

**MINUTES OF A BOARD OF SUPERVISORS MEETING  
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 09/22/21**

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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 22, 2021, 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, Adrian M. Salee, Gregory Block, and Ellen T. Baker; 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; District Clerk Susan Scheff; Director of Operations Ken Roundtree; Programs and Facilities Maintenance Administrator Jared Kneiss; Staff Engineer Kim Leser; Sam Graybill of Kimley Horn and Associates, Inc.; Mark Williams of Keshavarz & Associates; and Jason Bloom of BallenIsles Community Association, Inc. and Danny Delgado of Hedrick Brothers Construction (Unit No. 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**

There were no additions or deletions to the agenda.

**4) APPROVAL OF MINUTES**

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the August 11, 2021 Engineering Review Committee Meeting.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the August 25, 2021 Public Hearing.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the August 25, 2021 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 Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the following Consent Agenda Items:

- a) Multi-Unit  
Consider Authorization to Close Trust Accounts
- 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 began his report by showing the Board the Unit map and then displayed a site plan and aerial photo which delineated Parcel D of the Alton development. He reported that the first lift of asphalt and curbs are down, most of the alleyways are in and utilities have been installed. He anticipates that home building will commence shortly. Mr. Beatty then showed photos of the site from multiple directions. He stated that construction is going well with very few issues.

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

**ii) Consider Funding Agreement No. 18**

Mr. Lawson stated that this item is Funding Agreement No. 18 between Northern and KH Alton, LLC. He explained that Northern recently bid the Parcel G, Phase III Improvement Project which is the next item on the agenda. He explained that this Agreement provides Landowner funding in the amount of \$1,794,399.00 which represents of 125% of Private Improvements costs associated with this project, and approval is recommended.

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. Cohn and unanimously passed approving Funding Agreement No. 18.

**iii) Consider Award of Contract to J.W. Cheatham, LLC**

Mr. Lawson explained that, as previously reported, Northern advertised this project for public bid. He reported that this is the last residential project in the northern end of Parcel G, known as Artistry. He stated that three bids were received on September 7, 2021, and the low bidder was J.W. Cheatham, LLC in the amount of \$2,865,622.20. Mr. Lawson noted that Staff has been very pleased with J.W. Cheatham's work on the Unit 2C project in the recent past and approval of the award of contract is recommended.

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. Cohn and unanimously passed approving Purchase Order No. 21-815 in the amount of \$2,865,622.20 to J.W. Cheatham, LLC.

**iv) Consider Acceptance of Special Warranty Deed**

Mr. Bardin stated that the Board is being asked to approve a Special Warranty Deed for a lake tract within Alton, noting that normally these tracts are conveyed by plat. He explained that the recording

of this plat has been delayed, so KH Alton is asking Northern to take title to the property via a metes and bounds description. He stated that Staff is asking that the Board condition its acceptance upon provision of a certificate showing that KH Alton has paid the taxes accrued to the date of conveyance.

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. Cohn and unanimously passed accepting the Special Warranty Deed, as conditioned and presented.

**b) UNIT OF DEVELOPMENT NO. 5A – VISTA CENTER OF PALM BEACH  
Consider Ratification of Purchase Order to Ferreira Construction**

Mr. Beatty stated that Northern received a call from the Emerald Dunes Golf Club Staff approximately three weeks ago advising that a sink hole appeared over one of Northern's lake interconnect pipes. He displayed both aerial and close up photos of the location of the pipe failure. He explained that this failure occurred sometime since the pipe was last evaluated in 2017, noting that no recommendations were made at that time.

Mr. Beatty reported that the failure was evaluated and the District Engineer determined that an emergency repair was necessary. Northern Staff requested and received an emergency quote from Ferreira Construction in the amount of \$98,589.40. He stated that Ferreira Construction was able to mobilize and complete the work within the specified time frame prior to the Golf Course's scheduled opening date of October 8, 2021. Staff is requesting that the Board ratify Purchase Order No. 21-812 for the amount specified.

Mr. Boykin asked about the status of the repair, and Mr. Beatty advised that the materials have been ordered and they will be mobilizing on September 23, 2021.

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. Cohn and unanimously passed ratifying Purchase Order No. 21-812 in the amount of \$98,589.40 to Ferreira Construction.

**c) UNIT OF DEVELOPMENT NOS. 9A/9B – ABACOA I AND ABACOA II  
Consider Award of Contract to Aquatic Vegetation Control, Inc.**

Mr. Beatty stated that the annual contract for Aquatic Weed Control, Preserve and Dry Detention Maintenance & Mowing for Unit Nos. 9A/9B was awarded to Tree Huggers in 2017, and three subsequent annual extensions were issued, most recently in June of 2021 for the upcoming fiscal year. He explained that when the extension forms were emailed to Tree Huggers, Northern received notice that they no longer had the resources to provide the level of service required in the contract and they declined the extension.

As a result, Mr. Beatty stated that the project was rebid and the sole bidder was Aquatic Vegetation Control, Inc. in the amount of \$598,685.00. He noted that this price is nearly 40% higher than the current contract, but Staff compared it to some of the bids received in 2017 and found it to be comparable. Mr. Beatty displayed a photo of the areas included within this contract and stated that approval is recommended.

Mr. Boykin asked if other vendors are experiencing similar issues, and Mr. Beatty advised that Tree Huggers has been the only contractor to report this problem.

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. Cohn and unanimously passed awarding the referenced contract to Aquatic Vegetation Control, Inc. in the amount of \$598,685.00.

**d) UNIT OF DEVELOPMENT NO. 11 – PGA NATIONAL  
Consider Acceptance of General Release, Utility Easement and Approve Payment Request**

Mr. Bardin explained that approximately 11 months ago, The Island Property Owners Association, Inc. (POA) made a request that Northern reimburse them for \$60,000 in electric utility costs that they had paid to Florida Power & Light (FPL) for two aerators over a long period of time. Staff forwarded this request to General Counsel and was advised that the Florida Statute of Limitations allows for a reimbursement and limits Northern's exposure to four years of expense, amounting to \$12,000.00. Mr.

Bardin reported that the POA has accepted the offer and they have executed the required General Release and Utility Easement. Staff is requesting that the Board accept these documents and authorize payment.

Mr. Boykin asked how this occurred. Mr. Bardin advised that there is no record of how or why this occurred, noting that the aerator program was not as sophisticated at its inception and, in some cases, communities had requested aerator lighting that they had installed and paid for the related electric bills.

Mr. Boykin asked about utility payments moving forward, and Mr. Bardin advised that the FPL Utility account has been transferred 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 Ms. Baker and unanimously passed accepting the General Release and Utility Easement and approving the reimbursement of \$12,000.00 to The Island Property Owners Association, Inc.

**e) UNIT OF DEVELOPMENT NO. 20 – JUNO ISLES  
Consider Purchase Order to WGI, Inc.**

Mr. Beatty explained that this is an item related to the approach methodology ranking by the Engineering Review Committee approved by the Board last month. He stated that Staff has since obtained a proposal from WGI for the design, permitting, bid and construction phase services for the rehabilitation or replacement of the existing salinity weir structure in the amount of \$170,490.00. He reported that upon review, the construction phase services element of the initial submitted proposal was found to be a bit high. Mr. Beatty explained, per Staff's request, WGI has agreed to bill those services at an hourly rate not to exceed \$53,000.00 and Staff recommends approval.

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. Cohn and unanimously passed approving Purchase Order No. 21-814 to WGI, Inc. in the amount of \$170,490.00.

**f) UNIT OF DEVELOPMENT NO. 31 – BALLENISLES COUNTRY CLUB  
Consider Third Amendment to Purchase and Sale Agreement**

Mr. Bardin explained that Northern entered into a Sale and Purchase Agreement with the BallenIsles Community Association (BICA) on September 28, 2020. The Agreement is regarding the replacement of the Guardhouse on PGA Boulevard and there have been two Amendments to this Agreement since it was originally approved. He explained that this Third Amendment addresses the discovery of a lake interconnect pipe which is located underneath the footprint of the relocated Guardhouse's new site, noting its location on an accompanying slide. Mr. Bardin reported that in order to proceed with the Guardhouse, the existing pipe will need to be grouted and a new pipe rerouted through the road drainage system for BallenIsles Drive. He explained that the cost for this project will increase the project price by \$289,248.00.

Mr. Bardin stated that Jason Bloom, the General Manager for BICA, is in attendance to address the Board.

Mr. Boykin suggested an alternative and Mr. Bardin advised that option would require a site plan approval change which could take six months to a year for approval by the City of Palm Beach Gardens.

There was further discussion with regard to the repeated issues of vehicles hitting the Guardhouse, the Guardhouse hardening and its location.

Mr. Bloom thanked the Board for the opportunity to address them regarding consideration of this Amendment and for working with BICA on this project. He explained that the Guardhouse is being moved 105 feet to the south thereby increasing stacking for cars coming into the community to avoid safety issues. He explained that other options were reviewed and they were determined to be cost and/or time prohibitive. He further explained that BICA wishes to keep ingress and egress in and out of the community open for as long as possible during this project which is why they wish to keep the existing Guardhouse in place while the new one is being built.

Mr. Block stated that he believes that this project has increasingly become more costly and asked if the homeowners are supporting this project given that the costs have increased dramatically.

Mr. Bloom advised that the Board of Directors addresses this project every month in an open forum and the community members are well aware of it. He explained that he updates the community on a regular basis as well. He believes that the majority of homeowners are in favor of the project as it is a one-time project that he expects to last for another 30 or 40 years and it is very impactful for the premier entrance of their community.

Mr. Block thanked him for his response.

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. Cohn and unanimously passed approving the Third Amendment to the Sale and Purchase Agreement, as presented.

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

Mr. Beatty gave a status report of this project, initially displaying the Unit map and site plan, followed by aerial photos of Pod G of the Arden development. He reported that underground utilities are being installed as well as other earthwork, roadway subbase and preparation for future lot construction. He noted that sales are going extremely well and Northern is pleased with the performance of its contractor, Centerline Utilities, Inc.

Mr. Bardin asked if this is the first parcel within the third phase of the development and Mr. Beatty responded affirmatively.

Ms. Baker asked if the community has been adversely affected by the sugar burn which commences at October 1<sup>st</sup> of each year.

Mr. Beatty advised that he has not had heard of any issues associated with the activity.



Mr. Bardin advised that there is an easterly prevailing wind which he believes moves any smoke away from the area.

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

**h) GENERAL**

**Consider Designation of Piper Sandler & Co. as Placement Agent for Multi-Unit Refunding Loan**

Ms. Roundtree stated that Northern was approached by Nate Eckloff of Piper Sandler several months back with regard to the refunding of some outstanding bonds for Unit of Development Nos. 2A, 16, 27B and 44 (Tax-Exempt). She explained that two options were discussed, a taxable bond refunding or a bank loan, noting that while both had substantial present value savings, a bank loan appears to have the greater savings. She reported that Staff would like to have Piper Sandler act as Northern's placement agent to send out a Request for Proposals (RFP) to the banks for either a convertible loan or a forward delivery loan and she briefly explained both of those options.

Ms. Roundtree stated that Staff is requesting Board approval appointing Piper Sandler & Co. as Placement Agent and authorizing the issuance of an RFP to banks in order to accomplish the refunding. She reported that Staff anticipates a net present value savings of approximately 12.2% to 15% which far exceeds Northern's 3% minimum requirement.

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. Cohn and unanimously passed appointing Piper Sandler & Co. as Placement Agent for a multi-unit refunding loan for Unit of Development Nos. 2A, 16, 27B and 44 (Tax-Exempt) and authorizing the issuance of an RFP to banks in order to accomplish the refunding.

## 8) MISCELLANEOUS REPORTS

### a) ENGINEER

Mr. Lawson had nothing to report.

### b) ATTORNEY

Mr. Edwards had nothing to report.

### c) EXECUTIVE DIRECTOR

Mr. Bardin highlighted an email in the Receive and File portion of the Board materials with regard to Staff's swift response during a fish kill incident.

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

## 9) COMMITTEE REPORTS

### a) PERSONNEL COMMITTEE

#### Consider Committee Recommendation

Mr. Boykin reported that the Committee met on September 15, 2021, and has made a recommendation to accept Mr. Bardin's retirement date as of November 12, 2021. He thanked Mr. Bardin for all of his hard work and years of service.

Mr. Boykin then reported that the Committee recommends approval of the Employment Agreement with Mr. Beatty which will take effect on November 13, 2021, and he welcomed Mr. Beatty to his new position with Northern.

Ms. Baker thanked Mr. Bardin for his help through her first year with the Board.

Mr. Salee acknowledged the leadership of both Mr. Bardin and Mr. Beatty over the years and thanked them both.

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. Cohn and unanimously passed accepting the Personnel Committee's recommendation, as presented.

Mr. Boykin then asked the Board for a motion to approve the Personnel Committee minutes of September 15, 2021.

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Personnel Committee minutes of September 15, 2021.

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

The following items were presented to be received and filed:

- Grant Submittal Letter from RMPK Funding (09-01-21);
- U11 Fish Kill Email (09-04-21);
- 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**

Ms. Baker asked if Northern will be involved with the potential new owners of the Palm Beach International Raceway.

Mr. Bardin advised that Northern has been involved with different owners of the property over the years. He gave a brief history of the most recent interaction with the current owners, noting that it is currently an inactive Unit of Development.

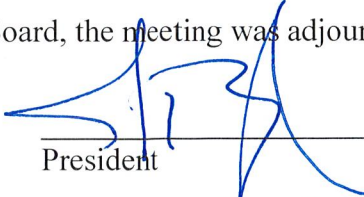
Mr. Edwards explained that there was an article in the newspaper with regard to a potential purchase of the property by a company that develops warehouses.

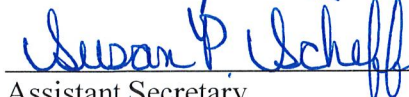
There was a general discussion with regard to the potential sale of the property.

Mr. Beatty expressed his thanks to the Board for the opportunity to serve as Executive Director.

**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