

# MINUTES OF THE BOARD OF SUPERVISORS

## ISLE OF PALMS SPECIAL DISTRICT

April 8, 2020

[As a result of the COVID-19 Pandemic and necessary restrictions related to public gatherings, this Board meeting was conducted via a Skype-based audio-only teleconference. The call-in phone number was (904) 348-0303 and the Conf. ID was 39887680#]

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] for the teleconference. Other Board members/officers present were Vice President Paul Raudenbush, Secretary Brad Radloff, Member Dave Touring, and Member Josh Reichert. A quorum was established with all five Board members present for the meeting [It should be noted that the establishment of a quorum would normally require the actual presence of at least three Board members together in a public meeting room. However, the State of Florida temporarily suspended said requirement, in light of the restrictions on public gatherings, and allowed remote meetings]. 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. No homeowners from the District made their presence known during the meeting. The meetings (as a public gathering) are normally 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 homeowners - no known homeowners called-in.

### **OTHER AGENDA ITEMS**

3. Approve the Minutes of the March 11, 2020 Board meeting.

**MOTION:** To approve the minutes of the March 11, 2020 Board meeting, with a note to correct the date on the Minutes from March 12<sup>th</sup> to March 11<sup>th</sup>; by KWright.

**The motion was seconded by BRadloff and PASSED unanimously 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 \$1,275,348.60, as of April 8, 2020. There were two bill(s)/invoice(s) needing approval for payment: 1) \$2,937.38 to LLW for March legal fees and 2) \$999.95 to Web.com District's website migration. 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 Web.com, as described above, by KWright.

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

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. Report on 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 December 2019 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 the February meeting, Mr. Pipes was available to further discuss, answer any additional questions and/or clarify any issues the Board may

have with the language in the HWSD spoil site agreement. The main issue the District had with the agreement was its term of 15 years rather than the preferable 30 years. HWSD suggested that, based upon other language in the agreement, 16 years and possibly even close to 17 years might be possible but basically would not budge any further for a 30 year term. Other more minor issues were also discussed and agreed upon. 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). Wood was given the authorization-to-proceed with the previously approved Proposal-Task to conduct the sediment sample collection and analysis plan, as prescribed and approved by HWSD. Then at the March meeting, Joe Wagner produced laboratory results, for the sediment samples, that indicated no contaminant concentrations in excess of the FDEP's Commercial/Industrial "Direct Exposure" Cleanup Target Levels (CTL) for the eight RCRA metals that were analyzed and this information would be transmitted to Stanley Pipes of HWSD. Given said laboratory results, the Board approved a Motion to proceed with executing the HWSD Agreement. Board Secretary BRadloff could not attend the meeting and, therefore, did not vote on the Motion to authorize HWSD's agreement.]

For this April meeting, KWright indicated that HWSD's Agreement had been executed and the initial deposit/payment made to HWSD. Since BRadloff had missed the last meeting when the Agreement approved by the Board, he brought up a question about whether HWSD's spoil site is permitted yet to take our spoils and Joe Wagner indicated that it wasn't. BRadloff's question was whether our District was covered under the agreement to get money back, if they do not obtain a permit. After discussion between certain members, WFlowers, and Joe Wagner it was determined that HWSD is currently under way to obtain the permit and if they don't should have to return our payment(s). DTouring had a question regarding contaminated soil going into the spoil site and what happens if somebody else puts contaminated material in it and our District gets blamed. Some discussion ensued on this issue and the consensus seemed to be that the initial laboratory analyses obtained from the District's canal system should at least for now cover that issue.

6. Review and/or vote on issuing Request for Bids. [*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 the February meeting Mr. Wagner provided an update on Wood's progress for the bidding process. Mr. Wagner passed out initial forms and figures that were to be used or used as go-by's for putting the bid out. He also discussed the general process, timing, and possible set-backs. Then for the March meeting, Joe Wagner distributed copies of the bid package and briefly discussed it. A subcommittee was formed, consisting of DTouring, PRAudenbush, and JReichert, to make comments on the package and to have a published special meeting (on 3-25-20) to discuss the comments, in an effort to finalize the document.]

At this April meeting, PRAudenbush raised the question of when the next bathymetric survey should be done, relative to when the last one, and whether the survey be redone prior to the bid package so that it can be included or as close as possible to when the dredging is getting ready to begin. PRAudenbush thinks it should be updated for the bidding process to obtain accurate bids and for purposes of obtaining a loan from the bank (e.g., banks won't loan the money if the volume is off by 25%). Joe Wagner indicated that typically surveys are done just prior to dredging after a bid is already accepted to get more accurate volume calculations for purposes of paying the dredging contractor and since the contractor is paid on a unit price basis, it seems to be more important to have accurate dredged volumes close to the start and end of dredging. This issue was discussed back and forth quite a bit to obtain an understanding and decide when the surveys should be done. KWright asked to be reminded of the cost of a survey (\$23,300.00). [At this point, KWright motioned that the laboratory report of analysis be transmitted to HWSD, which was passed.] DTouring's thoughts are that the most recent survey done in 2018 is old and he doesn't see how the old survey can be used for the bidding and get accurate bids back. JReichert thinks the survey should be done closer to the start of the dredging and BRadloff agrees. The discussion continued primarily revolving around when the new survey should be done, before or after the bidding process. Joe Wagner added that some initial Bidder concerns related to the lack of DMMA information/details and even COVID-19 issues (i.e., availability of lodging and food), and other related issues that affect the bidder's pricing. DTouring addressed Joe Wagner and indicated that he thought the bid information and the way the information is being provided to the bidders should be done differently from the way Wood is doing it. Unfortunately, Joe Wagner's response basically ended the discussion with DTouring and, at some point briefly following the end of that discussion, DTouring exited the teleconference. Subsequently, on a new topic, Joe Wagner provided an estimate for conducting the Geotechnical analyses, if and when the District was ready to authorize it. He also indicated that more information was needed to provide current site conditions to the bidders (e.g., current aerials, drone video, and/or site visit) and for where the actual off-loading area is located. KWright and WFlowers indicated that they should be able to provide some of the necessary information. Then, the discussion went to when the bidding should be put out relative to the COVID-19 situation (the Governor does not officially consider this type of contracting as essential) and the actual schedule of bidding events. Finally, because of the current uncertainty about the COVID-19 restrictions and such, it was decided that the bidding process be delayed for, at least, 30 days until it can

be seen how the restrictions play-out.

**MOTION:** To authorize Wood, PLC to transmit the laboratory report of analysis for the sediment sampling to HWSD, by KWright.

**The motion(s) was seconded by DTouring and PASSED unanimously by all Board members present.**

7. Website migration update. PRAudenbush reported that the web migration is done, other than moving the data from the old site to the new.

8. New Business. None

### ***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 1945 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 13, 2020 June 10, 2020 July 8, 2020 August 12, 2020 September 9, 2020

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