

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 08/24/22**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:02 a.m. on August 24, 2022, in the Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

1) ROLL CALL

There were present Board President Matthew J. Boykin and Supervisors L. Marc Cohn, Adrian M. Salee, Gregory Block and Ellen T. Baker; Executive Director Dan Beatty; and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

Also present were Director of Finance & Administration Katie Roundtree; District Engineer Kim Leser; District Clerk Susan Scheff; Director of Operations Ken Roundtree; Capital Construction/Permits Administrator Tim Helms; Programs & Facilities Maintenance Administrator Jared Kneiss; Budget & Assessment Roll Manager Laura Ham; Operations Manager Jon Iles; Alan M. Roman, MD and Jason Bloom of BallenIsles Community Association (Unit 31); and Cliff Hertz of Nelson, Mullins, et al. (Unit 16).

2) ESTABLISHMENT OF A QUORUM

Mr. Boykin announced that there was a quorum and that it was in order to consider any business to properly come before the Board.

3) ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Beatty reported that there is one addition to the agenda concerning a settlement with the Florida Department of Transportation (FDOT) which will be addressed under the General Counsel report.

4) APPROVAL OF MINUTES

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the June 22, 2022 Regular Meeting.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the July 13, 2022 Workshop.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the July 27, 2022 Regular Meeting.

5) COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Mr. Boykin called for any comments from the public for items not on the Agenda to which there was no response.

6) CONSENT AGENDA

Mr. Boykin called for any comments from the public on the Consent Agenda to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the following Consent Agenda Items:

- a) Multi-Unit
Consider Ratification of Certificates of Correction
- b) Unit No. 2C – Alton
Consider Purchase Order to Michael B. Schorah & Associates, Inc.
- c) Unit No. 5A – Vista Center of Palm Beach
Consider Landowner Request for Consent to Palm Beach County Variance
- d) Unit No. 16 - Palm Beach Park of Commerce
Consider Eighteenth Addendum to Law Enforcement Service Agreement – Sheriff of Palm Beach County
- e) Unit No. 53 – Arden
Consider Change Order to Centerline Utilities – Pods G-North and H-South (CO No. 7)
- f) General
Consider Board Meeting Schedule – Fiscal Year 2022/2023
- g) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

a) UNIT OF DEVELOPMENT NO. 2C – ALTON Status Report

Mr. Beatty began by showing the Board the unit map and displaying the site plan. He reported that the construction progress is ongoing, but there are no photos since there are no significant changes to be seen. He noted that the Board just approved a Purchase Order in the Consent Agenda for design, permitting and construction phase services for the final lift of asphalt on a portion of Alton Boulevard and that project will begin in the near future.

This item was presented for information only and no Board action was required.

b) UNIT OF DEVELOPMENT NO. 14 – EASTPOINTE

i) Consider Acceptance of Bill of Sale

Ms. Leser explained that this is related to a permit issued for the work associated with the redevelopment of the existing golf course, including lake modifications, in Eastpointe. She explained that they are providing some of the lake interconnect infrastructure to Northern for the conveyance of stormwater between the existing and newly constructed lakes. She reported that the construction has been completed and certified by the engineer of record, noting that she has reviewed the related information and recommends acceptance of this Bill of Sale.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving acceptance of the Bill of Sale.

ii) Consider License Agreement

Mr. Beatty explained that this is a standard Agreement that Northern executes with golf courses to conduct play over Northern property, noting that it is similar to what the Board has approved for other golf courses, and Staff recommends approval.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving acceptance of the License Agreement.

iii) Consider Third Amendment to Exchange Agreement

Mr. Edwards explained that in 2019, Northern entered into an Exchange Agreement with the golf course and a subsidiary entity owned by the Schickedanz Group. He explained that the transaction between the Golf Club and the Schickedanz subsidiary recently closed and that all of the work that needs to be done before transferring certain improvements to Northern is not yet complete. Mr. Edwards stated that, as has been done in the past, Northern needs to extend some of the related deadlines associated with a Quit Claim Deed (QCD) and Easements that Northern previously granted. He reported that a third deadline extension to October of 2023 has been requested in order to accomplish this work, noting that Staff has no objection to the request.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Third Amendment to NPBCID Agreement.

iv) Consider Corrective Quit Claim Deed

Mr. Edwards explained that this item is related to the one that he just presented. He stated that, once the plat for the development was recently recorded, a related QCD by Northern that was being held in escrow under the Exchange Agreement was also recorded in the public record. He reported that there is a deadline in this QCD which also must be extended for the reasons previously explained, so a Corrective QCD will need to be recorded in order to memorialize the requested deadline extension.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Corrective Quit Claim Deed.

Mr. Boykin asked about the status of the opening of the new Country Club. Mr. Cohn, speaking in his capacity as a Club member, explained that the opening has been deferred, due to equipment supply issues.

c) UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE

i) Consider Ingress/Egress Easement

Ms. Leser stated that this item is for consideration of acceptance of an Ingress/Egress Easement associated with the Palm Beach Park of Commerce Plat 25 property and Venture Way. She explained that the property owner of the parcel located at the west end of Venture Way is granting Northern an Ingress and Egress Easement over a private driveway to allow for a turnaround prior to entry into the private development. She reported that the sketch and description for the referenced easement was reviewed by Keshavarz & Associates, Inc., and its approval letter is included in the Board materials. Ms. Leser stated that there are no fiscal impacts related to the acceptance of the Ingress and Egress Easement, and Staff recommends approval.

Mr. Edwards added that this Easement will be held in escrow until Plat 25 is recorded. At that time, the blanks will be filled in and the Easement will be recorded before the property is sold to a third party.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving acceptance of the Ingress and Egress Easement.

ii) Consider Assignment, Release and Assumption Agreement

Mr. Beatty stated that this item is also related to Plat 25 and essentially transfers those responsibilities specified in the Agreement to a new owner, which is a subsidiary of the current Landowner. He explained that the Agreement outlines the responsibilities of the new owner related to the Plan of Improvements.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Assignment, Release and Assumption Agreement.

**d) UNIT OF DEVELOPMENT NO. 18 – IBIS GOLF & COUNTRY CLUB
Consider Award of Contract to Solitude Lake Management, LLC**

Ms. Leser stated that this item is to consider the Award of Contract to Solitude Lake Management and issuance of Purchase Order No. 22-682 for the significant lakes' alum treatment project. She explained that in accordance with the Amended and Restated Maintenance Agreement between Northern and the City of West Palm Beach, plus associated Sediment Inactivation Study, the design of an alum application project for the 11 significant lakes which exceeded the specified phosphorus flux rate, as determined by the Study completed by LimnoTech in 2020, has been prepared. She further explained that the design established the alum dosing rates, the application and the procedure for the application over a period of three fiscal years.

Ms. Leser reported that the project was advertised for public bid on July 3 and July 10, 2022. One bid from Solitude Lake Management was received and opened publicly on August 3, 2022. She stated that the bid in the amount of \$746,745.76 was verified as being correct, and based on a review of the bid package and LimnoTech's review and recommendation letter, Staff recommends that Solitude Lake Management, LLC. be awarded the contract for this project. She noted that, as outlined in the Amended and Restated Maintenance Agreement, 85% of the total cost of \$746,745.76 will be reimbursed by the City of West Palm Beach, leaving approximately \$112,011.86 for Northern to fund over the course of the three-year project.

Mr. Boykin asked if the amount lines up with what has been recently budgeted, and Ms. Roundtree advised that the amount actually came in lower than the budgeted amount of \$300,000 each year, noting that Staff had budgeted \$900,000 and the bid came in at \$746,000.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Award of Contract for the Significant Lakes Alum Treatment Project and Purchase Order No. 22-862 to Solitude Lake Management, LLC.

**e) UNIT OF DEVELOPMENT NO. 31 – BALLENISLES COUNTRY CLUB
Discuss Landowner Request**

Mr. Beatty stated that Jason Bloom of the BallenIsles Community Association (BICA) was in attendance to speak to the Board regarding a request for some additional funding with respect to the Guardhouse project.

Mr. Bloom addressed the Board by thanking them for the opportunity to speak with them and also thanking Staff for their ongoing commitment to improve the quality of life for its residents. He explained that his purpose today is to talk about the PGA Gatehouse project, noting that two years ago, Northern and BICA entered into the Sale and Purchase Agreement. He stated that the project was finally wrapped up recently and the residents are very happy with the Gatehouse. Mr. Bloom stated that after managing the project and dealing with inflationary pressures over the past two years, they ended up going over the agreed Sale and Purchase Agreement amount by \$49,952. BICA is asking that the Board consider an addendum to the Agreement funding the cost of the additional expense. He explained that the overage is related to material costs, some additional civil engineering fees and a few other items related to post-pandemic construction.

Mr. Boykin asked Mr. Beatty for a quick summary of the process, and he advised that Northern entered into an Agreement for BICA to conduct all of the design, permitting and construction activities. He noted that Northern has amended the Agreement a couple of times to increase funding as things changed through the process of design and construction. Mr. Beatty also asked Mr. Bloom about a Seacoast Utilities issue, and Mr. Bloom advised that Seacoast imposed additional requirements during the inspection period regarding root barrier and landscaping, the day before they were due to receive the CO and reopen. Mr.

Beatty noted that he can sympathize with BICA's position as Seacoast did the same thing to Northern prior to the PGA South Pump Station reopening.

Mr. Boykin asked about the maintenance of the Guardhouse. Mr. Beatty advised that Northern will own it and BICA will maintain it through a High-Level Maintenance Agreement.

Mr. Beatty stated that if the Board feels that these costs are warranted and should be included in Northern's purchase price of the Guardhouse, then Staff would prepare another Amendment to that Agreement for Board consideration next month.

It was the consensus of the Board to authorize Staff to proceed with an additional Amendment to the Sale and Purchase Agreement for Board consideration next month.

**f) UNIT OF DEVELOPMENT NO. 49 – NORTHERN PALM BEACH COUNTY BUSINESS PARK
Consider Acceptance of Special Warranty Deed**

Mr. Beatty explained that this item is to consider a Special Warranty Deed for a project that has been going on for about eight or nine years. He reported that the developer is finally in a position to convey a couple of lake tracts to Northern. He stated that Northern currently has a Water Management Easement over them, but it is always better to have the lake tracts in fee title, noting that it will convey a bit more area than Northern currently has within the Water Management Easements to allow for better management of the facilities.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the acceptance of the Special Warranty Deed.

**g) UNIT OF DEVELOPMENT NO. 53 – ARDEN
Status Report**

Mr. Beatty began by showing the Board the unit map and site plan. He then stated that this report was similar to that of Unit 2C in that there are no photos, since no significant changes have taken place with

regard to construction activities. He reported that there may be a request from Lennar for consideration of additional funding due to higher construction costs, based on the construction contract awarded at last month's Board Meeting. He further reported that the project will be short by around \$5 million with respect to work required by the Plan of Improvements. Mr. Beatty stated that Lennar has been meeting with Staff with regard to the possibility of issuing another bond, advising that such an item may be ready for Board consideration in the next couple of months.

Ms. Baker asked if Staff knew what percentage of the total that the \$5 million is, and KER advised that Northern currently has approximately \$44 million in debt issued on the project, so an additional \$5 million would work out to approximately an additional \$50 per year for townhomes and \$100 per year for single-family homes. She noted that the assessments are currently \$1,200 and \$1,500 respectively for the debt service alone.

Mr. Edwards stated that Lennar has been asked to make a presentation to the Board to address concerns about possible slowdowns, mortgage rates, etc., prior to a potential fourth bond issue.

This item was presented for information only and no Board action was required.

h) GENERAL

i) Consider Resolution Approving & Adopting the 2022/2023 Annual Budget and Assessment Roll (2022-05)

Based on the Public Hearing that took place immediately prior to this meeting, Ms. Roundtree explained that Mr. Edwards has prepared a Resolution for the Board's consideration that approves the 2022/2023 Budget, 2022/2023 Assessment Roll and the levy of the assessments, plus authorizes the certification and submittal of the Assessment Roll to the Tax Collector. She stated that the Truth in Millage (TRIM) notices were mailed out sometime around August 19, 2022, and only a few tax calls have been received.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving Resolution No. 2022-05, as presented.

ii) Consider Approval of Grant Agreements (2)

Ms. Roundtree explained that, as she mentioned at last month's meeting, Northern has two grants for the Florida Department of Environmental Protection (DEP) Florida Recreation Development Assistance Program (FRDAP) program, one in Unit 9B for Abacoa fence work and one in Unit 43 for the Mirasol boardwalk. She further explained that the grant in Abacoa is a \$50,000 project which will be reimbursed 100% and the Mirasol project is an approximately \$400,000 project to be split 50/50 between Northern and DEP.

Mr. Boykin asked if composite decking will be used, as was done in Botanica. Mr. Beatty advised that the decision has not yet been made, but he believes composite will most likely be used.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Grant Agreements with the Florida Department of Environmental Protection for the Florida Recreation Development Assistance Program.

iii) Conversion of Septic Sewer Systems to Sewer Line Systems Update

Mr. Beatty stated that, at the last Board Meeting, the Board requested that he follow up with Horseshoe Acres and Hidden Key, the two neighborhoods that had not had an opportunity to respond to the potential funding opportunities for the conversion of their septic tank systems to public sewer systems.

He reported that he did follow up with Horseshoe Acres and he subsequently received an email indicating that they had more pressing items to address at this time, even though potential funding opportunities may be available to them.

Mr. Beatty also reported that he was able to obtain an email list for about 65 of the 73 single-family home residents of Hidden Key. He put together an email similar to the one that he sent to the other two communities, sent it to the group and requested responses. He stated that he received 26 responses, 24 not in favor of this project and two in favor.

Mr. Boykin asked how many responses would be needed to pursue the project. Mr. Edwards advised that, under the terms of Northern's enabling legislation, a majority of the landowners would be required in order to form a new Unit for this process or a 4/5 vote of the Board. He further advised that although a majority of the voters is not necessarily required, Northern typically prefers the approval of more than 50% of landowners before moving forward.

Mr. Beatty stated that he also received a couple of phone calls from Hidden Key homeowners and noted that their primary concern was not the cost, but rather the disruption to the neighborhood that a project of this magnitude would cause. However, they also did not wish to pay sewer charges to Seacoast Utilities and they did not wish to pay maintenance for individual pump stations which would be required under this project.

Ms. Baker thanked Mr. Beatty.

Mr. Boykin called for any additional Board comments to which there was no response.

This item was presented for information only and no Board action was required.

7) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser had nothing to report.

b) ATTORNEY

Mr. Edwards stated that he had two items to report to the Board. He explained that the first item is with regard to the Partial Stipulated Final Judgment which he circulated to the Board on Friday, noting that

it settles an eminent domain action that FDOT brought against Northern as part of its action against Old Palm Community Development District. He further explained that it pertains to a project that FDOT is doing along I-95, and they named Northern as a party due to Northern's Drainage Easement underneath I-95. Mr. Edwards reported that, after much discussion, FDOT has agreed to get a permit from Northern in lieu of obtaining Northern's easement for the work in order to avoid litigation, and they also have agreed to reimburse Northern for the fees incurred prior to coming to this Agreement.

Mr. Edwards noted that this Final Judgment also solves the issue regarding litigation that has been filed twice by FDOT with regard to the basin divide Easement that Northern owns for property owned by Nova University. He explained that after some extensive illumination by Ms. Leser, FDOT will be applying for and will be issued a Northern permit, addressing both the Old Palm area and the basin divide upon the filing of the Final Judgment. It is recommended that the Board approve and authorize Counsel to sign the Stipulation.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed authorizing Counsel to sign the Stipulation.

Mr. Edwards also reported that Northern was served a Complaint last week in the lawsuit by Mr. and Mrs. Greenberg involving their Unit 2C slip and fall claim. He stated that it has been sent to Northern's liability carrier. He further stated that Northern has agreed to have Lyman Reynolds, who is currently handling another Northern slip and fall claim, provide representation in this matter as well.

c) EXECUTIVE DIRECTOR

Mr. Beatty stated that the Public and Community Relations Report is included in the Board materials for review and briefly reviewed recent employee training. He also thanked Ms. Baker for bringing the alternative funding opportunities to Staff's attention, noting that the information has been passed along to

Northern's grant writers. He further explained that, although the septic to sewer conversion may not be viable, Staff is pursuing other items such as grants for generators or pumps that may be approved in the future.

8) RECEIVE AND FILE

The following items were presented to be received and filed:

- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's records.

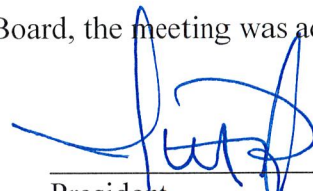
9) COMMENTS FROM THE BOARD

Ms. Baker thanked Ms. Roundtree for her recent article and also thanked her for the budget.

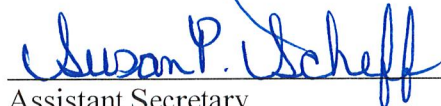
10) ADJOURN

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned.



President



Assistant Secretary