

**MINUTES OF EMERGENCY MEETING OF
THE CLEARWATER CAY
COMMUNITY DEVELOPMENT DISTRICT**

The emergency meeting of the Board of Supervisors of the Clearwater Cay Community Development District was held on Wednesday December 19, 2018 at 5:00 p.m. at the Grand Venezia Baywatch Clubhouse, 2704 Via Murano, Clearwater, Florida 33764

Present and constituting a quorum were:

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| Don Dwyer | Chair |
| Pat O'Malley | Vice Chair |
| Michael Herd | Treasurer |
| Jeff Wilson | Assistant Secretary (5:08 p.m. arrival) |

Not Present:

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| Alan Glidden | Assistant Secretary |
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Also present were:

| | |
|-----------------|------------------|
| Cal Teague | District Manager |
| Don Molloy, Esq | Attorney |
| Residents | |

The following is a summary of the discussions and actions taken at the December 19, 2018 Clearwater Cay Community Development District meeting.

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order and Chair Dwyer called the roll. All were present except Supervisor Glidden and Supervisor Wilson arrived at 5:08 p.m., Attorney Don Malloy was also present for today's meeting.

SECOND ORDER OF BUSINESS

Approval of the Agenda

The Agenda was presented with the addition of 7 F, Acceptance of the FY 2018 Audit and authorizing the Chair to sign the AFR.

On MOTION by Vice Chair O'Malley seconded by Supervisor Herd with all in favor, the Agenda was approved as amended.

THIRD ORDER OF BUSINESS

Audience Comments on Agenda Items

There being none, the next Order of Business followed.

FOURTH ORDER OF BUSINESS

Approval of Meeting Minutes

A. Landowner's Meeting Minutes from November 14, 2018

The Landowner's Meeting Minutes were presented.

On MOTION by Supervisor Herd seconded by Vice Chair O'Malley with all in favor, the Landowner's Meeting Minutes of November 14, 2018 were approved as presented.

B. Regular Meeting Minutes from November 14, 2018

The Regular Meeting Minutes were presented.

On MOTION by Vice Chair O'Malley seconded by Supervisor Herd with all in favor, the Regular Meeting Minutes of November 14, 2018 were approved as presented.

C. Minutes of the Emergency Meeting of November 28, 2018.

The Emergency Meeting Minutes were presented.

On MOTION by Supervisor Herd seconded by Vice Chair O'Malley with all in favor, the Emergency Meeting Minutes of November 28, 2018 were approved as presented.

FIFTH ORDER OF BUSINESS

Old Business

A. Unpaid Bill Authorization

Chair Dwyer recommended that outstanding invoices be treated the same as any other accounts payables requesting that the District Manager verify all invoices against the approved budget to verify their validity prior to any payment being made.

On MOTION by Supervisor Herd seconded by Vice Chair O'Malley with all in favor, payment of outstanding accounts payable was approved once verified for validity by the District Manager.

- As a part of Old Business, Chair Dwyer asked that the Board ratify all actions, which were taken at the November 28, 2018 meeting.

On MOTION by Vice Chair O'Malley seconded by Supervisor Herd with all in favor, all actions taken at the November 28, 2018 Emergency Meeting were ratified.

- The Board reconsidered their prior action terminating the Joint Defense Agreement but after review by Attorney Malloy, it was his recommendation that this agreement be left in place. Therefore,

On MOTION by Vice Chair O'Malley seconded by Supervisor Herd with all in favor, termination of the Joint Defense Agreement was rescinded as recommended.

SIXTH ORDER OF BUSINESS

New Business

A. Discussion/Review of 2018 Assessment Methodology.

Special Counsel Mark Lawson was asked to review the Fishkind Supplemental Assessment to advise the Board as to its enforceability and legality, however, he was not yet prepared to discuss this. Therefore, the matter was tabled until the next meeting.

B. Authorization to Use Alexanders Property Maintenance

- The Board agreed to authorize Alexanders Property Maintenance to provide necessary maintenance services as it relates directly to Belair Road at the request of the District Manager on a case-by-case basis. Vice Chair O'Malley agreed to be liaison between the community and the Board for matters that the community would like discussed.

On MOTION by Supervisor Herd seconded by Vice Chair O'Malley with all in favor, the request for Alexanders Property Maintenance to provide minor maintenance services as

requested by the District Manager as they relate to Belair Road specifically was approved.

C. Installation of White Lights on 24 Palm Trees in Community Entrance

Prior to installation of the new Board, Vice Chair O'Malley, Supervisor Herd and Chair Dwyer agreed with the need to have the entry lights and landscaping along the entrance of Belair Road addressed. Therefore, the Board agreed to move forward on the purchase and installation of lighting and landscaping prior to Christmas if possible for an amount not to exceed \$10,000 upon approval by the District Manager.

On MOTION by Vice Chair O'Malley seconded by Supervisor Herd with all in favor, the purchase and installation of lighting and landscape improvements along the entrance of Belair Road was approved for an amount not to exceed \$10,000.

D. Community Upgrades

Prior to discussion of any items, the email received from Supervisor Glidden setting forth his opposition to the proposed community upgrades was distributed. Extensive discussion ensued regarding the maintenance issues that have fallen short within the District. Chair Dwyer advised that he asked Grand Venezia to provide invoices which outline the costs for maintenance of the Grand Venezia property for the last year to get an idea of what the actual costs are.

i. Belair Road

Chair Dwyer asked that the record reflect Supervisor Glidden's opposition to any improvements within the Grand Venezia Community being paid for by the CDD with the argument that the CDD provides \$78,000/year under the maintenance agreement. Chair Dwyer was in agreement that several maintenance issues remain that need to be addressed advising that he has received complaints from residents regarding the flooding of Via Capri and that since the front apartment complex was built, the drainage and flooding problems have increased dramatically with his freestanding garage having 2' of water in it three times, which cannot continue. Prior to construction of

this apartment complex, this never happened. The City of Clearwater Engineer is supposed to be looking into this issue.

ii. Common Parking Lot Inside Grand Venezia

Another issue pointed out, there are sealcoating problems in the common parking lot inside Grand Venezia. He stated that the sealcoating unfortunately did not adhere to the substructure and that the warranty has run out at this point. He further advised that attempts to reach out to the contractor have been unsuccessful to date.

iii. Picnic Tables

The next issue, does the District have the authority to replace the failing and missing picnic tables around the perimeter of the community along the waterfront? After discussion, the District Manager advised that if the Board wished to take the position that they wanted to provide the tables, they could be replaced and would be a legitimate District expense and yes, the Board can authorize this expenditure. Chair Dwyer suggested that should the Board decide to replace these tables, they should be replaced with a composite material table designed to last 50 years. It was requested that a copy of the existing maintenance agreement with Grand Venezia be provided.

iv. Mangrove Trimming

Chair Dwyer discussed the trimming, which occurred in the fall of last year advising that the contractor did a tremendous job. He stated that they were just trimmed approximately six weeks ago and look terrible. He stated that he met with the Pinellas County Watershed Management District for Tampa Bay with the finding that the CDD is under strict restrictions as to what can and cannot be done with these mangroves. His concern is an area between Building 6 and 7 (the west end) feeling that it looks out of control like an overgrown jungle. He advised that the Watershed Management District will not even consider meeting with him again until April, which is the next

trimming season. Suggestion was made that once a new engineering firm is onboard, that they research this further.

v. Tampa Bay Access

Chair Dwyer stated that last year, all the kayaks were removed from the mangroves in front of Building 9 and that now, there is no local access to Tampa Bay to launch kayaks or access the bay in any way. He asked that the District Manager investigate the regulatory requirements and costs of providing Tampa Bay access and what materials would be required for construction as specifications would be very specific.

On MOTION by Supervisor Wilson seconded by Supervisor Herd with all in favor, the District Manager's investigation of the regulatory requirements and costs involved in providing access to Tampa Bay was approved.

SEVENTH ORDER OF BUSINESS

Manager's Report

A. Update on Transition

The District Manager reported that the transition process has been relatively smooth so far and while questions do remain to be answered, things are moving along fine.

B. Appointing Assistant Treasurer

i. Resolution 2019-07

Resolution 2019-07 was presented.

On MOTION by Supervisor Herd seconded by Vice Chair O'Malley with all in favor, Resolution 2019-07 appointing Jennifer Miller an Assistant Treasurer was approved.

C. Banking Authorized Signers

i. Resolution 2019-08

Resolution 2019-08 was presented.

On MOTION by Vice Chair O'Malley seconded by Supervisor Herd with all in favor, Resolution 2019-08 appointing Jennifer Miller and Supervisor Herd as banking authorized signers was approved.

D. Engineering Services

The District Manager advised that we will be advertising to receive proposals from engineering firms which will hopefully be ready for presentation to the Board at next month's meeting.

E. New Fiscal Year 2019 Meeting Schedule

The 2019 Meeting Schedule was adopted as presented with meeting beginning at 5:30 p.m. instead of 5:00 p.m.

On MOTION by Supervisor Herd seconded by Supervisor Wilson with all in favor, the 2019 Meeting Schedule was approved with meeting time being changed to 5:30 p.m.

F. Acceptance of FY 2018 Audit

- The District Manager summarized the audit findings following which the Board accepted the Audit.

On MOTION by Supervisor Herd seconded by Supervisor Wilson with all in favor, the FY 2018 Audit was accepted with the Chair being authorized to sign AFR.

- The District Manager passed out a listing of all Board members as well as all pertinent governmental contact information.

EIGHTH ORDER OF BUSINESS

Attorney's Report

Attorney Malloy updated the Board regarding pending litigation between the District and the community.

NINTH ORDER OF BUSINESS

**Supervisor's Requests and/or
Comments**

Chair Dwyer reported of his concern regarding disclosure of the CDD to potential buyers and that many buyers are unaware of the CDD due to the failure of realtors to disclose the CDD's existence to these potential buyers. He went on to recommend that the District Manager prepare a letter to be sent to the Pinellas County Board of Realtors informing them that the District must be revealed prior to any contracts for sale being. Realtor Ron

Schulty then commented on Chair Dwyer's concerns. Attorney Malloy advised of a State Statute, which does require that a CDD be disclosed in a Sales Contract prior to signature. Ann Cameron reported that they had gone back to the title company regarding this failure to disclose issue to no avail.

TENTH ORDER OF BUSINESS**Audience Comments**

Chair Dwyer then explained the procedures to be followed in the audience comments portion. Several residents had questions/comments as follows:

- Question regarding the CDD's Agreement to not sue Fishkind in exchange for a reduction of their fees was raised.
- There was also question about the 2011 appraisals.
- The condition of Belair Road was questioned and who pays for maintenance.
- The expense involved with the Palm tree lighting before Christmas was raised.
- Comment was made as to how nice it is to have the meeting in the Clubhouse again.
- How the CDD can do some of the needed cleanup within the community was raised.

ELEVENTH ORDER OF BUSINESS**Adjournment**

With no other Orders of Business, and

On MOTION by Vice Chair Malloy seconded by Supervisor Herd with all in favor, the meeting was adjourned at 6:33 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair