

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

The meeting of the Board of Supervisors of the Clearwater Cay Community Development District was held on Thursday February 28, 2019 at 5:30 p.m. at the Grand Venezia Baywatch Clubhouse, 2704 Via Murano, Clearwater, Florida 33764

Present and constituting a quorum were:

Don Dwyer	Chair
Pat O'Malley	Vice Chair (via telephone)
Michael Herd	Treasurer
Jeff Wilson	Assistant Secretary
Alan Glidden	Assistant Secretary

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 February 28, 2019 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 after announcing that Vice Chair O'Malley would be joining via telephone and that a motion to allow his participation was needed. Therefore,

On MOTION by Supervisor Herd seconded by Supervisor Glidden with all in favor, Vice Chair O'Malley's participation via telephone was approved.
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SECOND ORDER OF BUSINESS

Approval of the Agenda

Approved Minutes
02/28/2019

The Agenda was presented with additions as follows:

- Item 8 C – Public Request for Board Action to Release Closed Session Minutes
- Item 9 E – Bond Payment Concerns

On MOTION by Supervisor Wilson seconded by Supervisor Herd with all in favor, the Agenda was approved as amended.

THIRD ORDER OF BUSINESS

Audience Comments on Agenda Items

Attorney Bruce Barnes commented that he had requested the CDD to release the transcript and audio from the May 18, 2016 closed meeting citing that he has various reasons that he would like to listen to the audio and read the transcript.

FOURTH ORDER OF BUSINESS

Approval of Meeting Minutes

A. Regular Meeting Minutes from January 24, 2019

The Regular Meeting Minutes from January 24, 2019 were presented.

On MOTION by Supervisor Herd seconded by Supervisor Glidden with all in favor, the Regular Meeting Minutes of January 24, 2019 were approved as presented.

FIFTH ORDER OF BUSINESS

Discussion/Review of 2018 Assessment Methodology

In Attorney Lawson's absence, Chair Dwyer updated the Board on the Discussion/Review of the 2018 Assessment Methodology as he sees it and expressing concern over delays being experienced getting results from the work being done by him. Chair Dwyer further stated that it was his feeling that numerous issues seem to be getting lost in this assessment methodology and felt that the costs were not properly allocated, especially after the sale of the "Commonwealth" property. He felt that Attorney Lawson should be given a directive to have the report completed in time to be implemented and have an impact on the upcoming assessment year (FY 2020). The Board then voted to give Attorney Larson the directive as well as the directive to have any future assigned work

completed within 30-45 days as well as be presented in an acceptable format to file on the tax roles in October.

On MOTION by Supervisor Herd seconded by Vice Chair O'Malley with all in favor, the Board approved the above directives being given.

SIXTH ORDER OF BUSINESS**Assessment Process**

The District Manager provided a handout. There was no further discussion other than that indicated above.

SEVENTH ORDER OF BUSINESS**Old Business****A. Outstanding Fishkind Bills**

- Chair Dwyer reiterated that prior discussions regarding Fishkind's outstanding bills and the fact that he was asked to attend tonight's meeting, however, due to his noncompliance with the request, this item was tabled for next meeting.
- Attorney Malloy addressed this issue expressing his feeling that invoices for services not being contested should be paid. There are two invoices, however, that remain contested. Therefore, the Board did not know how to proceed since the "Covenant Not to Sue," has not been resolved.

B. Outstanding Legal Bills

This too was tabled due to the requested information still not being available.

C. Report on Grand Venezia Roadway Flooding

As reported in the last meeting, the SFWMD identified that the problem was being caused by an improper connection at the Vue Apartment Complex. Joel Mies, who was present for tonight's meeting, advised that this problem is being addressed.

D. Common Parking Lot Inside Grand Venezia Update

- Chair Dwyer updated the Board stating that at last meeting, concern was voiced about speed controls within the Grand Venezia roadways, particularly between Building 7 and 9. He went on to advise that he worked this out with the Grand Venezia Community Maintenance Department stating that they have 2 to 3 removable speed bumps, which they are willing to place when the Board

determines where they would like them to be. Chair Dwyer went on to state that these have to be placed with an understanding of where the drainage flow is so as to not cause another drainage issue.

- Placement of a permanent speed bump, which is made out of asphalt to be placed in front of the newly painted crosswalk at the Stop Sign where no one stops was also discussed.

On MOTION by Supervisor Herd seconded by Supervisor Wilson with all in favor, placement of the asphalt speed bump in front of the newly painted crosswalk as stated above was approved.

- A number of potholes were repaired and sealcoated as well. However, there remains a delamination issue as well, which the contractor agreed to come back and re-sealcoat at no charge. This will be done Monday morning.

E. Ratify Mangrove Trimming

The trimming cost of the mangroves for an expenditure \$21,000 was ratified by the Board, with Chair Dwyer explaining the two step process involved with the mangrove trimming.

On MOTION by Supervisor Herd seconded by Supervisor Glidden with all in favor, the Board ratified the expenditure of \$21,000 for trimming of the mangroves.

EIGHTH ORDER OF BUSINESS

New Business

A. Property Maintenance Contract Between Alexanders and Grand Venezia at Baywatch

i. Common Parking Lot Inside Grand Venezia

The Board agreed to retain the existing contract with Alexanders for the remainder of the current fiscal year. Going forward for future renewals, there will be a stipulation that contracts will be reviewed on a yearly basis with the possibility of rebid beginning FY 2020.

On MOTION by Supervisor Herd seconded by Supervisor Glidden with all in favor, modification of the existing contract after approval by counsel, was approved.

B. Estimates from Alexanders Property Maintenance

i. Estimate for Cocoa Brown Mulch

Approved for the amount of \$10,175 and should be 3" thickness/depth.

On MOTION by Supervisor Herd seconded by Supervisor Glidden with all in favor, Estimate #5876 in the amount of \$10,175 was approved with the stipulation that it is 3" in thickness/depth.

ii. Estimate for Installation of 110 Plants

The installation of 110 plants was tabled at this time. A resident requested that an item be added to the next Agenda regarding some type of plant barrier or shrubbery along the unsightly concrete dumpster, which has been placed close to the entrance of the community. In the interim, staff will obtain estimates for completion of this project.

C. Public Request for Board Action to Release Closed Session Minutes

Attorney Malloy summarized details regarding the CDD's exemption from public records stating that the exemptions automatically terminate when the lawsuit is concluded. There is at least some authority that a lawsuit is concluded once a final judgment is entered. He further stated that it was his understanding that a final judgment was entered in this case in April of 2018 and therefore, in his opinion, this record became public at that time. He went on to clarify that this does not apply to the 2018 closed session minutes.

On MOTION by Supervisor Herd seconded by Supervisor Wilson with all in favor, releasing of the closed session audio tape as well as typed transcript of May 18, 2016 was approved.

TENTH ORDER OF BUSINESS

Manager's Report

A. Update on Transition

The District Manager reported that this is going well. However, some concerns remain with banking as well as data on bond issues.

B. Financial Statements for Period Ending January 31, 2019

The financials for period ending January 31, 2019 were presented.

On MOTION by Supervisor Wilson seconded by Supervisor Glidden with all in favor, the Financials for period ending January 31, 2019 were accepted.

C. Fiscal Year 2020 Budget Schedule

The schedule was accepted with a draft budget being submitted next week.

D. ADA Website Compliance

Concern was expressed over website compliance. The District Manager reported that several of his clients have joined together in the hiring of a firm to design and maintain a new website for a cost of \$3,000 for the development as well as \$100/month for continuous monitoring. The Board approved joining this plan.

On MOTION by Supervisor Glidden seconded by Supervisor Herd with all in favor, authorization for inclusion in the new website development and monitoring for the amount of \$3,000 and \$100/month respectively was approved.

E. Bond Payments Concern

The District Manager explained in depth, concerns over the fact that he has been unable to locate a reliable amortization schedule for the bonds, and that the trustee paid several invoices without paying the bond debt service. The Board asked for a breakdown. Therefore, this information will be obtained from the Trustee.

TENTH ORDER OF BUSINESS

Attorney's Report

A. Update on lawsuit with Grand Venezia Association

Attorney Malloy updated the Board advising of the substitution of counsel and that Mr. Guerra is now the Attorney of Record for this lawsuit.

ELEVENTH ORDER OF BUSINESS

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

- Supervisor Herd commented that he spoke with Representative John Cortez regarding the issues at Clearwater Cay CDD and that Representative Cortez is going to bring the issue before the legislature.

- Supervisor Wilson voiced some concerns over comments made by the Chair in his newsletter.

TWELFTH ORDER OF BUSINESS

Audience Comments

Chair Dwyer explained the process followed for audience comments explaining that this is not a question and answer opportunity but instead an opportunity for residents to tell us (the Board) what you want us to know. He further advised that there would be no debates or otherwise.

- Several residents were present for today's meeting and spoke accolades for the new Board.
- Request was made for additional Bond information as well as more information about the mulch contract that was just authorized.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being no further Orders of Business and,

On MOTION by Supervisor Herd seconded by Supervisor Wilson with all in favor, the meeting was adjourned at 7:26 p.m.
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Secretary/Assistant Secretary


Chair/Vice Chair