

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 05/22/24**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District was called to order at approximately 8:01 a.m. on May 22, 2024, 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 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; Budget & Tax Roll Manager Laura Ham; Permit Coordinator Kimberly Marcello; Technical Assistant/Records Management Specialist Kathleen Maloney-Pollack; Environmental Manager Lucas Schaffer; Jim Sullivan of BGE; Francisco Reina of Reina Engineering; Ray Spear of The Grassroots Corporation; and Jim Kraus and Keith Ahronheim of PGA National (Unit 11).

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 no additions or deletions to the Agenda were necessary.

4) APPROVAL OF MINUTES

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the Minutes of the April 24, 2024 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 Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the following Consent Agenda Items:

- a) Multi-Unit
 - i) Consider Renewal of Annual Service Contracts
 - ii) Consider Renewal of Annual Service Contract and Change Order No. 7 - Aquatic Vegetation Control, Inc. - Aquatic Weed Control and Marsh Maintenance
 - iii) Consider Renewal of Annual Service Contract and Consider Change Order No. 13 - Aquatic Vegetation Control, Inc. - Preserve Maintenance
 - iv) Consider Renewal of Annual Service Contract, Change Order No. 3 and Retainage Amendment - Palmera Enterprises, LLC – Annual Landscape Maintenance Contract No. 1
 - v) Consider Renewal of Annual Service Contract, Change Order No. 3 and Retainage Amendment - Palmera Enterprises, LLC – Annual Landscape Maintenance Contract No. 2
 - vi) Consider Renewal of Annual Service Contract, Change Order No. 4 and Retainage Amendment - The Grassroots Corporation - Annual Landscape Maintenance Contract No. 3
 - vii) Consider Renewal of Annual Service Contract, Change Order No. 14 and Retainage Amendment - Future Horizons, Inc. - Aquatic Weed Control
 - viii) Consider Renewal of Annual Service Contract and Change Order No. 11 – SOLitude Lake Management, LLC - Aquatic Weed Control (Rural Areas)
- b) Unit No. 2A – MacArthur Overlay
 - Consider Certificates of Correction (7)

- c) Unit No. 2C – Alton
Consider Bill of Sale to Alton Neighborhood 3 Association, Inc. & Bill of Sale to Alton Neighborhood 4 Association, Inc.
- d) Unit Nos. 9A/9B – Abacoa I & II Consider Renewal of Annual Service Contract and Change Order No. 3 - Aquatic Vegetation Control, Inc. - Aquatic Weed Control, Greenway and Preserve Maintenance
- e) Unit No. 16 – Palm Beach Park of Commerce
 - i) Consider Acceptance of Bill of Sale
 - ii) Consider Change Order to J.W. Cheatham, LLC (CO No.6)
- f) General
 - i) Consider Approval of General Services Contract – Flotech Environmental, LLC
 - ii) Consider Approval of General Services Contract – Top Dog Industries, LLC
- g) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

a) UNIT OF DEVELOPMENT NO. 2C – ALTON

i) Consider Non-Interference Agreement

Ms. Leser explained that she would be presenting four separate agreements which are all associated with the Unit No. 2C, Alton Final Paving Project in Neighborhood 2, Parcel D.

She stated that the Non-Interference Agreement is associated with the private work that will be ongoing for home construction during Northern’s paving project, noting that it has been signed by KH Alton in order to protect Northern should conflicts arise. Ms. Leser stated that there are no fiscal impacts associated with the item and approval is recommended.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the proposed Non-Interference Agreement with KH Alton LLC.

ii) Consider Temporary License Agreement

Ms. Leser stated that this Temporary License Agreement is with the Alton Neighborhood 2 Association and is associated with the same paving project. She explained that the alleyways were requested to be included in the public bid project as an Alternate and, in order to construct the improvements, Northern's contractor will require access on private property. This Agreement authorizes this activity and approval is recommended.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the Temporary License Agreement, as presented.

iii) Consider Funding Agreement No. 22

Ms. Leser explained that Funding Agreement No. 22 is for public improvements. She stated that the engineer's estimate for the public improvement portion of this project is \$227,659.70. She further stated that \$284,574.63, Northern's required contingency of 125%, will be provided by a combination of bond funds and funds from KH Alton and approval of Funding Agreement No. 22 is recommended.

Mr. Edwards added that this Funding Agreement is somewhat unusual, in that Northern is requesting funding for some of the public improvements, separate from the private improvements, but he noted that approval is still recommended.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving Funding Agreement No. 22.

iv) Consider Funding Agreement No. 23

Ms. Leser explained this Funding Agreement is for the private improvement portion of the project involving alleyway improvements which are being bid as an Alternate to the public improvement project in Parcel D and is being paid for directly by KH Alton. She stated that the engineer's estimate for

the private improvements is \$176,077.80, and with the contingency of 125%, amounts to a total of \$220,097.25 and approval is recommended.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving Funding Agreement No. 23.

Mr. Boykin asked Staff how many more Funding Agreements are anticipated for this project and Ms. Leser advised that she believes this might be the last.

**b) UNIT OF DEVELOPMENT NO. 11 – PGA NATIONAL
Consider Renewal of Annual Service Contract and Change Order Nos. 4 and 5 – Aquatic
Vegetation Control, Inc. - Aquatic Weed Control and Marsh Maintenance**

Mr. Beatty stated that this item is to consider renewal of the annual service contract and approval of Change Order Nos. 4 & 5 to Aquatic Vegetation Control, Inc. (AVC) for aquatic weed control and marsh maintenance. He reported that Change Order No. 4 is for the standard 3% annual price increase which amounts to \$25,712.59. He then explained that Change Order No. 5 is significantly higher as it is for an additional five-man crew amounting to \$293,221.50, which brings the total amount of Change Orders 4 and 5 to \$318,934.09.

Mr. Beatty stated that there are residents from Unit No. 11 in attendance that have questions regarding the Change Orders and renewal of the contract with AVC. He explained that AVC has had the contract for quite some time, but it is felt that an additional crew is needed in order to fully achieve the terms and intent of the contract.

Jim Kraus introduced himself as a resident of PGA National as well as a member of the Board of Governors and Chairperson of the newly-formed Lakes Committee, noting that he has been working regularly with Mr. Beatty and Ms. Roundtree on some of these items.

Mr. Kraus stated that what Mr. Beatty said is correct, but the residents have an issue with the addition of another five-man crew resulting in a 37% increase to their budget. He stated that Northern has explained that the additional crew is needed due to many resident requests for additional work by AVC and to provide a higher level of service within PGA National. He then read parts of the contract stating that the contractor will meet 95% control over invasive species. Mr. Krause believes that if they are not achieving the requirements of the contract at this time, why should residents pay an additional 37% and he wants to know how the level of service will be improved.

Mr. Boykin asked if AVC is adding a crew with no additional scope to the contract and Mr. Beatty asked Lucas Schaffer, Northern's Environmental Manager, to address the Board to answer that question. Mr. Boykin then asked how AVC was meeting the scope of the contract previously and Mr. Beatty stated that it is his understanding that AVC is not currently able to achieve the scope of the contract with the current manpower, but asked Mr. Schaffer to explain further.

Mr. Schaffer explained the contract has different categories, the lake side and marsh side. He further explained that over time algae has become a huge issue requiring more crew time and maintenance needs have also increased due to the age of the lakes and the marshes.

A general discussion followed with regard to how golf tournament needs and algae bloom issues affect what is required of the crew. Mr. Schaffer provided reasons why another crew is needed--with the age and condition of the lakes and marshes being the biggest issue. He further detailed the size and number of water bodies and marshes requiring maintenance and stated that the 95% level may have been achievable in the past, but environmental issues arise that affect all of the water bodies at the same time.

Mr. Boykin asked when the contract was last bid and Mr. Beatty advised that it was probably about four years ago. Mr. Beatty stated that Northern could rebid the contract, but there are only a few contractors that do this type of work and most of the contractors rely on spraying and do not have the manpower to do hand removal as required in PGA National, which is necessary due to the problems he listed that arise with

only spraying. He noted that Northern previously had to terminate a contract with another contractor due to their inability to provide the manpower.

Mr. Kraus reviewed the current contract amounts, noting that the request for a 3% increase to the contract becomes a 37% increase to the contract by adding an additional crew. He stated that the crew is being added for work that AVC has already been contractually obligated to provide.

Mr. Boykin explained that it appears that the current crew cannot up with the requirements of the contract with the changing environmental conditions, so he asked Mr. Kraus what the POA would like to have happen.

Mr. Kraus responded that their preference is to have some definitive statement as to what will be accomplished by adding this additional crew.

A general discussion followed with regard to the impact of calls from individual residents requesting service.

Mr. Edwards suggested that based on time constraints and the scope of the matter that this issue be tabled and brought back to the Board at the June Board Meeting.

Mr. Boykin stated that he agreed that this item should be tabled for a month and would like Staff to work with the contractor to determine what needs to be done to meet the 95% threshold and recommend some changes to how individual resident requests are handled.

Mr. Edwards once again recommended that this issue should be tabled at this time to allow Northern Staff, AVC and the POA to meet and work out some of the issues.

There was no additional public comment regarding this item.

A **motion** was made by Mr. Block, seconded by Ms. Baker and unanimously passed tabling this item until next month with the understandings as expressed.

**b) UNIT OF DEVELOPMENT NO. 18 – IBIS GOLF & COUNTRY CLUB
Consider Renewal of Annual Service Contract and Change Order Nos. 14 and 15 – Aquatic
Vegetation Control, Inc. - Aquatic Weed Control and Marsh Maintenance**

Mr. Beatty explained that that this item is for the annual renewal of the same type of contract as was just discussed for AVC, as well as approval of Change Order No. 14 for the 3% increase amounting to \$18,122 and Change Order No. 15 for an additional five-man crew. He stated that Staff has met with the Ibis POA and they are in support of the Change Orders which brings the total contract price to \$773,251 and Staff recommends approval.

There was no public comment regarding this item.

A **motion** was made by Ms. Baker, seconded by Mr. Block and unanimously passed approving renewal of the annual contract for the period October 1, 2024 through September 30, 2025, and approval of Change Order Nos. 14 and 15 to Aquatic Vegetation Control, Inc., increasing the contract by \$169,175.76.

**c) UNIT OF DEVELOPMENT NO. 53 - ARDEN
Consider Bill of Sale and No Lien Affidavit for Pod D-Southwest**

Ms. Leser explained that this item is associated with a public improvement project in Arden, Pod D-Southwest. She stated that the Notice to Proceed was issued in September of 2023, the work is now complete and but for some remaining tests ready to be turned over to Palm Beach County Water Utilities for ownership and maintenance. The Bill of Sale and No Lien Affidavit conveys these improvements to Palm Beach County Water Utilities and Staff recommends execution of these documents.

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

A **motion** was made by Ms. Baker seconded by Mr. Cohn and unanimously passed authorizing execution of the attached Bill of Sale and No Lien Affidavit to Palm Beach County Water Utilities for submittal upon completion of remaining testing required by Palm Beach County Water Utilities for the Pod D-Southwest Water & Sewer Improvements.

d) GENERAL
Presentation of the Proposed 2024/2025 Budget

Ms. Roundtree began the presentation by acknowledging that Lucas Schaffer, Northern's Environmental Manager, took the Budget's cover photo of a Button Buck in Unit No 43, Mirasol. She also acknowledged Laura Ham, Northern's Budget & Assessment Roll Manager, and Northern's senior intern, Quinton Dang, for putting this presentation together.

Ms. Roundtree then gave a PowerPoint presentation and highlighted some information from Northern's proposed Fiscal Year (FY) 2024/2025 Budget. She explained that the proposed FY 2024/2025 Budget is \$46.1 million, which is an 8.7% or approximately \$3.7 million increase from the FY 2023/2024 Budget. She further explained that Staff has remained mindful of the current economic conditions and took that into consideration when evaluating increased assessments. She noted that, where available, excess fund balances were used to reduce assessments or projects were planned over several years to reduce the increase.

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 2024/2025 Budget to the FY 2023/2024 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 2024/2025 Budget.

Ms. Roundtree noted that although 70% of Northern's Units have proposed increases, most of those increases result in less than 10% or \$100.00 per parcel, with almost half being less than \$25.00. She reviewed some of the larger assessment increases and explained the reason for each. She then reviewed the process for finalizing the FY 2024/2025 Budget.

Mr. Boykin thanked Ms. Roundtree and asked the Board if they had any additional questions.

Ms. Roundtree thanked Laura Ham for putting the budget together. She stated that each of the Board Members have a copy of the proposed Budget to take with them and can call if they have any questions.

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

8) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser gave the following status updates with accompanying photos under her report:

Unit No. 2C - Alton: Ms. Leser stated that the final paving project for Parcel D has been advertised for bid, the Pre-Bid Meeting will take place following this meeting at 10 a.m. and the Award of Contract should be brought to the Board for consideration at the June Board Meeting.

Unit No. 5 – Henry Rolf: Ms. Leser stated that this pipe rehabilitation project is in the home stretch and she showed various progress photos of the project. She stated that the final lift should be done in the next few weeks, Vista Parkway is now open and the project is on track for completion.

Unit No. 16 – Palm Beach Park of Commerce: Ms. Leser stated that the Board previously approved a Change Order on the Consent Agenda, noting that the County did their inspection and provided a minor punch list which is almost complete. Staff expects to recommend final payment on this project next month.

Unit No. 43 – Mirasol: Ms. Leser reported that a Change Order was processed for 61 days for material delays, but the project is well underway. She displayed drone aerial view photos of the progress thus far.

Unit No. 53 – Arden: Ms. Leser stated that Pod D-Southwest project is almost complete, noting that earlier in this meeting the Board approved a Bill of Sale to Palm Beach County Water Utilities for the subject improvements. She explained that Pod H-North, the project in which Northern gave the Landowner approval to install some of the public improvements, is now moving forward. She concluded her report by showing some photos of the Pod D-Southwest project.

Ms. Baker asked if any of Northern's canals have guard rails, and Mr. Beatty advised that Northern has some guard rails in place where required for safety purposes.

b) ATTORNEY

Mr. Edwards began his report by reminding the Board to submit their Form 1 and complete their new education requirements.

He then reported that House Bill 7013 was signed by the Governor. He explained that the 12-year term limit takes effect for any terms that start after November 5, 2024, noting that they may serve the balance of their current term and the 12-term limit would commence with their next election. He stated that Staff will need to begin work on describing Northern's goals and objectives as required under the new statute. Mr. Edwards also stated that although the statute prohibits the creation of new Safe Neighborhood Districts, it does not impact the Steeplechase Safe Neighborhood District, as it was grandfathered in.

Mr. Edwards reported that Ms. Roundtree brought to his attention a pending new bill requiring local governments to use only steel and iron produced in the United States. He explained that many other events need to take place before this new law will take effect. He further explained that if the bill is passed, it could result in changes to the RFP process and related construction contracts.

c) EXECUTIVE DIRECTOR

Mr. Beatty acknowledged Ms. Baker's appointment to the Legislative Affairs Committee of the Florida Association of Special Districts (FASD). He then asked for a motion approving Ms. Baker's attendance at the FASD Annual Conference

There was no public comment with respect to this item.

A **motion** was made by Mr. Block, seconded by Mr. Cohn and passed by the voting members approving Ms. Baker's attendance at the FASD Annual Conference.

Ms. Baker did not vote on this item and extended her thanks to the Board following the vote.

9) RECEIVE AND FILE

The following items were presented to be received and filed:

- Assessment Collection Status;
- 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 once again commended Staff on the preparation of the Budget.

11) ADJOURN

A **motion** was made by Ms. Baker, seconded by Mr. Block and unanimously passed to adjourn the meeting.

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



President



Assistant Secretary