

MINUTES OF MEETING

The following is a summary of the discussions and actions taken at the Clearwater Cay Community Development District (CDD) Board of Supervisors meeting.

CLEARWATER CAY COMMUNITY DEVELOPMENT DISTRICT

The meeting of the Board of Supervisors of the Clearwater Cay Community Development District was held on Thursday June 27, 2019 at 5:30 p.m. at the Grand Venezia Baywatch Clubhouse on 2704 Via Murano in Clearwater, Florida 33764.

Present and constituting a quorum were:

Don Dwyer
Michael Herd
Alan Glidden
Jeff Wilson

Chair
Treasurer
Assistant Secretary
Assistant Secretary

Not present:

Pat O'Malley

Vice Chair

Also present were:

Cal Teague
Dan Molloy
Residents

District Manager
District Attorney

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order and the Chairman called the roll. All were present for today's meeting, except for Vice Chairman O'Malley. Also present was District Attorney Dan Molloy.

SECOND ORDER OF BUSINESS

Approval of the Agenda

The Agenda was presented and approved.

On MOTION by Supervisor Wilson, seconded by Supervisor Glidden, with all in favor, the Agenda was approved as presented.
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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. Regular Meeting Minutes from May 23, 2019**

The Meeting Minutes were presented, and Treasurer Herd requested that they be changed to reflect him voting against the motion for filing for bankruptcy.

On MOTION by Supervisor Wilson, seconded by Supervisor Glidden, with all in favor, the Regular Meeting Minutes of May 23, 2019 were approved as amended.

On MOTION by Supervisor Glidden, seconded by Chairman Dwyer, with all in favor, the Board approved Supervisor Glidden changing his vote to reflect him voting against the CDD filing for bankruptcy.

FIFTH ORDER OF BUSINESS**Old Business****A. Outstanding Legal Bills**

Chairman Dwyer has still not received the information requested from Gray Robinson. The Chairman asked for a motion for Board support for his request from December regarding getting a detailed work product from 2015 through November 28, 2018.

On MOTION by Treasurer Herd, seconded by Supervisor Glidden, with all in favor, the Board voted to make an official CDD request for a detailed work product from Gray Robinson from 2015 through November 28, 2018.

B. The Flournoy Request

When Flournoy purchased their property, they were allotted 914 units that they could build. They are zoned for 339 units and cannot build any more than 339. However, the finished product is 336 units. Therefore, they would like their Operation and Maintenance (O & M) assessments adjusted so that they aren't paying for 914 units. The District Manager recommended contracting with an outside source to have them look into the assessment methodology for the District and come up with a fair number based on the findings.

On MOTION by Supervisor Glidden, seconded by Supervisor Wilson, with all in favor, the Board authorizes the District Manager to hire an independent firm to do the O & M assessment methodology for the entire District.

SIXTH ORDER OF BUSINESS

New Business

Chairman Dwyer discussed that the Mangroves are permitted through the District and therefore they must be maintained by the District. The Board received two estimates for trimming the Mangroves. The first estimate was from Alexander's for \$18,000. The second estimate was from Redtree for \$18,500 and \$13,500 for biannual pruning. Redtree's estimate also includes removing all invasive species that are in the Mangroves by the roots. The Board tabled this until next month when the Board has had more time to look at the new legislature on this topic.

Chairman Dwyer discussed the concern of the bridge at building twelve. The bridge was not constructed properly and is rotting and now the hand rails are rotting and are falling apart. The Board is going to get estimates for next month in order to get the bridge rebuilt. Given it is a safety concern the Board discussed taping it off until it has been rebuilt.

SEVENTH ORDER OF BUSINESS

Manager's Report

A. Financial Statements for Period Ending May 31, 2019

The financial statements were presented and accepted.

On MOTION by Supervisor Glidden, seconded by Treasurer Herd, with all in favor, the financial statements for period ending May 31, 2019 were accepted.

B. ADA Website Compliance Update

The District Manager stated that he has seen the initial website prototype and it looks great. He also stated that the website will be ready by next month and informed the Board that they will be receiving District emails.

EIGHTH ORDER OF BUSINESS

Attorney's Report

A. Update 2018 Assessment Methodology

District Attorney Molloy recapped that the Board hired Mr. Lawson back in January to produce an assessment methodology. District Attorney Molloy explained that he has not seen any actual work product from Mr. Lawson and that the District is going to have a difficult time completing this process before having to submit a tax roll to the County. District Attorney Molloy explained that he is not sure what is going on with Mr. Lawson as to whether he intends to produce results on this topic. The Board voted to terminate Mr. Lawson's contract and not pay him.

On MOTION by Supervisor Glidden, seconded by Treasurer Herd, with all in favor, Mr. Lawson is terminated, and no payment is to be released.

B. Update on Bankruptcy Filing

There is a hearing on July 2nd for the bankruptcy case.

C. Discussion Regarding Filing Malpractice Charges Against Gray Robinson

District Attorney Molloy stated that there is a two-year statute of limitations on filing malpractice charges. He believes that this will be a difficult case to win. Mr. Barnes discussed briefly why filing a lawsuit would be beneficial and why he thinks it is a great idea. The Board discussed hiring an attorney to take this case on a contingency basis however, the Board did not decide to move forward with this lawsuit.

NINTH ORDER OF BUSINESS

Supervisor's Requests and/or Comments

Supervisor Glidden commented that the Board should look into the garages again in order to collect that revenue for the CDD going forward. Given the support of other Board Supervisors on this topic, it was requested that this be added to the Agenda for next month's meeting.

Chairman Dwyer announced that he is resigning as Chairman. He clarified that he is not resigning from the Board itself, but he is resigning as Chairman of the Board.

TENTH ORDER OF BUSINESS

Audience Comments

Mr. Barnes strongly urged that a Board member, Mr. Molloy or Mr. Teague to be at the hearing for the bankruptcy case.

Nancy Thibodeau commented that she is sad to see Chairman Dwyer step down from his position as Chairman as she feels like he has really improved things for the District in his role.


ELEVENTH ORDER OF BUSINESS


Adjournment

There being no further Orders of Business and,

On MOTION by Supervisor Glidden, seconded by Treasurer Herd, with all in favor, the meeting is continued to July 11th at 5:30 p.m.

Next Meeting: July 25, 2019 at 5:30 PM


Secretary/Assistant Secretary


Chair/Vice Chair