

## MINUTES OF THE BOARD OF SUPERVISORS

### ISLE OF PALMS SPECIAL DISTRICT

October 13, 2021

[As a result of the *lifting* of COVID-19 Pandemic restrictions related to public gatherings, Board meetings have returned to the San Pablo Public Library]

Board President Ken Wright opened the meeting; calling it to order at approximately 1830 hours with a Roll Call of all Board members present at San Pablo Public Library. Other Board members/officers present were Vice President Paul Raudenbush, Secretary Brad Radloff, Member David Touring, and Member Josh Reichert. A quorum was established with all five Board members present at the meeting. Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was not present in-person at the meeting but listening in via call-in/speaker. Charlene Stroehlen, P.E., the Project Manager with Wood, PLC, as representative for the District's Engineer of Record to administrate the dredging efforts, was present for the meeting via call-in/speaker. Lance Young of Brance Diversified, Inc. (BDI), the dredging contractor, did not attend the meeting. There were three homeowners from the District physically attending the meeting and other unidentified call-in attendees. The meeting was held in a Community Meeting Room of the Pablo Creek Regional Library at 13295 Beach Boulevard, Jacksonville, FL 32246 but could also have been attended via Skype-based audio-only teleconference. The call-in phone number was (904) 348-0303 and the Conf. ID was 972932507#]

#### **Agenda-Specific Public Comments [Agenda Item 1]-**

As a result of a Florida Statute, *public comments of Agenda items only* (no general items) are to be taken prior to addressing the Meeting Agenda. There were no public comments on any of the Agenda items from homeowners - either present (if so) or from those that may have called-in to the meeting.

#### **OTHER AGENDA ITEMS**

2. Vote on approval of the Meeting Minutes from the regular monthly Board meeting on September 8, 2021.

**MOTION:** To approve the minutes of the Board meeting on September 8, 2021, by KWright.

**The motion was seconded by PRaudenbush and PASSED unanimously by the Board members present.**

3. Treasurer's Report. PRAudenbush provided an update to the Treasurer's Report for this meeting and reported the District's bank balance [combined balance bet. two accounts) at \$ 515,444.41, as of September 30, 2021. There were five bill(s)/invoice(s) needing approval for payment: (1) \$658.46 [2-invoices] to LLW for legal fees during the months of August and September, (2) \$5,677.20 [2-invoices] to Wood, PLC for weekly inspections and survey reviews during August and September, (3) \$11,400.00 [2-invoices] to ARC Surveying for progress surveys during August and September, (4) \$338.84 to Wells Fargo Bank (WFB) for the first interest payment on the dredging loan, and (5) \$186,570.00 to Brance Diversified for Dredging Invoice #6. As a special note, there is a dual signature requirement that is in place for all checks/bill payments. Also, now that the District has obtained a loan for the dredging, all the dredging invoices have to be pre-reviewed by the Bank prior to providing the funds to the district to make the payments.

**MOTION:** To approve payment for the LLW, Wood, ARC, and WFB invoices, as described above, by KWright.

**Motion was seconded by JReichert and PASSED unanimously by the Board members present.**

**MOTION:** To approve payment for the BDI (subject to Bank review and approval) invoice, as described above, by PRAudenbush.

**Motion was seconded by KWright and PASSED unanimously by the Board members present.**

4. Review dredging progress, surveys, and Wood review. [*HISTORY:* initially, from a previous meeting, this agenda item brought up questions about addressing damages to homeowner's facilities (docks, decks, lifts, etc.) and how that is being handled. Some discussion ensued between the Board and attendee(s) on how to actually handle claims and who should handle it. PRAudenbush indicated that when damage is done, it is the Contractor's responsibility to notify the Board but then also contact the homeowner directly and take the necessary actions to repair the damage. Apparently, the contractor has not been taking these actions or otherwise not making the necessary notifications either. PRAudenbush also indicated that the Board has a copy of BDI's Certificate of Insurance (COI) from Kelly White & Associates Insurance Company and that, if necessary, a homeowner can request a copy of it in order to file a claim directly with the insurance co. (the insurance co. requested that the COI not be posted on the District website) but in any case claims should also be provided to the Board so that a list can be made and BDI held accountable at the end of the project. There was also discussion about withholding final payments to BDI (near the completion of the project) until BDI has taken care of all damages made to homeowner's facilities. PRAudenbush indicated that he has been in contact with Charlene Stroehlen (Wood Engineer) about actual progress with satisfying contract depths, specifically with regard to the NIOP, and that there are several areas that still need to be addressed and PRAudenbush and Charlene will be

addressing that with BDI. Some discussion occurred regarding concerns from the Bank over occasional over-dredging beyond 6' (-6.5') of water at mean low tide and that since it is beyond the scope of the contract whether the District should pay for that. PRaudenbush indicated (from talking to Charlene) that it appears those areas are infrequent and will fairly quickly slump back in bringing it to the contracted depth or very close to it and, as such, will end up being better since more material will end up being removed. He also indicated where BDI was currently dredging just prior to the meeting and where he expected they might be going thereafter. Walt from the Central IOP canal, spoke to his concerns about not knowing when the dredgers will be back to finish his canal, so that he can move his boat again and doesn't understand why a schedule can't be adhered to or at least provide several days prior notice when they are going to return. The Board recognized his frustrations as they are experiencing the same thing and suggested that they are working with the Contractor as best as they can to try and get them to provide a more realistic schedule]. At this October meeting, several issues were brought up starting with individual/personal dredging (but only in front of certain homeowner's lots) being reported at various areas, even in N and CIOP, while contract dredging is occurring down in the SIOP. No one has any information on this activity but it is assumed that the dredger is willing to divert his resources from the contract work to individual work possibly for exceptional payment from willing individuals. There was no action that appeared could be taken other than if such activities pushed the schedule back enough to cause liquidated damages to become an issue for the dredger. Another issue that Wood (Charlene Stroehlen) brought up was that the BDI's monitoring/inspection boat has broken down and so, Wood cannot effectively conduct their weekly inspections and Charlene said BDI indicated that the boat be fixed in a week or two. PRaudenbush asked Charlene if there is anything that the Board should be worried about during this condition and she indicated that as long as the turbidity and the depths are monitored, there shouldn't be a problem. PRaudenbush suggested that Wood might be able to tag along with ARC during one of their progress surveys. Another issue that was brought up regards the completion of all 11 progress surveys that the IOPSD is required to have done, in accordance with the contract, after which BDI is required to have any additional surveys done. However, because ARC Surveyors are contracted with the IOPSD for this project, any additional surveys will have to come through the IOPSD. As such, ARC has provided a proposal for the Board to review and approve for the additional surveys. The proposal indicates that the cost for the surveys has increased quite substantially and without any explanation. Much discussion ensued between the Board members on this issue, including when this proposal needs to be approved, should we get more information about why the cost increased, should BDI be paying for these upfront, and similar. Opinions varied amongst the Board members. KWright and BRadloff thought some questions needed to be asked of ARC before approving the proposal and possibly some kind of discussion with BDI to make sure that they already know that they are bound by the contract to pay for the additional surveys (PRaudenbush indicated that the cost for the surveys can be subtracted from BDI fees, if necessary).

**MOTION:** To approve ARC’s proposal for additional progress surveys, as indicated in the proposal, by PRaudenbush.

**Motion was seconded by DTouring and PASSED 3-2 by the Board members present. The dissenting votes came from KWright and BRadloff.**

5. David Touring Report on progress getting Reimbursement from City under the 12% Cost Sharing Ordinance. DTouring reported that he was about to submit the first application for reimbursement totaling \$149,564.64 for invoices paid/cleared checks/other payments made for expenses related to the dredging thus far. He also indicated that he will be continuing his effort to go back and find other payments made by the District that will qualify for reimbursement and prepare succeeding applications.
6. David Touring Report on derelict vessel issue raised at September meeting. DTouring indicated that he had met with the owner of the subject vessel and was allowed to inspect it and its position relative to potentially obstructing dredging operation in that area. According to the owner, the boat was moved closer inward toward the owner’s bulkhead in an effort to have its outward side be no further out than other permanent structures adjacent to the owner’s property. DTouring indicated that in his opinion, subject vessel will not decrease the ability of the dredger to maneuver through this area of the canal. However, if the dredger indicates that the vessel DOES become an issue, the matter will be readdressed by the Board.
7. New Business. None

***General Public Comment -***

There were no other comments from the public at the end of the meeting (comments/questions were taken during the meeting, if any).

***Adjournment -***

KWright adjourned the meeting at 1911 hrs.

***Future Meeting Dates -***

Meetings are held on the second Wednesday of the month (6:30 PM), at the “Pablo Creek Regional Library,” 13295 Beach Blvd. Jacksonville 32246. **However, because of the dredging currently going on, please check the District’s website (isleofpalmsjax.com), often, for any updates to the location and time of any upcoming meeting AND for any “Special” or “Emergency” meetings needed to manage the dredging effort.**

November 10, 2021    December 8, 2021