

**MINUTES OF MEETING  
HAMAL  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Hamal Community Development District held a Regular Meeting on May 9, 2022 at 6:00 p.m., at the Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411.

**Present were:**

Joseph Petrick (via telephone)	Chair
Ione Senior	Assistant Secretary
Benjamin Cuningham	Assistant Secretary
Marc DePaul	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
Wesley Finch	Operations Manager, Kings Association Management, Inc. (KAM)
Carl Bengston	Palm Beach County
Steve Carrier	Palm Beach County
Cheryl Model	Resident and President of Water's Edge
Susan Ritchie	Resident and HOA President
Bensy Sanon	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

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**

No members of the public spoke.

**FOURTH ORDER OF BUSINESS**

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

- **Survey from CAS**
- **Documents Provided by Rabbi Gancz**

Ms. Cerbone recalled approval was given at the previous meeting for the District Engineer to prepare a cost proposal for a survey. The completed survey is in the agenda. Other documents in the agenda were from Mr. Jason Bodnick, who spoke at the last meeting. The purpose of the survey was to determine the location of the fence and on whose property the fence lies.

Mr. Smith reviewed the survey and discussed the boundaries of the fence, which includes metal fence, PVC fence, a 6’ chain link gate and 6’ chain link fence extending into the water. All of the fencing in question is on CDD property, with the exception of the portion extending across the right-of-way (ROW) into the County.

Ms. Cerbone recalled that the discussion with the Board began due to a concern about damage to the fence and asked if the damaged areas are on County property. The consensus was that a portion of the fence on CDD property was damaged and the individual responsible for the damage paid for the repairs. Ms. Cerbone noted that the CDD did not request payment.

The feasibility of relocating the gate, the survey and maps, the CDD’s interest in keeping the fence, complying with all requirements and the goal to maintain security, were discussed.

Mr. Petrick stated the HOA attorney advised that the County is not interested in having any portion of the fence on its property. Mr. Finch believed it is possible to connect the fences to secure the area, from the rear property lines to the existing fence behind the properties. Ms. Cerbone stated that approach would only be possible where the CDD has an easement or it is

on CDD property. The maps of the area in question were reviewed. The consensus was that the CDD and the HOAs have clearly expressed the goal of preventing egress in that area.

Mr. Petrick stated permitting for the fence would be through the City and not the County; a permit could be applied for to get the County's approval and it might be approved given that it is the only way the CDD can secure the development.

Ms. Cerbone asked if the consensus is to direct Staff to work with the HOA in the hopes that a joint request can be given. Mr. Petrick replied affirmatively; the CDD would work with the City, apply for the permit and request release from all other entities, as appropriate. He noted that Mr. Finch's management company could coordinate requests for approval.

Mr. Petrick suggested commencing the permitting process so the results can be discussed at the next meeting and additional steps taken, if necessary.

Ms. Senior asked if the CDD will have an entrance with one way in and one way out. Ms. Cerbone stated, if the gate or fence can stay where it is, the answer is yes. If that is the desired outcome, she suggested Staff be allowed to investigate what is feasible and report the findings at the next meeting. A proposal will be needed and the permitting process will need to begin.

Ms. Cerbone summarized that the Board wants to maintain the security that the fence is intended to provide.

Ms. Rigoni noted that the CDD does not own the fence. Staff will be directed to pursue a permit to keep the existing fence where it is so that it is legitimate.

Discussion ensued regarding the Bill of Sale that was previously requested and the additional research needed to determine ownership of the fence, if the permit is approved.

A member of the public expressed support for the security considerations and the actions discussed by the Board.

Ms. Cerbone summarized that the Board's direction is for the Operations Manager to take the next steps to determine what is possible to get the existing fence structure permitted and for District Counsel, as applicable, to research recommendations and other ideas for attaining ownership of the fence. The District Engineer will assist if necessary. The Operations Manager will be authorized to work with a fence contractor with a not-to-exceed amount of \$5,000.

**On MOTION by Mr. Cuningham and seconded by Ms. Senior, authorizing Staff to work with the HOA to determine ownership and apply for a permit for the existing fence, in a not-to-exceed amount of \$5,000, was approved.**

**FIFTH ORDER OF BUSINESS**

**Ratification of Over The Top Roof Repair, Inc., Proposal for Pumphouse Roof Replacement**

Ms. Cerbone presented the Over The Top Roof Repair, Inc., proposal.

**On MOTION by Mr. DePaul and seconded by Mr. Cuningham, with all in favor, the Over The Top Roof Repair, Inc., Proposal for Pumphouse Roof Replacement, in the amount of \$2,200, was ratified.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Complete Concrete, LLC, Estimate #1767 for Spalling Repairs on Back Side of Wall**

Ms. Cerbone presented Complete Concrete, LLC, Estimate #1767 for spalling repairs.

**On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, Complete Concrete, LLC, Estimate #1767, in the amount of \$3,880, was approved.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of Proposed Jog Median Maintenance Permit**

- **Form 8B – Memorandum of Voting Conflict Filed by Supervisor Petrick Regarding Future Discussions/Decisions Related to Jog Road Issue**
- **Proposed Permit**

Ms. Cerbone stated Mr. Bengston and Mr. Carrier, from the County, are in attendance.

Ms. Rigoni reported the following:

- Since the Board last met, the County accepted most of the CDD’s requested changes to the Permit. The biggest change is that the County is requesting a buyout fee, should the CDD terminate the Permit at a later time, as noted in Condition Number 16 on the “Conditions for Median Landscaping and Irrigation Maintenance” Exhibit.

➤ The County provided a map to limit the maintenance to the area just short of the Vista Lago Apartments. The Permit will not force the CDD to maintain the turning lanes; those areas are included so that the CDD will be responsible for replacing any landscaping damaged as a result of work done by the CDD.

Ms. Cerbone stated Mr. Petrick filed Form 8B, disclosing his conflict of interest; he will listen but not participate in the discussions or any related matters requiring a vote.

Mr. Carrier discussed the issues relating to the Permit and the settlement with DR Horton. He stated that a Notice of Violation was issued for damage brought about from landscaping installed by DR Horton. Settlement talks between the County and DR Horton are ongoing and a hearing is set for May 18, 2022. Discussions have been positive and a settlement is likely. Should irrigation in the median break and cause damage, the CDD will only be responsible for the repair if the break is in the grass area. If the break is in the median opening, the County will make the repairs and advise the CDD of the percentage that is the CDD's responsibility; the CDD will then reimburse the County for the CDD's portion of the repairs. The County will not enter into a Permit until a settlement with DR Horton is reached and DR Horton will not enter into a settlement until a Permit is issued.

Mr. Cunningham thanked Mr. Carrier and Mr. Bengston for their work on the Permit issue. He noted that the CDD wants to maintain the median at a higher standard and asked about any potential liability the CDD is assuming via the Permit.

Mr. Carrier noted the Board was not comfortable with assuming liability for the crossing of Jog Road and the Permit does not assign that liability to the CDD; the CDD will be responsible for maintaining the irrigation lines and replacing landscaping and grass in the median.

Timing for the permit approval, the settlement with DR Horton and County maintenance of the median, were discussed.

Mr. Cunningham asked if there are any other substantive objections to the Permit that have not been clarified.

Regarding Item 15, Mr. Finch stated his understanding that the lines are not that deep and asked if a repair would necessitate the lines being 30" deep. Mr. Carrier stated that the depth requirement will only apply to new lines, not repairs of small lines.

Ms. Rigoni discussed her approach in narrowly tailoring the document to the Board's criteria. Future damage will be limited to contributions attributable to the CDD and, in the

event the CDD is more than 50% at fault, the CDD can review the County Engineer’s opinion. She believed the Permit will allow the CDD to maintain the landscape and irrigation as it desires. She recommended proceeding, subject to co-compliance with the County.

Mr. DePaul thanked the representatives from the County for their assistance.

**On MOTION by Mr. DePaul and seconded by Mr. Cuningham, with Mr. DePaul, Ms. Senior and Mr. Cuningham in favor and Mr. Petrick abstaining, the proposed Jog Median Maintenance Permit, contingent upon the existing damages being addressed, was approved.**

Discussion ensued regarding signatures, given the abstention of the Chair and the absence of the Vice Chair. Ms. Cerbone stated she will obtain the Vice Chair’s signature and retain the documents at the District Manager’s office.

**EIGHTH ORDER OF BUSINESS**

**Continued Discussion/Consideration of Proposals to Resolve IT Issues Related to Pumphouse Software**

Mr. Smith stated he and Mr. Finch met on site with the Electrical Engineer to inspect equipment; the controls company is willing to assist with gathering information and testing the equipment. Mr. Finch shared contact information, as indicated in the email to Staff and the Board. At this point, the vendors are sharing information and they need to test the equipment and attempt to get the system operational.

Mr. Smith stated that he was advised about a possible intrusion attempt, via the pumphouse software. Mr. Finch stated he did not think the issues are related given the issues began when connecting to the internet. Mr. Smith stated that, going forward, protection is considered critical.

Mr. Cuningham asked for confirmation that, while an intrusion attempt was observed, there is no reason to believe that anything was compromised. Mr. Smith acknowledged the request. Ms. Cerbone stated all the appropriate communications occurred; Mr. Finch contacted her and she then contacted District Counsel and the District Engineer.

Mr. Cuningham stated it seems excellent progress is being made; the system was assessed and hardware will be replaced, if necessary.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-05, Approving Proposed Budgets for Fiscal Year 2022/2023 and Setting Public Hearings Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2022-05. She reviewed the proposed Fiscal Year 2023 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2022 budget, and explained the reasons for any adjustments.

Ms. Cerbone discussed the proposed increase reflected in the “Field operations management” line item and the expanded scope of services Mr. Finch provides. In her opinion, Mr. Finch is knowledgeable, responsive and accurate. Mr. Cuningham voiced his opinion that the increase is in line with the services the CDD has received.

Discussion ensued regarding the “Wall maintenance” line item, which includes fencing.

Mr. Cuningham believed the \$15,000 budgeted includes fence maintenance but does not include installation of new fencing. The consensus was not to increase the budget for new fence installation, at this time, as reserve funds can be used.

Ms. Cerbone noted that Townhome and Condo assessments are proposed to increase \$36.66 and \$52.36 for the single-family home assessments. She stated that the County allows CDDs to inform property owners about the Operation & Maintenance (O&M) assessment increase via the combined notice of ad valorem and non-ad valorem assessments pursuant to Chapter 197, Florida Statutes, and as prepared by the County, which saves the CDD the expense of printing and sending mailed notices to each individual property owner.

**On MOTION by Mr. Cuningham and seconded by Mr. DePaul, with all in favor, Resolution 2022-05, Approving Proposed Budgets for Fiscal Year 2022/2023 and Setting Hearings for Adoption of Budget and Levy of Special Assessments Pursuant to Florida Law for September 12, 2022 at 6:00 p.m. at the Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.**

**TENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-06, Designating Dates, Times and Locations for**

**Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2022-06.

The following change was made to the Fiscal Year 2023 Meeting Schedule:

DATE: Delete the November 14, 2022 meeting.

**On MOTION by Ms. Senior and seconded by Mr. DePaul, with all in favor, Resolution 2022-06, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023, as amended, and Providing for an Effective Date, was adopted.**

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-07, Ratifying the Actions to Dispense With Further Competitive Solicitation For District Engineering Services; Ratifying Engagement of Direct Negotiations; and Providing for Severability and an Effective Date**

Ms. Cerbone presented Resolution 2022-07.

**On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, Resolution 2022-07, Ratifying the Actions to Dispense With Further Competitive Solicitation For District Engineering Services; Ratifying Engagement of Direct Negotiations; and Providing for Severability and an Effective Date, was adopted.**

**TWELFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-08, Ratifying, Confirming, and Approving the Sale of Hamal Community Development District Special Assessment Refunding Bond, Series 2021; Ratifying, Confirming and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Hamal Community Development District Special Assessment**

**Refunding Bond, Series 2021; and Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2022-08. Ms. Rigoni stated this Resolution ratifies all actions taken in association with the closing of the bonds.

**On MOTION by Mr. Cuningham and seconded by Mr. DePaul, with all in favor, 2022-08, Ratifying, Confirming, and Approving the Sale of Hamal Community Development District Special Assessment Refunding Bond, Series 2021; Ratifying, Confirming and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Hamal Community Development District Special Assessment Refunding Bond, Series 2021; and Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Second Amended and Restated Disclosure of Public Financing and Maintenance of Improvements to Real Property Undertaken by the Hamal Community Development District**

Ms. Cerbone presented Resolution 2022-08.

Ms. Rigoni stated that nothing has changed since the First Amended and Restated Disclosure except for the language related to the issuance of the Series 2021 bonds.

**On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, the Second Amended and Restated Disclosure of Public Financing and Maintenance of Improvements to Real Property Undertaken by the Hamal Community Development District, was approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of March 31, 2022**

Ms. Cerbone presented the Unaudited Financial Statements as of March 31, 2022.

**On MOTION by Mr. Cuningham and seconded by Mr. DePaul, with all in favor, the Unaudited Financial Statements as of March 31, 2022, were accepted.**

**FIFTEENTH ORDER OF BUSINESS**

**Approval of March 28, 2022 Regular Meeting Minutes**

Ms. Cerbone presented the March 28, 2022 Regular Meeting Minutes. She stated that Ms. Rigoni previously submitted her changes. The following additional changes were made:

Line 32 and throughout: Change “Vodnick” to “Bodnick”

**On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, the March 28, 2022 Regular Meeting Minutes, as amended, were approved.**

**SIXTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Kutak Rock LLP***

Mr. DePaul thanked Ms. Rigoni for her efforts working with the County.

**B. District Engineer: *Craig A. Smith & Associates***

There was no report.

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

There was no report.

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

Ms. Cerbone asked for a Board Member to volunteer to work with Staff on the fence situation. Mr. Petrick stated he has been working with the HOA attorney and Mr. Finch and he would be happy to assist in this regard. Mr. DePaul stated his belief that Mr. Petrick recused himself from discussions. Ms. Cerbone stated Mr. Petrick recused himself from the matters related to the median on Jog Road.

Ms. Cerbone reminded the existing Board Members wishing to stay on the Board of the need to qualify to run in the November General Election and noted that the candidate qualifying period is from noon on June 13, 2022 through noon on June 17, 2022.

Mr. Petrick stated, with regard to Mr. DePaul’s question about a conflict, he understands that a Notice of Violation might be issued if the fence remains on County property but the County understands that the HOA is working to take care of this and it has nothing to

do with the CDD. The CDD is looking into working with the HOAs, as well. Should a Notice of Violation be issued then he would need to opt out, so, if the Board prefers to designate another representative, he will put the HOA attorney in touch with that Board Member.

Mr. DePaul and Mr. Cuningham stated they would defer to Mr. Petrick’s judgment. Mr. Cuningham stated he would be happy to serve as Mr. Petrick’s back up. Mr. Petrick stated he will advise, accordingly.

- **NEXT MEETING DATE: July 11, 2022 at 6:00 P.M.**
  - **QUORUM CHECK**

The next meeting will be held on July 11, 2022.

**SEVENTEENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

There were no Supervisors’ requests.

**EIGHTEENTH ORDER OF BUSINESS**

**Public Comments**

A member of the public asked if the Board will address issues for Hamilton Bay. Ms. Cerbone responded that this is a CDD meeting addressing issues only related to the CDD.

**NINETEENTH ORDER OF BUSINESS**

**Adjournment**

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

**On MOTION by Ms. Senior and seconded by Mr. DePaul, with all in favor, the meeting adjourned at 7:49 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
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Secretary/Assistant Secretary

  
\_\_\_\_\_  
Chair/Vice Chair