

**MINUTES OF MEETING
HAMAL
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Hamal Community Development District held a Regular Meeting on March 28, 2022 at 6:00 p.m., at the Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411.

Present were:

Joseph Petrick	Chair
Steven Pincus (via telephone)	Vice Chair
Ione Senior	Assistant Secretary
Benjamin Cuningham	Assistant Secretary
Marc DePaul (via telephone)	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Michelle Rigoni (via telephone)	District Counsel
Steve Smith	District Engineer
Joseph King	Landscape Supervisor, Kings
Wesley Finch	Operations Manager, Kings Association Management, Inc. (KAM)
Yoel Gancz	Resident
Susan Ritchie	Resident and HOA President
Cheryl Model	Resident and President of Water's Edge
Tammy Franklin	Resident
Geraldine Russell	Resident
Jason Bodnick	Former Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Petrick called the meeting to order at 6:00 p.m. Supervisors Petrick, Senior and Cuningham were present. Supervisor DePaul was attending via telephone. Supervisor Pincus was not present at roll call.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Mr. Pincus joined the meeting via telephone at 6:01 p.m.

Ms. Cerbone discussed the public comments protocol and noted there will be two opportunities to speak during the meeting. The Board and Staff may decide whether to respond to questions or comments during the meeting but are not required to respond.

THIRD ORDER OF BUSINESS

Public Comments

Former resident Jason Vodnick spoke on behalf of resident Yoel Gancz. Ms. Cerbone distributed documents for the Board to consider. Mr. Vodnick stated the Gancz family purchased their home so they could walk to their synagogue; however, the HOA recently installed a fence that blocks ingress and egress. He discussed the issues and asked for the CDD to offer a solution that will enable the family to walk from their home to their synagogue.

This matter would be included on the next agenda; the District Engineer has scheduled a survey of the area.

Resident Cheryl Model wanted to know the status of maintenance on Jog Road. Ms. Cerbone stated this would be discussed later in the meeting.

FOURTH ORDER OF BUSINESS

Continued Discussion: Wall Repairs

Ms. Cerbone recalled previous discussions about wall maintenance, existing easements and the need for a structural inspection of the wall.

A. Maintenance Easement

Ms. Rigoni stated she reviewed a maintenance map previously provided by Mr. Giangrande identifying all maintenance areas within the CDD. The plat showed some maintenance easements were provided for the CDD. Mr. Finch noted the CDD maintains some areas of the wall that is on property owned by the HOA.

B. Structural Review

C. Pressure Cleaning/Painting

Mr. Smith stated he and Mr. Finch were accompanied by Inspector Bill Tanto on a field visit and visual inspection of the entire wall. He reported the following:

- The back side of the wall facing the turnpike has not been painted.
- No major structural failures were noted; the precast panels will last for a long time.
- Spalling and some cosmetic issues were noted.
- In areas where spalling was noted there is exposed and rusting structural steel rebar.
- Some repairs were done in the past and column caps were replaced.
- Requesting a proposal to repair 50 to 75 areas of spalling is recommended.
- Painting the back side of the wall is not recommended, unless it is required.
- Painting the face of the wall every ten years, at a minimum, was recommended.

- **Discussion: Condition of Pump House Roof**

This item, previously Item 10B, was presented out of order.

Mr. Smith stated the original roof and the wraparound flashing have deteriorated. Given its age and condition, he recommended obtaining quotes to replace the roof. He noted that the pump house should also be painted.

Ms. Senior recalled prior discussion about trimming the trees and branches in the area.

Ms. Cerbone believed Ms. Rigoni's review of the plats showed that the CDD is allowed to maintain the wall, including anything growing on the wall, and repairs to the wall itself.

Ms. Rigoni stated Ms. Cerbone's recollection was correct. Historically, the CDD has maintained some areas of the wall constructed on HOA property, as permitted by the plats, but an Agreement could be drafted, if necessary. Mr. Smith stated vegetation by the wall was significantly cleared and, while additional clearing would be needed, the wall is very accessible on the back side. Mr. King stated the County did extensive cleaning behind the wall, from behind Sail Harbor to the pump station. The proposal was adjusted accordingly for those areas.

Discussion ensued regarding the recommended wall repairs. Mr. Smith stated the spalling is on the non-painted side of the wall. Proposals for the wall repairs would be presented at the next meeting.

Mr. Finch presented the proposal for debris and vegetation removal.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, the Kings Management Services, Inc., proposal for debris and vegetation removal, in the amount of \$13,070, was approved.

Mr. Finch presented the proposals for pressure cleaning and painting the wall.

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, the Complete Concrete, LLC proposal for pressure cleaning and painting the front section of the privacy wall and the pump house, in the amount of \$79,420, and authorizing Staff to negotiate a form of Agreement and authorizing the Chair or Vice Chair to execute, was approved.

Ms. Cerbone asked Mr. Finch if there is any benefit in discussing the pump house roof work in conjunction with the proposals discussed. Mr. Finch stated the roof work can be done separate from the painting; one does not need to be done before the other.

Mr. Finch stated that proposals for the pump house roof replacement and for the wall repairs would be presented at the next meeting.

FIFTH ORDER OF BUSINESS

Continued Discussion: Fence Located at/near Lake 9 Between the Tides and Vista Lago Communities

Ms. Cerbone stated a public comment was received regarding this subject and the handouts submitted would be included in the next agenda package. The Board previously directed the District Engineer to conduct a site visit and submit a proposal for a survey so the Board can consider all aspects of the fence.

- **Consideration of Proposal to Perform Survey**

Ms. Cerbone stated the cost for the survey will be \$4,000.

Mr. Smith discussed the proposal for a special survey of the area, including the existing property lines and fence. Upon approval, the survey can be completed before the next meeting.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, the Craig A. Smith proposal to survey Tract “L-9”, in the amount of \$4,000, was approved.

SIXTH ORDER OF BUSINESS

Continued Discussion: Jog Road Maintenance Responsibilities and Consideration of Proposed Maintenance Scope

A. Form 8B – Memorandum of Voting Conflict Filed by Supervisor Petrick Regarding Future Discussions/Decisions Related to Jog Road Issue

Ms. Cerbone stated Mr. Petrick conferred with District Counsel about a voting conflict on future discussions and decisions related to the Jog Road issue because he is a County employee in the Compliance Department. It was determined that Mr. Petrick could listen to discussions but not participate in the discussions or any matters requiring a vote. Ms. Rigoni discussed Form 8B and stated that, while no vote has actually occurred as yet, Mr. Petrick completed the form to avoid any appearance of impropriety and, in the spirit of full disclosure, it was done in advance of a potential conflict.

Discussion ensued regarding Mr. Petrick’s decision to abstain from all discussions regarding the matter. Ms. Cerbone stated this item would appear on the agenda whenever the Jog Road matter is presented for discussion and/or consideration.

B. Consideration of Revised Form of Permit *(supporting documentation attached)*

Ms. Rigoni stated the proposed form of permit, including markups, has not changed since it was presented at the last meeting. The permit in the agenda was presented to County Staff. As discussed at the last meeting, DR Horton has an outstanding compliance violation as the original permittee of the construction improvements on Jog Road. A Code Enforcement hearing is scheduled for April 6, 2022. In preparation for the hearing, she conferred with DR Horton’s attorney regarding possible remediation of current damages on the roadway.

Ms. Cerbone stated the County has not proceeded with any of the permit amendment changes submitted by District Counsel because, according to the County’s records, DR Horton is the permit holder and is responsible for the median. Counsel for DR Horton contacted District

Counsel about working together to allow the CDD to take over maintenance. DR Horton would contribute \$15,000 toward the County's estimated \$21,000 needed to remediate the existing median issues and, hopefully, the County would contribute the balance and work with the CDD on the modified permit or an Interlocal Agreement. It was hoped that Mr. DePaul and Ms. Rigoni would be on a conference call to solidify these points of action and that an update or an Interlocal Agreement may be provided at the May meeting.

Ms. Rigoni stated an Interlocal Agreement would limit maintenance to the median and the CDD would contribute its proportionate share for maintenance.

Mr. Pincus joined the meeting at 6:55 p.m.

Mr. DePaul stated any DR Horton contribution would be limited to rectifying the currently damaged portion of the irrigation system; it would not remediate any other portion of irrigation systems that could potentially go under any other roadway surfaces. DR Horton is only offering to remediate this one location at a cost of \$15,000.

Discussion ensued regarding an interlocal agreement, language in the revised form of the permit and limiting the CDD's liability for roadwork to just funding the CDD's proportionate share of road repairs to be done by the County.

The Board directed Mr. DePaul and Ms. Rigoni to continue discussions with the County and DR Horton. The specific direction for Mr. DePaul and Ms. Rigoni to take was discussed. Ms. Cerbone stated, if there is a sense of urgency regarding maintenance, today's meeting can be recessed and continued in case action must be taken before the May meeting.

SEVENTH ORDER OF BUSINESS

Continued Discussion: IT Issues Related to Pumphouse Software

Mr. Finch stated some progress was made with the IT professional but there are still unanswered questions about the system. As of 5:00 p.m., on Friday, no further response was received and he is unsure if another company would be willing to work on a proprietary system.

Mr. Cunningham discussed his previous research into the system and suggested a new type of control system with system integrations, which would need ongoing support.

Ms. Cerbone suggested the District Engineer research proposals and advise her of the cost so that it can be included in the proposed budget. Mr. Smith stated he would obtain proposals before the next meeting and noted that the system can be run manually so this is not an emergency situation.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2022

Ms. Cerbone presented the Unaudited Financial Statements as of February 28, 2022.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, the Unaudited Financial Statements as of February 28, 2022, were accepted.

NINTH ORDER OF BUSINESS

Approval of February 7, 2022 Regular Meeting Minutes

Ms. Cerbone presented the February 7, 2022 Regular Meeting Minutes. She stated that Ms. Rigoni previously submitted her changes. The following additional changes were made:

- Line 237: Change "Hampton" to "Hamilton"
- Lines 120 and 153: Change "Wesley" to "Finch"
- Line 54: Change "South" to "Sail"

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, the February 7, 2022 Regular Meeting Minutes, as amended to include the revisions previously submitted to Management and the edits made today, were approved.

TENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *Kutak Rock LLP***
There was nothing further to report.
- B. District Engineer: *Craig A. Smith & Associates***
There was nothing further to report.

- **Discussion: Condition of Pump House Roof**

This item was presented during the Fourth Order of Business.

C. Operations Manager: *King's Management Services, Inc.*

Mr. Finch reported that he met with roofing contractors and proposals were pending; none indicated that the flat portion of the roof would need a total replacement.

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

Ms. Cerbone stated she discovered that the Kings Management Services, Inc. Agreement for Landscaping and Irrigation expired and was not renewed for Fiscal Year 2022. She recapped the existing fees approved in the Fiscal Year 2022 budget and the actual charges. With Board direction, Staff could implement the Fiscal Year 2022 Agreement for the remainder of the fiscal year. Mr. King was aware and provided the exhibit to the Agreement. A proposal for Fiscal Year 2023 would be requested soon.

- **Public Comments**

This item was an addition to the agenda.

No members of the public spoke.

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, directing District Staff to enter into the Agreement with Kings Management Services, Inc. for Landscaping and Irrigation, as discussed, retroactive to October 1, 2021, was approved.

- **Discussion Resumed: Unaudited Financial Statements as of February 28, 2022**

Ms. Cerbone reviewed the "Administrative" line items on Page 2 and discussed proposed and potential line item increases, decreases and adjustments for Fiscal Year 2023 and the reasons for any potential adjustments. She stated "Field Operations" might be more greatly impacted due to price increases on commodity and non-commodity items. Some vendors increased costs mid-contract and some CDDs are choosing to budget for larger contract renewals or build in a larger "Contingency" to address the increases. She needs to review the line items with Mr. Finch so they can provide recommendations. The consensus was that the

pump station maintenance line items could be adjusted to include monthly and quarterly maintenance when such expenses have been determined.

- **NEXT MEETING DATE: May 9, 2022 at 6:00 P.M.**
 - **QUORUM CHECK**

The next meeting will be held on May 9, 2022.

ELEVENTH ORDER OF BUSINESS

Supervisors’ Requests

Ms. Senior stated she observed a motorized scooter on Jog Road exiting Hamilton Bay. Ms. Cerbone stated that is outside the CDD’s boundaries so it is a police issue.

TWELFTH ORDER OF BUSINESS

Public Comments

Mr. Gancz discussed his religious observance, which prohibits driving on the Sabbath, and the CDD fence installed at the back of Briar Bay. He stated he is willing to sign any liability documents necessary so his family can walk from their home to their synagogue.

Discussion ensued regarding including this on the May agenda, having the District Engineer survey the area and reviewing the documents before making a decision.

Mr. Vodnick asked the Board to give the Gancz family temporary access on April 15, 16, 17, 22 and 23.

Conferring with other residents and the security concerns that led to the fence were discussed. Ms. Rigoni stated the CDD only has authority to address access to CDD property.

On MOTION by Mr. Petrick and seconded by Ms. Senior, with Mr. Petrick, Mr. Cuningham, Ms. Senior and Mr. DePaul in favor and Mr. Pincus dissenting, denying the request for temporary access, was approved. [Motion passed 4-1]

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. DePaul and seconded by Ms. Senior, with all in favor, the meeting recessed at 8:31 p.m., and was continued to April 12, 2022 at 6:00 p.m.

Cindy Caron
Secretary/Assistant Secretary

Eric J. ...
~~Chair/Vice Chair~~
ASST Secretary