

**MINUTES OF THE MEETING
BOARD OF PILOT COMMISSIONERS
Crowne Plaza Hotel
200 E. Gregory Street
Pensacola, FL
April 29, 2010**

CALL TO ORDER

Chair Phipps called the meeting to order at 1:07 p.m. CST. She welcomed Commissioner Viso and Commissioner de la Parte to the board and congratulated the members that were reappointed.

Members Present

Commissioner Phipps, Chair
Commissioner Bohnsack
Commissioner Bryson, Vice-Chair
Commissioner Buford
Commissioner de la Parte
Commissioner Fernandez
Commissioner Frudaker
Commissioner Molitor
Commissioner Viso

Members Not Present

Commissioner Jones

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
Diane Moore, Prosecuting Attorney
Galen Dunton, Board Consultant
Brian McGee, Pensacola Bay Pilots
Jay Winegeart, St. Johns Bar Pilot Association
Tony Hogg, Florida Docking Masters
Frank Knowles, St. Andrew Bay Pilots Association
Clyde Mathis, Port of Pensacola
Amy Miller, Port of Pensacola
Drew Winters, Grossman, Furlow & Bayo
Gretchen Rayborn, Florida Harbor Pilots Association (FHPA)
Steve Gasecki, FHPA
Allen Thompson, Tampa Bay Pilots Association
Jeremy Pate, NWF Cold Storage
Matthew Pate, Pate Stevedore Co.
Tom McCulley, Great Circle Shipping Cargo
Bill Leshe, Ocean Towing Corporation
Mike Pate, Pate Stevedore Co.

Margaret Mathews, Akerman Senterfitt
Steven Reddy

Chair Phipps informed the board that Commissioner Jones was excused from this meeting.

PRESENTATION BY CLYDE MATHIS – PORT OF PENSACOLA

Mr. Mathis thanked the board for allowing him to be present at the meeting and for accommodating his schedule.

Mr. Mathis stated that Pensacola has struggled for some time. One of the pilots retired and Captain Brian McGee, whom they have a great relationship with, is not able to make an adequate living, and to provide for his family he has taken on additional work outside the Port of Pensacola. Captain Frank Knowles does a great job assisting. Mr. Mathis commented that Captain Tim McGill has not been able to cross-train as of yet in order to receive his cross-licensed deputy pilot license for Pensacola. He introduced Ms. Amy Miller, Marketing Director for the Port of Pensacola.

Mr. Mathis informed the board that the port has some new customers, and they should have two to three ships a month coming to the port. There is also another new customer that will have about four vessels a month. Mr. Mathis commented that they have a problem as Captain McGee is here only 50 percent of the time and Captain Knowles covers as much as he can, however, he may be on his off time and is not able to assist. Captain McGill has not worked out yet. Mr. Mathis appealed to the board to assist them with a solution.

Commissioner Molitor stated that he visited the port yesterday and was given a tour. He asked if the port or city was willing to assist the pilots with their expenses. Mr. Mathis responded that the city and port were willing to assist, if necessary.

In discussion regarding the pilot, Mr. Mathis commented that the port authority was not responsible for piloting in the State of Florida. Commissioner Buford responded that a pilot is a licensed professional for that port, and he is not prohibited from making a living. A port authority may have several employees, however, if the pilot is not here, the port cannot exist without the pilot. He stated that if the port has employees they cannot do without, he would hope they would make the pilot one of those employees. Commissioner Fernandez stated that he could be hired as a consultant until the port business picks up. Mr. Mathis responded that they had a conversation with Captain McGee in this regard, however, Captain McGee felt that he was already committed to the offshore job.

Captain McGee stated that what was offered was not sufficient and was not a long term solution. Mr. Mathis informed the board that they have not turned work away, however, they have had vessels that had to wait to come in or go out of port. He stated that perhaps he and Captain McGee did not understand each other, and they may need to revisit this matter again. Captain McGee stated that

his preference is to pilot full time, however, in 2009 he made \$16,000, and he cannot support his family on \$16,000. Mr. Mathis informed the board that they were working on a rate increase package, and it will be done shortly.

PRESENTATION BY THE PORT OF PENSACOLA USERS ASSOCIATION

Mr. Mike Pate was present along with Mr. Bill Leshe, Mr. Tom McCulley, Mr. Matthew Pate and Mr. Jeremy Pate. Mr. Pate stated that they did not care who the pilot was or where he was from, but that they need a full-time pilot. He stated that they have had a loss of customers. He added that every customer asks if there is going to be a problem having a pilot, and if so, they do not want to commit to the port.

Commissioner Phipps asked if they would be in favor of a rate increase. Mr. Pate responded that they support an increase as long as it was competitive. He stated that they were also willing to assist with providing financial assistance to the pilot. Mr. Pate stated that they were not against Captain McGee going out to sea as he has to make a living, however, he is the pilot to serve this port, and he has the responsibility and duty to serve the port. Captain McGee commented that even with the rate increase, it would not be enough for him to make a living. Commissioner Fernandez agreed and stated that the port should consider subsidizing and investing money to keep the port serviced.

Ms. Amy Miller stated that this has been an issue for couple of years and it hurts a small port like Pensacola. The other problem they had was the port was not in a financial position to assist last year. Ms. Miller commented that there seems to be a willingness to address the issues, they do support a rate increase and will pursue this, and there is an opportunity for the port to make a financial commitment to keep the pilot in Pensacola. She stated that they were close to having the problems resolved, however, the only issue remaining is if it takes up to year, what they do in the meantime if neither pilot is available. She asked what happens when Captain McGee wants to retire down the road.

Commissioner Phipps responded that when Captain McGee plans to retire, he is obligated to get a deputy pilot. Commissioner Frudaker stated that if business builds up and they have business, when an opening is advertised and shows a good living people will apply. He stated that if they can supplement the pilot income with some assurances, he would hope that Captain McGee would want to stay in Pensacola. Ms. Miller responded that the pilot here was never going to make the kind of money like Everglades, Miami, and Tampa. Commissioner Phipps commented that he was not asking about that kind of money.

Commissioner Buford commented that they cannot tell the pilot he has to stay in port, and they cannot tell the users they have to do anything either.

Ms. Miller informed the board that they expect to increase to 48 to 70 ships a year, and they hope to have Captain McGee back in the not-to-distance future. Mr. Pate asked Captain McGee about his thoughts. Captain McGee responded

that if the ships come, he will be here as his preference is to make a living in Pensacola.

Mr. Pate thanked Captain Knowles for his service and stated that he has done a great job.

Mr. Flury stated that the business of the port is that of the Port Authority, and the board has provided a pilot and a cross-licensed pilot.

Captain McGee stated that if a base salary could be worked out, and he starts making money as a pilot, he would prefer to stay in Pensacola. Commissioner Buford stated that pilots are not limited from making money from other jobs. Ms. Miller stated that this discussion has helped them to understand the board's and the port's role. Ms. Miller thanked the board for their time, and she made a commitment that within ten days, they will arrange a meeting for port staff and Captain McGee to meet. She will notify the board of the meeting outcome.

April 30, 2010

CALL TO ORDER

Chair Phipps called the meeting to order at 9:00 a.m. CST.

Members Present

Commissioner Phipps, Chair
Commissioner Bohnsack
Commissioner Bryson, Vice-Chair
Commissioner Buford
Commissioner de la Parte
Commissioner Fernandez
Commissioner Frudaker
Commissioner Molitor
Commissioner Viso

Members Not Present

Commissioner Jones

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
Diane Moore, Prosecuting Attorney
Galen Dunton, Board Consultant
Steve Gasecki, FHPA
Drew Winters, Grossman, Furlow & Bayo
Allen Thompson, TBPA
Jay Winegeart, SJBPA
Tony Hogg, Florida Docking Masters
Gretchen Rayborn, FHPA

APPROVAL OF THE MINUTES OF THE MEETING

January 29, 2010

- MOTION:** Vice-Chair Bryson made a motion that the board approve the minutes as submitted.
- SECOND:** Commissioner Viso seconded the motion and it passed unanimously.

SETTLEMENT STIPULATION

Captain William J. Wetzel, Case #2008-054317

(PCP: Waived)

Ms. Moore informed the board that this case had been withdrawn from the agenda.

PROSECUTING ATTORNEY'S REPORT – DIANE MOORE

Ms. Moore informed the board that all cases were current, and her report was included in the agenda. She asked that the case that was on the agenda be removed as the probable cause panel discussed issuing a citation for failure to report a marine incident within 48 hours. In order to be consistent, a citation will be issued.

KEY WEST BAR PILOTS SAFETY/OPERATING GUIDELINES

Letter Regarding their Operating Guidelines

- MOTION:** Commissioner Fernandez made a motion that the board accept the changes as submitted.
- SECOND:** Vice-Chair Bryson seconded the motion and it passed unanimously.

REPORTS

Chair's Report – Commissioner Phipps

Chair Phipps stated that there were letters in the hand-outs for informational purposes, however, due to the recent legislative changes, the definitions letter that was sent to the Pilotage Rate Review Board was likely no longer necessary.

Deputy Pilot Advancement Committee – Commissioner Phipps

January 25, 2010

March 1, 2010

Chair Phipps stated that this was provided for informational purposes.

Finance Committee Report – Commissioner Bryson

Vice-Chair Bryson reported that the committee reviewed the numbers through the third quarter. He stated that based on recent reports and the cash surplus, the committee recommended to the Rules Committee that the gross pilotage assessment be reduced to one tenth of one percent (.001.)

Rules Committee Report – Commissioner Frudaker

SERC Checklist

Commissioner Frudaker reported that the committee met and approved a motion to recommend to the board to lower the gross pilotage assessment to one tenth of one percent (.001) effective July 1, 2010. Board Counsel will notice Rule 61G14-17.005, F.A.C., for rule development to include a penalty for late reporting of a criminal conviction.

Commissioner Frudaker reported that Rule 61G14-16.001, F.A.C., regarding vessel movement remains open, and they will discuss it at the July meeting.

Commissioner Frudaker reported that a SERC will not be necessary for a change to the assessment rule as it was a decrease and will not have an impact.

MOTION: Commissioner Buford made a motion that the board adopt the recommendation of the Rules Committee and authorize counsel to begin rule making to reduce the gross pilotage assessment to one tenth of one percent (.001) with an effective date of July 1, 2010.

SECOND: Commissioner de la Parte seconded the motion and it passed unanimously.

MOTION: Commissioner Buford made a motion that the board adopt the recommendation of the Rules Committee and authorize Board Counsel to begin the rule making process to amend the rule for citations for failure to timely report a criminal conviction.

SECOND: Commissioner de la Parte seconded the motion and it passed unanimously.

Probable Cause Panel Report – Commissioner Phipps

Chair Phipps reported that the panel handled one public case and closed ten cases.

Board Counsel’s Report – Michael Flury

Mr. Flury did not have a report to give at this time.

Executive Director’s Report – Robyn Barineau

Ms. Barineau did not have a report to give at this time.

Port Security – Commissioner Molitor

Commissioner Molitor stated that an article was provided for informational purposes.

CORRESPONDENCE

Letter to Clyde Mathis, Director, Port of Pensacola

Response to Captain Tweedel Regarding Information on Pilot Commission Incident Review Programs

Letter From Jeffrey Jones Regarding his Absence

Letters To and From The Honorable Clarence T. Johnson, Pilotage Rate Review Board

Letters Regarding “Bridge Time”

These were provided for information purposes.

PUBLIC COMMENTS

There were no public comments at this time.

NEW BUSINESS

Request for State Pilot Examination

Steve Sottak – Tampa Bay Pilots Association

Captain Thompson was present at the meeting and informed the board that Captain Sottak had completed level 8 of the training program and was in level 9, which is the final phase of the training plan and he was eligible to take the next exam. He stated that Captain Sottak had the approval of the majority of the Tampa Bay Pilots Association members.

MOTION: Commissioner Fernandez made a motion that the board approve Captain Steve Sottak for the state pilot examination.

SECOND: Commissioner Viso seconded the motion and it passed unanimously.

Vice-Chair Bryson asked Commander Dunton how long it had been since the exam item bank was reviewed. Commander Dunton responded that the last review was in 2004, and the exam is due for a five year review.

Ms. Barineau informed the board that the next meetings will be held on July 8 & 9 in Key West and September 23 & 24 in Panama City.

Office of Program Policy Analysis and Government Accountability Report Transcripts from the Pilotage Rate Review Board Meetings

St. Johns Bar Pilot Association – March 31, 2009

St. Johns Bar Pilot Association – June 29, 2009

Ft. Pierce Bar Pilots – December 11, 2009

Tampa Bay Pilots Association – November 20, 2008

These were provided for informational purposes.

OLD BUSINESS

There was no old business to come before the board at this time.

ADJOURNMENT

There being no further business to come before the board at this time, the meeting was adjourned at 9:42 a.m. CST.