

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

The Board of Supervisors of the Cory Lakes Community Development District held a Regular Meeting on January 19, 2023 at 6:00 p.m., at the Cory Lake Beach Club, 10441 Cory Lake Drive, Tampa, Florida 33647. Members of the public were able to listen and/or participate via Zoom, at <https://us02web.zoom.us/j/83397954590>, and telephonically at 1-929-205-6099, Meeting ID: 833 9795 4590, for both.

Present were:

Jorge Castillo	Chair
Ann Belyea (via telephone)	Vice Chair
Ronald Acoff	Assistant Secretary
Rene Fontcha	Assistant Secretary
Cynthia McIntyre	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Amanda Evans	Office Administrator
John Hall	Facilities Manager
Steve Small	LMP
Vivek Babbar	District Counsel
Rich Carpenter	Resident/LAF Committee Member
Sheryl Springer	POA President/Security Committee Member
Angela Delgatto	Resident/Security Committee Member

Residents present were:

John Lynch	Merilal Patel	Carlos Guzman	Don Reich
Ned George	Brian Little	Dr. Ariz Contractor	Josh Russell
Harry Ramphal	Marcelo Mejia	Other Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call/Pledge of Allegiance

Mr. Castillo called the meeting to order at 6:01 p.m. Supervisors Castillo, Acoff, Fontcha and McIntyre were present in person. Supervisor Belyea attended via telephone.

All present recited the Pledge of Allegiance.

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

SECOND ORDER OF BUSINESS

Chairman’s Opening Comments

Mr. Castillo thanked everyone for attending.

THIRD ORDER OF BUSINESS

Other Supervisors’ Opening Comments

Mr. Fontcha welcomed everyone to the meeting and stated he is looking forward to successful and productive meeting.

Mr. Acoff urged all attendees to be open and respectful of competing ideas and to make 2023 a year of opportunity, with continued involvement and input to help make Cory Lake Isles (CLI) a great place to live.

Ms. McIntyre welcomed everyone, thanked Mr. Hall for facilitating the microphones for the meeting and encouraged all residents to give input to bring about change.

Ms. Belyea echoed the other Supervisors’ sentiments, stated that she looks forward to a good year for CLI and that it would be nice to resolve the recurring issues.

FOURTH ORDER OF BUSINESS

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

Resident John Lynch voiced is opinion that the POA’s financials suggest that the POA is using funds meant for 2023 to pay for 2022 liabilities and asked if the CDD can do anything to prevent it from continuing to happen into the future.

Resident and POA President Sheryl Springer wished to discuss the Sunshine Law and read a prepared statement, voicing her opinion, that Ms. McIntyre is violating the Sunshine Law and the expectation of impartiality as a CDD Supervisor, in her attempts to exert influence by forwarding an email blast to a limited resident group with her posts on tonight’s agenda. Ms. Springer stated, if Ms. McIntyre wishes to continue this behavior, then she has an obligation to ensure the information is forwarded to everyone in the community and provide comments that are meant to inform and not influence. Ms. Springer discussed the ethics law, rules of conduct for public officers, Ms. McIntyre’s reposting of emails and posts on the CDD Facebook page, personal benefit to Ms. McIntyre, public records law, Florida Statute 119.01, Sections 2C and

2D, “friendly” social media pages and the Attorney General’s regulation on the use of social media by government officials.

Resident Josh Russell reported that a box truck was illegally parked over the weekend and asked to have it towed away the next time it occurs. Mr. Hall stated the CDD does not have a towing service. Mr. Russell offered to help find one.

Resident Harry Ramphal felt that the Board needs to make an informed decision about the potential gym project. He discussed cost breakdowns, a gym survey and the possible conflicts of interest with CDD and the POA.

Resident Carlos Guzman expressed his opinion that, based on the POA’s financials, the POA is basically bankrupt and asked for any options the CDD has in terms of helping the POA resolve its issues. He discussed the POA’s defamation against a homeowner, misuse of funds and the POA not allowing him to pose questions or voice his views in a recent Zoom meeting.

Resident Marcelo Mejia stated that the gym facility has been a sensitive topic in recent years and no progress has been made. Many statements are circulating regarding a multi-million-dollar fitness facility. He believes that residents would like an expanded facility instead of a million-dollar gym and asked for the minutes to reflect a more accurate representation of the gym proposal, if there is one. He asked the CDD to circulate a factual statement with the real costs versus what he believes are fictitious costs.

Ms. McIntyre stated that price details of the three gym plans obtained by the CDD in 2017 are on the CDD website under the “News” section. Mr. Acoff agreed that the CDD needs to put forth solid costs and plans for a gym. He stated, when a structure is constructed, it is not a stand-alone item and usually includes parking, utilities, access etc., which increases the costs.

Ms. McIntyre read three emails she received from residents into the record.

Email from Resident Ed Mortellaro:

“Thank you for sending the Thursday’s meeting agenda. I don’t think I will be able to attend in person, however, I’ll try to zoom in. I would like to express our strong opinion against building a new gym. If town hall meetings are not significantly expensive to put them on, then we are for it (considering the outstanding debt we already have). As for the \$700K debt payments and the surplus year end budget money, if you provide me Jorge and Ann’s email addresses, I will be very happy to ask them why they voted against using the budget surplus to

pay down the debt or you can bring up the question on my behalf at the CDD meeting on Thursday. I'm sure there are many others who have the same question. Thanks."

Email from Dee Bohannon:

"Dear Cynthia, Don and I are totally against the financing and building of a new gym. I have listed several facilities within our area for those who would like to utilize them without financially placing a big burden on our subdivision for many, many years."

The email listed the names and addresses of 17 local gyms and resumed as follows:

"Don and I would appreciate your assistance in bringing this issue up at the CDD meeting. There are so many facilities within a short distance that are suitable for all levels of their fitness needs. Without taking out a loan for which we can't afford and personally see no need. The gym we have is almost empty whenever we go there."

Email from Resident Heather Alaras:

"I'm reaching out because this past week I have noticed an obscene amount of speeders and reckless driving in our neighborhood. Whether it was out in the morning or evening. I witnessed several drivers not adhering to the rules of the road. I am concerned for not only my own safety, but those in our neighborhood. If my children were still small, I would never want them out on these streets. It saddens me to think our neighbors or visitors are demonstrating a lack of concern for those who live in Cory Lake. Is there anything that can be done? It's been a while since I have seen a patrol officer watching. Thanks so much for your commitment to our community."

Discussion ensued regarding whether it is practical for Ms. McIntyre to read resident emails into the record at meetings and the need for residents to voice their own views in person.

Asked for his feedback, Mr. Adams stated, in his experience, reading resident emails into the record during government meetings is uncommon. He deferred to District Counsel.

Mr. Acoff suggested establishing and implementing a policy regarding resident emails.

Ms. Belyea felt that the Board should consult District Counsel on this matter, consider his advice and create a policy based on District Counsel's recommendation.

▪ **Staff Updates – Landscape Maintenance**

This item, previously Item 6A, was presented out of order.

Mr. Steve Small, of LMP, stated work on cutbacks is underway and LMP scored 97% on its most recent inspection.

Mr. Small and Mr. Hall responded to questions regarding plant damage due to the most recent freeze, the replanting budget, installing freeze-tolerant plants, water quality and the drainage areas along the Cross Creek entrance and the Arbor Green fenceline.

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2022

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2022.

Mr. Adams, Ms. Evans and Mr. Hall responded to questions regarding the unassigned fund balance, surplus fund balance, the \$700,000 loan, sources and uses of funds handout, “Community events supplies” line item at 43%, “Annuals & seasonal plant installation” line item at 40% and budget planning.

Per Mr. Acoff, Mr. Adams will insert a “FY fund balance 2022” line item between the “2 months working capital” and “Unassigned” line items to adjust the unassigned amount.

SIXTH ORDER OF BUSINESS

Staff Updates

A. Landscape Maintenance

This item was addressed following the Fourth Order of Business.

B. Allied Universal

There was no update.

SEVENTH ORDER OF BUSINESS

**Staff Report - Office Administrator:
*Amanda Evans***

Ms. Evans presented the January Office Administrator and Events Report and responded to questions about the Islander magazine, Kent Media and the upcoming International Food Festival event.

Ms. Evans will provide weekly facilities updates to the Board.

- **Consideration of Beach Club Usage Agreement**

In response to Ms. McIntyre's question regarding Beach Club usage, Ms. Evans reviewed the "Damages in the Clubhouse" handout.

The handout, bar reader, Facilities Agreement and additional revisions to the Short-term User Agreement were discussed.

Ms. Evans will email the user agreement to Ms. Belyea for further revisions.

Mr. Adams will include this item on the next agenda.

Ms. Evans left the meeting.

Mr. Babbar arrived at the meeting at 7:33 p.m.

- **District Counsel: *Straley Robin Vericker, P.A.***

This item, previously Item 13C, was presented out of order.

- **Over View/Update: Sunshine Law**

Mr. Babbar explained the following regarding the Sunshine Law and how it applies to CDD Supervisors:

- It is outlined in Chapter 286 Florida Statutes, applies to all public officials in the State of Florida and requires that any governmental business is conducted in the open.
- It is broadly defined as any business that the agency or governmental entity can take action on and applies to the Supervisors and their ability to communicate with other Supervisors and disallows any action, discussions or decision-making processes to be done outside of a noticed public meeting.
- Supervisors are only allowed to communicate about CDD business with other Supervisors at a noticed public meeting.
- It requires that all meetings be advertised in a newspaper and on the website and the posting of the agenda seven days before a meeting.
- The CDD's authority is strictly outlined in Chapter 190 as well as the ordinances establishing the CDD from the City of Tampa (COT) and expanding the CDD, giving it special powers, such as recreational facility. Thus, the CDD is a limited purpose unit/special purpose government.
- It does not have anything to do with deed restrictions, which are solely in the purview of the POA.

Mr. Babbar discussed the Sunshine Law in relation to email messages, text messages, social media posts, Nextdoor, communicating CDD business through intermediaries, public records law and the consequences for violating the public records law and Sunshine Law.

Mr. Babbar responded to questions regarding Sunshine Law guidelines, the Sunshine Board, Subcommittees, transfer of emails from Supervisors' official CDD accounts to their private accounts, document backups, Supervisors maintaining their public records, security video footage requests, public records exemptions, towing statutes, granting boating access, fundraising events at the Clubhouse, voting conflicts of interest relating to the CDD and POA Boards, the CDD's options in relation to the POA's financial issues, CDD liability regarding tennis instructors, Certificate of Insurance (COI) requirement for all vendors and Accounting standards.

Discussion ensued regarding an illegally-parked vehicle in Canary Isle, the CDD's "three strikes" towing policy, the CDD's difficulties securing a towing company, parking violators, the rover not sticking illegally parked vehicles, inviting Envera representatives to a meeting, the lack of POA enforcement of the Covenants, suspending privileges and instructor contracts.

Per Mr. Castillo, Mr. Adams will include insurance requirements for instructors as a discussion item on the next agenda.

The Board's consensus was for Mr. Babbar to attend meetings in person or via Zoom every two months for one hour.

Mr. Babbar left the meeting.

EIGHTH ORDER OF BUSINESS

Continued Discussion/Presentation of Outline for Town Hall Meetings Regarding Potential Gym Project *(to be provided under separate cover)*

Mr. Adams provided the following update:

- A professional survey company was located and is currently working on a proposal and unbiased questions. The surveys are conducted telephonically while filling out electronic data sheets that will populate into a final report.
- He has been engaging with a marketing company in Orlando and is working on securing a professional moderator as well as a suitable town hall venue.

➤ He has updated the PowerPoint presentation to include the previously obtained three options with a 30% escalator, the layout option and gym sizing and plans to share it with the moderator.

• **Consideration of Life Fitness, Quote #3611352-1R for Gym Equipment**

Mr. Hall presented Life Fitness Quote #3611352-1R for gym equipment.

Discussion ensued regarding the proposal, gym equipment budget, which items to keep and replace, the warranty and disposition of old equipment.

The consensus was to remove the treadmills from the proposal.

On MOTION by Mr. Castillo and seconded by Mr. Acoff, with all in favor, the, Life Fitness Quote #3611352-1R for gym equipment, minus the treadmills, was approved.

NINTH ORDER OF BUSINESS

Continued Discussion: Towing Issues and Options

This item was addressed following the Seventh Order of Business.

TENTH ORDER OF BUSINESS

Committee Reports

A. Security

There was no report

B. Landscape Aquascape Facilities (LAF)

The January LAF Committee Report was included for informational purposes.

ELEVENTH ORDER OF BUSINESS

Discussion: Spirit Committee Replacement

Discussion ensued regarding replacing the Spirit Committee with a Social Group/Events Committee and naming Ms. Evans as Treasurer and complying with the Sunshine Law in discussing CDD events.

Mr. Castillo suggested tabling this to the next meeting and placing it on the agenda as a subtitle under the Office Administrator Report.

TWELFTH ORDER OF BUSINESS

Approval of Minutes

A. Board of Supervisors: December 15, 2022

I. Summary of Motions

The following changes were made:

Page 1, Attendees Section: Change “Furneski” to “Karnetsky”

Page 2, 3rd Motion Box: Delete entire motion box.

Page 2, 4th Motion Box: Change “dissenting” to “abstaining”

Page 2, 4th Motion Box: Change “authorizing Management to provide an outline and present gym option proposals” to “proceeding as discussed last time and having the District Manager come back with a proposal on running multiple town hall options to discuss option of building a new gym, gym expansion or do nothing at all”

Page 2, 5th Motion Box: Change “authorizing Management to present a professional surveyor proposal and schedule town hall meetings” to “surveying all of the community to inquire as to their attitude about building a new gym or not”

II. Regular Meeting

The following changes were made:

Lines 29 and 398: Change “Furneski” to “Karnetsky”

Line 88: Change “Krizia” to “Gracia”

Lines 211 through 214: Delete motion box

Lines 232: Change “dissenting” to “abstaining”

Lines 233 through 234: Change “authorizing Management to provide an outline and present gym option proposals” to “proceeding as discussed last time and having the District Manager come back with a proposal on running multiple town hall options to discuss option of building a new gym, gym expansion or do nothing at all”

Lines 239 through 240: Change “authorizing Management to present a professional surveyor proposal and schedule town hall meetings” to “surveying all of the community to inquire as to their attitude about building a new gym or not”

Line 274: Change “The financials were accepted.” to “Financials were discussed.”

III. Action/Agenda or Completed Items

The following items were completed: 71, 72, 73, 80, 81, 86, 91, 93,94, 95, 96, 98, 100, 101, 103, 107, 108, 109, 110, 111, 112, 115, 116 and 117.

The following items were removed: 84, 92 and 97.

- B. **Sunshine Board Online Workshop: December 16, 2022 – January 18, 2023 (to be provided under separate cover)**
- C. **LAF Committee: January 9, 2023**
- D. **Other**

On MOTION by Mr. Fontcha and seconded by Mr. Acoff, with all in favor, the December 15, 2022 Summary of Motions and Regular Meeting Minutes, as amended, and the December 16, 2022 through January 18, 2023 Sunshine Board Online Workshop and January 9, 2023 LAF Committee Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Adams stated Mr. Chang’s update was previously distributed to the Board and the weir replacement project is pending; more time is needed.

Discussion ensued regarding the weir project timeline and proposed bid amounts.

- B. **Facilities Manager: *John Hall***

- **Consideration of Proposals for Monument Improvements**

The January 2023 Activity Report was included for informational purposes.

Mr. Hall presented the Activity Report and stated he is still obtaining proposals to paint the monuments.

Mr. Hall and Mr. Adams responded to questions regarding the manhole repairs, status of the boat purchase, drainage project in Cachet Isle, recent gate arm damage incidents at Morris Bridge and Cross Creek entrances and gate arm and bar code reader replacement.

**AUDIO ENDED – THE REMAINDER OF THE MINUTES
WERE TRANSCRIBED FROM THE MEETING NOTES**

C. District Counsel: *Straley Robin Vericker, P.A.*

- **Discussion: Possible Conflicts with Board Member Also Serving on POA**
- **Discussion: CDD Liability Regarding Tennis Instructors**
- **Update: Food Service Liability Restrictions**
- **Over View/Update: Sunshine Law**

These items were addressed following the Seventh Order of Business.

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

- **Update: Proposals for Weir Replacement**

This item was discussed during Item 13A.

- **NEXT MEETING DATE: February 16, 2023 at 6:00 P.M.**
 - **QUORUM CHECK**

The next meeting would be held on February 16, 2023.

FOURTEENTH ORDER OF BUSINESS

Other Business

There was no other business.

FIFTEENTH ORDER OF BUSINESS

Public Comments (*non-agenda items*)

No members of the public spoke.

SIXTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 10:18 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

COP EAL
Secretary/Assistant Secretary

[Signature]
Chair/Vice Chair