

MINUTES OF THE BOARD OF SUPERVISORS

ISLE OF PALMS SPECIAL DISTRICT

February 12, 2020

Board President Ken Wright opened the meeting; calling it to order at approximately 1831 hours with a Roll Call of all Board members present [Agenda Item 1]. Other Board members/officers present were, Secretary Brad Radloff, Member Dave Touring, and Member Josh Reichert. Vice President Paul Raudenbush was able to join the meeting via call-in/speaker. A quorum was established with four Board members present at the meeting. Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was present and Joe Wagner, P.E. of Wood, PLC, as representative for the District's Engineer of Record to administrate upcoming dredging efforts, was also present at the meeting. Nine homeowners from the District attended the meeting. 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 8, 2020 Board meeting.

MOTION: To approve the minutes of the January 8, 2020 Board meeting, by DTouring.

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

4. Treasurer's Report. PRaudenbush could not provide an update to the Treasurer's Report for this meeting since he was not able to log-in and obtain the information. However, as of the previous meeting (January 8, 2020), the District's reported bank balance was at \$1,803,763.04. There was one bill(s)/invoice(s) for \$1,250.00 to LLW and one reimbursement to KWright for expending personal funds (\$60.00) toward publishing

notices for the District, needing the Board's approval for payment. As a special note, there is a dual signature requirement that is in place for all checks/bill payments.

MOTION: To approve payments to LLW and KWright, as described above, by KWright and BRadloff, respectively.

The motions were seconded by BRadloff and KWright, respectively, and PASSED unanimously by the Board members present.

KWright also passed out copies (to the Board members) of the final audit report, "Isle of Palms Special District, Financial Statements, for the Year Ended June 30, 2019."

For the monthly summary/update regarding the Budget Report, there was no discussion since amendments were made to the budget at the June 2019 meeting to reflect more accurate line items for engineering, auditing, and insurance fees. The general 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 year.

5. Update, if any, on efforts to secure the 12% City cost share issue. Yes, great news! PRAudenbush informed the Board that the 12% City cost share was approved and the District WILL receive an amount of \$768,000.00 from the City to apply toward the District's dredging efforts at the Board's discretion. The total amount will be available to the District until the funds are expired. PRAudenbush would also like to recognize Councilman RORY DIAMOND and PAIGE JOHNSTON, from the OGC, for their assistance in making this happen. This was not an easy endeavor and took almost two year's worth of effort that also could not have been completed without Vice President PRAudenbush who speared-headed the effort and maintained contact with Mr. Diamond and Ms. Johnston throughout the process. We need to be sure and thank these folks, when the opportunity arises and remember Rory Diamond's name in the voting booth!
6. Receive feedback from DTouring and KWright re: HWSD and discussion of proposed Agreement with HWSD for Spoil Site use. [*HISTORY:* One of the impediments to being able to get the dredging going, besides not having accumulated enough funds yet, is having a place to dispose of the spoils, typically known as a "spoil site". There are only a small handful of options available to entities like ours and most of them have limiting factors, not the least of them being too expensive. The Board had been trying to secure such a spoil site for several years until the HWSD was able to obtain their own site that others may use for the permanent disposal of spoils. The HWSD has offered the IOPSD a very attractive rate for using their spoil site, as well as capacity that could last for possibly two to three dredging efforts. As such, HWSD has provided the IOPSD Board an agreement, for review and consideration, that once approved (if done so), will afford the IOPSD usage of their site at pre-negotiated rates. At the December2019 meeting, the Board made an effort to go over the entire agreement and decide whether any changes would be necessary, and if so, prepare those for submittal back to the HWSD for their

review and consideration. KWright began the discussion with his detailed review of the agreement and any and all adjustments he deemed necessary. The other Board members agreed with his adjustments and/or provided any comments they may have had on the agreement. Stanley Pipes of HWSD notified KWright that he would not be able to make the December meeting (he is usually there) and that any adjustments made to the agreement would have to be reviewed by the HWSD Board in their January meeting and then would get back to IOPSD. Stanley Pipes was not able to attend the IOPSD's January meeting either, so further discussions/negotiations were deferred, again, until the February meeting.]

At this February, KWright provided an update on efforts to negotiate the language for the agreement during a publicized non-Board meeting with HWSD representatives and KWright/DTouring. The only main change to the agreement that both groups could not agree to was the term for the agreement. The HWSD is holding to 15 years and the IOPSD would like to see it as 30 years. Some discussion ensued relative to the significance of the term of the agreement. At this time, KWright also asked for clarification for "non-sediment debris" that may be likely to enter the spoil site and for which the HWSD agreement prohibits. Mr. Pipes suggested that because all spoils will necessitate pumping from the barge to the spoil site, the types of debris KWright was referring to won't be able to enter the spoil site and anything that makes it through the pump can remain and is okay. Another concern of KWright was the language for contaminants that may enter the spoil site and that might compromise the ongoing usage of the spoil site. Mr. Pipes and DTouring indicated that, during the non-Board meetings between to the two Districts, the language was to include a clarification for contaminants that exceed applicable State Cleanup Target Levels (CTL) as set forth in Chapter 62-777, Florida Administrative Code (FAC). Mr. Pipes agreed to include language indicating such and suggested that the presence of some level contamination that might accidentally be introduced into the system, however unlikely, would be cause to, at least initially, stop dredging operations to assess the nature of the contamination. On another clarification, KWright wanted to be sure the language stated that volumes of sediment deposited into the spoil site would be determined by conducting initial and final surveys. PRAudenbush believes that the 15-16 year term should allow for two dredging efforts, even if the second effort is very close to the end of the allowable term. DTouring and BRadloff have concerns over the term, especially in light of the fact that if the District doesn't deposit the total volume over the agreed to term then the upfront monies paid for will be forfeited. JReichert agreed with most other Board members but asked about the possibility of sub-leasing our usage of the spoil site, if necessary, to which Mr. Pipes indicated it could not. Joe Wagner came up with a very good suggestion that the District's sediment should be sampled and analyzed before signing the agreement in the event, however unlikely, that said sediment is unacceptable for the spoil site (i.e., if it contains contaminants that exceed the State's CTL's).

7. Update from Joe Wagner of Wood re: Bidding process. [*HISTORY*: At the November meeting, DTouring indicated that he wanted to discuss putting out bids to obtain hard cost numbers, so the Board will know what they are looking at rather than by using an

Engineer's Opinion of Cost. That discussion was deferred until the December meeting. DTouring began the discussion with his reasons for wanting to obtain the bids with comments and discussion from other Board members and Joe Wagner (regarding Wood, PLC's proposed Bid Procurement services). There were some varying opinions on the necessity and/or timing for obtaining the bids. DTouring suggested that Wood, PLC should be authorized to initiate Task I of Wood's proposal. He made a motion to authorize Wood to initiate Bid Procurement services which was not passed as a result of certain Board members wanting to review the contract again before deciding to approve. At the January meeting, the proposal was brought back up again and another motion was made to authorize Wood to initiate the Bid Procurement process which was passed on a 4-1 vote of the Board.]

At this February meeting provided Mr. Wagner provided an update on Wood's progress for the bidding process. Mr. Wagner passed out initial forms and figures that will be used or used as go-by's for putting the bid out. He also discussed the general process, timing, and possible set-backs and brought back the suggestion of collecting the sediment samples and analyzing them before signing the HWSD agreement. The Board basically agreed that the sampling and analysis should be conducted ahead of time. Mr. Wagner and Mr. Pipes produced an agreed to "Sampling and Analysis Plan" that could be implemented immediately and discussion ensued regarding the possible costs associated with completing said plan and who might complete it.

MOTION: To authorize Wood, PLC to conduct HWSD-preapproved sediment sampling and analysis plan for an amount not to exceed \$10,000.00, by KWright.

The motion(s) was seconded by JReichert and PASSED unanimously by all Board members present (PRaudenbush's participation to vote was lost due to a telephone disconnection).

Mr. Wagner went into more detail regarding the initial documents he brought to this meeting: an example of a Waiver of Liability for the District residents, an Informational Fact Sheet for Bidders, an example of a letter to get residents ready for the project, and summary bid drawings showing the canal system and proposed dredging templates. PRaudenbush suggested to Mr. Wagner that he would like to see hard schedules from Wood that could be used to post on the District's website for notifications to residents which would allow them to prepare for the dredging activities (to which, Mr. Wagner indicated was good idea).

8. Update on efforts to secure library meeting dates for next year. [*HISTORY:* JReichert was recently appointed handler of securing meeting dates at the library. At the November meeting he was tasked with reserving a room at the library for 2020, with the 2nd Wednesday of every month being approved by the Board for meeting dates. JReichert could not attend the December meeting to provide and update. At the January

meeting, JReichert suggested that he has been reserving the room on a month-by-month basis but will be trying to get the whole year reserved ahead of time since the District is a government entity.]

At this February meeting, he indicated that he thought he could go ahead and get all the meetings pre-reserved and will try to do that after this meeting.

9. New Business. 1) PRaudenbush provided an update to the rebuilding of the District's website which had accidentally been left off the agenda for this February meeting. He suggested that he has gotten the rebuilding underway with Website.com and that it should be completed by the end of March 2020. He also indicated that there is one setback and that is the need for the District to have an authorized credit card which can be used for regular recurring billings (on a quarterly basis) related to the website. WFlowers suggested setting up a policy for the District that would guide its use and limits and would provide an example policy for next meeting. 2) KWright indicated that for this upcoming election cycle for November 2020, the two South IOP Board member Seats (Nos. 1 and 3) and the single Central IOP Seat (No. 5) will be open for election and that the Board members currently possessing those Seats will need to decide whether they will be running for re-election and, if so, be sure to complete the necessary forms with the County Elections office. 3) KWright also indicated that the most recent Financial Statement for the District has been completed and will be posted on the website. 4) WFlowers reminded the Board that a new budget for FY 2020/2021 will need to be adopted during the next meeting (March) for submittal to the COJ by April 1, 2020.

General Public Comment -

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

Adjournment -

KWright adjourned the meeting at 1834 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 11, 2020 April 8, 2020 May 13, 2020 June 10, 2020 July 8, 2020 August 12, 2020

September 9, 2020 October 14, 2020 November 11, 2020 December 9, 2020