

## MINUTES OF THE BOARD OF SUPERVISORS

### ISLE OF PALMS SPECIAL DISTRICT

February 13, 2019

Board President Ken Wright opened the meeting; calling it to order at approximately 1835 hours with a Roll Call of all Board members present [Agenda Item 1]. Other Board members/officers present were Secretary Brad Radloff and Member Tim Pacheco. Vice President Paul Raudenbush was available remotely via Bluetooth/speakerphone and Member David Touring had schedule conflict and could not make it. A quorum was established with the three Board members present at the meeting. Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was also present. Joe Wagner, P.E. of Wood, PLC, as representative for the District's Engineer of Record to administrate upcoming dredging efforts, could not make the meeting. A total of 14 homeowners from the District attended plus Stanley Pipes and David Prysock from the Harbor Waterway Special District (HWSD). The meeting was held in a Community Meeting Room of the Pablo Creek Regional Library at 13295 Beach Boulevard, Jacksonville, FL 32246.

#### **Agenda-Specific Public Comments [Agenda Item 2]-**

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 attending homeowners (however, any who wished to comment later, during the meeting, did so as discussions proceeded on each agenda item).

#### **OTHER AGENDA ITEMS**

3. Approve the Minutes of the January 9, 2019 Board meeting.

**MOTION:** To approve the minutes of the January 9, 2019 Board meeting, by KWright.

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

4. Treasurer's Report. PRaudenbush provided an update to the Treasurer's Report for this meeting and reported the District's bank balance at \$1,436,909.69, as of January 31, 2019. In addition, there was one bill/invoice needing the Board's approval for payment and included: LLW, \$550.00 for monthly legal fees. As a special note, there is a dual

signature requirement that is in place for all checks/bill payments.

**MOTION:** To approve the payment to LLW, as described above, by KWright.

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

PRaudenbush also provided a brief summary/update regarding the Budget Report/Update that is intended to keep track of changes to the current fiscal year's budget on a line-item basis. The intent of said report is to facilitate the reporting/accuracy of the current year's budget and preparation for projecting the upcoming fiscal year's budget and will be very useful closer toward the end of the fiscal. PRaudenbush indicated that there currently are several deviations from budgeted line-items that will need to be addressed when the time comes to report/project and should include adding funds to both the dredging line item and loan payments.

5. Discussion on whether to try to get the City to revise our enabling Ordinance to allow us to adopt Water Regulations for dock and bulkhead oversight authority. Board members and homeowners are encouraged to study the Harbor Waterway Special District Waterway Regulations. There was some discussion on the HWSD's existing regulations for such authority as was granted to their District by the COJ. Mr. Pipes provided some insight on what they've done and how they administrate the authority. WFlowers also discussed the process by which this would be initiated what the level of difficulty to obtain such authority might be. Based upon the input from both Board members and some attendees (Robert Barnes from Royal Palm Drive and Scott from Tideview), it does not appear that there is much support (PRaudenbush and KWright indicated that they would not be in favor, BRadloff is open to the idea but with less overall enforcement/maintenance), at least at this time, for attempting to obtain such similar authority, as what HWSD has, from the City. No action was taken by the Board to address, at this time, the issue brought up by TPacheco and/or his continued service on the Board.

*[HISTORY:* In part, this discussion was brought up as a matter of the possible appointment of Tim Pacheco to the Board since he did not desire to re-apply for his former Seat 4 during the last election in November 2018 (Seat 4 came up for another four year term). At the January 2019 meeting, TPacheco indicated that he was not interested in sitting on the Board again but would consider it, if the rest of the Board members would be willing to make an attempt at obtaining permission from the City to allow the Board to have authority or "control/oversight" over certain aspects of dock and bulkhead construction and maintenance, along with establishing limits on how far structures can be placed into the canals. He also said that he would be willing to head up a Committee to organize and manage the enforcement of such authority. Much discussion ensued between the Board members, including remarks from Stanley Pipes, regarding the proposal with varying opinions and degrees to which it may or may not be

acceptable. Although there was some level of agreement to the actual need for such authority, the general sentiment seemed to be that a review process to oversee such authority would likely be overwhelming without additional help that could be maintained over the years. However, it *was* brought up that the Board could try to obtain the authority and, if obtained, decide later how and to what extent the authority would be enforced. Also, other ways were discussed about being able to obtain some level of authority without amending the District's authority, including determining if there is any City Code enforcement available to fall back on. The Board left this action as deferred until Board members have gotten an opportunity to look at what HWSD has as far as their rules/regulations regarding such authority and asked TPacheco to extend his presence on the Board until then, if he would.]

6. Further discussion, if any is deemed necessary, regarding project bid timing or the "Engineer's Opinion of Cost" for IOP dredging. [*HISTORY:* At the December 2018 meeting, Mr. Wagner presented an "Engineer's Opinion of Cost" (as the Board requested from the November meeting) to assist the Board with deciding when the dredging might be able to get started but also when a request for bids should be sent out to get a definite idea as to the actual potential cost of dredging. The bottom line to the Engineer's Opinion of Cost was that, to complete the dredging, all said and done, it would be in the range of \$5,400,000 to \$6,400,000. After said presentation, much discussion regarding the estimate ensued between the Board members and Mr. Wagner, revolving around the actual usefulness of the opinion of cost and what the actual cost will be. Mr. Stanley Pipes of the HWSD was also attending the meeting to provide an update on the status their spoil site, etc. and indicated that the COJ-Parks Dept. agreed to sell the needed parcel of land to the HWSD and that the purchase could be introduced to the COJ Council at their next meeting in January and MAY receive approval six weeks later, if everything goes as expected. Once HWSD has possession of the parcel, they can begin permitting and conduct the necessary preparations for use. Mr. Pipes provided some details regarding surveying and grubbing, etc. but suggested that they should be ready to accept spoils within six months of the actual purchase of the parcel from the COJ.

The purpose of obtaining the opinion of cost from Wood was to assist in determining when the dredging could get started based upon the funds currently available to the District and how much might be needed from a loan to get started sooner than later. Much discussion ensued on this with varying opinions as to, for example, whether the estimate is accurate enough, is there even enough funds to get started along *with* a loan, when should the bidding process actually begin, and where should the spoils go. A dredging contractor, Lance with Brance, also attended the December 2018 meeting and provided some insight into dredging costs and also suggested that if the District was ready to dredge within eight months, he would do it for \$4,000,000. After more discussion, it became apparent that determining when to start the bidding process revolved around not only when the HWSD spoil site was going to be ready (and *that* would be based upon when the COJ approved the sale of the Parks Dept. parcel) but also how much money the District will have at a given time and how much a lender would be willing to loan at that same time. So, it was agreed that bidding should begin after a better idea is obtained from HWSD as to when they thought their spoil site might be ready for use. It was suggested that the spoil site might be ready to go some time by the latter half of 2019. Given that, an early estimate was suggested that the dredging might get started around January or February 2020, after receiving another infusion of funds from the 2019 assessment and receiving bids that are much more competitive than the

Engineer's Opinion of Cost.] For this February meeting, Stanley Pipes was available again to provide an update to the HWSD's progress on purchasing the second parcel from the COJ, to which he indicated that they have finally received a response from City lawyers regarding an agreement for purchasing the subject property and Mr. Pipes had talks with the Parks Dept., also and there is nothing official yet but should begin moving through the process soon so that paperwork can be brought before the City council for a vote which might still be another six to eight weeks yet (after which they can start working on the start). He also indicated that they are not aware of any "red-flags," as yet regarding conditions of the sale for the property, that might stall the process.

7. Discuss whether anyone is aware of contacts to pursue efforts on 12% City cost share of dredging. [*HISTORY:* WFlowers and PRaudenbush have contacted the COJ to determine their position on the Ordinance that appears to allow for a 12% contribution from the COJ for the District's dredging efforts. Both received the same answer -- the COJ's position according to the OGC was that the 12%, in their opinion, does not apply to the IOPSD because the District already has an avenue for collecting funds to conduct maintenance dredging. At the September 2018 meeting, Mr. Pipes was asked if their District was able to benefit from the Ordinance to which he suggested that they could not since their waterways are not officially available to the public, which is also the explanation the OGC used for their opinion. Mr. Wagner still thinks the IOPSD should pursue this issue based upon his knowledge of those that have been able to take advantage of it (like Miller's Creek but which has some public access, a qualifying factor). At the December 2018 meeting, it was thought by some Board members that the issue should still be "pressed" by appealing to the District's City Councilmember. Need to find someone in the neighborhood that has contacts at the COJ to make in-roads with either Councilman Gulliford or the new in-coming councilman (since it appears Gulliford may be term-limited out)]. Since the previous Board meeting PRaudenbush indicated that he had a discussion with Rory Diamond, an upcoming new City Councilmember for our district, about possibly attending this and other meetings (he did not make it to this meeting though) and supporting our push to obtain the 12% cost-share but would want to see us obtain further support from other councilmembers. PRaudenbush's suggestion would be to make this happen prior to the City Council approving a new budget and prior to our going out for bids on the dredging, so that the 12% contribution can be included in the City's budget for FY 2019/2020.
8. New Business. No new business.

### ***General Public Comment -***

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

***Adjournment-***

KWright adjourned the meeting at 1916 hrs.

***Future Meeting Dates -***

Meetings are to be held on Wednesdays at 6:30 PM at the “Pablo Creek Regional Library,” 13295 Beach Blvd. Jacksonville 32246; for the dates listed below:

March 13, 2019   April 10, 2019   May 8, 2019   June 12, 2019   July 10, 2019

August 14, 2019   September 11, 2019   October 9, 2019   November 13, 2019

December 11, 2019