

MINUTES OF THE BOARD OF SUPERVISORS

[Emergency Board Meeting]

ISLE OF PALMS SPECIAL DISTRICT

April 20, 2022

Board Vice President Paul Raudenbush opened the meeting; calling it to order at approximately 1830 hours with a Roll Call of all Board members present. Other Board members/officers present were Secretary Brad Radloff and Member David Touring. Board members not physically present but attending via call-in/speaker were President Ken Wright and Member Josh Reichert. A quorum was established with three Board members being physically present at the meeting venue. Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was also present for this meeting; however, the Board's Engineer of Record for the District, Charlene Stroehlen, P.E., project manager with Wood, PLC, was not. Lance Young, from BDI, also was not attending. The Board meetings are held in a Community Meeting Room of the Pablo Creek Regional Library at 13295 Beach Boulevard, Jacksonville, FL 32246.

Agenda-Specific Public Comments [Agenda Items only]-

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.

DISCUSSION ITEM(S)

For this Emergency Meeting there were basically two issues/items that required the attention of the Board -- Item 1) Review of the latest survey results from ARC Surveying along with comments from Wood Engineering of their review of said results and determine any areas of contract non-compliance to advise BDI to complete and 2) Review BDI's latest invoice submittal (Application #8) in light of the ARC Survey for decision on whether to pay and/or amount to pay, as follows:

1. PRaudenbush began the discussion for Item 1) with a summary of analysis that he had made of the most current survey results for both the South and North (incl. Central) IOP canals. Prior to the meeting he had also distributed said analysis from his review to the rest of the Board so that they could prepare their own judgement of the survey. Based upon his distribution email, dated April 19, 2022 (1654 hrs.), which described the criteria [e.g., reaching the contract depth(s)] by which he conducted his analysis, his analysis indicated that the dredging project is not substantially complete either for the South

canals or the North canals, although the South canals were substantially more NOT complete. The results of his analysis, which are highlighted throughout the “cross-sections” of the survey are available for review in his email.

The Board had hoped that they would receive a full independent review of all the canals from Wood, however, given such short notice for this meeting, they were only able to provide a “Post Dredge Quantity Summary.” Since the Board was somewhat confused by Wood’s summary of the survey, BRadloff suggested that the Board should await the complete results of Wood’s review for all canals prior to making any decisions on payments or notifying BDI as to what is needed for completion.

PRaudenbush had also prepared a draft letter of notification to BDI which clarified the contract definition of “substantial completion” and provided the results of his review of the latest survey along with an explanation as to why BDI’s request, for release of the retainage fees, is not eligible for release. The Board members discussed the draft letter and suggested various revisions that were recommended.

MOTION: To send the letter to BDI, with suggested revisions, indicating the Board’s position on whether the project is substantial complete or not and that the Board did not approve release of the retainage at this time, by PRaudenbush.

The motion was seconded by KWright and PASSED unanimously by the three Board members present and the two call-in members.

2. The other issue was whether to approve the payment of Invoice #8 and/or whether to reduce the current 10% retainage to 5%. Some of the Board members provided their opinions on whether to pay the invoice and how much. All appeared to agree that the invoice was confusing the way that BDI put it together and did not seem to be based upon the ARC-calculated total volume of sediment removed for the project, to date, which is 87,748 cubic yards minus the total cubic yards already paid for. KWright suggested that the discrepancy be included in the letter to BDI so that they may revise their invoice to reflect. None of the Board members seemed to agree with reducing the retainage for any reason.

MOTION: To reject BDI’s request for a reduction in retainage from 10% to 5%, by PRaudenbush.

The motion was seconded by JReichert and PASSED unanimously by the three Board members present and the two call-in members.

At this point, PRaudenbush recalled that Lance Young asked that the Board get ARC to do a calculation to determine an estimate of what is left to dredge based upon the new survey results and PRaudenbush suggested that he will ask ARC to do it.

General Public Comment -

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

Adjournment -

PRaudenbush adjourned the emergency meeting at 1902 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:

May 11, 2022 June 8, 2022 July 13, 2022