



**OCEAN HIGHWAY & PORT AUTHORITY  
NASSAU COUNTY**

**County Commission Chambers**

**James S. Page Government Complex**

**96136 Nassau Place, Yulee FL 32097**

**AGENDA**

**Wednesday, March 10, 2021**

**6:00 PM**

**6:00 PM – Meeting Called to Order – Chairman**

Invocation

Pledge of Allegiance

Roll Call: Miriam Hill, District 1; Danny Fullwood, District 2, Scott Hanna, District 3; Carrol Franklin, District 4; Mike Cole, District 5

- Comments - Audience (Comments submitted prior to the meeting)

**1. Approval of Minutes**

- February 10, 2021 Monthly Meeting Minutes

**2. Consent Items**

None

**3. Report by Pierre LaPorte, Port Accountant**

- Financial Report – February 2021

**4. Report by Robert Sturgess, Interim Port Attorney**

## **5. Port of Fernandina Report**

- Tonnage Report – February 2021

## **6. Port Director Report**

## **7. Unfinished Business**

- Hiring of Administrative Office Manager
- Interviewing Port Attorney Candidates
- Outstanding Public Records Requests

## **8. New Business**

- Acquisition of Cranes
- Customs House Issues
- City of Fernandina Beach PAB Comprehensive Plan Amendments
- Commissioner Emails
- Resolution 2015-3 – Standard for Public Discourse

## ***Committee Reports***

- Port Security – Commissioner Fullwood
- Customs House – Commissioner Franklin
- Army Corp of Engineers – Commissioner Fullwood
- Economic Development – Commissioner Cole
- Emergency Management – Commissioner Franklin
- Technical Coordinating Committee – Commissioner Hanna
- TPO – Commissioner Cole
- Nassau Chamber East Side – Commissioner Hill
- Nassau Chamber West Side – Commissioner Cole
- City of Fernandina Beach – Commissioner Hill

## **9. Administrative Office Manager Report**

## **10. Other items to be brought by Commissioners**

## **11. Adjourn**

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Fla. Stat. § 286.0105.



# Minutes

## OCEAN HIGHWAY & PORT AUTHORITY



Miriam R. Hill – Secretary/Treasurer - Commissioner, District 1  
Danny Fullwood – Chairman, District 2  
Scott Hanna – District 3  
Carrol Franklin – Commissioner, District 4  
Mike Cole – Vice Chairman, District 5

### Monthly Meeting Minutes

February 10, 2021

The Ocean Highway and Port Authority of Nassau County held its Monthly Meeting on Wednesday, February 10, 2021 at the County Commissioners Chambers at the James S. Page Government Complex, 96153 Nassau Place, Yulee, Florida 32097.

The meeting was called to order at 6:04 PM by Chairman Fullwood.

The invocation was given by Commissioner Hill and the Pledge of Allegiance was led by Chairman Fullwood. Roll call was conducted by Mrs. Barbara Amergian. All Commissioners were present. Also in attendance were Robert Sturgess, Interim Port Attorney; Pierre LaPorte, Port Accountant; and Chris Ragucci, Port Director/Operator.

Chairman Fullwood recognized Jimmy Dubberly of 95239 Amelia National Parkway, Fernandina Beach, Florida for public comment. Mr. Dubberly re-expressed his interest to the Board and his willingness to fill the Port Director role for a period of six months at \$1.00 a month.

**Commissioner Franklin made the motion to accept the minutes of the January 13, 2021 monthly meeting with no changes. Unanimously approved.**

Chairman Fullwood recognized Pierre LaPorte, Port Accountant. Mr. LaPorte presented the monthly Treasurer's Report and commented that the Florida Ports Council dues had been paid in the budgeted amount of \$15,500. Mr. LaPorte also reviewed the Quarter One statements and noted that there was nothing unusual on the statements. There were no questions for Mr. LaPorte.

Chairman Fullwood recognized Robert Sturgess, interim Port Attorney for his monthly report. Mr. Sturgess asked Mr. Ragucci, Port Operator, respond to the Issue #1 on his attorney report, pertaining to the feasibility study for the navigation of the Fernandina Harbor that has been requested by Beau Corbett of the US Corps of Engineers. Mr. Ragucci is gathering the information and indicated a draft should be ready for review by Monday, February 15, 2021. In regards to the TranSystems mediation agreement, it is ready to be executed as it was approved for signature at the January 13, 2021 meeting.

**Commissioner Cole made the motion to execute the agreement with the Army Corp of Engineers regarding the navigation study to examine improvements to the Port, navigation, and the straightening of the channel. Unanimously approved.**

Chairman Fullwood recognized Port Operator Chris Ragucci for his monthly tonnage report. Chairman Fullwood asked that December 2020 be included in future reports for comparison. Commissioner Hill asked the lumber tonnage, Mr. Ragucci stated that it has been sporadic. Commissioner Hill commented that it would be helpful to have a goal stated for the year.

Mr. Ragucci presented his Port Director report to the Board. He commented that he would provide Mrs. Amergian with updated channel features for updating the website.

Unfinished Business:

RFP for the Port Master Plan – Mr. Ragucci is committed to get the RFP out by the end of February. He indicated that the language is being drafted and identify the criteria for the RFP, he was hoping to have a special meeting to review in February. Chairman Fullwood did not think it would be feasible to review in February and hold for the March meeting. Mr. Ragucci will circulate the draft prior to the March meeting for the Board to review.

The draft of the City of Fernandina Beach Interlocal Agreement was circulated to the Board prior to the meeting. Chairman Fullwood asked for feedback.

Commissioner Hill reported that the meeting Chairman Fullwood requested in January 2021 with Buddy Jacobs will be tabled until the Port Director issue has been solidified as directed by Senator Aaron Bean. Commissioner Hill also stated that City Attorney Tami Bach's perspective that the issue of the City making changes to the Ocean Highway & Port Authority's charter is no longer the City's focus.

The hiring of the new Port Attorney will be discussed at the Special Meeting on March 2, 2021 at 3:30 pm. Commissioner Hill shared that the draft attorney advertisement with the Jax Bar Association and Judge Fahlgren with the Nassau County Bar Association to spread the word.

**Commissioner Hill made the motion to the publish an advertisement for the Port Attorney in the newspaper. Commissioner Hanna seconded. Motion passed unanimously.**

Commissioner Hill shared that it would be helpful to have a list of objective criteria related to the Port Attorney for the interview process. Commissioner Hill will send to Mrs. Amergian to share with the Board.

Attorney Sturgess suggested using the RFP process as an option to advertise for the Port Attorney position. Commissioner Hill pointed out that she felt that this was a conflict for the interim Port Attorney to advise the Board of a bid process that Mr. Sturgess would be bidding on. Chairman Fullwood appreciated the advice provided on the options available to advertise for the Port Attorney position.

Chairman Fullwood called a 10-minute recess at 7:11 PM

Chairman Fullwood informed the Board that he had a discussion with Doug Wheeler of the Florida Ports Council and was advised by Mr. Wheeler to appoint another Port Director to represent the Ocean Highway & Port Authority at the Florida Ports Council.

**Chairman Fullwood made the motion to appoint Commissioner Mike Cole as the representative to the Florida Ports Council until a permanent Port Director is hired and publish an RFP for the Port Director position. The motion passed four to one with Commissioner Hill voting no.**

Discussion followed the motion. Commissioner Hill pointed out the technical piece in regards to the Florida Ports Council website and the Ocean Highway & Port Authority needs representation. Commissioner Hanna pointed out that Mr. Dubberly was willing to represent the Ocean Highway & Port Authority and he is concerned that there are opportunities that are being missed as far as grant funding through the Florida Ports Council. Chairman Fullwood stated that he is not willing to move forward with a new Port Director at this time. Port Accountant LaPorte advised the Board that none of the potential revenue that may be brought into the port by a Port Director's efforts to bring in business is available to pay the Port Director. Commissioner Franklin recommended that Mr. Ragucci should be removed at the Port Director. Commissioner Hill reiterated that the Florida Ports Council wants to see action taken on the Port Director issue. Interim Port Attorney Sturgess will gather the necessary information from resources available to draft the RFP by March 2, 2021.

Mr. Ragucci gave an updated on the FDOT grants. FDOT G1938 is allocating funding of \$100,000 for concrete paving. This is a 50/50 match. \$550,000 allocation from 2020 cycle for the acquisition of property which is table – the funds will be reallocated and notification needs to be done by March 2021. There is a PTGA for miscellaneous improvements to the docks. GL06 has been extended to December 31, 2021 - \$195,000 in total. Invoicing will be done in the amount of \$157,000 next week.

**Commissioner Cole made the motion to accept the FDOT Amendment G1938 and the Resolution 2021-R02. Commission Franklin seconded. No discussion followed. Motion carried unanimously. A RESOLUTION OF THE OCEAN HIGHWAY & PORT AUTHORITY OF NASSAU COUNTY, FLORIDA AUTHORIZING THE ENTRY INTO AN AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT, CONTRACT NUMBER G 1938 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Fullwood discussed with the Board that Mrs. Amergian has given her notice and will be leaving at the end of May, 2021. Advertising has been started on the employment website Indeed and Mrs. Amergian will advertise the opening in the newspaper as well. Mrs. Amergian will forward all applications that have been received. Interviews will take place the first week of March and will be done in person utilizing the individual office spaces available at Courson & Stam.

## Committee Reports:

Port Security – Commissioner Fullwood – Nothing new to report.

Customs House – Commissioner Franklin – Nothing new to report.

Army Corp of Engineers – Commissioner Fullwood – Issues have already been discussed earlier in this meeting.

Economic Development – Commissioner Cole – Nothing new to report.

Emergency Management – Commissioner Franklin – Nothing new to report.

Technical Coordinating Committee – Commissioner Hanna – A survey for Bicycle and Pedestrian Safety is available on the OHPA website for citizens to partake in.

TPO – Commissioner Cole – Meeting scheduled for February 11, 2021.

Nassau Chamber East Side – Commissioner Hill – Regina Duncan of the Chamber has been following progress at the Port and finds it encouraging.

Nassau Chamber West Side – Commissioner Cole – Nothing new to report.

City of Fernandina Beach – Commissioner Hill – continues to attend regular meetings and the new workshop format. OHPA continually appears on the City Commissioners' agenda. Her meeting with Tammi Bach, City Attorney. Discussion regarding the Port Element of the PAB. Proposing language now will help facilitate the process. The interlocal agreement regarding administrative fees for the port was also part of their meeting. Commissioner Hill questioned as to why OHPA was not proposing to settle the PILOT payment situation as well. Chairman Fullwood stated that this is not part of the Interlocal Agreement. Commissioner Hill questioned the language in Item #2 of the Interlocal Agreement with the City of Fernandina. – each party agrees not to seek amendment to the OHPA charter. Commissioner Hill's concern is that OHPA is not able to seek an unrelated amendment to OHPA charter. Interim Port Attorney Sturgess pointed out that OHPA is making some serious concessions with the Interlocal Agreement and there were changes to the Charter in 2015. Chairman Fullwood stated that language pertains to the City not being able to change the Charter. Port Operator Ragucci expressed his concern with Item #2 in the draft of the Interlocal Agreement regarding the expansion of the Port footprint. The draft will continue to be worked on by Interim Port Attorney Sturgess. Commissioner Hill advised the Board of the PAB Workshop on February 24, 2021 at 5 PM. She encouraged the Commissioners to attend.

There were no questions for the Administrative Office Manager and her report that was included in the meeting packet.

In other items to be brought before the Board:

Commissioner Franklin asked if the City of Fernandina had issued a Certificate of Occupancy for the new fabric warehouse. Port Director Ragucci informed the Board that the Certificate had been received.

Commissioner Cole commented on the negativity in social media regarding the Port and wanted to pointed out the positive direction that the Port is heading in.

Commissioner Hill commented that she copied on two issues from City Commissioner Ross – oats spillage and a noise complaint. Mr. Ragucci responded promptly and dealt with the issues.

With no further business to come before the Board, the meeting was adjourned at 8:18 PM.

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Danny Fullwood, Chairman



# Port Attorney Report



ROBERT H. STURGESS, Esq.  
Attorney and Counselor at Law

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**MONTHLY ATTORNEY REPORT – March 10, 2021 regular meeting**

This was an unusually busy month with, as examples, finalization of the interlocal agreement, Resolution 2021-02, finalization of the Transystems mediation agreement, research and investigation into an RFP for a Port Director, and the analysis and preparation needed for the hearing on the Port Authority's dispositive motion to dismiss the City's lawsuit.

The Port Authority prevailed on one of the most essential elements of its motion to dismiss when the Court ruled that the exhibits to the City's initial pleading demonstrated a mere "agreement to agree" in the future, based on the exhibits' references that the parties would "negotiate" an annual PILOT payment. An 'agreement to agree' is not the basis for contract formation as a matter of law. The City has an opportunity to amend its complaint to state a claim that works around the Court's ruling within thirty days, and the Port Authority then has thirty days to respond. I will distribute the Court's order to you once it is rendered. The Court also instructed the City to file a brief on the broad issue of a City's authority to impose ad valorem taxes on an otherwise tax-exempt entity absent a PILOT agreement. (The judge was the city attorney for Hilliard before his appointment to the bench.)

Also regarding the City's lawsuit, I placed on the agenda a potential action the Board could take in furtherance of a settlement. In Florida there is a statutory process called a 'proposal for settlement' or 'offer of judgment'. The statute provides a basis for the prevailing party to recoup its attorney's fees from the non-prevailing party. I can explain it further at the regular meeting, but here is a hypothetical example of how the process works: If the Port Authority formally offers to settle the matter for \$100,000 and the City refuses the offer, the Port Authority can then recover its attorney's fees if the City recovers less than 75% (\$75,000) in the final judgment. The law was enacted to encourage settlements of civil lawsuits seeking monetary damages.



ROBERT H. STURGESS, Esq.  
Attorney and Counselor at Law

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**Invoice – Ocean Highway and Port Authority  
March 1, 2021**

PLEASE PAY \$4,720.00: remit to 871 Atlantic View Dr., Fernandina Beach FL 32034

Date:	Detail:	Hours:
2/2	Revise and edit interlocal agreement (.3); revise and edit interlocal agreement second time (.2).	.5
2/3	Examine and analyze Transystems mediation agreement (.3); examine and analyze documents related to City letter regarding grant matters (.2).	.5
2/4	Examine and analyze correspondence from Transystems' Falyn Skinner (.1); examine and analyze correspondence from Chris Ragucci regarding draft of interlocal agreement (.2); examine and analyze issue of resolution requested for grant amendment (.3).	.5
2/5	Draft resolution 2021-R02 (1.0); telephone conference with Chris Ragucci regarding various issues related to upcoming regular meeting (.3).	1.3
2/6	Examine and analyze correspondence directed to Transystems mediation agreement (.2); prepare correspondence to Falyn Skinner regarding Transystems mediation agreement (.1); examine and analyze correspondence from City and Ports Council regarding port director status (.2); research issues related to port director status (.4).	.9
2/9	Examine and analyze agenda items and related documents and correspondence for upcoming meeting (.7); prepare research and files in preparation to address agenda items at upcoming meeting (1.1).	1.8
2/10	Attend regular meeting of Port Authority (2.5).	2.5
2/11	Prepare correspondence to Chris Ragucci regarding Port Director	2.1

- request for proposals (.2); revise and edit interlocal agreement (.2); research water resiliency issues in context of interlocal agreement (.5); prepare correspondence to Danny Fullwood regarding hearing and procurement (.1); prepare correspondence to Miriam Hill regarding attorney solicitation (.1); research elements of request for proposals regarding Port Director (.5); Examine and analyze Port Authority's rules of procedure and Code of Ethics with accompanying research in regard to consistency and enforcement of resolutions and prepare memorandum regarding same (.5).
- 2/13 Finalize Transystems mediation process and agreement and examine for provision of release and dismissal (.5); examine and analyze arguments in motion to dismiss City's complaint as it relates to separation of powers (.4); finalize execution of PTGA Amendment G1938 as required by Justin Ryan, District Seaport Coordinator (.3). 1.2
- 2/14 Examine and analyze mediation statement, cited statutes and caselaw, and accompanying exhibits drafted by former attorney, in preparation for hearing on motion to dismiss (1.2); prepare draft order and accompanying correspondence to Judge Fahlgren regarding substitution and withdrawal of counsel (.2). 1.4
- 2/16 Examine and analyze correspondence from Trevor Arnold regarding execution of mediation agreement and respond thereto (.1); examine and analyze statutory and common law as applied to City's claim for declaratory relief along with breach of contract claim, in preparation for hearing on motion to dismiss (.8); analyze status and strategy of Army Corps of Engineers requests for letter of intent and fact sheet related to deepening and widening of harbor (.4). 1.3
- 1/18 Telephone conference with Cary Davis with the America Association of Port Authorities regarding port director search (.2); prepare correspondence to Cary Davis with the America Association of Port Authorities regarding port director search (.1); research potential sources of information and strategies for port director solicitation (.3); examine and analyze correspondence and templates regarding Section 216 letter of intent and fact sheet to Army Corps of Engineers (.2); examine and analyze draft of Section 216 materials received from Chris Ragucci and requested by Army Corps of Engineers (.2). 1.0
- 1/19 Research effect of inconsistency between complaint and attached contract in context of motion to dismiss in preparation for hearing (.4); examine and analyze revised draft of Section 216 materials received from Chris Ragucci and requested by Army Corps of Engineers (.2); prepare correspondence to Chris Ragucci confirming compliance with requirements related to Fact Sheet and Letter of Intent requested by Army Corps (1). .7

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|------|--|-----|
| 1/20 | Research issue of separation of powers in preparation for hearing on motion to dismiss City's complaint seeking PILOT payments (.8); research issue of retroactivity and prospective applications of Florida statutes in preparation for hearing on motion to dismiss City's complaint seeking PILOT payments (.5); research application of complaint exhibits when contrary to allegations of complaint in preparation for hearing on motion to dismiss City's complaint seeking PILOT payments (.6); research viability of declaratory judgment action based on identical allegations as breach of contract claim in preparation for hearing on motion to dismiss City's complaint seeking PILOT payments (1.0); research applicability of statute of frauds as applied to various resolutions and agreements between City, county, state and agencies in preparation for hearing on motion to dismiss City's complaint seeking PILOT payments (.8). | 3.7 |
| 1/23 | Examine and analyze exhibits filed by City in support of its complaint, in preparation for hearing on motion to dismiss City's complaint seeking PILOT payments (1.2); research viability of filing supplemental documents in support of a claim for breach of contract in preparation for hearing on motion to dismiss City's complaint seeking PILOT payments (.5); telephone conference with Doug Wheeler of Ports Council regarding information needed in preparation to draft request for proposals for Port Director (.6); telephone conference with Chris Ragucci regarding various issues (4).   | 2.7 |
| 1/24 | Examine and analyze all exhibits, pleadings, statutes and caselaw in preparation for hearing on motion to dismiss City's complaint seeking PILOT payments (3.0).   | 3.0 |
| 1/25 | Examine and analyze all materials, notes and outlines in preparation for hearing on motion to dismiss City's complaint seeking PILOT payments (.8); Attend hearing on motion to dismiss City's complaint seeking PILOT payments (.7).  | 1.5 |
| 1/27 | Examine and analyze caselaw and issues raised by Judge Fahlgren at hearing on motion to dismiss (1.0); draft proposed order on motion to dismiss pursuant to instruction from the court (.4); prepare correspondence to opposing counsel regarding consent or objections to proposed order (.1).   | 1.5 |

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Total hours:	28.1
14 basic hours:	\$1,900.00
14.1 @ \$200 per hour:	\$2,820.00

**Amount billed: \$4,720.00**



# Unfinished Business



**PATRICK KRECHOWSKI**  
t: (904) 348-6877  
f: (866) 226-1996  
e: [pkrechowski@balch.com](mailto:pkrechowski@balch.com)

January 26, 2021

Danny Fullwood, Chairman  
Board of Commissioners  
Ocean Highway & Port Authority  
86130 License Road, Suite 9  
Fernandina Beach, FL 32-34

DELIVERED VIA EMAIL: [dfullwood@portoffernandina.org](mailto:dfullwood@portoffernandina.org)

**RE: Port Authority Legal Services**

Dear Chairman Fullwood:

I am writing to follow-up on my in person meeting with the Board of Commissioners of the Ocean Highway & Port Authority (OHPA) of the Port of Fernandina on January 13<sup>th</sup> as well as our phone conversation on January 25<sup>th</sup>. As we discussed, I remain interested in potentially serving as the Port Attorney, should the Board decide to solicit proposals for a permanent role. Attached to this letter you will find my professional resume along with a list of references.

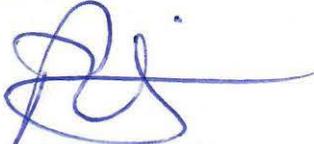
As I mentioned at the OHPA meeting, I have been practicing law for over 22 years and I am Board Certified by The Florida Bar in City, County & Local Government law. I have represented numerous public and agency boards over the years, including serving as the City Attorney for the City of Neptune Beach for over eight (8) years. In my time representing boards similar to OHPA's, I have handled litigation, land use and natural resource matters, board governance, employment and union negotiations, budgetary items, legislative affairs, and general legal representation. I have also taught law classes and seminars on Government in the Sunshine, public records and administrative appeal processes. Currently, I am contributing a chapter to an American Bar Association publication focused on public records and public meetings.

As an attorney, I pride myself on being client service driven – I am readily available, responsive and diligent in representing all of my clients, regardless of size or financial status. I can assure you that I will attend all OHPA meetings prepared to assist the Board in meeting all of its obligations.

January 26, 2021  
Page 2

I appreciate your and the Board's consideration and I look forward to speaking with you again soon. If you have any questions or if there is any additional information needed, please do not hesitate to contact me. In the meantime, have a great week.

Sincerely,



Patrick W. Krechowski

Enclosures

C: Michael Cole, OHPA  
Carrol Franklin, OHPA  
Miriam Hill, OHPA  
Scott Hanna, OHPA  
Barb Amergian, OHPA



**PATRICK W. KRECHOWSKI, Esq.**  
2245 Barefoot Trace, Atlantic Beach, FL 32233  
Cell: (904) 738-5240 - [pwkski@yahoo.com](mailto:pwkski@yahoo.com)

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**INTRODUCTION:** Board Certified and goal-oriented lawyer with twenty years of private, corporate, and governmental practice knowledge spanning a wide range of skill sets demonstrating consistent and proven client-driven results.

**LEGAL SKILL SETS:** Land Use and Real Estate Development Practice      Environmental Permitting and Enforcement Litigation  
Real Estate Litigation      Sovereign Submerged Lands & Coastal Construction  
Government Relations & Contracting      Administrative Litigation and Rulemaking  
Litigation Management and Budgeting      Title Insurance Litigation and Regulation  
Legal Instruction and Law School Professorship      Employment & Union Practice

**CERTIFICATION:** **The Florida Bar**, Tallahassee, FL.  
City, County & Local Government Law Section, Board Certification, **August 2018**.

**RECOGNITIONS:** **Best Lawyers®, 2020 & 2021; Jacksonville Magazine, Best Lawyers 2019,**  
Land Use & Zoning Law, Litigation - Environmental

**EXPERIENCE:**

**Balch & Bingham, LLP**, Jacksonville, FL; Partner. **March 2020 through present.**

Regional real estate and government law practice offering business oriented solutions for clients of all sizes and revenues with a focus on flexible, efficient and targeted advice. Clients range from small property owners to Fortune 500 companies that require responsive and dependable advice to successfully and strategically navigate government regulations, liabilities and market risk factors.

**Jimerson Birr, P.A.**, Jacksonville, FL; Partner. **October 2018 through February 2020.**

Representation of a variety of private and public clients in business, real estate and government relations throughout Florida.

**City of Neptune Beach, Florida**; City Attorney. **February 2011 through May 2019.**

In-house representation of the City Council and staff of the City of Neptune Beach. Representation in all areas of local government operation including civil and administrative defense, employment & union matters, code compliance, land use, parliamentary procedure, contract and procurement negotiations & administration, management of claims and outside counsel, and county/state-level government relations.

**GrayRobinson, Attorneys at Law**, Jacksonville, FL; Of Counsel. **July 2014 through October 2018.**

Legal representation of diverse client group in real estate development, government contracting & relations, environmental and land use.

**Fidelity National Title Group, Inc.**, Jacksonville, FL; Major Claims Attorney/Vice President. **January 2010 through June 2014.**

Senior Claims Counsel/Assistant Vice President. **February 2009 through January 2010.**

Management of multi-jurisdictional, high exposure title insurance claims litigation including coverage and indemnity disputes, insurance regulations, appeals, settlement/mediation, recovery and management of outside counsel throughout North America.

**The Krechowski Law Firm, P.A.**, Neptune Beach, FL. **October 2008 through February 2009.** Operation of a sole practitioner law firm representing clients in local, state, and federal environmental and land use permitting and compliance matters, including administrative litigation, regulatory compliance and government relations.

**Lewis, Longman & Walker, P.A.**, Jacksonville, FL; Associate. **March 2006 through October 2008.** Member of a four-office, statewide boutique firm specializing in environmental, land use, coastal construction law and administrative litigation, representing public and private clients throughout Florida.

**St. Johns River Water Management District**, Office of General Counsel, Palatka, FL; Assistant General Counsel II. **September 2003 through March 2006.** Represented the District's Governing Board in matters involving environmental resource and consumptive use permitting including enforcement/compliance, administrative and civil litigation, rulemaking, contract management, legal document review, water supply issues, and general in-house legal support for District staff.

**Florida Department of Environmental Protection**, Tallahassee, FL. Assistant General Counsel, Bureau of Beaches and Coastal Systems. **August 2000 through May 2002.**

Representation of the State of Florida Board of Trustees of the Internal Improvement Trust Fund and the Office of Beaches and Coastal Systems.

**State of Florida, Office of the Attorney General**, Criminal Appeals Division, Daytona Beach, FL; Assistant Attorney General. **Nov. 1998 through August 2000; May 2002 through September 2003.** Extensive appellate litigation before state and federal appellate courts involving complex criminal issues ranging from pre-trial motions and constitutional issues to sentencing and post-conviction matters. Performance of oral argument before the Fifth District Court of Appeal.



**PATRICK W. KRECHOWSKI, Esq.**  
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**EDUCATION:**

**Nova Southeastern University, Shepard Broad Law Center, Ft. Lauderdale, FL.**  
Juris Doctor, **May 1998.**  
Dean's List: Winter 1998. Participant in Environmental and Land Use Law Clinic, Winter 1998.

**Florida State University, Tallahassee, FL.**  
Bachelor of Science, Criminal Justice, **August 1995.**  
School of Criminology, Certificate in Corrections & Certificate in Law Enforcement, August 1995.

**MEMBERSHIPS:**

The Florida Bar, member in good standing since October 1998  
(Environmental & Land Use Law Section; City, County & Local Gov't Law Section; Administrative Law Section)  
Urban Land Institute, North Florida District (District Chair-Elect 2021-2023; Member of the Year, 2018)  
City of Jacksonville Special Committee on Resiliency, Environmental Planning Sub-Committee  
Jacksonville Bar Association  
Attorney Member, Florida League of Cities                      Leadership Jacksonville, Class of 2017  
Board of Directors, Visit Jacksonville                              Northeast Florida Builders Association  
Duval County Food Deserts Public Policy Coalition      Jacksonville Chamber Trustee & Industry Affairs Committee

**PUBLICATIONS:**

**Contributing Author:** Climate Change Impacts on Ocean and Coastal Law – U.S. and International Perspectives, edited by: Randall S. Abate, Oxford University Press, 2015.

**Co-Author:** Florida Bar, Environmental & Land Use Law Section Treatise, Coastal Construction Regulation and Beach Nourishment and Thirty-year Erosion Zone, 2011-present.

**INSTRUCTION/SPEAKING ENGAGEMENTS/MISCELLANEOUS:**

**Adjunct Professor** – Florida Coastal School of Law – “Dredging & Marine Construction,” and “Environmental Compliance,” Logistics and Transportation LLM Program, Fall 2013, Spring 2014 & 2015; “Environmental Law,” Spring 2013 & Fall 2014; “Ocean and Coastal Law,” Fall 2009 & 2010; “Environmental Law Practice and Procedure,” Spring 2009 & 2008, Fall 2011; Environmental Summit Speaker, 2007 & 2017.

“Government Planning, Response & Recovery to Major Storm Events in Florida”, American Shore & Beach Preservation Assoc. (Virtual) 2020.

“Coastal Armoring in Florida – Rules, Trends & Case Studies”, “Coastal Resiliency Policy & Design” (2019); “Lessons Learned From Hurricane Seasons” (2018), Georgia Environmental Conference, Jekyll Island, GA.

“Avoiding Public Hearing Pitfalls” (2020, 2019), “Linking Disaster Mitigation & Recovery with Climate Resiliency” (2018); “Lessons From Hurricane Matthew” (2017); “Coastal Construction” (2007, 2008, 2012, 2013, 2014 and 2016), The Florida Chamber’s Environmental Permitting Summer School, Marco Island/Orlando, Florida.

“New, Different, Unusual & Uncertain – Environmental & Land Use Law Issues Facing All Floridians,” Environmental & Land Use Law Section CLE, January 2016, Orlando, Florida.

Title Insurance Claims Case Update and Case Studies, Reinsurance Committee Meeting. American Land Title Association Annual Convention Meetings (2013 & 2014).

**Co-Chair**, “Florida Coastal Law; The Rising Tide,” presented by CLE International, Miami, Florida, June 2008.

“The Walton County Experience: The ‘Process’ of Permitting Temporary Coastal Armoring,” American Shore and Beach Preservation Association in Galveston, TX, 2007.

Volunteer Coordinator, 26.2 With Donna Marathon (2017-present); Finisher, Austin Marathon, February 2010 and Jacksonville Bank Marathon, December 2007. Eagle Scout, Boy Scouts of America, 1991.

**LEGAL TRAINING/INTERNSHIPS:** National Institute for Trial Advocacy, New England Regional Training Program, **2005.**

**United States Department of Justice**, Environmental & Natural Resources Division, Washington, D.C. **Winter/Spring 1998.**

**The Supreme Court of Florida**, Office of Justice Harry Lee Anstead, Tallahassee, FL. **Summer 1996.**

**PATRICK W. KRECHOWSKI, ESQ.**  
**REFERENCES**

**Judge Mary G. Jolley**  
Seventh Judicial Circuit, Volusia County  
125 E. Orange Avenue, Room 110  
Daytona Beach, FL 32114  
(386) 257-6091

**Andrew Hyatt**  
Town Manager, Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154  
(305) 861-4863

**Douglas Booher**  
Fidelity National Title Group  
601 Riverside Avenue, Bldg 5, FL 7  
Jacksonville, FL 32204  
(904) 854-8723

**Rory Diamond**  
City Council Member, District 13  
Office of the City Council  
117 W. Duval Street, Suite 425  
Jacksonville, FL 32202  
(904) 255-5213

**Scott Wiley**  
(Former City Councilor, City of Neptune Beach)  
723 Davis Street  
Neptune Beach, FL 32266  
(904) 626-4612



**Robert Sturgess, Esq.**  
*Mediator - Arbitrator - Attorney*

January 11, 2021

Commissioner(s):

I am writing to express my interest in being retained (interim or otherwise) for the attorney position being vacated at the Ocean Highway & Port Authority. A generic resume is attached, and this letter summarizes the more relevant and basic portions of my professional background.

After graduating from law school in 1990 as Executive Editor of the Law Review, I was a Senior Staff Attorney at the Florida First District Court of Appeal in Tallahassee. I then moved to Jacksonville, becoming a partner, shareholder or 'Of Counsel' in several Jacksonville law firms. My most germane experience is from six years of work for the Florida Association of Counties Trust, which retained me to represent counties and county commissioners throughout the state.

I moved from Duval to Nassau County in 2010. My current practice consists of appellate and trial litigation support, and mediation. I am certified by the Florida Supreme Court to mediate cases in county, circuit (trial) and district (appellate) courts, and I am a 'court-approved' arbitrator.

Feel free to contact me at the phone number on this letterhead, or through my private email address – [floridabob@usa.com](mailto:floridabob@usa.com). The website listed here also provides more information about my experience and qualifications. I look forward to speaking with you.

Sincerely,

**ROBERT H STURGESS**  
RESUME  
(904) 343-4779, mediation@email.com

**Employment History (post-law school):**

- Senior Staff Attorney, *Florida First District Court of Appeal* (Tallahassee, 1990-1993)
- Partner, *Bateman & Harden* (Jacksonville, 1993-1998)
- Contract Partner, *Foley & Lardner, L.L.P.* (Tallahassee; Jacksonville, 1998-2000)
- Shareholder, *Motes, Shaw, Sturgess & Williams, P.A.* (Jacksonville, 2000-2008)
- Of Counsel, *Marks Gray, P.A.* (Jacksonville; 2008-2011)
- Commissioner, *Ocean Highway & Port Authority* (2016-2020)
- *Mediation First Coast* (Present; Nassau County, Florida; 4th Judicial Circuit)

**Current Activities / Post-Doctorate Studies / Certifications:**

- Supreme Court Certified Mediator in Circuit, County, Appellate Courts
- AV / "Preeminent" peer review rated by Martindale / Hubbell (2015 Top Rated ADR Lawyer)
- 'Master of the Bench', Robert M. Foster Nassau County American Inn of Court
- 10 / "Superb" peer review rating by Avvo
- Florida Academy of Professional Mediators
- Authorized Court-Appointed Arbitrator
- Academy of Professional Mediators
- Institute for Reconciliation and Peacemaking, Certificated
- Justice Teaching trained representative – Nassau County
- Authorized to practice law in all Florida state courts

**Education:**

- J.D., Nova Univ. School of Law, 1990 (Executive Editor, Law Review)
- B.A., Univ. of Georgia, 1973 (Philosophy / Theology)

**Past Affiliations:**

- Chairman, Civil Appellate Practice Committee of the Florida Bar
- Vice Chairman, Board of Editors of the Florida Bar Journal and Florida Bar News
- Board of Directors, Vice President, Christian Legal Society
- Appellate Court Rules Committee of the Florida Bar
- Executive Council, Appellate Practice Section of the Florida Bar
- Recipient, Deborah M. Smart Memorial Award for Outstanding Service to The Florida Bar Journal, 1999-2000

**Activities and Employment Prior to Law School:**

- Swimming scholarship, University of Georgia (1969-73)
- Professional musician (1973-75)
- Peaches Records and Tapes, Vice President (1975-1980) (largest USA vinyl record retailer)
- Coconuts Tapes and Records, Owner and Operator, Florida and Georgia (1980-86)
- Volunteer County Court Mediator (experimental program), Duval County Court, (1985-86)

(publications available upon request)



# New Business



**U.S. Customs and  
Border Protection**

02-08-2021

SENT VIA E-MAIL: [cfranklin@portoffernandina.org](mailto:cfranklin@portoffernandina.org)  
Carrol Franklin  
Commissioner  
Ocean Highway and Port Authority  
86130 License Road, Suite 9  
Fernandina Beach, FL 32034

Dear Commissioner Franklin:

Ocean Highway and Port Authority and U.S. Customs and Border Protection (CBP) have worked harmoniously together for many years, and CBP expects this relationship to continue. Over the years, however, CBP has experienced many ongoing facility related issues at the 403 North Third Street location.

403 North Third Street

As you know, there have been numerous phone calls and meetings between you, your staff, and CBP staff regarding the green generator transfer switch that is pulling away from the building (which contains the switch to the emergency generator), as well as the gray power box that has rusted, and is now sitting on the ground. Additionally, we have discussed the issue of significant wood rot around the windows, on the exterior sides of the building and of the handrails. We have also had ongoing discussions about the landscaping, painting, the holes left in the building structure by previous hurricane prevention measures around all of the windows, and the fact that the porch decking needs to be tightened down. These issues affect the safety of our officers and the security of our operations inside the building. While all of these issues concern me greatly, I am particularly alarmed about the electrical boxes and the possibility of a fire, personal injury to CBP personnel and the possible loss of power supply to our operation. Unfortunately these issues have not been addressed. The attached photographs demonstrate how the current facility is rapidly deteriorating.

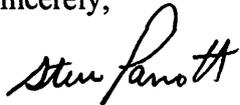
The attached lease agreement between Ocean Highway and Port Authority and CBP was executed in April 2020. The Lease Agreement (HSBP-7120-L-IN0484) states in Section 2.12 that the Lessor shall maintain the property "in good repair and tenantable condition." The same section states the premises should be in a safe and healthful condition according to OSHA standards. Section 4.07 also discusses your obligation for the "total maintenance and repair" of the premises, and Section 4.08 refers to your obligation to paint the building and keep it in "like new" condition for the life of the lease. CBP requests that Ocean Highway and Port Authority address these issues immediately. CBP may cease services if the repairs are not made within the next thirty (30) days.

## New Building and Location

Furthermore, as you know, the attached lease is in place through 2023. The Ocean Highway and Port Authority has agreed to construct a new CBP a facility that meets current CBP standards. Your staff and CBP staff met on November 19, 2020. During the meeting, you stated that the new CBP space is a priority and that it is part of your capital planning. Additionally, you mentioned that the Florida Department of Transportation (FDOT) had been advised of your funding needs relating to the new CBP building. CBP was to have an update on the new building including information on whether there is land open and available adjacent to the current CBP location, in early 2021. I have not heard back from you on these issues. I look forward to an update as soon as possible so that CBP can begin construction planning with the port authority.

We appreciate our partnership and we look forward to working with you and your staff regarding these requests. If you have any questions, please contact me at (904) 497-2432.

Sincerely,



Steve Parrott  
Port Director, Fernandina  
U.S. Customs and Border Protection  
Area Port of Jacksonville  
Miami/Tampa Field Office, Area Port of Jacksonville



# GOAL 9

## PORT FACILITIES ELEMENT





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# PORT FACILITIES ELEMENT

The primary purpose of this Master Plan is to clearly define the Port's direction for the future. The Ocean Highway and Port Authority believe this plan will enable the Port to best serve the needs of the surrounding region. The Port can achieve its objectives only if local government, business, industry, and the general citizenry understand the important role of the Port and support the policies and plans outlined in this Master Plan. This Master Plan provides the Ocean Highway and Port Authority a guide for short-range and long-range planning and development opportunities.

## PORT FACILITIES ELEMENT HIGHLIGHTS

1. Provides long and short-range planning and development strategies;
2. Opportunities for economic development; and
3. Strategies to retain the surrounding area's unique character.



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Objective 9.01.  
**Economic Development**

Page 9-1

# GOAL 9: PORT ELEMENT

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Objective 9.02.  
**Operation and Expansion Planning**

Page 9-1

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Objective 9.03.  
**Maintain Community Character**

Page 9-2

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## **GOAL 9 | PORT FACILITIES ELEMENT**

THE GOAL OF THE PORT OF FERNANDINA SHALL BE TO STIMULATE ECONOMIC DEVELOPMENT WITHIN THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY AND COOPERATE WITH THE CITY AND COUNTY IN ITS PLANNING FOR OPERATIONS AND EXPANSIONS WHILE STRIVING TO MAINTAIN THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH.

### **OBJECTIVE 9.01.**

#### **ECONOMIC DEVELOPMENT**

The Ocean Highway and Port Authority shall continue to plan for and Maintain facilities to meet the long-term useful life of the Port facility.

##### **POLICY 9.01.01.**

The Ocean Highway and Port Authority shall utilize all available sources of funding to finance Port improvements. The Authority to the best of its ability will implement the Capital Improvements Program cited in section II of this document.

##### **POLICY 9.01.02.**

The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the Port facility Access shipping channel and turning basin as Port development continues.

##### **POLICY 9.01.03.**

The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.

### **OBJECTIVE 9.02.**

#### **OPERATION AND EXPANSION PLANNING**

The Port Authority shall coordinate with County and City Commissions to ensure that Port development meets appropriate City and/or County standards or requirements.

##### **POLICY 9.02.01.**

The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.

##### **POLICY 9.02.02.**

Prior to any future expansion to the Port of Fernandina, all plans or proposals for expansion shall be reviewed by the City of Fernandina Beach or the County, as appropriate, for consistency in meeting all applicable land development regulations, building permits or other permit requirements. Future Port Development projects shall be consistent with the Port Master Plan and Port Master Plan Map. No port development or project inconsistent with the Port Master Plan shall be undertaken without prior review, input and adoption as a Comprehensive Plan Amendment by the City of Fernandina Beach.

##### **POLICY 9.02.03.**

Any impact to urban services or facilities (i.e., drainage, potable water, wastewater, traffic or solid waste) brought upon by the identified and approved Port Master Plan projects, which results in the degradation of an adjusted level of service standard for such service or facility, shall be mitigated to the satisfaction of

the City and/or the County, as appropriate, prior to the issuance of a building permit for the expansion.

**POLICY 9.02.04.**

The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured.

**OBJECTIVE 9.03.**

**MAINTAIN COMMUNITY CHARACTER**

The Port Authority in operating the Port facility shall take all precautions to protect the environmental and historic assets of the City of Fernandina Beach.

**POLICY 9.03.01.**

The Port Authority, in cooperation with the U.S. Coast Guard and the U.S. Department of Transportation, shall prohibit the handling of unauthorized toxic materials and will be prepared to contain toxic spills that could occur at the Port facility site.

**POLICY 9.03.02.**

The Port Authority shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility. Where Port property is adjacent to the Historic District, a 30 foot landscaped buffer will be maintained.

**POLICY 9.03.03.**

The Port Authority will comply with the Land Development Code of the City of Fernandina Beach to ensure that adequate buffers and screening materials are constructed and maintained between the industrial zoning of the Port and the adjacent single family residential zoned areas.

**POLICY 9.03.04.**

Stormwater runoff at the Port facility shall comply with stormwater management requirements established by the St. Johns River Water Management District as well as federal state and local agencies.

**POLICY 9.03.05.**

The Port Authority shall continue to coordinate with the Department of Environmental Protection, Division of Marine Resources, the New England Aquarium, the Cumberland Sound Pilots Association and other interested organizations to support protection of manatee and right whale communities that are on the fringe of Port operations.

**POLICY 9.03.06.**

The Port Authority will continue to comply with the requirements of the permits from the Department of Environmental Protection in regard to maintaining and preserving the permanent conservation areas and the ten-foot-wide marshland mitigation area.

**POLICY 9.03.07.**

The Port Authority shall use best management practices during construction, operation and maintenance at the Port facility to ensure that water quality within the area of the Port facility will receive no degradation as a result of Port activity.



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# GOAL 5P: PORT ELEMENT

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Objective 5P.01.	
<b>Port Development</b>	Page 5P-1
<hr/>	
Objective 5P.02.	
<b>Economic Diversification</b>	Page 5P-2
<hr/>	
Objective 5P.03.	
<b>St. Mary's River Entrance Channel and Amelia River Access</b>	Page 5P-2
<hr/>	
Objective 5P.04.	
<b>Intracoastal Connections</b>	Page 5P-3
<hr/>	
Objective 5P.05	
<b>Highway Access and Connectivity</b>	Page 5P-3
<hr/>	
Objective 5P.06	
<b>Rail Service and Connectivity</b>	Page 5P-3
<hr/>	
Objective 5P.07	
<b>Airport Service and Connectivity</b>	Page 5P-4
<hr/>	
Objective 5P.08	
<b>Natural Resource Preservation and Protection</b>	Page 5P-4
<hr/>	
Objective 5P.09	
<b>Protection from Natural Hazards</b>	Page 5P-5
<hr/>	
Objective 5P.10	
<b>Protection from Man-made Distasters</b>	Page 5P-5
<hr/>	
Objective 5P.11	
<b>Budgetary Process</b>	Page 5P-6
<hr/>	
Objective 5P.12	
<b>Funding Opportunities</b>	Page 5P-6
<hr/>	
Objective 5P.13	
<b>Compatibility with City's Comprehensive Plan</b>	Page 5P-7
<hr/>	
Objective 5P.14	
<b>Plan Implementation Coordination</b>	Page 5P-7
<hr/>	
Objective 5P.15	
<b>Governmental and Agency Coordination</b>	Page 5P-8
<hr/>	
Objective 5P.16	
<b>Collaboration with Local and Regional Maritime, Commercial and Industrial Interests</b>	Page 5P-8

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## **GOAL 5P | PORT FACILITIES ELEMENT**

THE PORT OF FERNANDINA SHALL MAINTAIN, PLAN AND DEVELOP THE PORT LOCATED IN FERNANDINA BEACH, IN ACCORDANCE WITH MARKET FORECASTS AND THE COMMUNITY'S COMMERCIAL AND INDUSTRIAL RESOURCES, TO CREATE JOBS AND STIMULATE LOCAL AND REGIONAL ECONOMIC DEVELOPMENT WHILE MAINTAINING AND ENHANCING THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH, PROVIDING FOR THE HEALTH, SAFETY AND ECONOMIC WELFARE OF THE COMMUNITY, PROTECTING THE LOCAL MARINE ENVIRONMENT, AND NOT EXPANDING INTO THE SURROUNDING HISTORIC RESIDENTIAL NEIGHBORHOOD.

### **OBJECTIVE 5P.01.**

#### **PORT DEVELOPMENT**

Within the City of Fernandina Beach, the Port of Fernandina shall pursue phased planning and development, consistent with the goals of the City of Fernandina Beach Comprehensive Plan and the mandates of Florida Statutes.

#### **POLICY 5P.01.01.**

The Port of Fernandina shall prepare a Port Master Plan Map – a land use and inventory map of existing coastal uses including all existing infrastructure including fuel storage tanks, storm water management, zoning, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public evacuation routes, historic preservation areas and conservation areas. The Port Master Plan Map will be posted on the City website and updated at least annually.

#### **POLICY 5P.01.02.**

Within the City of Fernandina Beach, the Port of Fernandina shall not expand port operations beyond industrially waterfront zoned or industrially zoned land (as depicted on the 2011 Comprehensive Plan Map). The Port of Fernandina will not expand any ancillary operations including parking lots into the historic district or any other residentially or mixed use zoned land (as depicted in the 2011 Comprehensive Plan Map and in the Land Development Code) with the exception of 501 North 3<sup>rd</sup> Street and the adjacent parking lot west of the property.

#### **POLICY 5P.01.03.**

Prior to any new proposed development or redevelopment, within the City of Fernandina Beach, the Port of Fernandina will conduct an analysis of the environmental, socioeconomic, and fiscal impact on the City of Fernandina Beach.

The analysis will delineate the required infrastructure to support this development or redevelopment and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; unique wildlife habitat; historical and archaeological sites; other fragile coastal resources and the adjacent historic district.

The analysis will be presented to the City of Fernandina Beach for their review and comment. Those comments will be submitted to the Port Council or other state or federal agencies with any new funding requests.

**POLICY 5P.01.4.**

The Port of Fernandina shall continually maintain and upgrade its in-water and upland facilities to derive the best use from its infrastructure.

**POLICY 5P.01.5.**

The Port of Fernandina shall coordinate with the U.S. Army Corps of Engineers and the City of Fernandina Beach, regional, state and federal regulatory agencies for maintenance dredging of the Amelia Island River, as needed to accommodate waterborne commerce operations.

**POLICY 5P.01.6.**

Prior to any future development or redevelopment to the Port of Fernandina, within the City of Fernandina Beach, all plans or proposals for development or redevelopment shall be reviewed by the City of Fernandina Beach for meeting all applicable Comprehensive Plan policies, land development regulations, City Ordinance requirements and provide that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

**OBJECTIVE 5P.02.**

**ECONOMIC DIVERSIFICATION**

The Port of Fernandina shall explore opportunities to develop synergies between its waterborne commerce operations and other economic resources in the area.

**POLICY 5P.02.01.**

The Port of Fernandina shall seek potential users to achieve maximum site utilization.

**POLICY 5P.02.02.**

The Port of Fernandina shall explore complementary upland developmental opportunities.

**POLICY 5P.02.03.**

The Port of Fernandina shall continue its participation in Foreign Trade Zone 64 with JAXPORT and shall explore other possible partnering opportunities.

**OBJECTIVE 5P.03.**

**ST. MARY'S RIVER ENTRANCE CHANNEL AND AMELIA RIVER ACCESS**

The Port of Fernandina may pursue maintenance dredging activities from the St. Mary's River Entrance Channel to the Amelia River leading to the Port to provide the water depths needed to serve ships and barges that call at the Port. Maintenance dredging activities and the management of spoil material shall be pursued in a manner consistent with the State Comprehensive Plan's goals and policies addressing stewardship of water resources, coastal and marine resources, and natural systems.

**POLICY 5P.03.01.**

The Port of Fernandina may undertake maintenance dredging, as required to ensure safe navigational conditions for the ships and barges calling at its facilities.

**POLICY 5P.03.02.**

The Port of Fernandina may undertake maintenance dredging, as required to ensure safe navigational conditions for the ships and barges calling at its facilities.

**POLICY 5P.03.03.**

Prior to any maintenance dredging the Port of Fernandina in agreement with the Corps of Engineers and other federal, state, or local agencies shall identify an environmentally acceptable spoil site for the disposal of the dredged material the maintenance channel dredging projects generate.

**OBJECTIVE 5P.04.****INTRACOASTAL CONNECTIONS**

To take better advantage of its proximity to the Intracoastal Waterway, the Port of Fernandina may support initiatives to improve Intracoastal connections.

**POLICY 5P.04.01.**

The Port of Fernandina may cooperate with entities seeking to improve conditions along the Intracoastal Waterway.

**POLICY 5P.04.02.**

The Port of Fernandina, within the City of Fernandina Beach, will not accept, transfer, load or store coal, coal ash, or Liquefied Natural Gas (LNG).

**OBJECTIVE 5P.05.****HIGHWAY ACCESS AND CONNECTIVITY**

The Port of Fernandina may collaborate with local state agencies to develop the intermodal connections needed for the efficient movement of goods to and from its facilities.

**POLICY 5P.05.01.**

The Port of Fernandina shall be required to mitigate traffic impact to the surrounding residential neighborhood, by designing the facilities, and/or scheduling arriving truck traffic to eliminate the queuing of trucks outside the gates.

**POLICY 5.05.02.**

The Port of Fernandina shall work with the City, the TPO, the Florida Department of Transportation, the local community and other entities to gain funding for any needed improvements to roads over which Port truck traffic must travel.

**POLICY 5.05.03.**

The Port of Fernandina shall implement a plan to prevent truck access or egress from the Port of North Front, North Second, and North Third Streets.

**OBJECTIVE 5P.06.****RAIL SERVICE AND CONNECTIVITY**

The Port of Fernandina shall collaborate with Genesee & Wyoming and CSX to obtain the best possible service and interchanges.

**POLICY 5P.06.01.**

The Port of Fernandina may continue its use of the on-site rail line and shall seek opportunities for more efficient use of the rail line.

**POLICY 5.05.02.**

The Port of Fernandina shall collaborate with railways, FDOT, and the City to improve the warning devices at the Dade and Front Street highway-rail grade crossing to increase safety, with the goal of reducing fatalities and injuries.

**OBJECTIVE 5P.07.**

**AIRPORT SERVICE AND CONNECTIVITY**

The Port of Fernandina may collaborate with City airports to develop the intermodal connections needed for the efficient movement of goods to and from its facilities.

**POLICY 5P.07.01.**

The Port of Fernandina may work to explore service opportunities for the efficient movement of goods through the Port.

**OBJECTIVE 5P.08.**

**NATURAL RESOURCE PRESERVATION AND PROTECTION**

The Port of Fernandina shall conserve and protect natural resources including forests, wetlands, fish, marine life, and wildlife, and shall cooperate with federal, state, regional, and local agencies in developing sound environmental impacts of Port development and operations.

**POLICY 5P.08.01.**

The Port of Fernandina shall limit specific and cumulative impacts on water quality to maintain the integrity of the Amelia River and maintain the applicable water quality standards. In doing so, the Port shall design the drainage system on its property to meet National Pollution Discharge Elimination System (NPDES), Florida Department of Environmental Protection, and St. Johns River Water Management District water quality standards and shall coordinate its efforts with federal, state, regional, county and city governmental agencies.

**POLICY 5.08.02.**

The Port of Fernandina shall not place or build structures including pier or pier extensions in wetlands, wetland transition areas, or conservation area and not conduct activities which degrade any identified wetlands and wildlife habitat.

**POLICY 5P.08.03.**

The Port of Fernandina shall continue to coordinate with state and federal agencies, the Cumberland Sound Pilots Association, and other interested organizations to protect manatee and right whale communities.

**POLICY 5.08.04.**

The Port of Fernandina shall use best management practices during construction, operation and maintenance at the Port facility. All new development or redevelopment at the Port of Fernandina, within the City, shall meet or exceed applicable Federal, State, and local regulations.

**POLICY 5.08.05.**

A plan, including a proposed funding source, to remediate the surface drains which currently empty directly into the Intracoastal Waterway and wetlands will be developed by July 2017.

**POLICY 5.08.06.**

The Port of Fernandina shall coordinate and implement strategies with industry and the City to meet the air quality standards established by the EPA and DEP

**POLICY 5.08.07.**

The Port of Fernandina will devise a feasibility plan by July 2017 concerning the benefits and costs of installing and requiring ship to shore power at the Port of Fernandina.

**OBJECTIVE 5P.09.****PROTECTION FROM NATURAL HAZARDS**

The Port of Fernandina shall implement or exceed the measures required by the City of Fernandina, Nassau County and other agencies to protect human life and property from natural hazards.

**POLICY 5P.09.01.**

All new development or redevelopment at the Port of Fernandina, within the City, shall meet the standard of construction for V Flood Zones or a higher standard and be maintained as required by local ordinance and shall not have any adverse effect by increasing the elevation or velocity of flood waters or in increasing flows due to change in drainage or flow characteristic (e.g. change in direction) on the subject site, adjacent properties, or any public or private right-of-way.

**POLICY 5.09.02.**

The Port of Fernandina shall design and construct all development or redevelopment at the Port in accordance with the Unified Florida Building Code and Fernandina Beach City Ordinances including obtaining all required City permits and floodplain elevation certificates.

**POLICY 5.09.03.**

The Port of Fernandina shall prepare a hurricane contingency plan and keep its plan up to date, ensuring that it is consistent with city and county emergency plans. This plan will be filed with the City on or before June 1<sup>st</sup> of each year.

**POLICY 5.09.04.**

The Port of Fernandina shall implement post-disaster redevelopment procedures to reduce or eliminate exposure to human life and property to natural hazards. These procedures shall include the structural modification or removal of facilities that have experiences repeated storm damage.

**OBJECTIVE 5P.10.****PROTECTION FROM MAN-MADE DISASTERS**

The Port of Fernandina shall reduce exposure to harm human life and property from manmade disasters by implementing sound safety and security programs.

**POLICY 5P.10.01.**

To provide a safe operating environment, the Port of Fernandina shall implement required Federal, state and local safety and health measures and ensure that operations are conducted in accordance with those measures.

**POLICY 5.10.02.**

The Port of Fernandina shall prepare and implement the security plan mandated and approved under state and federal guidelines. Funding Port Security is a priority and shall preempt funding of any new development or redevelopment in the City of Fernandina Beach.

**POLICY 5.10.03.**

The Port of Fernandina in cooperation with all federal authorities shall prohibit the handling of unauthorized hazardous materials and shall be prepared to contain hazardous material spills that could occur at the Port facility site.

**POLICY 5.10.04.**

At the Port of Fernandina all emergency contingency materials and equipment necessary to mitigate petroleum spills in the water shall be stored onsite by July 1, 2017. This shall be verified by the Fernandina Beach Fire Chief or his designee on or before July 1<sup>st</sup> of each year.

**POLICY 5.10.05.**

A waterfront facility, which is a facility of particular hazard as defined in 33CFR 126.3, shall not be allowed in Waterfront Industrial or IW zoned areas.

**POLICY 5.10.06.**

The Port of Fernandina shall prepare an evacuation contingency and warning plan to evacuate the adjacent area in the event of a toxic spill, toxic gas release, Port fire, or other manmade disaster and keep its plan up to date, ensuring that is consistent with city and county emergency plans. This plan shall be filed annually with the City no later than June 1<sup>st</sup>.

**OBJECTIVE 5P.11.**

**BUDGETARY PROCESS**

The Port of Fernandina shall implement a budgetary process that balances Port revenues, operating expenses, and capital expenditures needed to satisfy the anticipated market demand and capture new market share.

**POLICY 5P.11.01.**

The Port of Fernandina shall monitor tariffs and fees charged by neighboring ports, both north and south, and shall implement a competitive fee structure.

**POLICY 5.11.02.**

The Port of Fernandina shall update its capital improvement plan annually to reflect budgetary and market changes, prioritizing implementation to obtain the best return on facility investments. The capital improvement plan shall be filed with the City annually on or before June 1<sup>st</sup>.

**OBJECTIVE 5P.12.****FUNDING OPPORTUNITIES**

The Port of Fernandina shall pursue diverse funding opportunities to accelerate the rate at which it can implement its capital improvement plan.

**POLICY 5P.12.01.**

The Port of Fernandina shall prepare a briefing for area legislators, the City, and the public in the fall of each year to review the Port's financial status, proposed capital improvement budget and to acquaint them with the Port's economic impact on the region and the importance of its needs being addressed in the state's budget process.

**POLICY 5.12.02.**

The Port of Fernandina shall actively seek grant funds from state and federal sources and shall supplement funding needs not met by grants with loans from commercial lending institutions and/or governmental entities.

**POLICY 5.12.03.**

The Port of Fernandina shall explore opportunities for public/private partnerships in the development and redevelopment of the Port.

**OBJECTIVE 5P.13.****COMPATIBILITY WITH THE CITY'S COMPREHENSIVE PLAN**

The Port of Fernandina shall work with the City of Fernandina to insure that port maintenance and development or redevelopment activities are compatible with and support the programs and policies contained in the City's Comprehensive Plan.

**POLICY 5P.13.01.**

The Port of Fernandina shall coordinate its planning and development efforts with the City of Fernandina Beach to insure that the Port's planned projects and land uses comply with the City's Comprehensive Plan, including the Conservation and Coastal Management Element and Land Development Code and are compatible with adjacent land uses.

**POLICY 5.13.02.**

The Port of Fernandina shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility. Where Port property is adjacent to the Historic District, a 30-foot landscaped buffer shall be maintained.

**POLICY 5.13.03.**

The Port of Fernandina shall coordinate with the City to ensure the provision of adequate infrastructure and utilities for Port operations.

**OBJECTIVE 5P.14.**

**PLAN IMPLEMENTATION COORDINATION**

The Port of Fernandina shall be proactive in coordinating its development efforts with local, state and federal permitting agencies and other private entities to ensure that its development and operations are carried out in accordance with the public interest and regulatory requirements.

**POLICY 5P.14.01.**

The Port of Fernandina shall obtain community input prior to implementing any Port development program.

**POLICY 5.14.02.**

The Port of Fernandina shall comply with the provisions of the permits governing its in-water and upland development program.

**OBJECTIVE 5P.15.**

**GOVERNMENTAL AND AGENCY COORDINATION**

The Port of Fernandina shall coordinate its development and redevelopment program with applicable agencies to promote sound planning and economic opportunities.

**POLICY 5P.15.01.**

The Port of Fernandina shall support the economic development initiatives of the City of Fernandina Beach, by pursuing activities that expand economic opportunities.

**POLICY 5.15.02.**

The Port of Fernandina shall review the economic development initiatives of Nassau County and support when consistent with the City of Fernandina Beach Comprehensive Plan.

**POLICY 5P.15.03.**

In addition to city and county governments, the Port of Fernandina shall cooperate with the Northeast Florida Regional Council; the St. Johns River Water Management District; the Florida Departments of Transportation, Environmental Protection, and Economic Opportunity; the U.S. Army Corps of Engineers, and other applicable agencies in implementing the goals, objective and policies as delineated in the Comprehensive Plan.

**POLICY 5.15.04.**

The Port of Fernandina shall develop a strategic plan with a 10-year horizon which shall at a minimum include the elements listed in FS 311.14 – Seaport Planning and which adequately addresses the applicable requirements of FS 163.3178. To the extent feasible, the port master plan must be consistent with the City Comprehensive Plan.

The Port of Fernandina shall submit the Master Plan to the City for consistency review with City of Fernandina Beach Comprehensive Plan. Any inconsistencies that cannot be resolved with the Port of Fernandina shall be noted in the Port Master Plan and shall not be adopted in the Comprehensive Plan by reference.

**OBJECTIVE 5P.16.**

**COLLABORATION WITH LOCAL AND REGIONAL MARITIME, COMMERCIAL, AND INDUSTRIAL INTERESTS**

To help achieve its primary goal of economic development, the Port of Fernandina may cooperate with other Northeast Florida interests as they seek to expand the region's commercial and industrial base.

**POLICY 5P.16.01.**

The Port of Fernandina may participate in the efforts of local and regional groups pursuing area wide economic development.

**POLICY 5.16.02.**

The Port of Fernandina may cooperate with JAXPORT to pursue areas of common interest, such as cargo handling synergies, regional promotional campaigns and special funding opportunities.



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**From:** chip ross

**Sent:** Wednesday, March 3, 2021 11:46 AM

**To:** Joanna Cason

**Cc:** dfullwood@portoffernandina.org; Miriam@MiriamRHill.com; cfranklin@portoffernandina.org; mcole@portoffernandina.org; shanna@portoffernandina.org; Chris Ragucci (chris.ragucci@worldwideterminals.com); chip14758@hotmail.com

**Subject:** Request for Records - Second Notice

By e-mail and certified letter to: [ohpanc@gmail.com](mailto:ohpanc@gmail.com)  
Custodian of Public Records  
Ocean, Highway, Port Authority of Nassau County, FL  
[86130 License Road, Suite 9](#)  
[Fernandina Beach, Florida 32034](#)

By certified letter to: Worldwide Terminals Fernandina LLC  
501 North 3<sup>rd</sup> Street  
Fernandina Beach, Florida 32034

By certified letter to: Nassau Terminals LLC  
501 North 3<sup>rd</sup> Street  
Fernandina Beach, Florida 32034

CC by e-mail

Danny Fullwood, Chair – [dfullwood.portoffernandina.org](mailto:dfullwood.portoffernandina.org)  
Miriam Hill, Commissioner – [Miram@MiriamRHill.com](mailto:Miram@MiriamRHill.com)  
Carroll Franklin, Commissioner – [cfranklin@portoffernandina.org](mailto:cfranklin@portoffernandina.org)  
Mike Cole, Commissioner - [mcole@portoffernandina.org](mailto:mcole@portoffernandina.org)  
Scott Hann, Commissioner – [shanna@portoffernandina.org](mailto:shanna@portoffernandina.org)  
Chris Ragucci – CEO Worldwide Terminals Fernandina LLC  
– [chris.ragucci@worldwideterminals.com](mailto:chris.ragucci@worldwideterminals.com)

3 March 2021

Dear Sir or Madame:

Please consider this letter as a follow up to the original request for documents filed on 19 December 2020 to inspect public records, and, at the discretion of the requestor, to copy public records pursuant to Chapter 119,

Florida Statutes, for documents in the possession, custody or control of OPHA as defined herein.

Thank you for the e-mail received from the OPHA attorney, which stated in pertinent part:

**From:** [Jeb Branham](#)

**Sent:** Monday, January 4, 2021 5:00 PM

**Subject:** RE: Request for OPHA records

Commissioner Ross,

OHPA's response to Requests nos. 1, 3, and 5-7 was complete when made on December 23, 2020. OHPA does not have any requested documents. Worldwide Terminals Fernandina, LLC and Nassau Terminals, LLC will have to make any further responses, as noted in OHPA's original response. Further responses to requests nos. 2 and 4 are below.

Request no. 2: This request has been narrowed to a "request to inspect the Operator's accounting gross income statement." OHPA does not have the requested document. By copy of this email, I am providing WTF and Nassau Terminals with your narrowed request and requesting that they respond to it pursuant to the applicable public records laws.

Request no. 4: This request has been narrowed to a "request to inspect accounts of payments to the Port Authority by the Operator." Ms. Amergian will collect the requested documents. If it appears extensive use of labor will be required to respond to the request, we will provide you with an estimate of costs.

Request no. 4 has been completed. No further communications have been received concerning the remainder of the requests.

In construing this public records request, please refer to the following definitions and instructions for guidance:

## DEFINITIONS AND INSTRUCTIONS

- A. "OPHA" means the Ocean, Highway and Port Authority of Nassau County Florida, and each of its employees, agents, representatives and contractors, including but not limited to Nassau Terminals, LLC, Worldwide Terminals Fernandina, LLC and their successors and assigns.
- B. "Public Records" means all documents, papers, letters, e-mail, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the business or activities of OHPA. This includes communications on private e-mail or other transmission accounts which relate to the business of OHPA.
- C. "Relating to" means containing, supporting, showing, pertaining or referring to, either directly or indirectly.
- D. "Operating Agreement" means the operating agreement between Nassau Terminals LLC and OHPA, and their successors and assigns dated the 19<sup>th</sup> day of October, 2018.

Pursuant to section 119.07(2), Florida Statutes, if OPHA contends that any public record requested herein is exempt from public disclosure, please redact only those portions of the record claimed to be exempt and produce the remainder of such record.

If OPHA contends that any record requested exists, but is exempt or excused from public record production by law, please provide a log with such records identified with specificity and state the legal basis for the contention that each should not be produced, including the statutory citation to an exemption created or afforded by statute.

To the extent that any public record is in the custody of an OHPA contractor or agent, this request is hereby made directly to OHPA. If OHPA does not possess the requested records, OHPA shall immediately notify the contractor or agent of the request, and the contractor or agent must provide the records to OHPA or allow the records to be inspected or copied within a reasonable time.

If a contractor or agent does not comply with OHPA's request for records, OHPA shall enforce the provisions in Operating Contract Section 8.

A contractor or agent who fails to provide the public records to the requester or OHPA within a reasonable time may be subject to penalties under s. 119.10.

In the event any of the public records requested herein have been destroyed, please provide a copy of the documents authorizing the destruction of such records.

In the absence of a specific statute to the contrary, public records must be open for public inspection without charge. While section 119.07(1)(a), Florida Statutes, authorizes the custodian of public records to charge a fee for furnishing copies of records based on the actual cost of duplication, there is no statute that generally authorizes the imposition of a fee for the mere inspection of public records.

If OHPA has a policy to impose a reasonable special service charge based on the actual cost incurred in instances where the nature or volume of public records requested to be inspected or examined is such to require extensive clerical or supervisory assistance please forward that policy immediately. If OHPA intends to impose a special fee, please forward an estimate of the fee to be charged and the basis for that estimate, prior to beginning the extensive clerical or supervisory assistance which would be the basis of that fee.

#### REQUESTED PUBLIC RECORDS

The requested public records are:

1. The last two annual reports and projected expenses due July 1, 2019 and 2020 required by Section 2.3 of the Operating Agreement.
2. Documents relating to all amounts due to Operator under the Operating Agreement plus all other revenues, fees or charges collected by Operator resulting from the rendering of services by Operator pursuant to the Operating Agreement. This request has been narrowed to a "request to inspect the Operator's accounting gross income statement."
3. Documents relating to the maintenance of insurance coverage required by Ch. 4 of the Operating Agreement, including but not limited to Workers Compensation, Comprehensive General Liability Insurance, Property Insurance
- ~~4. All documents relating to the obligations of Operator to OHPA for compensation required by Ch. 6 of the Operating Agreement,~~

- ~~including but not limited to quarterly and annual payment for the annual operating budget of OHPA, the Annual DRI payment of OHPA to the City of Fernandina Beach in 2019 and 2020, Facility Use Fees, Capital Improvements and Maintenance Reserve Fund. Completed~~
5. All documents relating to the Capital Improvement Program referred to in Section 6.9 of the Operating Agreement.
  6. All documents relating to new or additional revenue streams referred to in Section 6.10 of the Operating Agreement.
  7. Documents relating to all notice to the Port Authority required by Section 7.4 of the Operating Agreement, including but not limited to: Process to invoke a proceeding for civil, administrative or criminal proceedings, breach of security, arrival of any Certain Dangerous Cargo, Inspections by state of federal government, and local public safety/fire inspections.

#### AREAS OF PUBLIC RECORD SEARCH

The OPHA's search for the requested public records should include all OPHA employees, board members, agents, contractors and subdivisions, regardless of how denominated, including, but not limited to:

1. The Port Director
2. Nassau Terminals, LLC. and its successors and assigns, as it relates to the business and operations of the Port of Fernandina
3. Any other contractor with OPHA regarding the business and operations of the Port of Fernandina. See, B & S UTILITIES, INC. v. BASKERVILLE-DONOVAN, INC., 988 So.2d 17 (Fla 1<sup>st</sup> DCA 2008).

#### NOTICE OF AVAILABILITY

Please notify the undersigned by e-mail at the address listed below as soon as the documents requested are assigned to a representative for fulfillment. Additionally, please notify the undersigned by e-mail as soon as the records are available for inspection, and, if requested, for copying.

Chip Ross  
210 N. 3<sup>rd</sup> Street  
Fernandina Beach, Florida 32034  
[chip14758@hotmail.com](mailto:chip14758@hotmail.com)  
410-394-0220



# Administrative Office Manager Report

## **ADMINISTRATIVE OFFICE MANAGER'S REPORT**

**February 2021**

### **Hours Worked December – 40.0**

- Attended and completed meeting minutes for the February 10 2021 meeting
- Posted Administrative Office Manager position in local newspaper
- Posted Port Attorney position in local newspaper
- Prepared for March 2, 2021 Special Meeting
- Followed up with Administrative Office Manager candidates' questions
- Invoices paid and entered into QuickBooks
- Payroll entered into QuickBooks
- Responded to all emails and corresponding documents/letters
- Website Updates
- Electronic file organizing

### **Public Records Request Received in February - 0**