

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 12/16/20**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:02 a.m. on December 16, 2020, 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, 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; Scott Morton of Kolter Homes (Unit 2C); and Andrew Smith, Stan Brown and Dan McCormick of Freehold Communities (Unit 53).

Supervisor Adrian M. Salee participated via conference call. Director of Operations Ken Roundtree and Programs Administrator Jared Kneiss also attended via conference call.

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 October 28, 2020 Technology Committee Meeting.

A **motion** was made by Mr. Salee, seconded by Mr. Block and unanimously passed approving the Minutes of the November 18, 2020 Annual Landowners Meeting.

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the Minutes of the November 18, 2020 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 Ms. Baker and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 2C – Alton
Consider Change Order to All-Site Construction (CO No. 7)
- b) 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 stated that this month Scott Morton from Kolter Homes will be giving a presentation on the project status from the development perspective.

Mr. Morton addressed the Board stating that he is Senior Vice President of Kolter Homes. He began his PowerPoint presentation by showing a copy of the Master Plan. He gave a brief history of the project explaining that Kolter acquired the property at the end of 2013. The first Funding Agreement and the first set

of contracts with Northern were entered into on or about May of 2014. He then reported that a pre-bid meeting on Neighborhood 2, the last remaining neighborhood to be constructed, was held at Northern yesterday.

Mr. Morton stated that a lot has been accomplished in seven years and noted that the Board should be extremely pleased with Northern Staff, acknowledging all the work that has been completed with very few setbacks along the way. He briefly reviewed the residential and commercial statistics and then reviewed how the remaining Unit No. 2C bond funds will be spent. Mr. Morton showed some photos of the project to accompany his report.

Mr. Block asked about what appeared to be preserve area, and Mr. Morton advised that it is a preserve area and provided some additional information about the establishment of the area and the water flow process.

He continued with the presentation showing photos of some of the phases within Artistry.

Mr. Boykin asked how home sales have been. Mr. Morton advised that sales on the east side of I-95 have been doing very well, averaging 12 to 15 per month. He stated that the sales on the west side have been somewhere between 2 to 4 per month, explaining that they have been researching adding a different range of square footage for some of the future homes in this area.

Mr. Morton then showed photos of the recently completed preserve on the Artistry side, explaining that it wraps around the entire site. There were some photos of additional phases of the project. He ended the presentation with photos of the public park, noting how often it is used and explaining some of the different facets of the park.

Mr. Morton concluded his presentation by thanking the Board and Northern Staff for their involvement and contributions to the success of this project.

Mr. Block thanked Mr. Morton for his presentation, adding that he recently biked through the park and can confirm how actively it is being used. He asked if Mr. Morton knew what portion of sales were in-state vs. out of state, and Mr. Morton advised that it was about 50/50. He stated that many of the out of state

purchasers have been buying the homes online sight unseen.

Mr. Bardin inquired if the change in the square footage and floor plans for the homes in Artistry are for bigger or smaller homes. Mr. Morton stated that it is a bit in-between and some changes are being made in floor plan functionality to make them more user friendly.

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

ii) Consider Non-Interference Agreement

Mr. Beatty explained that this item is associated with the Parcel D improvements that Mr. Morton mentioned earlier. He stated that the Board has issued several of these agreements throughout the construction of this project when Northern is doing work alongside the developer. He explained that it establishes the ground rules to avoid conflicts between contractors.

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, as presented.

iii) Consider Consent to Modification of Public Access Easement

Mr. Beatty stated that Northern received a request from the developers of the Home Depot site at Alton. He explained that, as a result of proposed site plan modifications, a previously platted public easement needs to be relocated. He displayed photos of the existing easement location and the proposed easement location. He reported that the change does not affect any of Northern's facilities, and Staff recommends Board approval of the Consent to modify the easement.

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. Salee and unanimously passed approving the Consent to Modification of Public Access Easement.

b) UNIT OF DEVELOPMENT NO. 53 – ARDEN

i) Status Report

Mr. Beatty stated that this status report was also going to be different than usual. He explained that Northern has recently completed a portion of the public Linear Park project and one of Northern's drone pilots, Tim Helms, took a short video of the project traveling from the north end to the south end of the Linear Park on his Segway. Mr. Beatty reviewed some of the plantings along the park path which runs about 1¾ miles. He stated that the Property Owners Association will be in charge of maintaining the park.

Mr. Boykin asked if the park runs all the way around the project and Mr. Bardin explained that it is currently only on the west side. Mr. Lawson stated that it is proposed to run along the west side and the north side of the project.

Ms. Baker noted that she walked the path recently and stated that it is beautiful.

As the video continued, Mr. Beatty pointed out some of the kiosks/rest areas along the way, adding that Staff is very pleased with how the park has turned out.

Mr. Beatty explained that the park path is open to the public.

There was a question about whether the adjacent neighborhood was gated, and Andrew Smith of Freehold Communities explained that it is a gated neighborhood, but the park is outside the gate and can be accessed from a public parking lot. Mr. Smith noted that the neighborhood gates should be locked, and there is clear separation between the private property and the park.

There was some further discussion regarding current and future public access to the park, drainage, and the upcoming Phase 3 of the development.

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

ii) Consider Resolution on the Proposed First Amendment to the Plan of Improvements (2020-12)

Mr. Edwards explained that this Resolution is in accordance with the plan amendment process set forth in Chapter 298. He stated that the adoption of this Resolution is the second step of this process and authorizes the District Engineer to proceed with preparing and filing a First Amendment to the Report of Engineer. He further stated that the next step will be another Public Hearing and Board Meeting in January which will finalize the adoption of both the First Amendment to the Plan of Improvements and the First Amendment to the Report of Engineer.

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. Salee and unanimously passed approving Resolution No. 2020-12 on the Proposed First Amendment to the Plan of Improvements, as presented.

8) MISCELLANEOUS REPORTS

a) ENGINEER

Mr. Lawson had nothing to report.

b) ATTORNEY

Mr. Edwards stated that he was asked to report on two items. He reported that the first item involves Unit No. 11, PGA National, explaining that a landowner had an incident on one of the sidewalks and her attorney has provided a Notice of Potential Litigation, as required by Florida Statutes. He further explained that this matter has been turned over to Northern's liability carrier who will be representing Northern if litigation should commence.

Mr. Edwards stated that the second matter has to do with Unit No. 16, Palm Beach Park of Commerce, which is adjacent to Unit No. 10, Caloosa and separated by a canal. He explained that approximately 20 years ago, litigation ensued because some of the Caloosa residents were unhappy with traffic and construction noise taking place in the Park of Commerce. He stated that a mediation proceeding

took place and a Settlement Agreement was finalized between all of the parties. Mr. Edwards further stated that the Settlement Agreement required certain duties on behalf of Northern and explained that, as time passed, there was some uncertainty as to the process required. He also explained that, irrespective of that issue and due to projects currently taking place within the Park of Commerce, the residents of Caloosa have been bothered by increased traffic, so the Settlement Agreement has been raised.

Mr. Edwards reported that one of the residents has engaged legal counsel who submitted a public records request to Northern. The documentation has been assembled and Staff is waiting for him to respond to how he wants to view the documentation. He stated that the attorney, Mr. Vitunac, also indicated that he may file a Motion to Compel regarding Northern's compliance to the Settlement Agreement in the future. Mr. Edwards explained that Mr. Vitunac's statement as to possibly filing a Motion to Compel has also been submitted to Northern's liability carrier.

Mr. Block asked about what Northern's exposure might be if Mr. Vitunac decides to pursue this issue. Mr. Edwards stated that Northern has already indicated that it intends to comply with the Settlement Agreement's notification requirements.

Mr. Edwards explained that the resident who brought the former lawsuit understands what is occurring and is looking for more information to ensure that nothing is going into the canal that might adversely affect their well pumps. They are also not pleased with the traffic and would like a visual buffer from the Park of Commerce.

Mr. Bardin explained that there are other parties involved that could be required to financially participate in a solution. He briefly explained that the developer who was subject to the Settlement Agreement is not the current developer of the Park. Mr. Edwards added that there are many other parties involved in this issue.

c) EXECUTIVE DIRECTOR

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

9) RECEIVE AND FILE

The following items were presented to be received and filed:

- Assessment Collection Status as of December 16, 2020;
- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's records.

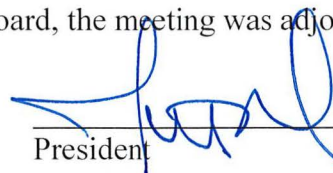
10) COMMENTS FROM THE BOARD

Mr. Boykin wished everyone a happy holiday.

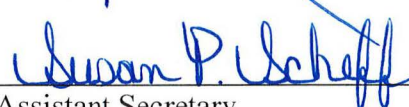
Ms. Baker thanked Ms. Roundtree for the Northern Notes article on coyotes and stated that she shared it with her students.

11) ADJOURN

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



President



Assistant Secretary