

District: CORY LAKES COMMUNITY DEVELOPMENT DISTRICT
Date of Meeting: **Wednesday, November 4, 2009**
Time: **10:00 a.m.**
Location: Cory Lake Beach Club
10441 Cory Lakes Drive
Tampa, Florida

[Continued from 10-21-09]

Agenda

1. Roll Call
2. Opening Remarks
3. Board Member Discussion on Agenda and Meeting Protocols
4. Joint Landscape and Facilities Maintenance Committee Report
 - A. Discussion on Street Trees
 - B. Other Business
5. Supervisor Requests
6. Public Comments
7. Adjournment

Street Tree Exit Strategy

Current budgetary shortfalls and the continued unfavorable health conditions involving the Canary Date Palms, and other palm species, dictate that the District present the following statement of intent to the homeowners:

It is necessary that the District formulate an immediate exit strategy to shift responsibility for the maintenance of the Canary Palm “street trees” back to the homeowners. As the care of those trees was originally the homeowner’s responsibility, this transition should be fairly straightforward.

As many residents are aware, the District has engaged the services of a professional horticulturist to direct the care and maintenance for these trees for the last 10 months. This included trimming, fertilization, inoculation, and monitoring for disease, as well as removal at determination of fatal infestation. These professionals, backed by other field experts, have concluded that perpetuation of the Canary Date Palm as the “signature” tree for the community is not practical, economical, and represents a financial burden. The climate, rainfall levels, and presence of highly contagious, terminal diseases and harmful pests preclude recommendation to replace lost trees with the Canary Date Palm. Other species have been recommended as potential replacements that will maintain the desired tropical ambiance of the community.

An extensive exit strategy should address the following concerns:

1 – Provide proper notice and historical information to the homeowners.

This will clarify what is a very confusing situation perpetrated by the developer via POA deed restriction landscaping requirements, his personal involvement in a private, for profit transaction, and a subsequent disposal of his extended responsibility through conveyance of “street tree” maintenance to the CDD by vote of the developer controlled CDD BOS.

2 – Address POA deed restrictions vs CDD sovereignty.

A clear and definitive answer to several questions regarding tree replacement and deed restriction requirement must be defined. This may involve cooperation between the District and POA BOS.

3 – Assure homeowners replacement of trees already removed.

Despite the failure of the developer and prior board to perform any true-up (financial consideration) at conveyance of his responsibility over to

the District, either fiscally or by any other measure, the District should strive to assure homeowners that we have met this responsibility, up to now, to the best of our ability. We also must demonstrate our intent to revert responsibility back to the homeowner in a fair and equitable fashion. Consideration should be given to extending these assurances to trees on the “watch list” and/or situations that may not be straightforward. This would include documentation for both historical reference as well as future actions such as replacement, etc. Also included here should be the case where a homeowner may not want a replacement.

4 – Distribute a best practices document to homeowners.

The instructions for the care, feeding, and trimming of the Canary Date Palm as developed and executed by our landscaping vendor, Nanak, should include the strategies involving inoculation as well as references to professional articles and pertinent websites. This will provide guidance for their personal use as well as valuable information in contracting with available commercial landscaping services.

5 – Consider a “final” trimming and fertilization treatment.

This would be an effort to bring all “street trees” to a satisfactory appearance prior to transition.

6 – Determine the current state of “street tree” compliance by the homeowner.

Decisions must be made for cases where homeowners never received trees, or replacements, or never were involved with the purchase and installation policy. Also to be considered are cases where the current homeowner may not want a replacement.

7 – Establish responsibility for future removal of diseased trees.

The District’s highest responsibility must always be for the greater good of the community. Therefore it appears that the total exit from “street tree” responsibility is not an option at this time. As these diseases are highly infectious, the monitoring and removal of diseased trees is critical to the health of the palm tree population in general. However, as a budgetary concern, the District cannot afford to remove trees ad infinitum – there must be an end game for this responsibility to pass completely to either homeowner or the District. To that end, any provision by the District to remove a tree must be accompanied by an agreement by the homeowner to absolve the District from any guarantee of replacement. This will, in effect, remove the private ownership issue from the consideration of replacement selection or schedule. In the case where the homeowner does not consent, they will bear the responsibility for removal.