

**MINUTES OF A BOARD OF SUPERVISORS MEETING  
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 05/26/21**

---

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:02 a.m. on May 26, 2021, 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 O'Neal Bardin, Jr.; District Engineer Robert W. Lawson of Arcadis and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

Also present were Deputy Director Dan Beatty; Finance Director Katie Roundtree; District Clerk Susan Scheff; Director of Operations Ken Roundtree; Capital Construction/Permits Administrator Tim Helms; Staff Engineer Kim Leser; Cliff Hertz of Nelson, Mullins, et al.; and Nate Eckloff of Piper Sandler.

**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. Cohn, seconded by Mr. Block and unanimously passed approving the Minutes of the April 28, 2021 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. Cohn, seconded by Mr. Block and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 9B – Abacoa II  
Consider Purchase Order to Ferreira Construction Southern Division Co., Inc.
- b) Unit No. 11 – PGA National  
Consider Purchase Order to The Grassroots Corporation
- c) Unit No. 19 – Regional Center  
Consider Ratification of Encumbrance Modification to Thompson Contracting Group
- d) General
  - i) Consider Third Amendment to Annual Service Contract – Image Janitorial Services, Inc.
  - ii) Consider Travel Request – Florida Association of Special Districts Annual Conference
- e) 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 his report by showing the Board the unit map and then displayed a site plan and aerial photo which delineated Parcel D. He explained that construction of most of the underground facilities in this Parcel have been completed and they will soon begin cutting the subgrade for the roadway. He showed various aerial photos of the work being done. Mr. Beatty stated that construction is on schedule and going smoothly, noting that J.W. Cheatham is the contractor and Staff is very pleased with the progress thus far.

Mr. Boykin asked if there are any lake liners in this Unit, and Mr. Beatty advised that Northern has no lake liners in its lakes. He did note that there is a liner in a lake in Artistry, but that lake is owned by the Property Owners Association.

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

**ii) Consider Funding Agreement No. 17**

Mr. Lawson stated that this is Funding Agreement No. 17 between KH Alton, LLC and Northern. He explained that it is very similar to the ones that have been issued previously within this Unit. He reported that there are some private improvements and alley improvements within the Neighborhood One final lift of asphalt project being considered next on the agenda. Mr. Lawson stated that the price for the private improvements came in at \$38,119.90. Per this Funding Agreement, the Developer/Landowner will be providing payment in the amount of \$47,649.88, representing 125% of the cost of the private improvements. He noted that payment has not yet been received, but Staff is recommending approval of the Funding Agreement contingent upon receipt of funds.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving Funding Agreement No. 17, as conditioned and presented.

**iii) Consider Award of Contract to J.W. Cheatham, LLC**

Mr. Lawson stated that this project is for the final lift of asphalt on a portion of Alton Road and within the public roadways in Alton. He explained that, as noted in the previous item, there is the private improvement element and award of this contract would be conditioned upon receipt of those funds for the private improvements. Mr. Lawson reported that four bids were received, and the apparent low bidder is J.W. Cheatham, LLC in the amount of \$935,659.55. Staff recommends approval of this award and the related Purchase Order No. 21-529.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed conditionally approving Award of Contract and Purchase Order No. 21-529 in the amount of \$935,659.55 to J.W. Cheatham, LLC.

**c) UNIT OF DEVELOPMENT NO. 11 – PGA NATIONAL  
Consider Acceptance of Quit Claim Deed**

Mr. Edwards explained that Northern was operating under the understanding that it owned the entire roundabout at Avenue of the Champions by fee title as well as other acreage nearby. He further explained that Lloyd Ecclestone's attorney recently informed Northern that, due to a design change from a straight road to a roundabout, two parcels that were to be a component of the roundabout were never conveyed to Northern. He stated that Northern has contacted The Professional Golfers' Association of America (PGA), the current owner, for a Quit Claim Deed for these parcels. Mr. Edwards reported that Northern has not yet received the Quit Claim Deed provided to PGA last week, but they appear to have no objections its form. He stated that Staff is recommending Board approval and acceptance of the Quit Claim Deed.

Mr. Edwards noted that a similar item could come to the Board in the future as there may be an additional interest by another Ecclestone joint venture entity in one of these properties, but he sees no complications with moving forward with acceptance of this Quit Claim Deed at this time.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed accepting the Quit Claim Deed, as presented.

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

**i) Consider Letter of No Objection – Plat 22**

Mr. Bardin stated that Plat 22 was prepared and filed by YTG Palm Beach GC, LP, the Developer in the Palm Beach Park of Commerce. He explained that they now wish to abandon that Plat and, in order to meet Palm Beach County requirements, they have requested a Letter of No Objection from Northern. He stated that Northern owns an easement within that Plat and it will be replaced by another easement which is the next item on the agenda. Staff recommends that the Board approve the Letter of No Objection to the Abandonment of Plat 22.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed authorizing execution of the Letter of No Objection to the Abandonment/Vacating of Plat 22.

**ii) Consider Acceptance of Water Management Easements**

Mr. Bardin stated that there are two easements for Board consideration, the first is a replacement Water Management Easement for the one being abandoned with Plat 22 and the second is a Water Management Easement through a preserve tract which will support Northern's future ownership and construction of the Venture Way extension, which has been discussed in the past. Staff is recommending acceptance of these two Water Management Easements.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed accepting the two Water Management Easements, as presented.

e) **UNIT OF DEVELOPMENT NO. 18 – Ibis Golf & Country Club**  
**Consider Second Amendment to Annual Service Contract - Aquatic Vegetation Control, Inc.**

Mr. Beatty explained that this is the Second Amendment to the Annual Service Contract with Aquatic Vegetation Control, Inc. (AVC). He explained that AVC has been performing the aquatic weed control and marsh maintenance in Ibis for quite some time, and Staff has been very happy with the services they provide. He noted that Ibis has a complex ecosystem, and AVC has performed these services quite well with very minimal resident complaints. Mr. Beatty added that AVC is requesting a 5% increase which brings the total amount of this annual contract to \$523,009.05. He stated that the Second Amendment will include a one-year initial contract and four potential annual extensions, and Staff is recommending approval.

Mr. Boykin asked if Staff is required to put this contract back out to bid, and Mr. Beatty advised that if the Board chooses not to approve the Second Amendment, the contract would go back out to bid. Mr. Boykin then asked if Staff has reviewed the pricing of the contract, and Mr. Beatty advised that if the contract were to be publicly bid, there are only a few contractors capable of providing this service and Northern has previously fired two of them. In all likelihood, AVC would be the low bidder, but could quote a price higher than the one included in this contract. Mr. Boykin inquired if AVC is performing the duties required in Northern's Agreement with the City of West Palm Beach, and Mr. Bardin advised affirmatively that AVC is performing all of the requirements of the Agreement through this contract.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the Second Amendment to the Contract with Aquatic Vegetation Control, Inc., including the 5% increase, as presented.

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

**i) Status Report**

Mr. Beatty stated that there is nothing to report on at this time. He anticipates having some construction progress photos within the next month or two.

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

**ii) Consider Non-Interference Agreement**

Mr. Beatty stated that the next item is a Non-Interference Agreement which is similar to those approved by the Board in the past when both public and private works are taking place in the same vicinity. He further stated that the Non-Interference Agreement establishes that Northern's work will take precedence over the private work, should there be a conflict.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the Non-Interference Agreement with Highland Dunes Associates Property LLC.

**iii) Consider Acceptance of Water Management Easement**

Mr. Beatty showed the Board a site plan highlighting Pod H-South, Pod G-North and Pod G-South. He explained that the outfall pipes for those areas run across a common area owned by the Arden Homeowners Association, and stated that Northern requires an easement associated with each of those outfalls. He further stated that this Water Management Easement meets that requirement 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. Cohn, seconded by Mr. Block and unanimously passed accepting the Water Management Easement.

**iv) Consider Purchase Orders to Michael B. Schorah & Associates, Inc. (2)**

Mr. Beatty stated that Michael B. Schorah & Associates, Inc. (Schorah) is the Project Engineer for Arden. He further stated that now that a contract has been awarded to Centerline Utilities for Pods G-South and I-South, Schorah has submitted a proposal for Construction Phase Services, including materials testing, in the amount of \$113,385.00. He explained that, for accounting purposes, two separate Purchase Orders will be issued, one for design/construction phase services and one for materials testing and approval is recommended.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving Purchase Order No. 21-524 for Materials Testing in the amount of \$37,485.00 and Purchase Order No. 21-525 for Construction Phase Services in the amount of \$75,900.00 to Michael B. Schorah & Associates, Inc., as presented.

**g) GENERAL**

**i) Presentation of the Proposed 2021/2022 Budget**

The budget presentation was preceded by a discussion regarding the extensiveness of the presentation as well as how often it is evaluated and modified.

Ms. Roundtree then gave a PowerPoint presentation and highlighted some information from Northern's proposed Fiscal Year (FY) 2021/2022 Budget. She began the presentation by addressing the impact that the COVID-19 crisis had on the budget process last year and the adjustments that had been made, as well as those being made in the proposed FY 2021/2022 Budget.

Ms. Roundtree explained that the proposed FY 2021/2022 Budget is \$36.2 million which is a 4.7% or approximately \$1.6 million increase from the FY 2020/2021 Budget. She presented charts showing the budgets for the past 10 years and the expected debt service for the next 20 years. She also



presented a chart comparing the proposed FY 2021/2022 Budget to the FY 2020/2021 Budget and gave a general review of the increases and decreases. Ms. Roundtree showed the Board more detailed charts involving major components of the FY 2021/2022 Budget.

There was a general discussion regarding the expansion of the aerator program with respect to lighting, style, and the popularity of the program in general.

Ms. Roundtree noted that although 82% of Northern's Units have proposed increases, most of those increases result in less than \$25.00 per parcel. She reviewed some of those larger assessment increases and explained the reason for each. She then reviewed the process for finalizing the FY 2021/2022 Budget.

Mr. Block noted that the assessment collection rate at this point of the year seemed higher than most years, and Ms. Roundtree advised that Northern has always done quite well with collections since Northern's assessments are on the County tax roll, noting that Northern also benefits by the tax sale in June.

Mr. Salee complimented Ms. Roundtree on the Budget presentation and she credited Ms. Ham for her work on the presentation.

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

**ii) Consider Agreement with In Rem Solutions, Inc.**

Ms. Roundtree stated that last month the Board approved an Agreement with a grant writing firm and this item is to consider a similar Agreement with In Rem Solutions, which is also a grant writing firm. She stated that this company works with different municipalities and Staff believes it would be useful to have two approved grant writers to research different grant projects, noting that Staff believes there are grant opportunities available for some of Northern's upcoming projects. Ms. Roundtree

explained that the Agreement is very similar to the one approved last month with a few minor changes. These changes were approved by Mr. Edwards, 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. Cohn, seconded by Mr. Block and unanimously passed approving the Grant Application and Management Agreement with In Rem Solutions, Inc.

### **iii) Consider Letter of No Objection**

Ms. Leser explained that this item is to consider a Letter of No Objection for the abandonment of a drainage easement at the request of a property owner in Palm Beach County (County). She stated that the easement was dedicated to the County and not Northern; however, the County requires that any drainage district offering services in the area has to provide a Letter of No Objection. She further stated that this property is within Northern's jurisdictional boundary, but it is not within a Unit of Development. Ms. Leser reported that the District Engineer has reviewed the submittal and has confirmed that Northern has no interest in the property. She briefly reviewed the other backup materials for this document.

There was a brief discussion regarding a missing slide of the subject property, but it was noted that since all necessary reviews and approvals have been received, Staff recommends approval.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the issuance of a Letter of No Objection to the easement abandonment.

## **8) MISCELLANEOUS REPORTS**

### **a) ENGINEER**

Mr. Lawson had nothing to report.

### **b) ATTORNEY**

Mr. Edwards stated that he had four items to report.

He began his report by reminding the Board to submit their 2020 Form 1 Statements.

Mr. Edwards stated that the next item was a Unit 11, PGA National issue previously brought to the Board with regard to an aerator electricity reimbursement proposal presented to The Island Homeowners Association (HOA). He briefly explained the background of the issue again, reminding the Board that Northern proposed reimbursing the HOA for four years of electricity payments, as this is the Statute of Limitations period contained in Florida Statutes, and noting that Northern has since taken over the utility payments. He reported that the HOA wanted a full reimbursement for all of the years it paid the electrical bill for the aerators, and Northern does not have the authority to provide full reimbursement. Mr. Edwards stated that the HOA has tried to seek legal counsel on the matter, apparently without success, and it then reached out to the State Attorney General's office which declined to get involved. He stated that Northern will be approaching the HOA once again to see if they are interested in accepting Northern's previous reimbursement offer.

Mr. Edwards stated that the next item is an update to the Unit 18, Ibis Golf & Country Club item he presented last month. He explained that Avenir needs to expand Northlake Boulevard as part of its development plans and had requested a permit from Northern. He once again reviewed that, per Northern's requirements under the Amended and Restated Operations and Maintenance Agreement, the City of West Palm Beach was consulted, and the City rejected issuance of the permit. Following denial of the permit request, the Applicant was advised of Northern's position on the matter. Mr. Edwards explained several of the issues the Avenir Developer is having with regard to the Northlake expansion requirement in order to receive certain building permits. He stated that this is the extent of Northern's current involvement in this issue, but there are ongoing issues with South Florida Water Management District, Palm Beach County and the City of West Palm Beach.

Mr. Cohn asked about the length of the expansion of Northlake. Ms. Leser advised that the expansion extends west to the Acreage, but the permit request only involved the portion along the frontage of Ibis and would have expanded Northlake Boulevard from five lanes to six lanes.

Mr. Edwards stated that the last item is regarding the damage caused to the Unit 31, BallenIsles Country Club Guardhouse on PGA Boulevard when someone drove into it. He explained that the agreed upon damage reimbursement amount was \$268,208.62 and those funds have been paid to Northern. The insurance carrier is now requesting that Northern issue a Policyholder Release acknowledging payment. Mr. Edwards recommends the Board approve the Policyholder Release for execution.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the recommendation to execute the Policyholder Release.

**c) EXECUTIVE DIRECTOR**

Mr. Bardin stated that he had a couple of items to report.

He stated that the first item was with regard to the Purchase and Sale Agreement for the Unit 31, BallenIsles Golf & Country Club PGA Boulevard Guardhouse which was previously approved by the Board. He noted that there was a purchase price limit of \$1.7 million in that Agreement, and the BallenIsles Community Association is requesting that the limit be increased to \$1.9 million to allow them some room for any additional expenses due to the increased cost of lumber and other building materials. Staff is requesting Board authorization to prepare an Amendment to the Purchase and Sale Agreement to be brought to the Board for consideration and approval in June.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed authorizing the preparation of such an Amendment to the Purchase and Sale Agreement, as presented.

Mr. Bardin stated that the next item is regarding a request received from the State of Florida for an unemployment compensation claim made fraudulently in the name of Matthew Boykin. He reported that Northern is challenging that claim, explaining that due to the amount of claims being received by the State, they have not been following their normal process of checks and balances. The State has been making the payments first and then requesting reimbursement from the employer. He stated that Mr. Boykin was advised of what needs to be done to address this identity theft issue, and Northern has confirmed that no additional employment compensation claims have been made against Northern.

The Public and Community Relations Report is included in the Board materials for review.

## 9) COMMITTEE REPORTS

### a) PERSONNEL COMMITTEE

#### **Consider Committee Recommendation**

Mr. Bardin reported that a Personnel Committee Meeting was held in June, and the following item was considered by the Committee:

#### **Executive Director Annual Review**

At Mr. Boykin's direction, Mr. Bardin reported that the Personnel Committee met to conduct the Executive Director's Annual Review, and after review and discussion, it was the recommendation of the Committee that Mr. Bardin be awarded a performance bonus of 5% in accordance with Northern's Performance Bonus Policy. In addition, the Committee recommended that Mr. Bardin's contract be renewed for the period of October 1, 2021 through December 31, 2021, with the understanding that the Agreement may end prior to December 31, 2021, in order to coincide with the commencement of Mr. Beatty's contract.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the Personnel Committee recommendations, as presented.

**10) RECEIVE AND FILE**

The following items were presented to be received and filed:

- U53 - Partial Release of Easement - Pod G South;
- U53 - Partial Release of Easement - Pod I South;
- U53 - Partial Release of Easement - Pod J;
- Memo from Dan Beatty – 04/23/21;
- Assessment Collection Status as of May 14, 2021;
- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

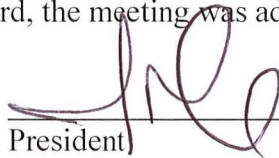
copies of which are contained in Northern’s records.

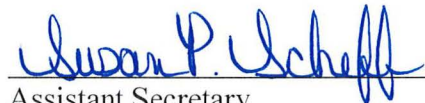
**11) COMMENTS FROM THE BOARD**

Mr. Boykin commended Staff on preparation of the Budget.

**12) ADJOURN**

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

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Assistant Secretary