

## MINUTES OF THE BOARD OF SUPERVISORS

### ISLE OF PALMS SPECIAL DISTRICT

July 8, 2020

[As a result of the COVID-19 Pandemic and necessary restrictions related to public gatherings, this Board meeting was conducted outside, near the front entrance of the Pablo Creek Regional Library but could also be attended via Skype-based audio-only teleconference. The call-in phone number was (904) 348-0303 and the Conf. ID was 972932507#]

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] at the library. Other Board members/officers present were Vice President Paul Raudenbush, Secretary Brad Radloff, and Member Josh Reichert. Member Dave Touring was able to join the meeting via call-in/speaker approximately 10 minutes after the start of the meeting. A quorum was established with four Board members present at the meeting. Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was also present at the library. Charlene Stroehlen, P.E., the Project Manager with Wood, PLC, as representative for the District's Engineer of Record to administrate upcoming dredging efforts joined the meeting via call-in/speaker. There was indication that others called-in to the meeting but only Lance Young of Brance Diversified, Jim Hicks of the Moorings Condominiums (Moorings), and Bruce Randall of the Moorings Dredging Committee identified themselves. 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 but due to safety restrictions still in place (after the meeting was publically noticed to be held inside the library) the meeting was held outside the library.

#### **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 was basically one attendee, Preston Waldrop from Palm Island Rd. in the North Isle of Palms (NIOP), that wanted to speak up about the main initial Agenda item to raise the annual assessment an amount of \$50.00, from \$950.00 to the total maximum allowable annual assessment amount of \$1,000.00, along with other concerns regarding the District's operating expenses. Since Mr. Waldrop had not attended any previous meetings over the years, he had a lot of questions regarding how the previous dredging effort (that has now been paid for) related to the current effort to dredge under the IOP Special District which was set up to specifically do just that (and the new annual assessments that have been levied in more recent years). Mr. Waldrop also requested explanations for certain expenses related to annual auditing, legal representation, "discounted" fees, and liability insurance (for which explanations were given) and he indicated his distaste for the assessments. Discussions with Mr. Waldrop also evolved somewhat into general questions and

explanations related to the dredging plans, procedures, timing, and costs, etc.

### OTHER AGENDA ITEMS

3. Vote on whether to increase the Annual Assessment by \$50.00 to the District's maximum allowable amount of \$1,000.00. KWright provided a brief summary of the assessment process and then allowed the Board members to provide their thoughts on whether they agreed with the increase or not. Prior to voting on the increase, the Board heard any concerns from attendees and fielded any questions.

**MOTION:** To increase the annual assessment by \$50.00 to the maximum allowable annual amount of \$1,000.00, by KWright.

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

4. Vote on approval of Meeting Minutes of June 10, 2020 Board meeting.

**MOTION:** To approve the minutes of June 10, 2020, by KWright.

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

5. Treasurer's Report. PRAudenbush provided an update to the Treasurer's Report for this meeting and reported the District's bank balance at \$1,289,830.73, as of July 8, 2020. There were two bill(s)/invoice(s) needing approval for payment: 1) \$14,624.43 to Wood, PLC for three months (three separate invoices that the Board had not seen before) of engineering fees and 2) \$596.00 to the Jacksonville Daily Record for public notices. As a special note, there is a dual signature requirement that is in place for all checks/bill payments.

**MOTION:** To approve payments to the Jacksonville Daily Record and Wood, PLC, as described above, by KWright.

**The motion was seconded by PRAudenbush 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.

6. Report on ARC Surveying. KWright indicated that the surveyors have been seen in the canals, so we know they are working on the bathymetric survey authorized by the Board and will just have to await the results of the survey which will be used to obtain a loan and provide updated data to prospective bidders for the dredging.
7. Report and discussion re: Engineer to oversee dredging. PRAudenbush indicated that he has been in contact with Charlene Stroehlen of Wood, PLC regarding adjusting their proposal to manage dredging operations and that the proposal will be transmitted to the Board once it has been adjusted. Ms. Stroehlen acknowledged PRAudenbush's report, as such.
8. Report on meeting of P. Raudenbush, K. Wright and W. Flowers re: Bid package documents and take any necessary action thereon. [*HISTORY*: At the November 2019 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 the meeting in April, PRAudenbush raised the question of when the next bathymetric survey should be done, relative to when the last one was done, and whether the survey be redone prior to the bid package (so that it can be included with the bid package) or as close as possible to when the dredging is getting ready to begin. PRAudenbush thought it should be updated for the bidding process to obtain accurate bids and for purposes of obtaining a loan from the bank (e.g., apparently 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). 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 bidding and getting 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. For the last meeting in May, PRAudenbush began the discussion with Joe Wagner's then currently proposed schedule for following through on the bidding process, indicated that certain changes were made to the bid documents during the document review meeting, and obtained Stanley Pipes verbal approval of the laboratory report(s) of analysis/results for the sediment chemical analysis and acceptance into their spoil site. Dave had three comments having to do with the bid forms and the contract: 1) thinks the pre-bid meeting should be mandatory, 2) he did not see any liquidated damages in the contract, and 3) two years is too long to allow for completion of the contract, should be a maximum of one year. PRAudenbush agrees with two of the three concerns DTouring has -- disagrees with the mandatory pre-bid meeting and suggests that the project should have a 2-month period to mobilize and once that is done, then a 12-month period would begin for the completion of the contract. Stanley Pipes agrees and suggested that the HWSD Board would likely not be amenable to anything over 12-months either. WFlowers indicated that the contract *does* specify liquidated damages of \$1,000.00 per day and that the project time was already reduced from 18-months to 12-months. After some additional discussion, it seemed that all basically agreed that the liquidated damages should be set at \$5,000.00 per day and that the project period should be as PRAudenbush suggested having an initial mobilization

period of up to 90-days and then a period of up to 365-days to complete. Additional discussion ensued regarding the completion period (mobilization and actual contract completion, liquidated damages, and the bidding process schedule. PRaudenbush motioned to approve Joe Wagner's currently proposed schedule (as indicated in his email, dated 5-12-20, at 1556 hours) for initiating the bidding process on June 5, 2020 and beginning the "contracting period" on October 7, 2020, change liquidated damages to \$5,000.00, provide for up to a 90-day mobilization period, and up to 365-days to complete the contract following the mobilization period. For the May 20, 2020 "Emergency" meeting, which was intended to try and finalize the language for and complete necessary items of the Bid Package, actually brought up more needed adjustments and it was decided that a workshop meeting composed of KWright, PRaudenbush, and WFlowers would be necessary (along with a public notice) to get the language, etc. straightened out. The work meeting was held on May 22, 2020. For the June meeting, based on the work meeting between KWright, PRaudenbush, and WFlowers; adjustments and changes were made to document language and certain technical details regarding dredging specifics, along with discussions related to timing and notice issue with putting the bid package out to the public. After much discussion on all the matters for this agenda item, there were two main resultant actions taken that included the Board's agreement of removing the two "bank-to-bank" dredging templates from the bid documents and a Motion to adjust the language in the bid documents to indicate the distances away from bulkheads and pilings up to where dredging can be completed - 10' from bulkheads and 5' from pilings]. **For this July meeting**, PRaudenbush indicated that the bid documents are on the website for review and that if anyone has any comments/questions/suggestions about the way the documents have been drafted to date, they should indicate so. KWright had a concern about the particulars for the mandatory pre-bid meeting and thought it needed clarification as to the location of such a meeting and with whom. Other general discussion ensued between the Board members and the attendees, including a suggestion from Lance Young of Brance to definitely have a mandatory pre-bid meeting which should help to encourage and bring-to-the-table more serious and experienced dredging companies. Ms. Stroehlen indicated that she had already provided her comments to PRaudenbush and once the new survey results are provided, the necessary adjustments can be made to finalize the documents.

**MOTION:** To begin the bid process/send out the bid documents sometime during the month of July 2020, by PRaudenbush.

**The motion was seconded by KWright and PASSED by three Board members present at the meeting and one member remotely, with the dissenting vote from BRadloff.**

9. **New Business.** 1) WFlowers indicated a concern for the mandatory pre-bid meeting and the possibility of not having a venue to hold it. Some discussion ensued about whether it would be mandatory or not. 2) KWright brought up the likelihood of whether the library will be opening up their conference rooms or not and thought that they probably won't, so

he suggested that the next meeting be held outside, under the pavilion, at the IOP Park on Eunice Road. 3) KWright also brought up the incident of the sailboat explosion/fire in the canal north of Plumosa, at a lot very close to Eunice, and that since the sailboat sunk there, it would need to be addressed. An attendee, Bob McKimn (14533 Plumosa), then indicated that he is a neighbor of the owner of the property (Charlie) where the sailboat sunk and his understanding is that the owner is in the process of not only removing the sailboat but also all the trash, debris, and whatever else is on the property.

***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 1918 hrs.

***Future Meeting Dates -***

Meetings are held on Wednesdays at 6:30 PM, normally at the "Pablo Creek Regional Library," 13295 Beach Blvd. Jacksonville 32246; for the dates listed below [however, because of the uncertainty revolving around the ever-changing restrictions placed on public gatherings, please check the District's website ([isleofpalmsjax.com](http://isleofpalmsjax.com)) for any updates to the location of the upcoming meeting):

August 12, 2020   September 9, 2020   October 14, 2020   November 11, 2020

December 9, 2020