

**MINUTES OF MEETING
CORY LAKES
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Cory Lakes Community Development District held a Regular Meeting on Thursday, February 21, 2019 at 6:00 p.m., at the Cory Lake Beach Club, 10441 Cory Lake Drive, Tampa, Florida 33647.

Present at the meeting were:

Jorge Castillo (via telephone)	Chair
Sudhir (Sid) Shah	Vice Chair
David Burman	Assistant Secretary
Sheila Haque	Assistant Secretary
Bob Woodards	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Vivek Babar	District Counsel
Wendy Darby	Office Administrator
Amanda Schewe	Office Administrator's Assistant
John Hall	Facilities Manager
A. J. Forbes	Resident, Security Committee Member
Harry Ramphal	Resident/POA President
Tim Gay	Illuminations Holiday Lighting
Steven Hancz	Resident
Dusiyant Purohit	Resident
Carlos Guzman	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 6:00 p.m. Supervisors Shah, Burman, Haque and Woodards were present, in person. Supervisor Castillo was attending via telephone. In response to Mr. Castillo's statement that he would exit the meeting early, Mr. Shah stated that the most important topics would be covered prior to his exit.

SECOND ORDER OF BUSINESS

Chairman's Opening Comments

***Disclaimer:** Readers should be aware that these **summary minutes** are intended to provide highlights of topic discussions and items being considered.*

Mr. Shah stated that the three residents who are attending tonight's meeting are welcomed to stay to the end of the meeting.

THIRD ORDER OF BUSINESS

Other Supervisors' Opening Comments

Mr. Castillo asked when the Tax Collector was scheduled to attend. Mr. Shah stated Mr. Doug Beldan would attend the March meeting. Mr. Castillo asked for the Board's input on Mr. Ramphal's request for the POA to use the Clubhouse for a closed-door meeting on March 4th, from 7:30 to 8:30 p.m., to discuss the 18 litigations against the POA Board and Board Members. Mr. Adams felt it appropriate and important to the community for the POA to hold a closed door session at the Beach Club and stated that enough notice was given to secure the Clubhouse for the day and time scheduled. Ms. Darby stated that there were no meeting conflicts. Mr. Castillo asked for an update on Republic Services (RS). Mr. Adams stated that he, Mr. Hall and Mr. Babar received a counteroffer yesterday from Bush-Ross, Counsel for RS; copies were subsequently distributed to the Board and it would be emailed to Mr. Castillo. The offer will be reviewed and discussed after the public comments.

Regarding the landscape lighting project, Mr. Hall stated that there are two proposals and one of the vendors will make a presentation tonight. As to the overnight parking in the tow away zone in Capri Isle, Mr. Hall stated that Mr. Glass is consulting with the POA Attorney regarding this issue. Mr. Castillo asked the Board to put pressure on the POA to remove vehicles with flat tires. Discussion ensued regarding unsightly vehicles, expired tags and the Tampa Police Department (TPD).

Mr. Burman stated that the Tax Collector's attendance at the March meeting was confirmed. He complimented Ms. Darby on a certificate she produced for Commissioner Hagen and asked for a certificate for the Tax Collector. He thanked the Supervisors who forwarded discussion items for the Tax Collector to Mr. Adams who then forwarded it to him. Due to a possible schedule conflict with the next meeting, Mr. Burman stated that he would let Mr. Adams know if he would be able to attend the meeting, as the date draws closer.

Mr. Woodards stated that he was glad to be back.

FOURTH ORDER OF BUSINESS

Public Comments (*agenda items*) [3 minutes per speaker]

Mr. Harry Ramphal, a resident and POA President, thanked the Board for their permission for the POA to use the Clubhouse on March 4th. He complimented the CDD Board and Staff on the new fountains in Capri and the landscaping. On behalf of the CDD, Mr. Shah congratulated Mr. Ramphal on his election as the POA Board President; he hoped that the two entities would coordinate to advance the community further.

Mr. Dushyant Purohit, a resident, voiced his opinion that taxes are high in Cory Lakes. Mr. Shah stated that the CDD vigilantly monitors expenditures and there has not been an increase in CDD fees in quite a while because District Staff does a wonderful job managing the accounting. He suggested that Mr. Purohit prepare questions to ask the Tax Collector directly, as he will attend the next meeting.

FIFTH ORDER OF BUSINESS

Update: Communication with Republic Services Regarding Recent Leaks

Mr. Adams stated that late yesterday afternoon, a counter settlement offer was received from RS, through their Counsel, Bush Ross. They countered the CDD's original offer with \$100,000, noting that they engaged their own contractor to provide a proposal for the same service that the CDD had identified in its proposal that was a part of counteroffer of \$362,000, while the CDD's original counteroffer was \$573,000. Mr. Babar stated that he contacted Mr. Hart, the Bush Ross Attorney who wrote the settlement offer letter; the general law that he cited stems from the fact that, if there is property damage, the person who created the damage owes the lesser of the cost restoration/repair of the damaged property or the diminution of value from the time before the damage happened to the time after the damage. That is what Mr. Hart asserted, from a legal standpoint, which was upheld by courts. The exception being when there is a concern about public safety or policy, when it is unfair to give the lesser of those two values because the public's interest is greater than a private property's interest, has only been ruled on in a limited number of cases relating to damages to public infrastructure, such as a dam, reservoir or something that compromises overall health, like damage or pollution to waterways, which can cause significant environmental damage. Mr.

Hart's letter focused on the home residential values whereas, the CDD's focus was on the damage to the road right-of-way (ROW). Mr. Babar was unable to find case law with respect to private roadways or roadways owned by local governments and stated that there is no valuation on the property appraiser's website, whether owned by a local government, and there is no value on that infrastructure because it cannot be sold to someone else. Although the law with respect to property damage is correct, there is some potential for argument or negotiation. In making a decision, the Board should consider the fairness of the offer and whether the reasons behind the offer make sense. To provide context on why the contractor is offering \$100,000, when their expert appraised the work in excess of \$300,000, Mr. Babar offered the following the following observations:

- RS likely believes they do not owe the District anything because Cory Lake Isles (CLI) property values probably increased; RS could argue that there is no loss in value to the District.
- This position is unfair because property values in CLI, specifically, and the rest of the County, were generally increasing at the time cited, so the valuation argument is somewhat disingenuous. It is important to understand the valuation from the road ROW perspective, which the CDD should avoid, as that is more of a grey area.
- The fact that the CDD had not necessarily maintained the ROW in the sense of what it now proposes; not only to address the oil spills but to make the roadway look new.
- As to how the CDD would like to proceed, it is important to take these factors into consideration, absorb the law and the set of facts.
- If the CDD chooses to engage an appraiser or a litigator with experience with local judges and experts, this is a niche area of the law, so the CDD would benefit from hiring someone who knows the court system, judges and experts to advise on confrontation or litigation.
- Given the context, the offer is approximately 20% of the repair costs in the proposal that the CDD received.

In response to Mr. Burman's question regarding whether the CDD can claim damages from oil spill residues draining into the lakes when it rains, Mr. Babar stated that the case law pertains to wells and drinking water, specifically, but Mr. Burman's concerns could be explored, as runoff from oil, gas, tire treads and other debris can infiltrate the stormwater system.

The Board's consensus was that the settlement offer was unreasonable. The Board and Staff discussed road repairs, pressure washing, sanding, adding pigment, the City of Tampa or Hillsborough County's involvement, home values, litigation costs, legal strategies, obtaining additional estimates and bids, insurance, formulating a floor and performance bond amounts. The Board agreed to counter the RS offer in an amount of \$460,000, with \$362,833 as a floor amount and a \$500,000 performance bond to the floor. Mr. Adams recommended that District Counsel transmit the counteroffer, citing his research on a correction on where this would be tested. Mr. Shah asked Mr. Babar to contact the County's Attorney to see if there are other settlement agreements or negotiations with other communities.

On MOTION by Mr. Shah and seconded by Ms. Haque, with all in favor, making a counteroffer to Republic Services, through Bush-Ross, in the amount of \$460,000, with a floor negotiation amount of \$362,833 and a \$500,000 performance bond to the floor, was approved.

Mr. Babar stated that he would monitor the upcoming legislative cycle, which commences in March and runs for two months. Mr. Adams will be apprised of any bills that impact CDDs.

Mr. Babar left the meeting.

Mr. Castillo left the meeting at 7:00 p.m.

▪ **Staff Reports – Facilities Manager: *John Hall***

This item, previously Item 10C, was presented out of order.

Referencing an area map, Mr. Tim Gay, of Illuminations Holiday Lighting, reviewed the Landscaped Lighting Proposal and discussed the following items:

- The areas that would be covered include the Cross Creek entrance to the guardhouse, the Morris Bridge Road entrance to the guardhouse and the Morris Bridge guardhouse to Cory Lakes Boulevard and the center median.
- Adding an electrical grade conduit will help protect from landscapers.
- The total estimated cost is \$102,500, including light fixtures, transformers, conduit, wiring, connectors and risers; risers will be needed in some areas, particularly on the Cross Creek entrance.

- The number of palms and other tree types to be highlighted and the number of lights.
- The two primary fixtures will be BL200 and BL300. There will be 277 lights.
- The total cost includes the one-year warranty on installation, 10-years on the lamps and a lifetime warranty on fixtures and transformers.

Ms. Haque inquired about the cost of bulbs. Mr. Gay would formulate a price list. The Board and Staff discussed the palm trees, warranty, filters, lenses and adding additional lights.

SIXTH ORDER OF BUSINESS

Discussion: January Joint Meeting with POA

Mr. Adams stated that this was the Board’s opportunity to share thoughts on the joint meeting. Mr. Shah recapped that the POA and CDD Boards had a very productive joint meeting and discussed speeding and cameras and agreed on many issues. The meeting was with the previous POA Board, of which, only two members remain. In response to Ms. Haque’s question regarding scheduling the next joint meeting, Mr. Ramphal stated that he would check with Mr. Glass, the Property Manager. Mr. Adams requested an email from Mr. Glass. Mr. Shah suggested scheduling the meeting in April or May.

SEVENTH ORDER OF BUSINESS

Committee Reports

A. Security

Mr. Forbes stated that speeding violations were issued with incorrect information and he was dumbfounded at the past POA President’s inability to back up the data. Mr. Hall stated, until recently, the POA did not have the software or video to process any of the information from the radar; he was unaware how violations were being circulated but the CDD’s system is backed up and working. Mr. Shah stated that the camera is not currently operating and asked if the issue was that the POA did not have the software to read reports. Mr. Hall explained that, unlike the CDD, which obtains its information through Envera, the POA must download data and process the information themselves but, now that they have the software, Mr. Glass is able to get the tag numbers, which will be forwarded to Staff who will transmit them to Envera. Mr. Forbes reported that no traffic citations were issued by the TPD in the previous month and speeding has declined because of the POA volunteer operating the radar gun and the State

Trooper presence a few times per month. Discussion ensued regarding the legality of a volunteer clocking and ticketing residents, the radar device, recent accidents and enforcing covenants. Mr. Shah stated that the POA should communicate to residents that a volunteer is monitoring the roads with a camera so that they are not confused. Mr. Forbes reviewed the items on the FY 2019 Silver Tracker Report. The Board and Staff discussed contractors, vendors and delivery trucks accessing the community outside of the 7:00 a.m., to 7:00 p.m., time frame, posting signs and speed reminders, inviting residents from nearby communities to the next meeting with the Tax Collector, contacting County Commissioner Hagen to widen Morris Bridge to extend a turn lane into Cory Lakes. Mr. Shah asked Ms. Darby to email residents informing them that the delivery truck entrance is the Morris Bridge entrance only and highlighting the contractor hours.

Mr. Forbes stated that the next community cleanup of Morris Bridge is scheduled for March 2nd at 7:30 a.m.

B. Finance

Mr. Adams stated that only two individuals expressed interest on the Sunshine Board about joining the Finance Committee, and asked if the Board preferred to discuss this now or later in the meeting. The item would be discussed later in the meeting.

C. Landscape Aquascape Facilities

Ms. Haque provided the following report:

- The Committee met this week.
- The Committee is interested in expanding or remodeling the gym, eliminating the ladies room and changing the men's room into individual coed bathrooms, which would include individual cubbies and full floor to ceiling private bathrooms. They could then fit more equipment or just have space to do free weights and workouts.

Mr. Hall stated that the contractor would not furnish blueprints but provided a cost analysis. In response to a question, Ms. Haque explained that the goal is to eliminate the ladies restroom and open it up for more gym space, as there would likely not be a new gym. Discussion ensued regarding gym expansion, cost for blueprints, the 200 extra square feet that would be gained and the \$60,000 proposal. Per Mr. Shah, Mr. Adams should include the gym expansion on the next agenda for further discussion.

Mr. Shah questioned why there are no LAF meeting minutes. Ms. Haque stated that, although she submitted her notes, no meeting minutes were produced. She asked to move the meeting one week earlier than the current schedule.

D. Spirit Committee

Ms. Haque stated that, other than the upcoming fishing tournament, there was nothing to report.

EIGHTH ORDER OF BUSINESS

Approval of Minutes

A. Board of Supervisors: January 17, 2019

i. Summary of Motions

Change: "Shabah Patel" to "Shubham Patil"

Change: "Boys Scout" to "Boy Scouts"

Change: "Phil" to "Hill"

ii. Staff Directives

No changes were made.

iii. Regular Meeting

Mr. Adams presented the January 17, 2019 Board of Supervisors Regular Meeting Minutes. The following changes were made.

Line 34: Change "Shabah Patel" to "Shubham Patil" and "Boys Scout" to "Boy Scouts"

Line 35 and throughout: Change "Phil" to "Hill"

Line 85: Change "Capri Isle" to "Meadows"

Lines 111 through 114: Change:

"Mr. Shah felt that it was important to discuss the longevity of the POA. Currently, 18 lawsuits have been filed against the POA and the POA's insurance company is defending the CDD and the POA. Depending on the outcome of the lawsuits, by June or July, the CDD will probably have to assume the POA's responsibilities."

To:

"Mr. Shah stated, there are a total of 18 frivolous lawsuits filed against the POA and its Board Members by Patsy Albert, Cynthia McIntyre, Carlos

Guzman and Cory Lake resident, Sam Badawi, is their attorney. With the POA insurance company defending all of the lawsuits, three things would happen:

- 1. The POA insurance premium will increase to an exceptionally high rate that is unaffordable.
- 2. The insurance company will most likely drop the POA and no other carrier will want to insure the District.
- 3. The POA will be under CDD enforcement.”

Line 181: Change “after the meeting” to “on time”

Line 183: Insert “current” before “POA Board”

- B. Security Committee: February 4, 2019**
- C. LAF Committee: January 10, 2019**
- D. Sunshine Board Online Workshop: February 5, 2019 to February 19, 2019 (*to be provided under separate cover*)**
- E. Other**

On MOTION by Mr. Shah and seconded by Mr. Burman, with all in favor, the January 17, 2019 Board of Supervisors Summary of Motions, as amended, Staff Directives, as presented, and Regular Meeting Minutes, as amended, the February 4, 2019 Security Committee Meeting Minutes, the January 10, 2019 LAF Committee Meeting Minutes and February 5, 2019 to February 19, 2019 Sunshine Board Online Workshop, as presented, were approved.

The Board and Staff discussed the history, functionality and necessity of the Finance Committee. The Board’s consensus was to dissolve or extinguish the Committee.

On MOTION by Mr. Woodards and seconded by Mr. Shah, with all in favor, to sunset or discontinue the Finance Committee, was approved.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2018

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2018. Assessment revenue collections were at 88%. The financials were accepted.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Engineer: *Johnson Engineering, Inc.*

There being no report, the next item followed.

B. Office Administrator: *Wendy Darby*

Ms. Darby presented the February 21, 2019 Office Administrator & Events, Graphics & Community Relations Monthly Report. She highlighted the following items:

- She will coordinate with the POA President about the new resident mixer agenda.
- The Board and Staff discussed the upcoming events, food catering companies, ticket sales, the budget and the Spirit Committee.

C. Facilities Manager: *John Hall*

Mr. Hall presented the February 2019 Facilities Manager Activity Report and highlighted the following items:

- The gym equipment was delivered and installed.
- Rubberized flooring was ordered yesterday from the only vendor in the State.
- Routine maintenance was performed.
- There were few issues with the Envera computers, which were resolved.
- The Cache Bridge project was underway.
- In mid-March TECO will install extra lighting at the Morris Bridge and Cross Creek entrances and the two pocket parks.

The Board and Staff discussed the gym equipment, fountains, LED lights, roof proposals and funding sources.

D. District Manager: *Wrathell, Hunt and Associates, LLC*

Mr. Adams stated the CDD’s audit is underway; he recently responded to a request for additional information from the auditor, which is a common occurrence.

- **NEXT MEETING DATE: March 21, 2019 at 6:00 P.M.**

The next meeting will be held on March 21, 2019 at 6:00 p.m.

ELEVENTH ORDER OF BUSINESS

Other Business

Mr. Shah asked about the TV installation in the gym. Mr. Hall stated that the project was pending, due to installation issues. Spectrum informed him that, because the District is a Bright House legacy customer, the codes will not work. Spectrum could change the codes but the District’s rate would triple. Mr. Shah suggested looking into another cable provider.

Regarding the landscape lighting, the Board and Staff compared the Decorative Landscape (DL) and Illuminations Holiday Lighting (IHL) proposals. The Board’s consensus was to award the contract to IHL, based on affordability, a lifetime warranty and the ongoing relationship, as IHL was previously awarded the holiday lighting contract.

On MOTION by Mr. Woodards and seconded by Mr. Shah, with Mr. Woodards, Mr. Shah and Ms. Haque in favor and Mr. Burman dissenting, as he is not for the project, the Illuminations Holiday Lighting Proposal for landscape lighting, in a not-to-exceed amount of \$102,500, was approved. (Motion passed 3-1)

TWELFTH ORDER OF BUSINESS

Public Comments (*non-agenda items*)

Mr. Carlos Guzman, a resident, questioned the purpose of bringing up his lawsuit against the POA Board at the previous meeting and in tonight’s meeting and stated that it is disingenuous that the CDD Board Chair called out his name to try to shame him for suing the POA Board when he, Mr. Jorge Castillo and Mr. Harry Ramphal sued the prior acting CDD Board Member, Mr. Gene Thomason, in the past. The reason that he filed a lawsuit against the POA Board is because they sent him a letter, threatening to sue.

THIRTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Shah wanted to add another camera between Cross Creek and Lanai. Mr. Hall stated it will cost \$36,000, including the cost of radar. Discussion ensued regarding one-way and two-way cameras, radar, power strips, the new POA leadership, funding sources, fine issuance and the TPD.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 9:30 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair