

BAYSHORE GARDENS BOARD OF TRUSTEES MEETING MINUTES DECEMBER 18, 2018

Items 1 through 3 Roll Call, Call to Order, Pledge to the Flag. Sharon Denson opened the meeting at 7:00 PM. A roll call was taken. Trustees in attendance were Jim Couey, Don Gassie, Terry Zimmerly, Dan Rawlinson, Sharon Denson, Steve Watkins, Jim Frost, Belle Baxter. A quorum was established. Barbara Susdorf joined at 7:22 (during discussions with Mark Kincaid). Jodie Lawman, Manager and Gwen Norris, scribe attended. Allan Riga, Barbara Greenberg, Debbie Korell, Suzanna Young, Richard Nelson signed in as attending. A pledge to the flag was performed.

Coastal Engineering – Guest - Sharon introduced guest Mark Kincaid of Coastal Engineering (CEC). Mark is the Engineer of Record for the ramp and marina plans. Mark stated Terry had relayed that the district is considering electing not to use certain portions of the CEC's proposal (#2-ramp and #3-piers).

His firm desires to stay on the team and work for the district throughout to completion. He said if they are to be the Engineer of Record for the project then they need to have oversight of the project to sign off for the district for Manatee County for Construction Observations, for the DEP, for the Corps of Engineers. He said the contractor will have submittals to the Engineer for different products they are proposing to use. The products need reviewed in a timely manner and if not adequate there will have to be a back and forth conversation with the contractor to work it out so the district gets what the district is paying for. The contractor submits pay applications typically to the Engineer of Record who will review for approval or partial approval to be submitted to the district for payment.

Mark continued that working on the water requires by Federal Law certain insurance policies. The contractor has to carry Jones Act Insurance and Longshoreman Insurance (USL&H). The Engineer and the survey firm has to have these insurances while they are working. This expense is carried by CEC. The board should be covered for these risks.

Mark expanded on four similar ramp projects by Manatee County in the last 5 years with costs ranging from \$475K (Harbor Shores, 4 years ago - almost identical to our ramp) to \$1.9 million (most recent on Anna Maria which included parking lot improvements) for actual construction costs (not design). Mark said that CEC has designed the project to save the district significant maintenance costs in the future. He said the county projects included cofferdams and dewatering the area which is costlier than CEC's design.

He then asked for questions. Don Gassie said the plans had shown the canal as Bryn Mawr. Mark said that name has been removed. The bench marks, etc., are referred to by GPS coordinates. Don was concerned that this would be confusing for others. Jim Couey said that the boat dock is at the canal at the marina. Mark said the ramp will go in the right place, he promises.

Jim Frost thanked Mark for coming and going over the documents provided. He said it is a lot of money and asked Mark to go over some of the items (Work Order #2). Jim said he understands the insurance costs are divided between all their work; CEC would be available for the draw for the contractor and the Engineering As Build survey. Mark confirmed that the county would require a documented as build record drawings that would go to the district also. Mark confirmed that they have their own survey team and that a staff Engineer would accompany them on site to ensure everything is correct. There was a bid process and the district chose the contractor. Mark said that they have worked with Kelly Brothers (KBI) and they are an excellent contractor for this work.

He said CEC interviewed for the work in 2015 and gave a March 2016 proposal (#1 - ramp design services) and revision. CEC is using the same basic costs from that year without revising to current costs. They did the construction advertisement three times at the request of the district. He said all preliminary survey was performed for the ramp and pier work.

Gwen Norris asked about the performance bond that we were advised to eliminate and how it would affect the district. Mark said the last communications he made advised the district was to waive all bonds (insurances) in the KBI contract and it is a good thing in this instance as the contractor is very reputable and we will not pay them in advance. He stated that there is no significant risk to the district, and there was a significant savings. Gwen has no problem with this as long as the first tier contractor and supplier has no problem (by State Statutes). Mark said that during the pay applications the contractor will be required to submit the partial release of lien documents (for the subcontractors' and suppliers).

Jim Frost stated if hypothetically the district choses to not use CEC's services from here on out and we have a contractor build the ramp and we hire a survey firm for the as builds then that is 'it'. Mark said that the construction bid was less by allowing the project to start 120 days to get to site and 90 days to finish to get the best quote a possible. He said that KBI should be able to finish before 90 days without any unforeseen weather, etc. CEC will only charge services only for time used. Mark said in the CEC original proposal we started out with the proposal from start to finish but took out the construction and closeout. Even though the proposal was three years ago he did not change the fees from three years ago on the current proposals.

Mark said that there are a lot of expenses that were above and beyond that proposal (Phase #1) that was sent March 2016. He said some of the expenses included Permitting the Army Corps of Engineers. He said that working through permitting issues with someone 'who did not know' and cost Coastal Engineering time and effort and did not cost the district. With the boat ramp a lot of extras were included that CEC did do and did not ask for more money from the district because they wanted to provide the district with a good project. Jim Frost asked if the district owes anything to CEC at this point. Mark stated that there may be a small amount left to bill from the bid process (about \$1000) when H Irma came through the advertisement was withdrawn and then at the beginning of 2018 with only one bid and then again later in 2018. Jim Frost asked for that bill soon. Sharon said that the phases in the books are being corrected and the number paid can be gotten from Natalie. Sharon said that she thinks the billing match the proposal from CEC. Mark said CEC had prepared the bid documents before H Irma and sent them out to the contactors before it was decided to hold off. Terry confirmed that payment to date to CEC is about \$47,000 which is close to the Phase I proposal amount. Mark said CEC included all of the survey work on the marina basin and concept designs and coordination with the Board and Marina Committee and Permitting (ramp and marina work) through state and federal agencies; and these have been paid for.

Steve asked about CEC needing oversight to sign off on the plans. He asked how much time and who would need to oversee the construction. He asked if the County can sign the plans. Mark said that the county cannot sign the plans and he is the only one that can sign the plans as Engineer of Record. Mark said the county cannot inspect everything that is being constructed as diving will be required for the underwater work inspections. He stated that previous counties and municipalities have requested that CEC sign off as the Engineer of Record and provide a letter stating that construction was per plans and

specifications since the counties and municipalities do not have that kind of capabilities to do that type of inspection.

Don asked what the 'appropriate times' mentioned in the Construction Observation in the proposal means. Mark stated that after demolition and grading the area CEC would provide survey layout and bench marks. He said the 'appropriate times' include an estimated two times a week but he does not have control over the contractor progress so it may be three time one week and one time another week. He said there are several critical times that they want to make sure are correct throughout the project. For example the precast piles and precast panels laid for the ramp need to be all connected and level because if the precast panels are not touching the grade piles that would be detrimental down the road and could cause cracking. He said there are stages that they check the hot dipped galvanized steel, source, and spacing before pouring concrete. Mark said the KBI is a contractor and the contractors are out there to make money and if you are not there inspecting contractors may cut corners. Mark made a scenario of if you know there are no police officers you may speed, but if you have one at your side you will obey the rules.

Gwen asked about the contingency fund in work Order #2. Marks said that it is money set aside for unforeseen problems since everything does not go as you thought and it is a budgetary item and if set up now so the district would not have to set a special meeting if it is needed, with written approval from the Board. He said he understands the districts circumstances on approval of funds. It could be used for unexpected engineering services or added work or to come talk with the Board. The last two times Mark said he has come here on his time, and thinks it would be fair to get compensate for additional visits/meetings with the Board when under construction.

Mark said that the remainder costs (for marina) is in Work Order #3 (outside piers \$49,000). The proposal includes visits and as builds. Mark stated that the work is anticipated to be quicker and costs less, especially if the engineering services are concurrent with the ramp work. He said the pier construction work would be less costly if done by the same contractor concurrently also. Gwen asked about the 'work performed by others' statements in ramp contract package if it would be included in the Pier work contract to avoid a contractor conflict. Mark said the ramp contract has the clause because of the district's landscape contractor work and is not in the pier work package as contractors would be in different areas. He suggested that the pier work could start away from the ramp area, then work towards the ramp side of the marina.

Steve asked about the Observation Service in Work Order #3 (Pier work) at \$13,000 and the hourly fee. Mark said that his fee is different than the staff fee, it depends on who will need to be there. He said the fee schedule is included in the first proposal and he will not updated the three year old fee rates on the schedule.

Sharon asked that Mark and Robert talk on the project expectations/requirements. Mark and Robert were excused.

Item 4. Approval of Minutes November 20th BOT, Dec 12th work session – Steve moved to accept the minutes from the BOT Meeting of November 20 2018. Terry seconded the motion. There were no corrections of additions. The motion was voted and passed unanimously.

Steve moved to accept the minutes from the BOT Special Meeting of December 12, 2018. Jim Frost seconded the motion. Discussion: This motion is for the minutes of the BOT Meeting only. The motion was voted on and passed unanimously.

Jim Frost moved to accept the minutes from the BOT Work Shop of December 12, 2018. Belle seconded the motion. There was no discussion. The motion was voted on and passed unanimously.

Item 5. Treasurer Report. A copy of the financials and Resolution 2018-08 was provided to the Trustees earlier. Terry asked for questions. Terry stated that soon we will be transferring money for the ramp work.

Steve asked about item 1025 for ADA furniture. Sharon confirmed that it will be moved and used for ADA compliance work. Terry said it may include the poolside access.

Steve moved to accept the Treasurer's Report. Jim Couey seconded the motion. With no more discussion the motion was voted on and passed unanimously.

Resolution 2018-08 - Terry stated that Resolution 2018-08 moves security deposit money into a new account. Jodie said that the security deposits are required to be in a noninterest bearing account. A separate account has been set up for the deposits and about \$42,000 deposited. Jim Frost moved to approve Resolution 2018-08. Steve second the motion. With no more discussion the motion was voted on and passed unanimously.

Jim Frost stated that the new website will allow these documents to be looked at once it is set up. Sharon said the current website is so hard to manage it does not have the minutes but the new website will have the meeting minutes. Debbie Korell asked the information be emailed to her in lieu of paying for copies as emailing is free. Sharon will get back to Debbie. The downsize version of the minutes are in the Banner. She said the website work has begun and when completed will have the minutes. Jodie said signatures are requested by those asking for documents from the office to show they received the document and the office is complying with the Sunshine Law request. Sharon suggested if there is an anonymous request Jodie can assign an ID number on a form.

Item 6. Trustee Committee Reports.

House and Grounds Committee – Jim Frost said that Olive Branch contract gave a great deal on the railroad ties and will move ahead with a motion later in the meeting. He said they are preparing the Dockmaster's new quarters at the old concession stand. They are looking forward to the marina project. They are receiving quotes for the fishing pier work. He is also working on the renewing the hall ceiling. They are working on getting quotes for key fob access for the hall door and boardroom door. Sharon stated the ADA ramp to the hall needs to be done before the hall door work. Jim Frost stated that they will present all of the hall work in one package with three bids possibly by the end of January.

Banner Committee – Steve said the deliveries are on time. He said there is a Banner box with a broken spring outside the box he will try to fix. He said we will need more Banner boxes for a couple more locations.

Jim asked to expound on the CERT certifications (not Committee or Board related). Sharon gave Barbara instructions for getting her CID number. Sharon said the CID number can be emailed. Jim Frost said CERT

is a community response team to help with emergencies and help the county. Sharon added that it is a Homeland Security program. Steve has some schedules for the next class to copy.

Personnel Committee - Sharon said we need to recognize the employees and Christmas Bonuses are not allowed. She talked to the employees today and they are not interested in a Christmas bonus but are interested in being treated fairly. She said they are way under what is similar work in our area. She raved on their work and professionalism. She gave options to the employees: a 401k with district participating contributions; more stipends for health insurance (currently \$50/week or \$100/month); they preferred a raise in pay. Sharon agrees and proposes that the hourly rated ~~full time~~ Year around employees receive a \$1.00/hour increase. This equates to \$10,000/year in total for the district. Sharon moved to give a merit raise of \$1.00/hour to full time employees. Don seconded the motion. Discussion. The raise would affect Phil, Todd, Austin, Randy and Jodie. Sharon will ask Dan and Jodie to create a pay rate schedule for employees after this decision. Barbara said this would be a good incentive. The Dockmaster is salary and would not be included. Lifeguards are not full time and are not included. Sharon said there is a Bonus Program that we may want to implement but it would only benefit one of two of our people, leaving the others behind. Jim Frost called for a vote. A roll call vote was taken on the motion with these results: Jim Couey-yes, Don-yes, Terry-yes, Dan-yes, Sharon-yes, Steve-yes, Barbara-yes, Jim Frost-yes, Belle-yes. The motion passed unanimous. The raise will start with the next pay period.

Applicant for Board - Sharon introduced John Lamb for a possible seat with the Board. Don will be resigning as Trustee at 10:03 tonight. John said Jodie is his neighbor who encouraged him to come. John has not attended our meetings and found it very interesting. He stated he has been a resident since 1998. He has supplied his credentials for the Trustees' to review. Sharon said an appointment cannot be made until there is a vacancy on the Board. Sharon thanked him for offering and Barbara said it is very rewarding to serve. John has extensive insurance agent experience since 1985. When probed John said he communicates well with people and listens. He was working with AIT Group until November-commercial underwriter, residential condos, and office buildings.

Jim Frost thanked Don Gassie for his years of service.

Personnel Committee - Sharon said employees have to use their vacation time by the end of December or lose it, per the Employee Handbook. Sharon said they are having a hard time getting the vacations 'in'. Sharon moved to make the deadline for using 2018 vacation time by March 31st of 2019. Jodie said she had three maintenance employees ask for time off in December. After a year's employment the vacation time is given and some have just qualified. Sharon requested that the Employee Handbook be revised on a lot of issues. Belle seconded the motion. There was no further discussion. The motion was voted on and passed unanimously.

Jim Couey asked about the Special Meeting set for December 26th. The meeting is set if they need it for contract issues. It is a Committee Meeting date also.

Item 7. District Manager Respond to Trustees.

Jodie stated that the Managers Report was given for the BOT Work Session for the discussion. The only additional item is the liability insurance for Hall Renters for reference. She has found reasonable rates. Sharon stated that insurance is required by Policy and is being enforced. Jodie said that one company has our district on their file for clients. She said rates vary for the types of events, number of people and whether alcohol is served. She said that the insurance is for \$1 million which is a common policy

amount. So far two renters have been told to supply a policy one week in advance or the event or it will be cancelled. One person did not have a big problem with it. The other person was not sure if she could afford the extra cost. Sharon said that we may have to reduce the rental rate due to the costs. Jodie said the average cost is about \$127 (for 150 people with alcohol). Jodie said that lowering the rental fee to residents \$100 would be good. She said that we have been fortunate nothing has happened to date. Sharon asked Jodie to find more companies that offer this insurance.

Old Business

Item 8. Marina contract with Coastal Engineering and Kelly Brothers Contact on the ramp. Sharon asked if everyone was ready to vote on the Kelly Brothers Contract to rebuild the ramp. She said if we don't get it approved it may be summer before they do the work. Jim Frost moved to approve the Kelly Brother's Contract to do the ramp work. Jim Couey seconded the motion. Discussion – none. Sharon requested a roll vote. The vote on the motion: Jim Couey- yes, Don Gassie-yes, Terry Zimmerly-yes, Dan Rawlinson-yes, Sharon Denson-yes, Steve Watkins-yes, Barbara Susdorf-yes, Jim Frost-yes, Belle Baxter-yes. The motion passed unanimously. Sharon said the bid was accepted last month and the contract is accepted now.

Sharon said she would like to discuss the CEC proposals later of on the December 26th meeting.

Item 9. Agreement with Dockmaster to oversee Boat Ramp project. Robert Hindle , Dockmaster, discussed the ramp project with Mark (CEC). Robert had provided his proposal to the Board on Oversight of the ramp construction. Robert stated that he talked with Mark at a reasonable length and thought Mark had done a good job answering questions of the board. Robert said he has questions on where CEC will be in the contract as some of the stuff is stuff the Engineer needs to do. Robert said that Mark seems easy to work with and more than interested in having Robert watching the construction to eliminate CEC visiting as much. Robert said Mark seemed interested in keeping lines of communication open with Robert and working with the Board. Robert had submitted his resume with references and a description of what he thinks the job would include. Robert asked what the Board would want of him. Sharon said she feels that we cannot take a vote tonight and there is more information needed. She felt after Mark talked with Robert, Mark would be more comfortable and we could negotiate more. And he should submit a new proposal. Sharon proposed that the issue be tabled until later, until December 26th meeting. Jim Frost moved to table the issue until the December 26th Meeting. Barbara seconded the motion. There was not discussion. The motion was voted on and passed unanimously. Sharon stated that the Ramp Construction proposal and Marina Proposal oversight (CEC contract – Work Order #2, and arrangement with Robert) will be the only item at the BOT Special Meeting on the 26th.

Item 10. Concession Stand. – Sharon said the concession stand did not make enough money to pay for the product, salary, or Randy's trips to restock it. She proposes that it houses the Dockmaster's office and the bookcases for the library (unlocked). Jim Frost moved to turn the concession stand into an office for the Dockmaster and add library books from the board room, if it works out, so the Board room can be locked. Jim Couey seconded the motion. Discussion: Don said we could consider a Taco Truck for food. Jim Couey suggested using coolers. Robert was fine with the accommodation. Debbie Korell stated the humidity will not be good for the books. Sharon stated the room has A/C and is sealed. Suzanna Young was concerned and cautioned that library users would interrupt/disturb Robert. Suzanna stated that her and Sally are willing to put the books in order. Jim restated the motion. The motion was voted on and passed with only one 'no' vote, Don Gassie, retired librarian.

Item 11. Cure vote/s taken at emergency meeting on the 12h of December. Sharon said we are required to discuss and accept the vote. The subject is KBI's contract. Sharon read the email from CEC concerning eliminating the performance and payment Bond of \$7,150 in Section 2, item 9. The district had voted 'no' on the Bond on the 12th. Sharon read more of the email "CEC recommends not buying the pollution policy or the installation floater policy", a total of \$11,236. The district had voted 'no' on these policies on the 12th. Sharon said a motion was made and seconded to not buy the two items at that meeting on the 12th. Don moved to not buy the items. Jim Frost seconded the motion. Discussion: Jim Frost stated that Mark even said the same tonight. The motion was voted on and passed unanimously. Sharon said that the violation of the Sunshine Law has been cured.

Item 12. Surplus Property, Slide and filing cabinets. Sharon said Dan had one offer of about \$100 for the slide. She asked Jodie to put the slide in the Banner and the filing cabinets for sale in the Banner for \$10 to \$15. Jodie said she will need the spec on the slide when people call for information. Sharon asked Steve to put a photo of the slide with the ad in the Banner. Steve said the slide is worth about \$400 if scraped and suggested pricing it at \$700 obo. Jim Frost cautioned to not sell the slide but to scrap it due to liabilities. Jim Frost moved to have his company to take the slide down for \$100 and scrap it with proceeds going to the district and put the file cabinets in the Banner for sale. Sharon asked Jim to bill the district for the removal. Dan seconded the motion. Alan Riga asked about scrap prices. Jodie said 68 cents per pound. Richard Nelson suggested a 'hold harmless' be signed by a buyer. Jim said the 'hold harmless' will not get rid of the liability. With no more discussion the motion was voted on and passed unanimously.

New Business

Picnic tables -Terry made a motion to have six picnic tables made by Randy in his leisure time. Don seconded the motion. Discussion: If we have more tables at the ball park and fishing pier it may eliminate the problem of dogs in the picnic area. Sharon said they are nice tables. Dan said they were over 100 pounds. It was suggested they be chained down. The motion was voted on and passed unanimously. Sharon will look up which fund the table supplies will come from, perhaps landscaping.

Debbie Korell asked to discuss the marina but was denied as it was not the right time.

Item 13. Railroad tie Project bid. Jim Frost needs more information on the standing water along the beach road which needs erosion barriers. Barbara and Steve has viewed the water and erosion at the beach. Jim Frost moved to accept Olive Branch quote to do the railroad tie work. Jim Couey seconded the motion. Discussion: Sharon said that it has been through the Committee meetings more than once and we know what it is. Barbara said there is an erosion problem. Sharon said the ties will be stacked two high along the west side of the road to hold back the bank. Barbara said that the ties should last 20 to 25 years. The motion was voted on and passed unanimously. Jodie said Olive Branch can start work January 15th.

Item 14. Hall Contract and exhibit 1004 HC and 1004 HR. Sharon moved to accept the new policies 1004 HS and 1004 HR. Jodie said there was confusion on page one about the cleanup time prior to 11 PM. Sharon suggested the work 'activity' be eliminated from the Start and End Times. Jodie suggested adding 'includes setup' with Start Time and 'includes take down' with End Time. Jim said a bullet can be added to state "Must vacate building by 11:00 PM". Sharon said that the statement can be added to the rules. Jodie suggested 'Set up Time', 'Activity Time', and then 'Clean up Time'. Jim Couey moved to table

the issue. Terry seconded the motion. Sharon rescinded her motion. Discussion: Jodie asked to have input on the wording. The motion was voted on and passed.

Item 15. Hall Insurance. (See Item 7.)

Item 16. Screen Room Contract and exhibit 1004SR and 1004SR. Sharon has added candles open flame restriction as #2 of the Rules (Exhibit). Steve moved to approve the policy and exhibit. Jim Frost seconded the motion. Discussion: Barbara stated we cannot have open flames. Alan Riga said that the restriction does not allow birthday cakes. Sharon suggested adding 'no candles for table decorations may be used'. Jim Frost suggested to add 'birthday cake exempt'. Sharon said we will add the 'birthday candles exempt' in #2. Steve rescinded his motion and Jim rescinded his second. Steve moved to approve the policy with the changes just discussed on the candles. Jim Frost seconded the motion. Jodie said the cake may be for a retirement. Sharon said she would call it a celebration cake. The motion was voted on and passed with all 'yeas' except Don stating 'nay'.

Item 17. Public Hearing Policy and Guest definition 1030PH and 1030G. Sharon moved to accept the Public Hearing Policy and Guest definition. Belle seconded the motion. Discussion: Sharon stated the definition of Guest can be used for everything, not just the Hearing. Sharon said when we have to take action, like turn off a fob, it is a constitutional issue and we have to have a process. The motion was voted on passed unanimously.

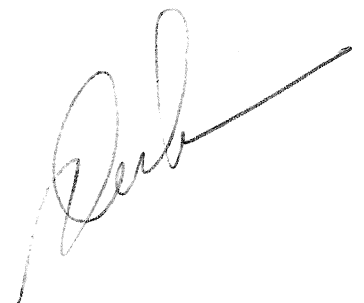
Item 18. Bidding policy 1008 P. Sharon stated the policy addressed the different methods below and above \$20,000. She said that under \$20,000 we do not need to advertise and get bids, only quotes. Sharon moved to accept the policy. Jim Frost seconded the motion. There was no more discussion. The motion was voted on and passed unanimously.

Item 19. Set up meeting with county and TE for canal dredging. Sharon said she is working with Trailer Estates (TE). Sharon said that the county said they do not dredge our canal anymore but the Board of Commissioner can change that. She would like to set up a meeting (Town Hall) here in January or February with the County Commissioners. The TE Board will be invited. The silting issue is due to the ditches being full to the north. She said the County may help by renewing their old dredging permit. Sharon said we are taxed by the county for the dredging.

Sharon asked everyone to be ready to discuss and decide on the ramp and marina issue on the 26th.

Woodchoppers Shop - Steve said that he would like the Woodchoppers place the dust collector in the tractor shed adjacent to the Shop. The tractor is gone. Gwen said the switch would have to be inside the Shop and had concerns of emptying the bag. Steve said a key would be supplied to the officers. It was suggested this be brought up at a Committee Meeting or Work Shop. Steve said we have money for the Shop and wanted to get a larger AC unit. Gwen said we had discussed a 12,000 Btu. Sharon said it may have to be larger. Jim Frost suggested a couple of mini split units (like Mitsubishi) for about \$800/\$900. This will be brought up at the Work Session on January 2nd or Committee Meeting on the 9th. Gwen said that they have a new door to install in the back of the shop. She said they noticed bug droppings at the back door of the Shop and the termites might be back. Jodie said the tenting was in 2014 (Total Control). She will ask someone to look at it.

Steve moved to adjourn. Terry seconded the motion. We adjourned at 9:35 PM.

A handwritten signature in black ink, appearing to be 'Paul', written in a cursive style with a long horizontal line extending to the right.