

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 08/23/23**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:02 a.m. on August 23, 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; Project Coordinator Polly Scherman; Permit Coordinator Kimberly Morgan; Technical Assistant/Records Management Specialist Kathleen Maloney-Pollack; Mario Benicky of Piper Sandler & Co.; and Carmen and Luis Rodriguez, Jim Kilduff, Andrea Docimo, Marjorie Potter-Kolb, Catherine Brister, Clarence Williams, Richard Gregory and Joe Morello of Ironhorse (Unit 24).

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. LaMotte and unanimously passed approving the Minutes of the July 26, 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. LaMotte and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 16 – Palm Beach Park of Commerce
 - i) Consider Nineteenth Addendum to Law Enforcement Service Agreement – Sheriff of Palm Beach County
 - ii) Consider Change Order to J.W. Cheatham, LLC – Venture Way Extension (CO No. 2)
- b) Unit No. 53 – Arden
 - Consider Change Order to Centerline Utilities, Inc. - Pods D-Southeast and I-North (CO No. 4)
- c) General
 - i) Consider Declaration of Surplus Equipment
 - ii) Consider Board Meeting Schedule – Fiscal Year 2023/2024
- d) 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 began by showing the Board the unit map and site plan and stated that Ms. Leser will give this report.

Ms. Leser stated that the curb repairs and the cleaning of the drainage system on Pasteur Boulevard are complete, its final lift of asphalt is expected to begin on September 18th and that project should last about three weeks. She further stated that the Alton Road and Beckman Terrace cleaning and repairs are

underway and their final lift of asphalt is scheduled to begin October 9th and the E & F Neighborhood roadways are following suit with curb repairs and final lift of asphalt scheduled for November.

Mr. Boykin asked if this will be the last of the projects, and Ms. Leser advised that there is an additional neighborhood to be done, but this is the largest phase of the project.

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

ii) Consider Sixth Amendment to Maintenance Agreement

iii) Consider Approval of Bill of Sale

Mr. Beatty stated that the next item is the Sixth Amendment to the Maintenance Agreement which addresses aerators previously maintained by the Alton Property Owners Association (POA), noting that the POA has decided that Northern is better suited to provide those services. He stated that this aerator maintenance has been included in the Fiscal Year 2023/2024 Budget.

Mr. Beatty also stated that a Bill of Sale is included with this item for three aerators that had been purchased by the POA. He explained that these additional three aerators meet Northern's specifications and, upon acceptance, will be included for aerator maintenance.

Mr. Edwards stated that Northern has not yet received the partially executed Sixth Amendment to the Maintenance Agreement and the Bill of Sale, so he asked that Board approval and acceptance be conditioned upon receipt of those properly executed documents. He noted that Northern has been advised that they have been approved by their legal counsel and should arrive in the near future.

There were no comments from the public with regard to this item.

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed approving the Sixth Amendment to the Maintenance Agreement, conditioned upon receipt.

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 the Bill of Sale, conditioned upon receipt.

**b) UNIT OF DEVELOPMENT NO. 5 – HENRY ROLF
Status Report – Pipe Rehabilitation Project**

Mr. Beatty began by showing the Board the unit map and aerial photos of the site. He stated that this is an update as to the construction of the replacement pipe in Unit 5, and Ms. Leser will give this report.

Ms. Leser stated that the Maintenance of Traffic (MOT) plan for Jog Road is being considered by the County and the contractor is expected to be on-site the third week of September to begin with setting up the bypass before excavation begins.

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

**c) UNIT OF DEVELOPMENT NO. 11 – PGA NATIONAL
Status Report – Avenue of the Masters Milling and Resurfacing Project**

Mr. Beatty began by showing the Board the unit map and aerial photos of the site, stating that Ms. Leser will also give this report.

Ms. Leser reported that the resurfacing is done, final grading is being completed, temporary striping is down and signage should be installed in the next week. She noted that there is a delay on the flashers until the end of October and final striping should take place mid-September, adding that this project is ahead of schedule.

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

d) UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE

i) Status Report – Venture Way Extension Project

Mr. Beatty began by showing the unit map, site location, and aerial photos, stating that Ms. Leser will also give this report.

Ms. Leser stated that the contractor will be completing drainage this week, there are some head walls going in and they will be staking for potable water main which is the last utility to go in. She stated that work should be done in the next two weeks and then the contractor will complete the roadway.

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

ii) Consider Acceptance of the Water Management Easement

Ms. Leser explained that this item is associated with a culvert and structure installed by Northern a long time ago that lies outside of the Walgreens Drive right-of way. She stated that, as part of the development of this project, Staff has asked the owner for a Water Management Easement to encumber the necessary area of this particular structure.

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 accepting the Water Management Easement.

**e) UNIT OF DEVELOPMENT NO. 20 – JUNO ISLES
Status Report – Salinity Weir Rehabilitation Project**

Mr. Beatty began by showing the Board the unit map and site plan. He then displayed a couple of photos of the new weir, stating that the structure was completed last month. He explained that Staff is awaiting fabrication of the salinity control gate, which he has been advised will be completed mid-September and will take a few days for installation. He further explained that the delay is associated with getting the materials for the seals used to seal the gate to the wall.

A general discussion followed with regard to the cleanup of site materials, clarification of completion of the weir structure versus the salinity control gate, and vegetation in the lake caused by homeowners' grass clippings.

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

**f) UNIT OF DEVELOPMENT NO. 24 – IRONHORSE
Discuss Florida Power & Light Project**

Prior to beginning the discussion of the Florida Power & Light (FPL) project, Mr. Boykin recused himself from the vote, having previously filled out a Form 8B on matters involving this company.

Mr. Cohn stated that he has received five Speaker Cards with regard to this item and he explained that each speaker will be afforded three minutes to speak. He then called Carmen Rodriguez to the podium.

Mr. Rodriguez thanked the Board for the opportunity to speak, noting that he purchased property in Ironhorse last year and only recently became aware of FPL's monumental pole location issue. He expressed his concerns about how the pole may affect the property values. He reviewed the path that FPL used for placement of the poles, noting that the poles are located across the street until moving to the west side of Jog Road with placement of a pole by the Ironhorse gate, speculating that the Sheriff's Office may have had an ingress/egress issue with continuing the poles on the other side of Jog Road. He also is wondering why FPL did not place the lines underground. Mr. Rodriguez reported that FPL only notified approximately 40 or 43 Ironhorse residents about the pole location and FPL did not contact the Property Owners Association (POA) about this project. He found out about the project just a few weeks ago. He expressed the residents' concern about the monumental pole outside of their gate. As his time was up, Mr. Rodriguez thanked the Board for their time.

Mr. Cohn called Marjorie Potter-Kolb to the podium.

Ms. Potter-Kolb introduced herself and informed the Board that she was born in West Palm Beach 87 years ago on this date. She then asked the Board that future notification be given, noting that Northern gave an easement to FPL and should not be surprised that the residents are upset about this project. She asked what will be happening to the existing FPL poles and is not sure if Northern can provide that answer. She then expressed her frustration that the easement was given to FPL without notifying the community, noting that even though they are a small community, they deserve that courtesy. She then thanked the Board for listening.

Mr. Cohn called Richard Gregory to the podium.

Mr. Gregory greeted the Board and explained that he purchased property in Ironhorse the beginning of July. He explained his surprise when the poles were constructed and stated that the pictures do not do it justice. He further stated that the Board should be ashamed of themselves for allowing this to happen, noting that the community was not made aware of the project. He stated that he bought the property aware

of its proximity to the landfill and the Sheriff's Office, but expressed his concern about the intrusion of these poles on their property and the possibility of emissions, wondering if any due diligence was done. He added that no impact study has been made available to the public and asked what the Board was thinking when they granted the easement. He would like FPL to move the poles and expressed his opinion that the Board failed the residents of Ironhorse. He then thanked the Board for listening and expressed his hope that the Board Members change their mind.

Mr. Cohn called Clarence Williams to the podium.

Mr. Williams greeted the Board and explained that he has been a resident of Ironhorse for the past six years, noting that it is a beautiful, upscale golf course community. He expressed that his issues are regarding the procedural posture that has been taken for this project as it relates to notification. He stated that the residents received little or no notification, not only from Northern, but also the three to four other governmental entities involved in this project. He stated recent home sales were \$1.5 million, acknowledging the investment being made by the residents within the community. Mr. Williams stated that FPL did send a letter to approximately 34 residents in the neighborhood within the 500-foot radius of what he believes to be the nearest pole to their property line. He once again addressed that all of the Ironhorse residents were not given notice. He did acknowledge the publication of a standard Public Notice in the newspaper for the project, and then reviewed the timeline of the letter sent by FPL in relation to the project timeline. He stated his appreciation that one pole was moved further south, but believes that some efforts should be made to soften the impact of the industrial corridor look that has been created. Mr. Williams asked the Board to use whatever leverage they may have to address these concerns, noting that the explanation residents received that the Board was unaware of the nature and breadth of this project is unacceptable.

Mr. Cohn called Jim Kilduff to the podium.

Mr. Kilduff greeted the Board and thanked them for the opportunity to speak. He stated that he

agrees with all of the sentiments of the previous residents, noting that he has been a resident of Ironhorse for almost a year. He stated that he was away for three weeks and returned to find the poles standing close to the community entrance. His concerns are similar to what has been addressed and he also wants to know what can be done to beautify and fix this eyesore along Jog Road, asking who would be responsible for that. He does not believe they will be successful in having the poles moved, but wants to know what can be done to make it look better. He also wanted to know why the residents were not notified ahead of time, stating that some communities in the area have much shorter poles or underground lines. He feels the project was rushed and would like some answers as to who is responsible for what gets done next. He then thanked the Board.

Mr. Beatty stated that Northern received a form letter from the Ironhorse residents sent via a number of emails and that letter, along with Northern's email response and FPL's email response, has been included in the Board's materials. He further stated that this is an FPL project, so a number of the questions brought up today should be directed to FPL. He explained that Staff asked a representative from FPL to attend the meeting today to address some of these concerns and they declined to do so. Staff does have FPL contact information that can be provided to interested parties, but that is the extent of what we know. He asked Mr. Edwards if he had anything to add.

Mr. Edwards introduced himself as Northern's General Counsel and stated that he has had communication with FPL's attorney and, with regard to beautification, they have advised Northern of several things. He reported that Northern inquired about painting the poles green and the response was that the poles are still curing and it will take several years for them to dry internally, so they cannot be painted. He stated that Northern asked about putting foliage or greenery around the base and advised that FPL is considering that request. Mr. Edwards then stated that he does not believe there is any viable means for FPL to relocate the poles as they are following nationwide directions. He explained that although Northern understands the concerns expressed by the residents, it is limited as to what can be done and he strongly

recommends that they speak to other local general-purpose governments that have more authority than Northern does in this situation.

A general discussion followed with regard to maintenance of the easement and around the poles, the expense to possibly move the poles or place the lines underground, Northern's involvement in the decision-making process as it relates to Northern's works, and what entity has the power to conduct an environmental study.

Mr. Edwards explained that Northern cannot just refuse to grant a permit without sufficient reason. He further explained that it is Northern's responsibility to make sure that the project will not interfere with or adversely affect Northern's works and that process was followed, adding that Northern does not have any other decision-making authority with regard to the site. He stated that it would be up to the County or another local, general-purpose government to take issue with the look of the poles, but noted that Staff will work with FPL with regard to the addition of foliage to minimize the visual impact.

Ms. Baker expressed her concerns with how close these poles are to the road with regard to the possibility of accidents and potential lighting impacts. She asked if Staff knew what was going there and expressed her frustration with the design and the fact that it cannot be painted.

The discussion continued with regard to the location of the poles, the fact that no lawyers want to take on the case for the POA as a result of FPL's involvement, and the possibility that Solid Waste Authority (SWA) may work with the residents in order to move the pole that is closest to the Ironhorse entrance.

Mr. LaMotte agreed that the poles are intrusive, but expressed that the residents need to be addressing these concerns with FPL. He followed up on Ms. Baker's question asking if Staff knew what was being installed when Northern granted the easement.

Ms. Leser stated that Staff knew what was going in, but the plans were minimal, because Staff does not look at the structural aspect. She did have questions about the pole closest to the entrance with regard to its proximity to the pavement and was advised that the County approved it and issued a permit, noting

that Jog Road is a County road and Northern has a minimal property interest.

Mr. Boykin stated that Staff will take note of the feedback from the community, noting that he believes everyone now understands that Northern may not be the best forum for expressing their concerns on this issue. He further stated that Mr. Beatty suggested Palm Beach County may be a better forum to address their concerns, adding that the Florida Public Service Commission and other public bodies conduct oversight of these types of concerns.

The discussion continued once again regarding the need for the residents to address this issue directly with FPL, Northern's requirements in processing the permit, discussions with FPL prior to the grant of the easement, and the County's responsibility to maintain the median.

Mr. Boykin thanked everyone for their time.

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

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

Mr. Beatty began his report by initially displaying the unit map and site plan, stating that there are no construction photos, as little Northern construction is taking place. He reported that work is being wrapped up on the remaining pods that Northern has been working on. He stated that Staff has been in conversations with Lennar about funding for future phases and he expects it will be ready to present as a discussion item at the next Board meeting.

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

**h) GENERAL
Consider Resolution Approving & Adopting the 2023/2024 Annual Budget & Assessment
Roll (2023-04)**

Based on the Public Hearing that took place immediately prior to this meeting, Ms. Roundtree explained that Mr. Edwards has prepared Resolution No. 2023-04 for the Board's consideration which approves the 2023/2024 Budget, 2023/2024 Non-Ad Valorem Assessment Roll and the levy of the

assessments, plus authorizes the certification and submittal of the Non-Ad Valorem Assessment Roll to the Tax Collector. She stated that the Truth in Millage (TRIM) notices were mailed out sometime around August 18, 2023, and minimal tax calls have been received.

Ms. Baker asked about five assessments with increases over 100%, and Ms. Roundtree briefly advised her that they all are in Unit 5A and the increases are a result of the culvert renovation project which required a \$3 million loan. She reported that the good news is that Northern has been awarded a 50/50 matching grant up to \$1.47 million for the Unit 5 project. She also explained that there was a portion removed from the original project due to the cost and Staff is now considering adding it back in order to maximize the grant funds and do more work for less cost to the residents. Ms. Roundtree noted that if the entire amount of the loan is no longer needed once the project has been completed, it can be paid off sooner without penalty, and hopefully this assessment increase can be mitigated next year.

Ms. Baker asked if we have been contacted by The Links or Emerald Dunes about the increase, and Ms. Roundtree advised that there were no calls. She added that Staff has been in close contact with representatives there and they are aware of the need for the project.

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 Resolution No. 2023-04, as presented.

8) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser stated the Unit 43 Mirasol Boardwalk project has been advertised and the bid opening will take place on August 30, 2023.

b) ATTORNEY

Mr. Edwards had nothing to report.

c) EXECUTIVE DIRECTOR

Mr. Beatty stated that he is going to be away for two weeks from August 27-September 9, and would like to request that the Board appoint Kim Leser as Acting Deputy Executive Director in his absence. Mr. Edwards added that she would be authorized to carry out any duties that would typically be required of Mr. Beatty.

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 that Ms. Leser serve as Acting Deputy Executive Director during Mr. Beatty's absence, as presented.

Mr. Beatty reported that the Board had recently added a third member to the Budget, Banking & Audit Committee (BB&A) for the Auditor Selection Process and it was quite helpful to have the outside knowledge and perspective. He would like to ask the Board to consider adding an outside member to the Engineering Review Committee (ERC) as Staff anticipates going out for a Request for Qualifications (RFQ) for Northern's Project and Consulting Engineers, since the last RFQ was in 2008.

Ms. Baker asked where the additional person would come from, and Mr. Beatty advised that he would like to have an engineer from another municipality or government agency, similar to what was done with BB&A, noting that Emily Alves works for the Solid Waste Authority and it eliminated any conflict of interest. Ms. Baker asked if we could use someone that is retired, and Mr. Beatty explained the potential for a conflict of interest as opposed to a municipal engineer.

Mr. Edwards explained that this is an item that would have to come back to the Board for further consideration as there needs to be a review of Northern's policies and procedures to see if any amendments would be required.

There was a consensus of the Board to move forward with pursuing the addition of an outside member to the ERC for the purposes of the RFQ process for Northern's Project and Consulting Engineers.

The Public and Community Relations Report was included in the Board materials for review.

9) COMMITTEE REPORTS

a) BUDGET, BANKING & AUDIT COMMITTEE

i) Consider Committee Recommendations

Ms. Roundtree reported that on July 2, 2023, and July 9, 2023, Northern advertised a Request for Proposals (RFP) for Annual Financial Audit Services, and received four bids on August 9, 2023. She stated that one of the bids was deemed non-responsive, because only a price was submitted without the additional required proposal. The Committee met on August 16, 2023, to discuss the three complete submittals received from Grau and Associates, Marcum, and Mauldin and Jenkins. Ms. Roundtree stated that the Committee members discussed their likes and dislikes about the proposals and all three members ranked Marcum, Northern's current auditor, as the top firm. She stated there was a slight difference in ranking the second and third firms; however, the consensus was to rank Mauldin and Jenkins as number two and Grau and Associates as number three. She further stated that Marcum's bid amount was the highest of the three bids, but pricing was only one element of the ranking process with staff qualifications and understanding of the project weighing in higher.

Ms. Roundtree stated that it is the recommendation of the Committee to select Marcum for the provision of Annual Financial Audit Services and authorize Staff and Legal Counsel to negotiate the details of the contract. If a contract cannot be reached with Marcum, then the Committee recommends working with Mauldin and Jenkins on a contract.

Ms. Baker had some questions with regard to the RFP process, expressing her disappointment that Northern did not get a larger response and ended up staying with the same firm. She would not like the process repeated with the ERC RFQ.

Mr. Block explained that the Committee had a ranking methodology which they used to make their selection and there were reasons why Marcum was selected once again, even though they have been

Northern's auditor for some time. He stated that the Committee minutes might explain the ranking choices a bit more.

A general discussion followed with regard to how to get more responses, noting that there is only so much that can be done and firms cannot be compelled to submit a proposal.

Ms. Roundtree reported that the process was more inclusive this year by submitting the RFQ notice to the Palm Beach Post and DemandStar (an online bid publication forum). She stated that nine companies, including two bid services, picked up the bid with only four companies responding and one of those being deemed non-responsive.

Mr. Block stated that one firm disqualified themselves by not submitting properly and added that one firm being considered grossly underestimated the number of hours required for the job. He believes the process was rigorous from solicitation to ranking.

The discussion continued with regard to the specialization of governmental auditing and how some firms do not respond due to workload or other factors.

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 Budget, Banking & Audit Committee recommendation.

ii) Consider Approval of August 16, 2023 Minutes

Mr. Boykin asked the Board for a motion to approve the Budget, Banking & Audit Committee minutes of August 16, 2023.

A **motion** was made by Mr. LaMotte, seconded by Mr. Cohn and unanimously passed approving Budget, Banking & Audit Committee minutes of August 16, 2023.

10) 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.

11) COMMENTS FROM THE BOARD

There were no further comments from the Board.


12) 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.



Vice President



Assistant Secretary