideration and Mr. Marino stated that he understood that the contract had been voted on and approved in the August meeting, so long as Taylor Engineering agreed to remove the paragraph regarding arbitration, which it had agreed to. After discussion, it was confirmed that a revised contract had been circulated to the Commissioners showing the removal of the paragraph regarding arbitration. **A motion to ratify the revised contract was made by Commissioner Way and was seconded by Commissioner Brown.** After opportunity for question and discussion by all Commissioners, **the motion passed by a 3-1 vote, with Commissioner Flowers opposed.**

11. NEW BUSINESS

A. Vote on Attorney pick

Commissioner Flowers opposed hiring a new attorney prior to the next meeting. Commissioner Brown indicated that the selection and hiring of an attorney needed to occur prior to the November meeting; among other reasons, an attorney would be needed to seat the new Commission at the November meeting. The possible use of a workshop to consider the issue was discussed. A vote to determine the preferred proposal was taken by the Commission and resulted in a tie vote between the proposals of Mr. Wallace and Mr. Meek. Mr. Meek spoke briefly regarding the role of General Counsel and the criteria to consider in selecting a General Counsel and answered questions from Commissioner Flowers and another vote was taken and again resulted in a tie. The Commissioners then further discussed and debated the merits of the two finalists. Ultimately, **motion was made to select Mr. Meek by Commissioner Way, seconded by Commissioner Brown, and passed by a 3-1 vote, with Commissioner Flowers opposed.** Upon passage of the motion, Mr. Meek was invited to and did take the seat as General Counsel for the District for the remainder of the meeting.

B. Plaque for Barry Benjamin

A motion was made to obtain and give a plaque to Barry Benjamin for his over 20 years of service. **A motion was made by Commissioner Way, seconded by Commissioner Brown, and passed by a 3-1 vote, with Commissioner Flowers opposed.**

12. PUBLIC COMMENT

Ed Slavin

13. COMMENTS BY COMMISSIONERS

Commissioner Brown inquired as to discussion of a St. Augustine Police Department call history record ("call history record") printed on September 18, 2020, with associated documentation including printouts and written statements all of which was sent to St. Augustine Port, Waterway & Beach District without cover letter or a return address on the envelope. The total of the pages, including a copy of the envelope, was ten (10) pages, all

of which had been forwarded electronically to all Commissioners prior to the meeting.

The call history record related to an encounter involving Commissioner Flowers that occurred on September 4, 2020. The call history record detailed allegations that included:

- that Commissioner Flowers was upset that a vehicle was illegally parked and that the owners of the vehicle were only told to move their vehicle and no tickets were being written when the owners expressed that they would comply and were gathering their items, including a stroller and their child or children in the car;

- that Commissioner Flowers verbally accosted a City of St. Augustine parking officer over no tickets being issued;

- that, in referring to the people in the car and situation, Commissioner Flowers screamed that the parking officer was not doing anything about "these *N word*s having a hoot-n-any;"

- that Commissioner Flowers used her vehicle to block in the vehicle that was illegally parked in such a way as to prevent the vehicle and family from being able to leave;

- that a member of the family that had been referred to by Commissioner Flower's screamed statement then expressed feeling threatened and stated she would call the police unless Commissioner Flowers allowed them to get in their vehicle and leave;

- that Commissioner Flowers and the parking officer had prior encounters and apparently each was known to the other;

- that Commissioner Flowers banged on the window of the parking officer's car window;

- that Commissioner Flowers opened the door of the parking officer's car while the parking officer was in the car and directing Commissioner Flowers to let go of the door;

- that Commissioner Flowers told the parking officer "You are a city employee and I can do whatever I want to you;"

- that a responding police officer, Corporal Bryan, then told Commissioner Flowers to step away from the parking officer's vehicle and warned Commissioner Flowers that, if she did not

calm down and step away, he would have to use his taser on her;

-that Commissioner Flowers then pointer her finger in Corporal Bryan's face and told him he worked for the City too before running to her vehicle and "peeling out."

Commissioners Brown and Way and Vice-Chairman Rivers indicated that the actions described were inappropriate and concerning. Commissioner Flowers indicted that she had not reviewed the 10 page call history record prior to that moment and was not prepared to discuss it. However, Commissioner Flowers recalled the incident, but stated that it did not occur as apparently described. Commissioner Flowers specifically denied:

- using the "N*words*" described in the call history record;
- acting aggressively toward the parking officer, police officer, or family;
- ever speaking with Corporal Bryan at all during the incident; and,
- ever being told that she was acting in a manner that would result in her being tased.

Commissioner Flowers indicated she would review the call history report following the meeting and undertake efforts to have the situation clarified to reflect her recollection as expressed above. The call history report and actions alleged within it were to be added to the agenda for the next meeting for further discussion and appropriate action.

14. NEXT MEETING

November 17, 2020, was announced as the next meeting date. As such, the **next meeting will be at 3:00, p.m., On November 17, 2020,** at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida.

15. ADJOURN

There being no further business, Vice-Chairman Tom Rivers adjourned the meeting at 4:17, p.m.

Secretary-Treasurer

Commission Chairperson