

OCEAN HIGHWAY & PORT AUTHORITY NASSAU COUNTY



James S. Page Government Complex
Nassau County Commission Chambers
96135 Nassau Place, Yulee FL 32097

AGENDA March 8, 2023 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, Justin Taylor, District 3; Ray Nelson, District 4; Mike Cole, District 5

- 1. Comments - Audience** (Comments submitted prior to the meeting)
- 2. Approval of Minutes**
 - a. February 8, 2023 Monthly meeting
- 3. Port Attorney Report**
- 4. Port Accountant Report**
 - a. Financial report – February 2023
 - b. ARPA reimbursement update
 - c. Audited Financial Statements-Final (Mauldin & Jenkins)
- 5. Port Executive Director Report**
- 6. Port of Fernandina Report (Operator)**
 - a. Tonnage report – February 2023

7. Pending Business

- a. Master Plan
- b. Operating agreement update

8. New Business

- a. Allocation of FSTED funds (G1L46 and G1W55)

9. Committee Reports

- Port Security – Commissioner Nelson
- FDOT – Commissioner Fullwood
- Customs House and Port Facilities – Commissioner Nelson
- Army Corp of Engineers (ACOE) – Commissioner Fullwood
- Economic Development – Commissioner Cole
- Emergency Management – Commissioner Cole
- Technical Coordinating Committee (TCC) – Commissioner Taylor
- Transportation Planning Organization (TPO) – Commissioner Cole
 - TPO alternate
- Nassau Chamber of Commerce– Commissioner Hill
- City of Fernandina Beach – Commissioner Fullwood
- Community Outreach – Commissioner Hill

10. Administrative Office Manager Report

- Employment transition (Courson & Stam)

11. Other items to be brought by Commissioners

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.



Minutes

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

February 8, 2022

The Ocean Highway and Port Authority of Nassau County held its Monthly Meeting on Wednesday, February 8, 2023 at the Fernandina Beach Police Dept., 1525 Lime Street, Fernandina Beach, FL 32034.

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

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

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

- Chip Ross; 210N 3rd St, Fernandina beach
- Tammi Kosack; 322 N 3rd St, Fernandina Beach
- Margaret Kirkland; 1377 Plantation Point Dr, Fernandina Beach (on behalf of Conserve Nassau)
- Mike Meadows; 2601 Via Del Rey, Fernandina Beach
- Bob Virtue; 424 N 3rd St, Fernandina Beach
- Lou Thain; 432 N 3rd St; Fernandina Beach
- Gary Klopp; 310 Escambia St; Fernandina Beach
- Frances Griffiths; 309 N 5th St, Fernandina Beach
- Chuck Hall; 315 Calhoun St; Fernandina Beach
- Paul Lore; 2794 Long Boat Dr; Fernandina Beach
- Dick Kunkle; 331 N 6th St, Fernandina Beach
- Theresa Poynter; 3967 1st St, Fernandina Beach

The public was given 2 minutes each by Chairman Fullwood to voice their comments/appeals/concerns. The majority of the comments pertain to the cruise ship business at the Port, OHPA Master Plan, break bulk cargo (bagged cement, fertilizer), and impacts of the aforementioned items to the surrounding neighborhoods (Historic District, downtown, and the City).

The Board thanked the public for their inputs. Vice Chairperson Hill specifically expressed her gratitude to the public for their attendance and voicing their opinions. She ensured the public, as their representative, she will try to incorporate their concerns into her actions as part of this Board. She also acknowledged the other Board members are responsive to the public. The Chairman concurred and pleaded the public give the Board time to mitigate the issues.

2. Approval of Minutes

a. January 25, 2023 Board Meeting

Vice Chairperson Hill motioned to approve the January 25th meeting minutes. Commissioner Nelson second the motion.

There were no discussions.

The Board voted unanimously in favor of the motion.

3. Port Attorney Report

Mr. Krechowski submitted a written report (Nassau County Property Appraiser, COFB v OHPA, "Additional" Revenue, Operating Agreement, and miscellaneous item) included in the meeting packet. He reported there is a hearing scheduled on March 1st. He offered to answer any questions individually regarding the active litigations. He deferred discussing the meeting space agreement with Nassau County until later in the meeting under Pending Business discussions.

There were no questions or further discussions.

4. Port Accountant Report

a. Financial report – January 2023/Q1 report (end 2022.12.31)

Mr. LaPorte submitted two written reports (January 2023 Treasurer's report and the first quarter report ending December 31, 2022) included in the meeting packet. He reported no unusual activity. The quarterly payment from the Operator was still pending; therefore, no income showed for the month of January 2023.

He requested signature for the auditor's letter of Representation for the audited financial reported FY ending September 30, 2022. Copies will be circulated to the full Board when it is received possibly by the next meeting. The second invoice is forthcoming upon delivery of the final report.

The first quarter financials showed the balance sheet and income statement from October to December 2022. Mr. LaPorte reported no unusual activity.

There were no further discussions.

- b. **ARPA reimbursement** update
No report.

5. **Port Executive Director Report**

Mr. Kaufman apologized to the Board for not submitting a written report. He explained it had been a busy week.

He reported meeting with the City Commission regarding the Port Master Plan (MP). He reminded the MP is still a work in progress. He asked the Board as they continue to review the draft document to provide suggestions/feedback/revisions within a week or so.

For the past week, he coordinated with the Port Operator on the cement ship. He met on site with the DEP (Florida Department of Environmental Protection) as they complete their review to ensure the Operator put in place the required Best Management Practices (BMP) at the Port. He reported the Operator was responsive to the agency's requests which were few above the existing practices performed at the Port.

In anticipation of potential changes to the MP relating the cruise ships, he is working on a more detailed operations plan with the Operator.

Mr. Kaufman reported the berth maintenance dredging will hopefully begin in the next couple of weeks by Brance Diversified. It is about a week-long effort. Consequently, the Army Corp of Engineers (ACOE) will begin its own maintenance dredging of the channel in May of this year.

He submitted the quarterly report to MARAD. He reminded this matter was identified in the last financial audit report as a weakness. Henceforth, he will maintain the schedule for submitting the quarterly report. He will also meet with the Regional administrator next week to discuss, among other things, opportunities for federal funding.

He reported, along with Mr. Krechowski, meeting with the County Manager and Attorney regarding the meeting space at the BOCC facility. The County provided a draft agreement (included in the packet) that essentially allowed OHPA to resume its monthly meetings at the County Commission Chambers beginning March 1st. Certain fees were waived except the responsibility of the paying for security/bailiff that the County will provide and OHPA must reimburse. OHPA is not allowed to access the BOCC's computer systems. He asked the Board to approve the agreement.

Commissioner Cole motioned to accept the agreement. Commissioner Nelson second the motion.

Discussion: Vice Chairperson Hill inquired about access to the AV systems because of past issues with audio volume. Mr. Krechowski explained the County will provide hard-wire access to one of the screens in the Chambers; but no audio or network. He added the bailiff fee will be significantly less than what OHPA currently

pays because the BOCC has an existing contract. Vice Chairperson Hill requested investing in audio systems. Mrs. Hebron will research. Vice Chairperson Hill noted one of the Commissioners was absent. She recalled said Commissioner expressed at the last meeting the positives of having the public present at the meetings. She asked the Board to consider preferences of meeting locations (BOCC v FB Police Dept.). Chairman Fullwood and Commissioner Nelson gave reasons for preferring the BOCC facility. Vice Chairperson Hill stated she prefers to hold the meetings at the FB Police Dept. and appreciated the increased public presence recently.

The Board voted 3 to 1 in favor of the motion. Vice Chairperson Hill delivered the dissenting vote.

6. Port of Fernandina Report (Operator)

a. Tonnage report – January 2023

Mr. Gilbert submitted a written tonnage report included in the meeting packet. He will revise the format of the tonnage report moving forward. He summarized with the total tonnage of 39,754; 20 dockage days; 7 vessel Port calls, 107 rail cars, and 22 average trucks per day.

b. S7 Summary/January 2023 (presentation)

Mr. Gilbert shared a community update of Savage's 6th month anniversary as Port of Fernandina Operator with a slide presentation.

The presentation highlighted the following items:

- S7- Savage Delivery System; used to keep and find new customers, commitment to safety, health, and environment, and commitment to being good stewards to the community
- Team member safety commitment
- Savage hazard analysis and prevention system (SHAPS)
- Morning safety/SHAPS meeting
- Critical risk management
- Forklift training
- Fall protection training
- Environmental stewardship

As an update regarding the maintenance dredging, Mr. Gilbert reported he spoke with Brance Diversified today. They will be in on the 17th to do a quick sounding before dredging begins.

Discussion: Vice Chairperson Hill recalled there was a mention at last night's City Commission meeting of a press release and handout prior to the arrival of the concrete cargo at the Port. Mr. Kaufman explained Savage provided him an MDS (Material Data Sheet) for the concrete cargo as well as a safety plan for handling the material. As part of the MP, any handling of hazardous materials, an MDS and transportation plan must be provided to him and subsequently shared with OHPA in advance of such activities. Mr. Gilbert explained Savage provided the information thereby fulfilling its requirements according to the Operating

agreement. Vice Chairperson Hill continued by inquiring if the issue with the dust was foreseeable and appropriate. Mr. Gilbert explained his team responded and cleaned the cement dust resulting from a tear in a couple of bags. The cargo was a trial run at the Port. He suggested, moving forward, to instruct the customer to use leaf blowers to remove excess material from the bags before shipping. He cannot confirm at this time if the shipment of such cargo will continue or not.

Savage is still in discussion with the customer. Samples were gathered in and around the Port and sent for evaluation. The hazard depends on the exposure. Port staff used PPEs (Personal Protective Equipment) and wore N95 masks when handling the material. It is a product used for paving roads and building houses. It was recommended if skin contact to wash off immediately to avoid long-term exposure. Vice Chairperson Hill indicated the public was impacted, and she has yet to hear a plan that does not involve continued nuisance of the same order of magnitude. Mr. Gilbert reiterated this was a first trial run of the shipment; therefore, the next order of action is to see if there will be a second. If not, the matter is a moot point. To quell public anxiety; currently, there is nothing scheduled to receive fertilizer material at the Port in the near future.

7. Pending Business

a. Master Plan

Mr. Kaufman reported he is still gathering comments/feedback from the Board. The Chairman stated he hopes to approve the MP next meeting. He instructed the other Commissioners to submit their feedback to Mr. Kaufman. Vice Chairperson Hill offered some suggestions directed to Mr. Cole, RS&H/Project Manager. Mr. Cole stated he will comply with the Commissioners request.

Additionally, Vice Chairperson Hill requested inputs from the other Commissioners relating to the cruise ships. Commissioner Nelson reiterated from the last meeting that he advocates for more cargo ships instead of cruise for reasons previously stated. He added he would like to see more full-time jobs come to the Port. OHPA needs to concentrate on good-paying, solid long-term jobs. Chairman Fullwood stated the cruise ships will provide additional revenue to the Port and until alternative options, perhaps an agreement with the Operator, are established, he stands with the cruise ship idea. Commissioner Cole stated the Port is obligated to two cruise ships to come in soon. He suggested a trial run and observe what happens. The Board can subsequently make decisions. Vice Chairman Hill added 500 passengers is too great for downtown Fernandina to handle. She has not heard any positive feedback relating to the cruise ships. She was reminded the land issue with West Rock was resolved in writing. Mr. Krechowski explained the issue relates to a terminal (which this is not), and the other relates to that portion of the property West Rock conveyed to OHPA (across the railroad tracks). Past conversations with West Rock resolved the aforementioned issues.

Both the Chairman and Mr. Kaufman reiterated if the Board has suggestions/amendments to the MP to submit to Mr. Cole so that he may apply as redline to the MP draft for Board review prior to the next meeting. Vice Chairperson Hill stated she was prepared to make a motion to remove cruises from the MP. She wanted to openly discuss the motion. The Chairman denied the motion.

b. Cruise ship update

Discussed under Pending Business/Master Plan and Public Comments.

c. Interlocal agreement/meeting space update (BOCC)

Discussed and voted during the Port Executive Director's report.

d. Bond Reserve activity notification

No report.

e. Operating agreement update

No report.

8. New Business

No items were submitted under New Business prior to the meeting.

9. Committee Reports

Commissioner Nelson provided a written report for his committee reports.

- **Port Security** – Commissioner Nelson
No additional issues at this time. A lingering issue will be addressed between Savage Services and Allied Universal Management for resolve.
- **FDOT** – Commissioner Fullwood
Nothing to report. A meeting has not been scheduled.
- **Customs House and Port Facilities** – Commissioner Nelson

Facility Maintenance:

On Wednesday, February 8, 2023. Commissioner Nelson met with Stan Herrington, Savage Services Facility Maintenance Manager to go over all maintenance issues currently being addressed.

Liebherr Container Crane # 9 is still experiencing operator control issues. The new card was installed, solved some of the problems but not all. Work is still in progress.

Liebherr Container Crane # 10 is operational with the exception of the elevator. The crane elevator is out of service until it is repaired and certified safe.

OHPA Truck # 622 Remains at Kenworth of Jacksonville awaiting transportation back to the Port of Fernandina.

OHPA Truck # 624 is back in service. No further issues noted.

Liebherr Mobile Harbor Crane: Operational - No Issues.

Rail Dock and Warehouse roof areas damaged by storm winds have been secured and are now safe to work around and under. Savage Services is requesting 3 bids for repair.

Customs Office:

No additional issues with the CBP office building at this time and no further updates on the status of the IT update equipment's arrival.

- **Army Corp of Engineers** – Commissioner Fullwood
ACOE is still waiting for the permit for the maintenance dredging. Work will start in May 2023.
- **Economic Development** – Commissioner Cole
Commissioner Cole reported he met with Sherri Mitchell and Rita Weiss (Enterprise Florida) to tour the Port, West Rock, and other surrounding facilities in Fernandina with hopes to introduce Fernandina and its features to bring more businesses locally. They will tour Crawford Diamond as well.
- **Emergency Management** – Commissioner Cole
Nothing to report.
- **Technical Coordinating Committee (TCC)** – Commissioner Taylor
No report. Commissioner Taylor was absent.
- **Transportation Planning Organization (TPO)** – Commissioner Cole
Commissioner Cole reported he compiled some reports from the TPO for updates on current projects. He confirmed the project to repave the roads from Nassauville to the bridges and eventually widening the roads. Studies completed between 2015-2019 were corridor, bicycle/pedestrian, feasibility for the Pages Dairy extension, Amelia Island trail usage, SR 200 ITS, fields/trails, and the Port of Fernandina traffic. These studies cost over \$1M; hence, Nassau County is getting its fair share of the funds.
- **Nassau Chamber of Commerce**– Commissioner Hill
Vice Chairperson Hill reported speaking with Regina Duncan, NC Chamber of Commerce President, about providing support to the final MP document. Mrs. Duncan and other members of the Chamber conveyed they would support something that the downtown merchants support. Given the recent controversies with the MP, they elected to defer support pending OHPA's response.

David's restaurant was purchased by its chef. Ribbon cutting is scheduled for Monday.

- **City of Fernandina Beach** – Commissioner Fullwood
Chairman Fullwood reported attending the City Commission meeting last night to discuss OHPA's MP. No other comments.
- **Community Outreach** – Commissioner Hill
Vice Chairman Hill reported staying after the City Commission meeting and spoke with several community members who were present at tonight's meeting

as well. It was a huge turnout from the public to discuss the Port and the Tringali property. Many of the public are truly concerned with what the Board does with its MP. She encouraged the Board to consider the public's feedback and concerns seriously and how the Board adopts and includes in the MP. The MP does not list every business at the Port but the focus is on the items mentioned. As elected representatives, the Board is obligated to consider and make decisions according to the public's sentiments on a County-wide and State basis.

10. Administrative Office Manager Report

Mrs. Hebron submitted a written report included in the meeting packet. She requested confirmation for the next meeting on February 22nd. The Chairman confirmed it will be held on February 22nd, 6 PM, at the FB Police Dept. to discuss the MP. She reminded the Board at the end of this month, OHPA is required to vacate the office at the Tax Collector's building. Mr. Kaufman suggested hiring movers to assist with the move. The office space at the Peck Center is still pending negotiations with the City.

11. Other items to be brought by Commissioners

None.

Adjourn

With no other questions brought before the Board, the meeting was adjourned at 7:32 PM.

Danny Fullwood, Chairman

Date



Port Attorney Report

TO: OCEAN HIGHWAY AND PORT AUTHORITY

FROM: PATRICK W. KRECHOWSKI, PORT ATTORNEY

RE: ATTORNEY'S REPORT

DATE: March 3, 2023

Nassau County Property Appraiser

Hickox v. OHPA & OHPA v. Hickox

Current cases remains pending.

Cases consolidated by Order of the Court on March 1, 2023.

Active litigation is subject to attorney-client confidentiality privilege.

COFB v. OHPA

Case remains pending and will not be consolidated with *Hickox* cases.

March 1, Court Ordered parties to confer on trial schedule.

Active litigation is subject to attorney-client confidentiality privilege.

"Additional" Revenue

Agreement with Operator to share additional (non-cargo handling/warehousing) revenue being discussed and negotiated, pursuant to Sec. 6.10 of Operating Agreement.

Operating Agreement

Staff and legal for both OHPA and Port Operator working on scheduling meeting to discuss various aspects and obligations under Operating Agreement.

Miscellaneous

Remaining OHPA assigned tasks actively being worked on.



Port Accountant Report



Port Executive Director Report

March 8, 2023, Executive Director Report

Maintenance Dredging

Berth dredging began on February 27. Should be completed by .

Florida Ports Issues

Governor's Office has reached out to Florida Ports to determine the capacity of Florida Ports to handle greater volumes of imported aggregates to support the FDOT work program.

Florida Legislative Committees have requested information from Florida Ports regarding resiliency and storm damage experienced by Florida Ports.

FSTED Issues

OHPA's Grant process has created definitional problems with FDOT which have made the utilization of grant funds a little difficult to navigate. In consultation with the FDOT Seaport Office, we will redefine OHPA's grant requests and project definitions to make the use of funds more efficient. This issue became evident recently when OHPA attempted to utilize an existing grant project to renovate/rehabilitate warehouse 3 which experienced storm damage.

I also participated in the FSTED Seaport Environmental Management Committee Meeting. Issues discussed included Resiliency planning, legislative lobbying opportunities, and stormwater issues.

Resiliency Plan

Initial meeting held with Consultant (HNTB) selected by FDOT to perform the Resiliency Plan on behalf of OHPA. The meeting included representatives from the City, including Charlie George and Kelly Gibson, as well as the Operator.

MARAD Marine Highway Grant

Multiple meetings have been held with representatives of MARAD to ensure that OHPA is compliant with the requirements of the grant. Additional conversations are expected.

Submerged Land Lease

Working with the Operator and their environmental consultant (Terracon) on preparing request for Submerged Land Lease authorization from the Board of Trustees of the Internal Improvement Fund (Governor and Cabinet)

Office Space

I continue to work with the City on [potential office space at the Peck Center. The space could be available in early April. The Tax Collector has extended our timeframe at the License Road location until the end of April.

Group Meetings

I've been asked to meet with the Nassau Chamber Board to discuss the Port Master Plan this Thursday.

I have been invited to meet with the Amelia Island Newcomers Club on March 16.

I attended the TPO TCC Meeting last week and will attend the TPO Board Meeting on Thursday morning.



Port Operator Report

**Worldwide Terminals
Port of Fernandina
Tonnage By Commodity
2023**

Commodity	2022 Total	2023 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2023 YTD	2022 YTD	Variance
Containers																
Throughput Number	9,623	533	568	0	0	0	0	0	0	0	0	0	0	1,101	2,040	(939)
Container Tons	66,111	4,372	4,275	0	0	0	0	0	0	0	0	0	0	8,647	13,777	(5,130)
Total Equivalent Units (TEUS)	11,001	615	0	0	0	0	0	0	0	0	0	0	0	615	2,758	(2,143)
Restow TEUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Breakbulk Cargo																
Kraft Liner Board (KLB)	83,701	7,310	0	0	0	0	0	0	0	0	0	0	0	7,310	14,929	(7,619)
Lumber	10,108	5,137	0	0	0	0	0	0	0	0	0	0	0	5,137	0	5,137
Plywood/Hardboard	64,190	0	0	0	0	0	0	0	0	0	0	0	0	0	22,901	(22,901)
Steel	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
Woodpulp	138,960	22,872	0	0	0	0	0	0	0	0	0	0	0	22,872	31,746	(8,874)
Breakbulk Other	7,647	63	17,221	0	0	0	0	0	0	0	0	0	0	17,284	7,397	9,887
Bulk Cargo	5,560	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
Total General Tons	310,165	35,382	17,221	0	0	0	0	0	0	0	0	0	0	52,603	76,973	(24,370)
Total Tons	376,276	39,754	21,496	0	0	0	0	0	0	0	0	0	0	61,250	90,750	(29,500)
Operational Metrics																
Dockage Days	311	20	12	0	0	0	0	0	0	0	0	0	0	32	19	13
Vessel Port Calls	85	7	3	0	0	0	0	0	0	0	0	0	0	10	9	1
Total rail cars	1,631	107	144	0	0	0	0	0	0	0	0	0	0	251	183	68
Average trucks per day		22	33	0	0	0	0	0	0	0	0	0	0		44	

