

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT
MINUTES OF REGULAR MEETING
Tuesday, November 17, 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 Tuesday, November 17, 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, Sandy Flowers, and Jane West were in attendance. The meeting was also attended by Secretary-Treasurer Elyse Kemper, Jim Marino of Taylor Engineering, and Clay Meek, General Counsel for the District.

4. INVOCATION

Vice-Chairman Tom Rivers offered the invocation.

5. SWEARING IN

Commissioners Way and West were sworn in by Clay Meek, General Counsel.

6. ADOPTION OF AGENDA

Vice-Chairman Tom Rivers proposed amending the agenda to reflect the swearing in occurring prior to any other business requiring vote by Commissioners. **A motion to approve the amended agenda was made by Commissioner Brown, seconded by Commissioner Way, and passed by a 5-0 vote.**

7. PUBLIC COMMENT

Ed Slavin

8. GOVERNMENT REPRESENTATIVE COMMENTS

Jim Piggott appeared on behalf of the City of St. Augustine. Mr. Piggott indicated a derelict boat of 40 to 41 feet in length was south of the 312 bridge. The estimate to remove the boat was \$17,220.00 and no funding was available from FIND. Answers to questioning by Commissioners Way, West, Flowers, Brown, and Vice Chairman Rivers specified the boat in question, the details of removal, that there was no identifying information on the boat that could be used to locate an owner or responsible party. The boat would be one of four vessels to be reviewed by an independent contractor hired by the City. It was explained that this boat was to be added to the others for removal as it would be a savings since the removal company would be in the area already. There was no remaining funding available from FIND and no funding available from the State or City as the boat was near, but not on Fish Island or in the channel. Carl Blow of FIND also commented that it was possible that reimbursement to the District might be possible through FIND and it would be attempted if the District paid for removal of the boat. Mr. Piggott agreed to follow-up with and make effort to get reimbursement from FIND for the money spent by the District, if the District approved the request. **A motion to approve the request for funding was made by Commissioner Flowers, seconded by Commissioner Way, and passed by a 5-0 vote.**

Mr. Piggott also reminded the Commission that an interlocal agreement for ongoing funding of dredging of Salt Run would be submitted in December. That matter was previously approved and budgeted for by the District.

Vice Chairman Rivers reminded all governmental representatives to submit funding requests to Ms. Kemper in as much advance as possible prior to the Commission meeting at which the funding request would be considered.

Josh Underwood of the St. Johns County Sheriff's Marine Unit reported that, since the last meeting, there had been 48 calls and 21 safety inspections. There were two boats of concern of being properly declared derelict. All channel markers were reported as being gone and not capable of being replaced while dredging was being done. Sargent Underwood reported area events coming up and indicated that his understanding was that the Regatta of Lights was not going to proceed. Commissioner Way questioned Sargent Underwood regarding the derelict boat declaration process and any

potential for removing the boat or forcing removal of the boat prior to it reaching the point of the need for removal such as with the \$17,220.00 expenditure.

Carl Blow of the Florida Inland Navigation District ("FIND") presented a hand-out to the Commission regarding grant funding available for waterway clean-up efforts in the event that the District wished to undertake such efforts. Mr. Blow advised that St. Johns County had historically made few grant funding requests such as this, as compared to other counties.

Mr. Blow also commented as an individual and not as a representative of FIND as to the lack of channel markers and the problem presented by that. Mr. Blow indicated that the lack of markers can a safety issue and can cause larger boats to not dock at St. Augustine, resulting in an economic loss from the business the boats would bring. Mr. Blow suggested contacting the Coast Guard to remind of the need for and request greater attention. Mr. Blow provided contact information for the Coast Guard. Commissioner Flowers asked Mr. Blow to confirm that he had verified the proper contact person, which he had. Discussion of prior efforts and the difference between what the Coast Guard did not agree to before and what the current request would be as well as the need for more attention by the Coast Guard was had by Mr. Blow, and the Commissioners. Sargent Underwood mentioned that there is a monthly meeting with the Coast Guard and the fact that the current markers go missing or off station frequently is brought up. Commissioner West mentioned an upcoming St. Johns County legislative delegation meeting and that this might be a good topic to raise there. It was also discussed that coordinating with the City in contacting the Coast Guard would be preferred and Mr. Piggott indicated he would follow-up with the City regarding that. **A motion to write a letter from the District to the Coast Guard regarding the markers was made by Commissioner Flowers, seconded by Commissioner Way, and passed by a 5-0 vote.**

Bill Miller of the Florida Fish and Wildlife Conservation Commission commented on the problems caused by the lack of markers. Mr. Miller mentioned that frequent calls about boats on shoals come in to first responders in the area frequently.

9. SECRETARY-TREASURER'S REPORT

Secretary-Treasurer Kemper delivered the financial report. As of the first month of the fiscal year ending September 30, 2021, the

District spent: \$150 for overtime hours of police officers of the City of St. Augustine and \$929 for overtime hours of deputies of the St. John's County Sheriff's Department. The State Board of Administration account has a balance of \$23,137. The Operating Account has \$88,604. The money market account has \$2,284,318.

10. APPROVAL OF MINUTES

Vice-Chairman Tom Rivers proposed correction to the minutes of the October 14, 2020, regular meeting to correct "2019, 2019, and 2020" on page 1 to be "2018, 2019, and 2020" and to correct the spelling from "Villano" to "Vilano." **A motion to approve the minutes as amended was made by Commissioner Brown and seconded by Commissioner Way and passed by a 5-0 vote.**

11. ENGINEERING REPORT

Jim Marino, President of Taylor Engineering, was present on behalf of Taylor Engineering. The contract with Taylor Engineering was brought up and it was confirmed that a signed contract with no arbitration language in it had been obtained.

12. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Vice-Chairman Rivers proposed that District Counsel preside over the election of Chairman and Vice-Chairman and that proposal was followed without objection from any other Commissioner.

Commissioner Way nominated Commissioner Rivers for Chairman. Commissioner Flowers nominated Commissioner West for Chairman. Commissioner West declined the nomination and Commissioner Flowers then nominated Commissioner Brown for Chairman. No other nominations were made. **On roll call vote Commissioner Brown was elected Chairman, with Commissioners Rivers and Way voting for Commissioner Rivers and Commissioners Flowers, Brown, and West voting for Commissioner Brown.**

Commissioner Flowers nominated Commissioner West for Vice-Chairman and Commissioner Rivers nominated Commissioner Way for Vice-Chairman. Commissioner West declined nomination and Commissioner Flowers then nominated herself. No other nominations were made. **On roll call vote Commissioner Way was elected Vice-Chairman, with Commissioners Way, Rivers, Brown, and West voting for Commissioner Way and Commissioner Flowers voting for Commissioner Flowers.**

Chairman Brown then took the Chairman's seat and presided over the remainder of the meeting.

13. OLD BUSINESS

A. Attorney Services Agreement

Resolution 20-05 was the first item of New Business and was then brought up for consideration. Commissioner Flowers questioned whether it was appropriate for a resolution to be drafted by District Counsel prior to a written contract to be signed. It was confirmed that there was nothing inappropriate with that.

Commissioner West then made a motion to move consideration of Old Business to occur prior to consideration of new business at this and all future meetings. The motion was seconded by Commissioner Flowers and passed by a 5-0 vote.

The attorney services agreement was then considered. Commissioner Flowers indicated she was unaware of what the agreed rate was. Commissioner West reviewed the terms of the contract and commented on the reasonableness of the rate, with which Commissioner Flowers agreed. **A motion to approve the contract as written was made by Vice-Chairman Way, seconded by Commissioner West, and passed by a 5-0 vote.**

14. New Business

A. Resolution 20-05

Consideration of Resolution 20-05 was then renewed. Commissioner Flowers expressed that she felt the Resolution was a condemnation of her and she again denied the allegations made against her as described in the October 14, 2020, minutes. It was explained by District Counsel that the Resolution did not comment or take a position on any action done or not done by Commissioner Flowers and that the only affirmative positions taken in the Resolution are reaffirmations of adherence to the Constitution of the State of Florida and the laws of Florida. Commissioner West commented that the resolution was benign and restated things that Commissioners would have already stated they were in support of. Commissioner Flowers repeatedly asked who requested that the resolution be drafted and District Counsel repeatedly answered

that District Counsel decided to draft the resolution on his own initiative. A motion to approve the resolution was made by Commissioner West, seconded by Chairman Brown, and approved by a 4-1 roll call vote, with Commissioner Flowers voting against the resolution.

B. Consideration of Options for Public Trust

Chairman Brown suggested tabling any further discussion or consideration of any matters touching on the September 4, 2020, incident. District Counsel suggested consideration of one matter and suggested that obtaining individual bonds for Commissioners would be a cheap option for removing one point of continued contention among the Commission.

C. Expansion of Port Boundaries

Commissioner West suggested attempting to expand the District boundaries. Commissioner Rivers discussed prior efforts he had undertaken and the need for legislative support. All Commissioners indicated that expansion was an agreed upon goal.

D. Signage in the Matanzas Inlet

Commissioner West noted that the Matanzas Inlet was deemed an unnavigable waterway and suggested that signage reflecting that be placed. Other possible areas for signage were discussed and Commissioner West agreed to investigate further what might need to be done to do that.

15. PUBLIC COMMENT

Ed Slavin discussed Resolution 20-05, which supported the Constitution of Florida and condemned racism. Mr. Slavin indicated he was opposed to adoption of that Resolution.

Carl Blow commented on prior efforts to place signage on the bridge and indicated that there was a need for approval by FDOT to be on the bridge. Mr. Blow also suggested contacting the Parks and Recreation Department with the County because they were considering re-signing the area in conjunction with the National Parks Service. Mr. Blow also discussed and supported expansion of the District boundaries.

Vice-Chairman Way questioned Mr. Blow about the potential for charging a fee for use of the boat ramps. Mr. Blow mentioned that

most ramps are owned by the County and fees would need to be county-wide and that was under consideration by the County.

16. COMMENTS BY COMMISSIONERS

Vice-Chairman Way wanted the next meeting to include consideration of the appropriate amount of funds to hold in reserve and if there were good options for spending some of the money currently in reserve.

Commissioner Flowers wanted to discuss procedures for replacement of channel markers at the next meeting.

Commissioner Rivers congratulated Chairman Brown for his election.

17. NEXT MEETING

December 15, 2020, was announced as the next meeting date. As such, the **next meeting will be at 3:00, p.m., On December 15, 2020,** at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida.

18. ADJOURN

There being no further business, Chairman Matt Brown adjourned the meeting at 4:45, p.m.

Secretary-Treasurer

Commission Chairman Brown