

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 01/24/24**

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 24, 2024, 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, Gregory Block, Ellen T. Baker and Brian J. LaMotte; Executive Director Dan Beatty; and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

Also present were Director of Finance & Administration Katie Roundtree; District Engineer Kim Leser; District Clerk Susan Scheff; Director of Operations Ken Roundtree; Budget & Tax Roll Manager Laura Ham; Project Coordinator Polly Scherman; Permit Coordinator Kimberly Morgan; Technical Assistant/Records Management Specialist Kathleen Maloney-Pollack; Operations Manager-Aerators Jon Iles; Nate Eckloff and Chris DiCerbo of Piper Sandler & Co.; Leonard Hasner of PGA National (Unit 11); and Rita Feinman of BallenIsles Country Club.

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. Beatty reported that he needs to add an item for Unit 16, Palm Beach Park of Commerce, to consider Change Order No. 3 to J.W. Cheatham, LLC to the Regular Agenda as Item a)i. which will follow the current Item for Unit 2C, Alton.

4) APPROVAL OF MINUTES

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the Minutes of the December 13, 2023 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

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

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

- a) Multi-Unit
 - i) Consider Change Order to Palmera Enterprises, LLC – Annual Landscaping Maintenance Contract No. 1 (CO No. 2)
 - ii) Consider Change Order to Palmera Enterprises, LLC – Annual Landscaping Maintenance Contract No. 2 (CO No. 2)
 - iii) Consider Change Order to The Grassroots Corporation – Annual Landscaping Maintenance Contract No. 3 (CO No. 3)
- b) Unit No. 2C – Alton
 - i) Consider Acceptance of Planned Community Development Buffer Easements (2)
 - ii) Consider Acceptance of Bill of Sale to City of Palm Beach Gardens – Pasteur Boulevard
 - iii) Consider Certificate of Correction
- c) Unit No. 3A – Woodbine
 - Consider Authorization to Record Permit No. PER-3A-100 – Pinargote
- d) Unit No. 16 – Palm Beach Park of Commerce
 - Consider Encumbrance Modification to Kimley-Horn and Associates, Inc.
- e) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

a) UNIT OF DEVELOPMENT NO. 2C – ALTON

Consider Designation of Piper Sandler & Co. as Underwriter for Refunding Bond

Ms. Roundtree explained that it has been ten years since the first issue of bonds for Unit 2C, stating that when the bonds were issued in 2014, they were known as dirt bonds and not rated because the development had not yet started. She noted that Northern is almost done with development and it is now time to consider refunding the bonds. She stated that Staff has been working with Nate Eckloff of Piper Sandler since about June of last year and she briefly reviewed the interest rate fluctuations since discussions began.

Ms. Roundtree reported that there is an opportunity to refund the bonds in August, noting that it can be done 90 days prior to close in May 2024, and she briefly reviewed some of the details involved in the refunding. She explained that Piper Sandler has provided an engagement letter. Ms. Roundtree added that RBC has more recently expressed an interest and also sent a proposal.

Ms. Roundtree stated that Staff is recommending that the Board award the refunding deal to Piper Sandler & Co. since they first presented the potential refunding proposal back in June 2023, but she added that the Board may choose to split the deal between a couple of firms.

Mr. Boykin asked if there is any benefit to splitting the deal between two firms, and Ms. Roundtree advised that at this size, although it is at the top of the threshold for one firm, Piper Sandler has advised Staff that they are equipped to handle the entire refunding, which she has researched and confirmed.

A general discussion followed with regard to the refunding process, current rates, and Northern's threshold of at least 3% savings.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the Engagement Letter and appointing Piper Sandler & Co. as Underwriter for a potential refunding of the Unit of Development No. 2C, Series 2014 bond.

**a)i UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE
Consider Change Order No. 3 to J.W. Cheatham, LLC**

Ms. Leser explained that this request came in a little late to place on the agenda, but it is a Change Order for an additional 30 days in order to keep the contract current. She stated that the contractor is working with the various permitting agencies in order to complete final inspections.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving Change Order No. 3 for an additional 30 days of contract time to J.W. Cheatham, LLC.

**b) UNIT OF DEVELOPMENT NO. 53 – ARDEN
Consider Acceptance of Letter of Commitment and Indemnification and Hold Harmless Agreement**

Mr. Beatty stated that Lennar has requested that it be allowed to proceed with construction of a portion of Pod H-North, noting that they will construct the improvements on their own and will fund the work. He explained that, per the request of General Counsel, Lennar has submitted a Letter of Commitment that they will complete the project and submitted it with the accompanying Indemnification and Hold Harmless Agreement.

Ms. Leser then explained that there is no public drainage in the Pod, pointing out the subject area on the site plan. She further explained that there are public water and sewer facilities which Lennar has agreed to construct, fund and turn over to Palm Beach County Water Utilities. She stated that the Board is being asked to accept the Letter of Commitment and execute the Hold Harmless Agreement. Ms. Leser also stated that Lennar does have a permit with Northern for the work.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed accepting the Letter of Commitment and approving execution of the Hold Harmless Agreement from Lennar Homes, LLC for Phase 1-Pod H-North.

8) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser gave the following status updates with accompanying photos under her report:

Unit No. 2C - Alton: Ms. Leser stated that the Board approved a Bill of Sale to the City of Palm Beach Gardens for Pasteur Boulevard on the Consent Agenda, so that will be turned over to the City. She stated that Beckman Terrace and the Alton Road extension will be the next roads to be turned over following final inspections. She provided the Board with anticipated dates for substantial completion and final inspection.

Unit No. 5A – Henry Rolf: Ms. Leser briefly reviewed the pipe project, noting that the culvert has been sliplined. She showed accompanying drone photos of the site and reported on the progress, noting that the remainder of the pipe under Jog Road is expected to be grouted by January 31, 2023.

Mr. LaMotte had a question about the size of the pipe, which Ms. Leser answered.

A general discussion followed with regard to the details of the project.

Ms. Baker asked about a completion date, and Ms. Leser advised that the project is scheduled for completion by May 5, 2024, noting that there have been some delays due to rain.

Unit No. 16 – Palm Beach Park of Commerce: Ms. Leser explained that the Board just approved a 30-day addition to this contract to allow for final inspections. She showed the site locations and various aerial photos of the completed road and the surrounding area.

Unit No. 43 – Mirasol: Ms. Leser reported that Northern executed the contract for the Mirasol Boardwalk Rehabilitation Project on January 8, 2024, and the Notice to Proceed is expected to be issued at the 30-day mark.

Unit No. 53 – Arden: Ms. Leser stated that nothing much has changed with this project in Pod D-SW, noting that all of the utilities have been completed, testing is taking place and roadwork has begun. She reported that this project is running about a month ahead of schedule.

b) ATTORNEY

Mr. Edwards stated that the Legislature is in session and explained that, although there are legislative bills being filed which could potentially affect special districts, it is too early to report on what is expected to pass. He will bring a report to the Board once the bills have gone through their various Committees.

c) EXECUTIVE DIRECTOR

Mr. Beatty stated that Staff will be meeting with representatives from Kolter Homes later today to discuss a potential Unit of Development located just east of Unit 53, Arden. They will be discussing the unit formation process.

Mr. Boykin asked what is currently on the property and Mr. Beatty advised that it is farmland. He also explained that Kolter has been working on this potential project with Palm Beach County for some time now.

The Public and Community Relations Report was included in the Board materials for review.

9) COMMITTEE REPORTS

a) ENGINEERING REVIEW COMMITTEE

i) Consider Committee Recommendations

Mr. Beatty reported the Engineering Review Committee (ERC) met on January 3, 2024, adding that there were three items on the agenda for consideration/discussion, each of which will be addressed separately.

Discuss Scope and Content of a Request for Qualifications for Project/Consulting Engineers

Mr. Beatty reported that it has been 15 years since the last Request for Qualifications (RFQ) for Northern's Project/Consulting Engineers and Northern's engineering needs have changed over the years from general civil to more specific engineering disciplines. He stated that Staff's recommendation to the ERC was to go out for an RFQ for specific disciplines and suggested the number of firms for each.

Mr. Beatty further stated that Staff is requesting two revisions that were not identified in the RFQ presented to the ERC, the first of which is a change in the number of firms to be selected in the General Civil Engineering without surveying capabilities in-house category from three firms to five firms and the second is inclusion of no lobbying provisions. He also noted that some additional changes were made to the rating sheet. Lastly, Mr. Beatty advised the Board that the ERC was also presented with revisions to Section 2 of the Engineering Standards Manual which is included as an exhibit to the RFQ. The revisions to this Section were a result of the District Engineer duties having been brought in-house.

Mr. Beatty confirmed that it was the recommendation of the ERC to proceed with the RFQ for Project/Consulting Engineers and accept the revisions to Section 2 of the Engineering Standards Manual.

Mr. Edwards stated that there currently are three members on the ERC, so Mr. LaMotte had recused himself from discussion of this item due to his relationship with an engineering firm, and the recommendation was voted on by the remaining two members of the Committee.

Prior to consideration of this Request for Qualifications, Mr. LaMotte recused himself from the vote, having previously filled out a Form 8B on matters involving WGI, Inc.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and passed by the voting members accepting the Committee's recommendation to go out for a Request for Qualifications and the revision to Section 2 of the Engineering Standards Manual.

Discuss Charging Fees for Permitting Telecommunication Facilities within Northern Right-of-Ways

Mr. Beatty stated that the second ERC item was regarding a permit request that Northern received for a telecommunications tower in Unit 5A, noting that Staff determined that they would want guidance from the ERC before granting such a request. He stated that Mr. Edwards and Ms. Leser would explain this matter.

Mr. Edwards stated that this permit request was to install a cell tower within a Northern right-of-way. He further stated that he believes this is the first request of its type which then brings a host of questions regarding whether Northern is subject to any FCC regulations or Florida Statutes provisions dealing with the installation of telecommunication facilities, noting that there are many regulatory issues surrounding this request. He briefly reviewed some of his concerns, adding that the initial request came up around the time of the Unit 24, Ironhorse, FPL installation issue and, as a result, Northern reached out to the Property Owners Association (POA) for their comments. The POA expressed an interest in the charging of a fee, if the installation was permitted. Mr. Edwards stated that his recommendation to the Committee was to simply reject the permit request. He briefly reviewed the potential issues involved and noted that the research required prior to even considering allowing the installation would be extensive and costly.

Mr. Boykin asked if Northern is the only entity to have a say about whether or not to put in a cell tower and Mr. Edwards advised that Palm Beach County was initially approached and they suggested the applicant contact Northern. He stated that he is not aware of any of his other Districts having to deal with this issue thus far.

Mr. Boykin asked Ms. Leser to point out the subject on a map and she complied.

Ms. Baker asked for confirmation that the POA does not want the tower installed, and Ms. Leser advised that the POA does not want it, but if it is installed, they want fees to be imposed.

Mr. LaMotte stated that the applicant could go to any private owner within the Unit and make the installation request and Ms. Leser responded affirmatively.

A general discussion followed with regard to a concern about setting precedent and the possible implications.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed accepting the Committee's recommendation to deny the request for a permit to install telecommunications facilities within Northern's Right-of-Way in Unit 5A, Vista Center.

Discuss Policy for Permit Recordation

Mr. Beatty stated that the last item the ERC considered was regarding the codification of Northern's current process of recording certain permits. He explained that when a residential permit comes in for something such as a fence encroachment or an irrigation line, Northern records the permit so it is depicted on the property records.

Mr. Edwards explained that the recordation also extended to POA/HOA community property and explained that the purpose is to make all successors aware of the existence of the permit, noting that the recommendation included the addition of appropriate language into the permit advising the permittee that Northern will be recording the permit in the Official Records of Palm Beach County.

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

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed accepting the Committee's recommendation with regard to the recording of permits.

ii) Consider Approval of January 3, 2024 Minutes

Mr. Boykin asked the Board for a motion to approve the Engineering Review Committee minutes of January 3, 2024.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving Engineering Review Committee minutes of January 3, 2024.

10) RECEIVE AND FILE

The following items were presented to be received and filed:

- Assessment Collection Status;
- 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

With regard to the last ERC item, Mr. LaMotte asked if Northern will be charging the permit applicant for the recording fee. Mr. Beatty stated that Northern has not been charging the applicant a recording fee. Ms. Roundtree explained that the applicant is charged an initial permit application fee which typically covers Staff time and the permit recordation.

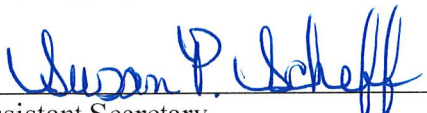
12) ADJOURN

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed to adjourn the meeting.

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



Vice President



Assistant Secretary