



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

June 9, 2021

The Ocean Highway and Port Authority of Nassau County held its Monthly Meeting on Wednesday, June 9, 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 and the Pledge of Allegiance was led by Commissioner Franklin. Roll call was conducted by Mrs. Rossana Hebron. All Commissioners were present. Also in attendance were Patrick Krechowski, Port Attorney; Pierre LaPorte, Port Accountant; and Chris Ragucci, Port Director/Operator.

- **Comments** - Audience (Comments submitted prior to the meeting)
There were no comments submitted by the audience.

Approval of Minutes

- **May 6, 2021 - Special Meeting Minutes**
- **May 12, 2021 – Monthly Meeting Minutes**
- **May 28, 2021 – Emergency Meeting Minutes**

With no questions and/or amendments to the submitted meeting minutes, the Board unanimously approved all three.

Consent Items

None

Port Accountant Report

- **Financial Report – May 2021**
Chairman Fullwood acknowledged Pierre LaPorte, Port Accountant, to present an update of the May 2021 Financial report. Per Mr. LaPorte, there are no unusual items to report. He highlighted the line items, Port Attorney and Office Administrator salaries. The former is expected to total over the budgeted amount

while the latter indicates under budget for the fiscal year. Commissioner Hill asked for the amount used prior to the present Attorney's engagement. She added the amount is in line with the amount agreement thus far. Mr. LaPorte explained he did not have that amount readily available. Additionally, that line item includes the litigation fees and the salaries of all the attorneys hired for the litigation. He suggested amending the next fiscal year's budget for the Attorney salary.

Mr. LaPorte also mentioned the Mauldin & Jenkins second invoice, \$12,800.00, to be approved. First payment totaled \$13,000.00. The budgeted total for the Audit services is \$25,800.00 for the fiscal year.

Mr. LaPorte explained the two BB&T accounts will be closed. The monies will then be transferred to a new Maintenance account with First Federal Bank (FFB). The reason is that all financial transactions for the two cranes will be conducted via the First Federal Bank. An Automated Clearing House (ACH) will be established for the Florida Department of Transportation to wire the reimbursements for the cranes. The Officers of the Board need to sign the DocuSign sent by the FFB and Mr. LaPorte will prepare the ACH registration.

- **2020 Audited Financial Statement**

Mr. LaPorte presented the Mauldin & Jenkins (M&J) 2020 Audited Financial Statements. There were two handouts submitted by Mauldin & Jenkins firm. Mr. LaPorte did not have any comments regarding the reports except to explain the Management Discussion and Analysis portion of the report. This is where the Board can include comments and those comments must be approved by the auditors. The most significant event in 2020 was the acquisition of the two cranes, \$1.9 million, shown on page 17 of the report. He suggested to have a representative attend a Board meeting to present and explain the reports to the Commissioners. Commissioner Hill added M&J also provides continuing education/seminars. She expressed interest in hearing M&J explain the report to the Board.

- **Budget 2021-2022**

Mr. LaPorte reminded the Board needs to start reviewing the drafted budget for the next fiscal year to be submitted and approved at the September monthly meeting and implemented by October 1st. He explained the draft mimics last fiscal year's budget except the annual fee. It is determined by the Consumer Price Index (cost of living) published in July/August timeframe. It is expected to increase by some amount thereby increasing the annual fee for the Port Operator. He encouraged the Board to provide comments, inputs, changes, and questions regarding the budget for the next fiscal year prior to September. Chairman Fullwood requested the Board submit their comments for discussion at the July and August monthly meetings.

With no further questions regarding the financial reports, the Board thanked Mr. LaPorte.

Port Attorney Report

Chairman Fullwood acknowledged Patrick Krechowski, Port Attorney, to present his report. Mr. Krechowski stated he met with the City's Attorney to discuss current litigation. He offered to speak with the Board individually to discuss their respective concerns and questions. The hearing date is set for September.

Mr. Krechowski also discussed the sewer service matters. Tammy Bach will research the points presented by Mr. Krechowski and report back on Wednesday. He explained about thirty-five years ago, a portion of the Dade Street right of way was vacated and abandoned by the City. Then accepted by OHPA via an interlocal agreement. He added the language in the documents is limited to road construction and maintenance. There is no mention of utilities or maintenance of utilities. At the time of the agreement, Dade Street did not extend to the Port property. There was some type of agreement that OHPA will construct a portion of road and install some scale. The agreement is narrow in scope. The issues become if OHPA wants to use the City's contractor to begin repairs and if OHPA is, in fact, responsible for that section of the sewer line. He does not see anything in the documents that addressed OHPA's assumption of the utilities that were located in the vicinity of the right of way. Commissioner Hill asked if the sewer line is behind the fence. Mr. Krechowski does not recall, he will confirm for her. She added that the sewer line only services the port and not the general city sewer line. Mr. Krechowski will forward a copy of the agreement to be distributed to the Board for review.

Furthermore, he announced there is a new lawsuit against OHPA involving a Public Records Request by Commissioner Chip Ross. He received a full copy of the filing just tonight and will need more time to review before answering any questions from the Board.

There were no other questions or comments. Chairman Fullwood thanked Mr. Krechowski for his updates.

Port of Fernandina Report

Tonnage Report – May 2021

Chairman Fullwood acknowledged Chris Ragucci to present the Tonnage report. There is a recurrence of the pattern in March and April with the loss of a couple of ships in May that slid into June. The Port is on track to do more than 40,000 tons in June. It is averaging approximately 30,000 tons per month and 33,000 tons surplus year to date versus last year. Mr. Ragucci is currently working on a trial pulp shipment with a new customer that could bring additional tonnage.

Commissioner Hill commented that she saw Worldwide Terminal's (WWT) job advertisement. Mr. Ragucci explained there is a struggle in finding work staff perhaps because of wage inflation, port competitors, unemployment compensation both state and federal, and the like. Alternatively, the Governor announced the end of the state unemployment stimulus on June 26th, there is activity in people responding to the job notices. Mr. Ragucci asked the Board

and the audience to assist in spreading the word and contact him for employment.

Commissioner Hill asked if the Port can do anything in terms of scheduling to try to mitigate the report numbers month to month. Mr. Ragucci explained that the nature of the Port business is not a regularly scheduled liner service. The only customer that maintains a regular schedule is Somers Isle. Furthermore, the cranes disassembly does not affect the operations at the Port.

There were no other questions or comments for Mr. Ragucci regarding the Port report.

Port Director Report

Mr. Ragucci explained that he attempted to contact Mike Rubin to request a Port discount on annual dues and the assessment on the Grants, 1.75%. He stated that it is unfair that the Port of Fernandina is on the same dues and commission scale and Grant fees as the bigger ports like Miami, Canaveral, Jacksonville, Fort Lauderdale, and Port Everglades, all of which have greater revenues. Mr. Ragucci hopes to have some updates by the next Board meeting.

From Congressman Rutherford's office, he offered to provide a Community Improvement Project (CIP), a new term for "Earmarks." The Congressman allocated \$500,000.00 towards Navigation that the Army Corp presented the study of potentially deepening, widening, and realigning the channel.

Mr. Ragucci submitted requests for funding to FSTED and SeaCIP due June 15th. Per the Secretary of Transportation, there is a \$250 million Federal allocation for the State of Florida Port relief. However, the State is not in receipt of the funds pending studies for screenings of allocation.

There were no other questions or comments pertaining to the Port Director's report.

Unfinished Business

- **Port Master Plan RFQ (select Top 3 Candidates, Scoresheet for RFQ)**
Chairman Fullwood announced there is only one applicant, RS&H, for the RFQ. Mr. Krechowski advised the Board that if it is necessary to deviate from the original procedure since there is only one candidate, the Board needs to make a collective decision. The Board invited Justin Cole, Project Manager, and David Kaufman, Strategic Planning Expert, from RS&H to come forward for introduction and to answer questions.

Chairman Fullwood highlighted some elements that must be considered in the Port Master Plan. They are as follow:

- Develop the Port
- Develop the Ocean Highway and Port Authority to the community

- Identify opportunities for development (collaborate with the Economic Development Board) and revenues
- Consider the Port's as well as Nassau County's needs

Mr. Ragucci requested a draft of RS&H's scope of work and a cost estimate in preparation for the next scheduled meeting on June 17th.

Vice Chairman Cole offered a motion to accept the RS&H application, and at a later date review their proposal, and make a decision. Commissioner Franklin second the motion. The Board unanimously voted in favor of the motion.

Another motion was offered to consider the proposal submitted by the selected vendor, RS&H, on June 17, 2021. Chairman Fullwood and Commissioner Hanna declared the motion moved. The Board unanimously voted in favor of the motion.

- **City of Fernandina Beach Comprehensive Plan Meeting Dates**

Commissioner Hill reported that the next regular meeting of the Planning Advisory Board (PAB) is on July 14th. The Advisory Board does not have any material changes with the exception of removing the Liquefy Natural Gas (LNG) language. They are waiting for the OHPA Board's feedback on the matter. The PAB's goal is to provide a final draft to the City Commission with collective comments from the OHPA Commissioners. If the Commissioners choose not to provide any comments to their draft, the PAB recommends an Advisory Board. The Commission then receives it, and they would either vote up or down or provide feedback. They do not have to take any action. It is scheduled for September. Following two readings at the City, it will be transmitted to the State, provided that it passes.

Commissioner Hill reminded the Board committed to Chairwoman Minshew to have Mr. Krechowski provide the Board's collective comments. In her personal opinion, the most significant matter is discussing the modes and methods of coordinating with the City. She continued to suggest appointing a staff member to act as delegate to convey the Board's concerns to Dale Martin.

Chairman Fullwood suggested the Board send their comments individually to Mrs. Hebron. She, in turn, will forward a compilation to Mr. Krechowski to submit to Chairwoman Minshew. The deadline to submit comments is June 30, 2021. Chairman Fullwood reiterated that the City must incorporate the Port Master Plan into their Port element. It is important for the Board to state what is necessary to include and not include. This will mitigate any issues in the future. Additionally, Commissioner Hill will represent the Board and confer with the consultants for the City's Comp Plan. Mr. Ragucci will also invite the consultants to the Port for an introduction of Port operations.

- **Customs House**

Mr. Ragucci explained that the contractor, Captain Chris Holland of MCS Contracting, is unable to pull the work permit for the Customs House project. The contractor submitted plans for replacement windows for the South side,

facing Dade Street, in hopes of procuring the Historic District Council's (HDC) approval prior to placing the order. However, the HDC required a historic surveyor to assess whether the windows can be rebuilt on site or replace. The contractor will not proceed with the project without a permit. The permit is still pending. Commissioner Hill indicated that the City implemented an online tracking system to check status of permits. She requested information on the permit to verify the status. She specified that she does not have any delegated authority but will gather information. Mr. Ragucci requested the Port Attorney, Mr. Krechowski, to call for updates as well. Mr. Krechowski agreed and requested for the same information as Commissioner Hill did.

- **Port Director**

Commissioner Hill reiterated what was stated from the last meeting regarding the position of Port Director. She requested that the item remain on the agenda until the position is filled. She continued to explain that the Charter states the duties of the Port Director is to be the Chief Administrative Officer. Commissioner Hill restated what Mr. Ragucci, present Port Director, rightfully said, he represents the Port and its interest. OHPA needs a representative for its interest county-wide. She requested a timeline for the search to hire a Port Director. The hesitancy lies in the financial aspect of hiring a Port Director. Chairman Fullwood explained it will cost \$80,000.00 at a minimum. Commissioner Hill suggested a workshop to discuss this matter, at least at the OHPA level. She emphasized it is essential to include the topic in line with the budget discussion. Additionally, there are resources from the Economic Development or partnering with local organizations. Chairman Fullwood agreed to keep the item on the agenda to be discussed at the next monthly meeting and possibly schedule a workshop afterwards. He stated he wants to focus on completing the Master Plan first before moving forward with the hiring of a Port Director.

- **Port Tariff**

Commissioner Hill wanted to mention the topic again, in case there are second thoughts from the other Commissioners. She again asked Mr. Ragucci for the tugboat rates since it is not included in the tariff. Since the topic was discussed at the last two meetings, it is on the record. Therefore, the Board needs to discuss it.

Commissioner Hill further clarified that she questioned whether the tariff reflected all the fees that are charged. Mr. Ragucci's answer was no, the tariff needs to be updated. Furthermore, she asked for the tugboat fees. OHPA acquired the tug with MARAD funds to be competitive with other regional ports. She is concerned that the latter is not fulfilled. She wants to keep the customers happy. Additionally, under the Charter, it is the Board's obligation to set the rates. Any equipment that is public property, the rates should be set by the Board. She added the tug rate should be added in the tariff. Chairman Fullwood disagreed because the tariff is a negotiated rate. Mr. Ragucci explained that the tariff is a highly sensitive commercial rate and that it should not be included in the tariff. Mr. Krechowski could not confirm that statement but will research more.

Commissioner Hill suggested to start with the Grant agreement and the requirements for controls over the asset. The Charter is clear with the Board

setting the rates on all OHPA property. It is the only authority for the Board. Mr. Ragucci argued that the Operating agreement states otherwise. That it controls the relationship between OHPA and the Port Operator. The contract was updated less than three years ago. He added that a tariff is something that is posted as a set of public rates for certain functions in the absence of a service agreement or contract between the Port and the user. There is a set rate that is public and is the basis for negotiations. At times, the tariff is considered when providing a quote. The current tariff has been measured against other ports like Savannah and Jacksonville. It is in line with their tariffs. For example, Jacksonville charges \$2,000 per hour with a minimum of 8 hours for their tugboat usage. Nevertheless, Port of Fernandina rates are not published because it has different rate agreements with different customers. Commissioner Hill declared this practice as troubling. She argued it is not in line with the initial plans for acquiring the tug, that is to be competitive with the other regional ports. It is the duty as a Board to have control of its assets. Mr. Ragucci countered that OHPA delegated the management of Port operations to its Port Operator.

In the end, Chairman Fullwood requested that Mr. Krechowski research the specific requirements of the Grant to confirm that the Port is not out of bounds with its tariff activities. He will provide an update at the next monthly meeting.

- **Public Records Request updates**

Commissioner Hill addressed the current lawsuit and any instructions specifically regarding communications. Mr. Krechowski advised there are none at this time. He still needs time to research and study. He will respond accordingly and appropriately on behalf of OHPA regarding the active litigation.

New Business

- **Discussion and authorization to apply for Federal Grants in the 2021 cycle**

Chairman Fullwood acknowledge Mr. Ragucci to discuss the Grant applications. The annual offering of Federal Infrastructure Grants that potentially provide federal funding to ports are generally at an 80/20% match. He informed the Board he intends to file for Federal Grants, specifically the PIDP (Port Infrastructure Development Program) and RAISE (Rebuilding American Infrastructure with Sustainability and Equity) in this cycle. The deadline is early July 2021. These Grants are costly to prepare, and WWT hired a professional grant writer, Laurie Musser. The same application may be applied to both the aforementioned grants in the amount of \$10 to \$15 million.

The entire funding for PIDP is \$230 million and is focused only on the ports. Whereas the RAISE budget is up to \$1 billion focused on transportation, mass transit, airports, and certain portion designated to seaports. Other scores considered are rural area (good portion of Nassau County), for being a port, and the diversity of the workforce.

Some projects highlighted are as follows:

1. Warehouse project (expanding, modernizing, and upgrading to accommodate more break-bulk cargo)
2. Gate facility (modernize)
3. Solar panels on the warehouses
4. New department of Homeland Security Facilities
5. OHPA Administrative offices/Customs House
6. Educational facilities
7. Storm water and flood issues
8. Improvements to the rail sidings

The applications are under OHPA's name but it is not obligated to do anything. WWT will perform all the required tasks to complete and submit the applications. In addition, WWT will cover the 20% match. Considerations for the Grant rewards focus on the port story, need for the projects, and consensus of the current and potential users. Awards will be announced in the fall, October time frame. Subsequently, negotiations will begin for the grant agreement that includes scope of work and the amount allocated for the project. Mr. Ragucci requested for OHPA's participation in negotiating a grant agreement with the agency should they be selected as grant recipients.

Commissioner Hill added she discussed with Sal Cumella regarding the idea of preserving and relocating the Customs House historical building to the adjacent lot. Perhaps use it as a record repository and a library for Port history. Per Lorelei Jacobs, City Grant writer, stated that the City would express support and submit an affidavit of support. Commissioner Hill requested that the Customs House be included in the application. Mr. Ragucci confirmed.

Commissioner Hanna motioned to allow Mr. Ragucci to submit applications for Federal grants. The Board unanimously voted in favor of the motion.

- **Employee Health Insurance**

Chairman Fullwood expressed that health coverage would be cost prohibitive. Commissioner Hill will meet with the County. Commissioner Hanna will meet with the Mosquito Control representative. Both will provide updates next monthly meeting.

- **Port of Fernandina Sewer Service**

See notes under Port Attorney report.

Committee Reports

- **Port Security – Commissioner Fullwood**
No issues to report.
- **Customs House – Commissioner Franklin**
No issues to report.
- **Army Corp of Engineers – Commissioner Fullwood**

- **Economic Development – Commissioner Cole**
EDB had a tour of Crawford Diamond’s solar farm, 350 acres, last week with the FDL. The infrastructure development is available with gas lines, sewer, water, and power all set.
- **Emergency Management – Commissioner Franklin**
None to report.
- **Technical Coordinating Committee – Commissioner Hanna**
Commissioner Hanna was unable to attend the meeting this month. He stated he read the meeting minutes, and there is none to report. Chairman Fullwood emphasized the importance of attending regularly.
- **TPO – Commissioner Cole**
Vice Chairman Cole will attend a meeting tomorrow at 10 AM.
- **Nassau Chamber East Side – Commissioner Hill**
Commissioner Hill stated she had been in contact with Regina Duncan periodically. The job searches continue to accumulate. Some businesses closed because of staff shortages.
- **Nassau Chamber West Side – Commissioner Cole**
None to report.
- **City of Fernandina Beach – Commissioner Hill**
Commissioner Hill reported she met with Dale Martin and Andre Desilet (Utilities Director for the Stormwater Department). They confirmed the \$7800.00 cost estimate for the repairs of the sewer. This is a priority for the city because storm water intrusion to the sewer system adds to the total volume of water that has to be treated. It is an overwhelming additional volume of water that otherwise do not necessarily have to be treated. She added that she did not say one way or the other if it is OHPA’s obligation.

Additionally, Commissioner Hill attended the joint meeting of the City and County Commissions. She highlighted one specific item, rescue funds. The County aims to collaborate with other organizations (government entities, county, non-governmental entities, non-profits, Chamber of Commerce, and the like) to apply for as much available Federal grant money. Coordination is key so that the organizations will not apply for the same grants.

Administrative Office Manager Report

Mrs. Hebron’s report is included in the meeting packet. The Board expressed their gratitude to Mrs. Hebron for keeping her position as Administrative Office Manager.

No other comments were brought forth by the Board.

Other items to be brought by Commissioners

Commissioner Hill conveyed the positive feedback by the consensus on the new cranes. Mr. Ragucci mentioned the first crane will be commissioned the third week of July. The second will be mid-August. Congressman Rutherford will be in attendance. Mr. Ragucci hopes to have Senator Scott and other dignitaries to attend as well.

Adjourn

With no further business to come before the Board, the meeting was adjourned at 8:15 PM.

Danny Fullwood

Danny Fullwood, Chairman

7/14/2021

Date