

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 09/22/10**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at 8:00 a.m. on September 22, 2010 in the Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

1. ROLL CALL

There were present Board President Deborah A. Diaz and Supervisors Ronald M. Ash, Marilyn Lew-Jacobs, Matthew J. Boykin and Adrian M. Salee; 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 Finance Director Katie Brunk; Executive Assistant Susan Scheff; Director of Operations Kenneth Roundtree; Construction Manager Tim Helms; Budget & Assessment Roll Manager Laura Ham; Staff Biologist Sam Payson; Engineering Administrative Assistant JoAnn Osborne; Amy Eason of AECOM; David Brobst of Wantman Group; Tom Greene of Raymond James; Lara Donlon, Esquire of Glen J. Torcivia & Associates; Donald Barnes of Toll Brothers, Inc. (Unit No. 51); Norman Greenberg and Bob Davis (Unit No. 31) and Michael O'Rourke (Seat No. 2 Board Member-elect in November).

2. ESTABLISHMENT OF A QUORUM

Ms. Diaz 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 he would like to add a payment application to Aqua-Terra to the consent agenda, as the invoice was received on Monday and Staff did not want to delay payment. The backup information was distributed to the Board, a copy of which is attached hereto, and the Board approved the addition of this item to its Consent Agenda.

4. APPROVAL OF MINUTES

A **motion** was made by Mr. Ash, seconded by Mr. Salee and unanimously passed approving the Minutes of the August 25, 2010 Public Hearing and Regular Meeting.

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

Ms. Diaz called for any comments from the public for items not on the Agenda and made note that she received a speaker card from Mr. Norman Greenberg, President of the BallenIsles Property Owners' Association (Unit No. 31).

Mr. Greenberg stated that he was here to ask the Board to consider delaying the repair work to the BallenIsles Guardhouse at PGA until spring. He expressed his concern that the repairs may be taking place during the height of season.

Mr. Boykin asked about the current state of the Guardhouse and was told that temporary repairs had been made and no permanent repairs have taken place thus far.

Mr. Lawson stated that a purchase order has been issued to Northern's contractor and the truss design is currently in progress. He believes the work will take about 30 days to complete and anticipates completion by Thanksgiving.

Ms. Lew-Jacobs stated that she is a resident of BallenIsles and has a concern with delaying the repair work since further damage to the Guardhouse could occur as we are still in the midst of hurricane season. She also noted that there are three (3) exits from BallenIsles and that the other two (2) will be available during the Guardhouse repair. She believes Northern should move forward with the necessary repairs.

A general discussion followed with respect to the potential for additional costs being incurred due to delay. Also, Mr. Edwards noted his concern that Northern risks legal exposure should they postpone the repair work as the structural damage to the Guardhouse has been evaluated and documented. Some additional discussion followed regarding how many residents of BallenIsles are seasonal and how far along we are with

hurricane season.

It was the consensus of the Board to continue with the repair work as originally planned.

6. CONSENT AGENDA

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

- Unit No. 16 First Park South Florida

Consider Sixth Addendum to Law Enforcement Service Agreement – Sheriff of Palm Beach County

- General

Declaration of Surplus Inventory

Consider Board Meeting Schedule – Fiscal Year 2010/2011

Consider 7th Amendment and Resolution No. 2010-07 to Joint Participation Agreement with FDOT for NPDES

copies of which are contained in Northern files.

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

Approved Disbursements from September 22, 2010 Board Meeting					
			NOTE	L/O	
	BOND	EIPC	Proceeds	Funding	TOTAL
Unit No. 2C – Scripps II/Briger Tract				180.00	180.00
Unit No. 21 – Old Marsh		6,125.00			6,125.00
Unit No. 44 – The Bear’s Club	5,450.00				5,450.00
Unit No. 51- Frenchman’s Harbor		2,627.50			2,627.50
	5,450.00	8,752.50		180.00	14,382.50

copies of which are contained in Northern files, as well as the addition of Purchase Order No. 10-301 to Aqua-Terra, Inc. in the amount of \$66,300.00, as previously approved as an addition to the Consent Agenda.

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

Mr. Bardin explained that he would be having a meeting with representatives from Raymond James and Clark Bennett to discuss potential financing options for this project.

Mr. Bardin also noted that in July of 2010, the Board approved a Landowner’s Agreement for this Unit with the understanding that the Agreement had previously been reviewed and approved by the Lester Family. He stated that just this morning he received a redlined version of the Landowner’s Agreement with new provisions that have not been approved by the District. District Counsel and Staff will continue to work on this Agreement with the Lester Family and it will not be presented to the Board again without first being executed by the Lester Family.

Ms. Lew-Jacobs expressed her displeasure in the amount of time and energy that has been committed to this project thus far with little result.

8. UNIT OF DEVELOPMENT NO. 51– FRENCHMAN’S HARBOR

Mr. Lawson presented a status report with accompanying photos of this project, including pre-development photos and photos following the recent clearing of the property. He explained that he and District Staff have met with the new landowners, Project Engineer and surveyor and that a Plan of Improvements is already in place.

Mr. Boykin asked about dredging of the waterway and Mr. Lawson explained the process.

Mr. Lawson also stated that a High Level Maintenance Agreement (HLMA) is currently being developed to establish maintenance criteria, as the developer wants to be responsible for the maintenance of this project.

Ms. Lew-Jacobs asked if the project design had been changed much from the WCI plan, and Mr. Lawson stated that the general layout will remain the same. Kimley-Horn is currently working on the project plans and Mr. Lawson also explained that a new plat will be provided for District review.

Ms. Diaz acknowledged that Donald Barnes of Toll Brothers, Inc. was in the audience and asked if he would like to address the Board.

Mr. Barnes explained that Mr. Lawson's status report was accurate. He stated that the dredging has begun and gave the Board a basic project timeline. Mr. Barnes was asked how many residences are planned and stated that there will be a total of 78 residences, 48 of which will be single-family homes.

Mr. Ash confirmed with Mr. Barnes that this project is located in unincorporated Palm Beach County.

9. 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. There was a brief discussion with regard to the article on graffiti in Abacoa.

10. COMMITTEE REPORTS

PERSONNEL COMMITTEE

- Mr. Bardin reported that the Personnel Committee met on September 15, 2010 and a report of that meeting and the Committee's recommendation were submitted to the Board under separate cover.

A **motion** was made by Mr. Boykin, seconded by Mr. Salee and unanimously passed approving the recommendation of the Personnel Committee.

- **ENGINEERING REVIEW COMMITTEE**

Mr. Lawson provided the following summary of items addressed at the ERC meeting of September 15, 2010:

**Unit No. 11 – PGA National
Discuss Preserve Berm Integrity Evaluation**

Mr. Lawson stated that the preserve berm is approximately 30 years old and, in an effort to be proactive, Northern is conducting a structural evaluation to determine the condition of the berm, possible groundwater seepage beneath the berm and recommendations for remedial action, if required. Northern is using Jonathan Ricketts and his firm's sub-consultants to conduct the study. The results of the study will be presented to the Committee in October.

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

**Unit Nos. 11 and 14 – PGA National/Eastpointe
Discuss Stormwater Pump Station Engineering Design**

Mr. Lawson explained that improvements need to be made to two pump stations. He and District Staff are developing a scope of work and will then solicit bids from qualified Consulting Engineers for design methodology proposals.

He noted that the original suggestion was to solicit bids from three Consulting Engineers for each pump station, but the Committee suggested possibly opening it up to five Consulting Engineers for each pump station. In order to avoid causing undue costs to the District's approved engineering firms, it was determined that the District Engineer and District Staff should use their own best judgment on the appropriate amount of submittal requests for each pump station.

The Committee asked that the scope, once developed, be brought to the next Committee meeting for consideration prior to Northern's request for approach methodologies.

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

Unit No. 43 - Mirasol

Consider Award of Purchase Order 10-419 to Davco Electrical Contractors for Street Light Replacement

Mr. Lawson reported that when Palm Beach County recently completed the extension of Jog Road from Hood Road to Donald Ross Road, they installed street lights with standard grade wood poles. The Mirasol Master Association (MMA) has since requested that the wood poles be replaced by Northern with the decorative poles which currently exist along the rest of the Jog Road Right-of-Way within Mirasol.

Mr. Salee asked how this occurred and Mr. Lawson explained that the County did not confer with Northern with regard to the lighting plan.

He noted that Northern Staff obtained three quotes from qualified contractors. Davco Electrical Contractors submitted the lowest bid in the amount of \$33,391.00.

A **motion** was made by Mr. Boykin, seconded by Mr. Salee and unanimously passed approving Purchase Order No. 10-419 to Davco Electrical Contractors in the amount of \$33,391.00.

Unit of Development No. 44, Bear's Club

Consider Award of Purchase Order 10-457 to Lynch Paving & Construction, Inc. for Final Lift of Asphalt Paving

Mr. Lawson explained that the next item was for consideration of a purchase order for the final lift of asphalt in Unit No. 44. He noted that the project was publicly bid and seven bids were received from qualified paving contractors.

Mr. Lawson reported that Lynch Paving & Construction was the low bidder with a bid in the amount of \$247,459.77. He and District Staff had no prior knowledge of this contractor so they held a meeting with representatives from Lynch and were pleased. Mr. Lawson noted that Lynch is a well established company in Massachusetts and recently purchased a plant in Okeechobee. He checked the references provided by Lynch Paving & Construction and found them acceptable, plus he stated that the company had recently completed a similar project in Port St. Lucie.

A **motion** was made by Mr. Boykin, seconded by Mr. Salee and unanimously passed approving Purchase Order No. 10-457 to Lynch Paving & Construction, Inc. in the amount of \$247,459.77.

General

Mr. Lawson stated that Mr. Beatty provided the Committee with an overview, including accompanying photos, of several projects scheduled to be undertaken in the coming months. Those projects are as follows:

- Unit 3A – Culvert Cleaning & Inspection
- Unit 9A – Lake Liner Repair
- Unit 11 – Tournament Boulevard Overlay
- Unit 18 – Pump Station Roof Replacement; Culvert Cleaning & Inspection
- Unit 24 – Culvert Cleaning & Inspection
- Emergency Operations Center Repainting.

These general items were presented as discussion items only and no Board action was required.

13. RECEIVE AND FILE

Mr. Bardin presented the following items to be received and filed:

- Operations Department Newsletter;
- Northern’s Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

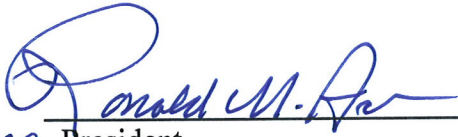
copies of which are contained in Northern’s files.

14. COMMENTS FROM THE BOARD

Ms. Lew-Jacobs asked Staff to make every effort to expedite the BallenIsles Guardhouse Repair project and provide her with a timeline, once available, as she anticipates receiving calls from other BallenIsles residents.

15. **ADJOURN**

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



Vice President



Secretary