

## Ocean Highway & Port Authority

Robert Sturgess – Commissioner, District 1  
Danny Fullwood – Chairman, Commissioner, District 2  
Scott Hanna – Secretary/Treasurer, Commissioner, District 3  
Carroll Franklin –, District 4  
Mike Cole – Vice Chairman – District 5

### Monthly Meeting Minutes

May 13, 2020

The Ocean Highway and Port Authority of Nassau County held its Monthly Meeting on Wednesday, May 13, 2020 via video conference.

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

The invocation was given and Pledge of Allegiance was led by Commissioner Cole. Roll call was conducted by Ms. Barbara Amergian. All Commissioners were present. Also in attendance via the video conference meeting was Jeb Branham, Port Attorney; Pierre LaPorte, Port Accountant; Chris Ragucci, Port Director/Port Operator.

**Commissioner Franklin made the motion to accept the April 8, 2020 monthly meeting minutes. Motion seconded by Commissioner Hanna. The motion was approved unanimously with no discussion.**

**Commissioner Franklin made the motion to approve the consent item – Mauldin & Jenkins first billing for the annual audit in the amount of \$12,900. Motion seconded by Commissioner Hanna. The motion was approved unanimously with no discussion.**

Pierre LaPorte, Port Accountant, presented his monthly report to the Board. He noted that was a final rent payment from GSA for the Custom's House of \$1,459.49.

Jeb Branham, Port Attorney, presented his monthly report to the Board. The Interlocal Agreement with the City of Fernandina Beach is ready to move forward. Mr. Ragucci, Port Director/Operator, asked that the distance and width of the channel be reflected in the agreement (100' to the west.) Mr. Branham updated the Board on the mediation dates with the City of Fernandina Beach. He asked the Board to reserve date between July 15 – 17 for a potential mediation date. There will be a mutually agreed upon meeting site for the mediation and he will advise when that is secured.

Chris Ragucci, Port Director, presented his monthly report to the Board. Mr. Ragucci reported that he is attending monthly Port Director meetings. He informed the Board that the Port had lost revenues of approximately \$5 million in calendar year 2020 due to COVID19. Currently the Port is docking a 700' luxury cruise ship for two months due to the shortage is docking space as all cruise ships are currently in port due to the pandemic. The FSTED funding cycle is open with a deadline of June 24, 2020 for capital need requests.

Mr. Ragucci presented the Port Operator and tonnage report. He informed the Board that a new customer had been secured – SCA from Sweden. The ship will be doing seven-week



rotations with up to 15,000 tons per discharge of wood pulp. The monthly tonnage report reported increases in all areas for the month of April.

#### Unfinished Business

Mr. Ragucci also presented the Board with a proposal to bring Worldwide Terminals current with past due quarterly payments, currently in arrears \$188,756.25 through June 30, 2020. The elements of the proposal were:

1. OHPA agrees to accept immediate payment of **\$175,000.00** as payment in full for all quarterly payments currently outstanding under the Operating Agreement. The outstanding amount, through June 30<sup>th</sup> is **\$188,756.25**. We will be taking care of all outstanding quarterly payments and in effect pre-paying the month of June.
2. In recognition that the \$5,000 monthly payment into the "Maintenance Fund" is purely for the purpose of funding maintenance projects and OHPA's local matching share of Capital Projects contributed to by the State of Florida, OHPA will recognize that the currently outstanding months totaling \$55,000, along with the remaining months through December 31<sup>st</sup> of this year will be not be considered due, but will be allocated toward the Fender Project and the Dredging project. This is entirely consistent with the purposes of this fund as set forth in the Operating Agreement and with the customary way projects have been handled making use of this fund to cover OHPA's local share for projects.
3. The Chairman and Secretary will be authorized to execute the appropriate Resolution to codify the above, and will issue to Worldwide a **Certificate of Good Standing** in connection with the Operating Agreement **through June 30, 2020**.

Discussion followed regarding Item 1 of the proposal and the loss of OHPA revenues in the amount of \$13,756. Commissioner Franklin pointed out that in addition to the loss, OHPA also incurred attorney fees in the amount of \$6,160 to an effort collect the past due fees. Commissioner Cole asked if the \$13,756 difference could be recouped at a later date and Mr. Ragucci informed him that he had no authority to authorize the payment of the additional money owed.

**Commissioner Cole made the motion to accept the \$175,000 in lieu of \$188,756.25 to bring Worldwide Terminals' quarterly payments current through June 30, 2020. Commissioner Hanna seconded the motion. The Board was polled for their vote:**

**Commissioner Franklin: NO**  
**Commissioner Hanna: YES**  
**Commissioner Cole: YES**  
**Commissioner Sturgess: YES**  
**Commissioner Fullwood: YES**

**The motion passed with a majority vote.**

There was discussion regarding Item 2 of Mr. Ragucci's proposal.

**Commissioner Hanna made the motion to offset the past due maintenance fees of \$55,000 with the local match paid by Worldwide for the dredging project and the fender**

**project in the amount of \$127,069.10 through December 31, 2020. Commissioner Cole seconded the motion. The Board was polled for their vote:**

**Commissioner Franklin: NO  
Commissioner Hanna: YES  
Commissioner Cole: YES  
Commissioner Sturgess: YES  
Commissioner Fullwood: YES**

**The motion passed with a majority vote.**

There was discussion regarding Item 3 of the proposal. Mr. Ragucci and Attorney Branham will work to agree on language in the Certificate of Good Standing. A wire transfer in the amount of \$175,000 will be wired to the Ocean Highway & Port Authority operating account when the language has been agreed upon. The Certificate of Good Standing will be approved by the Board at the June, 2020 monthly meeting.

Chairman Fullwood called for a five-minute recess at 7:35 PM. The meeting resumed at 7:43 PM.

Regarding the agenda item Monies Owed to TranSystems, Mr. Ragucci reported that he was not able to work out the past due terms last month with TranSystems but has begun dialogue with TranSystems attorney Trevor Arnold.

Committee Reports:

- Port Security – Commissioner Fullwood – Nothing new to report
- Customs House – Commissioner Franklin – Nothing new to report. Commissioner Franklin reminded the Board that there will no longer be rental income from GSA. The lease for the Customs House building was signed and returned.
- Army Corp of Engineers – Commissioner Sturgess – Nothing new to report.
- Economic Development – Commissioner Cole – Nothing new to report.
- Emergency Management – Commissioner Franklin – There was information on beaches reopening.
- Technical Coordinating Committee – Commissioner Hanna – The TCC has a video conference meeting last week. Nothing new to report.
- TPO – Commissioner Cole – Commissioner Cole – The TPO will be holding a meeting on Thursday, May 14, 2020.
- Nassau Chamber East Side – Commissioner Sturgess – there was no meeting held but the Chamber continues to work with Nassau County businesses during the pandemic.
- Nassau Chamber West Side – Commissioner Cole- Nothing new to report.

The Administrative Office Manager's report was included in the Board's meeting packet and there were no additional questions.




In other business to come before the Commissioners:

Commission Sturgess asked for guidance from Port Attorney Branham regarding a potential conflict of interest regarding Miriam Hill, who is running for Port Commissioner in District 1, and who also works for the City of Fernandina.

**Commissioner Cole made the motion for Port Attorney Jeb Branham to seek guidance on whether the former Port Attorney is ethically able to run for Board seat on the Ocean Highway & Port Authority Commission. Motion was seconded by Commissioner Hanna. Motion passed unanimously.**

Meeting was adjourned at 8:04 PM.

  
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Danny Fullwood  
Chairman