

**MINUTES OF MEETING
HAMAL
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Hamal Community Development District held a Public Hearing and a Regular Meeting on Wednesday, September 5, 2018 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
Benjamin Cunningham	Assistant Secretary
Joseph Petrick	Assistant Secretary
Ione Senior (via telephone)	Assistant Secretary

Also present were:

Howard McGaffney	District Manager
Sarah Warren (via telephone)	District Counsel
Leo Giangrande (via telephone)	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. McGaffney called the meeting to order at 8:40 a.m. Supervisors Dowling, Pincus, Cunningham and Petrick were present, in person. Supervisor Senior was not present at roll call.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

**Resetting a Public Hearing Date to Adopt
the User Rates and Fees to October 3, 2018
at 8:30 a.m. at this Location**

▪ **Irrigation Permit Fee**

This item, previously Item 12Bii, was presented in unison with the Third Order of Business.

Mr. McGaffney distributed a Revocable Non-Exclusive License Agreement, prepared by Ms. Warren, in unison with Mr. Giangrande. Based on historical data, performing inspections,

re-inspections, etc., Mr. Giangrande calculated \$500 as the cost to issue a permit. Mr. McGaffney asked if the Board was agreeable to the amount, one Board Member already expressed opposition of the process. A question arose regarding what additional Engineering charges were necessary, since the City approves the permit and performs a final inspection. Mr. McGaffney stated it was a way to ensure that all work performed on District property is documented, as certain standards must be followed so that the District’s infrastructure is not affected. He felt that the \$500 amount was conservative and appropriate.

Mr. Petrick stated the added fee would prevent him from moving forward with his original plan to perform the work himself. Discussion ensued regarding whether to lower the fee, provided the District is not affected, and how often Mr. Giangrande would need to inspect the site from conception to completion.

Mr. Giangrande rejoined the meeting at 8:47 a.m., via telephone.

In response to a question, Mr. Giangrande stated he, not the City, would notify the Board and contact the homeowner directly if he found discrepancies or if the work was being performed improperly, since it is the District’s right and responsibility to protect its infrastructure, whether it is because of safety concerns due to excavation in the area or water levels being low, and to comply with the City’s permit.

On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor, Setting a Public Hearing to Adopt the User Rates and Fees, for November 7, 2018 at 8:30 a.m., at Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411, was approved.

FOURTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on Adoption of Fiscal Year 2018/2019 Budget

A. Affidavit/Proof of Publication

Mr. McGaffney presented the affidavit of publication.

B. Consideration of Resolution 2018-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date

Mr. McGaffney stated the proposed Fiscal Year 2019 budget and assessments were identical to Fiscal Year 2018.

On MOTION by Mr. Pincus and seconded by Mr. Petrick, with all in favor, the Public Hearing was opened at 8:55 a.m.

No members of the public spoke.

Mr. McGaffney closed the Public Hearing at 8:56 a.m.

Mr. McGaffney presented Resolution 2018-05.

On MOTION by Mr. Petrick and seconded by Mr. Cuningham, with all in favor, Resolution 2018-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2018-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. McGaffney presented Resolution 2018-06.

On MOTION by Mr. Cuningham and seconded by Mr. Pincus, with all in favor, Resolution 2018-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2018-07,
Adopting the Annual Meeting Schedule for
Fiscal Year 2019**

Mr. McGaffney presented Resolution 2018-07. The following change was made:

November 7, 2018 Meeting date: Add "and Public Hearing" after "Regular Meeting"

On MOTION by Mr. Pincus and seconded by Mr. Petrick, with all in favor, Resolution 2018-07, Adopting the Annual Meeting Schedule for Fiscal Year 2019, as amended, was adopted.

SEVENTH ORDER OF BUSINESS

**Discussion/Consideration: Lighting by
Design 2018 Holiday Lighting Proposal and
Contract**

Mr. Dowling presented the Lighting by Design (LBD) proposal and contract. This was the same firm selected last year to install the holiday lights and, since there were no stylistic changes, the cost was within budget. Regarding why the decision was made not to enter into Option B, a three-year contract, so the District could save \$345 annually, Mr. Dowling stated his preference is not to lock in rates, as it typically causes the quality and performance to suffer; he felt that vendors should earn the right to return. A revised contract would be submitted to LBD, since they agreed to the following contract change:

Page 3, First Line: Change "due upon completion of installation" to "due upon removal of the holiday lighting designs"

On MOTION by Mr. Petrick and seconded by Mr. Cunningham, with all in favor, the Lighting By Design 2018 Holiday Lighting Proposal, and Contract, Option A, as amended, was approved.

EIGHTH ORDER OF BUSINESS

**Discussion: District's Policy Regarding
Fishing in Ponds**

Mr. McGaffney recalled discussions about creating a Fishing Policy and provided a sample Fishing Policy, including terminology used and in effect in other communities.

Ms. Senior stated she requested this when she noticed boaters fishing in the lake and also because the District Management is not physically on site to address the issue and the Homeowner's Association (HOA) cannot enforce CDD Rules, since it is not their responsibility.

The following topics were discussed:

- The ability to enforce this in protecting the District.
- What entity is authorized to enforce no trespassing rules. Ms. Warren noted that, if a No Fishing Policy is adopted, the District must adopt and file a No Trespassing Policy with the Sheriff.
- Whether a no fishing policy was included in the deed restrictions.
- Whether no fishing meant from within the lake or from the shore or both.
- Allowing non-motorized watercraft in the lake. Ms. Senior stated her policy concerns were about allowing boats in the lake, not the act of fishing.
- Creating specific rules permitting fishing but specifying that the District is not liable, similar to the alligator warning signs the District placed around the lakes, and creating a policy to enforce it.
- Placing signs, such as "boating at your own risk" and liability.

Ms. Warren stated signage was useful but also recommended adopting a Fishing Policy and a Trespassing Policy. Mr. McGaffney stated the Board did not want to address fishing, per se, only the use of personal watercraft, etc.

The Board consensus was to continue monitoring the issue and readdress this matter, if necessary. Ms. Warren stated it was fine to wait and address it if it becomes more of an issue and, regarding liability, there is never a guarantee that the District will not be sued.

NINTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of July 31, 2018

Mr. McGaffney presented the Unaudited Financial Statements as of July 31, 2018. Assessment revenue collections were at 101% and expenditures were at 60%. Since expenditures were below budget, neither a budget amendment nor an October meeting was needed.

On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor, the Unaudited Financial Statements as of July 31, 2018, were approved.

TENTH ORDER OF BUSINESS

Approval of Minutes

A. July 11, 2018 Regular Meeting

Mr. McGaffney presented the July 11, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. Mr. Petrick noted several typographical errors during his review; he will forward them to Management.

B. August 13, 2018 Special Meeting

Mr. McGaffney presented the August 13, 2018 Special Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 37: Change "McGaffney" to "Wrathell"

Line 43: Insert "Mr. McGaffney left the meeting at 8:45 a.m."

Line 57: Insert "Mr. McGaffney rejoined the meeting at 9:40 a.m., via telephone."

On MOTION by Mr. Pincus and seconded by Mr. Petrick, with all in favor, the July 11, 2018 Regular Meeting Minutes, in substantial form, subject to Mr. Petrick submitting typographical errors to Management, and the August 13, 2018 Special Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS

Action Items

There were no Action Items to address.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Hopping Green & Sams, P.A.*

There being no report, the next item followed.

B. District Engineer: *Giangrande Engineering and Planning, LLC*

i. Ponding of Water at Front Entrance

Regarding repairs necessary to prevent the constant puddling at the handicap ramp and sidewalk at Jog Road, at the CDD right-of-way (ROW), Mr. Giangrande stated he was unsuccessful discussing this with the County's Project Manager regarding the County including

this on its current project list. Discussion ensued regarding the correct plan of action to resolve this matter. The Board consensus was for Ms. Senior, as a concerned citizen, to send a formal public records request to the County Engineering Department and copy the County Commission and request that the County make the repairs. This item will be deleted from future agendas.

ii. Irrigation Permit Fee

This item was presented during the Third Order of Business.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

i. NEXT MEETING DATE: October 3, 2018 at 8:30 A.M.

A Regular Meeting and Public Hearing will be held on November 7, 2018 at 8:30 a.m., instead of October 3, 2018.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Petrick stated he received several resident complaints about the aesthetics of the bike lock used to hold up the access gate to the utility road behind Liberty Bay, and asked about installing a proper lock and signage that provides contact information regarding accessing the area. It was noted that the gate was repaired and the gate and lock were to prevent trespassers from entering an area typically used by landscapers and for which the utility company granted easement rights. Discussion ensued regarding the reason for the type of lock chosen, which was not noticeable from the road, and whether residents provided other suggestions. Residents should officially submit complaints directly to Management. Mr. Petrick was directed to submit proposals for a more acceptable option to the District Manager.

FOURTEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Petrick and seconded by Mr. Pincus, with all in favor, the meeting adjourned at 9:39 a.m.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Secretary/Assistant Secretary

A handwritten signature in blue ink, featuring the letters 'BJ' followed by a cursive name and a long horizontal stroke extending to the right.

Chair/Vice Chair