

**ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT**  
**MINUTES OF REGULAR MEETING**  
**Tuesday, December 21, 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, December 21, 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. Invocation**

Commissioner Tom Rivers gave the Invocation.

**4. ROLL CALL**

Chairman Matt Brown, Vice-Chairman Chris Way, and Commissioners Tom Rivers, and Jane West were present at the start of the meeting. The meeting was also attended by Secretary-Treasurer Elyse Kemper and Clay Meek, General Counsel for the District. Ken Craig of Taylor Engineering, District Engineers, was present as well. After item #6, public comment, Commissioner Flowers arrived.

**5. ADOPTION OF AGENDA**

A suggestion to amend the agenda by switching the order of new business items 12A and 12D was made by Chairman Brown. **A Motion to approve the agenda with that modification was made by Commissioner Rivers, seconded by Chairman Brown, and passed by a 4-0 vote.**

**6. PUBLIC COMMENT**

None.

**7. GOVERNMENT REPRESENTATIVE COMMENTS**

Sergeant Josh Underwood of the St. Johns County Sheriff's Marine Unit appeared and indicated that the seasonal parades were done and that some navigational aids were missing in Salt Run and that notifications were continuing to be sent to Ms. Kemper and the

U.S. Coast Guard. Marker #7 was missing and is a Federal marker and it was anticipated that it would be addressed on the Federal level. There had been an increase in downtown anchorage. Because there was no longer a medallion program with the City of St. Augustine, there was no prohibition on that as long as it was no in the channel. Upon questioning about the lapse of the program, Sergeant Underwood indicated he would attempt to get a copy of the flyer from the program to provide for review and consideration for future action.

Corey Sakryd, Grants Administrator for the City of St. Augustine, provided a handout with an overview of the cost and funding of derelict vessel removal for the prior and current years. Mr. Sakryd requested funding for two additional boats to be removed. One was in the amount of \$6,970.00, with the District to fund 25%, for an amount of \$1,742.50 and FIND to fund 75%. The second was in the amount of \$6,079.00, with the District to pay 100%. The total sought for both projects was \$7,821.50, to be taken from the District derelict boats budget allocation, which had a then pending balance of \$21,000.00. **A Motion to approve the request was made by Commissioner West, seconded by Vice-Chairman Way, and passed by a 5-0 vote.**

Steve Zukowski, Patrol Supervisor Lieutenant, and Lieutenant Nathan Brock, both of the Florida Fish and Wildlife Conservation Commission ("FWC") spoke regarding several matters. Lt. Brock was introduced, with an overview of his background.

Lt. Zukowski reviewed that four derelict boat cases had been closed out since November. There were four at risk since the end of September. Of those, two were cleared as not at risk. One is postponed due to COVID and one involves an owner who has not been able to be located/contacted. There were no significant accidents in the last month and no big news as to fisheries. Manatee deaths were increased due to lack of food in the Indian River lagoon and there had been two deaths in Flagler. The deaths were pending necropsy, with results unknown as of yet. Commissioner West noted that there had been over 1,000 deaths statewide due to lack of seagrass and encouraged that the pending seagrass mitigation bill be opposed by FWC. Commissioner Flowers encouraged all to support pending legislation to improve law enforcement pay, including and specifically, FWC.

Nathan Otter of St. Johns County Parks and Recreation Department indicated that pre-season beach passes for beach driving were on sale. The December 31, 2021, Beach Blast-Off at St. Augustine Beach was mentioned. Concrete start dates for planned projects were hoped to be available to share at the next District Commission meeting.

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

Secretary-Treasurer Kemper delivered the financial report. As of November 30, 2021, the District spent: \$0 for overtime hours of police officers of the City of St. Augustine and \$4,283 for overtime hours of deputies of the St. John's County Sheriff's Department. \$7,940 had been spent for May Street pot holes fill and \$4,000.00 had been spent for derelict boat removal. Commissioner Rivers asked if the May Street project was done. Commissioner Flowers indicated it was and that she would bring photos of the work to the next meeting. The State Board of Administration account had a balance of \$23,170. The Operating Account had \$284,931 as of November 30, 2021. The money market account had \$1,500,000 in the reserve for projects and \$1,111,549 in addition. Taxes received as of November 30, 2021, were \$240,728. Commissioner West suggested that South State be asked for options for better money market rates.

#### **9. APPROVAL OF MINUTES**

Commissioner Rivers suggested that the minutes should be amended to specifically mention the Nor'easter, with the dates thereof, instead of referring to "the recent storm." **A Motion to approve the minutes of the November 16, 2021, regular meeting with that amendment was made by Commissioner Rivers, seconded by Commissioner West, and passed by a 4-1 vote, with Commissioner Flowers in opposition.**

#### **10. ENGINEERING REPORT**

Ken Craig of Taylor Engineering indicated there were three things to report upon. A conference call had been had with the Army Corps of Engineers ("ACE"), in which the ACE suggesting a five year extension instead of a two year extension sought on the Summer Haven permit. Taylor would see if the County wanted to join in the permitting extension request since theirs is to be up in a year. Second, in response to a question from the last meeting, the amount spent by the County for sand fencing for the prior FEMA

berm project was \$4.00 per linear foot. Third, as requested by Commissioner Flowers, a link with imagery for the past project work containing 54 zip files was provided on December 6, 2021, to Ms. Kemper. In discussion, it appeared that no Commissioner was able to open the files. It was agreed that Taylor would try again or look into other ways to try to share the video.

## **11. OLD BUSINESS**

### **A. Summer Haven**

Sergeant Underwood presented a video on Summer Haven at Commissioner Flowers's request. The videos showed low tide and high tide in Summer Haven. Commissioner West noted that the new breach on the south end might cause the engineering to need to be reconsidered. It was noted that the County was reviewing the situation and might be considering a "managed retreat."

Lt. Zukowski indicated that beach driving was impaired at the new breach and could generally only be traversed by four-wheel drive/off-road capable vehicles.

Commissioner West noted that the new damage and impact caused her to be skeptical of the County wanting to renew its permit for five years.

Linda Ginn of the Friends of the Summer Haven River ("FOSHR") spoke and indicated that there were many members of FOSHR in the audience and that they had also presented earlier that day to the County Commission and that the County had not decided what "managed retreat" will be and that it might involve just buying out five homes. There was a town hall workshop on Summer Haven to be held. Ms. Ginn noted that there was also significant damage in Ponte Vedra and Vilano Beach and continued work and maintenance would be needed for all the beaches and dunes.

Commissioner West asked if FOSHR would come back with information on where the County was going. Ms. Ginn indicated that they would continue to pursue assistance with the County, but that FOSHR was in favor of maintaining the permit for five years and adding sand fencing.

A Motion for General Counsel to research and assess potential District liability involved with continued involvement in the Summer Haven project was made by Commissioner West, seconded by

Chairman Brown, and carried by a 3-2 vote, with Commissioners Flowers and Rivers opposed.

The question of sand fencing was then addressed. Terry Parker of FOSHR provided sand fencing cost information. Two bids had been obtained and the low bid was for \$20,021.40 for 2,500 feet of fencing. It was also reported that the material cost was anticipated to increase by 12% in early 2022 and cause the bid to go up by about \$1,000.00. It was noted that more than that amount was still in the Summer Haven budgeted funds. **A Motion to approve the funding request was made by Commissioner Rivers, seconded by Vice-Chairman Way, and carried by a 4-1 vote, with Commissioner West opposed.**

At that point, Chairman Brown asked if there was anything further on the agenda item and there was no indication from anyone that there was anything further to discuss. At the conclusion of Professor McGinley's presentation summarized below, Commissioner Flowers then indicated that she wished to go back to this agenda item. Commissioner Flowers indicated that what she intended to discuss was the allegation of an e-mail from Senator Hudson's aid regarding a grant request for a study of Summer Haven. Commissioner West noted that there was nothing on the agenda indicating this in sufficient detail to put anyone on notice as to what was to be discussed and requested that agenda items be listed in detail in the future. **A Motion to table this item was made by Commissioner West, seconded by Chairman Brown, and carried by a 4-1 vote, with Commissioner Flowers opposed.**

## **12. New Business**

### **A. Senate Bill 494**

While technical issues were sorted out for Sergeant Underwood's video and the presentation by Professor McGinley, Commissioner West gave an overview of Senate Bill 494, sponsored by Travis Hudson. The Act could impact the assessment of fines on derelict boats and could allow obtaining federal disaster funds. The Bill would also restrict local governments from regulating public bathing beach or swim areas in parts of the Inter-Coastal Waterway. Commissioner West was gathering further information, but noted that it should be watched.

#### D. Local Marine Science Projects

Professor Ed McGinley spoke to the Commission about Flagler College and local marine science projects. Flagler offers a Coastal and Marine Science major and Professor McGinley reviewed a Green Sea Turtle project in the area, a fish and water life community cataloging project in the area, microplastic data gathering, and assistance with information gathering to help with GTMNERR algae monitoring. Professor McGinley stressed that there was a "small army" of Flagler College students that were enthusiastic and eager to undertake these kinds of projects for free with information gathering and that he hoped that the District and College could work together where possible going forward.

#### B. & C. Port Consultant and Web-site Redesign

These items were addressed directly after Commissioner Flowers reopened discussion on old business item 11A as set forth above. At that point in the meeting roughly two hours had already passed and the meeting room had to be vacated for other government business in short order. Thus, in the interests of time, a **Motion to table these items was made by Vice-Chairman Way, seconded by Chairman Brown, and carried by a 4-1 vote, with Commissioner Flowers opposed.**

#### E. Hospital Creek Botel

Commissioner Flowers suggested a Motion to deny a marina on Hospital Creek. Chairman Brown and Commissioner West pointed out that no request for approval of a marina was present. This was explained several times to Commissioner Flowers, who began yelling and insisting that discussion be had. After reviewing the issue a few times for Commissioner Flowers, the meeting moved on to the next agenda item.

#### F. Flagler College Apprenticeship

This agenda item was placed on the agenda by and withdrawn by Commissioner Flowers.

#### G. No Wake Zone

Commissioner Flowers asked Lt. Zukowski to come forward and then renewed her prior complaints about wakes and damage cause by them. Lt. Zukowski reviewed all the information he has shared before about no wake zones and addressed Commissioner Flowers's questions about slow wake/minimum wake zones. After extensive discussion

and complaint by Commissioner Flowers, Chairman Brown asked Commissioner Flowers if there was any action the District was going to be asked to consider taking. It was reviewed by Commissioner West, as has been before, that there is nothing to be done by the District. As there was no action to be undertaken, no Motion was made by anyone.

#### H. Pump Out Boat

Commissioner Flowers indicated sewage dumping was a significant problem. The harbor master was getting a new pump out boat, but it would mostly service the mooring fields. Commissioner Flowers wanted to consider privatizing pump out services. Commissioner Rivers noted that there had been a service the District paid for before that could be considered. Upon further discussion, Commissioner Flowers clarified that she was proposing considering paying for the harbor master boat to provide service outside the mooring fields.

#### 13. PUBLIC COMMENT

None.

#### 14. COMMENTS BY COMMISSIONERS

Commissioner Rivers wished all a Merry Christmas and all other Commissioners responded in kind.

Chairman Brown indicated that he had been unable to locate any information on other Districts having an emergency towing fund.

Commissioner West indicated the Regatta was a great event and she enjoyed judging.

Commissioner Flowers indicated she would invite a representative from the Army Corp of Engineers to come talk and noted that she felt the District attorney's contract was due to be considered.

There were no other Commissioner comments.

#### 15. NEXT MEETING

January 18, 2022, was announced as the next regular meeting date. As such, the **next regular meeting will be at 3:00, p.m., on January 18, 2022**, at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida.

16. ADJOURN

There being no further business, Chairman Matt Brown adjourned the meeting at 5:19, p.m.

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Secretary-Treasurer

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Commission Chairman Brown