

**MINUTES OF A BOARD OF SUPERVISORS MEETING  
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 03/23/22**

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Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:03 a.m. on March 23, 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; Permits & Contracts Specialist Mila Acosta; Ray Spear of The Grassroots Corporation; Jonathan Ricketts of J.T.R., Inc.; Brian LaMotte of WGI; 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**

There were no additions or deletions to the agenda.

**4) APPROVAL OF MINUTES**

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the February 23, 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) Unit No. 2C – Alton
  - i) Consider Ratification of Change Order to J.W. Cheatham, LLC – Parcel D (CO No. 5)
  - ii) Consider Change Order to J.W. Cheatham, LLC – Parcel D (CO No. 6)
  - iii) Consider Ratification of Change Order to J.W. Cheatham, LLC – Final Paving (CO No. 5)
- b) Unit 9A – Abacoa I  
Consider Purchase Order to The Grassroots Corporation
- c) Unit No. 16 – Palm Beach Park of Commerce
  - i) Consider Acceptance of Bill of Sale – Project Energy
  - ii) Consider Acceptance of Bill of Sale – Building 26
- d) Unit No. 45 – Paseos
  - i) Consider Purchase Order to Florida Pavement Services, Inc. - Via Veracruz
  - ii) Consider Purchase Order to Florida Pavement Services, Inc. - Via Castilla
  - iii) Consider Purchase Order to Wynn & Sons Environmental Construction Co., Inc.
- e) Unit No. 53 – Arden
  - i) Consider Acceptance of Water Management Easement – Pod D Northeast
  - ii) Consider Change Order to Centerline – Pods G-South, I –South and J (CO No. 5)
- f) General
  - i) Consider Approval of General Services Contract – Sunshine Land Design, Inc.
  - ii) Consider Purchase Order to KDT Solutions, Inc.
- g) Payment Requests

copies of which are contained in applicable Northern files.

## **7) REGULAR AGENDA**

### **a) UNIT OF DEVELOPMENT NO. 2C – ALTON**

#### **i) Status Report**

Mr. Beatty began by showing the Board the unit map and then displayed a site plan which delineated the final phase of Parcel G. He then showed aerial photos taken with Northern's new drone of the construction taking place within Parcel G, also known as Artistry. He made reference that the next agenda item to be considered will be a Change Order related to the removal of some of the proposed improvements that are included in a Northern Parcel G construction contract. He noted that this is due to Kolter's request to the City of Palm Beach Gardens with regard to revising their site plan to increase the density in the northerly portion of Parcel G. He stated that if the Developer's request to the City is approved, the Developer will be responsible for constructing the improvements included in the following Change Order.

A general discussion followed with regard to traffic patterns and the site plan request for the addition of units.

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

#### **ii) Consider Change Order to J.W. Cheatham, LLC – Parcel G Phase III (CO No. 1)**

Mr. Beatty stated that this item is to consider a Change Order to J.W. Cheatham, LLC for the Parcel G, Phase III Improvement Project. He further stated that this is for a deduction in the amount of \$480,420.50 related to the removal of public improvement quantities and a deduction in the amount of \$281,950.55 related to the private improvement quantities, noting that Kolter will be reimbursed for 125% of the construction costs for the removed private improvements in an amount equaling \$352,438.19, since this amount was previously advanced by Kolter to Northern.

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 Change Order No. 1 to Purchase Order No. 21-815 in the amount of (\$762,371.05) to J.W. Cheatham, LLC and the return of \$352,438.19 in private funds previously paid pursuant to Funding Agreement No. 18.

**iii) Consider Bill of Sale to Palm Beach Gardens – Final Paving**

Ms. Leser began by explaining that this Bill of Sale is related to the turnover of Alton Road between Donald Ross Road and Grandiflora Road, noting that the first phase of Alton Road was completed in 2015, excluding the final lift. She reported that in July of 2021, J.W. Cheatham, LLC was issued a contract to complete the final lift on Alton Road. She explained that the Plan of Improvements stipulates that these improvements are to be turned over to the City of Palm Beach Gardens upon completion and the total cost of construction for these improvements is \$1,365,844.03. Ms. Leser stated that Staff recommends approval of the Bill of Sale to the City of Palm Beach Gardens for Alton Road Phase 1.

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 Bill of Sale to the City of Palm Beach Gardens for Alton Road Phase 1 Improvements.

**b) UNIT OF DEVELOPMENT NO. 53 – ARDEN**

**i) Status Report**

Mr. Beatty began by showing the Board the unit map and site plan. He then displayed the site plan with the portion of the site that has been developed highlighted in red, noting that 80% of the project is complete or currently under construction. He reported that the only areas that remain undeveloped are the civic parcel in the southwest and the three parcels to the north. Mr. Beatty then showed aerial photos of the site. He stated that construction is going very well and the current contracts are almost completed. He stated that, as previously reported, the Developer may be working with another entity to sell those remaining parcels, so Staff could be working with new owners in the future.

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

**ii) Consider Bill of Sale and No Lien Affidavit for Pod J Phase 2**

Ms. Leser explained that this item is for a Bill of Sale and No Lien Affidavit to convey the water and sewer improvements for Pod J, Phase 2 to Palm Beach County Water Utilities for ownership, operation and maintenance. She stated that the cost of those improvements is \$645,980.51.

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 Bill of Sale and No Lien Affidavit to Palm Beach County Water Utilities for the Pod J, Phase 2 Water & Sewer Improvements.

**8) MISCELLANEOUS REPORTS**

**a) ENGINEER**

Ms. Leser had nothing to report.

**b) ATTORNEY**

Mr. Edwards reported that the one of the eminent domain actions filed by the Florida Department of Transportation (FDOT) with regard to Nova University property and a Northern easement has been voluntarily dismissed by FDOT for the second time. He stated that the reason was that the District Engineer advised FDOT that their alignment was incorrect. He noted that it will likely be refiled again at some point.

Mr. Edwards also reported that the 2021 Form 1 Statements are now available for preparation and filing.

Mr. Edwards also commented on the quality of the new drone photos. A general discussion followed with regard to the new drone.

**c) EXECUTIVE DIRECTOR**

Mr. Beatty stated that the Public and Community Relations Report is included in the Board materials for review.

Mr. Beatty also acknowledged a complimentary email from a resident in PGA National that was included in Receive and File.

**9) COMMITTEE REPORTS**

**c) BUDGET, BANKING & AUDIT COMMITTEE  
Consider Committee Recommendations**

Ms. Roundtree reported that that the Committee met on March 10, 2022, to discuss two items. She stated that the first item was in regard to Unit 20, Juno Isles, which was a continuation from the discussion in February to consider a reimbursement request from The Preserve at Juno Beach Homeowners Association, Inc. (HOA). She stated that the Board approved a request to reduce the maintenance assessment rate to a lower rate at the February Board Meeting, but the HOA had also requested that the Board consider a reimbursement for the difference in assessment rates for assessments paid in the past. This related request was brought to the Committee for discussion.

Ms. Roundtree stated that the initial assessment was paid for by the Developer, but the HOA had paid the past four years of assessments. She explained that the HOA period of payment corresponds well with the precedent Northern set previously, based upon the applicable four-year statute of limitations under Florida law. She stated that the Committee is recommending payment to the HOA in the amount of \$14,710.07, contingent upon receipt of a Release which Mr. Edwards has prepared for signature by the HOA.

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 payment to The Preserve at Juno Beach Homeowners Association, Inc. in the amount of \$14,710.07, contingent upon receipt of a signed Release, as presented.

Ms. Roundtree stated that the second item for Committee consideration involved the authorization to prepare a Request for Proposals (RFP) for a Multi-Unit Maintenance Loan for Unit of Development Nos. 5, 15 and 20. She briefly reviewed the projects involved and stated that Staff has known for some time that a loan would be needed for the projects within Unit 5 and Unit 20. She noted that a loan may not be needed for the Unit 15 project due to cash on hand, but Staff is requesting approval with its inclusion, in case it is needed. She stated that the loan will include a prepayment option, since grant applications have been submitted for the projects in Unit Nos. 5 and 20.

Mr. Boykin asked about the cost of the Unit 20 project. The project was discussed in a bit more detail, as well as the benefit of adding the salinity mechanism and concerns over the unknown cost of construction materials.

Ms. Roundtree stated that Staff is requesting the Board approve the Committee's recommendation to authorize Northern's Bond Counsel's preparation of an RFP for a Multi-Unit Maintenance Loan and authorize Northern's Bond Counsel to issue the RFP once it is finalized. She noted that Staff anticipates award of the loan would be brought to the Board for consideration in June.

Mr. Salee had a question concerning the boat lift, and Ms. Roundtree advised that the Juno Isles Boat Owner's Association operates the lift and Northern has nothing to do with it.

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 Northern's Bond Counsel's preparation and issuance of a Request for Proposals for a Multi-Unit Maintenance Loan.

**10) RECEIVE AND FILE**

The following items were presented to be received and filed:

- U11 - Homeowner Appreciation Email - 02-23-22;
- Assessment Collection Status;
- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's records.

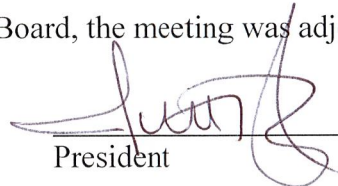
**11) COMMENTS FROM THE BOARD**

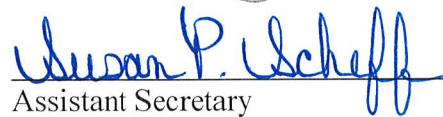
There were no further comments from the Board.

**12) 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.

  
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President

  
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Assistant Secretary