

MINUTES OF THE BOARD OF SUPERVISORS

ISLE OF PALMS SPECIAL DISTRICT

April 13, 2022

Board President Ken Wright opened the meeting; calling it to order at approximately 1830 hours with a Roll Call. All board members were present except for Brad Radloff, who was unable to attend. Other board members/officers present were Member Dave Touring, Member Josh Reichert, and Vice President Paul Raudenbush. A quorum was established with four Board members present at the meeting. Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was present and Charlene Stroehlen, the District's dredging engineering representative, was on the phone line. Lance Young of BDI attended the meeting with his lawyer Lindsey Brock. The meeting was held in a community room of the Pablo Creek Regional Library at 13295 Beach Boulevard, Jacksonville, FL 32246. The Board meeting was also available via Skype-based audio-only teleconference at (904) 348-0303 meeting ID 809 721 327.

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

OTHER AGENDA ITEMS

2. Minutes Approval Vote

This agenda item was skipped, as there were no minutes from the previous meeting to approve.

3. Treasurer Report

PRaudenbush presented the bills to be paid, which consisted of one bill from LLW and one from BDI. The BDI bill was to be discussed under a subsequent agenda item.

MOTION: To approve payments to LLW, as described above, by PRaudenbush.

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

After lengthy discussion of Agenda Item #4, the district's loan payment schedule was

discussed.

MOTION: To submit \$197,571.23 loan payment, by PRaudenbush.

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

4. Review Dredging Progress, Surveys, and Wood Review

There were two recent surveys performed, one by the board's contract surveyor, Arc, and one commissioned by BDI and performed by DeGrove Surveyors. Representatives Rick Sawyer from Arc and Matt Niles from DeGrove were in attendance at the meeting. PRaudenbush shared a tabular breakdown of the survey results for three dredge templates. For a template allowing dredging in areas outside of the original template and above -6 mean low water (MLW), the Arc and DeGrove surveys produce overall similar results, although the specific results in the north and south IOP canal systems differ. PRaudenbush asked the surveyors if there was any known reason for the difference. Volumes from both surveyors were calculated using the average end area method. Rick Sawyer offered to exchange data sets between the two surveyors in an effort to uncover where they differ. Lance Young interjected and stated that the barge amounts were higher than either survey.

Lance Young then expressed concern that the baseline survey was performed too far ahead of the beginning of the contract and was not done at high tide. PRaudenbush refuted this statement, saying that Lance is on record accepting the baseline survey at the time that the notice to proceed was given. PRaudenbush attempted to redirect attention to the agenda item, stating that he was in favor of paying for all dredging above -6 MLW, then focusing on finishing touch-up work particularly in the south IOP system where some canals are not at -5 MLW.

After discussion moved back to the surveyed removal amounts, Rick Sawyer stated that Arc calculations are based off of cut only. KWright stated his concerns that the BDI calculations, done by barge measure, do not correctly remove private dredging work that has already occurred within the district, using Baseline 7 as an example. DTouring spoke and said that he was in support of allowing payment for the highest surveyed removal quantities contractually possible, since that would be in line with the spirit of removing as much material as possible. Lindsey Brock, BDI's counsel, requested specifics on what additional dredging needs to be done and how much the board will pay for the dredging. PRaudenbush stated that he simply wants to see a blue line down every canal to the last station, in reference to the post-dredge survey maps that show areas of acceptable depth per the contract in blue and areas with depths not meeting the contract in red. Upon request from Linsey Brock the board agreed to provide station ranges for additional work.

Lance Young asked the board to produce a new template that matches the contractual

requirement to not dredge within 5 feet of structures. KWright replied that doing so would delay progress and undermine the intent of trying to expeditiously complete the work. Lance then stated that any liquidated damages imposed by the district would result in litigation, and that he would like the unit price to increase for any additional work done. Finally, he stated that BDI will demobilize until remaining quantities and unit costs are determined. KWright asked that BDI send an invoice to the district for approval and the board will convene an emergency meeting to discuss approval of the invoice.

PRaudenbush stated that the district could provide a document outlining the remaining work to be done by BDI within ten days. Charlene Stroehlen asked about overdredge inside the template area (between -5 MLW and -6 MLW) and KWright advised not to be concerned with that amount.

5. Update on City Cost Share

DTouring provided a quick update on cost sharing, stating that a request for reimbursement will be submitted the following week.

6. New Business

Andy May cautioned to be aware of private dredging going on in consideration of the ongoing conversations about dredge quantities and payment.

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

Future Meeting Dates -

Meetings are to be held the second Wednesday of each month at 6:30 PM at Pablo Creek Regional Library at 13295 Beach Boulevard, Jacksonville, FL 32246.. **It is recommended to check the District's website (isleofpalmsjax.com) for any updates to the location of the upcoming meetings.** Future meeting dates listed below:

May 11, 2022 June 8, 2022 July 13, 2022 August 10, 2022 September 14, 2022
October 12, 2022 November 9, 2022 December 14, 2022