

**MINUTES OF MEETING  
GARDENS AT HAMMOCK BEACH  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Gardens at Hammock Beach Community Development District was held on **Friday, June 3, 2022** at 12:30 p.m. at the Hilton Garden Inn Palm Coast, 55 Town Center Boulevard, Palm Coast, Florida.

Present and constituting a quorum were:

Clint Smith	Chairman
David Lusby	Vice Chairman
William Livingston	Assistant Secretary

Also present was:

George Flint	District Manager
Michael Chiumento III	District Counsel
Residents	

*The following is a summary of the discussions and actions taken at the June 3, 2022 Gardens at Hammock Beach Community Development District's Audit Committee Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Flint called the meeting to order at 12:30 p.m. A quorum was present.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

A resident asked when the District would be renamed to the current owner. Mr. Flint did not know, but noted it was not uncommon for the CDD's name to be different than the name of the developer. If there was a name change, the creating entity must file a petition and amend the ordinance that created it. The resident asked when the meeting was set for June 6, since the last meeting did not have a quorum. Mr. Flint stated staff contacted the Board Members offline to determine their availability. This was a special meeting that was advertised in the newspaper and posted on the website.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the July 30, 2021 Board of Supervisors Meeting and Acceptance of Minutes of the July 30, 2021 Audit Committee Meeting**

There were no corrections or changes to the minutes.

On MOTION by Mr. Smith seconded by Mr. Livingston with all in favor the Minutes of the July 30, 2021 Board of Supervisors Meeting and July 30, 2021 Audit Committee Meeting were approved as presented.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-01 Approving the Proposed Fiscal Year 2023 Budget and Setting a Public Hearing**

Mr. Flint stated each year the CDD is required to approve a proposed budget by June 15<sup>th</sup> and set the date, place, and time of the public hearing for final consideration. Resolution 2022-01 was included in the agenda package, which included Exhibit A, the proposed budget. The public hearing was scheduled for August 19, 2022 at 12:30 p.m. at this location. The proposed budget was not binding and the Board has the ability to make changes up to and at the public hearing. It was administrative in nature and funded through a Developer Funding Agreement in lieu of imposing assessments. It increased slightly due to insurance and a 5% increase in the management fee, although GMS was only billing 50% of their fee until bonds were issued.

On MOTION by Mr. Smith seconded by Mr. Livingston with all in favor Resolution 2022-01 Approving the Proposed Budget for Fiscal Year 2023 and Setting a Public Hearing for August 19, 2022 at 12:30 p.m. at this location was adopted as amended.

**FIFTH ORDER OF BUSINESS**

**Review and Acceptance of the FY 2021 Audit Report - *ADDED***

Mr. Flint presented the Fiscal Year 2021 audit report, which was added to the agenda after it was distributed. The website was updated to include it. As a CDD is a Government entity, it was required to have an annual independent audit and the Board chose Grau & Associates through a bidding process prescribed by statute. It was a clean audit with no current or prior year

findings or recommendations and the District complied with the provisions of the Auditor General of the State of Florida.

On MOTION by Mr. Lusby seconded by Mr. Livingston with all in favor accepting the Fiscal Year 2021 Audit Report and authorizing transmittal to the State of Florida was approved.

**SIXTH ORDER OF BUSINESS**

**Ratification of Funding Requests #9 – 10 for Fiscal Year 2021 and #1 – 7 for Fiscal Year 2022**

Mr. Flint presented Funding Requests #9 – 10 for Fiscal Year 2021 and #1 – 7 for Fiscal Year 2022, which were transmitted to the developer. Some expenses were tracking as capital expenses, which would be reimbursed, if the District issued bonds.

On MOTION by Mr. Livingston seconded by Mr. Smith with all in favor Funding Requests #9 – 10 for Fiscal Year 2021 and #1 – 7 for Fiscal Year 2022 were ratified.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Chiumento reported that the developer was in a lawsuit with The Preserve and Mr. Ken Noble. They filed a petition with the Circuit Court challenging the county’s decision in October of 2021. The Preserve and Mr. Noble decided to file an appeal and the Court of Appeals affirmed the local judge’s findings. Then at the last minute, they filed a motion for rehearing the District Court of Appeals decision. They intend to finish this portion shortly and commence construction in August. The Board may need to meet in July to approve an advertisement to hold a 170 hearing in August. The Preserve submitted a Settlement Agreement to the developer last Friday. The developer would start the construction privately in the next 30 days before engaging the CDD. Discussion ensued regarding the July meeting date. Mr. Lusby recalled that a meeting was tentatively scheduled for July 15<sup>th</sup>. They should know in the next week if a meeting needed to be scheduled.

**B. Engineer and Maintenance Report**

There being none, the next item followed.

**C. District Manager’s Report**

**i. Balance Sheet and Income Statement**

Mr. Flint presented the Balance Sheet and Income Statement, which were unaudited through April 30, 2022. No action was required.

**ii. Presentation of Number of Registered Voters – 0**

Mr. Flint reported as of April 15, 2022, there were no registered voters in the District, according to the Flagler County Supervisor of Elections.

**iii. Designation of November 18, 2022 as Landowners’ Meeting Date**

Mr. Flint recommended November 18, 2022 as the landowners’ meeting date for three landowner seats, one of which was Mr. Smith’s seat as well as two vacant seats. Board Members were not required to be present. It was noted that there were two landowners in the CDD. Discussion ensued.

On MOTION by Mr. Smith seconded by Mr. Livingston with all in favor designating November 18, 2022 at 12:30 p.m. at this location as the Landowners’ Meeting was approved.

**EIGHTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**NINTH ORDER OF BUSINESS**

**Supervisor’s Request**

Mr. Smith asked if their Form 1, Statement of Financial Interest was due by July 1<sup>st</sup>. Mr. Flint stated the Supervisor of Elections mails the forms on or around June 1<sup>st</sup>, which must be filed by July 1<sup>st</sup>. It was an annual update of the form previous filed and if there were no changes, last year’s form could be duplicated. There was a penalty of \$25 per day for not filing by September.

**TENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Lusby seconded by Mr. Smith with all in favor the meeting was adjourned.

June 3, 2022

Gardens at Hammock Beach CDD

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman