

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 09/25/19**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:00 a.m. on September 25, 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 L. Marc Cohn, John P. Cohen, Adrian M. Salee and Gregory Block; 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; Executive Assistant Susan Scheff; Director of Operations Ken Roundtree; Budget & Tax Roll Manager Laura Ham; and Permit and Contract Specialist Mila Acosta.

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

Mr. Bardin 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. Cohen and unanimously passed approving the Minutes of the August 28, 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. Cohen and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 53 – Arden
Consider Change Order to Centerline Utilities, Inc. – Pods C-South, C-North and F-West (CO No. 4)
- 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 gave a status report of this project, initially displaying the site plan, followed by aerial photos. Some of the photos included views of Parcel E, Hood Road, and the Parcel G (Artistry) Amenities Center, public improvements and home construction, as well as the site for a future phase.

Mr. Salee asked if Staff has an idea as to what percentage of the project is complete at this time, and Mr. Lawson advised that Northern is at least 90% complete, if not higher.

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

ii) Consider Suspension of Contract with Arazoza Brothers

Mr. Lawson explained that Northern awarded a contract along with a Notice to Proceed to Arazoza Brothers for the perimeter buffer landscaping around Parcel G. He further explained that, after experiencing a lot of rain last month, a review of the area showed that the construction of the buffer wall, in conjunction with the recent construction of nearby home pads, has created a situation where low areas

within the preserve are retaining too much water. He stated that this retention is causing a problem for the preserve landscaping project. Mr. Lawson then noted that there are some dry preserve areas where the contractor can continue working, but Staff wishes to mitigate the water retention problem areas within the preserve and has asked a design engineer to provide a proposal.

Mr. Lawson stated that based on the existing wet conditions, Staff does not believe that the contractor should complete the landscaping project as currently designed, so the Board is being asked to authorize and delegate to Arcadis, as District Engineer, the authority to suspend the landscaping contract when it is deemed appropriate. He noted that there could be some financial liability connected with suspension of the work, but Staff will not know what that might be until it happens.

Mr. Boykin asked if the proposed solution will come back to the Board, and Mr. Lawson advised that the proposed solution will most likely have to be bid and, if so, the Board will re-visit this matter. Mr. Lawson then reiterated that he is currently seeking authorization for suspension of the contract as he suspects the need to do so will occur before the next Board Meeting.

A general discussion followed with regard to what caused the retention of the water, the relationship to the control elevation of the lakes and Northern's stormwater management system.

Mr. Edwards clarified that the Board is being asked to delegate authority to the District Engineer to determine the appropriate time for suspension of the subject contract.

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. Cohen and unanimously passed authorizing suspension of the contract and delegating authority to the District Engineer to determine the appropriate time for such suspension.

iii) Consider Purchase Order to Michael B. Schorah & Associates, Inc.

Mr. Beatty explained that this item is a Purchase Order to Michael B. Schorah & Associates, Inc. for the final lift of asphalt for several roadways. He stated that they have submitted a proposal for engineering, design, and construction phase services for the installation of the final lift of asphalt for Alton Road, Pasteur Boulevard and Neighborhood I. Mr. Beatty stated that Northern has reached the point where the final lift of asphalt can be put down without fear of further damage. He also noted that completion of this step will allow Northern to convey the subject roadways to the City of Palm Beach Gardens.

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. Cohen and unanimously passed approving Purchase Order No. 19-700 for Design, Bidding and Construction Phase Services in the amount of \$46,325.00 to Michael B. Schorah & Associates, Inc.

Mr. Salee asked to go back to the previous item of the Arazoza Brothers contract and asked for some idea of what will be done to clear up the problem and the steps involved.

Mr. Lawson explained that the engineer of record will research the issue and submit a proposed solution. The remedial work will then most likely be bid or there is a possibility that the Arazoza Brothers contract could be augmented to effectuate the fix, but that will depend upon the work and cost involved.

Mr. Bardin gave his thoughts on what the proposed fix will be, but the engineer of record could come up with another alternative.

A general discussion followed with regard to what timeframe may be required for the contract suspension, whether or not the work of other contractors could be impacted, and the continuation of project work for as long as possible before the need for contract suspension.

b) UNIT OF DEVELOPMENT NO. 31 – BALLENISLES COUNTRY CLUB

Consider First Amendment to License, Operation and Maintenance Agreement

Mr. Beatty stated that the Board previously approved a License, Operation and Maintenance Agreement for improvements associated with a permit for golf course renovations within BallenIsles. He noted that the authorized permit modifications have been made and, as a result, the License, Operation and Maintenance Agreement has to be amended to accommodate those changes.

Mr. Boykin asked what changes were made, and Mr. Beatty advised that they moved some of the lakes and some of the other improvements that were previously identified in the original Agreement.

Mr. Boykin asked if there are any increased costs due to the changes, and Mr. Beatty responded that there are no increased costs to Northern.

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. Cohen and unanimously passed approving the First Amendment to the License, Operation and Maintenance Agreement.

c) UNIT OF DEVELOPMENT NO. 53 – ARDEN

i) Status Report

Mr. Beatty gave a status report of this project with several aerial photos. Some of the photos included views of Pod C South and Pod F West.

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

ii) Consider Bill of Sale for Pod F West

Mr. Beatty reported that the water and sewer improvements have been completed in Pod F West and are now ready to be conveyed to Palm Beach County Water Utilities as has been done in the past. Staff recommends approval of the Bill of Sale.

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

8) COMMITTEE REPORTS

a) Legal Committee

i) Discuss Legal Committee Recommendation

This item is related to a Legal Committee Meeting held on August 14, 2019 for the purpose of discussing policy development for property purchase/exchange requests.

Mr. Bardin explained that currently there is not a Committee recommendation since there was a difference of opinion between the Committee Members. He stated that Mr. Edwards will be presenting this item.

Mr. Edwards stated that this item was briefly brought up at the last Board Meeting and was tabled since there were only three Board Members in attendance. He further stated that this item is being brought back to the full Board for consideration so that the Committee Members' differing viewpoints can be presented. Mr. Edwards stated that this discussion has arisen since a Board Member thought it might be a good idea to adopt a policy to address how Northern should handle various land purchases or exchanges.

Mr. Edwards explained that one Committee Member's view was that there should be some acknowledged method of proceeding in the future or direction given to future Boards and Staff as to how to move forward with acquisitions and conveyance of real property. He noted the Committee considered that the requested direction could be something as broad as a mission statement or more specific with

guidelines drawn from how these types of requests have been handled in the past. He stated that one of the concerns expressed during the Committee meeting was that Northern's current Board should not bind a future Board, since every real estate related request is unique. Mr. Edwards further stated that there have been at least eight different types of conveyance scenarios with which Northern has been involved and, if an all-encompassing policy is to be prepared, caution would be needed to avoid binding a future Board to just a single course of action. He briefly reviewed some of the pitfalls related to such an action.

Mr. Edwards then advised that this item is being brought back to the full Board for consideration so that the Committee Members can share their viewpoints and Staff can get Board direction as to how to proceed.

Mr. Boykin stated that he thought the Board had decided last month to memorialize all of the Board's prior decisions, so current and future Boards could be consistent as to what was done in the past.

Mr. Cohen stated that he thought the Committee was tasked with setting a policy, and Mr. Block stated that he wanted the situation to be reviewed and have the Committee determine whether a policy was needed. Mr. Cohen asked Mr. Salee to give his views first and then he would follow up.

Mr. Salee summarized that the Committee had been given a list of certain situations which have occurred and he is interested in what steps need to be taken in any given situation and what steps are unique to each request. He feels that the Board should standardize as much as can be standardized. Mr. Salee believes the difference of opinion lies with how much of the process should be standardized before dealing with the request individually.

Mr. Cohen stated that he did not want to have Mr. Edwards draft a policy for every possible scenario because that would be a broad, expensive endeavor. He noted that every request that has been made thus far is typically one that the Board could not have reasonably anticipated. He used the Unit 14 land exchange as an example, and explained that the original request was different than what Staff and the

landowners came up with to present to the Board. He stated his belief that the resulting recommendation was a very clever, middle of the road proposal. Mr. Cohen stated that it is his opinion that initial requests be made to the Board and then handed off to Staff to present a recommendation for consideration. He then reviewed what he believes are the four different potential conveyance categories and explained each of them.

Mr. Boykin stated that he would like to give future Boards the freedom to make decisions, but he would like to develop a guideline of what has previously been done.

Mr. Cohen expressed his agreement with that view. He also discussed the strong possibility of future development of golf course property within Northern's communities.

Mr. Boykin asked the Board if Northern's two current policies are satisfactory along with the establishment of guidelines.

There was a consensus of the Board to have Staff memorialize Northern's prior transaction decisions, and bring a document back to the Board for future consideration.

9) MISCELLANEOUS REPORTS

a) ENGINEER

Mr. Lawson had nothing to report.

b) ATTORNEY

Mr. Edwards had nothing to report.

c) EXECUTIVE DIRECTOR

Mr. Bardin noted that 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:

- U53 – Partial Release of Easement
- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

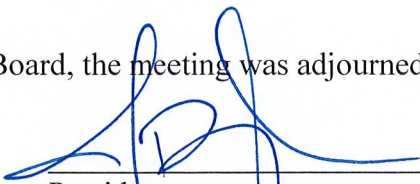
copies of which are contained in Northern’s records.

11) COMMENTS FROM THE BOARD

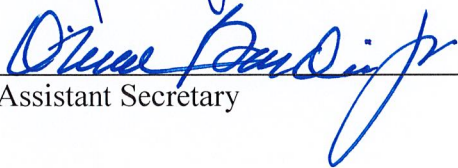
Mr. Salee expressed his belief that the Board has a responsibility to simplify and codify things as much as possible, and he believes that the Board is in agreement.

12) ADJOURN

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



President



Assistant Secretary