

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

Revised Monthly Meeting

March 10, 2021

The Ocean Highway and Port Authority of Nassau County held its monthly meeting on Wednesday, March 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 and the Pledge of Allegiance was led by Commissioner Mike Cole. 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 Mr. Jimmy Dubberly of 95239 Amelia National Parkway, Fernandina Beach, FL for public comment. Mr. Dubberly reiterated his interest in the Port Director position at \$1.00 a month for six months.

Commissioner Franklin made the motion to approve the February 10, 2021 monthly meeting minutes. Commissioner Hill asked for an amendment to include Interim Port Attorney Sturgess' comment. The amendment will be made to the minutes. Motion to accept the minutes as amended was passed unanimously.

Chairman Fullwood recognized Port Accountant Pierre LaPorte for his monthly report to the Board. The February financial report. There was nothing unusual to report other than the TranSystems settlement that was wired into the OHPA operating account and was wired out to settle the dispute. Commissioner Hill asked Mr. LaPorte when the budget would run into a deficit situation. He anticipated it in the next four years, but will change depending on what the next year's budget cycle presents.

Chairman Fullwood recognized Interim Port Attorney Robert Sturgess for his monthly report. Mr. Sturgess asked for instructions on handling the litigation strategy for the City of Fernandina's proposal for settlement. A closed meeting is an option to discuss the conditions and options that could be presented to the City for the settlement, with the transcript being public record after the meeting is concluded. Mr. Sturgess recommends a settlement amount with attorney fees included. If the OHPA offer is rejected by the City of Fernandina, and an appeal by

the City is lost, the City would be responsible for attorney fees. The City has 30 days to reject or accept the offer once the offer has been served. Past attorney fees (for mediation) would not be part of the attorney fees that are recoverable. There will be a minimum of 60 days before the Board needs to make a decision about settlement options.

Chairman Fullwood asked Mr. Ragucci for his tonnage report. Mr. Ragucci asked that the president from the service provider ZPMC, Rick Pope, to give the Board an overview of the two gantry cranes that the Port is acquiring from Wilmington, North Carolina. The two used cranes will replace the Hitachi gantry crane at the Port, which will be deconstructed and removed by ZPMC and will keep the steel to reduce the cost of retrofitting the two cranes. Funding will come from the GL060 grant which will be reallocated. Commissioner Hill asked about design/modification failure the size and gauge of the modification and whether it is a safety issue. Moreover, she inquired whether there have been any accidents. Mr. Pope answered no. Mr. Pope addressed the question and He stated that engineers have reviewed the modifications and the engineers are comfortable with the adaptations to the cranes. Chairman Fullwood requested a copy of the engineering report.

Chairman Fullwood asked Mr. Ragucci to present his Port Director report to the Board along with the tonnage report. Mr. Ragucci handed out the final draft of the contract to ZPMC for the Board to review. Mr. Ragucci asked Mr. Sturgess to review and make edits from OHPA's point of view. A special meeting will need to be scheduled in order to approve the contract. Mr. Sturgess asked about the indemnification agreement for OHPA. Mr. Ragucci stated that the verbiage should be added for approval. Commissioner Hill asked about the attorney who prepared the contract. Mr. Ragucci stated that the contract was put together between ZPMC and Worldwide Terminals; a clear title will be produced. Commissioner Hill is concerned about receiving the clear title; Mr. Ragucci stated he would follow up on this.

The tonnage report showed an upward trend for the month of February, 2021. Chairman Fullwood asked Mr. Ragucci about the feasibility study requested by the Army Corp of Engineers. Mr. Ragucci stated it had been submitted. Chairman Fullwood inquired about the RFP for the Port Master Plan. Mr. Ragucci stated he was working it, and a working draft would be ready for the special meeting, and will be sent out at the beginning of next week for review. Chairman Fullwood told Mr. Ragucci that a maintenance report is expected to be presented to the Board by June 1st.

Moving on to unfinished business. There were four candidates interviewed for the Administrative Office Manager position. Commissioner Hill asked about the availability of the scoring sheets of the candidates. Those would be available if there was a request for them, as a total overall score. The list of candidates with the total score was presented to the Board members, the list was in alphabetical order; the lowest score was the better score.

Commissioner Cole made the motion to offer the position of Administrative Office Manager to Cassie McClellan. Discussion followed regarding the group of candidates. Motion unanimously approved.

Chairman Fullwood will call her tomorrow and inform her of the Board's vote. Upon her acceptance of the position, Mrs. Amergian will send her the contract which will be through the end of this fiscal year.

The Board interviewed the two candidates for the Port Attorney position, Patrick Krechowski and Robert Sturgess. Mr. Krechowski reviewed his certification in city and local government. Mr. Krechowski stated he had not done any work for the City of Fernandina Beach. Mr. Krechowski reviewed his fee structure with the Board, a conflict list will need to be done and he did not anticipate any issues with him or with his firm.

Mr. Sturgess was interviewed for the position. Mr. Sturgess informed the Board that he was passionate about the Port Authority and although he not certified in local government, he had educated himself.

The candidates were asked to leave the room so discussion could be done by the Board.

Commissioner Hill made the motion to request an engagement letter from Patrick Krechowski to serve as the Port Attorney for the remainder of the fiscal year. A poll was called: Franklin – yes, Hanna – yes, Hill – yes, Cole – no, Fullwood – no. The motion passes three to two.

The candidates returned to the Commission Chambers. The position was offered to Patrick Krechowski with thanks to Mr. Sturgess for his time and efforts on behalf of the Ocean Highway & Port Authority. Mr. Krechowski's engagement letter will be added to the upcoming special meeting.

Chairman Fullwood asked Mr. Ragucci to update the Board on the outstanding public records request from City Commissioner Chip Ross. The Ocean Highway & Port Authority has provided the information requested and had available. Mr. Ragucci indicated that he was not at liberty to discuss the issue as he has engaged outside legal counsel to deal with the public records request that pertains to Worldwide Terminals. Commissioner Hill pointed out that it has been 81 days since the request was filed and asked Mr. Ragucci for a date that he would be replying to the public records request. Mr. Ragucci reiterated that he would consult with his legal counsel. There was further discussion. Chairman Fullwood indicated that the Ocean Highway & Port Authority had complied with their portion of the request and Mr. Ragucci is responsible for responding to the requests that are pertinent to Worldwide Terminals.

Chairman Fullwood requested a 5-minute break at 8:44 pm. Meeting resumed at 8:46 pm.

Chairman Fullwood reminded the Board of Resolution 2015-03 Standard for Public Discourse and Civility at all public meetings and Robert's Rules of Order for Small Boards.

Chairman Fullwood reviewed the concerns with the maintenance repairs at the Customs House. A timeline needs to be established for a punch list to address the issues that Customs and Border Patrol have advised the Board about. Commissioner Franklin told the Board that he has not been able to find a contractor who is willing to take on the repairs. Mr. Ragucci informed the Board that there was visit from the City Code Enforcement Inspector and that permits would be required. Chairman Fullwood read Section 7 of the OHPA Charter states that the City does not

have any jurisdiction over the Port Authority to require any permits. Commissioner Hill suggested meeting with the Code Enforcement officer and explaining that the building will be made safe and that the Port Authority is working on addressing the issues. Port Accountant LaPorte reminded the Board that there is no maintenance fund for the Customs House. Mr. Ragucci is not willing to take a chance to do any work now that the City Code Enforcement has gotten involved.

Commissioner Hill reviewed the Planning Advisory Board Comprehensive Plan Amendments – Port Element that is being discussed at the Workshop. The Committee is working towards a starting document for the OHPA Board to consider; a draft will be circulated for comments from OHPA and the City. Commissioner Hill stated that she was on the Workshop Board. Chairman Fullwood asked Mr. Sturgess if this was a conflict. Mr. Sturgess said that this could potentially be a conflict. Commissioner Hill disagreed as there are other Commissioners sitting on other boards. Commissioner Hill also said that this issue was discussed at a prior OHPA meeting. Chairman Fullwood had asked Commissioner Hill to attend the meetings but not be part of the workshop board.

The Commissioner emails issue was tabled due to time constraints.

Committee Reports

Port Security – Commissioner Fullwood - nothing to report.

Customs House – Commissioner Franklin – nothing more to report.

Army Corp of Engineers – Commissioner Fullwood - nothing to report.

Economic Development – Commissioner Cole – nothing to report at this time.

Emergency Management – Commissioner Franklin – nothing to report.

Technical Coordinating Committee – Commissioner Hanna – nothing new to report.

TPO – Commissioner Cole – Mr. Ragucci shared that a list of priority projects had been submitted.

Nassau Chamber – East Side – Commissioner Hill – Meeting with Regina Duncan. One of the strengths through COVID 19 has that the industries have been the success story throughout the pandemic and was looking for some input as to how better meet business needs.

Nassau Chamber – West Side – Commissioner Cole – the Nassau Chamber is including the Port's tonnage report on the front page of their newsletter. This is not an indicator of the success of the Port and that the Port is doing well.

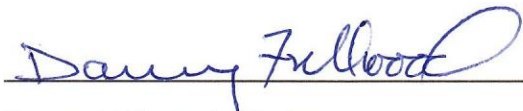
City of Fernandina Beach – Commissioner Hill – She reported that she had met with City Manager Dale Martin and Tammi Bach to discuss several items. Commissioner Hill asked about the status of the interlocal agreement with the City – Chairman Fullwood said the interlocal agreement was on hold for now. Chairman Fullwood suggested it be added to the Special Meeting agenda. March 24th at 3 PM is the next PAB workshop at the City Hall chambers. Commissioner Hill asked about the transcript of the mediation hearing with the City.

The resident on Dade Street reported that there have been no other truck parking issues with idling engines since her last complaint.

The Administrative Office Manager report was included in the meeting packet and there were no questions for Mrs. Amergian.

A Special Meeting will be held on Tuesday, March 30th at 3:30 PM with the location to be confirmed.

With no further business to come before the Board, the meeting was adjourned at 9:38 PM.

A handwritten signature in blue ink, reading "Danny Fullwood", is written over a horizontal line.

Danny Fullwood, Chairman