

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT
MINUTES OF REGULAR MEETING
Tuesday, April 20, 2021

The regular meeting of the St. Augustine Port, Waterway & Beach District was held at the St. Augustine Beach City Commission Meeting Room, 2200 AlA South, St. Augustine Beach, Florida, on Tuesday, April 20, 2021.

1. CALL TO ORDER

Chairman Matt Brown 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

Chairman Matt Brown, Vice-Chairman Chris Way, and Commissioners Tom Rivers and Sandy Flowers were present. The meeting was also attended by Secretary-Treasurer Elyse Kemper and Clay Meek, General Counsel for the District. Jim Moreno of Taylor Engineering was also present.

4. ADOPTION OF AGENDA

Commissioner Flowers suggested considering moving the New Business involving the contract with Taylor Engineering on the draft agenda to the following Commission meeting. **A Motion to approve the agenda with that modification was made by Chairman Brown, seconded by Commissioner Flowers, and passed by a 4-0 vote.**

5. PUBLIC COMMENT

None

6. GOVERNMENT REPRESENTATIVE COMMENTS

Jim Piggott appeared on behalf of the City of St. Augustine. Mr. Piggott presented a draft scope of work document for the Salt Run pylons. It was presented as an item for the Commission's consideration and then discussion at the next meeting. Mr. Piggott indicated he did want the Commission to consider if the pilings should be concrete or wooden. A draft interlocal agreement had been prepared as well.

Commissioner Flowers questioned Mr. Piggott about the Lincolnville ramp. Mr. Piggott reviewed the history of a \$60,000.00 funding for a police boat and \$90,000.00 for the boat ramp. Commissioner Flowers repeatedly asked and Mr. Piggott repeated answered that the City Commission had voted to cancel the Lincolnville kayak launch due to budget constraints, at least partially related to natural disaster.

Vice-Chairman Way asked if the City would be interested in taking over the kayak launch if the Port District built it. Mr. Piggott indicated he thought there would be interest by the City, but that the area is currently a lay-down area for a multi-million dollar lift-station project and the area is expected to be unable to be used for anything else for an additional two to three years. Commissioner Flowers then again asked about the kayak project and if it had been started or finished and Mr. Piggott again confirmed what had been relayed previously.

Sergeant Josh Underwood of the St. Johns County Sheriff's Marine Unit reminded that race week was that week until the 24th for sailboat races and that the National Pro Water Cross was going to be off of Vilano from the 30th of April until the 2nd of May. Sergeant Underwood also reported that, the "Danger Rock" sign was down in Salt Run, including the piling.

Carl Blow of the Florida Inland Navigation District ("FIND") indicated that the rock that was the subject of the missing sign went back to activity by the USACE at the turn of the century. Mr. Blow indicated that at mid-tide the rocks start becoming submerged and stated that many boats get dangerously close to the submerged hazard, even with the sign present. Mr. Blow described that a dead sport boat had been towed and anchored near the piling that had the sign. Winds caused the boat to drag anchor into the piling and push down the piling with the sign. The boat was then re-towed to a better location in North River, but the sign and piling have not been seen since.

It was discussed that the situation presented was very urgent and dangerous and should be addressed as quickly as possible. Vice-Chairman Way indicated he had seen a marine construction company, Yelton Construction, operating relatively close to the missing pylon that might be able to address the issue quickly. Mr. Blow indicated that he knew that company and that they were one of the

best at having the equipment to drive a piling in situations such as those at that location.

The Commission agreed that the Commission meeting should take a short recess so that Vice-Chairman Way should reach out to a representative of Yelton Construction Company to attempt to obtain an estimate on the cost of replacing the piling. During a less than 5 minute recess, Vice-Chairman Way did so and was able to speak with the representative then, who indicated the cost estimate was \$1,500.00 to \$2,000.00. **A Motion to approve expenditure of up to \$2,000.00 for Yelton Construction to replace the missing pylon was made by Commissioner Flowers, seconded by Commissioner Rivers, and approved by a 4-0 vote.**

Mr. Blow also presented a hand-out to the Commission regarding current year grant funding requests and available maximum funding by county. Mr. Blow advised that St. Johns County entity requests were in excess of the maximum available to the county and that all pending FIND grant requests for entities in St. Johns County would not be fully funded.

Sydney Lindblad, Natural Resources Program Manager of St. Johns County, joined by Nathan Otter of St. Johns County Parks and Recreation Department provided an update on the Doug Crane project. A floating dock was hoped for in 2022 with a kayak launch, if FIND awards the grant requested for the project. The delay was explained to be the result of delay associated with the USACE permitting process, which was attributed to COVID disruption.

7. SECRETARY-TREASURER'S REPORT

Secretary-Treasurer Kemper delivered the financial report. As of March 31, 2021, the District spent: \$150 for overtime hours of police officers of the City of St. Augustine and \$7,411 for overtime hours of deputies of the St. John's County Sheriff's Department. The State Board of Administration account had a balance of \$23,153. The Operating Account had \$291,722 as of March 31, 2021. The money market account had \$2,485,306. Taxes received as of March 31, 2021, were \$562,716, with an additional expected tax income of \$20,684 for tax year 2020-2021.

The money for the piling just approved was noted as coming out of the navigational repairs budget.

8. APPROVAL OF MINUTES

A motion to approve the minutes of the March 16, 2021, regular meeting was made by Commissioner Rivers, seconded by Commissioner Flowers, and passed by a 4-0 vote.

9. ENGINEERING REPORT

Jim Moreno indicated that there were no current open tasks involving Taylor Engineering and the District, so there was nothing upon which to report.

10. OLD BUSINESS

A. Additional Funding Vilano Dredge

Sydney Lindblad, Natural Resources Program Manager of St. Johns County, joined by Nathan Otter of St. Johns County Parks and Recreation Department presented on the Vilano Dredge Project. The project was initially budgeted based on the dredge material being transported to a local landfill. Testing on the dredge material during the permitting process revealed arsenic levels that were higher than anticipated. This caused the need for either the material to be transported to a site in Jacksonville or to be dried out before transporting to the local landfill. The drying out option was not feasible due to lack of appropriate space. Thus, transportation to Jacksonville would be required, causing the budgeted cost to increase by \$217,848.

The original funding ultimately expected was \$60,000.00 from the Port District, \$60,000.00 from the County, and \$120,000.00 from FIND. The FIND grant was \$60,000.00 higher than anticipated, \$180,000.00, but still required a 50% match. The County increased its funding by \$60,000.00 to cover the match rather than asking for additional money from the Port District.

After some discussion, it was agreed that some additional funding would be appropriate. **A Motion to add \$30,000.00 to the \$60,000.00 previously committed by the Port District, for a total of \$90,000.00, was made by Chairman Brown, seconded by Vice-Chairman Way, and approved by a 4-0 vote.**

B. Kayak Launch List of Concerns

Discussion of the agenda item was tabled until the following meeting to allow all Commissioners the opportunity to comment and discuss.

C. Digitizing Records Proposal

Secretary-Treasurer Kemper reviewed a May 17, 2021, letter from Randolph F. Jones, CPA, outlining an understanding of the scope of the work being proposed, the equipment that would need to be purchased for such, and the proposed fees for performing the services. Commissioner Flowers indicated she had not yet contacted anyone at the college to see if there was another option for an internship for digitizing the records to consider, but would do so prior to the next meeting. A discussion of the proposal was tabled to the following meeting.

11. New Business

No new business was discussed, in accord with the approved modified agenda.

12. PUBLIC COMMENT

Carl Blow advised that the issue of arsenic in dredge material is a naturally occurring issue with shellfish accumulating it in their shells. Mr. Blow also confirmed that arsenic levels will test higher when the dredge material is wet than when it is allowed to dry.

13. COMMENTS BY COMMISSIONERS

Vice-Chairman Way questioned some of the government representatives regarding the signage to be replaced with the new piling. Nathan Otter indicated it can take up to 6 months for the signs made by the County and the County often outsources its signs as a result. Mr. Blow estimated the size of the sign to be three or four feet by three or four feet. Sergeant Underwood described the general requirements of the sign, as to diamond shape and orange and white coloring. Potential sign vendors were discussed and **Motion was made by Chairman Brown, seconded by Commissioner Flowers, and carried by a 4-0 vote to approve expenditure of up to \$500.00 for the purchase of a replacement warning sign for the piling.**

Commissioner Flowers indicated she had concerns about the berm in Summer Haven caving in and wanted to discuss mitigation options at a future meeting. Commissioner Flowers then asked Mr. Meek about obtaining records on the Summer Haven project for the purposes of pursuing litigation. Mr. Meek reviewed that, in accord with the communication previously had with Commissioner Flowers, she had

clarified that her request was not a public records request, but was a request in her role of Commissioner. Mr. Meek further indicated that Taylor had indicated that they had already given the Port District all the project records in conjunction with the work on and completion of the project itself and that Taylor would charge for additional copies of what had been previously provided and that they would not do so without the full Commission voting to authorize the request and charge.

Commissioner Flowers asked if the Commission would agree to vote on authorizing paying to obtain records from Taylor. Mr. Meek advised that no estimate on the cost of providing the records had been given by Taylor, so it was unclear as to what amount would have to be approved.

Commissioner Flowers then asked Mr. Moreno what the cost would be. Mr. Moreno indicated that a complete set of records were given in conjunction with the project. Mr. Moreno asked what was believed to be missing. Commissioner Flowers stated only that she believed the records were not complete and did not identify any specific document that was missing. Mr. Moreno again asked for clarification of what documents were believed missing and, with raised voice, Commissioner Flowers stated only that, regardless of what had been provided before, she wanted Taylor to provide another copy of everything on the Summer Haven project. Mr. Moreno again asked that the Commission as a whole express whether the Commission was or was not making the request.

Commissioner Flowers then incorrectly stated that the Commission had already voted to get a legal opinion from Mr. Wallace. Chairman Brown correctly pointed out that Commissioner Flowers had previously represented that the legal opinion had already been formed and that the prior Commission vote was only to hear what that opinion might be, not to authorize additional activity to formulate the opinion.

Commissioner Flowers then screamed at Chairman Brown and interrupted him in mid-sentence and shouted that she was going to have her say. Given the disruption and discord, Commissioner Rivers moved to adjourn the meeting and the meeting was adjourned. Commissioner Flowers then stated in elevated voice "you're going to get in trouble Matt, keep it up" as she left.

14. NEXT MEETING

May 18, 2021, was announced as the next meeting date. As such, the **next meeting will be at 3:00, p.m., on May 18, 2021**, at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida.

15. ADJOURN

There being no further ability to conduct orderly business, Chairman Matt Brown adjourned the meeting at 4:17, p.m.

Secretary-Treasurer

Commission Chairman Brown