

**MINUTES OF A BOARD OF SUPERVISORS MEETING  
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 06/08/2011**

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Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at 8:00 a.m. on June 8, 2011 in the Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

**1. ROLL CALL**

There were present Board President Ronald M. Ash and Supervisors, Matthew J. Boykin, L. Marc Cohn and Michael O'Rourke; Executive Director and Secretary O'Neal Bardin, Jr.; District Engineer Robert W. Lawson and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

Also present were Deputy Director C. Danvers Beatty; Director of Operations Kenneth Roundtree; Construction Manager Tim Helms; Budget & Assessment Roll Manager Laura Ham; Engineering Aide JoAnn Osborne; Butch Beechler and Jim Harvey on behalf of The Bear's Club (Unit No. 44); Vladimir Munoz of Regions Bank; Brian Joslyn of Casey Ciklin, et al; Bruce Roemmich and Jeff Cohen of M&M Asphalt, Inc.; and Robert M. Brown of the South Florida Water Management District.

**2. ESTABLISHMENT OF A QUORUM**

Mr. Ash 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. O'Rourke, seconded by Mr. Boykin and unanimously passed approving the Minutes of the April 27, 2011 Regular Meeting.

**5. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Mr. Ash 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. O'Rourke and unanimously passed approving the following Consent Agenda Items:

**Consent Agenda – General Items:**

- General

Consider Approval of National Pollution Discharge Elimination System (NPDES) Third Term Permit Interlocal Agreements

Town of Jupiter Inlet Colony  
 Town of Manalapan  
 Town of Mangonia Park

Town of Palm Beach Shores  
 Town of South Palm Beach  
 Village of Wellington

**Consent Agenda - Change Orders:**

- Unit No. 11 Arcadis, Inc. – Tournament Blvd. & Medalist Avenue Asphalt Work (CO No.1)

**Consent Agenda – Payment Requests:**

<b>Approved Disbursements from June 8, 2011 Board Meeting</b>					
			<b>NOTE</b>	<b>L/O</b>	
	<b>BOND</b>	<b>EIPC</b>	<b>Proceeds</b>	<b>Funding</b>	<b>TOTAL</b>
<b>Unit No. 2C – Scripps II/Briger Tract</b>			<b>61,228.00</b>		<b>61,228.00</b>
<b>Unit No. 11A – PGA National Sub-Unit</b>		<b>6,340.00</b>			<b>6,340.00</b>
<b>Unit No. 14 - Eastpointe</b>		<b>8,358.70</b>			<b>8,358.70</b>
<b>Unit No. 18 – Ibis Golf &amp; Country Club</b>		<b>60.00</b>			<b>60.00</b>
<b>Unit No. 19 – Regional Center</b>				<b>145.00</b>	<b>145.00</b>
		<b>14,758.70</b>	<b>61,228.00</b>	<b>145.00</b>	<b>76,131.70</b>

copies of which are contained in Northern files.

**7. UNIT OF DEVELOPMENT NO. 2C–SCRIPPS II/BRIGER**

Mr. Bardin reviewed recent meetings with the Project Engineer, City of Palm Beach Gardens and the landowners' representative with regard to this project. He stated that the project is on schedule and on budget and Plat One associated with the project is currently under review by the County. He noted that a technical group has been formed to conduct separate meetings to deal with the more detailed aspects of the project. Mr. Ash asked if Ken Tuma could be invited to a future meeting and Mr. Bardin said he would contact him.

**8. UNIT OF DEVELOPMENT NO. 16 – FIRST PARK SOUTH FLORIDA**

Mr. Lawson reviewed Palm Beach County's request for a partial release of a Northern 5' drainage easement located in the northwest portion of Unit 16. Mr. Lawson recommended the Partial Release of Easement for Board approval.

A **motion** was made by Mr. Boykin, seconded by Mr. Cohn and unanimously passed approving the Partial Release of Easement.

**9. UNIT OF DEVELOPMENT NO. 20 – JUNO ISLES**

Mr. Bardin stated that on April 7, 2009, Northern, Juno Beach, The Estates of Juno Beach Homeowners Association and L & J Enterprises entered into an agreement regarding the funding, design, permitting, installation, operation, maintenance, repair and upgrade of a proposed exfiltration drainage system for the proposed The Estates of Juno Beach subdivision. Due to poor economic conditions, the original agreement lapsed and the proposed Reinstatement and Extension of Exfiltration Agreement provides L & J Enterprises additional time to complete the design, permitting and installation of the improvements.

Mr. Edwards noted that a ten year extension to the agreement is being requested. The Juno Beach Town Council has approved the ten year extension. Mr. Edwards recommended approval of the extension to the agreement.

Mr. Ash asked why the extension was set for ten years, and Mr. Bardin replied that it was at the request of the landowner due to uncertainties in the real estate market.

Mr. Edwards said that the longer extension would mean they would not have to come back to the Board every two years. Mr. Edwards explained the PUD (Development Order) after a request for explanation from Mr. O'Rourke.

Mr. Ash asked how this extension will be tracked, and Mr. Bardin stated that Staff will track it monthly through the financial system as well as through the permit system once a permit is issued by Northern for the construction.

Mr. Boykin asked the size of the property in question and Mr. Bardin replied it is less than 20 acres.

A **motion** was made by Mr. Boykin, seconded by Mr. Cohn and unanimously passed approving the Reinstatement of the Exfiltration Agreement as presented.

#### **10. UNIT OF DEVELOPMENT NO. 44 - THE BEAR'S CLUB**

Mr. Bardin explained that the landowners' have requested an assignment by Northern of all of its interest in the Conservation Easement to the South Florida Water Management District (SFWMD). The landowners' have also requested that Northern return by Quit Claim Deed certain wetland tracts within the Unit. The return by Northern of title to real property is addressed in the 1999 Landowners Agreement between Northern and the Landowner.

Mr. Bardin noted that there was some work done in these areas previously by the landowners without Northern's approval and the matter was sent to the Legal Committee. He explained that The Bear's Club has resolved this non-permitted work dispute with the Town of Jupiter and with the SFWMD. However, they are still in dispute with the Army Corps of Engineers (ACOE). If Northern executes the Quit Claim Deed, the landowners believe it will take Northern out of the dispute.

Mr. Boykin asked who will maintain these wetlands, and Mr. Bardin answered that The Bear's Club will. Mr. Boykin then asked who will oversee the maintenance, and Mr. Bardin said SFWMD and the High Level Maintenance Agreement with Northern will be modified to address the wetlands in question.

Mr. Bardin stated that the Board is being asked for direction as to whether to pursue this request from The Bear's Club. He explained that Mr. Lawson would be asked to verify that Northern could still carry out its responsibilities under the Plan of Improvement and Mr. Bardin would bring the agreement back to the Board.

Mr. O'Rourke said he would like to hear from SFWMD on this subject. Bob Brown with SFWMD then addressed the Board. He stated that he has been working on this situation since November of 2010. Mr. Brown stated that, in most cases, SFWMD has statutory conservation easements granted to them.

Mr. O'Rourke asked if the ongoing issue between The Bear's Club and the ACOE would put SFWMD in the middle of the dispute. Mr. Brown said that issue would not affect his District. Mr. Brown also noted that no documentation has been submitted by the ACOE to date. SFWMD is in agreement from a regulatory standpoint on the conveyance.

Mr. Edwards said he would hesitate to recommend the Board give their approval at this meeting as the wetland acreage is necessary for the surface water management system. He said it is permissible to look into the concept, but there are legal ramifications to be researched and he would also like to hear the legal opinion of The Bear's Club attorney.

A general discussion followed with regard to researching this issue further and removing Northern from the dispute with the ACOE. Also, Mr. Beechler addressed the Board and the discussion continued with regard to Northern's need for the wetland acreage for the surface water management system and the research to determine the type of conveyance necessary.

It was the consensus of the Board that Northern's Staff and Consultants would meet to discuss a possible resolution to this issue and return with a recommendation to the Board.

## **11. UNIT OF DEVELOPMENT NO. 51 – FRENCHMAN’S HARBOR**

- Mr. Lawson presented a status report of this project and presented accompanying photos of the bulkheads, drainage system installation and exfiltration trench construction process. He explained that the developer is actively marketing the development and construction is ongoing. He stated that Arcadis continues to do periodic inspections.

Mr. Ash asked about the life span of the filter fabric being used for the exfiltration system. Mr. Lawson said it should last forever but it will be inspected and maintained.

Mr. Lawson will continue to provide the Board with project updates and photos.

## **12. GENERAL**

- Mr. Bardin explained that over the past few months, Northern Staff has been reviewing the processes involved in the formation of a unit of development. The next process to be reviewed is the Plan of Improvement (POI) process and he explained that Mr. Lawson has prepared a PowerPoint presentation on this process, a copy of which is attached. Mr. Edwards will also present this item and had a related Board handout, a copy of which is also attached.

Mr. Lawson went through his presentation and Mr. Edwards explained that once the POI is prepared, it is brought to the Board for review. If there are no issues, the formal adoption process follows. He explained that a Public Hearing is required. This Public Hearing is advertised for three weeks. Letters of invitation go to the landowners, SFWMD, Palm Beach County and any municipalities involved. At the public hearing, landowners can make objections to the POI, but usually there are not any objections. The District Engineer can then produce the Report of Engineer. Another Public Hearing is then held for the Report of Engineer when it has been prepared. Mr. Edwards gave a brief history on how the process was in the past when it was done by the Court.

Mr. Cohn asked if the Unit wanted to increase the scope of work provided by Northern under the POI would the Board need legal authority and Mr. Edwards said those issues are typically addressed before the POI is presented to the Board.

**13. MISCELLANEOUS REPORTS**

**A) ENGINEER**

- Mr. Lawson had nothing to report.

**B) ATTORNEY**

- Mr. Edwards had nothing to report.

**C) EXECUTIVE DIRECTOR**

- Mr. Bardin presented the Community Information and Press Box Report. He also pointed out that the website tracking information shows that Northern's website has received inquiries from international users, specifically India.

**14. COMMITTEE REPORTS**

- **BUDGET & BANKING COMMITTEE**

Mr. Bardin reported that at the last meeting held on May 11, 2011, the 2011/2012 budget was presented. It will be presented to the Board, along with the TRIM Resolution, at its next meeting on June 22, 2011.

It was recommended by Staff that the Board approve Regions Bank for Trustee Services for Northern. Subsequently, more information became available and this item will go to the Board at a later date.

The investment reports were also presented to the Committee and are included in the Board's materials.

No action is required by the Board at this time.

- **ENGINEERING REVIEW COMMITTEE**

Mr. Lawson reported that an Engineering Review Committee meeting was held on May 17, 2011, and the following items were discussed:

**Unit 2C - Scripps II/Briger  
Consider Change Order to Michael B. Schorah & Associates for Design of Heights Boulevard  
& Parkside Drive Improvements**

Mr. Lawson explained the necessity of additional work to be performed by the Project Engineer related to the turn lane plan modifications at several intersections. Board approval is necessary for this change order.

A **motion** was made by Mr. O'Rourke, seconded by Mr. Boykin and unanimously passed approving the Change Order to Michael B. Schorah and Associates in the amount of \$31,820.00.

**Unit 11 – PGA National  
Consider Award of Contract for Tournament Boulevard & Medalist Avenue Paving**

Mr. Lawson gave a brief overview of the award process for the work to be done. Six bids were received and M&M Asphalt Company submitted the lowest and best bid of \$150,680.35. Mr. Lawson said that he and Tim Helms had reviewed and performed due diligence on M&M and feel that M&M Asphalt can do this work satisfactorily.

A **motion** was made by Mr. Boykin, seconded by Mr. Cohn and unanimously passed approving the Award of Contract to M&M Asphalt in the amount of \$150,680.35.

**Unit 43 – Mirasol  
Discuss Lake Bank Evaluation Report and Mirasol Master Maintenance Association (MMMA)  
Request**

Mr. Bardin explained that the MMMA has had several lake studies conducted and met with Northern Staff, District Counsel and Northern Litigation Counsel to request Northern's assistance in the MMMA's issues with the Master Developer, Taylor Morrison. Subsequently, the Committee discussed the matter and Northern Staff has modified the budget, increasing it in the amount of \$75,000 and will bring this item back to the Board if these funds are expended.

This item is presented as information only and no Board action is required.

**General**

**Consider Revisions to Engineering Standards Manual**

Mr. Edwards reviewed the background on the revisions to the Engineering Standards Manual related to the RFQ procedure for Project/Consulting Engineers.

A **motion** was made by Mr. Boykin, seconded by Mr. Cohn and unanimously passed approving the adoption of the revisions to the Engineering Standards Manual.

**Consider Change Order No. 3 to Clarke Aquatic Services for Aquatic Weed Control & Marsh Maintenance**

Mr. Bardin explained the necessity of this \$1,925.00 change order as Northern has taken over aquatic weed control responsibilities in Unit 49 located on Congress Avenue south of Northlake Boulevard.

A **motion** was made by Mr. Boykin, seconded by Mr. Cohn and unanimously passed approving the Change Order to Clarke Aquatic Services, Inc.

**Consider Change Order No. 1 to Image Companies for Janitorial Services**

Mr. Bardin reviewed the request from Image Janitorial Services for a 3% increase in their contract amount for 2011/2012.

A **motion** was made by Mr. Boykin, seconded by Mr. Cohn and unanimously passed approving the 3% increase to the Image Companies janitorial contract for 2011/2012.

**Consider Change Order No. 2 to Total Maintenance Building Services Field Cut Mowing Annual Contract**

Mr. Bardin reviewed the request by Total Maintenance for this change order for a 3% increase to their contract amount to their annual Field Cut Mowing Contract in Units 1, 5, 7, 9, 9A, 11, 12, 16, 19, 24, 32A & 43.

A **motion** was made by Mr. Boykin, seconded by Mr. Cohn and unanimously passed approving the Change Order to Total Maintenance for their Field Cut Annual Contract.

**Consider Change Order No. 2 to Total Maintenance Building Services Lawn Cut Mowing Annual Contract**

Mr. Bardin explained the difference in field cut and lawn cut mowing and reviewed the deduction of \$3,500 from the annual contract which was initially added for a one-time cleanup of Unit 3, Horseshoe Acres.

A **motion** was made by Mr. Boykin, seconded by Mr. Cohn and unanimously passed approving the Change Order to Total Maintenance to their Lawn Cut Mowing Annual Contract.

**Consider Extension Amendments to Annual Service Contracts**

Mr. Bardin reported that Staff and the Committee recommended the extension of the list of Annual Service Contracts that are included in the Board's materials for an additional year. Mr. O'Rourke asked if Staff was happy with the services by those listed. Mr. Bardin said yes and the list had been reviewed by Staff.

A **motion** was made by Mr. Boykin, seconded by Mr. Cohn and unanimously passed approving the extension amendments to those listed Annual Service Contracts.

Mr. Ash asked his fellow Supervisors if they thought the change orders such as those just reviewed should be moved to the Consent Agenda. Mr. Boykin said he would agree with that. Mr. O'Rourke said he would like the change orders to continue being reviewed by the Board as is the current procedure. Mr. Cohn agreed with him. Mr. Ash said Mr. Salee would agree with keeping the procedure as is therefore no change will be made in the method of reviewing change orders.

**15. RECEIVE AND FILE**

The following items were presented to be received and filed:

- Resignation Email from John Green;
- Residency Letter from Michael O'Rourke;
- Assessment Collection Status as of May 18, 2011;
- Northern's Monthly Financial Reports; and

- Proof of Publication of Meeting Notice

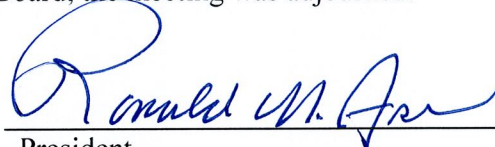
copies of which are contained in Northern's files.

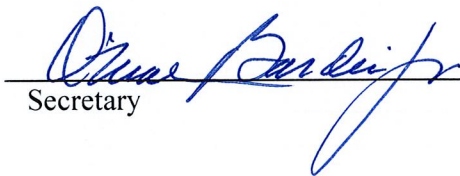
**16. COMMENTS FROM THE BOARD**

Mr. Ash noted that he and Mr. Cohn had attended the dedication of the City of Palm Beach Garden's new EOC Building the previous evening. He said Dan Beatty and Katie Brunk were doing a great job at the event representing Northern and he wanted to thank them.

**17. 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