

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

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:00 a.m. on March 22, 2023, 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, Ellen T. Baker and Brian J. LaMotte; 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; SCADA Operations Manager Terry Larremore; Environmental Tech Brighton Hall; Steven Eaddy of Estrada Hinojosa; and Alan M. Roman, MD of BallenIsles Country Club (Unit 31).

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 February 22, 2023 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) Unit No. 11 – PGA National
Consider Approval of Purchase Order to The Grassroots Corporation
- b) Unit No. 16 – Palm Beach Park of Commerce
Consider Acceptance of Bill of Sale
- c) Unit No. 29 – North Fork Development
Consider Ratification of Purchase Order to Shenandoah Construction
- d) General
Consider Declaration of Surplus Equipment
- e) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

- a) **MULTI-UNIT**
Consider Third Amendment to Agreement with Aquatic Vegetation Control, Inc.

Mr. Beatty stated that this is the Third Amendment to a multi-unit contract with Aquatic Vegetation Control, Inc. to provide preserve maintenance. He explained that they have been performing extremely well, so rather than rebidding this contract, Staff is recommending approval of the Third Amendment to the contract with Aquatic Vegetation Control, Inc. for Maintenance of Natural Preserves. He explained that the contract is for one year and allows for four additional one-year extensions.

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

A **motion** was made by Mr. LaMotte, seconded by Mr. Cohn and unanimously passed approving the Third Amendment to the contract with Aquatic Vegetation Control, Inc. for Maintenance of Natural Preserves.

a) UNIT OF DEVELOPMENT NO. 2C – ALTON

i) Status Report

Mr. Beatty began by showing the Board the unit map and displaying the site plan. He explained that it is a short report as all of the current construction projects have been completed, but Ms. Leser will be discussing the projects currently out for bid later in her report. He reported that he has not heard anything regarding the University of Florida parcel or the new hospital other than the fact that the hospital has received site plan approval and is in the review and permitting process.

Mr. LaMotte asked if Northern has any interest in property west of I-95, and Mr. Beatty advised the only interest that Northern has in the parcel west of I-95 are the lakes and the lake interconnect pipes, noting that the roadways are privately-owned.

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

At this time, Ms. Leser asked for and was granted permission to present Item 7)a)iii prior to Item 7)a)ii.

iii) Consider Funding Agreement No. 20

Ms. Leser explained that Funding Agreement No. 20 and is associated with the funding needed for the completion of the final Private Improvements in the alleyways within Neighborhoods E & F. She explained that there is a bid for the final lift of the community roadways, but an alternate was included for the completion of the final Private Improvements as well. She further explained that the Parcel E and F Neighborhood roads are owned by Northern and, as such, would be considered Public Improvements funded by bond funds, and the Engineer's estimate for the Private Improvements is \$218,144.77. Funding in the

amount of \$272,680.96, which represents 125% of the Private Improvements cost estimate, will be provided by the Landowner in accordance with Funding Agreement No. 20, and Staff recommends approval.

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. 20 in the amount of \$272,680.96.

**ii) Consider Encumbrance Modification to Michael B. Schorah and Associates, Inc. –
Parcels E & F**

Ms. Leser explained that this Encumbrance Modification is associated with the same bid project, noting that in 2022, Northern approved a Purchase Order to Michael B. Schorah and Associates, Inc. for design, bidding and construction phase services for the remaining Community roads in Alton, as well as the requested addition of the private alleyways. She reported that the Engineer's estimate for the Neighborhood E and F Public and Private Improvements is approximately \$1.6 million with 86% of the cost associated with Public Improvements and 14% associated with Private Improvements. Utilizing these percentages, the Public and Private Improvements portions of this encumbrance are \$21,070.00 and \$3,430.00, respectively, for a total of \$24,500.00. She stated that funding in the amount of \$21,070.00 will be paid from Northern's bond construction funds and funding in the amount of \$3,430.00 will be included in Funding Agreement No. 20 and funded by KH Alton, LLC. Staff recommends approval of Encumbrance Modification to Purchase Order No. 22-837 to Michael B. Schorah & Associates, Inc. in the amount of \$24,500.00.

Mr. LaMotte asked if Thomas Engineering is a subcontractor, and Ms. Leser advised that they are a subcontractor of Michael B. Schorah, and provided some additional background.

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. LaMotte and unanimously passed approving Encumbrance Modification to Purchase Order No. 22-837 to Michael B. Schorah & Associates, Inc. in the amount of \$24,500.00, as presented.

iv) Consider Temporary License Agreements (2)

Ms. Leser explained that as part of the public bid just discussed, Northern will be conducting work within the private alleyways of Parcel E-Neighborhood 3 and Parcel F-Neighborhood 4 within the Alton Community. She stated that the alleyways are owned by the respective neighborhood associations and, in order to construct the improvements, Northern's contractor will require access on private property, noting that these Temporary License Agreements will authorize this activity. She reported that the agreements were prepared by Northern's General Counsel and provide the necessary authorization from the associations. Ms. Leser then stated that there are no fiscal impacts associated with this item and Staff recommends approval of the Temporary License Agreements.

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 Agreements, as presented.

v) Consider Non-Interference Agreement

Ms. Leser explained that Northern is scheduled to begin constructing its remaining public infrastructure improvements in Neighborhood 3 - Parcel E and Neighborhood 4 – Parcel F in the second quarter of 2023, and there will be private home construction by KH Alton LLC at the same time Northern's improvements are being constructed. She stated that Northern requires KH Alton LLC to enter into a Non-Interference Agreement to protect Northern in the event construction-related conflicts arise between the two entities. The agreement was prepared by Northern's General Counsel and is consistent with previous agreements prepared for similar circumstances in the past. Ms. Leser noted that there are no fiscal impacts associated with this item and Staff recommends approval.

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.

c) UNIT OF DEVELOPMENT NO. 14 – EASTPOINTE

- i) Consider Release of Easement**
- ii) Consider Release of Reservation of Easement**
- iii) Consider Replacement Easement**
- iv) Consider Temporary License Agreement**

Mr. Edwards explained that quite some time ago, Northern entered into a Multi-Party Agreement with Eastpointe Country Club and EPBG, LLC for what was believed to be a quick conversion of various golf course components into a residential development. He stated that the Agreement has since been amended three times, with some but not all of the requirements having been completed. Mr. Edwards explained that in order to move forward, the Developer needs to record a Plat, but it is being held up by the County due to the inclusion of some language related to the requirements of the Agreement.

Mr. Edwards reported that the Developer has asked Northern to do several things in order to have the Plat approved. He explained that four documents are necessary to move this process forward and he briefly reviewed the purpose of each one, noting that the Replacement Easement will be held in escrow until the Plat is recorded. He explained that Staff is recommending approval of all four documents in one motion in order to move this process forward.

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 Release of Easement, the Release of Release of Reservation of Easement, the Replacement Easement and the Temporary License Agreement, as presented.

d) UNIT OF DEVELOPMENT NO. 43 – MIRASOL

- i) Consider Payment Request to WGI**

Mr. Beatty explained that this item is a payment request in the amount of \$13,032.25 to WGI, Inc. for Unit No. 43 Boardwalk Repairs.

Prior to consideration of the Payment Request to WGI, Inc., Mr. LaMotte recused himself from the vote, having previously filled out a Form 8B on matters involving this company.

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 passed by the voting members approving a payment request in the amount of \$13,032.25 to WGI, Inc.

ii) Consider Third Amendment to Agreement with SOLitude Lake Management, LLC.

Mr. Beatty explained that this is very similar to the previous Agreement that was approved for AVC, adding that SOLitude Lake Management, LLC provides lake management services within Mirasol. He reported that Staff previously experienced issues with this company regarding their work in another Unit, but the requirements of this contract are more suited to SOLitude's capabilities. He stated that Staff has been very pleased with SOLitude's work in this Unit 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 Third Amendment to the Contract with SOLitude Lake Management, LLC for Aquatic Weed Control.

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

Mr. Beatty began his report by initially displaying the unit map and site plan, followed by aerial photos of the project. He noted that Pod D-Southeast roadways have been completed and construction of homes has begun.

Mr. LaMotte asked if this is the last parcel, and Ms. Leser advised of the status of the remaining pods.

Mr. Beatty stated that it is likely that Northern will receive a request for more bonds for the development of the remaining parcels.

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

8) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser reported that her report is similar to last month's report. She briefly provided details of the projects out for bid for Unit 2C and Unit 11 and explained that Staff is currently in negotiations with a contractor for the Unit 5 project.

b) ATTORNEY

Mr. Edwards reported that the Legislative Session is ongoing. He stated the one bill he had mentioned previously regarding Chapter 112, Florida Statutes, requiring ethics training for special districts has had major changes, but he anticipates the ethics training requirement to remain. He reported that there are other bills being considered that pertain to special districts, but he will wait until Session is over to report on what pertinent bills have passed.

c) EXECUTIVE DIRECTOR

Mr. Beatty began by introducing two new employees asking them to stand. He stated that Terry Larremore has been hired as Northern's SCADA Operations Manager, and Brighton Hall has been hired as an Environmental Technician, who will be helping Sam Payson and Lucas Schaffer with preserve work.

Mr. Beatty then informed the Board of a change in practice. He explained that when municipalities have infrastructure projects to be done, the public is notified, but the work is done without asking permission. Northern's past practice was to advise the public, while making substantial efforts to work with them to lessen the impact upon businesses, etc. He stated that Northern currently has many lake interconnect pipes within golf course facilities and Staff has typically tried to schedule their repair and replacement during the off-season to lessen the impact. Mr. Beatty explained that Northern has many future projects that will take longer than the off-season to complete and the best time for golf courses to have Northern do its work is also the worst time for Northern, due to weather constraints and pricing. He reported that, in the future, Northern will be advising the golf courses that the timing of Northern's maintenance and remedial

work may require the golf courses to make other arrangements with respect to play while, at the same time, Northern will make good faith efforts to keep the impact of its work minimal to the extent practicable. He confirmed that Staff will endeavor to work with the golf courses, but the work needs to be completed in a timely and cost efficient manner.

Mr. LaMotte asked if there is an upcoming project in particular, and Mr. Beatty advised that the biggest impact will be on the Emerald Dunes Golf Course for work to be done over the next three years.

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

copies of which are contained in Northern's records.

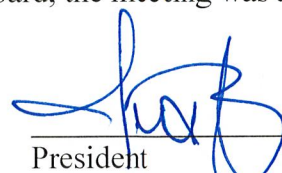
10) COMMENTS FROM THE BOARD

There were no further comments from the Board.

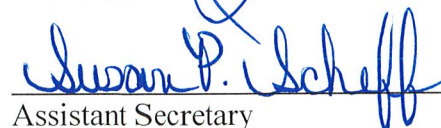
11) ADJOURN

A **motion** was made by Ms. Baker, 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