

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT
MINUTES OF REGULAR MEETING
Tuesday, February 16, 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, February 16, 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, Jim Moreno of Taylor Engineering, and Clay Meek, General Counsel for the District.

4. ADOPTION OF AGENDA

Commissioner West proposed amending the agenda to reverse the order of items 10 (A) and 10 (C) on the agenda. Commissioner Flowers proposed removing item 10 (B) from the current agenda and moving it to the following meeting. **A motion to approve the agenda with both proposed revisions was made by Commissioner West, seconded by Commissioner Flowers, and passed by a 5-0 vote.**

5. PUBLIC COMMENT

None

6. GOVERNMENT REPRESENTATIVE COMMENTS

Sergeant Josh Underwood of the St. Johns County Sheriff's Marine Unit reported that, since the last meeting, there had been 43 calls answered by the St. Johns County Sheriff's Office, with one citation issued for a safety violation, and two citations issued for navigation lights.

Sergeant Underwood introduced Deputy Aaron Braddock of the St. Johns County Sheriff's Office, who gave a presentation on the St. Johns County Sheriff's Office's derelict vessel website. Sergeant Underwood provided the website address, username, and password information, indicated the password would change quarterly, and that the updated password would be provided as it changed. The website allows tracking of boats that are derelict or in danger of becoming derelict and the status of those vessels being dealt with and was anticipated to be live within a week.

Jim Piggott appeared on behalf of the City of St. Augustine. Mr. Piggott indicated that the Harbor Master was retiring and Eric Mouldin would be assuming the position.

Mr. Piggott also commented on the City of St. Augustine's ability and willingness to assist with locating and retaining contractors to address pylon replacement and repair in Salt Run. Mr. Piggott called up and was joined by Tim Fleming, who is in charge of the City of St. Augustine's Purchasing Division.

Mr. Piggott and Mr. Fleming discussed being able to assist with whatever purchasing/procurement process the District wished to adopt. To address the concern of a quick response to repairs and replacements when the need arose, Mr. Fleming suggested that bids be solicited for a continuing services contract. An interlocal agreement would be prepared and the process would work in a way similar to the removal of derelict boats, where the City provided the infrastructure and the District would provide the funding.

Commissioner Flowers raised a concern over what she referred to as delegated authority. Commissioner Flowers indicated that she was concerned that Mr. Piggott was operating with delegated authority and that it violated the Sunshine Law. A discussion arose as to whether that was or was not correct and it was agreed by all Commissioners that Commissioner Flowers would forward the legal authority she believed supported that position to Mr. Meek and Mr. Meek would review whatever Commissioner Flowers forwarded and provide a legal opinion for the Commission as a whole.

There was interest in working with the City of St. Augustine and discussing details further. However, the matter was not on the agenda for the meeting and it was agreed that the matter would be added to the following agenda to allow for public comment and proper consideration and action.

Nathan Otter of St. Johns County Parks and Recreation Department, then provided updates on multiple matters. First, Mr. Otter indicated that the Salem beachside park was open, with phase 1 completed. Phase 1 included 22 parking spaces and a cross-walk over the road. Phase 2 was to hopefully begin next year.

Second was an update on Butler Park East. The first phase of the project was underway and was expected to be completed within three weeks. Phase 1 was still expected to include parking lot improvement. Phase 2 was expected to then include further improving the bathroom facilities and pavilion areas.

Third, as to the Vilano Beach renourishment project, all heavy equipment was off the beach and vegetation plantings were all that remained to complete the project.

Fourth, approval had been given by the County Commission to pursue FIND grants. Four grant applications were being made, with one pertinent to the Doug Crane boat ramp and one pertinent to Vilano maintenance dredging.

Commissioner West relayed a concern from a citizen to Mr. Otter regarding a small boat ramp available to residents in Seagrove and the potential of bridge repair/construction associated with the Marsh Creek Country Club golf course to impede the ability to use the boat ramp to fully access the intercoastal waterway. Mr. Otter indicated he would look into the matter and report back at the next meeting.

7. SECRETARY-TREASURER'S REPORT

Secretary-Treasurer Kemper delivered the financial report. As of January 31, 2021, the District spent: \$150 for overtime hours of police officers of the City of St. Augustine and \$5,387 for overtime hours of deputies of the St. John's County Sheriff's Department. The State Board of Administration account had a balance of \$23,148. The Operating Account had \$258,622 as of January 31, 2021. The money market account had \$2,484,905. Taxes received as of January 31, 2021, were \$471,129, with an additional expected tax income of \$112,271.

A report was also given as to the digitization of records. Going back 3 years and continuing going forward would require the District purchasing a scanner and server. Avid design would charge an additional \$25.00 per month for storage of whatever records were added. An additional charge would be required for Ms.

Kemper's firm's costs. A question remained as to what records were to be added to the website and what records would be on the server only, such as financial records.

A formal written proposal of available options was to be prepared and presented for consideration at the next meeting and formally added to the agenda for public comment and action.

8. APPROVAL OF MINUTES

A motion to approve the minutes of the January 19, 2021, regular meeting was made by Commissioner Rivers, seconded by Commissioner Flowers and passed by a 5-0 vote.

9. ENGINEERING REPORT

The representative from Taylor Engineering, Jim Moreno, had to leave prior to that point of the meeting, so there was no engineering report.

10. OLD BUSINESS

A. Motion to File Claim Regarding Summer Haven

Commissioner Flowers provided a summary of her perspective of the history of the Summer Haven dredging project. Commissioner Flowers expressed that the project was not done properly by the contractor and that a claim should be filed. Commissioner Flowers stated that approval to pursue litigation had been voted upon favorably previously. Chairman Brown indicated that the matter was discussed at the July, 2019, meeting and a Motion was made at the August 20, 2019, meeting to have Mr. Bedsole, former District General Counsel, look into pursuing a claim. Chairman Brown further indicated that Mr. Bedsole had reported back on more than one occasion indicating that no attorneys were interested in taking the case.

Commissioner Flowers indicated that multiple attorneys had been interested in taking the case, including Commissioner West, prior to becoming a Commissioner. Commissioner West indicated that was not the case, but that she had been interested in the position of being the attorney for the District. Commissioner Flowers further indicated that she had provided the insurance information to Mr. Wallace, who had indicated to her that he was interested in taking the case. Commissioner West commented on her extensive experience in these types of cases and that they are not easy cases.

A motion was made by Commissioner West to have whatever attorneys Commissioner Flowers thought had been provided all pertinent information and had indicated to Commissioner Flowers that they were interested in pursuing a claim to come before the Commission at the next meeting and make a presentation as to the merits and costs of pursuing a claim. The motion was seconded by Chairman Brown and passed by a 4-1 vote, with Commissioner Rivers voting no.

B. Summer Haven Dune Restoration

Terry Parker of the Friends of the Summer Haven River spoke of past dune restoration and that vegetation had not been planted with the original work. The Friends of Summer Haven first undertook the vegetative plantings for the dune, but 30% of the plantings died. In 2019, the District gave approval to fund further plantings. Due to the lack of success of non-Sea Oat plantings, Mr. Parker now asked for \$6,957.00 for purchase and planting of new vegetation.

Commissioner West questioned and confirmed that public access was available to the river. Commissioner West also questioned the extent to which the original project contractor, Taylor Engineering, should be responsible for paying for the re-plantings needed to complete the project properly.

A motion to commit up to \$7,000.00 in District funds to pay for the project was made by Commissioner Flowers, seconded by Vice-Chairman Way, and passed by a 4-1 vote, with Commissioner West voting no.

11. New Business

A. Resolution Regarding Funds Appropriated for Boat Ramps

Resolution 21-01 regarding surplus funds was considered. A motion to approve and adopt the resolution was made by Commissioner West, seconded by Vice-Chairman Way, and passed by a 5-0 vote.

B. Discussion Regarding Sending a Request for a State of Florida Representative to Make a Sunshine Presentation

Commissioner Flowers discussed a desire to have a presentation on the Sunshine Law by representatives from the State. Vice-Chairman Way asked if General Counsel was capable of handling Sunshine Law questions. Mr. Meek indicated he was capable of doing so. It was

decided to first address the question raised by Commissioner Flowers as to Mr. Piggott's authority and if his interactions violated the Sunshine Law and to then move to other Sunshine questions and issues as needed thereafter.

C. Beaches Go Green

Chris Benjamin, Outreach Coordinator of St. Johns County, spoke on and presented a handout on "Beaches Go Green" and partnership activities in St. Johns County with GTMNERR, FIND, and the St. Johns County Schools. A funding proposal request was outlined as well. Commissioner Rivers mentioned that \$5,000.00 per year for river clean-up had been allocated for many years and requested that the matter be considered at the next meeting. It was agreed that the funding request would be placed on the next agenda for public comment and proper action.

12. PUBLIC COMMENT

The activities of Beaches Go Green were also described and advocated by Anne Marie Moquin.

Dylan Jackson spoke about Beaches Go Green and work with the St. Augustine amphitheater.

13. COMMENTS BY COMMISSIONERS

Commissioner Flowers passed out a handout on open permits for boat ramps. Commissioner West indicated she elected to not attend the National Conference on Beach Preservation since Commissioner Flowers had indicated she was going. Commissioner Flowers indicated that she had nothing positive to report regarding the National Conference on Beach Preservation.

Chairman Brown mentioned that consideration should be given to renewing having a liaison to GTMNERR. This was to be added to new business on the next agenda.

14. NEXT MEETING

March 16, 2021, was announced as the next meeting date. As such, the **next meeting will be at 3:00, p.m., on March 16, 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 4:35, p.m.

Secretary-Treasurer

Commission Chairman Brown