

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT
MINUTES OF REGULAR MEETING
Tuesday, June 15, 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, June 15, 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, Sandy Flowers, and Jane West 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

Chairman Brown asked Commissioner West about contact with the City regarding the kayak launch and the potential for amending that item of the agenda. Following comments by Commissioner West and Commissioner Flowers, a **motion to approve the agenda without modification was made by Commissioner West, seconded by Chairman Brown, and passed by a 5-0 vote.**

5. PUBLIC COMMENT

None

6. GOVERNMENT REPRESENTATIVE COMMENTS

Sydney Lindblad of St. Johns County Parks and Recreation Department provided an update on two matters. First, the three pending FIND proposals from the County were to be presented and reviewed in Cocoa Beach on Friday, June 18, 2021. The Old School Kingfish tournament had occurred, but the numbers regarding participants was not yet known. Memorial Day weekend was busy and had generated over \$40,000.00 in revenue. Conditions had caused all south

beaches to be 4 wheel drive mandated, but they had gone back to 4 wheel drive optional prior to the Port District meeting. The official over Parks and Recreation's last day was Friday and interviews for the position were proceeding. Lastly, the Council had approved the modified budget for the Vilano dredge project as a part of the consent agenda.

Jim Piggott appeared on behalf of the City of St. Augustine. Mr. Piggott also indicated that the City would be presenting to FIND on Friday as well. Mr. Piggott indicated that he had no information on a kayak launch beyond what had already been shared.

Sergeant Jerry Whitehead of the St. Augustine Police Department Marine Unit spoke next. Sergeant Whitehead indicated that seven officers in addition to himself had been trained on the boat and that it was being taken out and put to use. In accord with the Port District's funding of overtime, Sergeant Whitehead was reporting the activities. In the prior two weeks the boat had been in service using about 20 overtime hours and 16 vessel stop citations had been issued, they had responded to 7 calls, and they had 4 citizen assists.

Steve Zukowski, Patrol Supervisor Lieutenant, of the Florida Fish and Wildlife Conservation Commission ("FWC") spoke along with Officer Steve Chamberlin and Officer Jessica Dodd. There had been no significant accidents or BUI incidents on Memorial Day weekend. "Boat or Skip Day" was on June 4, 2021. This is not an official or government sanctioned event, but is a significant and growing event. The event is centered at a sandbar near Shands Bridge in Clay County, but is growing beyond that. A photo of the incident and a description of the many issues involved were shared, including an accident, 8 BUI arrests, some DUIs, a medical emergency and 5 drug anchors. The information was shared as it was expected to continue growing and to be a future concern to more outlying areas, including the inlet area at Fort Matanzas.

There was no new information on derelict vessels. Red Snapper dates had been released and were announced as being July 9-11, 2021.

Vice-Chairman Way asked about the boat near Comanche Cove, leading to a discussion of derelict vessels. As a part of the discussion of derelict boats, Mr. Piggott and Corey Sakryd of the City of St. Augustine also gave information. Mr. Piggott stated that there were 5 boats to be pulled. Mr. Sakryd indicated that there was a

\$118,000.00 grant application pending and the application process and project was expected to be completed within 30-45 days.

7. SECRETARY-TREASURER'S REPORT

Secretary-Treasurer Kemper delivered the financial report. As of May 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 \$23,157. The Operating Account had \$267,579 as of May 31, 2021. The money market account had \$1,500,000 in the reserve for projects and \$985,722 in addition. Taxes received as of May 31, 2021, were \$562,716, with an additional expected tax income of \$20,684 for tax year 2020-2021.

8. APPROVAL OF MINUTES

A motion to approve the minutes of the May 18, 2021, regular meeting was made by Commissioner Rivers, seconded by Commissioner West, and passed by a 5-0 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. Mr. Moreno gave a short presentation on the option of having a quarterly rotation of experts from Taylor Engineering come to be able to speak on matters within their areas as a part of the Engineering Report.

10. OLD BUSINESS

A. Kayak Launch List of Concerns

Commissioner Flowers indicated that she had gotten several calls from people wanting the Port District to proceed and not "over-engineer" the project and that she had been told by the City that no permit was needed.

Commissioner West questioned ownership of the land, was concerned about too much commercial use of the launch, but was supportive of asking the City to put gravel in or some other fix to improve the launch site.

Chairman Brown indicated that his concerns still included the wetlands issue and the extent to which doing something to improve

accessibility at May Street might increase liability to the Port District.

Commissioner Rivers questioned who had said no permit was needed and Commissioner Flowers stated it was "Shelly" in permitting at the City. Commissioner Rivers also expressed that improving the launch would increase commercial use of the spot, which was unwanted.

It was ultimately agreed that Commissioner Flowers could contact the USACE to determine if a permit was needed or not from the USACE and what the cost of gravel would be.

Mr. Piggott indicated that the question would be who owned the property. Anything owned by FDOT would need to be approved by FDOT. Mr. Piggott also gave the name of the person at the City who would be able to speak to any permitting needs or issues with the City.

B. Digitizing Records Proposal

Commissioner Flowers was to have contacted someone at the college to see if there was another option for an internship for digitizing the records to consider. Commissioner Flowers indicated she had not done so and would let Secretary-Treasurer Kemper know if and when she did gather such information so the item could be placed on the agenda when there was information to discuss.

11. New Business

A. Discussion of Outstanding Requests Made of Commissioner Flowers and Criteria that are Grounds for Suspension or Removal

General Counsel Meek advised that there were 2 outstanding records requests made of Commissioner Flowers to which Commissioner Flowers had failed to respond. Commissioner Flowers falsely stated an alleged amount billed for records requests and indicated she would not provide a response to the records requested. Commissioner Flowers stated that the information she refused to provide was "confidential," but did not provide any legal basis for the communication being privileged. Commissioner Flowers then made false allegations as to Taylor Engineering. Commissioner Flowers ultimately admitted that individuals had threatened

litigation against the Port District and further stated that she thought they should do so and that she would join them.

Commissioner West suggested that the notice requirement for initiating suit would sufficiently protect the Port District, without now knowing who was threatening suit. Commissioner West also indicated that she wanted all records to be available to any Commissioner upon request.

Commissioner Flowers repeatedly raised her voice and cut off all others trying to speak. At the point that Commissioner Flowers began screaming, Commissioner West made a **Motion to no longer pay attention to the threat of litigation and move on to other matters unless and until written notice of litigation was received. The Motion was seconded by Vice-Chairman Way and carried by a 5-0 vote.**

B. Taylor Engineering Motion to Cancel Contract

Commissioner Flowers made a Motion to cancel the contract with Taylor Engineering. The Motion died for a lack of second.

C. Resolution to Accept City's Offer For Scope of Work for Marker Replacement or Not

A discussion of what the draft interlocal agreement provided and thoughts on how it would work in practice was had, which included Mr. Piggott. It was confirmed that wooden pilings would be utilized rather than concrete ones.

A Motion to accept the City's offer and enter into the draft interlocal agreement was made by Commissioner West, seconded by Chairman Brown and passed by a 4-1 vote with Commissioner Flowers in opposition.

D. Funding Request by City of St. Augustine Police Department Marine Unit

Sergeant Whitehead made a funding request for \$25,464.00 for a specialized side-scan sonar unit to assist in quickly locating drowned bodies to expedite resolution for the person's loved ones. Commissioner West questioned the role of the Port District regarding the request in the context of the limited use of the equipment to the Port District's goals and mission and asked if

any funding request had been made of the County. No funding request had been made of the County at that time. Chairman Brown also expressed a concern over how much use the equipment would have with Port District interests and how much it would be used in general. Chairman Brown also expressed that it would be more appropriate to fund a portion of the cost along with another entity or entities.

A Motion to approve the request was made by Commissioner Flowers, Seconded by Commissioner Rivers, and carried by a 3-2 vote, with Chairman Brown and Commissioner West in opposition.

E. Commercial Airboat Operations Nuisance/Noise Issues

Commissioner West indicated that a constituent had indicated that commercial airboating was disrupting kayak activities in the Moses Creek area multiple times a day. Lt. Zukowski indicated that it was outside of the Port District's area and was in the state management district. The area was difficult to get into with normal boats. However, the Sheriff's Office's airboat would be operational in the coming month and patrols would then be able to get in that area and would be able to address reckless boating. However, noise itself would be difficult to address given the nature of an airboat. The Sheriff's Office and FWC indicated they would attempt to address the issue to the extent possible and requested that any information on the companies or individuals involved be forwarded on.

F. No Wake Zone in the Vicinity of the 206 Bridge

Commissioner West indicated that she had been contacted by someone seeking a No Wake Zone from 206 to Devil's Elbow. The request was for a letter to be drafted because the issue was growing and crating property damage and multiple people were voicing complaints. Lt. Zukowski confirmed that the proper entity to which the letter should be addressed was FWC because it was the intercoastal waterway. Lt. Zukowski also outlined the criteria looked at for establishing a No Wake Zone. Degredation of sea walls or private docks would not be a criteria considered. Infrastructure such as bridges that have impaired line of sight vision have reduced speed limitations. A marina on the waterway dispensing fuel is a consideration that might justify a No Wake Zone. If a waterway has or develops a hazard such as a narrowing

of the waterway that might cause boating accidents or incidents, that could cause a No Wake Zone to be found appropriate. An area that has a sufficiently high number of citations being written could cause a No Wake Zone to be found appropriate. FWC would also look at how similar areas are handled throughout the state and would balance boaters' rights with property owners' rights.

Lt. Zukowski suggested an e-mail to the appropriate person or persons at FWC to determine exactly where a letter from the Port District should be sent and what it should include. Lt. Zukowski agreed to provide the contact information to Commissioner West, who indicated she would then make contact for information gathering purposes only.

At 4:40, Commissioner Rivers indicated he had just received an electronic communication regarding a family member who had just gotten out of hours long dental surgery and requested that he be excused to pick the family member up. Such request was granted and Commissioner Rivers departed at this point in the proceedings.

G. Data on Dredge Project Vilano Beach

Commissioner Flowers suggested that the question of soil removal had been known prior to the initial funding request and alleged, without basis, that the County had intentionally acted illegally in undervaluing the initial cost estimate in order to circumvent bidding requirements. Commissioner Flowers then expressed that she would like to change her prior vote on the matter, from many months before and inquired of General Counsel Meek how that could be done. General Counsel Meek directly and unequivocally indicated that no Commissioner could change a prior vote of theirs. Commissioner Flowers then stated that City Commissioners change their votes (which is not accurate in situations such as this) and again requested that she be allowed to do what she had already been told she could not legally do. She was again told she could not and then requested that her current opposition be noted in the minutes.

Following Commissioner Flower's unsubstantiated and/or false allegations, Sydney Lindblad, approached the podium and explained the actual occurrences regarding the Vilano dredging project. Some of Ms. Lindblad's statements were qualified on the basis that she was going from unprepared memory, presumably as a result of the

un-noticed nature of Commissioner Flowers's allegations. However, Ms. Lindblad did clearly explain the actions and occurrences regarding the Vilano dredging and that there was no misrepresentation, impropriety, or illegality on the part of the County relative to the process of funding the Vilano dredging project.

Commissioner Flowers interrupted and disagreed with Ms. Lindblad as she was speaking. Commissioner Flowers also addressed a member of the audience, directly questioning the person as to what they were thinking. The audience member was not seeking, had not sought to speak on, and did not subsequently speak on the topic, had not been recognized or asked to come forward to speak with Ms. Lindblad by Ms. Lindblad, Chairman Brown, or the Commission as a whole. The audience member had in no way disrupted the proceedings before or after being verbally accosted by Commissioner Flowers. There was no indication either way as to whether Commissioner Flowers's improper action caused the audience member to refrain from participating in public comment on some matter pursuant to agenda item 12.

Commissioner Flowers directed General Counsel Meek that her statements be noted in the minutes in a certain way and context. All commissioner comments are preserved verbatim via the recordings of the Commission meetings. Pursuant to the contract with the Port District, properly adopted and entered into by the Commission as a whole, General Counsel is to prepare the minutes of the meetings subject to subsequent review and adoption with or without revision by the Commission as a whole. Commissioner Flowers's attempt at specific direction as to how the minutes were to be prepared was improper. Further, to the extent Commissioner Flowers's request was that the minutes reflect that the County had acted improperly or illegally, there is no factual or legal basis established for such a statement and there was no finding or determination by the Port District Commission as a whole as to such. To the extent appropriate, the occurrences relating to this agenda item are noted, but are most pertinent only to the extent they relate to questions of malfeasance, misfeasance, and/or incompetency as to Commissioner Flowers.

12. PUBLIC COMMENT

None.

13. COMMENTS BY COMMISSIONERS

None.

14. NEXT MEETING

July 20, 2021, was announced as the next meeting date. As such, the **next meeting will be at 3:00, p.m., on July 20, 2021**, at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida.

15. ADJOURN

There being no further business, Chairman Matt Brown adjourned the meeting at 4:46, p.m.

Secretary-Treasurer

Commission Chairman Brown