

**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, September 10, 2014 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 ( <i>via telephone</i> )	Vice Chair
Joseph Petrick	Assistant Secretary
Steven Pincus	Assistant Secretary

**Also present were:**

Craig Wrathell	District Manager
Karen Brandon	District Engineer
Roy Van Wyk ( <i>via telephone</i> )	District Counsel

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Wrathell called the meeting to order at 8:33 a.m., and noted, for the record, that Supervisors Dowling, Pincus and Petrick were present, in person. Supervisor Simeone was attending via telephone. Supervisor Senior was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of June 25, 2014 Regular Meeting Minutes**

Mr. Wrathell presented the June 25, 2014 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Pincus and seconded by Mr. Dowling,  
with all in favor, the June 25, 2014 Regular Meeting Minutes,  
as presented, were approved.**

**FOURTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and  
Objections on Adoption of Fiscal Year  
2014/2015 Budget**

**A. Affidavit of Publication**

Mr. Wrathell presented the affidavit of publication for today's Public Hearing and Regular Meeting.

**B. Consideration of Resolution 2014-8, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2014 and Ending September 30, 2015**

Mr. Wrathell presented Resolution 2014-8 for the Board's consideration. He noted that this resolution relates to the adoption of the annual budget for Fiscal Year 2015, which begins on October 1, 2014 and ends on September 30, 2015.

Mr. Wrathell advised that the District must submit its budget to the tax collector by September 15 and today is the District's last opportunity to adopt the budget. He indicated that Management submitted the assessment information in a timely manner and property owners should have received the Truth in Millage (TRIM) Notice.

Mr. Wrathell referred to the "Assessment Comparison", on Page 9, and noted that the first table refers to the assessments based upon the proposed Fiscal Year 2015 budget. He pointed out a slight increase in the "O&M Assessments", which is attributable to the fact that, last year, there was \$20,000 in fund balance to subsidize the operations of the District; this year there would be no subsidy. Mr. Wrathell noted that the assessment for the condos and townhomes increased by approximately \$16, from Fiscal Year 2014, while the assessment for the single-family units increased by \$22. Referring to Page 1, Mr. Wrathell pointed out the anticipated "Assessment levy - gross", with the 4% discount netted out, assuming that the residents pay their assessments in November. He advised that, if property owners do not pay early, it benefits the District.

Mr. Wrathell explained that the "Fair-share agreement" relates to an agreement between the District and the Palm Beach County School Board (PBCSB); whereby, the PBCSB compensates the District for allowing stormwater from the elementary and middle schools near the District to drain into the District's system.

Mr. Wrathell reviewed the "Expenditures", on Pages 1 through 3. Referring to the "Audit" line item, on Page 1, he explained that the District is statutorily required to have an independent audit performed each year. The "Arbitrage rebate calculation" is performed in

compliance with tax regulations, stipulates that the District's invested proceeds, from tax exempt bonds, cannot receive a higher rate of return than the actual coupon or interest rate of the original bonds.

Mr. Wrathell recommended moving the \$500 budgeted for "Website", to "Capital outlay", as no enhancements were needed for the current website. There was consensus from the Board.

Referring to "Legal advertising", Mr. Wrathell explained that the District is a governmental entity; thus, it is required to advertise meetings and public hearings. "Other current charges" includes bank and other incidental charges. "Insurance" includes the General Liability and the Directors' and Officers' (D&O) liability insurance. "Dissemination agent" includes the continuing disclosure of the bonds to the bondholders under an SEC rule.

Mr. Wrathell indicated that, under "Field operations", on Page 2, the amount budgeted for "Landscape maintenance" coincides with the new landscape maintenance agreement going into effect on October 1 with King's Management Services (King's Management).

Mr. Wrathell recommended budgeting \$10,000 to the "Turn lane project", assuming the expenditure will hit this fiscal year. Mr. Petrick advised that half of the expenses were billed to the District for materials. The site will be inspected on October 7 to determine if the asphalt cured and can be seal coated and blacktopped. To date, \$87,000 was paid by the HOA and the project is still on budget. Mr. Pincus pointed out that the invoices must be provided to the developer for their contribution. Mr. Dowling clarified that Briar Bay was billed 100% and will invoice the District but questioned the District's portion. Mr. Pincus indicated that the District's portion was 15%, with a not-to-exceed amount of \$20,000. Mr. Wrathell acknowledged that a lot of the work was attributable to Fiscal Year 2014; the invoice for October should specify the "Turn lane project" and the date it would be completed. Mr. Dowling pointed out that the invoice was coming from King's Management.

Mr. Pincus asked what happens if the Board approves something for the current fiscal year but it is not completed. He questioned whether the District must pay now and what the District must do to complete the unfinished part. Mr. Van Wyk advised, if the expenditure was incurred within Fiscal Year 2014 but was paid out of Fiscal Year 2015 funds, it was still accounted for under Fiscal Year 2014. Mr. Wrathell suggested rolling \$20,000 into the Fiscal Year 2015 budget and showing it in fund balance.

Mr. Pincus asked when the project was estimated to be completed. Mr. Petrick advised that the contractor can be instructed to seal coat, blacktop and stripe it; however, any

discoloration will void the warranty. The objective is to complete the project by the end of the year or January 1. Mr. Dowling indicated that he would speak to Mr. Bruce King, at King's Management; however, he felt that it was advantageous for the District to pay in Fiscal Year 2014 and for Briar Bay to receive reimbursement in Fiscal Year 2014. Mr. Wrathell indicated that he will budget \$10,000 in the "Turn lane project", for Fiscal Year 2015, and show fund balance to offset that amount. Mr. Dowling advised that he will have Mr. King send the invoice.

Mr. Wrathell reported that the budget includes \$15,000 for "Catch basin inspection and cleanout", as the Board decided, at the last meeting to include this expenditure, whether or not the funds were needed. Mr. Dowling indicated that the catch basins were inspected last year by Allstate Resource Management (Allstate) and a major cleanout was performed four years ago. He mentioned that the District was budgeting for a major cleanout and annual inspections during Fiscal Year 2015. Mr. Pincus felt that this was money well spent and was comfortable having the catch basins inspected. Mr. Wrathell agreed that this was a wise investment.

Mr. Dowling pointed out that, during Allstate's inspections, cameras are dispatched into the catch basins and provide a detailed report. He felt that the flooding problem was that Allstate did not understand the mechanics of the system. Mr. Wrathell acknowledged the strict limitations regarding how far down they can pump. Mr. Leo Giangrande was able to convince the South Florida Water Management District (SFWMD) to allow them to pump down another 6". Mr. Dowling pointed out that this was based on a pre-storm event. Mr. Wrathell recalled that the last pumping occurred during Tropical Storm Isaac.

Regarding Briar Bay and Jog Road, Mr. Wrathell reported that these line items were removed from the budget, as they were negotiated with the county; these line items will be included in "Capital outlay".

Mr. Wrathell reported that \$10,000 will be added to the "Fund balance" on the top of Page 3, for other fees and charges. This will cause the "Unassigned fund balance" to decrease from \$250,262 to \$240,262.

Mr. Wrathell concluded that the designated reserves are in place and the District's reserves are in great shape. The District must ensure there is enough money to cover the November 1, 2014 interest payment of \$232,618.75 and the May 1, 2015 principal payment of \$365,000, plus \$232,618.75 interest, for a total of \$589,618.75. The "Fund Balance" has \$509,000; \$225,000 to pay the November 1, 2015 interest expense, as the November tax bill would go out after the interest payment is due. He noted a good amount of cash built up in the

“Debt service fund”; if the need arises to utilize those funds, the District would have to lower the debt assessment and increase the “General Fund” assessments to build up cash.

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

There were no public comments.

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

**On MOTION by Mr. Petrick and seconded by Mr. Pincus, with all in favor, Resolution 2014-8, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2014 and Ending September 30, 2015, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2014-9, Imposing Special Assessments and Certifying an Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Wrathell presented Resolution 2014-9 for the Board’s consideration and read the title into the record:

“A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HAMAL COMMUNITY DEVELOPMENT DISTRICT MAKING A DETERMINATION OF BENEFIT; IMPOSING SPECIAL ASSESSMENTS AND CERTIFYING AN ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE”

Mr. Wrathell explained that the purpose of this resolution was to direct Staff to place the assessments on the November tax bill.

**On MOTION by Mr. Pincus and seconded by Mr. Petrick, with all in favor, Resolution 2014-9, Imposing Special Assessments and Certifying an Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Update: Fence Damage/Repair**

Mr. Wrathell reported that Mr. Dowling noticed fence damage around the pump station, what has been repaired. Mr. Dowling indicated that the fence was adjacent to the Sail Harbor

property, where there was vandalism and trespassing. Mr. Dowling noted that the Sail Harbor Board asked if the District would consider paying for tier barbwire at the top of the fence. Mr. Simeone pointed out limitations on the use of barbwire within residential areas; therefore, the request was denied.

Discussion ensued regarding installation of Bougainvilleas on the north and south sides of the property.

Mr. Wrathell concluded that the Board took all reasonable steps, from a liability standpoint, with the building being locked and the repair of the fencing.

**SEVENTH ORDER OF BUSINESS**

**Update: Pump Station Equipment** *(for informational purposes)*

Mr. Wrathell reported that a power surge occurred at the pump station and the battery backup and router did not work. As a result, repairs were needed, which amounted to \$485. He noted that concern was raised regarding whether Staff was performing ongoing pump station inspections; he stated that the surge causing this event was not indicative of Staff “missing” something. Mr. Dowling pointed out that he inspected the pump stations, on a regular basis, due to the amount of rain in July and August, and, during one inspection, he noticed that the control panel screen was dead. Mr. Dowling contacted the contractor, who responded immediately; he reassured the Board that the system operated even though the control panel was not working and was never actually down. Mr. Dowling explained that the pumps could not be accessed remotely because the router was down; the router was replaced, as well as the battery backup.

**EIGHTH ORDER OF BUSINESS**

**Discussion Lake Levels**

Mr. Wrathell reported that Staff continues to monitor the lake levels.

**NINTH ORDER OF BUSINESS**

**Discussion: Power Wash Jog Road Sidewalk**

Mr. Dowling recalled discussion, a year ago, regarding the possibility of power washing both sides of the sidewalks between Jog Road and the Hamal wall and pointed out that there were some genuine liability concerns about the District owning the sidewalks if they maintain them. He noted that, recently, the city or county replaced 10 slabs of concrete sidewalk and it was his understanding that whoever did the repair was responsible for the maintenance. Several

residents approached the District about power washing the sidewalks. Mr. Dowling pointed out that Vista Largo recently power washed the sidewalks in front of their property.

Mr. Wrathell asked whether the District was liable if they pressure washed the sidewalks for a period of time and then stopped and, subsequently, someone got hurt. Mr. Van Wyk advised when any builder grants a right-of-way for the roads and sidewalks to the county, there is an assumption that everything within the right-of-way goes to the county or city for maintenance responsibilities. However, some counties take the opposite view that, unless the sidewalks were specifically accepted, maintenance was the responsibility of HOA or CDD. He indicated that, as long as the county accepted responsibility for the ongoing maintenance, which it appears to be, if someone replaced sections of the sidewalk, they are clearly accepting maintenance responsibilities. Mr. Van Wyk recommended that the District send a letter to the city engineer putting them on notice that the District is going to pressure wash their sidewalks on a specific date, for “x” hours, and then reopen them.

Mr. Dowling asked whether it was easy to find out who performed the slab work. Mr. Petrick reported that he noticed a subcontractor for the county performing the work. Ms. Brandon offered to speak to the county maintenance department. Mr. Wrathell pointed out that the county owns the median. Mr. Dowling clarified that Jog Road is owned by the county but the city has maintenance responsibilities. Mr. Petrick suggested sending a letter to both the county and the city. Mr. Wrathell will draft the letter, circulate it to the Chairman, District Attorney and District Engineer and place this item on the next agenda.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being no report, the next item followed.

**B. Engineer**

Mr. Wrathell introduced Ms. Karen Brandon,, who replaced Mr. Leo Giangrande.

Ms. Brandon requested a tour of the property.

Mr. Dowling reported that the only major project was the widening of the Briar Bay entrance. Mr. Petrick is the liaison authorized to contact the District Engineer to discuss any matters regarding this project. Mr. Petrick will copy Ms. Brandon on any correspondence relating to this project.

Regarding the fountain installation, Mr. Dowling reported that lighting caused issues with the fountains. He noted that there was an issue with the lights in the fountain on Lake #5. Allstate removed the entire light fixture and got it to work but did not know what was wrong with it. Mr. Dowling reported that there were problems with the fountains in Lakes #7 and #9. Mr. Pincus believed that the times are slightly off, as the lights are turning on prior to the fountain or vice versa. Mr. Dowling asked Mr. Pincus to email him the next time this happens. Mr. Pincus questioned the setting of the fountains. Mr. Dowling indicated that the fountains were supposed to be on from 10:00 a.m., to 11:00 p.m., with the lights being adjusted for daylight savings time, usually from 7:30 p.m., to 10:00 p.m.

Mr. Dowling reported difficulty working with Florida Power & Light (FPL) regarding installation of the 7.5-horsepower fountain in Lake #7, as they have been slow to respond. He heard from a third party that there was not enough power supply in the transformer to handle the light and the fountain. Mr. Dowling noted that the alternative power source was so far away that it would most likely double the electrical installation cost.

**\*\*\*Mr. Simeone left the meeting at 9:20 a.m.\*\*\***

Mr. Pincus recalled that the Board approved a not-to-exceed amount. Mr. Dowling reported that the not-to-exceed amount was \$30,000 and believed the cost would exceed that amount using an alternative power source. Mr. Petrick suggested waiting for the quote and considering this at the next meeting. Mr. Dowling voiced concern with the number of people working on this project that did not work on an hourly basis. He noted that his plan was to speak to Allstate and an electrician but recommended putting this project on hold at the present time.

Mr. Petrick asked whether it would be cost prohibitive to move the existing fountain so it services the entire community. Mr. Dowling reminded Mr. Petrick that the fountain was already moved, at a cost of over \$10,000, and to move the fountain further from the transformer and cutting into junction boxes would increase the cost. Mr. Petrick asked if Mr. Dowling recommended finding a way to get the fountain installed for \$30,000 or placing the project on hold. Mr. Dowling replied affirmatively.

Mr. Pincus asked Mr. Wrathell if the Board must take action if they put the project on hold, even though it was authorized. Mr. Wrathell recommended a motion to rescind the prior motion, based upon the cost. Mr. Dowling requested that the Board wait until the next meeting to take this action so that Mr. Simeone can partake in the discussion and a quote can be received.



Mr. Wrathell will place this item on the next agenda, as a status on the cost of the fountain installation.

**C. Manager**

**i. Approval of Unaudited Financial Statements as of July 31, 2014**

Mr. Wrathell presented the Unaudited Financial Statements as of July 31, 2014. He noted that assessment collections were at 101%.

**On MOTION by Mr. Petrick and seconded by Mr. Pincus, with all in favor, the Unaudited Financial Statements as of July 31, 2014, were approved.**

**ii. Consideration of Fiscal Year 2015 Proposed Meeting Schedule**

Mr. Wrathell presented the Fiscal Year 2015 Proposed Meeting Schedule for the Board’s consideration. He indicated that the District will meet on the third Wednesday of every other month. It was noted that “September 9, 2014” should be “September 9, 2015.”

Mr. Dowling advised that the December meeting date was moved due to the Christmas holiday.

**On MOTION by Mr. Petrick and seconded by Mr. Pincus, with all in favor, the Fiscal Year 2015 Proposed Meeting Schedule, as amended, and directing Staff to advertise, accordingly, was approved.**

**ELEVENTH ORDER OF BUSINESS**

**Supervisors’ Requests and Public Comments**

There being no Supervisors’ requests and public comments, the next item followed.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Petrick and seconded by Mr. Dowling, with all in favor, the meeting adjourned at 9:32 a.m.**

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Secretary/Assistant Secretary

A handwritten signature in black ink, featuring a large initial 'B' followed by several loops and a long horizontal stroke extending to the right.

Chair/Vice Chair