

**MINUTES OF A BOARD OF SUPERVISORS MEETING  
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 01/29/20**

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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 January 29, 2020 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 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 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.

**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 no additions or deletions to the Agenda were necessary.

**4) APPROVAL OF MINUTES**

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the Minutes of the December 11, 2019 Technology Committee Meeting, the December 18, 2019 Public Hearing and the December 18, 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 to which there was no response.

**6) CONSENT AGENDA**

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

- a) Unit No. 2C – Alton  
Consider Change Order to All-Site Construction, Inc. – Alton Park Project (CO No. 1)
- b) Unit No. 11 – PGA National  
Consider Purchase Order to Grand Slam Concrete and Curbing
- c) Unit No. 21 – Old Marsh  
Consider Authorization to Record Permit No. PER-21-069 – Trout
- d) Unit No. 53 - Arden  
Consider Change Order to Centerline Utilities, Inc. – Parcels K and E-South (CO No. 7)
- e) 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. Lawson gave a verbal status report of this project. He reported that construction is starting to wind down, but there are a few ongoing projects including the perimeter buffer planting around Parcel G, known as Artistry. He noted that there will be a change order submitted at a future meeting to address some drainage issues discovered during heavy rains. He also noted that the park project is ongoing with equipment being installed. Mr. Lawson then reported that he is working on a bid to install the final pavers and the final lift of asphalt on all of the roads that Northern maintains north of

Grandiflora. He has also been continuing to work with the Florida Department of Transportation on the replacement of the fence along I-95 adjacent to the buffer wall.

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

**b) UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE  
Consider Release of Easement**

Mr. Lawson explained that this is a 12-foot drainage easement that was accepted by Northern in 1989, in the area of Plat 1, Parcel 2. He stated that Northern no longer needs the rights and authorities granted by the easement, so it would be proper for the Board to authorize release of the easement at this time.

Mr. Boykin asked if there would be a future need, and Mr. Lawson advised that there would be no future need.

Mr. Edwards added that the recording of this document is dependent upon a plat that must convey certain additional easements to Northern. He believes that the plat is in the process of being submitted for execution by Northern and the Release of Easement will be held until the plat is so executed.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the Release of Easement, as presented and conditioned.

**c) UNIT OF DEVELOPMENT NO. 31 – BALLENISLES COUNTRY CLUB  
Consider Purchase Order to Arcadis**

Mr. Bardin explained that it is nearly time to begin Phase II of the roadway resurfacing project which involves the overlay of BallenIsles Drive, noting that this project must be done in the summer. He stated that Arcadis has submitted a proposal for Bid and Construction Administration Services in the amount of \$49,400.00 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. Cohn, seconded by Mr. Block and unanimously passed approving Purchase Order No. 20-182 to Arcadis in the amount of \$49,400.00.

**d) UNIT OF DEVELOPMENT NO. 34 – HIDDEN KEY  
Consider Temporary License Agreement and Sidewalk Easement**

Mr. Bardin explained that there is a sidewalk in the Unit that needs to be relocated around a tree. He stated that the Temporary License Agreement will allow the construction area to be prepped and the Sidewalk Easement will allow Northern to construct and operate the sidewalk within the easement area.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the Temporary License Agreement and Sidewalk Easement.

**e) UNIT OF DEVELOPMENT NO. 53 – ARDEN**

**i) Status Report**

Mr. Lawson gave a verbal status report of this project, noting that construction is ongoing in Pods K and E. He explained that one is a townhouse project and the other a single family home project. He further explained that the Pods J and F single family home projects are underway, and construction of Pods C-South, C-North and F-West is nearly complete. He stated that a Request for Bids for the Linear Park Phase II improvement project was published last Sunday, and the Award of Contract for that project will be presented to the Board at a future meeting.

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

**ii) Consider Flowage Easement**

Mr. Lawson explained that this item came to light when Northern was looking at the documents for the Linear Park Phase II project. He reported that the Park is in Tract B of the C-North Plat which contains a berm that drains towards the Alton community. He noted that Mr. Edwards will be discussing this plat in more detail later.

Mr. Lawson stated that this easement encumbers a 15-foot wide open space tract, owned by Highland Dunes Associates Property, LLC, which separates the Linear Park from residential parcels. He explained that Mr. Edwards drafted the easement which is necessary to provide Northern sufficient flowage rights through the easement area. He further explained that the matter was complicated by the fact that the easement property has a mortgage, so Northern also requested and received the necessary Mortgagee's Consent and Subordination from Lennar Homes.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed accepting the Flowage Easement, as presented.

## **8) COMMITTEE REPORTS**

### **a) LEGAL COMMITTEE**

#### **i) Consider Legal Committee Recommendations (including Resolution No. 2020-01)**

Mr. Bardin reported that the Legal Committee met on December 18, 2019, noting that the first item for consideration was designating MWI Corporation (MWI) as the sole source provider for Northern's stormwater pumps. He stated that the Legal Committee recommends that the Board adopt Resolution No. 2020-01 which will complete the sole source designation process.

Mr. Block asked Mr. Bardin to briefly state the benefits of having a sole source provider in this instance.

Mr. Bardin explained that historically all of Northern's stormwater pumps have been purchased from MWI. He further explained that the pumps are designed and constructed specifically for each of Northern's pump stations within its Units of Development. In order to maintain continuity and technological consistency between all of these pump stations, Staff is requesting that MWI be designated the sole source for these pumps.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving Resolution No. 2020-01 establishing MWI Corporation as Northern's sole source pump manufacturer.

Mr. Edwards stated that there were two additional items addressed by the Legal Committee that had recommendations for possible Board consideration. He explained that the next item for discussion had originally been brought up at a prior Board Meeting and dealt with the provision of Northern's generators to other entities for use in the event of an emergency situation. He further explained that Mr. Bardin and other Northern Staff have talked with others regarding agreements that are currently in place and met with other local governments to discuss how they use their resources.

Mr. Edwards explained that one aspect of the initial request was made in reference to Northern loaning its generators to foreign countries after Hurricane Dorian affected the Bahamas. He reported that after doing some research, he does not believe that Northern has the legal authorization or authority to directly loan equipment to a foreign government as that appears to be a federal government jurisdictional matter. He noted that in his review, he found that Northern does have the ability to enter into agreements with American not-for-profits that could use the equipment for the benefit of a foreign government, but he found no evidence or legal precedent that any other government in Florida has done this in the past. There was discussion at the Committee meeting and a recommendation made that the Board consider seeking an Attorney General's Opinion (AGO), but that effort would likely cost a significant amount of money since there were no readily available precedents for such an activity. Mr. Edwards also stated that, in his opinion, it is likely that Northern would not receive an AGO supporting Northern's legal authority to enter into agreements for such a purpose. Although the Board did not take official action on this recommendation, the general consensus from the Board's comments and lack of a motion on the recommendation appeared to be that while it is a commendable proposal, it was not one that they wished

to proceed with at this time.

Mr. Edwards then explained that the next item discussed by the Committee dealt with an issue regarding the copyrighting of Northern's governmental seal. He explained that he initially brought this issue to the Committee because there had been significant discussion among local government attorneys as to whether or not their governmental clients should copyright their governmental seals. He reported that, after researching the issue further, he has determined that there does not appear to be sufficient justification for such action. First, if someone did try to use a governmental seal without authorization, it would be a criminal issue. Second, there is a statute that appears to prohibit counties and cities from copyrighting their seals, and it is likely that special districts would also be prohibited from this action as well.

Mr. Edwards stated that the Committee recommended that the issue be submitted to the Florida Association of Special Districts to determine if the Association wanted to pursue the issue and go through the legislative process of changing Florida general law to allow such copyrights.

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

**b) Consider Approval of December 18, 2019 Minutes**

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the Legal Committee minutes of December 18, 2019. Subsequently it was discovered that a hard copy of these minutes were inadvertently omitted from the Board package, so in rectification Mr. Edwards has recommended that they be included on the February 26, 2020 Consent Agenda for reaffirmation.

**9) MISCELLANEOUS REPORTS**

**a) ENGINEER**

Mr. Lawson had nothing to report.

**b) ATTORNEY**

Mr. Edwards reported that there was an issue with the plat that Mr. Lawson previously mentioned during discussion of the Unit 53 Flowage Easement item. He explained that the Unit No. 53 Pod C-North plat had already been signed and circulated before it was discovered that Tract B, which was dedicated on that plat to Northern, was inadvertently omitted from Northern's acceptance clause in the plat. The problem is that, when this was discovered, the plat had been signed by almost all of its required signatories. As a result, the final signatory, Palm Beach County, will not sign the plat because Northern has not accepted the dedication of Tract B. In addition, Mr. Edwards reported that the dedication did not contain the required dedication in fee simple absolute, so a separate Special Warranty Deed will also be required. He reported that to address the issue and avoid having to recirculate a corrected plat for another round of execution, the County and parties agreed that Northern's acceptance of Tract B and its maintenance could be accomplished by interlineation of the corrective wording into Northern's already signed acceptance provision.

Mr. Edwards stated that in anticipation of a potential request from the County, Staff is requesting Board approval of the correction to the Unit No. 53 Pod C-North plat by such interlineation.

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the correction, as presented, to the Unit No. 53 Pod C-North plat that was accomplished by interlineation.

**c) EXECUTIVE DIRECTOR**

The Community Information Report is included in the Board materials for review, and Mr. Bardin had nothing further to report.

**10) RECEIVE AND FILE**

The following items were presented to be received and filed:



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

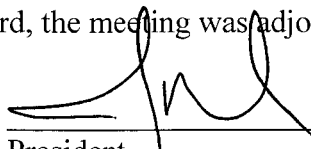
copies of which are contained in Northern's records.

**11) COMMENTS FROM THE BOARD**

There were no comments from the Board.

**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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Secretary