

**MINUTES OF MEETING  
HAMAL  
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Hamal Community Development District's Board of Supervisors was held on **Wednesday, December 17, 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
Steven Pincus	Vice Chair
Joseph Petrick	Assistant Secretary
Ione Senior	Assistant Secretary

**Also present were:**

Howard McGaffney	Wrathell, Hunt and Associates, LLC
Karen Brandon	District Engineer
Roy Van Wyk ( <i>via telephone</i> )	District Counsel
Sarah Warren ( <i>via telephone</i> )	District Counsel
Wes Finch	Briar Bay Property Manager

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. McGaffney called the meeting to order at 8:38 a.m., and noted, for the record, that Supervisors Dowling, Pincus, Petrick and Senior were present, in person. Supervisor Simeone was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2015-1, Declaring a Vacancy in Seat 1 (currently held by Brian Dowling) and Seat 2 (currently held by Robert Simeone) of the Board of Supervisors**

Mr. McGaffney presented Resolution 2015-1 for the Board’s consideration. He indicated that there were no qualified elector candidates for the General Election and requested that the Board declare vacancies in Seats 1 and 2.

Ms. Senior asked if a candidate must to be present to be appointed to the Board. Mr. McGaffney replied no; however, candidates must be present to be sworn in.

**On MOTION by Mr. Pincus and seconded by Mr. Petrick, with all in favor, Resolution 2015-1, Declaring a Vacancy in Seat 1 (currently held by Brian Dowling) and Seat 2 (currently held by Robert Simeone) of the Board of Supervisors, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-2, Appointing Qualified Electors to fill the Vacancies in Seats 1 and 2**

Mr. McGaffney presented Resolution 2015-2 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 APPOINTING QUALIFIED ELECTORS TO FILL THE VACANCIES IN SEAT 1 AND SEAT 2 ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006(3)(b), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE”

Mr. McGaffney requested nominations for Seat 1.

Ms. Senior nominated Mr. Brian Dowling for Seat 1.

No other nominations were made for Seat 1.

Mr. McGaffney requested nominations for Seat 2.

Mr. Pincus nominated Mr. Robert Simeone for Seat 2.

No other nominations were made for Seat 2.

**On MOTION by Mr. Petrick and seconded by Mr. Pincus, with all in favor, Resolution 2015-2, Appointing Mr. Brian Dowling and Mr. Robert Simeone to fill the vacancies in Seats 1 and 2 respectively, was adopted.**

In response to Mr. Dowling’s question, Mr. McGaffney indicated that Mr. Dowling remains a Supervisor until the Board declares a vacancy.

Mr. Van Wyk asked if Resolution 2015-2 was included in the motion. Mr. McGaffney replied affirmatively.

- **Administration of Oath of Office to Newly Appointed Qualified Electors [Seats 1 and 2] (*the following to be provided in separate package*)**

Mr. McGaffney, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Brian Dowling. The Oath of Office will be administered to Mr. Robert Simeone at the next meeting.

Mr. McGaffney indicated that, since Mr. Dowling was an incumbent, he would forego explaining the following disclosure documents:

- A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. **Membership, Obligations and Responsibilities**
- C. **Financial Disclosure Forms**
  - **Form 1: Statement of Financial Interests**
  - **Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - **Form 1F: Final Statement of Financial Interests**
- D. **Form 8B, Memorandum of Voting Conflict**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-3,  
Electing the Officers of the District**

Mr. McGaffney presented Resolution 2015-3 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  
ELECTING THE OFFICERS OF THE DISTRICT AND  
PROVIDING FOR AN EFFECTIVE DATE”

In response to Mr. Pincus’ question, Mr. Van Wyk indicated that the Board can nominate a slate of officers or nominate officers individually.

Mr. Pincus nominated the existing slate of officers.

Mr. McGaffney advised that, currently, Mr. Dowling serves as Chair, Mr. Simeone as Vice Chair, Mr. Petrick, Mr. Pincus and Ms. Senior as Assistant Secretaries; Mr. Wrathell services as Secretary and Treasurer and Mr. McGaffney serves as Assistant Secretary.

Mr. Dowling stated that, due to the number of times Mr. Simeone was unable to attend meetings, he felt that it would be in the best interest of the District to have a Supervisor who attends regularly to serve as Vice Chair, in the event the Chair is absent.

Mr. McGaffney asked if the nomination was to retain the existing with the exception of Mr. Pincus as Vice Chair and Mr. Simeone as Assistant Secretary. Mr. Dowling replied affirmatively.

**On MOTION by Mr. Pincus and seconded by Ms. Senior, with all in favor, Resolution 2015-3, Electing the Officers of the District, as nominated, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Approval of September 10, 2014 Public Hearing and Regular Meeting Minutes**

Mr. McGaffney presented the September 10, 2014 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Petrick and seconded by Mr. Pincus, with all in favor, the September 10, 2014 Public Hearing and Regular Meeting Minutes, as presented, were approved.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-4, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014**

Mr. McGaffney reported that, due to unforeseen or unbudgeted expenses, a budget amendment is required for the Fiscal Year 2014 annual budget.

Mr. McGaffney presented Resolution 2015-4 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 RELATING TO THE AMENDMENT OF THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; AND PROVIDING FOR AN EFFECTIVE DATE”

Mr. McGaffney explained that this resolution recognizes the expenditures over budget and authorizes use of the fund balance to offset those expenditures. He indicated that the turn lane, barrier wall painting and stormwater system cleanout contributed to the need for this amendment. Mr. McGaffney noted a total deficiency of approximately \$125,000.

**On MOTION by Ms. Senior and seconded by Mr. Pincus, with all in favor, Resolution 2015-4, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014, as presented, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Status: Installation of Fountain**

Mr. Dowling reported that several residents questioned the possibility of a second fountain in Lake #7. He recalled discussion, at the last meeting, about insufficient power supply in the transformer to handle the light and fountain; the only transformer has no available power. Mr. Dowling noted other options, such as increasing the volume of the transformer, which he was told is not feasible, or using an alternative power source; however, the nearest power source is so far away that it would most likely double the electrical installation costs. He recalled that, as Mr. Simeone was not present at the last meeting, this issue was tabled.

Mr. McGaffney suggested removing this item from the agenda and including it on an open items list, for future discussion.

Mr. Pincus reported that, at the last meeting, *“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”*. Mr. Dowling surmised that, since Mr. Simeone was not present, there was no further discussion.

**On MOTION by Mr. Pincus and seconded by Ms. Senior, with all in favor, the prior motion for installation of a 7.5-horsepower fountain, in Lake #7, during Fiscal Year 2014, in a not-to-exceed amount of \$30,000, pending confirmation of the availability of funds, was rescinded.**

**NINTH ORDER OF BUSINESS**

**Discussion/Proposals for Power Washing Jog Road Sidewalk**

Mr. McGaffney recalled discussion at the last meeting regarding the possibility of power washing the Jog Road sidewalks. The Board directed the District Manager to send a letter to the county and the city and circulate to the Chair, District Counsel and District Engineer. He confirmed that the letter was transmitted and the county requested a permit.

Mr. Dowling pointed out that the county owns the sidewalks and the District is volunteering to wash them; the county is saying, "That is nice, thank you very much but you need a permit and to pay us".

Mr. McGaffney noted that the county must reinspect the sidewalks.

Mr. Petrick questioned the type of permit the county is requesting because a permit is not required for power washing. Mr. McGaffney indicated that, when he spoke to a representative of the county's Road Division, by phone, they requested a permit but he did not receive a response by email. Mr. Petrick pointed out that he knows Mr. Steve Smith in the Road and Bridge Division and volunteered to contact him. Mr. McGaffney will forward the email communication with the county to Mr. Petrick.

**On MOTION by Mr. Dowling and seconded by Mr. Pincus, with all in favor, authorization for Mr. Petrick to engage in discussions with Mr. Steve Smith regarding the county's requirement for the District to obtain a permit in order to power wash the Jog Road sidewalks, was approved.**

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being no report, the next item followed.

**B. Engineer**

There being no report, the next item followed.

**▪ Discussion/Proposals for Power Washing Jog Road Sidewalk - Continued**

The discussion/proposals for power washing the Jog Road sidewalk continued.

Mr. Petrick asked what portion of the Jog Road sidewalk was supposed to be power washed. Mr. Dowling indicated that both sides of the road, from the sidewalk ending at the school, on the northern side of Jog Road to the end of the Hamal property on the south side, was initially intended to be power washed. Furthermore, the Board discussed the possibility of obtaining a separate bid for power washing swales along the roadway; therefore, there will be a

bid for the sidewalks and another bid for the sidewalks and swales. Mr. Dowling pointed out that it looks bad if the sidewalks are clean but the swales are not.

Mr. Pincus pointed out that the minutes from the last meeting reflect that Management was supposed to prepare a draft letter for the Board to vote on at this meeting. Mr. Dowling explained that, because of the need for the permit, this action was placed on hold; a letter was sent to the city regarding District liability. The county replaced concrete slabs on the sidewalk so the city acknowledged ownership of the sidewalk.

Mr. Dowling asked Mr. Van Wyk, whether the District claims ownership by cleaning the sidewalk and whether the District would be held responsible if someone was injured. Mr. Van Wyk advised that the District should avoid taking over maintenance responsibilities by maintaining the sidewalk. Mr. Dowling requested that Mr. Petrick forward any emails between him and the city regarding the sidewalks.

Mr. Dowling reported that there was a ten-day delay in the installation of the holiday lights due to the weather, near the end of November. He indicated that the holiday lights for the Briar Bay side were installed without any issues; however, there were electrical issues on the Hamilton Bay side. Mr. Dowling noted that the electrician was on site on three occasions and determined that too much power was being drawn from the only power supply available in this location.

Mr. Pincus asked why they were drawing more amperage than in prior years. Mr. Dowling confirmed that there were electrical problems last year and Hamilton Bay's power supply provides electricity to the fountain. Mr. Dowling believed that the coach lights receive power from Hamal's meter and the signage light receives power from Hamilton Bay's power supply. Mr. Dowling suggested increasing Hamilton Bay's power supply amperage, as a permanent solution. He believed that Hamilton Bay should have provided notification if the power supply was being changed.

Mr. Dowling suggested switching to LED lights next year, which are more expensive but draw less power and are less expensive to operate. Mr. McGaffney recommended budgeting LED lights in next year's budget, as the Fiscal Year 2015 budget has \$6,000 for landscape lighting. Mr. Dowling pointed out that the District has unassigned funds. Mr. Pincus suggested obtaining an estimate from an electrician.

***\*\*\*Mr. Finch arrived at the meeting, in person, at approximately 9:15 a.m.\*\*\****

Mr. Dowling asked Mr. Finch for an update on Hamilton Bay's power supply issues.

Mr. Finch reported that during installation of the holiday lights, the Ground Fault Interrupter (GFI) that was installed last year for the holiday lights, had no power and a day after the GFI was replaced, there was another issue on the other side of Hamilton Bay. Last night, he noticed that all of the lights were out, including the monument light, which may be related to the photocell.

Mr. Dowling recalled that an electrician from Pronto Electric indicated that the GFI was drawing too much power and suggested finding out whether Hamilton Bay or Hamal owns the power supply. If it is owned by Hamal, the CDD should increase the available power but, if it is owned by Hamilton Bay, it is their responsibility.

In response to Mr. Finch's question, Mr. Dowling confirmed that the only issues are the locations where there are holiday lights. Mr. Dowling voiced his opinion that this is a Hamilton Bay issue and Briar Bay should not be involved but, since Briar Bay oversaw the holiday light project, Mr. Finch was involved and volunteered to oversee the Hamilton Bay work. Mr. Dowling preferred to advise residents of the problem because, if the lights are not operating, the Board might receive phone calls from residents.

Mr. Finch suggested installing the LED lights, first, to determine if the same problem occurs; the only time the power supply is utilized is during Christmas. Mr. Dowling agreed, as the increased cost for LED lights would be less expensive than replacing the power supply; although, there is a 30% increase in LED lights. Mr. McGaffney reported that the District has \$21,680 in "Contingency".

Mr. Pincus asked if this issue was similar to the one that occurred three years ago, when the vendor made a mistake and the Board contested the contract. Mr. Dowling replied no, this is a legitimate difficulty. Mr. Dowling noted that too much power is being drawn out of the unit; it keeps tripping breakers and the GFI and sensors were overloaded.

Mr. Dowling believed that the CDD should not be involved in adjusting the power supply in Hamilton Bay's meter and will find out who owns the meter. He assumed that Hamilton Bay's power supply is tripping, since the signage lights go out at the same time but the coach lights remain on. Mr. Pincus noted that the lights were not on last night. The only operating coach lights were the two closest to Jog Road; the rest were out. Mr. Dowling suspected that the lights may be on different power supplies.

Mr. McGaffney asked whether the Board typically purchases holiday lights as part of the \$6,000 amount. Mr. Dowling indicated that the contractor supplies the lights as part of the



\$6,000 and suggested worrying about the amount later. He believed that the current issue was to determine who was responsible for the power supply.

Ms. Senior asked how residents would be notified to explain what happened. Mr. Dowling indicated that no one complained but all communication goes through King's Management Services (King's). Mr. Dowling recalled that there were initial phone calls when the power supply issues began. Mr. Wrathell also received some phone calls.

Mr. Pincus surmised that the District must have investigated who owns it because the District would not have connected to a power source without permission. He recalled that, in the minutes from December, 2009 or 2010, there was discussion about CDD ownership of the power supply.

Mr. McGaffney will work with Mr. Dowling on this matter and email the findings to the Board.

Mr. McGaffney asked if "Operations Manager" should be added to the agenda. Mr. Dowling replied no.

**C. Manager**

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

Mr. McGaffney presented the Unaudited Financial Statements as of October 31, 2014. He noted that Page 1 reflected that the financials were for August 31, 2014 and should reflect October 31, 2014.

Mr. McGaffney noted \$132,277 in "Fund balance – 3 months working capital", \$200,000 for "Disaster recovery" and \$838,445 in "Total liabilities and fund balances".

On Page 2, under "Expenditures", Mr. McGaffney noted limited expenditures and no revenues; revenues should increase next month when residents pay off their assessments in November. He pointed out that "Insurance" decreased from \$5,750 to \$5,665. On Page 3, "Total expenditures" were \$28,734.

Mr. McGaffney highlighted the Debt Service for the Series 2006 bonds, on Page 4, and noted no revenues. He advised that the "Total fund balance - ending" was \$524,263, which is sufficient to cover the principal and interest payments.

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

**ii. NEXT MEETING: February 25, 2015 at 8:30 A.M.**

Mr. McGaffney advised that the next meeting is scheduled for February 25, 2015 at 8:30 a.m., at this location.

**ELEVENTH ORDER OF BUSINESS**

**Supervisors' Requests and Public Comments**

Mr. Petrick reported that the District failed a several final inspections related to the roadway entrance project. He indicated. The contractor installed rubber barriers to separate the guest lane from the resident lane but the barriers were removed at the Fire Department's request. Mr. Petrick pointed out that over the weekend, someone hit a sign and the District failed the inspection because of the missing sign; the sign has since been replaced. He received an email yesterday from the Building Department, indicating that a final inspection would occur today.

Mr. Petrick reported that the HOA is sealing and striping the other side of the entranceway. He indicated that there is a missing palm tree on the north side of the entryway towards Jog Road, by the lake; the tree was removed by the landscape company one-and-one-half years ago because it was diseased.

Mr. Dowling noted that it is difficult to tell who owns the property. Mr. Petrick confirmed that the tree was on Hamal property. Mr. Dowling questioned which side of the sidewalk the tree was on. Mr. Petrick indicated that the tree was on the lake side and definitely on Hamal property. The landscaper advised that it will cost several thousand dollars to replace the tree. Mr. Petrick is obtaining several bids today, although the landscaper suggested that the HOA replace the tree.

Mr. Dowling voiced his opinion that if the tree was on Hamal's property, the CDD should replace the tree. He noted that he does not want the HOA on Hamal's property without CDD approval. Mr. Petrick agreed and reported that he spoke to Mr. Craig Smith, with Craig A. Smith & Associates to advise that the HOA was considering replacement of the Palm tree.

Mr. Dowling asked if tree replacement falls under maintenance or if bids are required. Mr. McGaffney indicated that it is a replacement item and the budget contains \$25,000 under "Landscape replacement" as well as a healthy unassigned fund balance. Mr. Van Wyk suggested obtaining quotes for the tree replacement.

Mr. Pincus wanted to ensure that it is the CDD's responsibility to replace the tree. Mr. Petrick confirmed that Mr. Smith verified that the tree is on Hamal property.

Mr. Dowling acknowledged that, since Mr. Smith confirmed that the tree is on Hamal property, it is the CDD's responsibility to replace the palm tree with a similar type of tree.

Mr. Pincus asked if the tree was diseased for over a year. Mr. Petrick replied affirmatively. Mr. Pincus questioned why this matter is being addressed now if the tree was diseased for over a year. Mr. Petrick explained that the tree was removed and others were removed from different sub-association properties. Mr. Petrick pointed out that King's was initially supposed to provide a bid to replace the tree but, as they did not reply for several months, he spoke to Mr. King, who acknowledged that the company does not have the proper equipment. Mr. Petrick advised that he was waiting for a response from King, the landscaping company and from two contractors who were providing estimates.

Mr. Dowling pointed out that the landscaper prefers to treat the diseased tree before removal. Mr. Petrick indicated that this is a good point, as it is a 35' Royal Palm. Mr. Dowling estimated a cost of \$8,000 to \$9,000 to remove the tree. Mr. Petrick confirmed that the actual amount ranged from \$3,000 to \$4,000 and installation was more expensive than the tree. Mr. Dowling summarized that their intent is to save the diseased tree, which can remain for six to eight months.

Mr. McGaffney suggested obtaining prices from Austin Outdoor (Austin) and other large companies which have tree removal equipment. Mr. Petrick indicated that he obtained prices from two large landscaping companies. Mr. Dowling preferred having the crane on site to complete all other work at one time, rather than using the crane to remove one tree. Mr. Dowling pointed out that, normally, reports are provided by the landscaping company indicating any problems. Mr. Petrick confirmed that he received the report and the landscaper reported that smaller trees died around Liberty Bay, which cost \$200 per tree to replace.

Mr. Dowling acknowledged that the boundaries are complicated as to what Hamal owns around the lakes and pump stations. Mr. Pincus pointed out that there is a setback of "x" amount of feet.

Mr. Petrick will forward the prices to Mr. Dowling.

Mr. Dowling asked whether Mr. Van Wyk had anything additional to report. Mr. Van Wyk recommended obtaining proposals or authorizing the tree replacement in a not-to-exceed amount.

In response to Mr. Dowling's question, Mr. Van Wyk advised that the tree can be replaced as a maintenance item but Staff should obtain bids to get the best price. Mr. Pincus

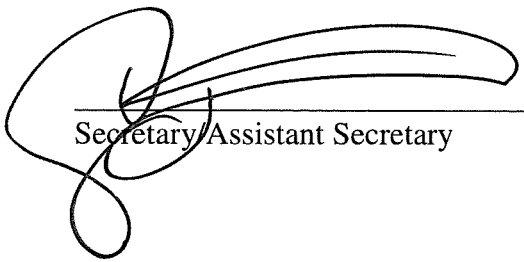
understood that the Board does not need to make a motion to replace the tree, as replacement can occur in the normal course of maintenance. Mr. Dowling agreed.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Pincus and seconded by Mr. Dowling,  
with all in favor, the meeting adjourned at 9:31 a.m.**



Secretary/Assistant Secretary



Chair/Vice Chair