

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 07/22/20**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:00 a.m. on July 22, 2020 via Zoom teleconference.

1) ROLL CALL

There were present (via online teleconference) Board President Matthew J. Boykin and Supervisors L. Marc Cohn, Adrian M. Salee, John P. Cohen, 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 (via online teleconference) were Deputy Director Dan Beatty; Finance Director Katie Roundtree; Executive Assistant Susan Scheff; Director of Operations Ken Roundtree; Permit and Contract Specialist Mila Acosta; Jonathan Ricketts of J.T.R., Inc.; Mark Rickards and Josh Horning of Kimley-Horn; Ari Fixler and Ellen Baker (Board Supervisor Candidate).

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

4) APPROVAL OF MINUTES

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the June 24, 2020 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.

Mr. Bardin informed the Board that Mr. Fixler was on the line and wished to address the Board.

Mr. Boykin asked Mr. Edwards about the time allowed for public comment, and Mr. Edwards advised that three minutes are allotted per individual for public comment, but that time allowance may be extended for up to ten minutes.

Mr. Fixler stated that he is asking the Board for some direction with regard to a public Holocaust Memorial project that he has proposed for Unit No. 11, PGA National. He explained that he is working with an accredited Holocaust organization that has done memorials around the world, and they have identified Palm Beach as having one of the largest surviving Holocaust populations in America. He believes it is important to pay homage to that as well as address the rise in hate crimes through education.

Mr. Fixler reported that they have canvassed Palm Beach Gardens in general and are working with the City Council of Palm Beach Gardens. He has determined that the City of Palm Beach Gardens (City) does not have property that would be visible near the right-of-ways or visible to the everyday traveler, so he looked to property available to Northern. He determined that the roundabout on Avenue of the Champions in PGA National would be a strategic location because it is near property that could be leased, it is visible, and it is a safe, prominent place. He stated that he has spoken with one City Councilmember who stated that they had spoken with the City Manager who said it was a good idea.

Mr. Fixler then explained that he brought this to Mr. Bardin who suggested that Mr. Fixler work with the PGA Property Owners Association (POA) to get approval for that location. He stated that he does not believe the POA has been forthcoming with Northern about its own intent for the property and how it is interpreting the property deed. He explained that the POA had deeded that property to Northern and that the property deed allows for public use. He is unaware of any POA bylaws that prohibit that particular

location to be used for public use. He would like Northern to allow the roundabout to be used for his proposed Holocaust Memorial. He concluded by quoting a portion of Chapter 190, Florida Statutes, with regard to the creation of parks for educational cultural use, as well as a recent Supreme Court ruling regarding memorials.

Mr. Fixler stated that he would like clarification on how to pursue this, since he believes the POA is not making an allowance for his request, and he is asking that the Board and the City figure out how to move forward on his proposal.

Mr. Salee informed the Board that he has two DVDs regarding the Paper Clips project which features a freight car from the era being discussed.

Mr. Cohen asked Mr. Fixler which accredited Holocaust organization is he working with; what is his relationship with them; and is this project already funded?

Mr. Fixler replied that he is working with the Amud Aish organization and he gave some brief background. He stated that he is their point person for Florida, noting that they want a presence here for a memorial and are interested in leasing space nearby for a virtual museum.

Mr. Cohen asked for clarification of his position with the organization, and Mr. Fixler stated that he is officially working for them. Mr. Cohen then asked again about the funding of the project. Mr. Fixler stated that he is interested in privately investing, and he said that the County officials that he has spoken with would be on board with using some of their cultural budget. He also mentioned that the Amud Aish Museum would be able to give partial funding and he would be seeking other sources of local funding. He concluded by noting that funding from the County, the museum and his personal funding would be enough to get the project up and running.

Mr. Cohen asked about the anticipated cost of the project, and Mr. Fixler stated it would be close to six figures since the project involves bringing in a freight car/wagon from Poland.

Mr. Cohn explained that, since Northern works with so many communities and local jurisdictions throughout northern Palm Beach County, it is his belief that it is necessary for Northern to get the concurrence of any local jurisdiction involved in such a project. In this case, he would want to have the concurrence of the City and the POA before granting approval to this project. He further believes that to override the obtaining of approval from a local jurisdiction sets a bad precedent. Mr. Cohn suggested that Mr. Fixler bring this back to the Board once he has received complete concurrence from the City and the POA. He noted that, if there is another location that does not need the approval of another local jurisdiction, he would then be in favor of approval.

Mr. Salee suggested the Board view the relevant videos prior to making a decision.

Mr. Cohn explained that he has visited Holocaust sites, noting that he understands the significance of the project and is not opposed to it. He reiterated that he does not want to override local jurisdictions where Northern has an interest.

Mr. Bardin stated that there is no need for the Board to make a decision at this time, since Northern has received nothing more substantial than Mr. Fixler's verbal presentation. He explained that typically a permit application would be submitted for technical review.

A general discussion followed with regard to Northern's need to have the agreement of the City and the POA before moving forward, as well as a permit application along with the required documents for review.

Mr. Fixler noted that he had not submitted an application, but he had sent a diagram of the measurements of what he is proposing. He expressed an interest in working with the POA, but he reiterated his belief that the POA has not been forthcoming. He stated he spoke with two people from Northern, including Mr. Bardin, who were completely unaware that the POA is planning a beautification project in that area, and Mr. Fixler believes the POA is prohibited from doing so by the deed. He stated

that the POA has not told Northern what their intent is, and he feels everyone can work together to make sure all needs are met.

A discussion followed with regard to the property in question.

Mr. Boykin stated that it appears thus far that the Board has nothing against the proposed project, but he agreed that Northern would require concurrence with the POA and the City. He also noted that Northern would also consider any plans that the POA may have and there is a possibility that Mr. Fixler might have to find another location if an agreement could not be reached.

Mr. Block thanked Mr. Boykin for his summary and Mr. Fixler for his presentation. He added that Northern's permit application process is in place for a reason and any discussion of the POA's position is speculation at this point.

There was a further discussion regarding the permit application process, and it was suggested that Mr. Fixler attempt to secure approval from the POA and the City before moving forward.

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) Unit No. 2C – Alton
Consider Bills of Sale (3)
- b) Unit No. 20 – Juno Isles
Consider Authorization to Record Permit No. PER-20-053 – Densen
- c) Unit No. 34 – Hidden Key
Consider Release of Easement
- d) Unit No. 45 – Paseos
Consider Purchase Order to Flying Scot, Inc.

- e) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

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

Mr. Beatty gave a status report of this project, initially displaying the unit map and site plan, followed by aerial photos of the park site, the preserve work in Artistry as well as some of future phases that will be undertaken in this area. Mr. Beatty reported that the park is 100% complete, with the exception of some punch list items. He also noted that the perimeter preserve buffer work is also complete, again with the exception of some minor punch list items.

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

b) UNIT OF DEVELOPMENT NO. 5A – VISTA CENTER Consider Exchange Agreement

Mr. Beatty stated that this item is for Board consideration of an Exchange Agreement as well as a Quit Claim Deed and Release of Easement that accompany the Exchange Agreement. He showed a slide of the location of Parcel 6 within Vista Center and another slide of the lake to be relocated. He explained that the Exchange Agreement allows the developer to fill in Northern's lake and then rededicate new lakes to Northern, noting that the Quit Claim Deed and Release of Easement involve the real property exchange as well as the easements for related piping and drainage facilities.

Mr. Edwards explained the Developer's request and purpose of the Exchange Agreement in more detail. He further explained that the executed Quit Claim Deed and Release of Easement documents will be held in escrow until such time as Northern has signed a replat which dedicates the new property interests to Northern. He stated that this is similar to what Northern has done in other units and he recommends approval of the Exchange Agreement and the related Quit Claim Deed and the Release of Easement.

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 Exchange Agreement and related Quit Claim Deed and Release of Easement, as presented.

c) UNIT OF DEVELOPMENT NO. 53 – ARDEN

i) Status Report

Mr. Beatty gave a status report of this project, initially displaying the unit map and site map of the Pods, followed by aerial photos of the entire project area, including some of the areas that have yet to be developed. He also showed some photos of the western perimeter buffer and the extension of the Linear Park.

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

ii) Consider Funding Agreement

Mr. Bardin stated that at last month's meeting, Staff brought an item to the Board regarding the Developer's request to amend the Plan of Improvements and Report of Engineer to reflect a change in zoning that the Developer is seeking for several of the parcels in Arden. He explained that the Board authorized Staff to proceed with the amendments, subject to the Developer's payment of costs incurred and prepayment of the estimated costs to be incurred. This Funding Agreement requires the Developer to pay a deposit of \$35,000 which amounts to the estimated costs, plus 25% in order to fund the requested activity.

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 Funding Agreement, as presented.

d) MULTI-UNIT

Consider Sole Source Designation Resolution for Otterbine Barebo, Inc. (2020-08)

Mr. Beatty stated that Otterbine Barebo (Otterbine) is Northern's aerator manufacturer and supplier. He reported that Northern has nearly 500 aerators in place, all of which were manufactured by Otterbine. He explained that, in 2005, Northern's Board designated Otterbine as its sole source provider for aerators, but there was some confusion with the Engineering Review Committee minutes indicating the aerator maintenance contractor was recommended, not the manufacturer. Mr. Beatty reported that the Board, however, correctly designated Otterbine as the sole source provider for aerators and this Resolution codifies that action.

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 Sole Source Designation Resolution No. 2020-08.

8) MISCELLANEOUS REPORTS

a) ENGINEER

Mr. Lawson had nothing to report.

b) ATTORNEY

Mr. Edwards had nothing to report.

c) EXECUTIVE DIRECTOR

Mr. Bardin stated that the Public and Community Relations Report is included in the Board materials for review.

Mr. Bardin also wanted to address a comment previously made by Mr. Fixler who stated that Northern was unaware of a project that the POA had planned for the subject location at the Avenue of the Champions. Mr. Bardin stated that Northern is aware that the PGA POA Board has been considering a landscape project in that area for at least a year as well as a potential Art in Public Places project associated

with the PGA National Resort. He is not sure where the City stands on the Art in Public Places project, but he wanted to confirm that the POA does regularly coordinate and discuss these matters with Northern Staff.

9) RECEIVE AND FILE

The following items were presented to be received and filed:

- Assessment Collection Status as of July 8, 2020;
- Northern Quarterly Financial Report; and
- Proof of Publication of Meeting Notices

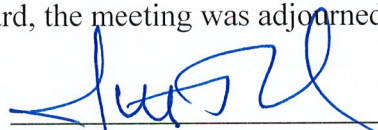
copies of which are contained in Northern's records.

10) COMMENTS FROM THE BOARD


Mr. Salee reiterated his offer to lend the DVDs related to the Paper Clips project. He stated that he would drop them off to Northern in case anyone is interested in viewing them.

11) ADJOURN

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



President



Assistant Secretary