

**MINUTES OF MEETING
HAMAL
COMMUNITY DEVELOPMENT DISTRICT**

A Public Hearing and Regular Meeting of the Hamal Community Development District's Board of Supervisors was held on **Wednesday, October 23, 2013 at 8:30 a.m.**, at the **Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411.**

Present and constituting a quorum were:

Brian Dowling	Chair
Robert Simeone	Vice Chair
Joseph Petrick	Assistant Secretary
Ione Senior	Assistant Secretary
Steven Pincus	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Roy Van Wyk (<i>via telephone</i>)	District Counsel
Wes Finch	Briar Bay Property Manager

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 8:39 a.m., and noted, for the record, that all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Wrathell opened the public comment portion of the meeting.

There being no members of the public present, Mr. Wrathell closed the public comment portion of the meeting.

THIRD ORDER OF BUSINESS

**Consideration of Resolution 2014-1,
Electing Officers of the District**

Mr. Wrathell stated that, in light of Mr. Petrick's appointment, at the prior meeting, a new slate of officers must be considered. He noted that, currently, Mr. Dowling serves as Chair, Mr.

Simeone as Vice Chair and Ms. Senior and Mr. Pincus as Assistant Secretaries. If the Board wishes to elect the current slate, it may do so, with Mr. Petrick serving as an Assistant Secretary. Mr. Wrathell explained that, as an Assistant Secretary, Mr. Petrick will have the ability to execute documents on the District's behalf.

Mr. Simeone nominated the current slate of officers, with Mr. Petrick serving as Assistant Secretary. No other nominations were made.

On MOTION by Mr. Pincus and seconded by Ms. Senior, with all in favor, Resolution 2014-1, Electing Officers of the District, as nominated, was adopted.

FOURTH ORDER OF BUSINESS

Approval of September 11, 2013 Public Hearing and Regular Meeting Minutes

Mr. Wrathell presented the September 11, 2013 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following change was made:

Line 24: Change “_____” to “Mike Zakarian”

On MOTION by Mr. Petrick and seconded by Ms. Senior, with all in favor, the September 11, 2013 Public Hearing and Regular Meeting Minutes, as amended, were approved.

FIFTH ORDER OF BUSINESS

Discussion: Operations Manager – Access to Keys and Codes (RS)

Mr. Simeone recalled that Mr. Dowling was nominated as the District's grounds operations/facilities manager, during a prior meeting. He noted that Mr. Dowling is the only Board Member with access to keys, codes and the pump station and the situation is producing a conflict with the Sunshine Law. Mr. Simeone explained that, recently, he was unable to obtain proposals for the pond fountain lighting because he did not have access to the codes. Mr. Simeone could not call Mr. Dowling to explain why he needed access, without violating the Sunshine Law. He indicated that he does not have objections with Mr. Dowling performing the duties of an operations/facilities manager; however, he believes that all Board Members should

have access to the keys and codes. Mr. Simeone proposed appointing Mr. Wrathell as the “go-to guy” to eliminate the possibility of a Sunshine Law violation.

In response to Mr. Simeone’s question, Mr. Dowling conveyed that the pump station is accessed with a key. Mr. Simeone questioned how the rest of the Board will obtain access if Mr. Dowling is out of town. Mr. Dowling indicated that Management has access. Mr. Simeone contended that all Board Members should have access, at any given time.

Ms. Senior voiced her understanding that the Sunshine Law must be followed exactly and the Board Members should communicate through the District Manager. Mr. Wrathell was in agreement. Mr. Pincus clarified that Mr. Simeone is only suggesting that all Board Members have access.

Mr. Simeone asserted his belief that the Board did not consider the implications of appointing Mr. Dowling as the operations/facilities manager with sole access to the keys and codes.

Mr. Dowling recalled that the decision to designate one (1) Board Member as the operations/facilities manager, with sole responsibility for the keys and codes, was to guard against duplicated efforts. He pointed out that he contacted a company to obtain a service contract proposal, for the fountains and Mr. Simeone had contacted the same company for a fountain lighting proposal. Mr. Dowling noted that two (2) Board Members were working with the same company, without knowledge of what the other person was doing. He voiced his opinion that appointing Mr. Wrathell as the “go-to guy” will add another step to the process and make it more complicated. Mr. Dowling indicated that the current process is simple and allows him to obtain bids and present them to the Board for approval. His theory is “if it’s not broken don’t fix it”.

Mr. Dowling pointed out that the pump station contains approximately \$1 million of equipment. He stated that he agreed to take responsibility to make sure that the pump station is operational and he does not want anyone else in it. Mr. Dowling recalled that the amended permit stipulates that the operations/facilities manager is the only person with the authority to turn the pumps on and off; other than turning the pumps on and off, there is no need to enter the pump station. Mr. Dowling expressed concern with vandalism and tampering. He indicated that he is not prepared to take on the responsibility if everyone has access to the operations/facilities; there will be no control.

Mr. Dowling indicated that there is no reason for anyone to have access to the fountain equipment either; the fountains are locked to prevent vandalism and tampering. Mr. Dowling noted that, in the past, the fountains were vandalized, turned off and the timers were adjusted. Mr. Dowling stated that the pros and cons must be weighed as to having a secure system versus a vulnerable system.

Mr. Pincus recalled that, prior to the current Board and during Mr. Charlie Collazo's tenure as Chairman, Supervisors were performing projects as they saw fit. No one was aware of what the other person was doing, partially due to the Sunshine Law. People were taking on responsibilities of their own volition; advising the Board of what was done and requesting approval, subsequent to the project's completion.

Mr. Simeone acknowledged Mr. Pincus' comments but noted that a Supervisor's job and responsibility is to improve the community; he does not want to sit on the Board and do nothing. Mr. Simeone contended that it is a Supervisor's right to have access. He expressed agreement with Mr. Dowling's and Mr. Pincus' concerns and comments; however, the matter should be discussed. Mr. Simeone was previously advised by Mr. Van Wyk that it is Mr. Wrathell's responsibility to facilitate Board Members' questions and issues.

Mr. Simeone asserted that Mr. Dowling obtaining a service contract has nothing to do with him obtaining quotes for the fountain lighting. He stated that the Board should not have chosen one (1) Supervisor to have the authority and the ability to access the equipment. With regard to the permits, Mr. Simeone indicated that it can be amended and reiterated that authority should not have been given to only one (1) person. Mr. Simeone believes that the District Manager should be the facilitator.

Mr. Pincus explained that the District Manager was not appointed because he is not on site every day; however, Mr. Dowling is. Mr. Pincus indicated that the District would incur additional fees from the management company to have a staff member on site to perform the duties of an operations/facilities manager.

Mr. Simeone clarified that he is not opposed to Mr. Dowling serving as the operations/facilities manager; however, he is opposed to only one (1) person having access to the facilities. From his prior discussions with Mr. Van Wyk, Mr. Simeone voiced his understanding that, as a Supervisor, he has the right to access the facilities. Mr. Simeone proposed that the Board reconsider their prior decision; he does not want to have to call Mr. Dowling every time

he needs access. He noted that Mr. Wrathell does not have to be on the premises every day to serve as the operations/facilities manager. Supervisor's issues can be filtered through him by telephone or email.

Mr. Pincus indicated that it makes sense to keep the purpose of appointing Mr. Dowling in place, but still allay Mr. Simeone's concerns by providing access to keys and codes to all five (5) Board Members. Mr. Simeone agreed. Mr. Pincus stated that a Board Member should advise the District Manager when taking on a project or soliciting bids; this will keep management "in the loop" and will eliminate duplication of efforts.

Mr. Pincus noted that all Board Members have "pet" projects, ideas or are approached by residents who would like improvements made. Mr. Pincus indicated that having access to keys and codes does not mean that all Board Members should be soliciting bids on different projects, as it is counter-productive. Ms. Senior was in agreement. Referring to Mr. Dowling's earlier comment, Mr. Pincus pointed out that two (2) Board Members were contacting the same vendor. Mr. Pincus stressed that the Board should speak to outside vendors with one (1) voice, through the operations/facilities manager or the District Manager. Mr. Pincus indicated that he understands Mr. Simeone's concerns; however, there must be restrictions regarding use if all Board Members are granted access.

Mr. Wrathell opined that Mr. Dowling is doing a great job for which he does not receive compensation. Another option would be to hire an operations/facilities manager, through the Management office or the HOA's property management company. Mr. Wrathell explained that, under that scenario, the operations/facilities manager would be the "go-to" person as the sole contact, eliminating the risk of duplicated efforts. Mr. Wrathell suggested that a Board Member include any proposed project as an agenda item, for discussion and/or approval. Ms. Senior was in agreement. Mr. Wrathell agreed that any Board Member has the right to pursue proposals; however, it may prevent the District from operating efficiently.

Mr. Wrathell reiterated his suggestion regarding proposed projects and noted that receiving approval, prior to taking action, will prevent a Board Member from wasting their time. Mr. Pincus recalled that, prior to Mr. Collazo's departure, the Board agreed to present ideas for discussion and decide whether to proceed; one (1) Board Member was appointed as the lead person on each project. Mr. Simeone pointed out that Board Meetings are not held monthly and

he does not wish to wait to start a project. Mr. Simeone reiterated his suggestion that all Board Members receive access and all ideas be filtered through the District Manager.

Mr. Dowling indicated that obtaining proposals is a three (3) to six (6) month process. He stated that one (1) person was appointed to maintain organization; having people running in different directions will result in a disorganized Board with unintended consequences. Mr. Dowling gave the example of the vendor that both Mr. Simeone and he were in contact with. The vendor asked Mr. Dowling if Mr. Simeone was aware of the amount of work involved in preparing a proposal for the fountain lighting. Mr. Dowling explained that it will take the vendor 40 to 50 labor hours to prepare the proposal for a \$150,000 to \$170,000 project that has not been discussed by the Board. He stated that vendors will get angry and not want to work with the District again.

Mr. Dowling declared that he is organized, which leads to productivity and efficiency. He does not have a problem with any Board Member taking the lead on a project. Referencing the wall painting project, Mr. Dowling stated that he did not come to the Board with a bid in hand. He presented the idea to the Board for discussion and approval, prior to obtaining a bid. Mr. Dowling affirmed that the District has a process that is working; therefore, he sees no reason to change it. He warned that, if access is granted to everyone, including Board Members, he will not assume responsibility for the equipment and will resign as the operations/facilities manager.

Mr. Dowling stated that he does not want to look like a fool to any of his vendors. Mr. Simeone acknowledged Mr. Dowling's comments and indicated that vendors should be familiar with all of the Board Members. Mr. Simeone expressed dissatisfaction with attending meetings and "doing nothing"; he wants to be a productive Board Member.

Mr. Pincus indicated that the current system is working. He acknowledged Mr. Simeone's concern with the one (1)-month delay, due to the meeting schedule; however, it is a fair trade-off to have a person in charge that cares about the District and has performed an excellent job on everything that he has been asked to do. Mr. Pincus recalled that he voted against Mr. Dowling's appointment as the operations/facilities manager but was proven wrong.

Mr. Pincus stated that the Board hired a Management Company to funnel ideas through and have them placed on agendas for Board discussion.. Mr. Pincus is not aware of any Board Member that is currently interested in pursuing any projects; however, all projects have been

presented to the Board for consideration and approval. He noted that Staff or Mr. Dowling ensure that all projects are accomplished.

Mr. Pincus stated that he welcomes all Board Members to inspect the community and provide their findings and ideas to the Board; however, he has a problem with all Board Members contacting vendors. Mr. Pincus suggested that, if Mr. Simeone has a project in mind, such as the fountain lighting, he should first contact District Staff and, if the task falls within the parameters authorized by the Board, they will take action; if it exceeds their authority, the District Manager will advise the operations/facilities manager to obtain proposals and the item will be placed on the next meeting agenda, for discussion. Mr. Pincus believes this is a fair compromise to Mr. Simeone's request, while protecting the integrity of Mr. Dowling's position, as well as the responsibility that Mr. Dowling does not want interference with.

Mr. Simeone expressed agreement with Mr. Pincus' suggestion; however, he does not like not having access. He feels that, as a Board Member, he should have access and Mr. Dowling should not be the person to grant or deny access. Mr. Pincus felt that Mr. Dowling is not telling Mr. Simeone "no". Mr. Simeone believes that he is and asserted that it is not up to Mr. Dowling to give approval to contact vendors. Mr. Pincus did not agree with Mr. Simeone's statement. Mr. Simeone contended that a Board of five (5) members is allowing one (1) Board Member to make all the decisions. Mr. Pincus clarified that Mr. Dowling is not allowed to make all of the decisions.

Mr. Dowling stated that, as the Chair, it is his duty to keep the meeting in order. He stated that he gives everyone respect and the opportunity to speak during a meeting; however, if the respect is not reciprocated he will make it known. Mr. Dowling and Mr. Simeone argued over statements that were made.

Mr. Petrick stated that whoever requires access to keys and codes will bring their request to a meeting and the decision of whether to grant access will be made by the entire Board, not by one (1) person. Mr. Petrick indicated that he does not want, need or have a reason to access keys and codes and does not want to be held accountable if equipment is damaged. Mr. Simeone believes that the entire Board should be held accountable for the District's equipment. Mr. Petrick reiterated his suggestion. Mr. Simeone indicated that Mr. Petrick made a good point. Mr. Simeone expressed appreciation for Mr. Dowling's service to the District and reiterated that, as a Supervisor, he does not like not having access. Mr. Dowling uttered that this conversation

was a waste of 45 minutes. Mr. Pincus stressed that the conversation was necessary and not a waste of time.

Mr. Simeone reiterated agreement with placing items on the agenda, for the Board's approval, prior to obtaining proposals. He indicated that, as a Supervisor, he wants to be proactive and do more than just attend meetings and vote on items. Mr. Wrathell pointed out that the "Consideration of Quotes for Pond Fountain Lighting" is Item 8 on the agenda.

Ms. Senior asked Mr. Simeone if every time he attends a meeting, in person, it can be assumed it is because he has an item on the agenda, for discussion. Mr. Simeone clarified that, because of his work schedule, he cannot attend some meetings, in person. He recalled that, during his previous telephonic attendance, he could not be heard when speaking.

Mr. Wrathell summarized that, moving forward, the new protocol will be that operational items, such as improvements, bids or access to keys and codes, will be placed on the agenda for discussion and/or approval.

Mr. Dowling asked Mr. Wrathell to review Management's responsibilities for obtaining bids, on behalf of the District, per its contract with the District. It is Mr. Dowling's understanding that the contract does not stipulate that Management is required to obtain bids; the service can be provided for an additional fee. Mr. Wrathell replied affirmatively. Mr. Wrathell clarified that, when his company submitted a proposal to the Board for Management services, it was with the understanding that there was someone serving as an operations/facilities manager; therefore, Management's fee is for management oversight. Mr. Wrathell explained that, with regard to the bidding process, his company handles the advertisement in the newspaper. Mr. Dowling pointed out that Mr. Simeone's prior comment regarding Management getting paid to obtain bids was incorrect. Mr. Simeone clarified that his statement was that the District Manager is paid to be the facilitator on the issues brought by the Board. Mr. Simeone indicated that the new protocol was established and he is satisfied with the decision.

Mr. Wrathell suggested that the Board move on to the next agenda item.

Mr. Dowling and Mr. Simeone had a difference of opinion regarding who is allowed to call District Counsel. Mr. Dowling clarified that a reason the Board decided to appoint an operations/facilities manager was to save money on attorney's fees. Mr. Dowling noted that additional fees are incurred each time a Board Member calls District Counsel.

SIXTH ORDER OF BUSINESS

Public Hearing to Hear Public Comment and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes

A. Affidavits of Publication

- **Notice of Rule Development**
- **Notice of Rule Making**

Mr. Wrathell presented the affidavits of publication for today's Public Hearing.

B. Consideration of Resolution 2014-2, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date

Mr. Wrathell recalled that Mr. Van Wyk discussed proposed revisions to the District's Rules of Procedure, during a prior meeting.

Mr. Van Wyk indicated that a redline version was included in the September 11, 2013 meeting agenda; today's agenda includes a clean version. Mr. Van Wyk explained that the major changes were as a result of changes in the Florida Statutes. He indicated that, per one of the changes, requests for proposals (RFPs) must be opened during public meetings. Mr. Van Wyk advised that the opportunity to be heard legislation requires that the District include public comment sections on the agenda. Modifications were made to the "Payment and Performance Bond" so that financial advisors may have different opportunities to secure their fiduciary responsibilities. Mr. Van Wyk indicated that minor changes were made to update the language.

Mr. Van Wyk noted that, today, a public hearing will be held to hear public comment and the Board will have an opportunity to approve or amend the Rules of Procedure.

Mr. Dowling advised that he read, in the Revised Rules, that a Supervisor attending a meeting telephonically, may vote on an issue. Mr. Van Wyk replied affirmatively. Mr. Van Wyk clarified that "Rule 1.1 Board of Supervisors; Officers and Voting.", on Page 3, stipulates that a Supervisor attending a meeting telephonically may vote but may not be counted as one (1) of the three (3) Supervisors that must be physically present to constitute a quorum. Mr. Van Wyk explained that the rules presume that a Supervisor attending by telephone is doing so for a good reason, unless anyone challenges it.

Mr. Dowling read an excerpt from Paragraph 10, on Page 12:

“...Board members may also participate in Board meetings by teleconference or videoconference if in the good judgment of the Board extraordinary circumstances exist...”

Mr. Dowling and Ms. Senior asked what constitutes “extraordinary circumstances”. Mr. Van Wyk indicated that the attorney general provides several examples in his interpretation, such as the Supervisor is in the hospital, or is not within the State of Florida during the meeting. Mr. Van Wyk explained that, instead of a Supervisor having to prove the reason for the telephonic appearance, the rules allow for the Board’s presumption of an extraordinary circumstance. Mr. Van Wyk noted that the Board can challenge the telephonic appearance and request the reason why personal appearance was not feasible. Mr. Dowling stated that, because there is an assumption, the extraordinary circumstance does not have to be approved each time there is a telephonic appearance. Mr. Van Wyk clarified that the rule makes it easier; the Board does not have to make the determination, just presume the determination.

*****Mr. Wrathell opened the Public Hearing.*****

No members of the public were present.

*****Mr. Wrathell closed the Public Hearing.*****

On MOTION by Mr. Pincus and seconded by Ms. Senior, with all in favor, Resolution 2014-2, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Proposals for Holiday Lighting (BD)

- A. It’s A Wonderful Lite**
- B. It’s A Wonderful Lite: Bow Option**

Mr. Dowling recalled that, the prior year, the Board approved Holiday Lighting Designs, Inc.’s (Holiday Lighting) proposal for installation of holiday lights at the entrance to both communities. Mr. Dowling advised that there were many problems with Holiday Lighting; their services were less than satisfactory. Mr. Wrathell recalled that a termination letter was mailed to Holiday Lighting.

Mr. Dowling reported that Briar Bay obtained bids from a new vendor, It's A Wonderful Lite. He noted that their proposal is professional and they have better pricing. Mr. Dowling reported that Mr. Wes Finch, Briar Bay's property manager, interviewed two (2) vendors and recommended It's A Wonderful Lite. Mr. Dowling stated that it makes sense to use the same company and have the lights installed simultaneously. Referring to the proposal, Mr. Dowling noted that Briar Bay approved the standard lights option. The contract stipulates that the lights will be installed prior to Thanksgiving Day and turned on the day after Thanksgiving. Mr. Pincus pointed out that the first night of Chanukah falls on Thanksgiving Day and asked whether the lights can be installed and operable prior to that day. Mr. Dowling replied affirmatively.

Mr. Dowling trusts Briar Bay's decision and recommended that the Board approve this proposal. Mr. Pincus asked if Mr. Dowling was involved in Briar Bay's decision making process. Mr. Dowling said that he was not.

Mr. Dowling asked Mr. Finch to join the meeting and answer questions regarding the vendor. Mr. Pincus indicated that he had questions regarding the bidding process. Mr. Finch reported that he interviewed a representative from It's A Wonderful Lite, several times and met with another vendor, North Star Lighting, Inc. Mr. Finch advised that he was more comfortable with It's A Wonderful Lite and noted that he worked with them, last year, in another property that he manages. Mr. Petrick asked Mr. Finch if he encountered any problems with the vendor. Mr. Finch responded no.

In response to Mr. Pincus' earlier question, Mr. Wrathell stated, for the record, that the proposal amount does not require a formal bid process. Mr. Wrathell mentioned that, in many Districts, the Property Owner's Association (POA) contracts with a particular vendor, the District has the ability, if it chooses, to operate under the POA's recommendation, as long as it does not trigger any statutory bidding requirements.

Discussion ensued regarding the bow option. Mr. Pincus noted that the bow option is similar to Holiday Lighting's proposal and indicated that he prefers option A, without the bow. He feels that the bow adds nothing and makes it more "commercially Christmas" instead of "festive holiday". The lights are sufficiently bright and festive. Mr. Pincus does not find the bow attractive and does not see a need for it. He proposed a motion for the standard lights option, without the bow; however, he will not object, if the rest of the Board prefers to vote on the bow option.

Mr. Dowling stated that he likes the bow and feels that it adds to the decoration. He agrees that it may add a commercial undertone, but he does not see any religious symbolism with the bows. Mr. Dowling will not object if the rest of the Board prefers to vote on the option without the bow.

Mr. Pincus suggested a motion for the bow option and a second motion for the lighting option. Mr. Wrathell proposed an informal vote on the bow option. Mr. Simeone stated that he does not like the bow option. Ms. Senior did not favor the bow option, either.

In response to Mr. Wrathell's question, Mr. Van Wyk confirmed that he has a standard form of agreement for the lighting contract. Mr. Wrathell pointed out that holiday lighting companies tend to have a short termination time frame and suggested including a termination date by June 30. Mr. Dowling proposed a non-renewable contract. The Board agreed with Mr. Dowling's suggestion.

Discussion ensued regarding LED lights versus standard.

Ms. Senior noted that Hamilton Bay is misspelled on the contract.

On MOTION by Mr. Pincus and seconded by Mr. Simeone, with all in favor, the It's a Wonderful Lite proposal for the installation of standard lights, without the bow, in the amount of \$2,284, and authorizing District Counsel to prepare a contract, as discussed, were approved.

EIGHTH ORDER OF BUSINESS

Consideration of Quotes for Pond Fountain Lighting (RS)

Mr. Wrathell asked if the fountain lighting discussion will be deferred to the next meeting. Mr. Simeone stated that he invested time into the presentation and he preferred not to postpone it. Mr. Pincus asked Mr. Simeone if he made any progress. Mr. Simeone replied no and clarified that he placed his research on hold until after he learned the results of today's discussion. In response to Mr. Dowling's earlier comment, Mr. Simeone indicated that he is not aware of the vendor's fee to prepare the quote for the pond fountain lighting.

Mr. Simeone proposed rotating red/green/blue (RGB) lighting with white additions on top. Mr. Simeone indicated that he does not have all the information for the project, at this time;

therefore, he is not sure how much labor will go into the preparation of a proposal. He stated that, if the Board is interested, he will gather the information.

Mr. Pincus asked if the vendor has enough information to prepare a proposal. Mr. Dowling explained that the vendor will need all the specifications for the fountain. Regarding the RGB lighting, Mr. Dowling clarified that it is used in bigger venues, like Las Vegas; however, it is relatively new technology for smaller venues and new technology is expensive. Mr. Dowling explained that the District's fountains are not designed for RGB lighting; they contain four (4) light fixtures attached to a bracket that wraps around the fountain; each fixture contains one (1) bulb. Mr. Dowling clarified that RGB lighting requires multiple bulbs.

Mr. Pincus asked if Mr. Dowling envisions a system where colored lights are shining on the fountain or a system where the lights keep changing colors automatically. Mr. Dowling pointed out that it is Mr. Simeone's vision. Mr. Simeone voiced his preference for changing and rotating lights. Mr. Simeone indicated that, per his conversation with Andy, with Allstate Resource Management, Inc. (Allstate), the four (4) light fixtures must be increased to five (5) or six (6) and the fountain would be rewired. Mr. Pincus asked who Andy is. Mr. Dowling explained that Andy is the Manager of Allstate's Fountain Division. Mr. Dowling indicated that Allstate maintains the District's lakes and cleans the culverts and drains.

Per a prior conversation with Andy, it was Mr. Dowling's understanding that a lighting system with three (3) different colors will require 12 volts, four (4) volts for each color; each color will require its own power source. Mr. Dowling explained that the cables will run from the electrical supply box to the center of the lake, the cable is insulated and will cost approximately \$28 per foot. He stated that the District's electrical power supply will have to be checked to make sure there is sufficient power for the RGB system. Mr. Dowling indicated that Andy quoted approximately \$8,000 to \$15,000, or more, per fountain and noted that there are ten (10) fountains within the District. The price may double but it will not be less. Mr. Simeone indicated that Andy provided him with a quote of \$5,000, per fountain.

Mr. Simeone noted that CityPlace has underwater multicolored lighting. The lighting fixture contains six (6) to eight (8) bulbs and alternates colors. Mr. Dowling pointed out that the fixture contains individual bulbs. Mr. Simeone clarified that it is one (1) fixture. Mr. Simeone asked how much a vendor will charge to inspect the District's fountains to prepare a proposal.

Discussion ensued regarding the size of the bulbs. In response to Mr. Simeone's inquiry, Mr. Pincus explained that some bulbs in the fountains are smaller than others. Mr. Petrick asked who has the specifications for the fountains.

In response to Mr. Simeone's prior question, Mr. Dowling indicated that the vendor will not charge the District to assess the fountains; however, a good faith effort is assumed. Mr. Dowling reiterated that the vendor will spend 20 to 40 hours preparing a proposal. Mr. Dowling indicated that the Board must first decide if it is willing to expend \$150,000 to \$180,000 to install RGB lighting in the fountains. Mr. Simeone commented that he does not want the Board to vote prematurely, without having all the pricing information.

Mr. Pincus asked about the pricing threshold for a project to be put out to bid. Mr. Van Wyk stated that the cost is a little over \$200,000. Mr. Dowling indicated that this bid will not require advertising. In Mr. Pincus' opinion, the fountain lighting up to \$50,000 is worthwhile; a price above \$100,000 is not.

Mr. Simeone asked the Board for authorization to discuss the fountain lighting with the vendor and obtain a bid. Mr. Dowling indicated that the vendor will be able to make a determination from the fountain's specifications. Mr. Pincus believes that the specifications are located in Management or the District Engineer's office.

Mr. Wrathell asked if the fountains were installed by the developer. Several Board Members clarified that the fountains were installed approximately four (4) to five (5) years ago. Mr. Petrick stated that the City of West Palm Beach will have a copy of the specifications, as part of the permitting process.

Mr. Pincus indicated that, if the Board decides to give Mr. Simeone authorization to proceed, his authority will be to discuss with the vendor what is needed from the District to provide a rough estimate for the project. Mr. Pincus clarified that the vendor should not devote 20 to 40 hours, at this time.

Mr. Dowling voiced his opinion that the multicolored lighting is tacky and Las Vegas looking. In a commercial setting, like CityPlace, it is acceptable.

Ms. Senior asserted that the Board should decide what it is willing to spend on this project, before proceeding. In her opinion, it is the Board's duty to make the community look good without going overboard; this project can turn out to be very costly for the residents. Mr.

Simeone reiterated that he would like to know the cost of the project before the Board makes a final decision.

Mr. Wrathell indicated that the cost will be \$5,000 per fountain, minimally, plus the cost of upgrading the electrical system. He noted that the major expense will be upgrading the electrical system. Mr. Wrathell concluded that the total expense for the project will be \$60,000, at minimum.

Mr. Simeone asked the Board's opinion on the project. Mr. Dowling stated that Andy provided Mr. Simeone with a \$5,000 quote per fountain and, during a more recent conversation, he quoted \$8,000 to \$12,000 per fountain. Mr. Dowling noted that Andy may have performed additional research between both conversations; hence, the higher quote.

Mr. Pincus recalled that the electrical pricing almost stopped the fountain project, during the initial installation. He noted that two (2) of the fountains are not in the original locations chosen by the Board, because electrical wiring was not feasible. Mr. Dowling indicated that one (1) fountain had to be moved, at an additional expense of \$8,000, because wind conditions were blowing water into residents' yards. Mr. Dowling noted that it was not the Board's intention to spend all that money but the electrical system had to be upgraded with new junction boxes to sustain the ten (10) fountains.

Mr. Simeone affirmed that the Board should consider the cost of the lighting and the project. He suggested researching static lighting, if the Board does not proceed with RGB lighting. Mr. Simeone stated that the matter can be dropped altogether, if the Board is opposed to multicolored lighting.

Mr. Dowling indicated that the monthly operational costs should also be considered in making a decision. Currently, each fountain consumes approximately \$400 worth of electricity per month, to run the motors. Mr. Dowling reported that four (4) motors have broken within the last (3) months.

Mr. Pincus concurred with Mr. Simeone's comment regarding the Board's agreement on multicolored, static or rotating lighting. If the majority of the Board is not in favor, there is no need to move forward. Mr. Simeone suggested trying multicolored bulbs with the current lighting system.

Mr. Petrick feels that upgrading to a colored lighting system will be too expensive. Mr. Simeone asked Mr. Petrick to provide an opinion regarding the multicolored lighting, not the

cost. Mr. Petrick indicated that he does not oppose static lighting; however, he is opposed to upgrading to colored lighting. Ms. Senior preferred to stay with the current or static lighting.

Mr. Wrathell suggested experimenting with static lighting on one (1) fountain. Mr. Simeone volunteered the fountain adjacent to his home and asked the Board if they preferred four (4) different color bulbs, or four (4) bulbs of the same color. Mr. Dowling indicated that the water will blend different colored bulbs into one (1) color; therefore, he suggests one (1) color. Discussion ensued regarding which colored bulb to install. Mr. Wrathell suggested trying one (1) color at a time. Mr. Dowling pointed out that the cost of one (1) bulb is \$150; there are four (4) bulbs per fountain. Mr. Dowling stated that labor costs will also be incurred for switching out the bulbs.

Ms. Senior questioned how the Board will receive the community's feedback on one (1) fountain. Mr. Wrathell indicated that he will email the Board, subsequent to the bulb switch out. The Board, in turn, will email Mr. Wrathell with their personal opinion and the discussion will be placed on the next agenda.

Mr. Pincus clarified that the color of the bulbs will not be changed periodically; therefore, the Board should provide their opinion on their choice of color. Mr. Dowling reiterated that he does not like multicolored lighting; in his opinion, white lighting keeps everything bright and clean. Mr. Wrathell believes that residents will relate the color lighting with the holiday season. Mr. Pincus suggested waiting until after the New Year. Mr. Wrathell proposed waiting for an innocuous time to experiment with the colored lighting. The Board was in agreement.

Mr. Wrathell asked if he should locate the fountain specifications. The Board replied affirmatively. Mr. Wrathell confirmed that he will email the fountain specifications to the Board.

Mr. Simeone stated that he did not anticipate that the project would be so expensive. Ms. Senior noted the monthly operational costs.

The Board agreed to continue this discussion to the December meeting.

NINTH ORDER OF BUSINESS

Discussion: Roadway Entrance (BD)

Mr. Dowling referred to the Briar Bay entrance (entrance) onto Celebration Boulevard and asked Mr. Van Wyk to clarify property lines. Mr. Dowling's understanding was that the

road is owned by Briar Bay and the District. Mr. Dowling believes that the District owns the roadway and not any property on the curb.

Mr. Dowling reported that the volume of traffic coming into the entrance is exceeding the capacity of the roadway. He noted that, between the hours of 2:30 p.m., and 5:30 p.m., school buses make U-turns into the entrance to drop off children that reside in Vista Lago, Briar Bay and Hamilton Bay and the parents drive in to pick up these children. Mr. Dowling indicated that city vehicles use the entrance to park, while making repairs to common areas.

Mr. Dowling stated that Briar Bay took initiative and conducted an engineering study for the possibility of adding a third lane, approximately halfway from the south side. He clarified that the lane will be added on the right-hand side and will alleviate the traffic. Mr. Dowling noted that Briar Bay paid for the engineering study.

Mr. Dowling advised that City Engineering confirmed that the project is feasible. The estimated cost for the project is \$100,000 to \$120,000. Briar Bay board members are requesting that the District share some of the cost because the District's residents are contributing to the problem.

Mr. Dowling asked Mr. Van Wyk if the District is allowed to partially fund the project. Mr. Van Wyk replied yes and no. Mr. Van Wyk explained that, with regard to capital improvement projects (CIP), assessments are intended to be utilized for the purpose that they were collected. Mr. Van Wyk clarified that improvement to the entrance was not contemplated by the Board or brought up as a line item, during the assessment process. Mr. Van Wyk suggested including this CIP as a line item, in next year's budget and then assessing accordingly.

Mr. Van Wyk expressed concern with property interest. He noted that any District improvements must have some form of property interest, in the form of an easement or title to the underlying property, etc. Mr. Van Wyk indicated that the District Engineer, in conjunction with Management, must assist in determining whether the CIP will be of benefit to the District.

Mr. Van Wyk clarified his prior response, stating yes, it can be done; however, there is a process that must be followed and property interest must be determined. Mr. Wrathell believes that, if the District funds a CIP, it must own it or convey it to another governmental entity. Mr. Wrathell clarified that the District does not have to own the "dirt" that the CIP sits on, but it must have some type of ownership through an easement, etc. Mr. Van Wyk concurred. Mr. Van Wyk

explained that the District must have an easement or outright ownership, which can be accomplished, if both parties are interested.

Mr. Van Wyk expressed concern with utilizing existing funds for a new CIP, without the residents having input and knowledge that their assessments will be used for that purpose. Mr. Wrathell advised Mr. Van Wyk that the District has a healthy fund balance and asked if Mr. Van Wyk's concerns can be quashed by transmitting a Chapter 197 notice advising residents of the CIP and that the project will be subsidized by the fund balance. Mr. Wrathell noted that a special assessment will not be needed if fund balance is utilized.

Mr. Van Wyk clarified that it is important that residents are aware of how their assessments will be utilized. He confirmed that residents can be notified by a Chapter 197 notice that the CIP will be subsidized by the fund balance, as long as it is a line item on the next budget. Mr. Van Wyk indicated that the District will probably have to prepare a separate notice, beyond the Truth in Millage (TRIM). Mr. Van Wyk reiterated that the District Engineer must be involved in this matter and the CIP must be added to the engineer's report.

For clarification, Mr. Pincus asked Mr. Van Wyk if the District must wait until the next budget cycle if it is interested in subsidizing the project. Mr. Van Wyk replied affirmatively. Mr. Dowling noted that the project will not commence until Fiscal Year 2015. Mr. Wrathell pointed out that discussions for the next fiscal year will begin in approximately six (6) months. Mr. Pincus clarified that the project cannot begin until October, 2015. Mr. Van Wyk concurred. Mr. Wrathell noted approximately six (6) to eight (8) months are left in the process, before the District can consider beginning construction. While the budget process is underway, Mr. Wrathell suggested that the District proceed in an investigatory capacity.

Mr. Dowling indicated that Mr. Petrick took part in the initial discussions. Mr. Petrick indicated that the project is in good shape. Mr. Petrick reported that they attended several meetings with the District Engineer and the City of West Palm Beach. The project is ready for the permitting process. Mr. Petrick believes that the project will be approved.

Mr. Pincus asked if the road will be increased by an 8' travel lane. Mr. Petrick indicated that it will be longer than 8'. Mr. Dowling clarified that Mr. Pincus meant width. Mr. Petrick replied affirmatively. Mr. Pincus asked if the 8' width falls within the District's property line. Mr. Dowling replied no. Mr. Dowling clarified that the fence and hedges fall within the District's property line. Discussion ensued regarding the District's property line.

Mr. Pincus asked if Briar Bay will require permission from the District to proceed with the project, if the 8' encroaches on the District's property. Mr. Dowling drew a map of the Entrance, property lines and the proposed third lane and pointed out that the road extension might encroach in one (1) small section of the road. Further conversation ensued regarding the District's property line. Mr. Pincus reiterated his question.

Mr. Dowling asked the Board if they are interested in proceeding with the project. Mr. Simeone indicated that he will need further information regarding the legalities of subsidizing the improvement. Mr. Wrathell explained that, if the District subsidizes a CIP, with public funds, the District must own it; the District must own the 8' lane. Mr. Dowling asked if that statement holds true if the District partially funds the CIP. Mr. Wrathell explained that Briar Bay will contribute their private funds to the District and the District will own the lane through an ownership of operation easement. Mr. Pincus asked if that implies that the District will have to maintain the lane, such as fixing potholes. Mr. Wrathell replied yes, unless the District enters into an agreement with the association where they will maintain the lane.

Mr. Petrick proposed having the District Engineer evaluate the road, prior to the Board discussing funding the project.

Mr. Wrathell asked Mr. Van Wyk if the Board may consider amending this year's budget, holding a public hearing and mailing a Chapter 197 notice advising the residents that the budget will be amended and that fund balance will be utilized to subsidize the CIP, instead of waiting until October, 2014. Mr. Van Wyk stated that something could be "worked out". Mr. Van Wyk's concern was that residents and the public are supposed to be advised, in advance, what the purpose of those assessments is and spend the funds on those improvements. Mr. Van Wyk explained that the District will want to ensure that everyone, who was assessed, is aware of the purpose of that assessment, especially with an expense of this magnitude. In response to Mr. Wrathell's comment, Mr. Van Wyk attested that Staff will be able to prepare a Chapter 197 notice that will allow the District to amend the current budget to include that line item and hold a public hearing. Mr. Van Wyk stated that he wants to make sure that the District proceeds with the public's knowledge and input.

Ms. Senior asked whether an additional assessment must be levied for this project if the District will not be able to utilize current funds for the CIP. Mr. Van Wyk said no and clarified

that Staff must put the public on notice that the assessments that were collected for one (1) purpose will now be utilized for a new purpose.

Mr. Wrathell asked if the improvement will benefit Hamilton Bay residents. Mr. Dowling stated that, just like every other improvement, it will not benefit all residents. Mr. Pincus contended that the traffic situation is caused by the guards' inability to perform their job correctly, passing people through without proper identification.

Mr. Pincus asked what Briar Bay is requesting from the District. Mr. Dowling stated that Briar Bay asked him to bring the situation to the District's attention and confirm whether the District will assist in subsidizing the project. Mr. Pincus indicated that Briar Bay should prepare a presentation, including total costs, and advise the District how much funding they will need. Mr. Dowling confirmed that Briar Bay will need 30% to 50% of the estimated cost of \$100,000 to \$120,000.

Mr. Dowling reported that Briar Bay is requesting the District's assistance because the additional lane will also benefit Hamilton Bay and Vista Lago residents. He reiterated that the Briar Bay entrance is utilized for U-turns and standing areas; this entrance becomes hazardous during the hours of 2:30 p.m., and 5:30 p.m. Mr. Petrick noted that this is a safety issue. Mr. Dowling indicated that it is dangerous to children, residents and other vehicles entering into the community. Mr. Dowling stated that school buses, without room to conduct a U-turn, are backing into traffic that is coming against them.

Mr. Dowling summarized that Briar Bay residents contribute 50% to 70% of the traffic. It is estimated that the other 50% to 30% is comprised of Hamilton Bay and Vista Lago residents; therefore, Briar Bay is requesting that the District consider contributing 30% to 50% of the project costs.

Mr. Wrathell stated that safety hazards can be cited if residents from other communities contest the District's contribution to the project.

Ms. Senior asked how Briar Bay obtained the percentages. Mr. Dowling indicated that a survey was not conducted; the percentages are estimates.

Mr. Wrathell confirmed that, from the District's perspective, the project is doable. He indicated that, to avoid misunderstandings, certain points should be communicated to Briar Bay. Mr. Wrathell stated that the District will have to transmit a Chapter 197 notice to notify the property owners. He indicated that because public funds will be expended for the project, the

District must own that lane, by an operation maintenance easement. If Briar Bay chooses to maintain that portion of the road, the agreement can reflect their decision. Mr. Wrathell stated that, other than Chapter 197 notices, public hearings and amending the budget, he does not foresee any problems with the District funding the project.

Mr. Dowling asked Mr. Pincus' opinion. Mr. Pincus asked how much money was approved for the painting of the walls and fences. Mr. Dowling and Mr. Simeone stated approximately \$114,000. Mr. Pincus indicated that the project would be much more palatable, for him, if Briar Bay can wait for October 1, 2014; however, since the project is close to the permitting stage, Mr. Pincus is not sure if they can wait. Mr. Dowling asked Mr. Pincus if he is okay with the concept. Mr. Pincus indicated that he does not know, at this time; it is the first time he is hearing about this. As the only non Briar Bay resident on the Board, Mr. Pincus acknowledged the problems and the benefits; however, he feels it is a "tough sell". Mr. Pincus indicated that he does not know if he can provide a fair answer at this time. Mr. Pincus stated that, if he is asked for a snap judgment, he would say no; however, he would like the opportunity to consider the project. Mr. Pincus had no problem with the investigation and exploration discussed today; he is not in a position to bring the matter to a formal vote.

Mr. Dowling noted that time is a factor. He stated that construction will not begin prior to the holidays. It is best to install the additional lane during a school break. Mr. Pincus asked if an opinion was received, from a contractor, on the duration of the project. Mr. Petrick replied affirmatively and noted that, if all goes well, it will be a three (3)-week project. Mr. Dowling noted that it can turn into a five (5) to six (6)-week project and suggested installing the additional lane during summer break. Mr. Petrick indicated that the permits will expire after six (6) months.

If timing is an issue, Mr. Wrathell proposed purchasing the road from the association, after all the proper procedures with the notices and public hearings are in place, as long as it was constructed according to specifications. Mr. Wrathell clarified that he is not in favor of this idea; however, it can move the project along more quickly. Mr. Pincus stated that he is not in favor of purchasing the road; he prefers contributing to the improvement than having the District take on additional maintenance duties. Mr. Pincus is more in favor of an operation and maintenance easement and then contracting the maintenance out to Briar Bay.

Mr. Dowling will report the District's discussion to Briar Bay and allow them to make a decision on how they wish to proceed. Mr. Dowling does not wish to incur legal and

engineering fees if the project is not moving forward. He noted that Briar Bay might decide that the project is too much of a headache and not proceed with it. Mr. Dowling will report Briar Bay’s decision to the Board during the December meeting.

TENTH ORDER OF BUSINESS

Consideration of Proposal Number 3825 from Kings Management Services, Inc., for Sod Replacement Along Jog Road

- **Proposal Number 3826, Dead Plant Replacement (*approved as maintenance*)**

Mr. Dowling recalled that this item was discussed briefly during the October 23, 2013 meeting. He noted that, during that discussion, Mr. Pincus mentioned that it was not a good idea to install sod during the dry season and he suggested that the matter should be revisited in the spring.

Mr. Pincus recalled that Mr. Wrathell suggested keeping this item on the agenda so that the matter is not overlooked.

In response to Mr. Wrathell’s inquiry, Mr. Dowling confirmed that the dead plants were replaced. Mr. Wrathell indicated that proposal 3826 will be removed from the next agenda.

Mr. Dowling suggested removing this item from the agenda until February. He noted that the proposal is good for a certain amount of time and the price of sod might increase in the spring. Responding to Mr. Pincus’ question, Mr. Dowling indicated that King’s Management confirmed that it is best to install sod in the spring.

Mr. Wrathell advised Mr. Dowling that the sod replacement will be carried over on future agendas as a discussion item, until the matter is resolved. Mr. Dowling stated that he will obtain a new proposal in the spring.

ELEVENTH ORDER OF BUSINESS

Discussion: Allstate Resource Management Quarterly Maintenance Contract For Fountain Maintenance Services (BD)

- **Current Agreement with Fountain Design Group**

Mr. Dowling explained that Fountain Design Group, Inc. (Fountain Design), is the company that services the District’s fountains. He noted that the contract was signed in 2010.

Mr. Dowling reported that Fountain Design’s services have deteriorated. Mr. Pincus asked if they are aware of Mr. Dowling’s displeasure. Mr. Dowling advised that he indirectly made them aware of their poor service. Mr. Dowling does not feel that he should have to keep calling a vendor to have a project completed. Mr. Pincus expressed agreement. Mr. Dowling believes that, if a company demonstrates poor service, it is time to look elsewhere and indicated that he will present a proposal from Allstate Resource Management at the next meeting.

Mr. Dowling asked Mr. Van Wyk for his opinion regarding terminating the contract with Fountain Design. Mr. Van Wyk stated that he has not read the entire contract in a while. Mr. Pincus noted a 30-day termination.

Mr. Dowling deferred this item to the next meeting.

TWELFTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being nothing additional to report, the next item followed.

B. Engineer

i. SFWMD Permit - Mallory Square

Mr. Wrathell reported that a copy of the permit was included in the agenda, for informational purposes.

C. Manager

i. Approval of Unaudited Financial Statements as of September 30, 2013

Mr. Wrathell presented the Unaudited Financial Statements as of September 30, 2013. Referring to the “Balance Sheet” on Page 2, Mr. Wrathell observed that the FineMark Insured Cash Sweep (ICS) account was established. He explained that the FineMark money market account (MMA) is FDIC insured and the funds in the ICS account are held in other participating FDIC insured banks, not with FineMark. Therefore, the Board should not be concerned that the funds in the ICS account are over \$300,000.

Mr. Wrathell explained that the Board elected to participate in an ICS program, instead of opening multiple accounts with various banks. He indicated that the ICS account is a subaccount to the MMA account and any funds over \$250,000 are directed into the ICS account for placement in other participating FDIC insured banks. Mr. Wrathell noted that all subaccounts stay under the FDIC limit; therefore, the District’s funds are fully protected. FineMark is a qualified public depository (QPD) under Chapter 284, Florida Statutes.

Referring to the “Debt Service Fund 2006”, Mr. Wrathell explained that it will be utilized to pay the November 1, 2013 bond payment.

On Page 2, Mr. Wrathell indicated that collections are at 101%, as of September 30. Referencing the expenses, on Page 3, Mr. Wrathell noted that they were \$370,293 versus the budget amount of \$490,021. He stressed that these are the District’s unaudited financials and the audited financials will be presented in the spring. Mr. Wrathell explained that Management works under the modified accrual basis of accounting. He clarified that services provided in September might not be invoiced until October; those expenses will accrue back to the prior fiscal year. Mr. Wrathell suspects that, once all the bills attributable to this fiscal year are paid, there will not be a \$120,000 difference between expenditures and the budgeted amount. Mr. Pincus was in agreement.

Mr. Wrathell indicated that Page 4 reflects the District’s interest and principal payments made on the bonds. He reported that the capital funds project was closed out and the District is in good shape.

On MOTION by Mr. Simeone and seconded by Mr. Pincus, with all in favor, the Unaudited Financial Statements as of September 30, 2013, were approved.

ii. NEXT MEETING: December 18, 2013 at 8:30 A.M.

Mr. Wrathell advised that the next meeting is scheduled for December 18, 2013 at 8:30 a.m., at this location.

Ms. Senior reported that she received a complaint, from her neighbor, regarding debris on the lake's surface. Mr. Dowling explained that the material floating on the lake is not debris; it is algae caused by intense heat. Mr. Dowling noted that Allstate maintains the lakes on a weekly basis and, as the weather cools, the algae will dissipate. Treating the algae would cause other vegetation to die.

Mr. Wrathell explained that fertilizer drains into the lakes and the heat, combined with the fertilizer, causes algae growth. Mr. Dowling confirmed with the landscaping company that chippings are not being blown into the lakes.

Ms. Senior asked if the District sprays for mosquitoes. Mr. Wrathell replied no. Mr. Pincus indicated that spraying is a function of the county or the city. Ms. Senior stated that it is difficult to stay outdoors with the abundance of mosquitoes. Mr. Dowling suggested that Ms. Senior call 222-2222 and register a complaint.

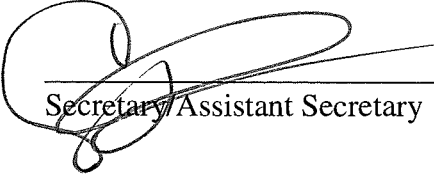
There being no public comments, the next item followed.

FIFTEENTH ORDER OF BUSINESS

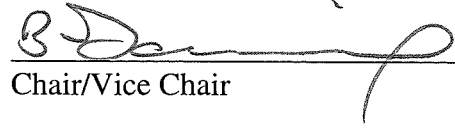
Adjournment

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Simeone and seconded by Mr. Petrick,
with all in favor, the meeting adjourned at approximately
10:49 a.m.**



Secretary/Assistant Secretary



Chair/Vice Chair