

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, September 16, 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 ( <i>via phone</i> )	Vice Chairman
William Livingston ( <i>via phone</i> )	Assistant Secretary
David Root	Assistant Secretary
Denise Bunch	Assistant Secretary

Also present was:

George Flint	District Manager
Michael Chiumento, III	District Counsel
Ken Belshe	Palm Coast Intracoastal, LLC
Sara Zare	Underwriter
Ken Artin	Bond Counsel

*The following is a summary of the discussions and actions taken at the September 16, 2022 Gardens at Hammock Beach Community Development District's Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Flint called the meeting to order at 12:43 p.m. A quorum was present.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the August 19, 2021  
Board of Supervisors Meeting**

On MOTION by Mr. Livingston seconded by Mr. Smith with all in favor the Minutes of the August 19, 2021 Board of Supervisors Meeting were approved as presented.

**FOURTH ORDER OF BUSINESS**

**Organizational Matters**

**A. Administration of Oath of Office to Appointed Supervisor of Seat 5**

Mr. Flint, a Notary Public of the State of Florida and duly authorized, administered the Oath of Office to Ms. Bunch prior to the meeting.

**B. Consideration of Resolution 2022-04 Electing Officers**

Mr. Flint requested that Mr. Root and Ms. Bunch be designated Assistant Secretaries.

On MOTION by Mr. Smith seconded by Mr. Livingston with all in favor adding Mr. Root and Ms. Bunch as Assistant Secretaries as evidenced by Resolution 2022-04 was adopted.

**FIFTH ORDER OF BUSINESS** **Continued Public Hearing**

**A. Public Hearing on Levying Special Assessments**

Mr. Flint recalled that the public hearing was continued at the last meeting to this meeting.

On MOTION by Mr. Root seconded by Mr. Smith with all in favor the Public Hearing on levying special assessments was re-opened.

Mr. Flint noted no members of the public were present.

**i. Presentation of Engineer’s Report**

Mr. Flint presented the Engineer’s Report prepared by Parker Mynchenberg & Associates, which was included in the agenda package. It was the same form that the Board previously reviewed with no changes.

On MOTION by Mr. Lusby seconded by Mr. Livingston with all in favor the Engineer’s Report was approved.

**ii. Presentation of Assessment Methodology**

Mr. Flint presented the Master Assessment Methodology Report prepared by GMS, which was included in the agenda package. It was the same form that the Board previously reviewed with no changes. It takes the improvements identified by the District Engineer and allocates the benefit of those improvements to the 335 units in Assessment Area 1.

On MOTION by Mr. Livingston seconded by Mr. Smith with all in favor the Master Assessment Methodology Report was approved.

**iii. Public Comment and Testimony**

Mr. Flint noted no members of the public were present.

**iv. Consideration of 2022-05 Levying Special Assessments on Assessment Area 1**

Mr. Flint presented Resolution 2022-05, which was included in the agenda package, levying special assessments in Assessment Area 1. Attached to the resolution was the Engineer’s Report and Master Assessment Methodology Report. It sets the ceiling on the amount of assessments to be levied.

On MOTION by Mr. Smith seconded by Mr. Livingston with all in favor Resolution 2022-05 Authorizing District Projects for Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming and Levying Special Assessments on Property Specially Benefitted by Such Projects to Pay the Cost Thereof; Providing for the Payment and the Collection of Such Special Assessments by the Methods Provided for by Chapters 170, 190 and 197, Florida Statutes; Confirming the District’s Intention to Issue Special Assessment Bonds; Making Provisions for Transfers of Real Property to Governmental Bodies; Providing for the Recording of an Assessment Notice; Providing for Severability, Conflicts and an Effective Date was adopted.

On MOTION by Mr. Smith seconded by Mr. Root with all in favor the Public Hearing on levying special assessments was closed.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Chiumento reported that the District would be under construction shortly. In November, a signed contract would be provided to the CDD with the anticipated plan.

Mr. Smith questioned when they would go to market for debt. Mr. Chiumento stated as soon as possible. Mr. Flint pointed out that a Delegation Resolution would be provided to the Board next month if MBS and Mr. Artin were ready. Mr. Chiumento would prepare the preliminary offering document. Mr. Artin stated that they were going through some urgent matters for three to four weeks, but hoped to get that out soon. Mr. Smith asked if there were meetings this Fall or if there were only meetings through September. Mr. Flint believed that the Board was meeting an as needed meeting basis, but they could publish a seven-day notice when they were ready before October 21<sup>st</sup> and would wait to hear from Mr. Smith and MBS.

**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 July 31, 2022. There was \$2,230 in the operating account. No action was required by the Board.

**ii. Ratification of Funding Request #9**

**iii. Ratification of Funding Request #10**

Mr. Flint presented Funding Requests #9 and #10, which was transmitted to the developer under the Developer Funding Agreement.

On MOTION by Mr. Livingston seconded by Mr. Smith with all in favor Funding Requests #9 and #10 were ratified.

**iv. Approval of Fiscal Year 2023 Meeting Schedule**

Mr. Flint reported that the Board met on an as needed basis, but the Board could change to monthly meetings and suggested the third Friday at 12:30 p.m. in this location. Mr. Belshe wanted to continue meeting on an as needed basis.

On MOTION by Mr. Smith seconded by Mr. Root with all in favor the Fiscal Year 2023 meeting schedule to meet on an as needed basis was approved.

**SEVENTH ORDER OF BUSINESS**

**Other Business**

Mr. Artin requested that the Board approve a conflict waiver, waiving any potential conflict of interest as Mr. Artin’s firm also represented MBS Capital on other bond issues.

On MOTION by Mr. Livingston seconded by Mr. Lusby with all in favor the conflict waiver, waiving any potential conflict of interest as Mr. Artin’s firm also represented MBS Capital on other bond issues was approved.

Mr. Artin would provide a Retainer Agreement to the Board at the next meeting. Mr. Belshe anticipated spreading the assessments across these lots evenly and asked if the Equivalent Residential Units (ERUs) prevented that. Mr. Flint explained that the Supplemental Assessment

Methodology Report would recognize that the developer contribution would offset the smaller units so everyone would pay the same amount. Mr. Belsche asked about the operation and maintenance (O&M) assessments. Mr. Flint noted that many times the O&M mirrored the debt methodology, but it was not always the case and they could have a separate O&M methodology. Mr. Belsche asked if they should do the Master Assessment Methodology Report differently to achieve what he wanted to accomplish. Mr. Flint did not recommend it. Mr. Chiumento clarified that the contribution related to a particular series of bonds and should be part of the Supplemental Assessment Methodology Report.

**EIGHTH ORDER OF BUSINESS                      Supervisor’s Request**

Mr. Root announced that he was attending the October meeting via phone. Mr. Flint stated that three Board Members must be present in person. Mr. Livingston and Mr. Lusby confirmed that were going to be present, in person at the October meeting.

**NINTH ORDER OF BUSINESS                      Adjournment**

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

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman