

# OCEAN HIGHWAY & PORT AUTHORITY



Miriam R. Hill – Vice Chairperson, District 1  
Danny Fullwood – Chairman, District 2  
Justin Taylor – Secretary/Treasurer, District 3  
Ray Nelson – Commissioner, District 4  
Mike Cole – Commissioner, District 5

Monthly Meeting Minutes - Amended

December 14, 2022

The Ocean Highway and Port Authority of Nassau County held its Monthly Meeting on Wednesday, December 14, 2022 at the FSCJ-Betty P. Cook, Nassau Center (David Yulee Room, Bldg. A-114), 76346 William Burgess Blvd., Yulee, FL 32097.

The meeting was called to order at 6:05 PM by Chairman Fullwood.

The invocation was given by Vice Chairman Cole. The Pledge of Allegiance was led by Chairman Fullwood. Roll call was conducted by Rossana Hebron, Administrative Office Manager. All Commissioners were present. Also in attendance were David Kaufman, Port Executive Director; Patrick Krechowski, Port Attorney; and Pierre LaPorte, Port Accountant. Butch Gilbert, Port Operator, was absent.

## 1. Board Officers Election (Chairman, Vice Chairman, Secretary/Treasurer)

It was confirmed the two newly elected Commissioners, Ray Nelson and Justin Taylor, were sworn in. The Chairman welcomed both to their first official Board meeting.

### Chairman:

Mr. Krechowski conducted the election for the Chairman position for FY 2022-2023. Commissioner Cole nominated Commissioner Fullwood to continue as Chairman. Commissioner Nelson second the nomination.

**Discussion:** Commissioner Cole acknowledged Commissioner Fullwood's great job as Chairman and still has ongoing actions to fulfill. Commissioner Hill explained the rolls for each respective officer position for the new Commissioners. She added she would like to see the Vice Chairman move into the Chairman position. Vice Chair supports the Chairman and is an opportunity to learn the process, that different rolls need to cycle through, a rotating Board. Commissioner Cole explained since there are still ongoing actions, there needs to be continuity. Furthermore, he is not prepared to step into the Chair position yet because he has other group commitments. Commissioner Taylor added he believes moving forward there should be opportunities for other Commissioners to step forward into different rolls. He also agreed Commissioner Fullwood should continue as Chair for continuity's sake.

Commissioner Hill nominated Commissioner Cole for the Chair position in the spirit of the Vice Chair stepping up into the Chairman roll. His attendance in other committees and meetings is excellent. Commissioner Cole respectfully declined the nomination.

Commissioner Fullwood accepted his nomination.

Commissioner Hill motioned to appoint Commissioner Fullwood as Chairman. Commissioner Nelson second the motion.

**The Board voted unanimously in favor of the motion. Therefore, Commissioner Fullwood was appointed Chairman.**

**Vice Chairman:**

Commissioner Hill volunteered for the Vice Chairperson position with the intent to transition into the Chairman position at the end of the term.

Commissioner Taylor motioned to appoint Commissioner Hill as Vice Chairperson. Commissioner Nelson second the motion.

Chairman Fullwood nominated Commissioner Cole to continue as Vice Chairman. However, there was an existing motion on the floor with the nomination for Commissioner Hill.

**Discussion:** Commissioner Cole stated he will be ready for the Chairman position next year.

**The Board voted unanimously in favor of the motion. Therefore, Commissioner Hill was appointed Vice Chairperson.**

**Secretary/Treasurer:**

Vice Chairperson Hill nominated Commissioner Taylor for the Secretary position. Chairman Fullwood suggested the two positions, Secretary/Treasurer, should not be separate. Vice Chairperson Hill revised her nomination for Commissioner Taylor to assume both positions. Commissioner Cole second the nomination.

**The Board voted unanimously in favor of the motion. Therefore, Commissioner Taylor was appointed Secretary/Treasurer.**

**2. Committee Assignment (appointment by elected Chairman)**

Chairman Fullwood postponed the appointments for the committees until later in the meeting.

**3. Comments - Audience (Comments submitted prior to the meeting)**

No comments from the audience were submitted.

#### 4. Approval of Minutes

- November 16, 2022 Monthly Meeting  
Commissioner Cole motioned to approve the November 16<sup>th</sup> minutes. Vice Chairperson Hill second the motion.

The Board voted unanimously in favor of the motion.

#### 5. Port Attorney Report

Mr. Krechowski submitted a written report attached to the meeting packet. He acknowledged since Mr. Kaufman's appointment as Port Director, his workload lessened, allowing him to focus more on the legal aspects of his duties.

He informed the Board he will consolidate the Property Appraiser and City of Fernandina Beach cases. The hearing is not scheduled until early March 2023.

He offered to explain the on-going litigations to the new Commissioners individually if needed. The cases are pending and cannot be discussed publicly.

The "Additional" revenue from the Operator is still in progress as an amendment to the Operating agreement. The first one being the standalone Tariff amendment. Vice Chairperson Hill requested to maintain vigilance in the discussions with the Operator to avoid deferment of the matters. Mr. Krechowski concurred.

#### 6. Port Accountant Report

- **Financial report** – November 2022  
Mr. LaPorte submitted a written financial report attached to the meeting packet. OHPA receives payment for the annual fixed fee on a quarterly basis from the Operator. Mr. LaPorte is still considering how to list the Attorney's salaries on the report. OHPA had a surplus of funds that enabled partial payments to the outstanding legal invoices. Mr. LaPorte reminded the Board OHPA received a lump sum settlement, approximately \$32K, for some of the legal fees incurred during the former Operator's tenure. Additionally, OHPA received reimbursement from FMIT for the Property Appraiser case. Otherwise, the report is basic.

The Customs House invoices are paid by the Operator, and Mr. LaPorte wondered if this item should continue to be included in the report.

- **ARPA reimbursement update**  
Mr. LaPorte reported he continues to submit invoices for reimbursements. A \$34K reimbursement is forthcoming for the Master Plan in January 2023. There is approximately \$70-75K remaining in the balance. Mr. Kaufman explained there is approximately >80% project completion. His goal is for the Board to consider approval of the Master Plan by end of January, if not, early February 2023. He concurred with Vice Chairperson Hill's inquiry that the work and quality of work received from RS&H thus far are commensurate with what OHPA has paid.

Lastly, Mr. LaPorte reported FDOT (Grant Audit) notified OHPA will be audited on the grants. They rated OHPA as high risk because of the level of staff and

existing grants for a small port. He expects to hear from the auditors in January 2023 for more details. He added all the funds received are on a reimbursement basis meaning OHPA pays first then submits the invoices for reimbursement. Mr. Kaufman added it is likely FDOT will focus on one project as a benchmark/indication for the other grants.

#### **7. Port Executive Director Report**

Mr. Kaufman submitted a written report included in the meeting packet. He provided updates on the following items:

- Meeting/Office space
- Port Resiliency Plan
- Port Master Plan (MP)

**Discussion:** Mr. Krechowski reminded the Board, especially the new Board members, the process for the public records requests. This also includes the Port Operator, who maintains some documents pertaining to the Port that are public records. All requests must be routed to Mrs. Hebron via email and reviewed by Mr. Krechowski. He explained the procedure is to maintain tracking of documents, administrative control, efficiency, accountability, and transparency. Vice Chairperson Hill provided additional explanation on how to handle such requests from the public or committee members. Specifically, ensuring the documents will be provided and the preferred method of delivery. The notes taken by individual Commissioners are considered personal notes, and thus, not public records. Only when the notes are distributed to other Commissioners and to include in the meeting minutes, then they become public records. Mr. Krechowski added perhaps a staff training is necessary. Chairman Fullwood added the City provides Sunshine Law and Ethics training once a year. The Commissioners are required to participate in said training annually.

Commissioner Taylor questioned if the timeline to approve the Master Plan is sufficient for review/feedbacks/revisions before approval in February 2023. Mr. Kaufman explained the timeline can be adjusted accordingly. He hopes to adopt the new Master Plan sooner than later in the year. Additionally, he suggested perhaps discussing the MP with the City Commission in a separate meeting. Vice Chairperson Hill suggested the Board should be prepared to demonstrate at the meeting the components of the MP meet the requirements of Chapter 311.14. City Commissioner Ross claimed OHPA did not meet those requirements. The City will have an opportunity to challenge any elements in the MP.

- Leadership Nassau
- Permits and Authorizations
- Cruise destination planning

#### **8. Port of Fernandina Report (Operator)**

- Tonnage report – November 2022

Mr. Gilbert was absent. He submitted a report included in the meeting packet. Vice Chairperson Hill requested a representative from Savage be present at the meetings.

## 9. Pending Business

- **Dredging maintenance RFB (selection of candidates)**

Mr. Kaufman reported OHPA received one bid from Brance Diversified, Inc. They also submitted a draft contract. Mr. Krechowski asked for Board directions to review and offer revisions to the contract. Chairman Fullwood granted the direction.

- **Cruise ship update**

Mr. Kaufman explained the Oceana 2024-2025 itinerary. There was no commitment made by Worldwide (WWT) for the Oceana Vista with 1200 passengers. The former Operator placed it under review then; however, the vessel was included in the Oceana brochure.

There are two vessels slated to come in at the Port in April and May 2023. Planning (itineraries) is in progress between Oceana and Mr. Kaufman to ensure efficient and proper handling of the vessels and passengers.

Vice Chairperson Hill warned the new legislation states the County, City, and Board cannot do anything to impede cruise commerce. She compared cruise issues to those in Key West, Charleston, and Savannah. Mr. Krechowski explained the issue is mostly public safety. Commissioner Taylor suggested OHPA create a plan on handling cruise ships at the Port. Commissioner Cole spoke with Regina Duncan, Chamber of Commerce, she will lend her support for cruise ships when OHPA sets its plans. Commissioner Nelson clarified the vessels are day calls, arrive at 0700 (7AM) and sail at 1700 (5PM).

- **RS&H Master Plan update**

Discussed under the Executive Director's report.

- **Office space update**

The Chairman and Mr. Kaufman are in progress of finding a new location for OHPA meetings and offices.

- **Interlocal agreement with County (Meeting space update)**

Chairman Fullwood reported OHPA received a draft agreement from the County and stated his dismay with its contents. A copy is included in the meeting packet.

Commissioner Nelson conveyed his discontent with the BOCC's (a governing entity) decision to charge another governing entity, OHPA, to conduct its meetings in the Chambers. He explained the BOCC is a public building, built by the tax payers. Both Vice Chairperson Hill and Commissioner Taylor explained OHPA does not fall under the BOCC umbrella; thus, it does not have any defined privileges. Chairman Fullwood directed Commissioner Taylor and Mr. Krechowski to continue conversation with the BOCC/County Manager.

## 10. New Business

- **Stakeholder Committee report**  
Discussed under the Executive Director's report.
- **City Commission concerns and workshop request**  
Discussed under the Executive Director's report. Will schedule a joint workshop.

## 11. Committee Reports

Chairman Fullwood assigned each committee to individual Commissioners as noted below:

- Port Security – Commissioner Nelson
- FDOT – Commissioner Fullwood
- Customs House and Port Facilities – Commissioner Nelson  
Facilities include the buildings, fencing, and the restricted Marine terminal (cranes and the like).
- Army Corp of Engineers – Chairman Fullwood
- Economic Development – Commissioner Cole
- Emergency Management – Commissioner Cole
- Technical Coordinating Committee – Commissioner Taylor
- Transportation Planning Organization (TPO) – Commissioner Cole  
Commissioner Cole is the Chairman for the TPO for the current year. The organization discusses different projects throughout the region (five counties). Specifically, the current project in Nassau County is the resurfacing of SR 200 and other roads within the County. Future projects in discussion are autonomous cars, highways, conveyor sidewalks, parking garages, and the like with a 30-year outlook.

Vice Chairperson Hill requested current and future members to obtain reports on upcoming projects to advocate for Nassau County. ~~She offered to be a member of the TPO and was granted to be an additional member representing OHPA.~~ She requested permission to attend TPO meetings as a bystander. TPO only allows one representative from OHPA.

- Nassau Chamber of Commerce– Commissioner Hill  
Vice Chairperson Hill conveyed she hopes to have a more proactive participation with the Chamber. Chairman Fullwood agreed. She will explore the concept of forming a committee.
- City of Fernandina Beach – Commissioner Fullwood
- Community Outreach – Commissioner Hill

## 12. Administrative Office Manager Report

Mrs. Hebron submitted a written report included in the meeting packet. She reported the CSX Right of Way invoice was paid. She also reported the Port Operator

requested OHPA to pay for the renewal of Rivers Pest Control services and will reimburse OHPA, \$600.

**13. Other items to be brought by Commissioners**

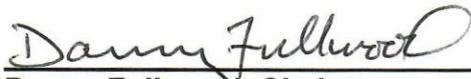
Vice Chairperson Hill acknowledged Donna Martin and FSCJ for accommodating, in the interim, OHPA to hold its meetings at their facility.

Commissioner Cole and the Board acknowledged all the guests from the Port who attended tonight's meeting in support of Commissioner Nelson and OHPA for the future of the Port of Fernandina.

Steve Newman, Savage legal representative, introduced himself to the Board. He reported he toured the Port and introduced himself to the staff.

**Adjourn**

**With no other questions brought before the Board, the meeting was adjourned at 7:50 PM.**

  
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**Danny Fullwood, Chairman**

*01-11-2023*

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**Date**