

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 August 22, 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:

Michael Herd
Pat O'Malley
Alan Glidden
Jeff Wilson
Don Dwyer

Chairman
Vice Chair
Assistant Secretary (telephone)
Assistant Secretary
Assistant Secretary

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 District Manager called the roll. All were present for today's meeting with Supervisor Glidden participating via telephone. Also present was District Attorney Dan Molloy.

On MOTION by Vice Chairman O'Malley, seconded by Supervisor Dwyer, with all in favor, Supervisor Glidden is allowed to participate in the meeting via telephone.

SECOND ORDER OF BUSINESS

Approval of the Agenda

The Agenda was presented and amended to add 7. A. Discussion on Landscaping, and to move Agenda item 10. A. to 6. D.

On MOTION by Supervisor Wilson, seconded by Vice Chairman O'Malley, 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

Budget Public Hearing

The District Manager explained that this is a public hearing for consideration of the Operation and Maintenance budget for fiscal year 2020. He stated that there is no increase in assessments for this budget. Then, Chairman Herd declared the public hearing open for public comments at 5:40 p.m.

Scott Steady representing Flournoy was in attendance. He submitted a letter to the Board regarding concerns with the budget and the ERU's as well as discussed these concerns with the Board.

Given there were no other audience comments, Chairman Herd closed the public hearing at 5:50 p.m.

A. Resolution 2019-15

On MOTION by Supervisor Dwyer, seconded by Supervisor Wilson, with all in favor, Resolution 2019-15 is adopted.

B. Resolution 2019-16

On MOTION by Supervisor Dwyer, seconded by Supervisor Wilson, with all in favor, Resolution 2019-16 is adopted.

FIFTH ORDER OF BUSINESS

Approval of Meeting Minutes

A. Regular Meeting Minutes from July 25, 2019

The Meeting Minutes were presented and accepted.

On MOTION by Supervisor Dwyer, seconded by Vice Chairman O'Malley, with all in favor, the Regular Meeting Minutes of July 25, 2019 were approved as presented.

SIXTH ORDER OF BUSINESS**Old Business****A. Mangrove Trimming Update**

Supervisor Dwyer updated the Board that Redtree Landscape Systems had to push back the start date as a result of the high tides and the rain. However, they plan on starting within the next two weeks.

B. The Flournoy Assessment Adjustment Update

The District Manager discussed a report he presented to the Board regarding this topic. He stated that the Meeting Minutes from May of 2017 showed that Flournoy asked for an adjustment to their assessments. The Board at that time was in the middle of a budget year and could not make the adjustment. However, they were open to considering an adjustment. The report also addresses a reduction in the Flournoy assessments and how this reduction would impact the CDD. The District Manager stated that if this change was made, assessments would need to increase by about \$100 per unit in Fiscal Year 2021.

After extensive discussion, the Board agreed to table this Agenda item until February 2020, in order to have enough information to make a fair and well thought out decision.

On MOTION by Vice Chairman O'Malley, seconded by Chairman Herd, with all in favor, the Flournoy assessment adjustment request is tabled until February 2020.

C. Bridge Repair Update

Vice Chairman O'Malley urged the Board to agree to close off the bridge given the safety concern. He stated that the contractor had a different concept of the work needing to be done than what was discussed by the Board. Therefore, Vice Chairman O'Malley had the contractor hold off on the work and requested a new estimate for the project.

D. Garage Agreement with GVCA

Supervisor Glidden stated that he still believes the Board should terminate the garage agreement with the GVCA. A member of the GVCA was in attendance and requested deeds to the garages as the GVCA does not believe that the CDD owns the free-standing garages. This audience member was told that the property appraiser website shows the CDD as the owner of the free-standing garages. After extensive discussion, the Board agreed to table this discussion until February 2020.

On MOTION by Supervisor Dwyer, seconded by Vice Chairman O'Malley, with all in favor, cancellation of the garage agreement with GVCA is tabled until February 2020.

SEVENTH ORDER OF BUSINESS**New Business****A. Discussion of Landscaping**

The District Manager stated that Redtree Landscape Systems (Redtree) submitted a contract for landscaping services for the CDD. Redtree agreed to perform the landscaping services for the remainder of 2019 and for 2020 at the current contract price and include a complimentary third Mangrove trimming. The Board agreed that they are very dissatisfied with Alexander's Property Maintenance. Therefore, they approved the contract from Redtree with the stipulations that a start date is confirmed and the work can be done on Friday's. If these stipulations are met, then the Board requested notice be given to Alexander's Property Maintenance.

On MOTION by Supervisor Dwyer, seconded by Chairman Herd, with all in favor, the contract from Redtree Landscape Systems is accepted contingent on setting a start date and confirming the work can be done on Friday's.

EIGHTH ORDER OF BUSINESS**Manager's Report****A. Financial Statements for Period Ending July**

The financial statements were presented and accepted.

On MOTION by Supervisor Dwyer, seconded by Vice Chairman O'Malley, with all in favor, the financial statements for July were accepted.

B. ADA Website Update

The District Manager stated that his staff is working on finalizing the website.

NINTH ORDER OF BUSINESS**Attorney's Report****A. Update 2018 Assessment Methodology**

The District Attorney stated that a draft debt assessment methodology was received from Mr. Santoro. However, this draft is still being worked on.

B. Update on Bankruptcy Filing

The District Attorney stated that the Board still needs to appoint a representative with authority to make decisions for the CDD, for the mediation taking place in early October. The Board appointed the District Attorney to represent the CDD.

On MOTION by Supervisor Dwyer, seconded by Supervisor Wilson, with all in favor, the Board appointed District Attorney Dan Molloy to represent the CDD in the bankruptcy mediation.

The District Attorney notified the Board that the Flournoy group has filed a motion in the bankruptcy court to file an action against the CDD. The Board asked that an objection be filed again this motion.

C. Regarding Filing Malpractice Charges Against Gray Robinson

The District Attorney asked the Board for more direction on how to proceed with this Agenda item. The Board requested the District Attorney to ask Mr. Guerra to represent them on this case. However, if Mr. Guerra is not interested, the Board requested he seek other attorneys.

TENTH ORDER OF BUSINESS

Supervisor's Requests and/or Comments

Chairman Herd commented that the lights should be installed in the Palm Trees within the next two days. He stated that the project had been delayed due to the rain.

ELEVENTH ORDER OF BUSINESS

Audience Comments

Jeremy Brewer, an attorney representing Flournoy, asked if the Board is going to hire an individual to conduct an assessment methodology for the Flournoy assessments. Mr. Brewer urged the Board to obtain a methodology. Mr. Brewer also suggested the Board have the workshop meetings before February as opposed to after February. The Board agreed that they would like to have the workshop meetings regarding the Flournoy assessment adjustment before February.

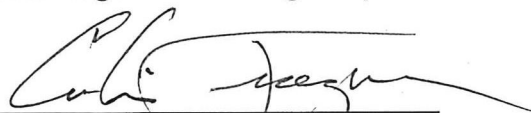
TWELVTH ORDER OF BUSINESS

Adjournment

There being no further Orders of Business and,

On MOTION by Vice Chairman O'Malley, seconded by Chairman Herd, with all in favor, the meeting was adjourned at 6:59 p.m.

Next Regular Meeting: September 26, 2019 at 5:30 PM


Secretary/Assistant Secretary


Chair/Vice Chair