



OCEAN HIGHWAY & PORT AUTHORITY

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

Emergency Special Meeting Minutes

November 30, 2021

The Ocean Highway and Port Authority of Nassau County held its Emergency Special Meeting on Tuesday, November 30, 2021 at the County Commissioners Chambers at the James S. Page Government Complex, 96153 Nassau Place, Yulee, Florida 32097.

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

The invocation was given and the Pledge of Allegiance was led by Chairman Fullwood.

Chairman Fullwood announced the Board will conduct a shade meeting pursuant to Florida law. On behalf of the Board, he requested the members of the public and Port staff to exit the chambers. The Board will notify the audience when the shade meeting reaches its conclusion.

Mr. Krechowski provided details regarding the shade meeting: Pursuant to Chapter 119 Florida statutes, particularly Section 286.011, Subsection 8 Florida statutes, (OHPA) called a shade meeting to discuss some negotiation or strategy sessions related to litigation expenditures in the matter of Ronald Chip Ross versus Nassau Terminals et al, case number 2021-CA-00164. The only persons authorized to attend the shade meeting were the Commissioners, Port Attorney (Mr. Krechowski), and a court reporter. He expected the shade meeting to last approximately one hour. Then, OHPA will reconvene the public meeting.

After approximately 45 minutes, Chairman Fullwood terminated the shade meeting and reconvened the public meeting.

Based on the information discussed in the shade meeting, Mr. Krechowski requested permission and authority from the Board to approve the draft Limited Mutual Release and Agreement and present to counsel for Nassau Terminals (NT) for their consideration and approval. Commissioner Hanna so made the motion. Vice Chairman Cole second the motion.

The motion carried with a vote of 4 to 1 with Commissioner Hill voting against the motion.

Before the Chairman moved on to the next agenda item, Mr. Ragucci requested to review the language of the agreement discussed in the shade meeting. Mr. Krechowski explained a copy will be provided to NT's counsel for consideration after the meeting. It is an on-going matter; therefore, the document will be kept confidential at this time. Mr. Ragucci argued the matter needed to be finalized tonight and asked if the language changed from the final draft previously viewed by him. Mr. Krechowski advised the matter cannot be discussed in a public meeting.

Roll call was conducted by Rossana Hebron. All Commissioners were present. Also in attendance were Patrick Krechowski, Port Attorney, and Chris Ragucci, Port Operator. Pierre LaPorte, Port Accountant was absent.

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

- **Len Kreger**, Vice Mayor, City of Fernandina Beach
Vice Mayor Kreger wanted to acknowledge Chairman Fullwood who attended and spoke at the City Commission meeting to address the Interlocal agreement. He believed the action to be a positive act and a benefit to both the City and the Port.

Chairman Fullwood continued to discuss the Interlocal agreement and deemed it an emergency item even though it was not on the agenda. After speaking to the Port Attorney, there are some languages in the agreement that he suggested the Board review. He recommended to discuss and approve the agreement at the next meeting, December 8, 2021. The Legislative meeting is scheduled for December 13th. If OHPA approves the agreement on the 8th, it is most certain the Legislative meeting will be canceled. The City, in turn, will withdraw the resolution to change OHPA's Charter. Mr. Krechowski and Tammi Bach, City Attorney, continue to discuss the matter. Chairman Fullwood implored the other Commissioners to review the Interlocal agreement and contact Mr. Krechowski directly before the next meeting for approval.

2. Ronald (Chip) Ross v. Nassau Terminals, LLC, et al., Case No. 2021-CA-00164, Division B, Circuit Court, Fourth Judicial Circuit, Nassau County, Florida

This item was discussed in the shade meeting.

3. Customs House repairs

Chairman Fullwood reported the issue with the A/C unit at the Customs House is resolved. The occupants are satisfied with the repairs for now. The cost to replace the unit is approximately \$4,000 plus as opposed to \$1,000 in repair cost.

4. Additional meetings

Chairman Fullwood requested the Board review the meeting dates for the 2022 calendar year sent via email. The meetings will be on the second and fourth Wednesday of each month.

Mr. Ragucci questioned if the tentative meeting scheduled for December 22nd still stands. The Board opted to cancel due to the holidays and will reconvene on January 12, 2022.

Other discussions:

- **Port Attorney position**
Chairman Fullwood suggested waiting until the next meeting to discuss the candidates for the position.
- **Master Plan**
Chairman Fullwood reminded the Board to schedule an individual Zoom meeting with Justin Cole, Project Manager/RS&H, to discuss matters of the Master Plan.
- **City Comprehensive Plan**
Chairman Fullwood asked Commissioner Hill to provide updates on the City Comprehensive Plan.

Commissioner Hill commented that tonight's meeting is a Special meeting and should only discuss items that are on the agenda. Chairman Fullwood explained since the Interlocal agreement was discussed earlier in the meeting, it is allowed to discuss the City Comprehensive Plan. Both subjects relate to each other.

She voiced her concern over impacts regarding existing structures, construction of the flood plain, and buffer language, the opacity of buffers that OHPA cannot comply in the PAB Sub-element. The requested changes on the Comp Plan are not necessary what the neighborhood want. It does not make sense to place buffers that the adjacent property owners do not want. Eventually, from a diplomatic perspective, she agrees to the Board moving forward with the Interlocal agreement still citing her concerns what the impact would be to operations.

Mr. Krechowski added the existing structures would be connected to the non-conforming language in the City's land development code and cite that provision. Furthermore, with the other Comp Plan changes/amendment issues, the Board needs to decide its position on the matters to include in the Interlocal agreement.

The other Interlocal agreement concerns changing the channel. Chairman Fullwood suggested it is a sound agreement specifically, it holds OHPA harmless with any movement with the channel. He appealed to the other Commissioners

to review the agreement carefully and voice their concerns directly to Mr. Krechowski before the next Board meeting. It will be discussed and hopefully adopted at that meeting.

- **Other announcements**

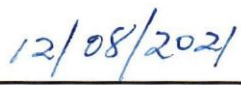
Mr. Ragucci announced Worldwide Terminals (WWT) will sponsor a float for the Christmas parades in Callahan (December 4th, 11-1 PM) and Fernandina Beach (December 11th, hours TBA). He invited OHPA to participate.

Additionally, there will be two Christmas food drives, dates and locations TBD. It is co-sponsored by Homeless Nassau, Coalition for the Homeless, and others. The Port employees volunteered to assist in the event. Mr. Ragucci invited OHPA to participate. WWT is open to other suggestions on helping the community throughout the year.

With no other questions brought before the Board, the meeting was adjourned at 7:03 PM.



Danny Fullwood, Chairman



Date