

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 06/26/19**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:05 a.m. on June 26, 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; Project Manager/Construction Coordinator Tim Helms; Programs Administrator Jared Kneiss; Permit and Contract Specialist Mila Acosta; Lara Donlon of Torcivia, Donlon, et al.; Joni Brinkman of Urban Design Kilday Studios; Cliff Hertz of Nelson, Mullins, et al.; Mike Smolak of Schickedanz; Greg Fagan of Fagan Engineering, and Andrew Bender of Eastpointe Country Club (Unit No. 14).

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 there is one addition to the agenda, noting that Staff would like the Board to consider a Unit No. 16 item - Consider Landowner Request for Consent to Final Site Plan Approval, which Mr. Edwards would address further.

Mr. Edwards stated that this item arrived after the agenda had been posted as required by Florida Statutes. He explained that the Board is being asked to add it to the agenda, since the Landowner has certain deadlines that they are required to meet for County approval and Northern Staff and Consultants believe that it is a reasonable explanation to add this item to the agenda. He then passed out a copy of the Consent form, explaining that it is very similar to one the Board recently approved for Unit No. 14 and noting that the item will be added under the appropriate section of the agenda upon Board approval.

There was a consensus by the Board to add this item to the agenda.

4. APPROVAL OF MINUTES

A **motion** was made by Mr. Salee, seconded by Mr. Cohen and unanimously passed approving the Minutes of the May 15, 2019 Personnel Committee Meeting, the May 16, 2019 Legal Committee Meeting, and the May 22, 2019 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. Beatty, as Deputy Director of Northern, addressed the Board at this time to report that he recently attended the Florida Association of Special Districts (FASD) Annual Conference and had the honor of presenting the Gale English Lifetime Achievement Award. He reviewed the standards upon which the award is based and showed it to the Board, announcing that this year's recipient is O'Neal Bardin.

6. CONSENT AGENDA

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

- Unit No. 9A/9B Abacoa I and II
Consider Renewal of Annual Service Contract and Change Order No. 1
Tree Huggers Landscaping & Nursery, LLC

- Unit No. 18 Ibis Golf & Country Club
 Consider Renewal of Annual Service Contract and Change Order No. 9
 Aquatic Vegetation Control, Inc.
 Consider Authorization to Record Permit No. PER-18-193 – Kovarik

- Unit No. 53 Arden
 Consider Authorization to Close Trust Account
 Consider Purchase Order to Michael B. Schorah & Associates, Inc.

- Multi-Unit
 Consider Renewal of Annual Service Contract and Change Order No. 7
 Aquatic Vegetation Control, Inc.
 Consider Renewal of Annual Service Contract and Change Order No. 7
 Clarke Aquatic Services
 Consider Renewal of Annual Service Contract and Change Order No. 9
 Future Horizons, Inc.
 Consider Renewal of Annual Service Contract and Change Order No. 1
 Solitude Lake Management, LLC
 Consider Renewal of Annual Service Contract and Change Order No. 1
 Tree Huggers Landscaping & Nursery, LLC

- General
 Consider Renewal of Annual Service Contracts

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

- Unit No. 2C Alton
 J.W. Cheatham, LLC – Alton Road Ext./Beckman Terrace (CO No. 9)
 J.W. Cheatham, LLC – Alton Road Ext./Off-Site Utility (CO Nos. 14, 15 & 16)
 J.W. Cheatham, LLC – Parcel G, Buffer Wall (CO No. 5)

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

Approved Disbursements from June 26, 2019 Board Meeting

	COI/ BOND	EIPC	NOTE PROCEEDS	LANDOWNER FUNDS	TOTAL
Unit No. 2C – Alton	1,756,682.31			146,375.92	1,903,058.23
Unit No. 3 – Horseshoe Acres/Square Lake		27,000.00			27,000.00
Unit No. 5B – Baywinds		24,281.25			24,281.25
Unit No. 18 – Ibis Golf & Country Club		10,514.50			10,514.50
Unit NO. 31 – Ballensles Country Club		181,473.97			181,473.97
Unit No. 53 – Arden	986,177.35				986,177.35
	2,742,859.66	243,269.72		146,375.92	3,132,505.30

copies of which are contained in applicable Northern files.

7. UNIT OF DEVELOPMENT NO. 2C – ALTON

- **Status Report**

Mr. Beatty gave a status report of this project, initially displaying the site plan of the Planned Unit of Development, followed by aerial photos. Some of the photos included views of Parcel E, Hood Road, and the Parcel G Amenities Center, improvements and home construction. Mr. Beatty reported that Northern’s improvements in Parcel E are almost complete, and that Hood Road should soon be open in both directions for traffic. He also noted that he has been advised that the sale of new homes is going well, and Staff is very pleased with its contractors’ progress.

Mr. Cohn then informed the Board that Hood Road is not completed, but it is now open for traffic in both directions.

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

8. UNIT OF DEVELOPMENT NO. 14 – EASTPOINTE

- **Consider Exchange Agreement**

Mr. Bardin explained that Staff has been working with Eastpointe Country Club (ECC) on this project and he briefly reviewed the history of this item. He stated that an Exchange Agreement has been worked on for some time now, and Mr. Edwards will present the Agreement.

Mr. Edwards also reviewed some of the history behind this Agreement and explained its purpose. He reported that the Agreement is between three parties: Northern, the ECC and a Buyer. He briefly explained the entire process of the exchange that includes the conveyance of real property by Northern, the installation by others and conveyance to Northern of underground stormwater drainage culverts, lake expansions and the receipt of relevant real property interests, plus touched upon other related documents that will be considered by the Board in the future. Mr. Edwards stated that Staff believes that this exchange process will be beneficial to Northern and all parties involved.

Mr. Cohn asked who will be responsible for expanding the lakes, and Mr. Edwards advised that the ECC will be responsible for that activity. Mr. Bardin also added that these activities will be permitted and inspected by Northern.

Mr. Cohn asked if the ECC has agreed to this activity. Mr. Edwards pointed out that representatives of both the ECC and the Buyer were in attendance, and they indicated their agreement.

Mr. Block noted his appreciation that the Agreement includes an offset for storage and surface water as well as habitat relocation.

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 Exchange Agreement, as presented.

Mr. Block then stated that this Landowner request was dealt with differently than the precedent set for past land purchase requests. He suggested that the Legal Committee meet to come up with a policy for these types of requests.

Mr. Cohen stated that he believes Northern already has, by its prior actions, set a policy for situations where an individual requests to purchase property. He further stated that, in this case, the

exchange is allowing for an expansion of the tax base and the whole community benefits, so the situation is completely different.

Mr. Boykin asked that the Legal Committee meet to consider whether it makes sense to establish a policy with regard to property purchase/exchange requests.

9. UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE

- **Consider Landowner Request for Conveyance of Right-of-Way**
- **Consider Landowner Request for Consent to Final Site Plan Approval**

Mr. Bardin explained that there is a parcel within this Unit which was identified by plat as a future right-of-way for Donald Ross Road. He stated that the Landowner now wishes to combine two pieces of property in order to obtain Palm Beach County’s final site plan approval of the combined parcels. He then introduced Joni Brinkman, the Landowner’s representative, to address the Board to further explain this item. Mr. Bardin also noted that, if the Board approves the request, Mr. Edwards will explain how Northern should proceed.

Joni Brinkman of Urban Design Kilday Studios addressed the Board. She stated that the Park of Commerce is now marketing to larger users. She explained that in order to meet a Palm Beach County 100’ road frontage requirement, the Landowner requests that Northern abandon the right-of-way and convey this parcel to them. She further explained that they wish to present this to the County on July 8, 2019, which created the scheduling issue with Northern’s agenda since the County’s approval process generally takes approximately three months.

Ms. Brinkman noted that the Consent is similar to the one that the Board previously approved for the Unit No. 14 Eastpointe project. She stated that if the Board has any concerns, she can make assurances that steps will be taken to make sure that the site plan is not approved prior to the conveyance taking place.

Mr. Boykin asked if Northern needs this land, and Mr. Bardin advised that he does not believe it will be needed as it is unlikely that Donald Ross Road will be extended as far as originally intended. He

stated that if the Board wishes to pursue this, the District Engineer would need to determine whether or not the property could be declared surplus, and Staff recommends moving forward.

Mr. Edwards explained that the Board is being asked to approve the concept in order to begin the process of property conveyance.

Cliff Hertz joined Ms. Brinkman at the podium and explained that they are also asking for approval of the Consent document that was added to the agenda to meet the July 8 deadline for submittal to the County. He confirmed that if the Board ultimately does not go through with approving the conveyance, they would withdraw the Consent for Site Plan Approval.

Mr. Edwards explained some of his initial concern of granting approval prior to the actual conveyance of the property, but Ms. Brinkman and Mr. Hertz confirmed that they would not let the Site Plan Approval take place if the property is ultimately not conveyed to them.

Mr. Salee noted that this is the second time in a row that this type of request has come up where Northern is being asked to offer its consent before all the action involving Northern's approvals has concluded. He believes a policy should be in place for these types of requests.

As discussed previously, Mr. Boykin suggested the Legal Committee meet to determine whether various land use policies should be developed.

Mr. Boykin asked about the motions needed for this item, and Mr. Edwards advised that the first motion would be to approve moving forward with the process of declaring the property surplus and the second would be to approve the Consent Form with Northern's modifications.

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 Landowner's Request and authorizing Staff to move forward with the process for declaring the subject property surplus.

A **motion** was made by Mr. Salee, seconded by Mr. Cohen and unanimously passed approving the modified Consent Form, as presented.

10. UNIT OF DEVELOPMENT NO. 18 – IBIS GOLF & COUNTRY CLUB

- **Consider Ratification of Payment Request to Ciklin Lubitz, et al.**

Prior to consideration of the Payment Request to Ciklin Lubitz, et al., Mr. Boykin recused himself from the vote, having previously filled out a Form 8B on matters involving this law firm.

This item is a payment request in the amount of \$2,134.60 to Ciklin Lubitz for Unit No. 18 litigation services.

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

A **motion** was made by Mr. Salee, seconded by Mr. Cohen and passed by the voting members ratifying a payment request in the amount of \$2,134.60 to Ciklin Lubitz, et al.

11. UNIT OF DEVELOPMENT NO. 53 – ARDEN

- **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, Pod F West, an overview photo of the entire community and a final photo of the traffic signal at Southern Boulevard which is now operational.

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

- **Consider Special Warranty Deed**

Mr. Bardin reported that this is essentially an administrative cleanup item. He explained that there is a linear park parcel around the perimeter of two sides of this Unit and noted the Plan of Improvements requires that Northern obtain title to this property. The platted portion of this park, Tract B, has been dedicated to Northern for this purpose and Northern's acceptance of this Special Warranty Deed will complete the 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. Cohen and unanimously passed approving the Special Warranty Deed.

- **Consider Partial Release of Easement**

Mr. Bardin explained that this is the item that drove the need for the previous Special Warranty Deed. He stated that the Developer has asked that Northern release its Blanket Water Management Easement as to certain previously platted real property. This Easement was initially required to allow Northern's access to the site and construction of Water Management Plan Improvements prior to Northern title to the property. He explained that now that title has been provided, Staff is asking that the Board approve this Partial Release of Easement as to the real property described in the Partial Release.

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 Partial Release of Easement, as presented.

12. GENERAL

- **Presentation of Proposed Fiscal Year 2019-2020 Annual Budget and Consideration of TRIM Resolution (2019-03)**

Ms. Roundtree explained that the Proposed Budget for Fiscal Year 2019-2020 was previously presented to the Board. She further explained that as the next step in the budget process, Staff has received and reviewed the 2019 tax roll provided by the Property Appraiser's Office. She reported that there were several Units that had changes less than 5% or \$5.00 and those Units are shown in the Board materials. Ms. Roundtree stated there were only two Units that were affected a bit more than that and she explained the reasons for each.

Ms. Roundtree stated that the Assessment Rates for TRIM and the accompanying Resolution No. 2019-03, which approves the rates for submittal to the Property Appraiser and allows for changes to the

budget if necessary, are included in the Board's materials. She also briefly reviewed the next steps in the budget approval process.

Mr. Edwards stated that Resolution No. 2019-03 is the standard Resolution that is presented to the Board each year for TRIM and he briefly reviewed its content and authorizations.

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 Resolution No. 2019-03.

- **Consider Fifteenth Amendment to Employment Agreement**

Mr. Bardin stated that the Fifteenth Amendment to his Employment Agreement is in the Board materials and it includes a 3% annual increase and a 5% bonus.

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 Fifteenth Amendment to Employment Agreement, as presented.

The Board noted that it is well deserved and offered its thanks and congratulations.

13. MISCELLANEOUS REPORTS

A) ENGINEER

- Mr. Lawson had nothing to report.

B) ATTORNEY

- Mr. Edwards reported that two bills have passed that affect special districts and other local governments. He stated that the first bill is Chapter 2019-15 and goes into effect on July 1, 2019. He explained that it has to do with governmental oversight, accountability and affects Northern with regard to its Audit Selection Committee. This Committee will now be required to be comprised of three members, at least one of whom must be a Board member and it cannot include members of Northern Staff.

Mr. Edwards stated that the second bill has to do with the filing of Form 1. First, he reminded the Board that this year's Form 1 is due by July 1, 2019. He then explained that the new bill converts the required process for preparing and submitting the Form 1 from physical form and delivery to one done solely by electronic means, however it will not apply to special districts until 2023. He stated that there are additional requirements and briefly reviewed them.

- Mr. Edwards also reported that Northern has been involved in litigation in Unit No. 11 for a while and explained that this case is nearing trial. He then briefly reviewed the nature of the lawsuit and Northern's insurance company's provision of defense counsel.

C) EXECUTIVE DIRECTOR

- Mr. Bardin noted the Community Information Report is included in the Board materials for review.
- Mr. Bardin also noted that Mr. Beatty previously mentioned FASD, and he wanted to inform the Board that Mr. Beatty is currently the Treasurer of FASD and Tanya Quickel, a former Northern employee, currently serves as President.

14. RECEIVE AND FILE

The following items were presented to be received and filed:

- Assessment Collection Status as of June 18, 2019;
- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

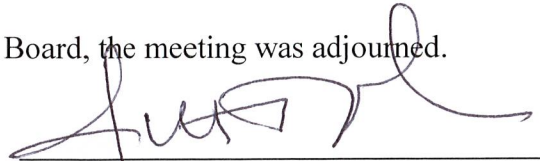
copies of which are contained in Northern's records.

15. COMMENTS FROM THE BOARD

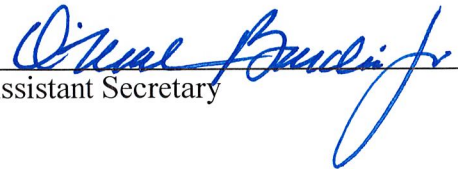
There were no comments from the Board.

16. ADJOURN

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



President



Assistant Secretary