

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT
MINUTES OF REGULAR MEETING
Tuesday, April 19, 2022

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, April 19, 2022.

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

Chairman Matt Brown gave the Invocation.

4. ROLL CALL

Chairman Matt Brown, Vice-Chairman Way and Commissioners Tom Rivers, Sandy Flowers, and Jane West were present. 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.

5. ADOPTION OF AGENDA

A Motion to approve the agenda was made by Commissioner Rivers, seconded by Vice-Chairman Way, and passed by a 5-0 vote.

6. PUBLIC COMMENT

Tim Ford spoke in favor of the District assisting with dredging what he referred to as the boat basin. After short discussion the majority of Commissioners agreed that the matter should be considered only after sponsorship by and an application and presentation by the City for such a project. **A Motion to consider the Dolphin Drive Basin on next month's agenda was made by Commissioner West, seconded by Vice-Chairman Way, and carried by a 5-0 vote.**

Ed Slavin.

7. GOVERNMENT REPRESENTATIVE COMMENTS

Jim Piggott appeared on behalf of the City of St. Augustine. Mr. Piggott indicated that the City had started a water shuttle service at the City Marina and was in a 90 day pilot program period. Mr. Piggott then reviewed that two boat removal reimbursement approvals had ended up with different final bills than what had been anticipated. One was \$785.18 higher than had been estimated and approved and one was \$31.00 less than had been anticipated and approved, for a net total shortfall of \$655.12. Corey Sakryd, Grants Administrator for the City of St. Augustine, also spoke to explain some of the difference between the estimated and final amounts. **A Motion to approve reimbursement in the amended final amounts was made by Commissioner Flowers, seconded by Vice-Chairman Way, and passed by a 5-0 vote.**

Mr. Piggott next spoke on the matter raised by Mr. Ford. Mr. Piggott indicated the City had last participated in dredging the neck of the basin approximately 9 years ago. It was anticipated that it would need to be dredged approximately every 10 years.

Lastly, Mr. Piggott indicated that the proposed May Street Boatel had been voted down by the City. However, the City had been contacted to see if there was interest in acquiring the parcel of land for possible development into a dock, and/or kayak launch, and/or other public use. The City was exploring the idea and was interested in determining if there was interest in other entities such as the District and FIND in participating in the purchase and development of the parcel. The majority of Commissioners were interested in hearing more and it was agreed that it would be put on a future agenda once further details were known and could be provided by the City.

Lieutenant Josh Underwood of the St. Johns County Sheriff's Air and Marine Unit indicated that Fish Island was given time and warning to remove illegal no wake zone signs and that the no wake zone signs at Fish Island would have to be removed. Livery activity at South Matanzas had been looked at and reviewed and was operating legally.

Lieutenant Underwood updated about the fuel spill issue at Comanche Cove. All witnesses had been interviewed and the cameras that could have filmed the incident were not working on the night of the incident. Accordingly, at this point, the investigation is on pause due to a lack of proof as to what occurred. What is known

is that the boat owner had work done to the boat, allegedly did not fully pay for the work done, and someone then damaged the boat by putting a water hose into the fuel tank and partially filling the tank with water, resulting in fuel being displaced into the waterway.

The Coast Guard search and rescue conference was currently occurring in the area and all Commissioners were invited to come by if they had time. Finally, Lieutenant Underwood mentioned that the Sheriff's Office was working with FWC and other local governmental entities to establish a derelict boat program, which Acting Lieutenant Miller of FWC would talk about further.

Acting Lieutenant Bill Miller of the Florida Fish and Wildlife Conservation Commission ("FWC") began by discussing the St. Johns County derelict vessel task force that is meeting once a month to coordinate and facilitate the derelict boat removal process. The task force includes FWC, the Sheriff's Office, and the City of St. Augustine.

Lieutennat Miller indicated that the Blessing of the Fleet went off as planned without problem or incident. It was also noted that shore bird nesting was active.

Steve Zukowski, Patrol Supervisor Lieutenant, of the Florida Fish and Wildlife Conservation Commission ("FWC") then spoke about funding for removal of four derelict boats that had just come through in the day or two prior to the Commission meeting.

Patrick Harvey of the St. Augustine Police Marine Unit again thanked the District and advised that all equipment that had been obtained with recent District funding had been received and would be installed and functional by mid-May. An update on the derelict vessel downtown was also given and there had been delays due to the ownership of the vessel frequently changing hands. It was also noted that derelict boat removal in general would be hampered due to a lack of marine storage in the area for the immediate foreseeable future. The sunken 45' vessel in San Sebastian had been removed using funds from FWC, but it was unknown as to when additional boats could be removed.

8. SECRETARY-TREASURER'S REPORT

Secretary-Treasurer Kemper delivered the financial report. As of March 31, 2022, the District spent: \$2,460 for overtime hours of police officers of the City of St. Augustine and \$10,456 for

overtime hours of deputies of the St. John's County Sheriff's Department. The State Board of Administration account had a balance of \$23,184. The Operating Account had \$450,833 as of March 31, 2022. The money market account had \$1,500,000 in the reserve for projects and \$1,111,979 in addition. Taxes received as of March 31, 2022, were \$578,975.

9. APPROVAL OF MINUTES

Mr. Meek noted an error in the printed draft minutes and that the minutes to be considered would reflect the "blessing of the fleet" and not the "flexing of the fleet" as indicated in the printed minutes. **A Motion to approve the minutes of the March 15, 2022, regular meeting with that correction was made by Commissioner Rivers and seconded by Vice-Chairman Way and carried by a 3-1 vote, with Commissioner Flowers opposed, and Commissioner West abstaining. A Motion to approve the February minutes was made by Chairman Brown, seconded by Commissioner West, and carried by a 3-1 vote, with Commissioner Flowers opposed and Vice-Chairman Way abstaining.**

10. ENGINEERING REPORT

Ken Craig advised that there was no new District work to report upon. It was mentioned that the County had set aside approximately \$400,000.00 for the study at Summer Haven and that there was additional funding pending from the state.

11. OLD BUSINESS

A. Scheduling of Dates and Times for Meetings

A Motion to continue to meet at the current time and current day of the month was made by Commissioner Rivers, seconded by Commissioner West, and carried by a 4-1 vote, with Commissioner Flowers opposed.

12. New Business

A. Discussion Regarding Port Consultant

Commissioner Flowers briefly left the meeting at the beginning of the discussion of this item, but returned and was present for the majority of the discussion. Commissioner West raised a question for Commissioner Rivers, whereupon Commissioner Flowers interrupted and shouted. Upon Commissioner Flowers being gavelled

and order being restored, Commissioner Rivers discussed the types of activities and actions undertaken by Mr. Crowder in the past. It was agreed that Commissioner Rivers would ask Mr. Crowder to come to the next meeting to discuss and outline the types of activity and role Mr. Crowder would suggest and/or could provide. Commissioner Flowers then requested to bring a person as well in a similar manner, and it was agreed that she could do so.

B. Discussion Regarding Retention of Port District Attorney

Commissioner Flowers spoke against continuing to retain Mr. Meek as the Port District Attorney. Commissioner Flowers indicated she objected to the preparation of Resolution 20-05, which condemned racism and reaffirmed the District's commitment to uphold the Constitution and laws of the State of Florida. **A Motion to continue to retain Mr. Meek as the Port District Attorney was made by Commissioner Rivers, seconded by Commissioner West, and carried by a 4-1 vote, with Commissioner Flowers opposed.**

C. Improper Commissioner Actions

A power point presentation was not able to be presented due to lack of available equipment, but was verbally given. The presentation outlined areas and degrees of disagreement in meetings and the extent to which action and inaction can be inappropriate and the extent to which a body as a whole should point out action and inaction by one that is considers inappropriate. The various categories of action and inaction that can be the basis for suspension and/or removal or lesser sanction were reviewed. Various actions and inactions were reviewed that could be the basis of censure, reprimand/rebuke, and/or referral to the Governor for suspension and/or removal. Ultimately, Mr. Meek suggested that the issue of referral for suspension and/or removal not be addressed until after the candidate filing deadline in June. It was further suggested that the issue of censure or reprimand/rebuke of Commissioner Flowers be formally placed on the agenda for the next meeting. **A Motion to do so was made by Chairman Brown, seconded by Commissioner Rivers, and failed by a 2-3 vote, with Chairman Brown and Commissioner Rivers in favor.**

D. Sunshine Law Presentation

The use of power point not being available and in consideration of the time, **a Motion to table this agenda item until the following**

meeting was made by Commissioner West, seconded by Vice-Chairman Way, and passed by a 5-0 vote.

13. PUBLIC COMMENT

Ed Slavin

14. COMMENTS BY COMMISSIONERS

Commissioner Rivers noted and reminded all that no individual commissioner can speak alone for the District and that the Commissioners have to work together.

Vice-Chairman Way noted that the presentation on item 12C reinforced that he had not done anything inappropriate.

Chairman Brown mentioned and asked Commissioner West to speak on the recent development regarding the potential for Disney's Special District and others being eliminated and that it will need to be watched.

Commissioner Flowers indicated that she might be in favor asking the legislature to dissolve the Port District.

15. NEXT MEETING

May 17, 2022, was announced as the next regular meeting date. As such, the **next regular meeting will be at 3:00, p.m., on May 17, 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 4:55, p.m.

Secretary-Treasurer

Commission Chairman Brown