

**ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT**  
**MINUTES OF REGULAR MEETING**  
**Tuesday, August 17, 2021**

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, August 17, 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.

**4. ADOPTION OF AGENDA**

A motion to approve the agenda was made by Commissioner Rivers, 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 indicated that bids for Salt Run pilings to be handled by the City at the request of the Port Authority were to be opened on August 26, 2021. Mr. Piggott then introduced Anthony Cuthbert, Assistant Chief of the St. Augustine Police Department, who appeared. Assistant Chief Cuthbert indicated that the Marine Unit was being overhauled with additional training of the officers in the unit and additional hours of boating patrols as a result. In the prior 3 months, 47.5 hours of overtime had been utilized by that unit in accord with increased patrols. Although Sergeant Whitehead was retiring, a continued increased activity level by the marine unit was expected, with six (6) new officers being

trained for the unit, in addition to Sergeant Whitehead's replacement.

Nathan Otter of St. Johns County Parks and Recreation Department indicated that a Federal FEMA dune restoration project was starting September 7, 2021, with the County with the goal of bringing the beaches back to the state they were in prior to Hurricanes Irma and Matthew. It was starting in the South beaches and would be working its way up and continuing in subsequent months. Mr. Otter indicated that a representative of public works would come before the Port District in a subsequent meeting to give an overview of the projects coming up. Mr. Otter was asked about the sand being used and responded that, as to this project, the sand was being trucked in from the Keystone Heights area and not dredged.

Sergeant Josh Underwood of the St. Johns County Sheriff's Marine Unit appeared next. There was a short discussion as to piling replacement and repair activities in accord with discussions from prior Port Commission meetings. Sergeant Underwood also indicated that a longstanding large derelict vessel in the Doug Crane field was going to trial and removal was hoped for in the near future. Extra patrols had been occurring in Dolphin Drive and Hospital Creek, with no documented reports of reckless boating in conjunction with that at either location. Sergeant Underwood indicated that training in use of the airboat funded by the Port District had been completed and four (4) operators are now certified to use the boat. Lastly, Sergeant Underwood indicated that he anticipated a joint agency funding request being prepared for and presented at the next meeting.

Steve Zukowski, Patrol Supervisor Lieutenant, of the Florida Fish and Wildlife Conservation Commission ("FWC") spoke regarding several matters. The presentation included a history of the issue of a damaged sailboat at the seawall on Dolphin Drive. The boat had been declared derelict while in public waters, but the boat got moved to the private property and moored to the seawall, which makes it a civil issue between the boat owner and seawall owner as it is considered trash on the private property. Greater money is going into the at-risk derelict boat program in an effort to avoid boats going into derelict status. With this, the third citation for boats nearing and/or reaching derelict status will be a criminal violation.



Jim Piggott re-appeared on behalf of the City of St. Augustine and answered questions about derelict vessel removal activities. Mr. Piggott also said he was looking into the Dolphin Drive sailboat issue.

Lieutenant Zukowski then resumed presenting. There was a sailboat accident involving the Bridge of Lions that was being taken over by the Coast Guard. As to fisheries, there had been a Red Snapper issue since the last Port Commission meeting, with a large civil penalty expected for the violator.

During the "Old Business" portion of the agenda, Lieutenant Zukowski came back up and, similar to what was reported by Sergeant Josh Underwood, indicated that extra patrols had been occurring in Dolphin Drive and Hospital Creek, with no documented reports of reckless boating in conjunction with that at either location. Commissioner Flowers mixed comments regarding alleged theft and wake issues with questioning of Lieutenant Zukowski. Lieutenant Zukowski indicated that patrols would continue and suggested that any photo and video evidence of violations should be forwarded for review as well.

Chris Pacetti of the St. Augustine Fire Department appeared next and gave an overview a boat fire offshore. From time of dispatch to arriving and putting water on the fire was very quick and the camera funded by the Port District was very helpful in the short response time.

#### **7. SECRETARY-TREASURER'S REPORT**

Secretary-Treasurer Kemper delivered the financial report. As of July 31, 2021, the District spent: \$1,154 for overtime hours of police officers of the City of St. Augustine and \$10,573 for overtime hours of deputies of the St. John's County Sheriff's Department. The State Board of Administration account had a balance of \$23,163. The Operating Account had \$240,811 as of July 31, 2021. The money market account had \$1,500,000 in the reserve for projects and \$986,130 in addition. Taxes received as of July 31, 2021, were \$740 greater than budgeted for the fiscal year due to interest and fees.

#### **8. APPROVAL OF MINUTES**

**A motion to approve the minutes of the July 20, 2021, regular meeting was made by Vice-Chairman Way, seconded by Commissioner Rivers, and passed by a 4-0 vote.**

## **9. ENGINEERING REPORT**

There was no representative of Taylor Engineering present and no Engineering Report.

## **10. OLD BUSINESS**

### **A. Discussion Regarding Invocation**

Commissioner Rivers began the discussion by pointing out the practices of St. Johns County Board of County Commissioners, the St. Johns County School Board, and the Anastasia Mosquito Control District as to invocations. After some discussion and Motion and verbal amending of the Motion as to how and when an invocation could be incorporated into Port District Commission meetings, the concept settled on having an invocation occur immediately following the pledge of allegiance and that the giving of the invocation would rotate among the Commissioners, with Commissioner Rivers starting at the next meeting and the rotation going numerically from Seats one (1) through five (5) and with any Commissioner having the option of having the giving of the invocation pass the Commissioner over and go to the next in line on any individual time a Commissioner would otherwise be giving the invocation. **A Motion to that effect was ultimately made by Commissioner Rivers, seconded by Commissioner Flowers, and carried by a 3-1 vote, with Chairman Brown opposed to the Motion.**

### **B. Motion to Fill Potholes at May Street Launch**

There was discussion and concern over whether the site in question would be considered a wetland and subject to rules, regulations, and restrictions as to what can be done with respect to wetlands. It was pointed out that some of the representations made by Commissioner Flowers as to what other agencies and governmental entities had represented turned out to be false. In the discussion, Commissioner Flowers began yelling and made a **Motion for approval of expending up to \$2,000.00 to fill potholes at the May Street launch, which Motion died for lack of a second.**

## **11. New Business**

### **A. Discussion Regarding Renewal of Attorney Contract**

It was reviewed that the contract automatically renews after the initial term expires and that the initial term was through



September 30, 2021. Commissioner Flowers indicated she did not want to discuss the contract without Commissioner West being present and it was agreed that any consideration of the contract would be at a later meeting.

#### B. Discussion Regarding Renewal of Secretary/Treasurer Contract

The continuing contract was outlined within a proposal letter provided to all Commissioners. Two (2) minor clarifications were made. One was to be clear that written minutes were prepared by General Counsel and that the recording of the meetings was being done by the Secretary/Treasurer and forwarded for posting to the website. The second was that the salutation be changed from "Gentlemen" to a salutation reflecting the makeup of the Commission. **A Motion to approve and accept the offer letter with those changes was made by Vice-Chairman Way, seconded by Commissioner Rivers, and carried by a 3-1 vote, with Commissioner Flowers opposed.**

#### 12. PUBLIC COMMENT

Dr. Michel S. Pawlowski thanked the Commissioners for their service and commended the passage of the invocation Motion regarding having an invocation.

#### 13. COMMENTS BY COMMISSIONERS

Commissioner Rivers raised a concern regarding a potential issue as to Commissioner West's eligibility to serve. It was agreed that General Counsel would review the materials submitted by Commissioner Rivers and advise the Commission on the matter.

#### 14. NEXT MEETING

September 16, 2021, was announced as the next regular meeting date at 3:00, p.m., with the first 2021-2022 TRIM hearing meeting to occur at 5:05 thereafter. As such, **the next regular meeting will be at 3:00, p.m., on September 16, 2021,** at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida, with the first 2021-2022 TRIM hearing meeting to occur at 5:05, p.m., on the same date at the same location.

**15. ADJOURN**

There being no further business, Chairman Matt Brown adjourned the meeting at 4:05, p.m.

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Secretary-Treasurer

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Commission Chairman Brown