

**MINUTES OF A BOARD OF SUPERVISORS MEETING  
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 08/28/19**

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Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:10 a.m. on August 28, 2019 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 Adrian M. Salee and Gregory Block; District Engineer Robert W. Lawson of Arcadis and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

Also present were Finance Director Katie Roundtree; Executive Assistant Susan Scheff; Director of Operations Ken Roundtree; Budget & Tax Roll Manager Laura Ham; Project Manager/Construction Coordinator Tim Helms; Programs Administrator Jared Kneiss; Permit and Contract Specialist Mila Acosta; Cliff Hertz of Nelson, Mullins, et al.; and Dan Rawn of Freehold Communities.

**2) ESTABLISHMENT OF A QUORUM**

Mr. Boykin announced that a quorum was present and that it was in order to consider any business to properly come before the Board.

**3) ADDITIONS OR DELETIONS TO THE AGENDA**

Ms. Roundtree reported that that no additions or deletions to the Agenda were necessary.

**4) APPROVAL OF MINUTES**

A **motion** was made by Mr. Salee, seconded by Mr. Block and unanimously passed approving the Minutes of the July 24, 2019 Public Hearing and 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

A **motion** was made by Mr. Salee, seconded by Mr. Block and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 2C – Alton
  - i) Consider Change Orders to J.W. Cheatham, LLC – Parcel G, Buffer Wall (CO Nos. 6 & 7)
  - ii) Consider Authorization to Record Permit No. PER-2C-032 – Carrier Corporation
- b) Unit No. 7 – Dyer Boulevard  
Consider Authorization to Record Permit No. PER-07-065 – Vacation Inn Resort
- c) Unit No. 19 - Regional Center  
Consider Acceptance of Bill of Sale
- d) Unit No. 20 – Juno Isles  
Consider Authorization to Record Permit No. PER-20-050 – Strauss
- e) Multi-Unit  
Ratify Contract Amendment - Aquatic Vegetation Control, Inc. Annual Preserve Maintenance
- f) General
  - i) Consider Approval of General Services Contract – Wynn and Sons Environmental Construction
  - ii) Consider Approval of Minor Services Contract – Grand Slam Concrete & Curbing, LLC.
  - iii) Consider Board Meeting Schedule – Fiscal Year 2019/2020
- g) Payment Requests

copies of which are contained in applicable Northern files.

## 7) REGULAR AGENDA

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

Mr. Lawson gave a verbal status report of the Alton project. He reported that Northern is currently working on completing the second phase of Parcel G, known as Artistry, which is located on the west side

of I-95, as well as Parcels E and F on the east side of I-95. He also reported that work has begun on the Park parcel. Also, Northern will be putting the final residential parcel improvements on the east side of I-95, Parcel D, out for bid next month which will complete all of the residential improvement construction within this Unit, with the exception of Parcel G on the west side.

Mr. Lawson reported that he had a meeting with Palm Beach County yesterday regarding Hood Road, and they expect to complete the project within the next two months. He noted that the semi-final inspection of the bridge and the roadway was scheduled to take place this morning. He also noted that the traffic signal is operational and all is going well at the Unit.

Mr. Salee asked whether Northern tracks the costs of the project and how close the project actual costs are to the estimate. Mr. Lawson advised that Northern keeps track of what is spent, but he would have to look at the engineer's estimate for the project. He reported that Northern has received some very good bids on the public improvements and he suspects the actual costs to be very close to the estimates. He stated that those calculations will take place in the next month or so. He further stated that it was always anticipated that the Landowner would have to contribute more funds near the end of the project, but that is to be expected and he anticipates the amount will be minimal for a project of this size.

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

**b) UNIT OF DEVELOPMENT NO. 14 – EASTPOINTE  
Consider Quit Claim Deed**

Mr. Edwards stated that this is the first step following the approval and execution of the Exchange Agreement in June. He explained that this item is the conveyance of the open canal by Quit Claim Deed to the Eastpointe Country Club. He further explained that the Deed contains various reservations providing Northern easements over the canal to continue operation until it is ready to be filled in. At that time, Mr. Edwards stated that the Agreement spells out the process of release and recording of the Quit

Claim Deed, which will be held in escrow by the Attorney for the Country Club. He stated that approval is recommended as Northern has agreed to the conditions of the Exchange Agreement.

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. Block and unanimously passed approving the Quit Claim Deed, as presented.

**c) UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE  
Consider Quit Claim Deed**

Mr. Edwards stated that this is the Quit Claim Deed discussed earlier during the Public Hearing. He reported that the property will be conveyed to YTG Palm Beach IL NR, LP as the Developer of this project. He stated that approval is recommended as Northern has completed the Plan Amendment and surplus declaration process, noting that release of the Deed will be withheld pending reimbursement of outstanding fees.

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. Block and unanimously passed approving the Quit Claim Deed, as presented.

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

**i) Status Report**

Mr. Lawson gave a verbal status report of the Arden project. He reported that things are going very well at this Unit. He stated that the traffic signal on Southern Boulevard is complete and operational which pleases the residents. He also stated that Northern currently has five residential parcels under construction, noting that two additional residential parcels will begin construction soon.

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

**ii) Consider Bill of Sale for Pod C South**

Mr. Lawson explained that this item is for one of the parcels under construction right now. He

noted that once the water and sewer improvements are completed and accepted by Palm Beach County, it is standard procedure to turn those improvements and maintenance responsibility over to Palm Beach County Water Utilities through a Bill of Sale. Mr. Lawson stated that it is now time to turn over the specified improvements in Pod C South and, to do so, approval of the Bill of Sale is recommended.

Mr. Edwards also noted that included with the Bill of Sale is a No Lien Affidavit which the County requires to be executed along with the Bill of Sale.

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. Block and unanimously passed approving the Bill of Sale, as presented.

**iii) Consider Award of Contract to CK Contractors and Development, LLC**

Mr. Lawson explained that this is a project to construct Parcels J and F-East that Northern recently received bids on, noting that five bids were received on August 14, 2019. He reported that the low bidder for public improvements was CK Contractors and Development, LLC in the amount of \$1,782,182.28.

Mr. Lawson stated that since Northern has not worked with this contractor in the past, he took the time to review their references and received all positive responses. He explained that this is a rather large company from North Carolina who acquired a local underground contractor within the past year and he has had good experience with the underground contractor as well. He noted that Northern is awarding this contract based upon the public improvement portion of the contract, adding that the difference in the bid was .2% lower than the next lowest bidder. Mr. Lawson stated that Staff and Consultants recommend award of the contract to CK Contractors and Development, LLC in the amount previously stated.

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. Block and unanimously passed approving an Award of Contract for Construction and Purchase Order No. 19-657 in the amount of \$1,782,182.28 to CK Contractors and Development, LLC, as presented.

**iv) Consider Non-Interference Agreement**

Mr. Edwards explained that this is Northern's standard Non-Interference Agreement required in an instance when both public and private works are taking place in the same vicinity. He noted that this Agreement is between Northern and the Developer and gives Northern's work priority. He stated that this Agreement has not yet been signed, but approval is recommended. Mr. Edwards noted that the Notice to Proceed for the subject project will be held until the Agreement is signed.

Mr. Salee asked if a conditional approval of the contract is necessary, and Mr. Edwards advised him of the approval process, noting that Northern anticipates having the signed Agreement by the time the contract documents are prepared.

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. Block and unanimously passed approving the proposed Non-Interference Agreement with Highland Dunes Associates Property LLC, as presented.

**8) COMMITTEE REPORTS**

**a) Legal Committee**

**i) Discuss Legal Committee Recommendation**

Mr. Boykin asked Mr. Salee to report on the Legal Committee Meeting held on August 14, 2019 for the purpose of discussing policy development for property purchase/exchange requests.

Mr. Salee reported that he and Mr. Cohen had a difference of opinion and he briefly explained both viewpoints, noting that Mr. Cohen believed each instance of this type of property disposal should be

handled on its own and a policy is not necessary, and Mr. Salee believes a policy should be developed for common requirements and prohibitions and then make a determination from there.

Mr. Edwards explained that the Committee was provided with certain information including two policies that the Board had previously adopted, one being a Real Property Exchange Policy and the other was a Real Property & Facility Acquisition Policy. He also had provided the Committee with a list of scenarios of real property disposition and acquisition that have occurred in the past. Mr. Edwards stated that the Committee minutes in the Board package serve as a good summary of what occurred at the meeting, noting that the Committee's conclusion was to explain at this meeting that Northern already has a couple of policies in place, but wait to finalize any direction to move forward until the September meeting when both Committee members are in attendance and the entire Board is present for a full discussion of this matter.

Mr. Edwards stated that there was also discussion of adopting institutionalized guidelines as to how Northern has handled these requests in the past to assist future Boards and Staff.

A general discussion followed with regard to potentially creating a document which tracks how similar requests have been handled in the past, references to established precedent during past meetings without an understanding of how the precedent was set, and making use of the current policies.

Mr. Boykin recommended that this item be deferred to the September Board Meeting and the Board consented to same.

**ii) Consider Approval of August 14, 2019 Minutes**

A **motion** was made by Mr. Salee, seconded by Mr. Block and unanimously passed approving the Committee minutes of August 14, 2019.

## 9) MISCELLANEOUS REPORTS

### a) ENGINEER

Mr. Lawson had nothing to report.

### b) ATTORNEY

#### **Consider Approval of Settlement Agreement**

Mr. Edwards reported that he is presenting a Notice of Settlement and a Settlement Agreement and Release of Claims in the Donnelly matter for Unit 11. He explained that Northern previously settled with Mr. Donnelly for \$1,000.00, but Mrs. Donnelly's case was set for trial beginning September 2, 2019. Mr. Edwards reviewed the basics of the legal proceedings and the calculations involved; noting that eventually all parties agreed to settle for \$159,000.00, an amount less than Northern's sovereign immunity, which will be paid by the insurance carrier. He stated that the Board is being asked to approve the Settlement Agreement and the execution of the Notice of Settlement.

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. Block and unanimously passed approving the Settlement Agreement and Notice of Settlement, as presented.

Mr. Edwards also reported that the Legislative Session will soon begin again, and Local Delegation meetings will begin next month.

### c) EXECUTIVE DIRECTOR

Ms. Roundtree stated that Mr. Bardin sends his regrets for not being able to attend the meeting, but he was not feeling well this morning. She stated that Mr. Roundtree will give the Board a quick update on Northern's preparation for Tropical Storm/Hurricane Dorian.

Mr. Roundtree addressed the Board and stated that Northern has experienced a very wet summer. He briefly reviewed the rain events that occurred during the prior weekend, resulting in one to seven inches of rain in some areas as well as lightning, which caused some issues with Northern's telemetry



system. With regard to Dorian, he reported that Staff has been in contact with other agencies and has begun pre-storm drawdowns. He noted that the Operations Staff is on call through the next week. Mr. Roundtree also spoke to the education process with the various HOA/POA Boards as they experience frequent turnover.

Mr. Block thanked Staff and asked if Operations does anything about debris accumulation in Northern owned canals, and Mr. Roundtree advised that debris accumulation is monitored and cleared through Northern's aquatic weed contractors.

The Board thanked Mr. Roundtree for his report.

The Community Information Report is included in the Board materials for review.

#### **10) RECEIVE AND FILE**

The following items were presented to be received and filed:

- 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. Block thanked the Safety Committee for the \$5,000.00 reimbursement from the insurance company.

Mr. Block then read information from the Palm Beach Post regarding the recent hack of the computer network of the City of Riviera Beach. He also reported that earlier this month, 23 small government agencies in the State of Texas were taken offline over the course of a few days. He stated that local government agencies are becoming the target of cyber espionage because their small IT departments are not equipped to deal with cyber attacks.

Mr. Block asked the Board to consider forming a Committee focused on cyber security and technology to assist Staff with guidance and how to prioritize and allocate resources on how to prevent potential cyber attacks.

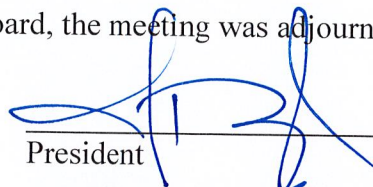
A **motion** was made by Mr. Boykin, seconded by Mr. Block and unanimously passed approving the formation of a new Committee to address Technology and cyber issues.

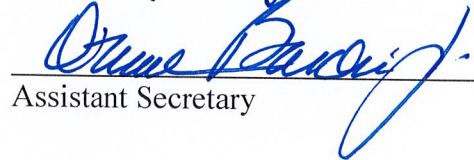
Mr. Block and Mr. Boykin will serve on the newly formed Technology Committee with Mr. Salee serving as an Alternate.

There was a general discussion with regard to setting up an initial meeting in the next few months to discuss what systems are in place and what changes Staff hopes to make in the future.

## 12) ADJOURN

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