

**MINUTES OF MEETING
NORTH SPRINGS IMPROVEMENT DISTRICT**

The regular meeting of the Board of Supervisors of the North Springs Improvement District was held Wednesday, **November 3, 2021** at 5:00 p.m. in the district office, 9700 N.W. 52nd Street, Coral Springs, Florida.

Present and constituting a quorum were:

Vince Moretti	President
Grace Solomon	Secretary
Neil Vogel	Assistant Secretary

Also present were:

Rod Colon	District Manager
Richard Sarafan	District Counsel
Jane Early	District Engineer via Zoom
Brenda Richard	District Clerk
Vandin Calitu	VLC One
Katherine Castro	NSID
Several Residents	

The following is a summary of the discussions and actions taken at the November 3, 2021 meeting. An audio copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Colon called the meeting to order at 5:00 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the October 3, 2021 Meeting

On MOTION by Mr. Vogel seconded by Ms. Solomon with all in favor the minutes of the October 3, 2021 meeting were approved as presented.

THIRD ORDER OF BUSINESS**Supervisors Requests and Audience Comments**

Mr. Bosua stated I am the vice president of Heron Bay. We need better communication from NSID. There were stakes going up on Heron Run, we get calls from the homeowners wanting to know what is going on and I don't know what's going on and tonight I find out it is for a temporary plastic fence to start construction and dig a canal. Please let me know when you are going to have people onsite to do work so that I can communicate that to the residents. I asked for a set of plans so they could be put in the clubhouse so everyone could see what is happening on the golf course. I would like a commitment on the record tonight that this temporary fence for the canal construction won't be there for months.

Mr. Hegedus asked those properties directly adjacent to the proposed development are their values effected? Who is responsible for that damage?

Mr. Colon stated as you know we usually communicate very well with the HOA, but everything must go through board approval. The stakes you saw were going to be for a proposed temporary fence, we were staking out the property line, but I can't approach the HOA saying we are going to do this or that until it is approved by the board. Once approved by the board that is when I get with your HOA and the property manager and communicate with her so she can contact the board. Any recommendations I make to the board are based on conversations that you and I have had these past months and just because you see stakes going up on the property line doesn't mean there is going to be a permanent fence there. The plans call out for those areas to be dug out and after the areas are dug out the temporary fence would come down. The board has not yet voted on that. As to the issue on valuation my job is to do what benefits the North Springs Improvement District and the residents and the preserve is going to benefit everyone who lives in the district. If you are talking about the 70-acres that is up to the board and they have not voted on that.

Mr. Vogel stated communication is important and I understand what you are trying to accomplish this evening with the temporary fence but timing is important also and since this was put on the agenda and we haven't had an opportunity to review nor the community, I would ask that we table it to give the community the opportunity as well as the board to review and be prepared to react.

FOURTH ORDER OF BUSINESS

Public Hearing to Consider the Adoption of Resolution 2022-01 Amending the Rate Schedule Relating to the Water and Sewer Rates, Fees and Charges, Providing an Effective Date

On MOTION by Ms. Solomon seconded by Mr. Morretti with all in favor the public hearing was opened.

Mr. Colon stated Broward County has increased the rates for the Regional Wastewater Services provided to large users of Broward County North Regional Wastewater System. North Springs Improvement District is part of the system and effective October 1, 2021 Broward County has raised our rates by 5¢ and this would be a pass-through cost to raise the rates from \$2.81 per thousand gallons to \$2.86.

There being no comments or questions from the public, the board took the following action.

On MOTION by Ms. Solomon seconded by Mr. Vogel with all in favor the public hearing was closed.

On MOTION by Ms. Solomon seconded by Mr. Vogel with all in favor Resolution 2022-01 was approved.

FIFTH ORDER OF BUSINESS

Staff Reports

A.e Managere

a.e Consideration of Quotes for Landscape Service of Heron Bay Stormwater Preserve Areae

On MOTION by Ms. Solomon seconded by Mr. Moretti with all in favor the contract for the landscape services for Heron Bay stormwater preserve area was awarded to DynaServ in the amount of their low proposal of \$120,000 annually.

b.e Status Update of Negotiations for RFP 2021-042 Sale and Development of District Owned Propertye

Mr. Colon stated we are in negotiations with Upper Vista Management to potentially purchase the 70-acres. Our attorney drafted a form of contract that was sent to the potential

buyer that has safeguards in it. Once they sign the contract the purchaser must provide a site plan within the next four-weeks for review. Any future site plans would have to be approved by NSID and the HOA.

c. Approval of Invoice #13377 for Annual Mulch of Parkland Isles Berm in the amount of \$28,496

On MOTION by Mr. Vogel seconded by Ms. Solomon with all in favor invoice #11377 from Maximum Services in the amount of \$28,496 was approved.

B. Attorney

There being none, the next item followed.

C. Engineer

I. Consideration of Task Order No. 1121-1 Installation of Fence, Demolition of Cart Path, and Installation of 10-foot Walkway

Mr. Colon stated the plans are in front of you for the nature preserve. On March 2, 2021 we advertised RFQ 2021-02 in the Sun Sentinel, May 5th the board ranked VLC One no. 1, on June 2nd the board approved a continuing services contract with VLC One and July 7th the board approved task order 0721-1 to design the preserve. Before you are 100% design plans with input from the HOA and meetings with the cities and the board and staff. We have a task order that refers back to the continuing services contract. The bond was for \$5 million, design was \$500,000 and this task order is \$4.5 million to do what is in front of you now; to dig out the areas we spoke about that would lead into the entryway into the HOA, it provides for temporary fencing, 10-foot walking paths, landscaping, gate access features on the Coral Springs side to enclose our property for safety reasons. It has stopping stations, trees, and landscape in there. Neil commented earlier to possibly table this.

Mr. Vogel stated it is important to share with the community that if this was approved there would be no area within Heron Bay with direct access from the golf course. They would be surrounded by the lakes and whatever you are going to do that is going to be the barrier for the homeowners. There is not going to be a big fence or anything else, it is solely a water driven barrier.

Mr. Colon stated that is correct. When you buy a property, you want to stake it out and the fence is going to be a temporary construction fence so that no one goes on the construction site for safety reasons. Once the areas are dug out the fence will be removed.

Mr. Vogel stated I'm not opposed to what you are proposing, it is the process and timing I have a problem with and I respectfully ask my colleagues on the board to table this to give ample opportunity for review.

Ms. Early stated I want everyone to realize as Rod mentioned, we did sell that bond issue and we have a timeframe to spend the money. There is a time constraint. I know everyone wants input but keep in mind what we said we were going to build is exactly what is in those drawings. It is 20,000 linear feet of a walkway, the landscaping, the two stopping stations; it is a lot of work.

Mr. Vogel stated I am well aware of the sensitivity of time, however, this is a significant event in the community and whether there is a two-week delay or four-week delay in the grand scope of the project I don't think that is an unreasonable timeframe for comment and input.

Ms. Solomon stated I understand the need for a lot of the input on the commercial section that is unknown. We have not known what we were going to do with that. On this portion of the golf course nothing has significantly changed from the beginning of the process until now. The plans we had a couple meetings ago were similar it wasn't as detailed but we had the ideas in mind. We have had several meetings since then. My concern is if we have to wait for another board meeting that is going to bring us to December and everybody in Heron Bay would like that this is done quicker than waiting for this to be another section of land they can't use for a whole other month. We are putting in the walkways, the pathways, the fence. We have always known what we are doing with this section, and nothing has significantly changed to warrant us to table it.

Mr. Vogel stated although there is not a substantive change per se, there have been offline discussions with concerns from homeowners about a permanent fence. This is a nice confirmation of the fact that you are going to dig out as committed months ago. I do think in the grand scheme of the project to give opportunity for feedback is important. We all want to work together to come up with a resolution, not just for this but the 70-acres and it would be a show of good faith on the part of the board to table for no more than four-weeks, if you want to have a special meeting in two-weeks, but let Mark, as the representative, put this out there for the

homeowners so you get buy-in and I think the buy-in is important. That is one board member's position.

Ms. Solomon asked what is a rough estimate how long are the lead times?

Mr. Colon stated right now because of the housing crises, materials are tough to get. We would have to order the fencing right away. We don't know what the lead times are.

Ms. Solomon stated until we approve it, we can't order anything. If we wait four-weeks to approve it and then order it, we are even further behind.

Ms. Early stated also keep in mind that every day that we wait, the material prices increase such as the aluminum fence, every three days the price goes up. It is a constant moving target.

Ms. Solomon asked with advertising, how long would it take to notice a meeting?

Ms. Richard stated we could meet in two weeks.

Ms. Solomon asked would delaying it two-weeks give you a serious concern?

Ms. Early asked in the two weeks what are we going to accomplish? Are we going to change the whole plan or is it just for people to see the plan? We haven't changed from our original plan, the plan was always to put that pathway in, to put landscaping along the pathway, lighting and the stopping stations. If we wait two-weeks and want to make a drastic change now we have to go back to the design team, they have to change the plans, give us a new price.

Mr. Colon stated I have the same concern.

Mr. Vogel stated nobody is suggesting we make dramatic changes to the plan. I don't think two weeks is life changing in terms of the scope of this project. It is a show of good faith to the community to delay for two weeks the decision. I think what you are proposing is well done, it is the process and communication. I'm prepared to table this for a special meeting in two weeks.

Ms. Early stated I understand where you are coming from and I understand that everyone in Heron Bay is concerned. I'm just speaking as the district engineer with regard to the costs. If we wait the two weeks and make any changes that makes everybody happy or maybe we don't make any changes, in fairness to this contractor we have to go back to them and say can you still build every single thing that is in these drawings for that price. They might say no, we are going to have to increase or take out some of the items in Phase 1. From an engineering standpoint that is the opinion I'm giving.

Mr. Hegedus stated I'm challenging the legal basis for proceeding with that work.

Mr. Bosua stated I think the issue here is the process. I know you closed on the property, you have some public bidding, you had a presentation for the homeowners but there it was not established on how we work with each other going forward with this. There is probably no problem with this. I would prefer to see you have discussions with the community. I don't think we resolved the restricted covenant.

Ms. Early stated I think the restrictive covenant is referring to the 70-acres with the commercial development.

Mr. Boshua stated I understand what you are saying about the fence and staking. The thing that would help would be the plan. If you can give us two weeks it would help the community and it would be a nice way to start.

Mr. Sarafan stated with the permission of the board since it has strayed into the legal side, I would like to weigh in. As a lawyer and litigator, I tend to be a little cynical. My understanding of where we are at is long ago you decided what you would like to do with this property after it was obtained. You did that through an open process and with plenty of input. All that is before you now is the task order to make it so with the company you have already approved as contractor for NSID and the people who come before you tonight asking for a delay have basically "challenged" your legal authority to move forward with this. Being a cynical lawyer, my thought is how do we know the delay is not being sought to generate some sort of litigation to stop you from doing what you are entitled to do on your property. My firm has rendered legal opinions. You are not talking about the commercial property we are talking about the NSID retained property and NSID is the title holder that restricted covenant restricted the use of the property is not an impediment in the opinion of my firm and others to what is being proposed here. No one has made a motion to table, which is a good thing because once it is made and seconded it is not debatable, so you are free to discuss the merits of it. I'm concerned that in the same breath that they ask for additional time as a show of good faith they are questioning your legal authority.

Mr. Colon stated I think you are asking the courtesy to review the plans.

Mr. Paul asked I believe there are three areas that are entry points into Heron Bay that you would dig out. Do you need anything from Heron Bay to do that? No, right? Because you

are doing on your land and just clear out the waterway. It doesn't require anything from us to say yay, nay, delay.

Mr. Sarafan stated we are not seeking anything from you.

Mr. Paul asked once you have compromised the golf course have you compromised the covenant in relationship to it being a golf course for a certain period of time?

Mr. Sarafan stated this property wasn't a golf course when we bought it, it is not a golf course today, it hasn't been a golf course for a long time but in the process of getting our bonds we went through the legal review of what NSID is subject to and is not. NSID is a governmental entity and there is law on the effect of such covenants against governmental entities.

Mr. Colon stated the tricky part is the 70-acres we are selling because then that goes to private use. Our opinion is public use and there is a Florida Supreme Court Case that the second we bought it and the second we do public works on it, that restrictive covenant does not apply to us whatsoever. If we sell the 70-acres to a private developer, that is where the gray area is and that is why we are working with the HOA. We are trying to work with you now, we aren't trying to shove this down your throat. We think this is a beautiful thing.

Mr. Paul stated as long as it works with the community, that is the perfect ending.

Mr. Colon stated we are here to talk about this project, we think that everything you see in here is based on my meeting with the HOA. I had a meeting with the HOA they gave their recommendations, we thought they were good and we incorporated those ideas in these plans. We think you are going to love it and you are paying for it. We took out a bond and the money is sitting there. I don't have a problem waiting two weeks, I would recommend to the board that they have chosen not to table.

Ms. Solomon stated I put a lot of stock in Jane's opinion because she is the expert. She doesn't feel that we should be delaying this any further. Even if we do pass this task order tonight, I think it might be a good idea to have staff have a meeting in Heron Bay with the board, with design, talk them through it and leave the board with the designs in their clubhouse so people can see them so that everybody will know what is going on so a lot of questions don't come back on the HOA. Understand that approving this task order was because this was a process that we have been going through. This is not the first time we are seeing it. We have had open meetings on this before. That is different than the 70-acres and the site plan that we need more feedback on at a later date.

On MOTION by Ms. Solomon seconded by Mr. Moretti with two in favor and Mr. Vogel opposed task order no. 1121-1 was approved.

SIXTH ORDER OF BUSINESS

Approval of Financials and Check Registers

On MOTION by Mr. Vogel seconded by Mr. Morretti with all in favor the financials and check registers were approved.

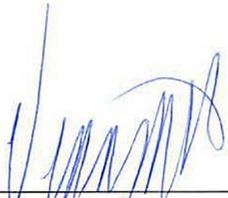
SEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Solomon seconded by Mr. Vogel with all in favor the meeting adjourned at 5:45 p.m.



Grace Solomon
Secretary



Vince Moretti
President