

OCEAN HIGHWAY & PORT AUTHORITY

NASSAU COUNTY

County Commission Chambers

James S. Page Government Complex

96136 Nassau Place, Yulee FL 32097

AGENDA - Revised

Wednesday, November 10, 2021

6:00 PM

6:00 PM – Meeting Call 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

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

2. Approval of Minutes

- October 13, 2021 Monthly Meeting
- October 28, 2021 Special Meeting

3. Port Accountant Report

- Financial Report – October 2021

4. Port Attorney Report

- VAB Hearing – Nov. 16, 2021
- Operating Agreement (Breach actions)
- Status of Legal matters

5. Port of Fernandina Report (Operator)

- Tonnage Report – October 2021
- Approval for new fabric warehouse building- Port Main terminal



- Approval for Addendum ZPMC contract- Installation of new cranes

6. Unfinished Business

- Port Attorney position
- Interim Port Director Recruitment
- ARPA Covid Relief Funds
- Legislative Meeting
- Port Tariff
- Port Operator (Outstanding items)
 - Port Employee count - Recruitment and status report
 - Fort Clinch Lien Release from Operator
 - Fort Clinch Captain Employment information
 - Fort Clinch Maintenance Report
 - OHPA Equipment inventory, Maintenance status report
 - Status of Corporate Espionage Allegations
 - Capital Improvement Plan
 - Customs House (maintenance invoices)

7. New Business

- Master Plan – Stakeholders list (RS&H)
- USCG Audit/ Inspection (Fullwood)
- NCEDB Pledge Increase (Fullwood)
- Terminal Manager Ray Nelson (Fullwood)
- FDOT Meeting – Nov 3 (Fullwood)
- Public Records Request (Hill)
- Property Tax invoices (Hill)

8. Committee Reports

- Port Security – Chairman Fullwood
- Customs House – Commissioner Franklin
- Army Corp of Engineers – Chairman 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

- Fernandina Beach Plan Amendment
- Meeting Dates – Nov 24 (Special), Dec 8 (Regular), Dec 22 (Special)

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.

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.



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

October 13, 2021

The Ocean Highway and Port Authority of Nassau County held its Monthly Meeting on Wednesday, October 13, 2021 at the County Commissioners Chambers, James S. Page Government Complex, 96153 Nassau Place, Yulee, Florida 32097.

The meeting was called to order at 6:00 PM by Chairman Fullwood.

The invocation was given by Commissioner Franklin. The Pledge of Allegiance was led by Chairman Fullwood. Roll call was conducted by Rossana Hebron. All Commissioners were present. Also in attendance were Patrick Krechowski, Port Attorney, Pierre LaPorte, Port Accountant, and Chris Ragucci, Port Operator.

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

i. Chip Ross – 210 N 3rd Street, Fernandina Beach

Mr. Ross commented about the cruise ship that disembarked passengers over the past weekend at the Port. He cited the Special Warranty Deed that conveyed parcel from Container Corporation of America and their successor, West Rock, to Ocean Highway and Port Authority (OHPA), prohibits said action. He cautioned the Board to confirm with West Rock that they do not oppose said action. Furthermore, he hoped that OHPA will receive revenue from this particular revenue stream and other future proceeds.

Additionally, Mr. Ross questioned “why does the Port Commissioners not require the Operator to produce the same sort of quarterly report that is produced for the bond holders?” On the EMMA website, Worldwide Terminals (WWT) provided an extensive quarterly financial statement.

Chairman Fullwood thanked Mr. Ross for his comments and inquiry.

ii. Tammi Kosack – 322 N 3rd Street, Fernandina Beach

Ms. Kosack was concerned about the simultaneous operations at the Port over the past weekend. The unloading of cargo from Somers Isles along with the shuttling of passengers to and from the cruise ship caused concerns for safety protocol among the property owners near the Port. She wondered if there was a breach from the deed

restriction. She cautioned the possibility of losing the Port due to Operator negligence, and that it would reflect on the Board of Commissioners not the public.

Chairman Fullwood thanked Ms. Kosack for her comment.

iii. Dale Martin (City Manager) – 204 Ash Street, Fernandina Beach
Mr. Martin provided handouts that reflected the history and efforts of relocating the channel. The Water Resources Development Act of 2000 was passed by Congress that authorized the realignment of the channel. It remains in effect to date.

The channel has not been dredged or utilize since the mid 1980's. The City attempted to rebuild the marina following hurricane Matthew in 2016. The Corps of Engineers required the City to secure a waiver or variance because of the proximity of the attenuator to the navigational channel. The northern attenuator sits only six feet off the navigational channel. The Corps guidance is 100 feet separation between the two. Informal conversations with the Corps noted they will not entertain further applications for the marina until the channel is relocated. This reflects the idea if another natural disaster destroys the marina, the City would not be allowed to rebuild it in the current configuration. Hence, the Corps of Engineers directed the City to request from the sponsor of the channel, Ocean Highway and Port Authority, to relocate the channel. Mr. Martin recalled the last exchange of an Interlocal agreement, the City would accept the financial responsibility for dredging the relocated channel at the request of the Corps not OHPA. Thereafter, the communications between the two Boards ceased. Mr. Martin secured a letter of support for relocating the channel from Mark J. Homans of Rayonier Advanced Materials (included in the handout). Finally, Robert Semmes, Applied Technology and Management, indicated there is a huge sediment trap from the Rayonier turning basin. The Corps, in all likelihood, would not have any future intent to dredge the channel. The City is interested with the success and expansion north of the marina. On behalf of the City, Mr. Martin asked the Board to reconsider support for relocating the channel.

Chairman Fullwood explained OHPA agrees with relocating the channel. He reminded in the Interlocal agreement, the City agreed to assume liability and hold OHPA harmless against all liability and expense regarding the relocation of the navigational channel. Mr. Martin requested the Board resume conversation of the topic and have Mr. Krechowski notify Tammi Bach to compose language of understanding between the two Boards.

Chairman Fullwood thanked Mr. Maartin for attending the meeting and for providing information regarding the channel.

2. Approval of Minutes

- i. September 8, 2021 Monthly Meeting Minutes
- ii. September 22, 2021 Special Meeting Minutes

Commissioner Hanna motioned to approve both minutes as they stand. With no further discussions, the Board unanimously approved.

3. Port Accountant Report

i. Financial Report – September 2021

Mr. LaPorte reported OHPA received a payment of \$45,000 from Worldwide Terminals for its Maintenance contribution, January to September 2021. It is a \$5,000 monthly fee.

ii. 2021-2022 Budget

Mrs. Hebron requested the Board amend the budgeted Administrative salary to an additional \$8,816.54. This will allow to accomplish administrative duties with an additional 360 hours until the end of the calendar year. Mr. LaPorte added it may be necessary to allow more hours beyond the calendar year to respond to the ARPA grant (Covid Relief fund) requirements of gathering and submitting documentations for grant reimbursements. Chairman Fullwood also acknowledged the necessity of responding to more public requests.

Vice Chairman Cole motioned to amend the budget to the specified amount of \$8,816.54, 360 additional hours to the end of the calendar year. Commissioner Hanna second the motion.

The Board unanimously voted in favor of amending the budget to the aforementioned parameters.

4. Port Attorney Report

The Value Adjustment Board (VAB) hearing was rescheduled to November 16, 2021. Also on November 16th is a hearing on all pending motions in the Chip Ross public records request litigation. There are outstanding motions that both Mr. Ross and Nassau Terminals/Worldwide Terminals (NT/WWT) filed that still await ruling. The hearing may be via Zoom. Mr. Krechowski will confirm and provide information.

Mr. Krechowski reported OPHA received over 20 public records requests (PRR) pending from Nassau Terminals and actively working on it. He encouraged the Board to cooperate with Mrs. Hebron in response to the PRR. A cost estimate of the administrative work in response to the PRR will be submitted to WWT's legal team.

The City of Fernandina Beach litigation is rescheduled to January 2022. He continues to have discussions with the City regarding that issue.

Mr. Krechowski is working with Mr. LaPorte in finalizing the spending plan for the Covid Relief funding that also segues to the Master Plan that RS&H is composing. Chairman Fullwood signed the agreement with RS&H but Mr. Krechowski have not, pending clear understanding that some of the expense will be covered by the relief funds.

Finally, Mr. Krechowski tendered his resignation giving OHPA 90- day notice. He will pursue another opportunity that begins in January 2022. He offered his assistance with the search for his replacement. He suggested posting a job ad in the Florida Bar website.

Commissioner Hill requested Mr. Krechowski and his firm to continue to assist with pending litigations especially the City of Fernandina case in January 2022. He confirmed his firm will maintain the term of engagement consistent.

5. Port of Fernandina Report (Operator)

i. Tonnage Report – September 2021

Mr. Ragucci reported the container tons and total equivalent units (TEU) are both up in September. There is almost 2,500 variance year-to-date. Kraft liner board (KLB) is up and wood pulp is consistent. Total tonnage for September is 33,341 and more than 281,000 tons year-to-date. Rail cars total this month is 188 and trucks average per day is 33.

Chairman Fullwood reminded Mr. Ragucci regarding an inquiry from a company, Latin Pro. Mr. Ragucci does not recall the email but will check. Chairman Fullwood also requested a list of all the names of the Port employees. Mr. Ragucci expressed his concern about privacy and confirmed he received the Chairman's request.

Chairman Fullwood reminded Mr. Ragucci about a letter from Debra Applegate from the Customs and Border Protection. She is concerned about the building, Customs House. Mr. Ragucci confirmed that he responded to her explaining the grant he applied for may cover building a new Customs House. He emphasized the need for a cost estimate from an architect to move forward with the project.

Chairman Fullwood continued to express his dismay regarding lack of communication between the Board and the Port Operator except through attorneys. He added security has issues with communications with the Port Operator. The general manager of security revealed they were unaware of the cruise ship until the day before it arrived at the Port. Chairman Fullwood mentioned the more than 20 PRRs and wondered about the Operator's purpose for requesting. There were over 30 notices that were sent to OHPA in the last two months. He appealed for better communications and relationship to continue.

Chairman Fullwood asked if Mr. Ragucci is selling the Operating agreement. Chairman Fullwood explained that the matter is in the newspaper, and everyone is aware of it. Mr. Ragucci declined to comment.

Commissioner Hill inquired about the cruise ship (Ocean Explorer) from last weekend, if there is a repeat contract. Mr. Ragucci answered there is no contract. If the cruise ship wants to come back to the Port, the matter is up to the cruise ship. He confirmed there were 55 passengers. The crew did not disembark according to Mr. Ragucci. He

expressed his dismay regarding the repeated questioning of his ability to operate the Port. He addressed the public's concern and confirmed that there were no safety issues pertaining to the cruise ship or the simultaneous operation of the cargo ship. He and his crew followed the U.S. Coast Guard and U.S. Customs and Border Patrol protocols. All were informed well in advance. Additional security guards were ordered. All passengers were accounted for upon their return to the cruise ship. Chairman Fullwood explained the inquiry is to ensure there are open communications with West Rock, and Mr. Ragucci confirmed. Chairman Fullwood invited the public to contact the Commissioners if they have any questions or issues regarding the Port. Commissioner Hill explained her main concerns are safety protocol and understanding the implications of said operations at the Port. Commissioner Hanna concurred it is important to have written documentation from West Rock that OHPA is indemnified from future issues or possible litigation. Chairman Fullwood requested Mr. Krechowski reach out to West Rock. He added there will be more cruise ships coming to the Port and also the marina.

There were no other questions or discussions from the Board.

6. Unfinished Business

i. Covid Relief Funds

Mr. LaPorte forwarded copies of the ARPA Grant Response Spending Plan and WWT Covid Relief Fund request prior to the meeting. Chairman Fullwood acknowledged receipt of the copies. The Spending Plan consisted of revised and FDOT approved line items with the addition of security costs. It is ready to submit pending Board approval and the Chairman's signature. Once funding is received, subsequent justification/documentation of the costs will be submitted.

Mr. LaPorte encouraged the Board to consider including a component for the Port operations. According to Dan Fitz-Patrick, FDOT, OHPA is unique in that most of the funds are not targeted for Port items. He segued by presenting a request from Mr. Ragucci detailing line items of planned projects targeted for the Covid Relief funding. The request includes cost incurred by WWT from March 3, 2021 to the present with the addition of 90-day planned costs; job training, cash transfers to employees, operating expenses, rehiring costs, Personal Protective Equipment (PPE), facility expansions or upgrades, and the like.

It is still uncertain if the Port Director position and the Master Plan are allowable expenses. Mr. LaPorte emphasized following federal procurement guidelines. Commissioner Hill wondered if it is possible to "piggy-back" with Nassau County's RFP to procure bids for an Administrative Consultant (grant administrator). She will confirm. Mr. LaPorte explained he is capable of administering the grant as long as it is straight forward. He does not do federal procurement grants. Mr. Krechowski shared that he spoke with Mr. Fitz-Patrick in regards to the Master Plan. It is still undefined whether the fund can be used to pay for the local share of the Master Plan. According to RS&H, they complied within the federal procurement guidelines through OHPA's process. Mr. Laporte explained Mr. Fitz-Patrick did not consider the Master Plan falling under

Business Planning. Mr. Krechowski offered his assistance to provide language or dialogue to move forward. Mr. Fitz-Patrick will confirm.

Commissioner Hill suggested searching for a Recovery Director as opposed to a Port Director. The candidate would be an interim director for the next 12 to 18 months or less to assist OHPA in identifying issues and direct the transition strategically. Mr. Laporte explained there are enough funds for a Director to last for only two years. Commissioner Hill suggested a grant administrator would be more in line with OHPA's needs. The Board is open to explore that idea.

Chairman Fullwood questioned Mr. Ragucci if he is firm with his decision not to finance the local share for the Master Plan grant. Mr. Ragucci replied that he examined WWT's bond funds restrictions and came to the conclusion that the funds cannot be spent on a Master Plan. Chairman Fullwood requested a copy of the document. Mr. Ragucci will have his attorney forward that copy.

Mr. Ragucci asked that his list of requests be included in the Spending Plan under Port Operations. He explained each line item and the anticipated costs. The list included \$100,00 for job training (outreach to trade schools, local high schools, and other job sources), \$260,000 cash transfers to employees (\$2,500 new employee hiring bonuses, \$5,000 retention bonus per worker), and \$30,000 for PPEs. He emphasized compensation for the Port employees. All transactions will be documented and accounted. He added any monies not spent will be returned to OHPA. He continued by reminding the Board under the Operating agreement, there is a requirement of cooperation. He hopes to come to a mutual agreement with OHPA on new sources of income which the Covid Relief fund satisfies that description.

Chairman Fullwood reiterated he agrees that some of the funds should go to the Operator. However, he suggested OHPA will have a workshop to consider and determine the amount that should be shared with the Operator. Thereafter, the Operator may use the funds at his discretion. Commissioner Hill disagreed, stating she wants assurance the funds will compensate the Port employees. She suggested other methods of distributing the funds that would support both the community and the Port workers. For example, OHPA can fund grants to provide stop-gap-medical coverage for the Port workers through non-profit, Barnabas. Additionally, OHPA can fund recruitment and training programs offered by the Nassau County Chamber of Commerce. She explained OHPA needs to have control of the funds to disperse accordingly. Mr. LaPorte explained giving the grant funds to other organizations is beyond his scope of capabilities and would require the expertise of a grant administrator otherwise.

Commissioner Hanna motioned to submit for reimbursement of administrative costs of the Spending Plan prepared by Mr. LaPorte.

Mr. Ragucci asked to be on record that Commissioner Hanna motioned to move forward with the administrative reimbursement of expenses paid by the revenues under the Operating agreement without including monies for the Port employees because it is not

an urgent requirement for the speedy and equitable recovery from Covid. Commissioner Hanna reminded that WWT received funds from Paycheck Protection Program (PPP). Mr. Ragucci argued otherwise. Finally, Chairman Fullwood suggested the Board will consider the amount to give to the Operator and submit the OHPA portion of the Spending Plan first.

To confirm, Commissioner Hill reiterated the motion to submit the administrative portion of the Spending Plan for OHPA. Chairman Fullwood confirmed. Commissioner Hill second the motion.

Commissioner Franklin asked if the Board can submit the other portion (WWT's request) at another time. Chairman Fullwood and Mr. LaPorte confirmed. Commissioner Hill added to commit the majority of the funds toward employee wages. Chairman Fullwood deferred her suggestion to another time for negotiations.

The motion passed by a vote of 4 to 1 with Commissioner Hill voting nay.

ii. Port Director Recruitment

Chairman Fullwood spoke with David McDonald, Alliance Resources Consulting LLC, and received a cost estimate of \$44,000 fee to assist with the Port Director recruitment. He added the salary range for a Port Director is between \$125,000 to \$150,000 without benefit package.

This matter is still uncertain with the Covid Relief fund. Therefore, the decision to move forward with Mr. McDonald is on hold.

iii. Port Tariff

Commissioner Hill explained she requested the tariff item remain on the agenda because the property appraiser asked who has control of the pricing, who is the captain, who pays for the captain's wages, and so on. She emphasized publishing the tug rates. Chairman Fullwood reminded her that he distributed copies of the rates at a previous workshop to the Board, and it is, in fact, the Port rates. She added that OHPA has not updated the rates.

Chairman Fullwood read a portion of WWT financial statement accessible from the EMMA website. It reads, in part, "Worldwide Terminals Fernandina ("WWT") started the first quarter of 2021 very strong with the conclusion of the acquisition of the Fort Clinch Tugboat...The Fort Clinch Tugboat is a "revenue generator" with a predominantly fixed cost structure. The acquisition of the Fort Clinch will significantly reduce one of the major cost centers for WWT in both the near and long-term." OHPA is unaware of said revenue that WWT is supposed to relinquish a portion of it.

Commissioner Hill asked Mr. Krechowski to send a request to WWT for receipts of rate charges, who employs the tug captain, Title documents, and tug lease documents. Additionally, Chairman Fullwood requested a tariff update by the December meeting from WWT. Commissioner Hanna also asked for the revenue from the cruise ship that is not considered dockage and wharfage. Mr. Krechowski will request.

iv. Port/OHPA Operating Agreement

Commissioner Hill explained this item remains on the agenda because of the many issues with the Operator. She wants to confirm regarding the different businesses and operations at the Port, if they are consistent and legitimate Port operations.

Chairman Fullwood affirmed that OHPA will present the Operator a list of the Operating agreement violations.

v. Bond Conduit (RBC Capital Markets)

Mr. LaPorte confirmed when OHPA issues a bond, RBC Capital will assist with the process. The firm is not retained by OHPA.

vi. Master Plan (Scope of Work Approval)

Mr. Krakowski's signature is on hold pending clarification of the Covid Relief funding.

vii. Additional meeting dates

Chairman Fullwood requested rescheduling the October 27th meeting for another date, time, and possibly another venue. Mrs. Hebron will check.

7. New Business

i. Employee recruitment and status report (Port Operator)

The Port Operator left the meeting; therefore, there were no discussions on this item.

ii. Navigational Channel (Fullwood)

According to Chairman Fullwood, the pilots requested the channel needs dredging. He sent a letter to the Army Corp of Engineers but is still waiting for those from Mr. Ragucci and the pilot. Mr. Ragucci needs to define the cost if the dredging is not completed. The Chairman requested Mr. Krechowski send for copies of the letters from both Mr. Ragucci and the pilot.

iii. Port Security (Allied Universal, Fullwood)

Chairman Fullwood directed Mr. Krechowski to send a letter to the Port Operator requesting payment for the delinquent security invoices that has a term of Net 30 days.

Chairman Fullwood also reported some of these issues at the Port. There are 10 security monitors out of order, the Port gates are out of order, faded security signs, and a hidden fire hydrant. Chairman Fullwood will confirm with the fire department regarding safety checks for the fire hydrant. The guards reported they were not notified about the cruise ship until two days of its arrival.

iv. Fort Clinch Title /Registration Request, Captain Employment Information, Maintenance Report (to be provided by Operator)

Commissioner Hill reiterated the need to receive reports or documentations from the Operator.

v. Report on Status of Corporate Espionage Allegations Against Port Customer (to be provided by Operator)

Commissioner Hill asked for confirmation from Mr. Ragucci that he will not press charges against one of the Port's long-standing customers that he accused of allegedly participating in the corporate espionage allegations. For the record, she does not support that action. OHPA should not tolerate retaliation.

No further discussions, the Operator was not present to answer the questions.

vi. Project Red Dawn (Hill)

Mr. Krechowski recommended the Board to refrain from discussing the document identified as confidential and business information.

vii. Port Truck Traffic (Hill)

Commissioner Hill reported several members of the public are concerned about the truck traffic issue near the Port. She wondered if the Operator can use a different parcel of the property to accommodate the trucks and avoid the truck parking in front of the Port gate after hours.

Chairman Fullwood explained part of the federal grant the Operator applied suggests a new route for a Port entrance on Escambia freeing Dade Street of the truck traffic. Commissioner Hil clarified the Board did not approve it.

No further discussions, the Operator was not present to comment.

viii. Public Records Requests/Letters (Fullwood)

This item was discussed earlier in the meeting regarding the number of PRRs received from the Operator's legal team.

ix. Value Adjustment Hearing (Fullwood)

As Mr. Krechowski reported earlier in the meeting, the VAB hearing is rescheduled to November 16th.

x. City Resolution (change OHPA Charter, Fullwood)

Chairman Fullwood reported the City has a proposal to change OHPA's charter. He wondered why the City has not reached out to the Board for a discussion.

Commissioner Hill opposed removing the eminent domain element of the charter and supports removal of the oil refinery and including modes and methods of coordination with the City. She suggested establishing a Port Advisory Board and engage with the community.

xi. Capital improvement Plan (Fullwood)

Chairman Fullwood reported he received a demand letter from Mr. Ragucci to discuss Capital Improvement plan. It also stated the Board refused to meet with him. Chairman Fullwood cannot recall Mr. Ragucci requesting it. Commissioner Hill suggested adding the item to the next meeting agenda to provide Mr. Ragucci a forum to discuss the Capital Improvement plan.

No further discussions, the Operator was not present to comment.

xii. FPC Workshop (Fullwood)

Chairman Fullwood discovered there was an application for landside improvements for approximately \$200,000 that the Operator submitted without notifying the Board beforehand. Mr. Ragucci was awarded the grant.

Commissioner Hill added there are several grants pending but are not drawn down by the Operator.

Another FPC workshop is set for November 8, 2021. Vice Chairman Cole will attend. He confirmed Mike Rubin encouraged him to attend for OHPA's benefit.

8. Committee Reports

Port Security – Chairman Fullwood

Chairman Fullwood spoke with security today, and the only issue reported was the person who entered the Port under false pretense.

Customs House – Commissioner Franklin

Commissioner Franklin reported the air conditioning at the Customs House was out of order. He had it repaired by Orender's Heating and Air. They will forward an invoice for the repairs. Chairman Fullwood requested Mr. Krechowski confirm if the invoice should be paid by the Operator. Consequently, a cleaning invoice for the Customs House was sent to the Operator, and he declined to pay it.

Commissioner Franklin suggested OHPA pay for the air conditioning repairs and negotiate with the Operator after.

Army Corp of Engineers – Chairman Fullwood

Chairman Fullwood will confirm if Mr. Ragucci and the pilot sent their letters to the Army Corp of Engineers for the channel dredging.

Economic Development – Commissioner Cole

Nothing to report except there are three possible prospects for Crawford Diamond. Chairman Fullwood stated perhaps there are bonding opportunities in the future from some of the prospects.

Emergency Management – Commissioner Franklin

Covid is down in Nassau County.

Technical Coordinating Committee – Commissioner Hanna

The meeting was canceled this month. No reports.

TPO – Commissioner Cole

There is a meeting tomorrow morning. Vice Chairman Cole confirmed there is no specific time set to discuss allocations for different projects as Commissioner Hill asked.

Nassau Chamber East Side – Commissioner Hill

Nassau County is on track with growth projections. There are several entitled and undeveloped land, she encouraged the Board to be aggressive in advocating for funding for infrastructure. 64% of the residents in Nassau County commute elsewhere for work.

The Chamber of Commerce website receives approximately 700,000 online referrals in one month. Their jobs board receives lots of attention from job seekers that OHPA should post its open positions.

Nassau Chamber West Side – Commissioner Cole

Nothing to report.

City of Fernandina Beach – Commissioner Hill

Commissioner Hill attended the workshop and meeting where the City discussed their legislative request. There was a unanimous vote in favor of the request. She thanked Dale Martin, City Manager, for his presentation earlier in the meeting. It is a start for conversation between the two Boards. She added Mr. Ragucci was present for the first part of that meeting.

9. Administrative Office Manager Report

Mrs. Hebron requested Board approval to proceed with the purchase of a mobile work phone. She presented the Board with different options of mobile plan from Verizon, T-Mobile, and AT&T. She does not want to continue to use her personal mobile for work. The account will be under OHPA's name.

The Board gave her permission to proceed at her discretion.

Additionally, Mrs. Hebron is still waiting for the cost estimate from the IT for a third-person assistance in responding to the numerous PRR. Mr. Krechowski explained a soft estimate of the cost of responding to the PRR will be sent to the requestor.

10. Other items to be brought by Commissioners

Adjourn

With no other questions brought before the Board, the meeting was adjourned at 8:34 PM.

Danny Fullwood, Chairman

Date



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

Special Meeting Minutes

October 28, 2021

The Ocean Highway and Port Authority of Nassau County held its Special Meeting on Thursday, October 28, 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 5:00 PM by Chairman Fullwood.

The invocation was given and the Pledge of Allegiance was led by Vice Chairman Cole. Roll call was conducted by Rossana Hebron. All Commissioners were present. Also in attendance were Patrick Krechowski, Port Attorney, and Pierre LaPorte, Port Accountant. Chris Ragucci, Port Operator, was absent.

Mr. Ragucci's legal team, Jimerson Birr, submitted a letter* to Chairman Fullwood prior to the meeting explaining the absence of the Port Operator in tonight's meeting. It read, in part:

"It has come to our attention that the agenda for the October 28, 2021 Special Board meeting contains an item regarding Operator attendance at Board meetings. As NT does not foresee a reason to attend the October 28, 2021 meeting, it will provide the Board with brief, hopefully helpful, comments on certain items on that agenda, including meeting attendance by the Operator.

As the Board is fully aware, attendance at OHPA's Board meetings by the Operator is entirely voluntary and not obligated by the Operating Agreement, or otherwise. The CEO of the Port Operator previously has attended virtually all meetings as a courtesy to the Board."

"Please note that the Operator's contributions or commitment to the Port will not be recast... In support of that commitment and in the interest of being helpful, the Operator offers the following comments on certain other items on OHPA's Special Meeting agenda."

The Operator's response to specific items on the agenda will be cited accordingly throughout this document.

1. Port Attorney Position

Mrs. Hebron reported there was only one inquiry for the position thus far but the individual did not have a Florida license to practice. Chairman Fullwood expects there will be more applicants to come.

2. Recovery Director Position

Commissioner Hill intended to provide the Board with some ideas for the position but reported the individual she spoke with for the position has withdrawn from consideration. She added the position is for an individual who is prepared for a short-term position, assist OHPA to utilize the Covid Relief funds appropriately, and assist with composing a job description for the long term. She explains it is apropos to spend a portion of the Covid funds toward compensation for the position. The funds explicitly dictate that monies are not for ongoing salaries but for temporary programs that have long-lasting effects.

Chairman Fullwood requested Commissioner Hill compose a job description for the position. She invited the Board to determine the length of the term (3-month, 6-month, one year), the qualifications/experience, and the scope of the responsibilities. Vice Chairman Cole suggested the scope should encompass the Port and OHPA, and the candidate does not necessarily have to have port experience. Commissioner Franklin concurred, and he expects full reports of Port activities and operations from the incumbent. Chairman Fullwood also considered Nassau County to be included in the scope. He emphasized OHPA's obligations to the people of the County. Commissioner Hanna suggested a minimum of six months with the option to extend for the position. Mr. Krechowski will compose a draft for the interim position.

At this point, the Board decided not to proceed with seeking recruiting assistance from David McDonald, Alliance Resource Consulting LLC.

3. Covid Relief Fund

Chairman Fullwood reiterated the request for the share of the Covid Relief funds from the Port Operator. He noted the absence of Mr. Ragucci from the meeting. He hoped to discuss some items from the request submitted by Mr. Ragucci but he was not present to comment. Chairman Fullwood questioned some of the items on the request. The Board will wait for dialogue from the Operator before dispersing any funds to him.

Mr. LaPorte completed and submitted the Spending plan to the Florida Department of Transportation (FDOT) for approval. FDOT, in turn, requested for documents (canceled checks) that support the expenditures from March 3, 2021 to current. Mrs. Hebron will procure those bank documents.

Commissioner Hill clarified that she voted against the Spending plan at the last monthly meeting because she hoped the Board make some commitment to allocate a good portion of the funds to frontline workers. She suggested utilizing

programs or third-party organizations to provide benefits for the workers. Chairman Fullwood was unsure if third-parties are allowed to be conduits for dispersing the funds or benefits of the funds to the workers. He is also not in favor of that idea. He hopes to acquire a guarantee from the Operator that the funds will go to the frontline workers. He requested a list or the total number of the Port employees. The Operator declined for confidentiality purposes.

Mr. Laporte explained it is preferred through the ARPA directives that the Operating agreement meets federal procurement guideline so that payments can be made to the contractor, Port Operator. This needs to be confirmed yet. Per Mr. Krechowski, the general comment from FDOT representatives is the funds cannot go directly to Nassau Terminals. Vice Chairman Cole emphasized OHPA's main objective is to give the funds to the Port workers. Commissioner Hanna suggested providing a day of recognition/appreciation to benefit the Port workers. However, Mr. LaPorte explained the funds are set to assist the economic recovery of the Port.

Commissioner Hill acknowledged ARPA requirements include community-based non-profits partnership with local governments. For example, Regina Duncan, Chamber of Commerce, was successful in lobbying for ARPA funds to be allocated to certain programs (job training, childcare reimbursement, and the like). Commissioner Hill offered to extend an invitation to Ms. Duncan to provide a presentation on the subject that would help the Port.

In sum, the Operating agreement needs to be confirmed if it meets federal procurement guidelines before proceeding to allocate monies to the Port Operator for the Port workers.

The Operator's response to this item read as follows:

"Item 3 relating to the Covid Relief Funds: NT has provided OHPA with multiple letters regarding proper use of the Funds and the needs of the Port's employees, yet OHPA has so far refused to act responsibly. NT has provided invoices for reimbursement under the Operating Agreement for pandemic-related losses, and additional invoices will follow shortly. OHPA has to date failed to acknowledge receipt of or take action on same."

4. Port Operating Agreement (Customs House Maintenance invoices)

Commissioner Hill reiterated the Board requested a Maintenance report from the Operator and instead received a file of invoices reflective of the work/repairs completed at the Port. She asked the Board to determine if that satisfies a Maintenance report. Chairman Fullwood affirmed OHPA owns three cranes and a tugboat.

Commissioner Hill cannot recall receiving a copy of the tugboat title. Commissioner Franklin recommended the Board receive a report (date, rate, Pilot name) every time the tugboat is used. Chairman Fullwood requested Mr. Krechowski send a records request to the Operator.

Furthermore, Chairman Fullwood questioned if the Operator should pay for the Customs House invoices (janitorial services, AC repair, termite control service renewal) incurred by OHPA. Commissioner Franklin suggested the invoices should be paid upon receipt. Chairman Fullwood acknowledged that WWT paid for the August Security invoice and September is still pending.

The Operator's response to this item read as follows:

"Item 4 relating to the Customs House maintenance invoices: NT currently is evaluating OHPA's request. It will provide payment to the extent required under Section 2 of the Operating Agreement. NT has dutifully, at the request of OHPA addressed immediate demands by the USCBP for corrective action of unsafe and unsightly conditions at the Customs House building that OHPA failed to prevent and was unable itself to correct. NT additionally will soon provide OHPA with invoicing in accordance with Section 6.10 of the Operating Agreement for NT's share of the previous rental revenue stream."

Commissioner Hill requested the letter received earlier today from Jimerson Birr titled OHPA equipment inventory maintenance status report be forwarded to RS&H for consideration on drafting the Master Plan. Chairman Fullwood called on Justin Cole, RS&H Project Manager, to provide directions for the Master Plan project. Mr. Cole requested a list of stakeholders from the Board. The Commissioners were asked to send their list to Mrs. Hebron to compile for the next meeting. Chairman Fullwood asked Mr. Cole to incorporate a Strategic Plan in the Master Plan. Mr. Cole confirmed. The Chairman thanked Mr. Cole for attending the meeting.

5. Port Operator (Outstanding items)

- **Port Employee count - Recruitment and status report**

This item is still pending for discussion.

The Operator's response to this item read as follows:

"Item 5 relating to the Port employee count: NT will be seeking additional information from OHPA in order to respond to this request."

- **Fort Clinch Lien Release from Operator**

This item is still pending for discussion.

The Operator's response to this item read as follows:

"Item 5 relating to the Fort Clinch lien release: NT already has provided OHPA with such information. To the extent additional information is requested, please clarify as to what is being requested."

- **Fort Clinch Captain Employment information**

This item is still pending for discussion.

- **Fort Clinch Maintenance Report**

This item is still pending for discussion.

- **OHPA Equipment inventory, Maintenance status report**

This item previously discussed above, item #4. Port Operating Agreement.

The Operator's response to this item read as follows:

"Item 5 relating to maintenance status report: NT already has provided OHPA with such information, including a second letter confirming compliance sent yesterday. To the extent additional information is requested, please clarify as to what is being requested."

- **Status of Corporate Espionage Allegations**

Chairman Fullwood reported the item is still under investigation; therefore, no further discussion is allowed.

The Operator's response to this item read as follows:

"Item 5 relating to corporate espionage against the Port: As this is a pending law enforcement investigation, NT is unable to comment. This is a serious matter and NT is pursuing its remedies to the fullest extent of the law. It is certainly not "baloney" as a certain commissioner with no first-hand knowledge of the facts has repeatedly publicly stated."

- **Capital Improvement Plan**

Chairman Fullwood cannot recall receiving an invite to meet with the Operator to discuss this item. Mr. Cole confirmed it will be incorporated in the Master Plan.

The Operator's response to this item read as follows:

"Item 5 relating to the Capital Improvement Plan: NT has provided OHPA with a letter on this topic and awaits OHPA's response."

Further discussions focused on the repair of security cameras at the Port.

Chairman Fullwood met with the terminal manager, Ray Nelson, and Secure Space manager/Executive Operator, Mike Clark. Both are aware of the camera issue and submitted a repair and funding request to the Operator. They plan to install digital cameras for better resolution specifically on Dade Street to observe the truck traffic and parking. Additionally, it was reported there is a huge hole on the side of the warehouse. It is secured and scheduled for repair. Also, a sign will be posted by the ramp to prevent the public from taking a short cut.

6. Navigational Channel (letters from Port Operator and Pilot)

Chairman Fullwood highlighted from the map provided the area where sediments collected on the channel. The pilots explained the sediments may impede and restrict ship traffic to the Port. The issue is the funding to complete the maintenance dredging has to come from the federal government. The administrator from the Army Corp of Engineers (ACOE), Milan Mora, stated the funds are limited and Port of Fernandina may experience difficulty acquiring said funding. Chairman Fullwood encouraged the Board to speak to the State representatives (specifically Congressman Rutherford, Senators Rubio and Scott) to solicit assistance in securing funds. An option may be to "piggy-back" with the Navy for the small area to clear the sediments. He recommended the dredging be completed before the issue becomes complicated. He, along with Mr. Ragucci and one of the pilots, sent a letter to the ACOE emphasizing the need to dredge the channel. Commissioner Hill wondered if OHPA may use one

of the existing grants for the dredging. The Chairman did not think so. Additionally, neither of the mills are affected by the sediments issue.

7. Operator attendance at meetings

Chairman Fullwood explained there is no requirement in the Operating agreement or the Charter for the Operator to attend the meetings. It is only a courtesy to attend and provide tonnage reports and other Port activities. Admittedly, he stated it is difficult to have discussions about matters without the Operator present. Commissioner Franklin emphasized the Operator is an integral part of the Port and should be present in all the meetings.

Commissioner Hill argued Section 7.4 of the Operating agreement requires the Operator to attend the meetings. She asked if OHPA has ever had an Operator not attend or walk out from any meetings. Chairman Fullwood answered in all his 13 years, he has never experienced such action from any Operator save the present one. Mr. Krechowski explained there are obligations to provide information in the Operating agreement. However, it does not obligate an in-person attendance at the meetings. The Operator may send information via other means (letter, a proxy).

Other Discussions

Mr. Krechowski encourage the Chairman to invite the public for comments before adjourning. There were no public comments form submitted by members of the public prior to the meeting.

Chairman Fullwood invited Chip Ross, City Commissioner/210 N. 3rd Street, Fernandina Beach, to speak. Commissioner Ross noted the next OHPA meeting is scheduled on the same day as the Legislative meeting, November 10th.

Finally, Chairman Fullwood reported he spoke to Representative Cord Byrd about the proposed change in the Charter that the Board will need to make a decision. Mr. Krechowski will contact each Commissioner to garner a consensus on the matter.

With no other questions brought before the Board, the meeting was adjourned at 6:17 PM.

*Reference: Jimerson Birr, Operator OHPA Board Meeting Attendance, 2021.10.28

Danny Fullwood, Chairman

Date

10/28/2021 6



Port Accountant Report

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Monthly Financial Report - October 2021

| | October | YTD ACTUAL | BUDGET 2021-2022 |
|--|-------------------|-------------------|---------------------|
| Revenues | | | |
| Quarterly Fee | 20,973.00 | 20,973.00 | 272,493.00 |
| PILOT Payment | 0.00 | 0.00 | 0.00 |
| Audit Fee Reimbursement | 0.00 | 0.00 | 0.00 |
| Misc Income | 0.00 | 0.00 | 2,000.00 |
| Interest | 1.40 | 1.40 | 60.00 |
| TOTAL REVENUES | 20,974.40 | 20,974.40 | 274,553.00 |
| EXPENSES | | | |
| COMMISSION DIRECT | | | |
| Salaries - Commissioners | 10,000.00 | 10,000.00 | 120,000.00 |
| Payroll Taxes | 944.70 | 944.70 | 11,361.00 |
| Unemployment | 35.46 | 35.46 | 75.00 |
| Conferences & Travel | 486.36 | 486.36 | 1,000.00 |
| Insurance | 0.00 | 0.00 | 1,134.00 |
| Salaries - Board Attorney | 9,880.00 | 9,880.00 | 30,000.00 |
| TOTAL COMMISSION DIRECT | 21,346.52 | 21,346.52 | 163,570.00 |
| COMMISSION OPERATION | | | |
| Salaries- Accountant | 1,500.00 | 1,500.00 | 18,000.00 |
| Salaries - Office Administrator | 2,348.94 | 2,348.94 | 23,535.68 |
| Expenses - Office Administrator | 129.30 | 129.30 | 4,000.00 |
| Travel - Office Administrator | 0.00 | 0.00 | 100.00 |
| TOTAL COMMISSION OPERATION | 3,978.24 | 3,978.24 | 45,635.68 |
| COMMISSION DISCRETIONARY | | | |
| Dept. of Revenue (Special Dist. Fee) | 0.00 | 0.00 | 225.00 |
| TPO. - Membership | 1,395.00 | 1,395.00 | 1,329.00 |
| Greater Nassau Chamber of Commerce | 0.00 | 0.00 | 280.00 |
| Advertisement | 279.29 | 279.29 | 600.00 |
| Special Meeting - Court Reporter | 0.00 | 0.00 | 0.00 |
| Web Site | 16.98 | 16.98 | 0.00 |
| Awards & Presentations | 0.00 | 0.00 | 120.00 |
| Discretionary | 0.00 | 0.00 | 720.00 |
| TOTAL COMMISSION DISCRETIONARY | 1,691.27 | 1,691.27 | 3,274.00 |
| PORT OPERATIONS | | | |
| FB Annual Fee - PILOT | 0.00 | 0.00 | 0.00 |
| CSX Right of Way Fee | 0.00 | 0.00 | 750.00 |
| Insurance | 12,065.00 | 12,065.00 | 12,065.00 |
| Audit | 0.00 | 0.00 | 25,800.00 |
| FL Ports Council Dues | 0.00 | 0.00 | 15,500.00 |
| Nassau Cty Economic Dev Board | 0.00 | 0.00 | 1,000.00 |
| Sponsorships | 0.00 | 0.00 | 0.00 |
| TOTAL PORT OPERATIONS | 12,065.00 | 12,065.00 | 55,115.00 |
| TOTAL EXPENSES | 39,081.03 | 39,081.03 | 267,594.68 |
| Excess Revenues over Expenditures | -18,106.63 | -18,106.63 | 6,958.32 |

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Customs House

Monthly Financial Report - October 2021

| | <u>October</u> | <u>YTD ACTUAL</u> | <u>BUDGET</u> <u>2021-2022</u> |
|--|----------------------|----------------------|-----------------------------------|
| INCOME | | | |
| GSA - Customs House - RENTAL INCOME | 0.00 | 0.00 | 0.00 |
| Interest | | | |
| TOTAL INCOME | 0.00 | 0.00 | 0.00 |
| CUSTOMS HOUSE | | | |
| Bug Out Pest Control | 0.00 | 0.00 | 312.00 |
| River Pest Control Termite Bond | 600.00 | 600.00 | 500.00 |
| Bug Out Termite Bond | 0.00 | 0.00 | 250.00 |
| Cleaning Service | 460.81 | 460.81 | 2,700.00 |
| City of Fernandina Beach (Water) | 78.33 | 78.33 | 1,500.00 |
| Florida Public Utilities (Electric) | 364.92 | 364.92 | 5,000.00 |
| Maintenance | 260.00 | 260.00 | 0.00 |
| TOTAL CUSTOMS HOUSE | 1,764.06 | 1,764.06 | 10,262.00 |
| <u>Net Increase(decrease) in Funds</u> | <u>-1,764.06</u> | <u>-1,764.06</u> | <u>-10,262.00</u> |

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Account Balances - October 2021

| Account Name | Acct Num | 29-Oct | 30-Sep |
|---------------------|-----------------|---------------|---------------|
| Operating | x3328 | 11,688.40 | 29,189.32 |
| Money Market | x3310 | 58,712.52 | 58,711.12 |
| Other - Admin Acct | x6714 | 452.14 | 393.92 |
| Maintenance | x4519 | 161,310.56 | 111,310.56 |

Nassau County, Florida

Ocean Highway & Port Authority

FINANCIAL STATEMENTS

for the

Quarter ended September 30, 2021

and

Four quarters ended September 30, 2021



To the Board of Commissioners of
The Ocean Highway and Port Authority
of Nassau County, Florida

Management is responsible for the accompanying financial statements of the Ocean High and Port Authority of Nassau County (a not for profit Special District chartered by the Legislature of the State of Florida), which comprise the balance sheet as of September 30, 2021, and September 30, 2020 and the related statement of income and retained earnings for one quarter ended September 30, 2021 and four quarters ended September 30, 2021 and four quarters ended September 30, 2020, in accordance with accounting principles generally accepted in the United States of America.

We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements, nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

A statement of cash flows for the quarter ended September 30, 2021, and four quarters ended September 30, 2021, and September 30, 2020, has not been presented. Accounting principles generally accepted in the United States of America require that such a statement be presented when financial statements purport to present financial position and results of operations.

Management has elected to omit substantially all of the disclosures required by generally accepted accounting principles. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Ocean Highway and Port Authority's financial position. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to the Ocean Highway and Port Authority of Nassau County.

Courson and Stam LLC

Fernandina Beach, FL.
November 3, 2021

OCEAN HIGHWAY & PORT AUTHORITY

Balance Sheet

As of September 30, 2021 and September 30, 2020

| | As of Sep 30, 2021 | As of Sep 30, 2020 |
|---|----------------------|----------------------|
| ASSETS | | |
| Current Assets | | |
| Bank Accounts | | |
| 1010 Petty Cash | 150. | 150. |
| 1045 BBT - Maintenance Acct | 0. | 78,765. |
| 1047 1047 BB&T | 0. | 32,515. |
| First Federal - Operating | 31,474. | 42,004. |
| First Federal -MMA | 58,711. | 126,670. |
| First Federal Maintenance Fund | 111,311. | 0. |
| First Federal-Admin | 394. | 330. |
| Total Bank Accounts | \$ 202,039 | \$ 280,435 |
| Accounts Receivable | | |
| 1061 Due from other Govenments | | |
| 1061 B Worldwide Terminal - Maintenance | 45,000. | 0. |
| 1061 C WorldWide Terminals-Security | 41,991. | 51,353. |
| Total Accounts Receivable | \$ 86,991 | \$ 51,353 |
| Other Current Assets | | |
| 1060 Accounts Receivable | 74,000. | 158,487. |
| 1062 Pilot Pmt. In Lieu of Taxes | 100,000. | 100,000. |
| 1064 Receivable (USDOT) | 39,083. | 0. |
| 12000 Undeposited Funds | -2,077,011. | 0. |
| Total Other Current Assets | -\$ 1,863,928 | \$ 258,487 |
| Total Current Assets | -\$ 1,574,897 | \$ 590,275 |
| Fixed Assets | | |
| 2010 Land - Port | 3,183,736. | 3,183,736. |
| 2020 Buildings | 772,000. | 772,000. |
| 2025 1997,1998,1999 - Warehouse | 2,060,166. | 2,060,166. |
| 2026 1997,1998,1999 - Bulk Pier | 191,099. | 191,099. |
| 2027 Warehouse #1 - Refurbish | 918,328. | 918,328. |
| 2028 Road Project | 347,151. | 347,151. |
| 2030 Equipment | 805,055. | 805,055. |
| 2031 Leibherr Crane | 1,923,698. | 1,923,698. |
| 2040 Port Improvements | 24,678,448. | 24,678,448. |
| 2043 Tradeplex Improvements | 1,013,339. | 1,013,339. |
| 2045 Dredge Project | 929,084. | 929,084. |
| 2046 Gate Entry/Storage Yard | 251,710. | 251,710. |
| 2047 New Pier - 2003 | 611,546. | 611,546. |
| 2048 Tugboat Purchase 2021 | 1,015,190. | 0. |
| 2049 Pier Study 2021 | 167,827. | 0. |
| 2050 Security | 762,117. | 762,117. |
| 2051 WIP NC Cranes | 3,365,630. | 0. |
| WIP 2020 Warehouse | 297,984. | 150,537. |
| 2052 Ottawas -2021 | 298,854. | 0. |
| 2100 Accumulated Depreciation | -29,290,578. | -28,566,578. |
| Total Fixed Assets | \$ 14,302,385 | \$ 10,031,437 |
| TOTAL ASSETS | \$ 12,727,488 | \$ 10,621,712 |

OCEAN HIGHWAY & PORT AUTHORITY

Balance Sheet

As of September 30, 2021 and September 30, 2020

| | As of Sep 30, 2021 | As of Sep 30, 2020 |
|--|----------------------|----------------------|
| LIABILITIES AND EQUITY | | |
| Liabilities | | |
| Current Liabilities | | |
| Accounts Payable | | |
| 20000 *Accounts Payable | 373,746. | 211,290. |
| Total Accounts Payable | \$ 373,746 | \$ 211,290 |
| Other Current Liabilities | | |
| 3022 Annual Fee Payble | 100,000. | 100,000. |
| 3030 Accrued Payroll | 11,843. | 11,775. |
| 3040 Payroll Taxes Payable | 1,070. | 901. |
| 3042 Unemployment Taxes Payable | 35. | 35. |
| 3509 Unearned Revenue | 60. | 51,020. |
| Total Other Current Liabilities | \$ 113,008 | \$ 163,731 |
| Total Current Liabilities | \$ 486,754 | \$ 375,021 |
| Equity | | |
| 5006 Contrib. Capital - Audit 9/98 | 442,681. | 442,681. |
| 5007 Contrib. Capital - Audit 9/97 | 8,813. | 8,813. |
| 5008 Contrib. Capital - Audit 9/96 | 59,665. | 59,665. |
| 5009 Contrib. Capital - Audit 9/95 | 854,456. | 854,456. |
| 5010 Contrib. Capital - Dot 2012 | 389,750. | 389,750. |
| 5020 Beginning Fund Deficit | -9,270,843. | -9,270,843. |
| 5025 YTD Fund (Deficit)/Excess | 7,121,095. | 7,840,612. |
| 6500 Contributed Capital-operator | 6,085,089. | 6,085,089. |
| 6501 Operator Contrib - Nov 2018 | 4,555,986. | 4,555,986. |
| Net Income | 1,994,043. | -719,517. |
| Total Equity | \$ 12,240,734 | \$ 10,246,691 |
| TOTAL LIABILITIES AND EQUITY | \$ 12,727,488 | \$ 10,621,712 |

OCEAN HIGHWAY & PORT AUTHORITY

Statement of Operations

For the One Quarter Ended Sept 30, 2021 and the Four Quarters ended Sept 30, 2021

| | Jul - Sep, 2021 | Oct 2020 - Sep 2021 |
|---|-----------------|---------------------|
| Income | | |
| 6015 Interest Income | 6 | 41 |
| 6023 Port Security Reimbursement | 59,097 | 229,897 |
| 6028 Annual Fee | 62,919 | 251,676 |
| 6031 Maintenance Contrib | 15,000 | 60,000 |
| 6035 State of Florida - DOT Funds | 74,000 | 1,737,636 |
| 6036 USDOT/MARAD | 239,083 | 1,039,083 |
| Total Income | 450,105 | 3,318,333 |
| Gross Profit | 450,105 | 3,318,333 |
| Expenses | | |
| 8020 Advertising | 244 | 1,032 |
| 8022 Awards & Presentations | 0 | 114 |
| 8023 Discretionary | 0 | 471 |
| 8050 Bank Charges | 60 | 495 |
| 8065 Commissioners Fees | 30,000 | 120,000 |
| 8068 Office Mngr Payroll | 5,460 | 18,018 |
| 8075 Depreciation | 50,000 | 724,000 |
| 8080 Dues & Subscriptions | | |
| 8080A Special District Fee-Dues | 0 | 0 |
| 8080B TPO Membership-Dues | 0 | 1,329 |
| 8080C Greater Nassau Chamber of Commerce-Dues | 300 | 580 |
| 8080D Nassau County Dev. Board | 0 | 3,000 |
| 8080E Florida Ports Council-Dues | 0 | 15,500 |
| Total Dues & Subscriptions | 300 | 20,409 |
| 8090 Travel | 379 | 379 |
| 8100 FMIT Insurance | 0 | 11,602 |
| 8105 Bond Insurance | 0 | 207 |
| 8106 Tugboat Insurance | 0 | 29,035 |
| 8127 Licenses & Permits | 0 | 855 |
| 8130 Office Supplies | 406 | 1,219 |
| 8131 Website Expense | 468 | 1,111 |
| 8135 Office Manager Travel | 13 | 28 |
| 8140 Outside Services | 180 | 180 |
| 8150 Payroll Taxes - Commissioner | 2,295 | 9,369 |
| 8151 Payroll Taxes - Office Manager | 437 | 1,457 |
| 8154 State Unemployment Tax | 36 | 198 |

OCEAN HIGHWAY & PORT AUTHORITY

Statement of Operations

For the One Quarter Ended Sept 30, 2021 and the Four Quarters ended Sept 30, 2021

| | Jul - Sep, 2021 | Oct 2020 - Sep 2021 |
|--------------------------------------|-----------------|---------------------|
| 8164 Customs House Cleaning Services | 850 | 3,370 |
| 8165 Pest Control | 0 | 1,015 |
| 8166 Port Security | 59,097 | 229,897 |
| 8180 Professional Fees | | |
| 8180A Accountant | 4,500 | 18,000 |
| 8180B Port Attorney | 56,808 | 95,912 |
| 8180C Audit | 0 | 25,800 |
| 8180E Professional Fees Other | 0 | 4,200 |
| Total 8180 Professional Fees | 61,308 | 143,912 |
| 8200 Repairs & Maintenance | 0 | 0 |
| 8220 Security Software Maintenance | 0 | 120 |
| 8270 Utilities | 0 | 0 |
| 8270A FPU | 998 | 4,303 |
| 8270B City of FB Utility | 240 | 976 |
| Total 8270 Utilities | 1,238 | 5,278 |
| 8280 Miscellaneous Expense | 46 | 520 |
| Total Expenses | 212,816 | 1,324,290 |
| Net Operating Income | 237,289 | 1,994,043 |
| Net Income | 237,289 | 1,994,043 |

OCEAN HIGHWAY & PORT AUTHORITY
Statement of Operations
For the Four Quarter Ended Sept 30, 2021 and Sept 30, 2020

| | Oct 2020 - Sep 2021 | Oct 2019 - Sep 2020 |
|---|---------------------|---------------------|
| Income | | |
| 6015 Interest Income | 41 | 20 |
| 6023 Port Security Reimbursement | 229,897 | 223,706 |
| 6025 Rental Income | 0 | 17,591 |
| 6028 Annual Fee | 251,676 | 250,417 |
| 6031 Maintenance Contrib | 60,000 | 60,000 |
| 6035 State of Florida - DOT Funds | 1,737,636 | 344,518 |
| 6036 USDOT?MARAD | 1,039,083 | 0 |
| 6050 Miscellaneous Income | 0 | 575 |
| Total Income | 3,318,333 | 896,826 |
| Gross Profit | 3,318,333 | 896,826 |
| Expenses | | |
| 8020 Advertising | 1,032 | 510 |
| 8022 Awards & Presentations | 114 | 647 |
| 8023 Discretionary | 471 | 0 |
| 8050 Bank Charges | 495 | 93 |
| 8065 Commissioners Fees | 120,000 | 120,000 |
| 8068 Office Mngr Payroll | 18,018 | 22,417 |
| 8075 Depreciation | 724,000 | 724,909 |
| 8080 Dues & Subscriptions | | |
| 8080A Special Disrict Fee-Dues | 0 | 225 |
| 8080B TPO Membership-Dues | 1,329 | 1,293 |
| 8080C Greater Nassau Chamber of Commerce-Dues | 580 | 560 |
| 8080D Nassau County Dev. Board | 3,000 | 10,000 |
| 8080E Florida Ports Council-Dues | 15,500 | 15,500 |
| Total Dues & Subscriptions | 20,409 | 27,578 |
| 8090 Travel | 379 | 0 |
| 8100 FMIT Insurance | 11,602 | 11,141 |
| 8105 Bond Insurance | 207 | 2,294 |
| 8106 Tugboat Insurance | 29,035 | 0 |
| 8110 Interest Expense | 0 | 2,257 |
| 8127 Licenses & Permits | 855 | 2,242 |
| 8130 Office Supplies | 1,219 | 3,423 |
| 8131 Website Expense | 1,111 | 168 |
| 8135 Office Manager Travel | 28 | 0 |
| 8140 Outside Services | 180 | 0 |
| 8150 Payroll Taxes - Commissioner | 9,369 | 9,832 |
| 8151 Payroll Taxes - Office Manager | 1,457 | 2,370 |
| 8154 State Unemployment Tax | 198 | 138 |
| 8164 Custom House Cleaning Service | 3,370 | 3,360 |
| 8165 Pest Control | 1,015 | 1,015 |
| 8166 Port Security | 229,897 | 223,705 |

OCEAN HIGHWAY & PORT AUTHORITY
Statement of Operations
For the Four Quarter Ended Sept 30, 2021 and Sept 30, 2020

| | Oct 2020 - Sep 2021 | Oct 2019 - Sep 2020 |
|---|---------------------|---------------------|
| 8180 Professional Fees | | |
| 8180A Accountant | 18,000 | 18,000 |
| 8180B Port Attorney | 95,912 | 30,410 |
| 8180C Audit | 25,800 | 29,300 |
| 8180E Professional Fees-Other | 4,200 | 1,879 |
| Total 8180 Professional Fees | 143,912 | 79,589 |
| 8200 Repairs & Maintenance | 0 | 75,936 |
| 8220 Security Software Maintenance | 120 | 0 |
| 8270 Utilities | | |
| 8270A FPU | 4,303 | 4,150 |
| 8270B City of FB Utility | 976 | 1,310 |
| Total 8270 Utilities | 5,278 | 5,460 |
| 8280 Miscellaneous Expense | 520 | 13,476 |
| Project Construction Costs | 0 | 283,783 |
| Total Expenses | 1,324,290 | 1,616,342 |
| Net Operating Income | 1,994,043 | -719,516 |
| Net Income | 1,994,043 | -719,516 |



Port Attorney Report

TO: OCEAN HIGHWAY AND PORT AUTHORITY

FROM: PATRICK W. KRECHOWSKI, PORT ATTORNEY

RE: ATTORNEY'S REPORT

DATE: NOVEMBER 8, 2021

Nassau County Property Appraiser

Value Adjustment Board Hearing on November 16, 2021.

Public Records Requests

Jimerson/Nassau Terminals have submitted 30+ separate public records request. The requests are being actively handled.

Port Operator

Communication to Port Operator requesting certain information, updating on response to public records requests and notices of default/breach of Operating Agreement delivered on November 5, 2021.

Reaching out to West Rock regarding Cruise Ship operations at Port.

COFB v. OHPA

Hearing on OHPA's Motion to Dismiss is set for January 26, 2022.

Ross v. OHPA & World Wide Terminals

World Wide Terminal's Motion for Reconsideration, Ross Motion to Compel and remaining pending motions to be heard on November 16, 2021.

Miscellaneous

Remaining OHPA assigned tasks actively being worked on.



Port Operator Report

REQUEST TO OHPA FOR CAPITAL IMPROVEMENT – ADDITIONAL ON-PORT WAREHOUSE

The Port Operator, Nassau Terminals LLC, by this submission is asking for approval to move forward with the procurement of a new 50,000-sq.ft. Fabric Building to be installed at the Port on a Non-Permanent basis. The purpose of this new warehouse will be to house additional break-bulk cargoes, including plywood and other lumber and forest products.

This capital project will include the design, procurement, and erection of a 50,000-sf pre-manufactured warehouse building in the northeast portion of the Terminal. The building will be essentially identical to the one that has been previously successfully procured, other than in size and configuration.

Key Highlights

- ✓ Semi-permanent warehouse expansion allows further cargo growth
- ✓ Further cements Operators efforts in establishing Fernandina as *the* premier breakbulk cargo terminal in the Southeast
- ✓ Seamless process from FDOT as they have already approved this type of building at the Port of Fernandina
- ✓ Port Operator directly contributing local match
- ✓ Construction wholly within the Port's existing footprint with no other impacts to the surrounding community
- ✓ Reduced truck traffic as on-terminal warehouse eliminates double truck moves required in off-terminal cargo storage

Reasons for the Project

The Port's breakbulk business has grown rapidly in the past 3 years since the Operator took over Nassau Terminals. It's proven track-record as a highly skilled and efficient breakbulk terminal has generated newfound client interest that has been capitalized on by the Operator. This growth, however, is now being limited by the amount of available on-terminal warehouse space in the face of what the Operator is seeing as a revival in breakbulk cargo flows that it expects to last for over 10 years. Breakbulk cargo requires on-terminal storage solutions as off-terminal solutions require additional trucks to transport these materials. This adds additional costs to a shippers' total-all-in logistics costs and makes the Port of Fernandina uncompetitive vs. other terminals in the region.

This additional indoor storage space is required for cargoes already committed by Shippers to start shipping to the Port as early as this December 2021 and continuing through 2022 and beyond.

As the Board is aware, the United States is currently experiencing a container crisis that is crippling the US's supply chains and leading to store shelves being empty and the high inflation numbers that we see on all of our daily goods. This has been the result of over 10 years of commodities that typically shipped via breakbulk thru terminals like the Port of Fernandina switching to containers and going to mega terminals like Savannah.

What we are seeing today is a reversion back to breakbulk. With container rates at all time highs and container carriers generating profits in the hundreds of billions of dollars, cargo carriers are seeing breakbulk as the solution to their problems and are now reaching out to the Operator with cargo requests and needs for

Nassau Terminals breakbulk stevedoring expertise. Breakbulk is now the preferred method of shipping due to the lack of availability of containers and the high-cost being charged. This trend is not expected to end any time soon. As long as break-bulk shipping costs are lower than container shipping costs (as they are now), large volumes of cargo that the Port specializes in will continue to move to Break-Bulk and will need a home port in the South Atlantic region. This gives Nassau Terminals an opportunity to secure these cargos before other terminals do so and continue to provide to them a level of service that will keep them here for decades to come.

Location of Project

The project will be located in the Northeast corner of the terminal and will have minimal impact on existing terminal operations and clients.

A rendering has been attached to hereto to visually show the location of the warehouse (Appendix A)

Budget for Project

The total budget for the project will be approximately \$1,450,000, with the sources and uses breakdown below:

| Project Sources and Uses | |
|--|------------------------|
| Sources | |
| Grant No. G1W55 – “On Port Covered Storage” | \$ 550,000.00 |
| Grant No. XXXXX - "On Port Covered Storage" | \$ 176,559.00 |
| Total Government Grant Funding | \$ 726,559.00 |
| Worldwide Terminals (Operator) Funding Local Match Share | \$ 726,559.00 |
| Total Sources | \$ 1,453,118.00 |
| Uses | |
| Building Design, Fabrication, and Delivery | \$ 1,086,300.00 |
| Erection | \$ 236,000.00 |
| Asphalt Underlayment | \$ 130,818.00 |
| Total Uses | \$ 1,453,118.00 |

Grant No. G1W55

We will be requesting from FDOT that 50% of the cost of the project (\$726,559) be covered with OHPA’s Grant No. G1W55 – “On Port Covered Storage” – available balance \$550,000. We will request the balance of the 50% from OHPA’s newly awarded Grant for warehouse space in the amount of \$214,000 which was awarded during this past summer’s SEACIP process. This Grant does not have a number yet as we are awaiting FDOT to provide a Grant Agreement. It will cover the balance of the 50% State share, with \$37,441 left over.

Worldwide Terminals will provide the Local Match of \$726,559 out of remaining bond funds for capital investment in the Port.

The building value of approx. \$1 million as well as the asphalt underlayment will be considered an asset added to OHPA’s balance sheet. The building can be removed, stored, relocated, or sold at any time if

circumstances require in the future. The additional cost are for erection and leveling the terminal grade under the building with asphalt.

Quotations for the various components of the project are attached hereto in Appendix B.

Procurement

As we have previously completed procurement for such a structure, NT is familiar with the process. We have already reached out to the **three (3)** manufacturers of fabric buildings in order to obtain both quotes and project timelines (Appendix B). BigTop, the previous winner of the 15,300 sq.ft. building currently standing in the Terminal, is the only manufacturer able to proceed with this project on the timeline that is necessary for this new business.

As was previously approved by OHPA's former counsel, Jeb Branham (now Judge Branham), we would seek to have OHPA certify a sole source procurement for this project in the same way it was done before. This will speed this process by more than a month which is critical due to the aforementioned time constraints and supply chain issues.

We will work with OHPA's counsel once we have solicited bids and received the submissions from qualified fabric building companies.

Timeline

Due to the nature of the supply chain bottleneck, this project needs to be started as soon as possible as production delays as well as the already lengthy production queue and trucking availability could all affect completion time. The current estimated delivery time is 16 weeks from order. NT estimates that on terminal fabrication and construction will take appx. 3 weeks' time. NT's goal would be to have this building fully operational by mid-April of 2022. This is critical because, as mentioned there are specific Port Customers that are seeking to bring cargo into the Terminal as soon as possible. Any delay will allow other terminals to capitalize on our inability to act.

In order to hit these timeline milestones, the building can only be ordered once OHPA has executed a purchase agreement (contract) on 11/24 to initiate the manufacturing process at the vendor. For this to occur we have provided in Appendix B the already sourced quotes for the Fabric Warehouse manufacturer with the goal of receiving Sole Sourcing Vendor Approval and Approval to move forward with this project from OHPA on 11/10/2021.

Once this approval is given, final designs will be completed by the selected vendor and a complete set of drawings and design specifications will be provided by the building manufacturer. These will be then stamped and sealed by a professional engineer licensed in the State of Florida. A final Purchase Agreement approved by the Port's counsel will be provided for the Board's consideration and approval.

Final Approval of Project; Contract

Once we have agreed to a deal with a building company on business terms, we will provide OHPA's counsel with a simple form of agreement from the vendor. Once approved, the Operator will bring it before the Board for approval and authority for the Chairman to execute.

ACTION REQUIRED AT NOVEMBER 10th MEETING

Based on the Agenda Item, we request that the Board discuss the proposed project and the request for approval to move forward from the Operator. Upon conclusion of the discussion, the Chairman is requested to call for a vote to move forward with the project, subject to final approval when vendor has been selected and a final agreement has been presented and reviewed by OHPA's counsel. Final approval will be requested at the next meeting of the OHPA Board.

Thank you for your consideration and support to move the Port forward and support its growth.

Respectfully submitted,

NASSAU TERMINALS LLC

Timeline for Project

2021

| November | | | | | | |
|----------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

| December | | | | | | |
|----------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

2022

| January | | | | | | |
|---------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

| February | | | | | | |
|----------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | | | | | |

| March | | | | | | |
|-------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

| April | | | | | | |
|-------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

• 11/10: Project Approval by OHPA Board including Sole Sourcing Vendor Approval

• 11/11 - 11/24: Vendor to Begin Design Plans and Purchase Agreement

• 11/24: OHPA Board to Sign Purchase Agreement

• 11/25/2021 - 3/19/2022: Manufacturing

• 3/20/2022 - 4/9/2022: Erection of Structure on Terminal

• 4/9/2021: Anticipated Construction Completion Date; All relevant permits filed and approved

**Appendix A: Building Location and
Rendering**

Appendix B: Building Quotes



November 2, 2021
 Stan Herrington
 Worldwide Terminals

| <u>ITEM</u> | <u>QTY</u> | <u>DESCRIPTION</u> | <u>PRICE</u> |
|-----------------|------------|--|------------------------|
| Big Top Shelter | 2 | 100' Wide X 250' Length X 35' Center Height \$540,000.00ea <ul style="list-style-type: none"> • 22 OZ. Cover, White, Flame Retardant PVC Vinyl Fabric with Polyester Scrim. • Fabric is flame retardant – NFPA 701 and UVA treated. • Fabric Ends at Base Level on each side. • Frame Members: 30" Four Chord Galvanized Tubular Steel Design. • 10' Truss Spacing • All Connections via a slip fit Plate to Plate Junction • All assembly instructions, hardware & anchoring included • Anchors Are Provided for a Concrete Foundation | \$ 1,080,000.00 |
| End Panels | 2 | 2ea access end wall with 1ea 25' Width X 25' high fabric access panel. | Included |
| Man Door | 2 | Aluminum man door with frame | Included |
| Engineering | | Structure meets standard codes. If specific codes should be met customer should specify prior to sale or assume all responsibilities, & any additional cost post sale. | \$ 1,800.00 |
| Taxes | | This quote is not inclusive of State, County, City, Use or any other taxes. If applicable, you may be charged any or all the above based upon Federal or State Law that may apply. If you have a tax-exempt certificate or direct pay permit, please provide. | Exempt |
| Shipping | | FOB Origin Perry, FL. We will prepay and add. Shipping and Handling to the FL job site (Flatbed Rate) | \$ 4,500.00 |
| Grand Total | | | \$ 1,086,300.00 |
| Direct Install | | Coast To Coast Contracting LLC Ben Perry benp@ctcellc.com (352) 460-7041 | Contact for Quote |

- ◆ **Payment Terms** – 50% deposit, 50% prior to shipping
- ◆ **Manufacturing Lead- Time:** 12± Weeks from deposit. Please expect 2+ weeks for engineering.

Sincerely,
Brandon Slaughter
 Sales Representative
b.slaughter@bigtopshelters.com

Approved This ___ Day of ____, 2021
 Signature _____



October 11, 2021

Stanley Herrington
Facility & Equipment Manager
Worldwide Terminals – Port of Fernandina
315 N 2nd Street
Fernandina Beach, FL 32034

RE: Big Top Shelter Installation Budget

Mr. Herrington,

I am pleased to provide you with the following proposal for the above referenced project.

- Installation of (1) EA 100x250x34 shelters.
- (2) EA end panels with 20x20 fabric openings.
- (2) EA man doors.
- Anchors are for an asphalt foundation.
- 5-week installation duration.
- Includes lifting equipment as required.
- Includes temp construction power as required.
- Laydown area required to assemble trusses with a clear path to building site.
- Includes permitting services (no permitting fees).
- Includes final as-built survey / elevation certificate as required for CO.
- Includes temporary lifting of flap to shelter as will be required by building dept.

TOTAL PRICE PER SHELTER: \$118,000.00

TOTAL PRICE FOR TWO SHELTERS: \$236,000.00

Exclusions/Clarifications:

- Permitting and/or impact fees.
- Design fees of any kind.
- Abatement or testing of any kind.
- Geotechnical testing of any kind.

Sincerely,

Ben Perry
President
352-460-7041
benp@ctccllc.com
202 N Dixie Ave
Fruitland Park, FL 34731

KUDZUE 3 Trucking & Paving

P.O. BOX 1799
YULEE, FL. 32041



OFFICE: 904-388-7838
FAX: 904-384-9638

PROPOSAL and CONTRACT REVISED

To: WORLDWIDE TERMINALS
2345 FRIENDLY ROAD
FERNANDINA BEACH, FL 32034
Attn: STANLEY HERRINGTON
Phone: 904-990-1400 CELL: 904-571-5110
E-Mail: stanley.herrington@worldwideterminals.com

Project: BULK PILE

Location: 315 NORTH SECOND STREET
FERNANDINA BEACH, FL

Date: 10/12/2021

| Quantity | Units | Description | | | Unit Price | Total |
|----------|-------|--|---|----|------------|--------------|
| 6,400 | SY | 2" SP-12.5 COMMERCIAL OVERLAY (BRICKS) | @ | \$ | 11.75 | \$ 75,200.00 |
| 2,935 | SY | 3" SP-12.5 COMMERCIAL N/O (2 LIFTS) | @ | \$ | 17.68 | \$ 51,890.80 |
| 2,935 | SY | BLADE AREA WHERE BIG ROCKS ARE | @ | \$ | 1.27 | \$ 3,727.45 |

TOTAL AMOUNT \$ 130,818.25

QUANTITIES: The above noted quantities were not measured by Kudzue and therefore may not reflect the actual amount required for this project. Above amounts are to be used for estimation purposes only and actual measurements will be taken when project commences.

INCLUDES: One mobilization - Additional mobilizations are \$1,500.00 each.

EXCLUDES: Any traffic control devices and/or off duty officers. Testing and prime are the responsibility of the contractor unless noted otherwise.

IMPORTANT: Kudzue 3 Trucking & Paving is not responsible for failure of final products due to yielding, uneven base or irregularities in the base exceeding 1/4". No guarantee of drainage can be given for a rate of fall less than 2%. Mobilization & installation are conditional upon review & acceptance of the base by Kudzue personnel. Proposed work will be performed & accepted according to industry standards.

PRICING: The unit prices shown above are good for 30 days only. In order to guarantee these rates for six (6) months, please sign & return to us within the next 10 (ten) days.

A complete agreement between the two (2) parties includes the Terms and Conditions contained on page 2 (two). A fully executed proposal is required prior to scheduling the work.

To: WORLDWIDE TERMINNALS

Project: BULK PILE

TERMS AND CONDITIONS

FINANCE CHARGES/INTEREST:

Customer will receive an invoice for the work performed. Customer must pay the entire amount by the 30th day from invoice date. If the balance is not paid by the 60th day from the invoice date, interest will accrue on that unpaid amount at the highest rate allowable by Florida law.

ATTORNEY'S FEES:

If Kudzue 3 Trucking, Inc. employs an attorney to enforce any provision of Customer's contract or invoice, or to defend any action brought by the Customer, its agents or employees against Kudzue 3 Trucking, Inc. or to collect any payment due to Kudzue 3 Trucking, Inc. from Customer, whether or not suit is instituted, Kudzue 3 Trucking, Inc. will be entitled to recover from Customer all costs and expenses incurred, including a reasonable attorney's fee.

PERSONAL GUARANTY:

The person signing this Terms and Conditions page on behalf of the Customer, personally and individually, guarantees the full and prompt performance of the Customer and the payment of all sums due to Kudzue 3 Trucking, Inc. As used in this Terms and Conditions page, the term "Customer" will also include the guarantor and any other party to this Contract or invoice and all waivers are equally applicable to those persons.

CUSTOMER: _____

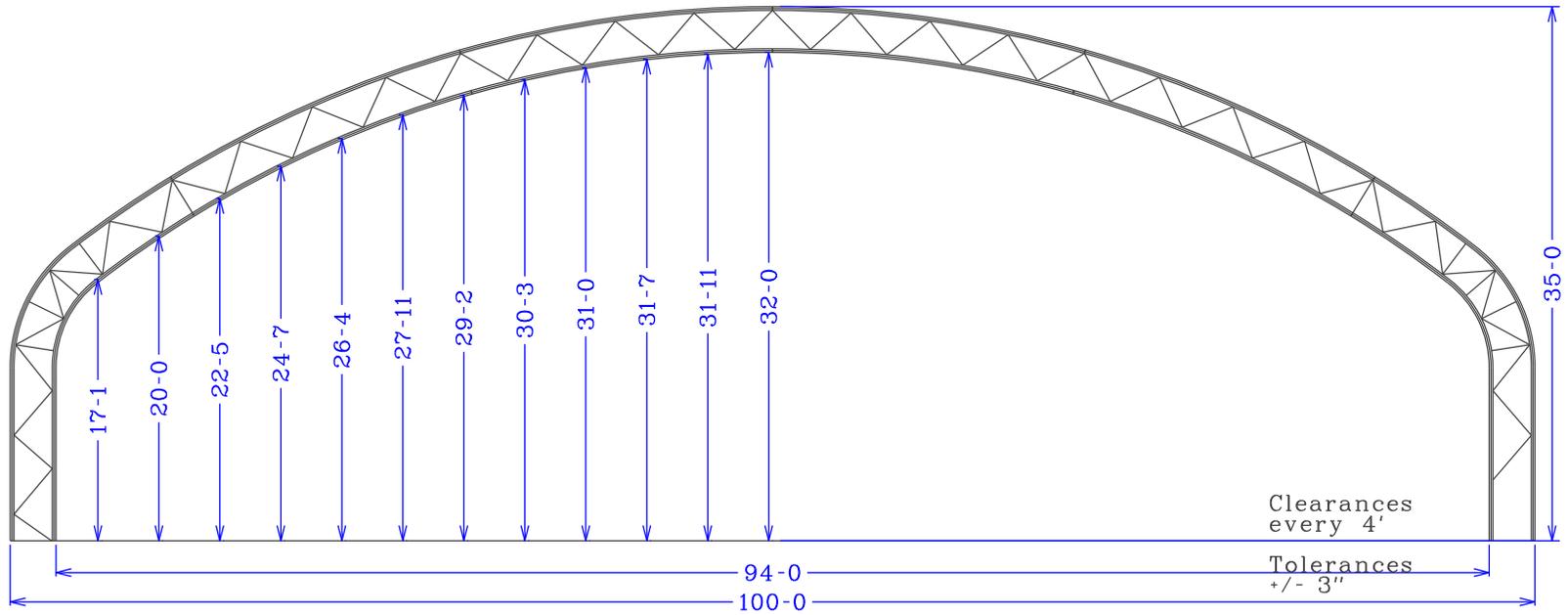
SIGNATURE: _____ **DATE:** _____

PRINTED NAME & TITLE: _____

PREPARED BY:

RANDY MALOY

(904) 237-2309



DRAWN BY: B. Slaughter
 DATE: 11/17/21
 VIEW:
 REQUESTED BY: S. Herrington
 ENGINEER:

100 X 200 X 35

ALL INFORMATION IS PROPERTY OF BIG TOP MANUFACTURING



3255 N. US 19
 PERRY, FLORIDA 32347
 PHONE 1-800-277-8677
 FAX (850)584-7713
 E-MAIL: sales@bigtopshelters.com



As Contemplated: 2 25,000 sq.ft. Rubb Style Buildings



Rossana Hebron <ohpanc@gmail.com>

FW: 25000' (2) Fabric Structures

ohpanc@gmail.com <ohpanc@gmail.com>
To: ohpanc@gmail.com

Mon, Nov 8, 2021 at 4:22 PM

From: Stanley Herrington <Stanley.Herrington@worldwideterminals.com>
Sent: Monday, November 8, 2021 3:15 PM
To: Christopher Ragucci <chris.ragucci@worldwideterminals.com>
Subject: FW: 25000' (2) Fabric Structures

From: Sean Hickey <shickey@rubbusa.com>
Sent: Monday, November 8, 2021 11:39 AM
To: Stanley Herrington <Stanley.Herrington@worldwideterminals.com>
Subject: Re: 25000' (2) Fabric Structures

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Stan,

I'm still waiting on input from my estimating team for your project.

I don't want to miss the chance to have Rubb in the mix for consideration for your project.

Our experience in the industry is unmatched (we've been building our structures since 1967 - originally in Norway and since 1984 in the US) and our high-quality buildings are required for longevity & low maintenance in Florida's challenging climate (high winds/high UV). Low-quality, cheap buildings just won't last and are a pain to maintain.

I recently quoted a similar project in Jacksonville, but for 10,000sf, not 50,000sf like yours. Based on that project at JAXPORT, I suspect costs of your 100'W x 250'L (qty 2) project will range

between \$35 and \$50 per square foot, or \$1.75M - \$2.5M.

This includes:

- Hot dip galvanized steel frame
- Proprietary 28oz PVDF architectural membrane cladding (FL approved, wind-borne debris compliant)
 - Single layer, non-insulated
- Hot dip galvanized i-beam + ground anchoring system (see attached drawing)
- Freight to FL
- Installation by Rubb team (non-union)

This excludes: taxes, permits, site prep, doors, electrical, fire suppression (if required), HVAC, and any interior build-out (if required).

Lead time: we're currently booking new projects for delivery & installation in Q2 2022. I think planning for 5-6 months is a good idea right now given the current challenges in America with supply chains.

What do you think? Should I continue our estimating process and get you a formal quote later today/tomorrow?

Sean Hickey

Sales

Rubb Building Systems

1 Rubb Lane

Sanford, ME 04073

Direct: (207) 636-7171

Cell: (207) 608-9150

Email: shickey@rubbusa.com

Web: www.rubbusa.com



From: Stanley Herrington <Stanley.Herrington@worldwideterminals.com>
Sent: Friday, November 5, 2021 4:04 PM
To: Sean Hickey <shickey@rubbusa.com>
Subject: RE: 25000' (2) Fabric Structures

Completely understand. Whatever you can do. Rough budget numbers are good.

Thank you,
Stan

Stanley Herrington
Facility & Equipment Manager
Worldwide Terminals
Port of Fernandina
O: 904-990-1312
C: 904-571-5110
stanley.herrington@worldwideterminals.com



From: Sean Hickey <shickey@rubbusa.com>
Sent: Friday, November 5, 2021 4:00 PM
To: Stanley Herrington <Stanley.Herrington@worldwideterminals.com>
Subject: Re: 25000' (2) Fabric Structures

Will try, but will just be getting back to the office on Monday, so hard to say.

Sent from my mobile
207-636-7171 (direct)
207-608-9150 (mobile)

From: Stanley Herrington <Stanley.Herrington@worldwideterminals.com>
Sent: Friday, November 5, 2021 3:08:15 PM
To: Sean Hickey <shickey@rubbusa.com>
Subject: RE: 25000' (2) Fabric Structures

Hey Sean,

Can you provide proposal before noon Monday?

Have a great weekend!

Thank you,

Stan

Stanley Herrington

Facility & Equipment Manager

Worldwide Terminals

Port of Fernandina

O: 904-990-1312

C: 904-571-5110

stanley.herrington@worldwideterminals.com



From: Sean Hickey <shickey@rubbusa.com>

Sent: Thursday, November 4, 2021 10:50 AM

To: Stanley Herrington <Stanley.Herrington@worldwideterminals.com>

Subject: Re: 25000' (2) Fabric Structures

OK, thanks. I started estimating process with my team. I'll be back in touch after I get their input.

Sean Hickey

Sales

Rubb Building Systems

1 Rubb Lane

Sanford, ME 04073

Direct: (207) 636-7171

Cell: (207) 608-9150

Email: shickey@rubbusa.com

Web: www.rubbusa.com



From: Stanley Herrington <Stanley.Herrington@worldwideterminals.com>
Sent: Thursday, November 4, 2021 10:24 AM
To: Sean Hickey <shickey@rubbusa.com>
Subject: RE: 25000' (2) Fabric Structures

Hey Sean,

Monday should be fine. **Comments below.**

1. Do you plan to climate control these buildings / do you need them insulated? **No**
2. Do you plan on putting down concrete for our building to anchor to?

Structure will be on asphalt. (2" asphalt over 3" paving bricks, sub-base compacted lime rock"

3. Estimated duration of use? (Permanent or temporary)

Long term

4. Location = Port of Fernandina? **Yes**

Thank you,

Stan

Stanley Herrington

Facility & Equipment Manager

Worldwide Terminals

Port of Fernandina

O: 904-990-1312

C: 904-571-5110

stanley.herrington@worldwideterminals.com



From: Sean Hickey <shickey@rubbusa.com>
Sent: Wednesday, November 3, 2021 3:35 PM
To: Stanley Herrington <Stanley.Herrington@worldwideterminals.com>
Subject: Re: 25000' (2) Fabric Structures

Hi Stan,

Thanks for keeping me and Rubb in mind, really appreciate it. I'd be happy to put together a quote for this project.

I'm on the road this week, so will likely be Monday that I can get you the quote. Is that OK or are you up against any deadlines?

For the quote, a few questions that will help my accuracy:

1. Do you plan to climate control these buildings / do you need them insulated? **No**
2. Do you plan on putting down concrete for our building to anchor to?

Structure will be on asphalt. (2" asphalt over 3" paving bricks, sub-base compacted lime rock"

3. Estimated duration of use? (Permanent or temporary)

Long term

4. Location = Port of Fernandina? **Yes**

Sean Hickey

Sales

Rubb Building Systems

1 Rubb Lane

Sanford, ME 04073

Direct: (207) 636-7171

Cell: (207) 608-9150

Email: shickey@rubbusa.com

Web: www.rubbusa.com



From: Stanley Herrington <Stanley.Herrington@worldwideterminals.com>
Sent: Wednesday, November 3, 2021 2:28 PM
To: Sean Hickey <shickey@rubbusa.com>
Subject: 25000' (2) Fabric Structures

Hey Sean,

We spoke a couple years ago regarding a fabric structure, and I think our timelines were too far apart. We now need two (2) 100' X 250' fabric structures installed on asphalt. The enclosed structures will have minimum one 20' X 20' fabric roll up door and personnel door on each end.

Can you provide a budget quote and lead time? We have to get board approval, so this is the first step.

Please provide your thoughts.

Thank you,

Stan

Stanley Herrington
Facility & Equipment Manager
Worldwide Terminals
Port of Fernandina
O: 904-990-1312
C: 904-571-5110

stanley.herrington@worldwideterminals.com



5 attachments

-  **80183_WF_Beam_Ground_Anchors.pdf**
62K
-  **Rubb Buildings - About Us 2021.pdf**
4926K
-  **Rubb Versus Others - Basic Comparison CURRENT.pdf**
2687K
-  **RUBB_questions.pdf**
725K
-  **Rubb_Port_CURRENT.PDF**
2806K



Rossana Hebron <ohpanc@gmail.com>

Addendum to Liebherr Cranes Contract - OHPA & ZPMC

Christopher Ragucci <chris.ragucci@worldwideterminals.com>

Mon, Nov 8, 2021 at 4:12 PM

To: Danny Fullwood <dfullwood@portoffernandina.org>, "mcole@portoffernandina.org" <mcole@portoffernandina.org>

Cc: Rossana Hebron <ohpanc@gmail.com>, Danny Fullwood <dannyfullwood@bellsouth.net>, mike cole <sargeslawncare@comcast.net>

Dear Chairman Fullwood,

Please see attached Addendum to the Contract with ZPMC regarding the Liebherr Cranes. These are for safety related items that could not be determined at the time of the initial contract, but have come up as we are preparing to commission the cranes later this month.

I will be happy to ask ZPMC to have a representative present at the Nov. 10th meeting to explain the underlying basis of this Addendum.

I note that the FDOT grant covering this project has enough funds available to cover the state's 50% portion.

I would be pleased to discuss this item in advance of the meeting with you or any of the members of the Board that wish to have additional information or ask questions in advance of the meeting.

Thanks very much,

Chris

Christopher T. Ragucci

Chief Executive Officer

Worldwide Terminals Fernandina

904-990-1300 Office

917-836-2880 Mobile

chris.ragucci@worldwideterminals.com





Addendum to Liebherr Cranes Contract between OHPA & ZPMC.docx
223K



October 8, 2021

Worldwide Terminals
403 North 3rd Street
Fernandina Beach, FL 32034

Attention: Mr. Stanley Herrington
Equipment Manager

Reference: Additional Items / Elevator Modifications / Tie-down Study / New Ropes
2-Liebherr Cranes
Worldwide Terminals Fernandina Beach

Dear Stan,

We are pleased to offer our proposal in referenced to the above as requested, the below are additional parts items needed to be compliant with the elevator's certifications, the hurricane tie-down engineering study will determine if the existing tie-downs are adequate and the wire ropes for the main hoist and the boom hoist ropes was requested by WWT.

The below items were not included in the original Scope of Work.

ADDITIONAL ITEMS

- 1. Modify (2) Elevators / Parts, Labor and Certify.....\$ 49,707.00
- 2. Hurricane Tiedown Engineering Study..... \$4,000.00
- 3. Remove / Install New Main Hoist & Boom Hoist Ropes (2) Cranes... \$156,900.00

**Total Lump Sum Amount for Change
Orders..... \$210,607.00**

Please contact me if you have any questions regarding the above proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Herrington', is written over a light blue circular stamp.

Regional Vice President
Cc Mr. Rick Pope President ZPMC USA



Unfinished Business

OCEAN HIGHWAY AND PORT AUTHORITY

PORT OF FERNANDINA, FL

INTERIM PORT DIRECTOR

The Board of Directors of the Ocean Highway & Port Authority of Nassau County, Florida (“OHPA”), is seeking proposals and qualifications for an Interim Port Director. This position shall have a six (6) month term and the person holding the Interim position shall not apply for or be considered for the permanent position, should OHPA seek to fill such a position. Interested candidates should submit a formal proposal, as further outlined below, to Rossana Hebron at ohpa@gmail.com, no later than XX, XX.

The Interim Port Director will be responsible for representing OHPA and acting on behalf of OHPA pursuant to its State Charter. The ideal candidate will have extensive port operations and related logistics experience, preferably in the State of Florida, along with experience with the following:

- State and Federal grant application review and submittal, grant administration, compliance, and management, and grant fund distributions;
- Representation of a board of directors composed of elected officials;
- Coordination with and management of day-to-day port operations;
- Community engagement and community liaison;
- Intergovernmental engagement at the local level, and;
- Strategic, master and capital improvement planning.

The Interim Port Director will be required to attend all public meetings of OHPA, including community meetings associated with OHPA’s port master planning efforts. The Interim Port Director will also be expected to attend other local government meetings in and around Nassau County/the City of Fernandina Beach, FL. More information regarding the Port of Fernandina can be found at <https://www.portoffernandina.org/>.

EXHIBIT "A"

Legislative Request

Proposed changes to:

CHAPTER 2005-293 House Bill No. 619

CODING: Words stricken are deletions; words underlined are additions.

Section 7. Specific powers.—The authority shall have the following powers, in addition to all other powers conferred by this act:

(1) To acquire by grant, purchase, gift, ~~condemnation~~, exchange, or otherwise all property, real or personal, or any estate, right, or interest therein, which by resolution of its board shall be determined to be necessary for the purposes of the authority, and to improve, maintain, sell, lease, convey, exchange, or otherwise dispose of the same or any part thereof, or any interest or estate therein, upon such terms and conditions as the authority shall by resolution determine. ~~The power of condemnation provided above may be exercised by the authority directly, as an agency of the County of Nassau, or may be exercised by the County of Nassau, for and on behalf of the authority. Such power of condemnation shall be exercised and carried out in the manner provided by the general laws of the state.~~

(2) To lay out, construct, ~~condemn~~, purchase, own, acquire, add to, extend, enlarge, maintain, conduct, operate, build, equip, manage, furnish, replace, enlarge, improve, lease, sell, regulate, finance, control, repair, and establish office and administrative buildings to be used and occupied in whole or in part by the authority, wharves, docks, slips, channels, jetties, piers, quays, terminals, sidings, shipyards, marine railways, terminal facilities, harbors, ports, waterways, moles, canals, cold storage plants, terminal icing plants, refrigerating plants, precooling plants, locks, tidal basins, trainways, cableways, anchorage areas, depots, warehouses, industrial parks, industrial and manufacturing plants, commercial, business, residential, mercantile, and other related projects, motels, conveyors, appliances for economical handling, storage, and transportation of freight and the handling of passenger traffic, and all other harbor improvements and facilities which by resolution the board of commissioners may determine to be necessary; and to perform all customary services, including the handling, weighing, measuring, regulation, control, inspection, and reconditioning of all commodities and cargoes received or shipped through any port or harbor within the jurisdiction of the authority.

(6) To lay out, construct, ~~condemn~~, purchase, own, acquire, add to, maintain, conduct, operate, build, equip, manage, replace, enlarge, improve, regulate, control, repair, and establish roads, ferries, either separately or as parts of roads, streets, alleys, parks, boulevards, viaducts, tunnels, causeways, bridges, and other transportation facilities within Nassau County, extending beyond Nassau County, or extending to or into the State of Georgia and may avail of any applicable federal law with respect to any such roads, ferries, streets, alleys, parks, boulevards, viaducts, tunnels, causeways, bridges, and other transportation facilities in the construction and operation thereof and the charging of tolls and fees for the services and facilities thereof; to lay out, construct,

condemn, purchase, own, acquire, add to, maintain, conduct, operate, build, equip, manage, replace, enlarge, improve, regulate, control, repair, and establish hotels, radio stations, and any and all recreational facilities, including yacht basins, docks, piers, wharves, fishing piers, public beaches, beach casinos, cabanas, pavilions, entertainment and eating places, swimming pools, bath houses, stadiums, athletic fields, parks, concert halls, auditoriums, golf courses, playgrounds, parking lots, gardens, conservatories, and all necessary or convenient appurtenances to any or all of same; and to lay out, construct, condemn, purchase, own, acquire, add to, maintain, conduct, operate, build, equip, manage, extend, replace, enlarge, improve, regulate, control, repair, and establish any works or property, real or personal, for supplying public utility services, including electricity, gas, water, sewer, and local transportation within and without Nassau County or in Baker County or Duval County, and to use the streets, roads, avenues, and other public places in connection therewith, that no such utility properties shall be acquired, constructed, owned, operated, or maintained by such port authority within the limits of any incorporated city or town unless and until the governing body of such city or town shall have by appropriate ordinance consented thereto. The authority is hereby authorized and empowered to establish, charge, and collect necessary and reasonable fees, admissions, tolls, rates, rentals, and charges for any or all of the services or facilities of any works, undertakings, or properties. The authority is authorized to finance the cost of any such project, in whole or in part, from the proceeds of revenue obligations issued pursuant to this act.

Section 11. Eminent domain.—~~In order to carry out any of the purposes provided in this act, the authority shall have power to acquire by condemnation any properties necessary therefor either directly, as an agency of the County of Nassau, or through the County of Nassau, acting for and on behalf of the Ocean Highway and Port Authority. All property~~

~~so acquired by condemnation as provided herein shall be acquired in the manner provided for the exercise of eminent domain by the general laws of the state.~~

Section 12. Control or jurisdiction over authority.— effect of local regulations.—It shall not be necessary for the authority to obtain any certificate of convenience or necessity, franchise, licenses, permits, or other authorizations ~~thereof~~ from ~~any~~ the applicable county, municipality, or political subdivision of the state that have jurisdiction in the geographic location that the authority intends to develop facilities or otherwise improve its facilities with the following exceptions:

(a) Must comply with The Florida Building Code;

(b) Must comply with The Florida Fire Protection Code;

(c) Must comply with The Flood Plain Management Ordinances of the applicable jurisdiction;

(d) Must comply with the requirements of any applicable State or Federal grants;

(e) For development of authority-owned properties located in the Downtown Historic District of the City of Fernandina Beach as of 2021, the authority must comply with the requirements of the City of

Fernandina Beach Historic District requirements delineated in the City of
Fernandina Beach Land Development Code;

(f) Further expansion of the Port of Fernandina and authority-owned
facilities into the Downtown Historic District of Fernandina Beach is
prohibited; AND

(g) No development be permitted except in conformity with the
applicable Comprehensive Plan, or elements or portion thereof prepared
and adopted in conformity with the Community Planning Act [See FS
163.3161 (5 – 8)]

RESOLUTION 2021-182

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, RESTATING AND AMENDING RESOLUTION 2021-181 SETTING FORTH LEGISLATIVE PRIORITIES FOR STATE OF FLORIDA FISCAL YEAR 2022/2023; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PURSUE FUNDING FOR LEGISLATIVE PRIORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida Legislature annually considers appropriation measures which can provide discretionary funding for local projects and priorities; and

WHEREAS, the City Commission is desirous of pursuing State funding for the projects stated herein and pursuing changes in state special law; and

WHEREAS, Jacobs Scholz & Wyler, LLC's services include proactively monitoring and lobbying on state budgeting and legislation which impacts the City; and

WHEREAS, Jacobs Scholz & Wyler, LLC was recently awarded a renewed contract to provide the City's state and federal lobbying services; and

WHEREAS, the City Manager and staff have identified projects which require funding as described herein and other priorities to pursue changes in state special law in the form of a local bill; and

WHEREAS, the projects herein listed as legislative priorities in Section 2 have been discussed by the City Commission at publicly-noticed City Commission workshops, most-recently at September 21, 2021 and October 5, 2021 Workshops; and

WHEREAS, on November 2, 2021, the City Commission adopted Resolution 2021-181 setting forth legislative priorities for the State's FY 2022/2023 State Legislative Session and any special sessions; and

WHEREAS, the City Commission desires to restate and amend Resolution 2021-181 to include more amendments to special law Chapter 2005-293 whereby amending the Ocean, Highway and Port Authority of Nassau County's Charter to repeal powers of eminent domain, prohibit expansion of port facilities into the Downtown Fernandina Beach Historic District and to require compliance with the City of Fernandina Beach Comprehensive Plan for development of port facilities; and

WHEREAS, the City Commission agrees that it is in the best interest of the City to pursue the legislative priorities set forth herein for State's FY 2022/2023 State Legislative Session and any special sessions, as applicable; and

WHEREAS, the City Manager seeks authority to pursue funding for the items and purposes set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. Recitals. The foregoing Recitals are true and correct and incorporated herein by this reference.

SECTION 2. Approval of Legislative Priorities. The legislative priorities set forth herein are hereby adopted by the City Commission for the State of Florida FY 2022/2023 at Florida's Legislative Session:

A. **Local Bill:** Amend Florida Special Law Chapter 2005-293 (See "Exhibit A").

1. Amend Chapter 2005-293 to prohibit expansion of the Port of Fernandina and Port facilities into the adjacent Downtown Historic District;
2. Amend Chapter 2005-293 to repeal the Port Authority's powers of eminent domain/condemnation; and
3. Amend Chapter 2005-293 to require Port of Fernandina and Port facilities to develop their properties in compliance with state law and the City of Fernandina Beach Comprehensive Plan [See F.S. 163.3161(5-8)].

B. **General Bills** in the following order of priority:

First Priority: Seek \$1,000,000 to design, permit and/or construct physical improvements that improve shoreline stabilization and flood protection in response to climate change along the Amelia Riverfront.

Second Priority: Support \$1,000,000 grant application, to be submitted to the Florida Department of State, Division of Historical Preservation, with a \$250,000 match, to complete necessary repairs at the Peck Center (formerly Peck High School), a historic Rosenwald School.

Third Priority: Seek \$500,000 for beach walkovers to support resiliency, dune growth for storm protection and meet increased tourism and residential demands.

Fourth Priority: Seek \$2,000,000 for design, construction and/or reconstruction of City administration building(s) and legislative meeting space.

SECTION 3. The City Manager and/or his designee is authorized to pursue funding in order to accomplish the legislative priorities listed above.

SECTION 4. This Resolution shall become effective immediately upon passage.

ADOPTED this 16th day of November, 2021.

CITY OF FERNANDINA BEACH

Michael A. Lednovich
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:



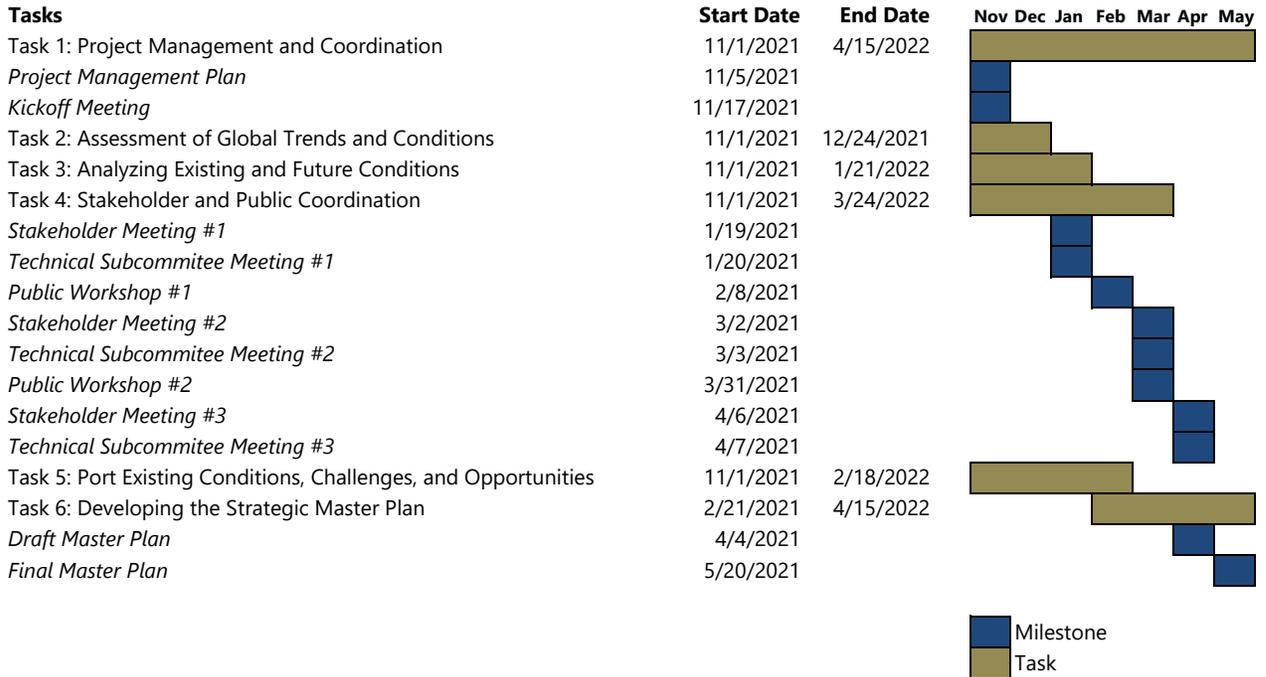
Caroline Best
City Clerk

Tammi E. Bach
City Attorney



New Business

OHPA Port of Fernandina Strategic Master Plan Project Schedule



Note: Proposed dates are estimate and subject to change.

MINUTES
FDOT / Port of Fernandina Coordination Meeting
11/3/2021

Attendees: Justin Ryan (FDOT), Kyle Coffman (FDOT), Danny Fullwood (OHPA), Rossana Hebron (OHPA), Chris Ragucci (WWT)

- **Discussion:**
 - **Grant Performance Review**
 - Age
 - Balances
 - Invoice Activity
 - Inactivity
 - GOL06 – North Dock Ramp & Pilings
 - 55 months no activity
 - Approved for reallocation by FSTED
 - G1700 – Lighting
 - 31 months no activity
 - G1K57-Lighting & Perimeter Security Upgrades
 - 19 months no activity
 - G1L46-Port Master Plan
 - 18 months no activity
 - **Project Reviews**
 - GOL06 (North Dock Ramp & Pilings)
 - Approved for reallocation by FSTED
 - FDOT anticipates this will occur in Q1 2022
 - Discussed need for OHPA to invoice for any outstanding charges ASAP (within next month) so that the invoice can be processed and paid prior to reallocating funding
 - Discussion regarding what purpose the funding will be reallocated to
 - **ACTION ITEMS:**
 - OHPA to provide final invoice for GOL06 within next month
 - FDOT to advise what purpose the grant will be reallocated for, and which grant will be allocated to.
 - G1938 (1-Pier Rehab; 2-Berth Dredging; 3-N. Pile Transition Bridge; 4-Portwide Concrete & Asphalt Refurbishment)
 - Awaiting completion of final phases of berth maintenance dredging activities
 - All applicable compliance documents requested by the Department

- G1W55 (On dock cargo facilities)
 - Port considering procurement and installation of an additional fabric warehouse for bulk cargo
 - Approx. 50K sqft
 - Approx. \$1.4M total cost (50/50 split = \$700K share each)
 - Would potentially use the entire balance & then look at funding the balance from another grant
 - Fabric warehouse would potentially be located NE section of terminal where containers are currently stacked
 - Mr. Ragucci to provide conceptual plan
 - **ACTION ITEM**
 - Mr. Ragucci to send concept to FDOT
- G1943 (1-On-port covered warehouse storage; 2- ship-to-shore gantry cranes)
 - \$1.71M remaining balance
 - Crane
 - Gauge change complete
 - Currently undergoing operational testing prior to commissioning
 - Discussed need for engineer's certification that crane is operational and meets all applicable standards and specifications
 - Mr. Ragucci advised approx. \$200K will remain on grant after all crane activities are complete
 - Asked if FDOT would be agreeable to using balance to procure and install new rigging for crane
 - **ACTION ITEMS:**
 - OHPA to provide signed and sealed engineer certification for crane
 - FDOT to determine if new crane rigging is an eligible item
- G1700 (Lighting)
 - 31 months with no activity
 - Grant expires 2/28/21
 - Time extension not feasible due to lack of incremental progress over last 31 months
 - Mr. Ragucci advised his facilities group is attempting to scope the project
 - Scope of needed improvements has expanded due to the identification of subterranean components (conduits, wiring, etc.) found to be in disrepair
 - Ultimate solution would involve cutting paved surface and removing existing infrastructure and installing all new
 - Time and money concerns

- Mr. Ryan mentioned he had a previous Florida Public Utilities (FPU) lighting improvement estimate that was included in a 2018 FSTED packet with the Ports initial FSTED application
 - Mr. Ragucci requested a copy of the document
 - **ACTION ITEM:**
 - Mr. Ryan to provide Mr. Ragucci 2018 FPU
- G1K57 (lighting & fencing)
 - Mr. Ragucci would like to do repairs to fencing
 - Mr. Ragucci asked if NTP is required or if this is a capital purchase
 - FDOT to advise
 - **ACTION ITEM:**
 - FDOT to advise if NTP is required
- G1L46 (Master Plan)
 - RS&H is onboard & anticipate moving forward on the week of November 8th per Chairman Fullwood
 - Currently assembling steering committee
 - FDOT advised that payment can only be made upon receipt of approved deliverables
 - I.E, as chapters or sections are accepted by OHPA FDOT can then release the appropriate proportional payment
 - FDOT cannot reimburse for charges that have been accrued, but for which a final deliverable has not been accepted. Payment is upon receipt of deliverables only.
 - Chairman Fullwood mentioned the local match may be billed to the pending ARPA grant agreement.
 - Mr. Coffman advised while master plans are an allowable cost under ARPA (business planning), the vendor must have been procured in accordance with all federal procurement guidelines and requirements
 - **ACTION ITEM:**
 - OHPA will ultimately need to provide certification from an authorized official the Authority has met all federal procurement guidelines and requirements prior to receiving reimbursement.
- **Other discussion items**
 - \$197K FY22 FSTED allocation for waterside improvements
 - Mr. Ragucci requested draft agreement
 - **ACTION ITEM:**
 - FDOT to provide draft grant agreement two weeks prior to December board meeting.
 - ARPA Grant
 - Mr. Coffman advised FDOT corresponded with Mr. Laporte on 10/20/2021 regarding outstanding spending plan and supporting documentation needed by the Department.

- Ms. Hebron advised she has provided Mr. Laporte with cancelled checks, and indicated he is actively working on this request.
- Once the Department receives the requested spending plan and supporting documentation from Mr. Laporte, FDOT will perform a thorough review
 - **ACTION ITEM**
 - Mr. Laporte to provide requested documentation to FDOT for review
- OHPA elections
 - Chairman Fullwood advised OHPA will have board elections by the end of the calendar year.
- Future meetings
 - Jan 5, 2022

OCEAN HIGHWAY AND PORT AUTHORITY GUIDELINES FOR PROVIDING PUBLIC RECORDS

1. Purpose.

The Ocean Highway And Port Authority (the "Authority") fully embraces the tenets set forth in the Public Records Law, Chapter 119, Florida Statutes, governing the public's right to access records held by the Authority. In support of the broad public right to access public records, the Authority incorporates the following guidelines to inform agency staff about implementation of the Public Records Law within the Authority and to provide uniformity within the Authority in charging for access to public records.

2. Authority.

Article I, Section 24, Florida Constitution; Chapter 119, Florida Statutes.

3. Scope.

This document outlines policies, responsibilities, and describes procedures for providing access to public records. It should be applied to all activities which involve public records requests. These guidelines complement, but do not replace, the requirements under the Public Records Law.

4. Policies.

The following policies are adopted:

- a. Authority held records, except those specifically precluded from disclosure by statutory exemption, shall be available, in any form and format used by the Authority, to all citizens for inspection or copying under the supervision of the records custodian or designee during normal business hours.
- b. The widest possible access to existing public records is encouraged by making copies of those records available for a fee not to exceed the actual cost of duplication, and, if the nature or volume of public records requested to be inspected, examined, or copied requires extensive use of agency resources, the minimal additional cost to cover such extensive use of agency resources.
- c. Innovative practices to enhance the public's right of access to public records shall be encouraged.
- d. The Authority shall assure that future information technology resources used to manage, store, or maintain public records adequately provide for the rights of the requester to access public records under Chapter 119, Florida Statutes.

5. Responsibilities.

a. Staff and Officers shall:

- (1) identify the public records for which they are custodians. When these public records are shared such that a single custodian cannot clearly be identified, the custodian most responsible for maintaining access to these public records shall have custodial responsibility; and
- (2) identify the types of public records and public record information under their custody which are exempt from inspections, examination, and copying under the Public Records Law.

b. Staff and Officers shall:

- (1) be knowledgeable of the public access activities occurring within their responsible areas;
- (2) develop methods of calculating the extensive costs incurred when their information technology resources, clerical or supervisory staff, or both are extensively used to respond to public records requests, unless such methods are already established by this directive;
- (3) ensure actual cost of duplication and/or extensive use charges are applied to public records requests only when it is cost-effective to do so; and
- (4) provide adequate staff training in the requirements of the Public Records Law and the policies set forth in these guidelines, with particular attention to staff's responsibility for maintaining the confidentiality of exempt information or records.

- c. A cost/benefit analysis shall be conducted to determining whether the benefit of collecting fees for providing access to public records outweighs the cost to the Authority of processing such fees. Records custodians and other providers of public records are responsible for collecting actual cost of duplication fees and/or extensive use charges from the requestor only when such fees/charges have been supported by the requisite cost/benefit analysis.

6. Public Records Requests.

- a. Providers should accept request for public records in writing, by electronic mail, by telephone, by facsimile mail, or in person. If the request is insufficient to identify the records sought, the provider should help the requester clarify the request. The provider may ask the requester to complete forms (if such forms are promulgated) to assist in defining or documenting the facts necessary for completing records requests; however, the requester is not obliged to complete

such forms as a condition for obtaining the public records requested.

- b. Requests for records should be accepted and records made accessible for inspection or duplication during the Authority's normal business hours.

7. Public Records Fees and Charges.

The Public Records Law allows government agencies to collect the actual cost of material and supplies used to duplicate public records for requesters. Agencies may also collect a reasonable service charge, in addition to actual cost fees, when a request for public records requires the extensive use of information technology resources and/or clerical or supervisory assistance. The Authority considers records requests taking more than thirty (30) minutes to locate, copy, or otherwise make available the requested material as a diversion of resources which is susceptible to extensive use service charges. The following fee/charge standards and guidelines are designed to ensure that the Authority is consistent in its application of rules which allow the recovery of actual and extensive use costs.

- a. Actual Costs of Duplication. - The custodian is responsible for determining the actual cost of duplication when public records requests are produced using a material other than those listed below.
 - (1) Paper Copies - Paper copies up to 8 1/2" x 14" in size shall be provided at a cost of not more than \$.15 per copy, and for all other copies, upon payment of the actual cost of duplication of the record. The cost of providing a certified copy of a public record shall be no more than \$1.00.
 - (2) Printer Paper- The charge for computer printer paper shall be no more than the actual costs per printed page of letter or legal size, and for all other paper sizes, the actual cost of duplication.
 - (3) Shipping - U.S. postage, commercial shipping carriers, or other costs incurred in the delivery of public records shall be included in the actual costs charged to the requester.
- b. Extensive Use Charges. Extensive use charges shall not be randomly or automatically applied. Rather, each public records request must be evaluated to determine if extensive use charges are warranted. Extensive use charges shall be applied in conformity with the definition set forth at the end of these guidelines.

Labor Time - When extensive clerical and/or supervisory labor time is spent in the inspection or production of a public records request, a service charge for labor should be applied by computing the actual hourly cost of providing such labor.

c. Fee Collection.

- (1) When all allowable fees/charges applicable to a particular public records request can be calculated in advance, they should be collected prior to the provider investing significant information technology resources and/or clerical or supervisory assistance.
- (2) Where actual costs and extensive use fees cannot be immediately determined due to the nature of the request, the provider shall give an estimated costs for producing the records and inform the requester that the actual cost may vary, but will not exceed the original estimate by more than an additional 25%. Providers should ensure estimates are accurate within 25% of the actual cost. If the requester accepts the cost estimate, then the provider may fill the public records request. Once the records are ready, the provider shall notify the requester of the cost and furnish the public records upon receipt of payment.
- (3) Should the requester fail to pay the actual costs and/or extensive use charges incurred to produce the request, the provider shall refer the non-payment to the Attorney for the Agency.
- (4) No sales tax is to be charged for a public records request.
- (5) All checks should be made payable to Ocean Highway And Port Authority.

d. Fee/Charges Waivers. - Fees or charges may be waived between the Authority and other governmental agencies, by agreement between management, when the recurring exchanges or data sharing between agencies negates the need to apply these fees.

8. Public Records Exemptions.

The Authority is responsible for protecting information defined as confidential or as otherwise prohibited from public inspection or copying under the Public Records Law. All exemptions to the Public Records Law can be found in the Florida Statutes. Florida Statutes should be consulted for a more complete understanding of a particular exemption.

The following standards and controls should be followed to prevent the inadvertent or unauthorized release of confidential and exempt information:

- a. Confidential information shall be redacted (extracted) from records prior to public release or examination of the nonexempt portions.

- b. Future data processing systems which are expected to maintain or provide access to confidential or sensitive records shall be designed with redaction capabilities so that only nonexempt portions of records can be extracted and made available to a public records requester. Redaction capacity shall be a component in the redesign of existing systems.
- c. Providers are responsible for informing the requester when requests cannot be filled due to an exemption which prevents disclosure. Upon request, the provider must provide the basis for this exemption and its statutory citation.

9. Definitions.

For the purpose of this directive, the following terms are defined:

- a. Confidential or Sensitive Records. Records which are presently provided by law to be confidential or which are prohibited from being inspected by the public by either or general or special law.
- b. Extensive Use of Resources. When the nature or volume of the public records requested to be inspected, examined, or copied requires the use of the Authority's information technology resources and/or labor time required of clerical or supervisory employees exceeds thirty (30) minutes, the particular use of such resources is considered extensive.
- c. Provider. The individual within the Authority, usually the Secretary to the Ocean Highway And Port Authority, who makes public records available to a requester for inspection, examination, or copying.
- d. Public Record. All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
- e. Requester. A person, firm, association, joint venture, partnership, estate, corporation, or any other group or combination who has made a public records request to inspect, examine, copy, or receive copies of documents in the custody or control of the Authority pursuant to Chapter 119, Florida Statutes.

STATE OF FLORIDA
Principles of Public Access to Records and Information

1. The public has the right of access to public records and public information.

Government agencies should guarantee open, timely and uninhibited access to public records and public information except where restricted by law. People should be able to access public records and public information, regardless of its medium, without any special training or expertise.

2. Government should guarantee the integrity and preservation of public records and public information regardless of medium.

By maintaining public records and public information in the face of changing times and technologies, government assures its accountability and the accessibility of government's business to the public.

3. Government should guarantee the dissemination, reproduction and redistribution of public information.

Any restriction of dissemination or other function dealing with public records and public information must be strictly defined by law.

4. Government should ensure a diversity of sources of access to public records and public information.

Although sources of access may change over time and because of advances in technology, government has an obligation to the public to encourage diversity in access options. Any monopoly in access should be avoided and a diversity in media and formats is encouraged. Regardless of where the public works or lives, public access should be guaranteed through programs like the State Documents Depository Program.

5. Government should not allow cost to obstruct the people's access to public records and public information. The costs of creating, collecting, and processing records and information for the government's own purposes should not be passed on to the people who wish to use public records and public information.

6. Government should ensure that information about government records and information is easily available and in a single index accessible in a variety of media.

The government index of public records and information should be in addition to inventories of information kept within individual government entities.



Administrative Office Manager Report

ADMINISTRATIVE OFFICE MANAGER'S REPORT
October 2021

Hours Worked August – 102

- Attended and completed meeting minutes for October 13 Monthly meeting
- Attended and completed meeting minutes for October 28 Special Meeting
- Invoices paid and entered into QuickBooks
- Payroll entered into QuickBooks (meeting with Joanne)
- Bank transactions (transfers, online)
- Responded to all emails, voicemails, and corresponding documents/letters, Commissioners' requests
- Website Updates
- Electronic file organizing
- Purchased Business mobile phone
- Responded/Researched documents requests

Public Records Request Received in October - 21



Discussions

Ordinance 2021-29
Exhibit "A"
As amended at First Reading
Replaces former Port Element (Goal 9)

GOAL 5P | OCEAN HIGHWAY & PORT AUTHORITY, PORT OF FERNANDINA FACILITIES ELEMENT

THE PORT MUST MAINTAIN, PLAN, AND DEVELOP THE PORT OF 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 THE SURROUNDING HISTORIC RESIDENTIAL NEIGHBORHOOD.

OBJECTIVE 5P.01. PORT OF FERNANDINA DEVELOPMENT

Within the City of Fernandina Beach, The Port must 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 Master Plan Map must include 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.

Policy 5P.01.02.

Within the City of Fernandina Beach, The Port will not expand port operations beyond industrially waterfront zoned or industrially zoned land (as depicted on the Future Land Use Map in effect on January 1st, 2021). The Port will not expand any ancillary operations including parking lots into the historic district or any other residentially or mixed-use zoned land (as depicted on the Future Land Use Map in effect on January 1st, 2021), with the exception of 501 North 3rd Street and the adjacent parking lot east of the property.

Policy 5P.01.03.

Any application for proposed Port development or redevelopment, within the City of Fernandina Beach, must include 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, wildlife habitat, historical and archaeological sites, other fragile coastal resources and the adjacent historic district.

Prior to any future development or redevelopment to the Port, within the City of Fernandina Beach, all plans or proposals for development or redevelopment must be reviewed by the City of Fernandina Beach for compliance with all applicable Comprehensive Plan policies, Land Development Code regulations, and City Ordinance requirements.

Policy 5P.01.04.

Maintenance dredging of the Amelia River must be in coordination with the U.S. Army Corps of Engineers and the City of Fernandina Beach, regional, state, and federal regulatory agencies, as needed to accommodate waterborne commerce operations.

Objective 5P.02. ECONOMIC DIVERSIFICATION

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

Policy 5p.02.01.

The Port may explore complementary upland developmental opportunities, but not within the boundaries of the Fernandina Beach Historic District.

Policy5p.02.02.

To take better advantage of its proximity to the Intracoastal Waterway, The Port may support initiatives to improve Intracoastal connections. The Port may cooperate with entities seeking to improve conditions along the Intracoastal Waterway.

Objective 5P.03. GOVERNMENTAL AND AGENCY COORDINATION

The City of Fernandina Beach and the Port must work together to ensure that port maintenance and development or redevelopment activities are compatible with and support the programs and policies contained in the City's Comprehensive Plan. The City of Fernandina Beach and the Port must coordinate development efforts with local, state, and federal permitting agencies and other private entities to ensure that development and operations are carried out in accordance with the public interest and regulatory requirements.

Policy 5p.03.01.

Port planning and development must be in coordination with the City of Fernandina Beach to ensure compliance with the City's Comprehensive Plan, including the Conservation and Coastal Management Element and Land Development Code.

Policy 5.03.02.

The Port must 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 facility. Where Port property is adjacent to the Historic District, a 30-foot landscaped buffer must be maintained.

Policy 5.03.03.

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

Policy 5p.03.04.

Public input must be obtained prior to implementation of any Port development program.

Policy 5.03.05.

Development within the Port must comply with the provisions of the permits governing its in-water and upland development program.

Policy 5p.03.06.

Development within the Port must support the economic development initiatives of the City of Fernandina Beach, by pursuing activities that expand economic opportunities.

Policy 5.03.07.

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

Policy 5.03.08.

The Port must develop a strategic plan with a 10-year horizon which must 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 must 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 must be noted in the Port Master Plan and will not be adopted in the Comprehensive Plan by reference.

Policy 5.03.09

The Port and the City of Fernandina Beach must work together to create a long term inter-local agreement between the two entities that will establish guiding principles and specific goals and objectives to ensure a positive, productive, and economically driven long term relationship. This inter-local agreement must include those items of critical interest and concern to both parties as well as the items identified in Objectives 5P4 – 5P7 of the current Comprehensive Port Sub-element. The inter-local agreement must be reviewed and updated every 5 years at a minimum. Either party may ask for the agreement to be opened for amendment.

Objective 5P.04. MULTI-MODAL TRANSPORTATION

The City will work with the Port to facilitate improvements which will support the safe, efficient, sustainable, and economical, transportation of goods and services to and from the Port.

Policy 5p.04.01.

The Port should cooperate with entities seeking to improve conditions along the Intracoastal Waterway.

Policy 5p.04.02.

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

Policy 5p.04.03.

The Port must schedule arriving truck traffic to eliminate the queuing of trucks outside the gates, and direct drivers to utilize designated truck routes.

Policy 5p.04.04.

The Port must collaborate with Genesee & Wyoming and CSX, or their successors, to obtain the best possible service and interchanges. The Port may continue its use of the on-site rail line and must seek opportunities for safe and efficient use of the rail line.

Policy 5p.04.05.

The Port must collaborate with railways, FDOT, and the City to improve the warning devices at the Dade and Front Street rail grade crossing to increase safety.

Policy 5p.04.06.

The City of Fernandina Beach and the Port must collaborate with 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 5p.04.07.

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

Objective 5P.05. NATURAL RESOURCE PRESERVATION AND PROTECTION

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

Policy 5p.05.01.

The Port must 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 must 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 must coordinate its efforts with federal, state, regional, county and city governmental agencies.

Policy 5P.05.02.

The Port may not place or build structures including pier or pier extensions in wetlands, wetland transition areas, or conservation area and will not conduct activities which degrade any wetlands and/or wildlife habitat.

Policy 5p.05.03.

The Port must continue to coordinate with state and federal agencies, the Cumberland Sound Pilots Association, and other interested organizations to protect manatee and right whale populations surrounding the Amelia River Basin.

Policy 5P.05.04.

The Port must use best management practices governing construction, operation, and maintenance at the Port facility. All new development or redevelopment at the Port of Fernandina, within the City of Fernandina Beach, must comply with applicable Federal, State, and local regulations.

Policy 5P.05.05.

The Port must coordinate and implement strategies with industry and the City of Fernandina Beach to meet the air quality standards established by the EPA and FDEP.

Policy 5P.05.06.

The Port, the City of Fernandina Beach, and the electrical utility provider, should collaborate concerning the benefits and costs of installing and requiring ship to shore power at the Port of Fernandina.

Policy 5P.05.07

The Port must 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.

Objective 5P.06. PROTECTION FROM NATURAL DISASTERS & MANMADE HAZARDS

The Port must implement measures to reduce exposure which may harm human life and property from natural disasters and manmade hazards by implementing sound safety and security programs.

Policy 5P.06.01.

The Port Facility Security Plan must meet the requirements of Title 33 Code of Federal Regulations Part 105, and must be kept up to date, and must be consistent with City, County, and Federal emergency plans.

Policy 5p.06.02.

To provide a safe operating environment, The Port must implement required Federal, State and Local safety and health measures and ensure that operations are conducted in accordance with those measures. The Port must prepare and implement the Facility Security Plan mandated and approved under State and Federal guidelines.

Policy 5p.06.03.

All new development or redevelopment at the Port, must comply with the Florida Building Code as amended by the City, and the City's locally adopted floodplain ordinance.

Policy 5P.06.04.

Port post-disaster redevelopment procedures to reduce or eliminate risk to human life and property due to natural disasters and manmade hazards must include the structural modification or removal of facilities that have experienced repeated storm damage.

Policy 5P.06.05.

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

Policy 5P.06.06.

At the Port, all emergency contingency materials and equipment necessary to mitigate petroleum spills in the water must be stored onsite. This must be verified by the Fernandina Beach Fire Chief or his designee annually.

Policy 5P.06.07.

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

Policy 5P.06.08.

The Port evacuation contingency and warning plan must include a detailed requirements to evacuate the adjacent area in the event of a toxic spill, toxic gas release, Port fire, or other manmade disaster. Its plan must be kept up to date, and must ensure that it is consistent with City, and County emergency plans. This plan must be filed annually with the City and County.

Policy 5p.06.09.

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