

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT
MINUTES OF REGULAR MEETING
Tuesday, January 21, 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, January 21, 2020.

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, 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**

There were no additions or changes to the agenda.

5. **PUBLIC COMMENT**

Ed Slavin

6. **GOVERNMENT REPRESENTATIVE COMMENTS**

In response to a series of questions from Commissioner Flowers, Jim Piggott, Director of General Services for the City of St. Augustine, said money originally approved by the District for a kayak launch at Riberia Street and a police boat, together totaling \$150,000, was re-allocated to the repair of the City Marina after Hurricane Matthew and at the City's request. He added that the City has pulled more derelict boats from local waters.

Deputy Erin Braddock appeared on behalf of the St. Johns Sheriff's Office Marine Unit reporting last month his agency spent 161 hours on the water, responded to 48 calls for assistance, performed 16 vessel inspections, assisted other agencies 4 times, issued 8 warnings and 2 citations, and performed 13 sanitation inspections. Deputy Braddock also reported that most of the channel markers in the inlet are either missing or off station. Commissioners discussed the fact that the inlet buoys, which are the responsibility of the U.S. Coast Guard, remain off-station much of the time.

Lt. Steve Zukowski, Florida Fish and Wildlife Conservation Commission, said St. Augustine Inlet is very dynamic and is constantly changing and shoaling. He said it is also, unfortunately, a low-priority inlet for the Coast Guard because it does not support any large commercial or military vessels. The result is that maintenance of the inlet's buoys is a low priority for the Coast Guard. He said a permanent repair of the inlet would probably require building long jetties on both the north and south sides of the inlet. In its present condition, he said entering the inlet during the night is unsafe without local knowledge.

In response to comments and questions from commissioners, Lt. Zukowski explained that a harbor pilot is available at some inlets but is a private service. He said the local private tow services often provide assistance in navigating the inlet but that is not their primary business. He added that our inlet is not classed as a designated navigable inlet because of these problems. Ponce Inlet is designated a navigable inlet, but is maintained by the Coast Guard and is stabilized by a large jetty extending into the Atlantic Ocean. In response to other questions from commissioners, Lt. Zukowski said only law enforcement agencies are allowed to display blue lights, that fire and rescue may display red lights, and that commercial vessels usually display amber lights.

The recent grounding of a two vessels on the north shoal of the inlet resulted in one of them drifting south onto the beach at Anastasia State Park. The owner of the boat agreed to pay the park for removal and disposal of the boat. The owner of another sailboat near Doug Crane Park passed away aboard his vessel and his body was removed by authorities. The vessel remains anchored pending disposition of his estate.

In response to questions from Commissioner Brown, Lt. Zukowski said local prosecutors will not pursue marine sanitation violators without a demonstrated health risk. Commissioner Brown said lock devices for marine sanitation equipment are very inexpensive and that they could be supplied to law enforcement if requested.

7. SECRETARY-TREASURER'S REPORT

Secretary-Treasurer Kemper delivered the financial report. As of December 31, 2019, the District has spent \$12,930 on projects, \$55,209 in operating expenses, and \$4,919 for the Summer Haven River project. As of that date, the District had \$2,420,062 on deposit and expects to receive \$255,031 in additional tax revenue in this fiscal year.

8. APPROVAL OF MINUTES

A motion by Chairman Benjamin to approve the minutes of the regular meetings of November 19, 2019 and December 16, 2019, was seconded by Commissioner Brown and passed unanimously.

9. ENGINEERING REPORT

Mr. Trudnak said there was no report this month.

10. NEW BUSINESS

A) Engineer Presentations

In response to the request for qualifications published by the District, the board heard presentations from representatives of Dredging and Marine Consultants (DMC) and Taylor Engineering. DMC was represented by Mr. Shalish Patel, who described his company's services and examples of their clients and projects for the public sector. Taylor Engineering was represented by Mike Trudnak, P.E., who recounted Taylor's involvement with the District and described the services and projects Taylor has performed for the District and for many other public agencies along the Eastern Seaboard and throughout Florida. Commissioners were able to ask questions of the presenters and thanked them for their presentations. The board will take up the matter again at the next regular meeting to choose an engineering firm to represent the District.

B) Follow-up on ACE & Summer Haven - Commissioner Flowers

This item was tabled.

C) Legal Counsel Update - Summer Haven Insurance Filing

Mr. Bedsole reported that no property damage or casualty insurance exists which would reimburse the District for the losses it experienced at the Summer Haven River restoration project as a result of Hurricane Irma. He said the policies carried by the contractor at that time did not include the type of "all-risk" coverage required by the contract with the District. As a result, a breach of the contract occurred which has ultimately damaged the District to an extent which is unknown at this point. He said the breach may also have constituted professional malpractice on the part of the contractor. Mr. Bedsole said the matter may constitute a viable claim under one or more of the insurance policies covering the contractor, and the District should retain an attorney specializing in plaintiff's law to pursue the claim or claims, if they exist. He said he would contact some local attorneys regarding possible representation and report to the board at the next meeting.

D) Election of Secretary/Treasurer - Commissioner Flowers

There was no discussion of this item and no action taken.

E) Review and Renew Accounting Contract - Commissioner Flowers

After discussion, a motion by Chairman Benjamin to re-approve the contract of the accounting firm of Jones and Associates, CPAs, P.A., was seconded by Vice-Chairman Rivers and passed unanimously.

F) Discuss SIA city contract for Salt Run dredge- Commissioner Flowers

There was no discussion of this item and no action taken.

G) Comachee Cove Channel - Commissioner Flowers

Commissioner Flowers said a shallow area in the channel into Comachee Cove was damaging boats entering the marina and the District should dredge it. Chairman Benjamin said the marina is a private business which is responsible for its own channel and that they have not requested any help with it. Commissioner Way said Commissioner Flowers should ask the owners of the marina to come talk to the board if they need help. The board took no action on this item.

H) Records for SAPWB - James Bedsole, District Counsel

Mr. Bedsole reported that he contacted representatives of the St. Augustine Historical Society and they met with him at the District's office in the Alcazar Building. He said they expressed an interest in assisting the District preserve and organize the records and will be following-up with a proposal for the board's consideration.

I) Hiring a Port Secretary - Commissioners Flowers

Commissioner Flowers reiterated her position that the District should hire a full-time secretary to occupy the District's office in the Alcazar Building from 8 a.m. to 5 p.m. Monday through Friday and that Florida law requires this. The board took no action on this item.

J) City of St. Augustine - Use of Funds - Commissioner Flowers

Commissioner Flowers asked Secretary-Treasurer Kemper for copies for all the District's bank statements. Ms. Kemper said they are all in the District office except for last year's records, which are held for access by auditors during the annual audit.

11. OLD BUSINESS - NONE

12. PUBLIC COMMENT

Ed Slavin

13. COMMENTS BY COMMISSIONERS - NONE

14. NEXT MEETING:

Chairman Benjamin announced the next regular meeting of the board will be held at 3:00 PM on Tuesday, February 18, 2020, in the St. Augustine Beach City Commission Room.

15. ADJOURN

There being no further business, Chairman Benjamin adjourned the meeting at 4:35 p.m.

Secretary-Treasurer

Chairman

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