

**MINUTES OF MEETING
HAM BROWN RESERVE COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Ham Brown Reserve Community Development District held Public Hearings and a Regular Meeting on January 10, 2024, at 11:00 a.m., at the Hampton Inn & Suites by Hilton, 4971 Calypso Cay Way, Kissimmee, Florida 34746.

Present at the meeting were:

Jack Traynor	Chair
Atino Secor	Vice Chair
Dan Fitzpatrick	Assistant Secretary
Ryan O'Dowd	Assistant Secretary
Mike Roche	Assistant Secretary

Also present:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC
Jere Earlywine	District Counsel
Xabier Guerricagoitia	District Engineer
Tina Lee	Ashton Woods
Elaine Sharnowski	
Ron Sharnowski	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 11:01 a.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments

Ms. Cerbone stated, after seeing the notice in the local newspaper, Resident Elaine Sharnowski called to express concern that their property might be subject to non-ad valorem assessments at some point. She stated the individual did not receive a Mailed Notice and advised that she email the Ordinance that established the CDD, which shows that the caller's area is not included.

Mr. Earlywine stated that person's properties will not be affected at all because the CDD only has authority to issue bonds and levy assessments on properties within its boundaries. A corrective Boundary Amendment is currently pending and will not affect properties across the street.

The Board and Staff responded to questions and concerns as follows:

- Regarding how many homes will be built, it was noted that the CDD will include 565 lots, including townhomes and single-family homes.
- A separate apartment site is being built along Ham Brown Road. A Board Member believes the apartments are approved for a maximum of 300.
- Regarding the impact on traffic and concerns about construction and land clearing, it was noted that the County manages approval and zoning processes. Landowners typically follow the zoning process to determine legally what they are allowed to do. If changes are made, Public Hearings are held to address zoning, road and school capacity, what infrastructure must be installed and at whose expense, etc. The prior property owners completed the zoning processes for this property several years ago and final engineering for this property happened nine months ago; most of the process was done by then.
- Osceola County can explain the complex legal processes in more detail. Any changes from the current zoning or design generally requires Public Hearings, which are advertised with legal notices in the newspapers. The process is all driven by the County.
- Ham Brown Reserve is not part of any other village; it will be a standalone community with its own HOA within its boundaries and one entrance and exit to Ham Brown Road.
- The apartment complex has its own separate entrance and exit to Ham Brown Road. Any access to Pleasant Hill Road would be the County's or the landowner's responsibility.
- The CDD measures approximately 177 acres and includes a conservation area.
- The Board and Staff worked with the County and the Department of Environmental Protection (DEP) to preserve as many trees as possible.
- The CDD is smaller than Solavita.
- The current plan includes a clubhouse, pool, cabanas, sitting areas, a dog park, tot lots for children, etc.

Ms. Cerbone stated, as District Managers, she and Ms. Sanchez respond to phone inquiries and get email addresses when possible. Whenever possible, she will email existing public documents, such as the CDD Ordinance or the Engineer's Report, if available. She encourages property owners and residents to attend meetings if they find the information insufficient so they can ask questions during the Public Comment periods. While Board Members will take questions, neither the Board nor Staff are required to respond to questions at the meeting; her job is to provide the information ahead of time or via follow-up after the meeting in order to keep meetings running efficiently. The CDD's goal is to be resident-friendly, to both residents of the CDD and outside the CDD. If documents are available, District Managers will provide them; however, they do not create nor modify documents to answer questions. District Managers are available to answer questions before and after meetings.

Resident Elaine Sharnowski thanked Ms. Cerbone for providing the information, which was very helpful in alleviating many of the residents' concerns.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2024-01, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on the Intent to Use the Uniform Method; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2024-01.

On MOTION by Mr. Roche and seconded by Mr. O'Dowd, with all in favor, Resolution 2024-01, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on the Intent to Use the Uniform Method; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized

and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District's Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date

A. Affidavit/Proof of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2024-02, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Ham Brown Reserve Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date

On MOTION by Mr. Secor and seconded by Mr. Traynor, with all in favor, the Public Hearing was opened.

No affected property owners or members of the public spoke.

On MOTION by Mr. Fitzpatrick and seconded by Mr. Roche, with all in favor, the Public Hearing was closed.

Ms. Cerbone presented Resolution 2024-02 and read the title.

On MOTION by Mr. Secor and seconded by Mr. Traynor, with all in favor, Resolution 2024-02, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Ham Brown Reserve Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on Debt Assessments; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2024-03.

On MOTION by Mr. Roche and seconded by Mr. Fitzpatrick, with all in favor, Resolution 2024-03, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on Debt Assessments; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements

A. Affidavit/Proof of Publication**B. Mailed Notice to Property Owner(s)**

These items were included for informational purposes.

C. Presentation of Master Engineer's Report

Ms. Cerbone stated the Engineer's Report dated September 26, 2023 was presented at the last meeting.

Mr. Earlywine noted that the only difference is that the Total Unit Count was changed from 565 to 564 total units to reflect the loss of one 50' lot. Further revisions may be made, as the purpose now is to set a maximum assessment level as part of the lien process. More detailed information will be available as the bond issuance date approaches.

D. Presentation of Special Assessment Methodology Report

Ms. Cerbone stated the Master Special Assessment Methodology Report dated September 29, 2023 was presented at the last meeting. She reviewed Table 5, on Page 16,

which includes the maximum Annual Debt Service Payments, should the bonds be issued in that dollar amount and discussed the alignment with the Engineer's Report related to the number of units, type of units and estimated construction cost.

Ms. Cerbone and Mr. Earlywine discussed the True-Up Mechanism and the cost estimate and a Supplemental Methodology, to be prepared when appropriate.

On MOTION by Mr. Fitzpatrick and seconded by Mr. Roche, with all in favor, the Public Hearing was opened.

- **Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.**

No affected property owners or members of the public spoke.

On MOTION by Mr. Fitzpatrick and seconded by Mr. Secor, with all in favor, the Public Hearing was closed.

- **Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.**

The Board, sitting as the Equalizing Board, made no changes to the assessment levels.

- E. Consideration of Resolution 2024-04, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer's Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date**

Ms. Cerbone presented Resolution 2024-04 and read the title.

Mr. Earlywine reviewed the requirements for assessments to be valid, the debt assessment process, payment of debt assessments and the method of collection.

On MOTION by Mr. Fitzpatrick and seconded by Mr. Roche, with all in favor, Resolution 2024-04, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer's Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-05, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on the Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2024-05.

On MOTION by Mr. Roche and seconded by Mr. Traynor, with all in favor, Resolution 2024-05, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on the Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes

- A. Affidavits of Publication**
- B. Consideration of Resolution 2024-06, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date**

These items were included for informational purposes.

Mr. Earlywine discussed the Rules of Procedure.

On MOTION by Mr. Traynor and seconded by Mr. Roche, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Roche and seconded by Mr. Fitzpatrick, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Secor and seconded by Mr. Fitzpatrick, with all in favor, Resolution 2024-06, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2024-07, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Fiscal Year 2022/2023 and Fiscal Year 2023/2024 Budget Public Hearings; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2024-07.

On MOTION by Mr. Roche and seconded by Mr. Traynor, with all in favor, Resolution 2024-07, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Fiscal Year 2022/2023 and Fiscal Year 2023/2024 Budget Public Hearings; Providing a Severability Clause; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2022/2023 Budget

A. Affidavit of Publication

- B. Consideration of Resolution 2024-08, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone presented the proposed Fiscal Year 2023 budget, which is a partial-year, Landowner-funded budget with expenses being funded as they are incurred.

On MOTION by Mr. Traynor and seconded by Mr. Fitzpatrick, with all in favor, the Public Hearing was opened.

No affected property owners or members of the public spoke.

On MOTION by Mr. Fitzpatrick and seconded by Mr. Roche, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Roche and seconded by Mr. Fitzpatrick, with all in favor, Resolution 2024-08, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

ELEVENTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2023/2024 Budget

- A. Proof/Affidavit of Publication**
- B. Consideration of Resolution 2024-09, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2024-09. She reviewed the proposed Fiscal Year 2024 budget, which is a partial-year, Landowner-funded budget with expenses being funded as they are incurred; it is unchanged since it was last presented. A reduced monthly Management

Fee of \$2,000 will be charged until bonds are issued; upon bond issuance, the monthly fee will increase to the regular rate of \$4,000, per the Management Agreement.

On MOTION by Mr. Roche and seconded by Mr. Traynor, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Fitzpatrick and seconded by Mr. Roche, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Roche and seconded by Mr. Fitzpatrick, with all in favor, Resolution 2024-09, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2024-10, Designating the Primary Administrative Office of the District and Providing an Effective Date

Ms. Cerbone presented Resolution 2024-10.

On MOTION by Mr. Roche and seconded by Mr. Traynor, with all in favor, Resolution 2024-10, Designating 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 as the Primary Administrative Office of the District and Providing an Effective Date, was adopted.

THIRTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-11, Designating the Location of the Local District Records Office and Providing an Effective Date

This item was deferred.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-12, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

This item was deferred.

FIFTEENTH ORDER OF BUSINESS

Consideration of Osceola Property Appraiser Agreement

Ms. Cerbone presented the Osceola Property Appraiser Agreement.

On MOTION by Mr. Roche and seconded by Mr. Secor, with all in favor, the Osceola Property Appraiser Agreement, was approved.

SIXTEENTH ORDER OF BUSINESS

Discussion: Construction Matters

Mr. Earlywine recalled previous discussions regarding assignment of the Site Work Contract. It was noted that the Site Work Contract was signed; site clearing has begun. The intention is to utilize direct billing for purposes of saving taxes.

On MOTION by Mr. Fitzpatrick and seconded by Mr. Roche, with all in favor, assignment of the Site Work Contract to the CDD, was approved.

On MOTION by Mr. Fitzpatrick and seconded by Mr. Roche, with all in favor, authorizing a Work Authorization for the Construction Administrator, was approved.

Mr. Earlywine advised Mr. Guerricagoitia to begin compiling invoices generated so far and to determine what percentage applies to private work and public work.

Ms. Cerbone noted that invoices for reimbursement from bond proceeds must be billed separately from invoices for meeting attendance, etc.

Mr. Earlywine stated, with regard to the Site Work Contract, Accounting suggested the District Engineer separate the private portion of the contract, with Hughes Brothers, which the District Engineer will pay directly. The CDD will pay the contractor for public work directly.

SEVENTEENTH ORDER OF BUSINESS**Acceptance of Unaudited Financial
Statements as of November 30, 2023**

On MOTION by Mr. Traynor and seconded by Mr. Roche, with all in favor, the Unaudited Financial Statements as of November 30, 2023, were accepted.

EIGHTEENTH ORDER OF BUSINESS**Approval of Minutes**

Ms. Cerbone presented the following:

- A. September 29, 2023 Landowners' Meeting**
- B. September 29, 2023 Organizational Meeting**

On MOTION by Mr. Secor and seconded by Mr. Roche, with all in favor, the September 29, 2023 Landowners' Meeting and Organizational Meeting Minutes, as presented, were approved.

NINETEENTH ORDER OF BUSINESS**Staff Reports**

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

Mr. Earlywine stated the bond validation hearing will be on February 15, 2024 via Zoom. Mr. Guerricagoitia and Mr. Szymonowicz or Mr. Wrathell will attend as witnesses. Board Members are welcome but not required to attend.

- B. District Engineer (Interim): Boyd Civil Engineering, Inc.**

There was no report.

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

Ms. Cerbone stated the Request for Proposals (RFP) for Annual Audit Services and the Request for Qualifications (RFQ) for District Engineering Services will be included on the next agenda.

- **NEXT MEETING DATE: TBD**
 - **QUORUM CHECK**

The next meeting will be on February 14, 2024, at 11:00 a.m.

On MOTION by Mr. Fitzpatrick and seconded by Mr. Roche, with all in favor, scheduling a Board meeting on February 14, 2024, at 11:00 a.m., at the Hampton Inn & Suites by Hilton, 4971 Calypso Cay Way, Kissimmee, Florida 34746, if available, and authorizing Staff to work with District Counsel as necessary to ensure a quorum and alter the date and time, if necessary, was approved.

TWENTIETH ORDER OF BUSINESS**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

TWENTY-FIRST ORDER OF BUSINESS**Public Comments**

No members of the public spoke.

TWENTY-SECOND ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Fitzpatrick and seconded by Mr. Roche, with all in favor, the meeting adjourned at 11:54 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair