

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT
MINUTES OF REGULAR MEETING
Tuesday, October 15, 2019

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, October 15, 2019.

1. **CALL TO ORDER**

Chairman Barry Benjamin called the meeting to order at 3:00 PM.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Chairman Barry Benjamin, Vice-Chairman Tom Rivers and Commissioners Matt Brown, Sandy Flowers and Chris Way were in attendance. The meeting was also attended by Mike Trudnak of Taylor Engineering, District Counsel Jim Bedsole and Secretary-Treasurer Elyse Kemper.

4. **ADOPTION OF AGENDA**

Chairman Benjamin asked if commissioners had any changes to the agenda. Mr. Bedsole said the minutes from the final TRIM hearing of October 3, 2019, needed to be added for approval. Commissioner Flowers added an item for the St. Johns County Sheriff's Office to photograph the Summer Haven River at low tide from the SJSO helicopter at a cost of \$180. She also agreed to have two other items, the May Street boat ramp and the cost of video taping meetings, added to the agenda of the next regular meeting.

There being no other changes, Vice-Chairman Rivers moved to adopt the amended agenda and Commissioner Brown seconded. The motion carried unanimously.

5. **SECRETARY-TREASURER'S REPORT**

Secretary-Treasurer Kemper delivered the financial report. As of September 30, 2019, the end of Fiscal Year 2018-2019, the District had spent \$131,400 in operating expenses, \$80,648 in committed funds, and \$200,000 for the City of St. Augustine connectivity project, for a sum total of \$474,043 in the last fiscal year. As of that date, the District had \$2,170,863 on deposit. Ms. Kemper reported the separate account for the Summer Haven River Restoration now contains \$712.

Ms. Kemper then reported that Carr Riggs and Ingram, and the Neville Firm were the only bidders of five CPA's solicited for the annual audit due June 30, 2020. Neville's price was \$15,000 and Carr Riggs and Ingram bid \$7,500.00.

A motion by Vice-Chairman Rivers to engage Carr Riggs and Ingram to complete the District's financial audit for Fiscal Year 2018-2019 for a fee of \$7,500.00 was seconded by Commissioner Way and discussion followed.

Commissioner Flowers said the board should get bids from other vendors before voting. Chairman Benjamin and Vice-Chairman Rivers said five firms had already been contacted and only two offered bids for the work. Ms. Kemper added that Carr Riggs and Ingram's price for government audits begins at nine thousand dollars per year but they discounted the price for this year for the District.

Vice-Chairman Rivers renewed his motion to engage Carr Riggs and Ingram for \$7,500 to perform the annual audit. Commissioner Way again seconded the motion. Vice-Chairman Rivers then asked for a vote and the Chairman directed a roll call vote.

Commissioner Way voted yes, Vice-Chairman Rivers voted yes, Chairman Benjamin voted yes, and Commissioners Brown and Flowers voted against. The motion therefore carried and Carr Riggs and Ingram will be engaged to perform the Fiscal Year 2018-2019 audit.

7. APPROVAL OF MINUTES

A motion by Vice-Chairman Rivers, which was seconded by Commissioner Brown, to approve the minutes of the regular meeting of September 17, 2019, the First Public Hearing of September 17, 2019 and the Final Public Hearing of October 3, 2019, passed unanimously.

9. ENGINEERING REPORT

Mike Trudnak delivered the engineering report on behalf of Taylor Engineering. He said the only item was the renewal of Taylor's contract with the District until the end of 2020. He said Taylor has been serving the District continuously since 1991.

Commissioner Flowers said she was not in favor of hiring an engineer without going to public bidding. She said the District has used the same engineer since 1991 without bidding the work out and that she is in favor of requesting proposals first.

A motion by Commissioner Flowers to advertise and solicit offers from interested firms for engineering services was seconded by Commissioner Brown and passed 3 - 2 with Vice-Chairman Rivers and Commissioner Way voting against.

Mr. Bedsole said he would cooperate with Ms. Kemper in advertising a request for qualifications and would have the responses available to open at the next meeting.

10. GOVERNMENT REPRESENTATIVE COMMENTS

Sgt. Jerry Whitehead, City of St. Augustine Police Department, discussed the process used to fund the removal of derelict vessels. He said there are now 14 derelict vessels in the county and that 8 of those are within the District. He said prices now average about two thousand dollars for floating vessels and about six thousand for sunken vessels.

Commissioner Way asked if owners are ever requested to reimburse the expense of removal. Sgt. Whitehead said they are notified, if they can be found, and that no owner has ever reimbursed the government for disposing of a boat.

Sgt. Whitehead said the City is requesting the District set aside \$25,000 in its annual budget for derelict vessel removal on an as-needed basis. Jim Piggott, Director of General Services for the City, said the city also gets money from FWC for vessels outside of the District but FWC's pay process is very, very slow. Mr. Piggott said they will solicit bids for removals before asking the District for funds.

Commissioner Flowers asked for a copy of the resolution authorizing the chairman to spend up to six thousand dollars for emergencies without prior approval of the board.

Carl Blow, St. Johns County FIND Commissioner, said FIND has used Taylor Engineering for over thirty years. In response to questions from Commissioner Way, Mr. Blow said FIND has never had a problem with Taylor's services.

Sgt. Josh Underwood, St. Johns County Sheriff's Office Marine Unit, said last month his agency responded to 103 calls for assistance, performed 46 inspections, issued 3 citations, and removed a floating concrete dock section from District waters. In response to questions from Commissioners Brown and Flowers, Sgt. Underwood said no local ordinance is needed to require locks on marine sanitation devices because it is state law.

Sgt. Underwood asked the board to reimburse SJSO for providing the flight crew to operate that agency's helicopter for two hours so Sgt. Underwood can take photographs of the Summer Haven River at low tide.

A motion by Commissioner Flowers to pay the St. Johns County Sheriff's Office \$180 for the pilot and co-pilot of the helicopter to obtain photographs of the Summer Haven River at low tide was seconded by Chairman Benjamin and passed unanimously.

Lt. Steve Zukowski, FWC, explained his agency typically collects a large number of derelict vessel funding requests before issuing any money. He said it is much faster to fund removals through local sources.

11. NEW BUSINESS

District Counsel Jim Bedsole reviewed his proposed contract with the board. He said the only change to his current arrangement with the board is that his rate will rise from its current level to \$200.00 per hour for hourly items.

A motion by Chairman Rivers to approve the attorney's agreement was seconded by Commissioner Rivers and passed by a 4-1 vote with Commissioner Flowers dissenting.

12. OLD BUSINESS

A. Regatta of Lights - Dan Floryan

Barbara Dolan, Commodore, and Dan Floryan, past Commodore of the Yacht Club, said staging the Regatta of Lights this year will be impossible without a \$7,000.00 payment from the District. They said this is because other contributors have lowered their portion this year. Responding to questions from commissioners, Mrs. Dolan and Mr. Floryan provided a budget for the event and explained how the money provided by contributors would be allocated.

A motion by Vice-Chairman Rivers to fund the Regatta of Lights in the amount of \$7,000 for 2019 was seconded by Commissioner Flowers and passed by a 3-1 vote, with Chairman Benjamin abstaining and Commissioner Brown voting against.

Commissioner Brown volunteered to be a judge at the event this year. Mr. Floryan thanked the board and invited everyone to attend the event.

13. PUBLIC COMMENT

Ed Slavin

14. COMMENTS BY COMMISSIONERS

Commissioner Way said government representatives should be first on the board's meeting agenda because their services are often needed elsewhere during meetings. Chairman Benjamin agreed they would be positioned earlier in the meeting on future agendas. Vice-Chairman Rivers said he is embarrassed by the out-of-order comments made at board meetings and that the board should follow Robert's Rules of Order. Commissioner Flowers said she has arranged a meeting with representatives of the Corps of Engineers regarding the CAP Program and its applicability to the ongoing problems with the Summer Haven River. She said the meeting is open to the public and she hopes people from the area will attend.

15. NEXT MEETING:

Chairman Benjamin announced the next regular meeting of the board will be held at 3:00 PM on Tuesday, November 19, 2019, in the St. Augustine Beach City Commission Room.

16. ADJOURN

There being no further business, Chairman Benjamin adjourned the meeting at 5:20 p.m.

Secretary-Treasurer

Chairman