

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of Harbor Bay Community Development District was held on **Thursday, October 19, 2017 at 6:00 p.m.** at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Paul Curley	Board Supervisor, Chairman
Joe McNeil	Board Supervisor, Vice Chairman
Ned Carr	Board Supervisor, Assistant Secretary
Steve Lockom	Board Supervisor, Assistant Secretary
Tim Nargi	Board Supervisor, Assistant Secretary

Also present were:

Joseph Roethke	District Manager, Rizzetta & Co.
Michael Eckert	District Counsel, Hopping, Green & Sams PA
Jennings Cooksey	District Counsel, Hopping, Green & Sams PA
Elliot Moseley	Club Director
Ashley Adkins	Club Manager
Holly Faldetta	WTS
Chris Gamache	District Engineer, Cardno
Ty Thompson	Mills Paskert Divers Legal (via phone)
Matt Davis	Mills Paskert Divers Legal (via phone)
John Toborg	Senior Field Services Manager
Audience	

FIRST ORDER OF BUSINESS

Call to Order and Pledge of Allegiance

The meeting was called to order and roll call performed confirming that a quorum was present. The Pledge of Allegiance was conducted.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Curley reminded all those in attendance of District procedures in terms of audience comments, reminding everyone that comment cards must be submitted and each person will be given three minutes to speak, unless more than 9 cards are submitted, in which case each speaker will be given two minutes. He explained that the Board probably will not respond to comments at this time, but encouraged residents to email suggestions prior to the meeting to facilitate adjustments to the agenda.

A resident asked about financial issues within the District and a possible special assessment and seawall issues.

JZC
11/14/17

50
51 A resident discussed the possible special assessment and asked Board to authorize it today.

52
53 A resident commented on the special assessment and urged the Board to approve the
54 assessments.

55
56 **THIRD ORDER OF BUSINESS** **Chairman's Perspective on Agenda Items**

57
58 There is no discussion for this item.

59
60 *(Both Mr. Davis and Mr. Thompson arrived while the meeting was in progress at 6:12 p.m.)*

61
62 **FOURTH ORDER OF BUSINESS** **Seawall Project**
63 **i. Update on Repair of Emergency Lots**

64
65 Mr. Gamache updated the Board on the status of the four emergency repair lots approved at the
66 last meeting. The design will be consistent with previous new seawall fixes and within the next
67 week they will start reaching out to contractors for proposals. Multiple bids will be requested.
68 Scheduling and cost estimates were also discussed. Not including oversight costs, repair costs
69 were estimated to be \$720 per linear foot.

70
71 **ii. Update on Design Build RFP**
72 **1. Cardno's Fee Estimates**
73 **2. Design Build Spec Requirements**
74 **3. RFP Follow-Up**
75 **4. Seawall Contractor Summary**

76
77 The Board discussed the status of the Design-Build RFP. Mr. Gamache and Mr. Roethke updated
78 the Board on the advertisement, firms that have picked up the packet, and efforts to obtain as many bids as
79 possible. Mr. Eckert discussed potential legal concerns and instructed the Board to not engage with any
80 potential bidders and indicated the District Engineer should only encourage contractors to submit a proposal
81 for this project.

82
83 Mr. Curley discussed some of the Design-Build Specification Requirements, including potential
84 issues with boat navigation and dredging.

85
86 Mr. Curley discussed the current RFP and asked District Counsel to confirm that it neither requires
87 nor precludes bidders from submitting a rip rap option. Mr. Eckert confirmed this is correct.

88
89 Mr. Curley reviewed a bid response summary document that could be prepared by the District
90 Engineer. Mr. Eckert confirmed that the Board cannot defer any decision making to the District Engineer or
91 any other party. The Board directed the District Engineer to review each bid for accuracy and use the
92 summary document to determine that all bids contain the requirements specified in the RFP.

93
94 A discussion ensued regarding seawall voids. Clubhouse staff will continue to fill minor voids, and
95 any larger upland issues will be reviewed by the District Engineer.

96
97 Mr. Curley discussed the status of the current litigation, including mediation and upcoming
98 depositions.

99

120
11/14/17

100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124

125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144

iii. Consideration of Resolution 2018-01,
Regarding Replenishment of Funds
Utilized for Seawall Project

Mr. Roethke presented Resolution 2018-01 to the Board regarding the replenishment of funds utilized for the seawall project.

Mr. Eckert reviewed the details of this Resolution with the Board. A discussion ensued. The Board tabled this until a future meeting.

FIFTH ORDER OF BUSINESS **Seawall Upland Repairs**

Mr. Curley updated the Board on the status of the upland claim process.

Mr. Thompson updated the Board on up to 6 potential claims that could be available for review at the next meeting.

Mr. Gamache discussed options for timing on upland repairs and informed the Board that it is in the District's best interest to have upland issues repaired as soon as possible, even if the adjacent seawall has not been repaired yet. Mr. Thompson agreed with this approach. The Board directed upland counsel to update the repair request protocol to include a modification regarding this item.

Mr. Roethke reviewed the current status of the Seawall Upland Claims with the Board. Updates will continue to be provided at future Board meetings.

On a Motion by Mr. Curley, seconded by Mr. Lockom, with four in favor and Mr. Nargi opposed, the Board of Supervisors approved to modify the repair request protocol to state that residents must submit an intake form within 30 days of seeing an issue; Upland Counsel and District Staff will notify residents of the change for Harbor Bay Community Development District.

District Counsel and Upland Counsel will meet to discuss an issue raised by Mr. Nargi.

Mr. Curley asked for an update on the status of photos at all the seawall sites. District Engineer will work on this for the next meeting.

*(Mr. Toborg arrived while the meeting was in progress at 7:09 p.m.)
(Mr. Thompson and Mr. Davis left the meeting at 7:09 p.m.)*

SIXTH ORDER OF BUSINESS **Major Project Update**
Clubhouse, Pool, Oak Tree Pruning
i. Pool Bid Summary Document
ii. Pool Usage Statistics

The Board discussed the status of the slide and tower repairs. Mr. Gamache updated the Board on each item. The slide repairs should commence on November 4, 2017. A proposal was presented for the tower repairs. The Board discussed the painting costs within this proposal.

12C
11/16/17

145

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved the proposal from Tampa Bay Contracting Co. for Pool Tower repairs at a total costs not to exceed of (\$44,938), pending review of painting costs by District Engineer for Harbor Bay Community Development District.

146

147

148

149

150

151

152

The Board discussed the timing of the pool resurfacing schedule as it pertains to pool usage. The Board requested that the District Engineer ask the contractor to revise the work dates in order to guarantee the completion of the project by March 12, 2018. If not, the Board would like to re-bid the project for an August start date. The Board discussed landscaping options for the pool project. District Staff will have proposals for installations at the next meeting.

153

Mr. Carr reviewed the status of the Clubhouse Renovation project with the Board.

154

155

156

157

158

Mr. Roethke informed the Board that the oak tree pruning project is scheduled to begin on November 1, 2017. Mr. Roethke will attempt to obtain a credit from the contractor due to this extensive delay. An email with details of this project will be sent to the residents prior to the November 1st start date.

159

SEVENTH ORDER OF BUSINESS

Rizzetta Field Ops Inspection Report

160

161

162

163

Mr. Toborg reviewed the Field Inspection Report with the Board. A discussion ensued regarding several maintenance items. The Board would like to conduct TPPD tests where necessary for medjool palms.

164

EIGHTH ORDER OF BUSINESS

Consideration of Landscape Proposals

165

166

167

168

169

Mr. Roethke presented several landscape proposals to the Board, including fungicide treatments, tree removals, and plant replacements. Mr. Moseley will have on-site staff complete some of the minor tree removals.

On a Motion by Mr. Curley, seconded by Mr. Carr, with all in favor, the Board of Supervisors approved landscape proposals from Lee Te Kim at a total cost of not to exceed (\$3,340) for Harbor Bay Community Development District.

170

171

172

(Mr. Toborg left while the meeting was in progress at 7:47 p.m.)

173

NINTH ORDER OF BUSINESS

Community Security

174

175

176

177

Mr. Nargi will be meeting with Envera shortly and will have an update prepared for the next meeting.

178

TENTH ORDER OF BUSINESS

Boating and Vessel Rules and Discussions

179

180

181

182

183

184

- i. Consideration of Boating Rule Violation Procedures**
- ii. Dock Options**
- iii. Lift Criteria**
- iv. Old Waterway Rules**

185

186

Mr. Curley discussed potential procedures for Boating Rule Violations. The Board discussed these items along with some other rules that could potentially be in the next updated boating and waterway rules.

12C
11/16/17

187 District Counsel will update the current rules to include items from this discussion, which will be presented at
188 a public hearing that will take place during the December Board meeting.

189

190 **ELEVENTH ORDER OF BUSINESS** **Newland Update**

191

192 Mr. Curley reviewed updates from a meeting he had with representatives from Newland and
193 presented a document with status updates for items that Newland is currently working on. Future Newland
194 requests will be directed through the District Manager. Mr. Lockom suggested that Newland attend future
195 CDD meetings in order to provide a better dialogue with the District.

196

197 **TWELFTH ORDER OF BUSINESS** **Consideration of FEMA Public Assistance**

198

199 Mr. Gamache updated the Board on potential costs versus the probability of success for submitting a
200 claim for public assistance through FEMA. Mr. Cooksey added comments regarding the process of working
201 with FEMA regarding a claim. The Board would like for District Manager or District Engineer, but not
202 District Counsel, to research what is required for completion of the application for FEMA public assistance.
203 District Manager or District Engineer, but not District Counsel, will look for a FEMA procurement expert to
204 assist with this item, which will be discussed at a future meeting.

205

206 **THIRTEENTH ORDER OF BUSINESS** **Consideration of Proposal for HVAC**
207 **Maintenance**

208

209 Mr. Roethke presented a proposal from Air Masters for commercial preventative HVAC
210 maintenance. Mr. Moseley discussed issues that he is currently experiencing with the current HVAC vendor.

211

On a Motion by Mr. Curley, seconded by Mr. McNeil, with all in favor, the Board of Supervisors approved the proposal from Air Masters for HVAC preventative maintenance for Harbor Bay Community Development District.

212

213 **FOURTEENTH ORDER OF BUSINESS** **Review of Tentative Agenda for November 16,**
214 **2017**

215

216 Mr. Curley reviewed the tentative agenda with the rest of the Board. There was no discussion.

217

218 **FIFTEENTH ORDER OF BUSINESS** **Special Assessment**

219

220 Mr. Curley revisited the discussion on this item from the last meeting.

221

222 Mr. Lockom reviewed a document that details the current cash flow situation of the District, as well
223 as a spreadsheet that shows amounts of expected spending and cash remaining throughout this Fiscal Year.
224 The Board discussed timing and other details of a potential special assessment, including total assessment
225 amounts. A discussion ensued and Mr. Lockom entertained various questions from the Board.

226

On a Motion by Mr. Lockom, seconded by Mr. Nargi, with all in favor, the Board of Supervisors agreed to issue a \$2 million special assessment as soon as possible with a targeted payment date of February 15, 2018 for Harbor Bay Community Development District.

227

ASC
11/16/17

228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254

255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273

SIXTEENTH ORDER OF BUSINESS

Consent Agenda Items

- A. Consideration of the Minutes of the Board of Supervisors' Special Meeting Held on September 28, 2107
- B. Consideration of Operation and Maintenance Expenditures for September 2017
- C. Consideration of Operation and Maintenance Expenditures for September 2017 – Mira Bay Amenity Center
- D. Consideration of Operation and Maintenance Expenditures for September 2017 – Evergreen Fund
- E. Consideration of Master Project Requisitions (if any)
- F. Consideration of Supplemental Project Requisitions (if any)
- G. Presentation of Monthly Staff Report: Mira Bay Club Manager
- H. Presentation of Monthly Staff Report: Club Director
- I. Dock and Lift Approvals
 - 1. Marston Boat Lift Application
 - 2. Palmer Boat Lift Application
- J. Ratification of Wade Pool Resurfacing Proposal
- K. Ratification of Pollution Liability Insurance Proposal

Mr. Carr made one comment on line 150 of the minutes and recommended the change from "fitness center" to administrative offices".

Mr. Curley discussed several invoices and also recommended approval of pickle ball striping at the basketball court.

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved consent items A-K, with addition of pickle ball striping approval for Harbor Bay Community Development District.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

- A. **District Counsel**
Mr. Eckert introduced Jennings Cooksey to the Board.
- B. **District Engineer**
No report.
- C. **District Manager**
Mr. Roethke reminded the Board that the next meeting will be held on Thursday, November 16, 2017 at 6:00 p.m. at the MiraBay Clubhouse.

Mr. Roethke discussed the tiki hut roof issue with the Board. This item will be added to the next agenda for discussion.

EIGHTEENTH ORDER OF BUSINESS

Supervisor Requests

Mr. McNeil thanked Elliot for working on in-house projects rather than using vendors.

12C
11/16/17

274 Mr. Carr commended staff for working on the clubhouse restoration project.

275

276 Mr. Curley discussed comments made by Mr. Lockom earlier.

277

278 **NINETEENTH ORDER OF BUSINESS**

Audience Comments

279

280 A resident asked about special assessment details, commented on professionalism by the Board, and
281 asked them to refrain from using social media.

282

283 **TWENTIETH ORDER OF BUSINESS**

Adjournment


284

On a Motion by Mr. McNeil, seconded by Mr. Carr, with all in favor, the Board adjourned the meeting at 9:16 p.m. for Harbor Bay Community Development District.

285

286

287


Secretary ~~Assistant Secretary~~


Chairman/ ~~Vice Chairman~~

17c
11/16/17

HARBOR BAY CDD

EXHIBIT TO 10-19-17 MINUTES:

Newland Issues and Responses

Notes on Clubhouse Restoration Project

125
1/16/17

Newland Issues and Responses

- Pocket 101
 - Prune or remove any trees impeding navigation of the canal
 - Remove the tree branches which have already fallen into the canal
 - General tree maintenance
 - Remove invasive species
 - **By end of December, along the southern border, plan to remove, regrade and re-stabilize.**
- Parcel: [U-28-31-19-76K-000000-C0001.0](#) Tract C-1; Prune mangroves, correct other landscaping issues, replace broken irrigation covers, general maintenance
 - **Plan to complete the work by end of December**
- Parcel: [U-32-31-19-97F-000000-A0006.0](#) Corner of Winterside Dr and Manns Harbor; dead bushes need to be replaced.
 - **Plan to replace the bushes by end of December**
- Parcel: [U-32-31-19-97F-000000-B032A.0](#) Paint wall; replace dead and dying landscaping
 - **By the end of December, will clean wall and replace landscaping; painting the wall will be dependent on wall condition after cleaning.**
- Parcel: [U-29-31-19-ZZZ-000000-69500.0](#) Shell Point; Cut grass twice a month instead of once a month, specifically areas visible from MiraBay Blvd
 - **Will mow area twice a month during the growing season and once a month in off season**
- Parcel: [U-33-31-19-616-000000-T0002.0](#) General maintenance and upkeep of parking lot, door to the sales center dumpster gate is rotted, shrubs are impeding visibility of walkers, gutters and soffits need to be repaired
 - **Will address issues through different contractors. Elliot to review specifics**
- Repair Rip Rap around the lagoon
 - **Initiated a comprehensive review; action will be dependent on findings**
- Replacing ripped MB banners on MiraBay Blvd
 - **Will replace; CDD to assume future responsibility**
- Parcel 7 Phase 2, Sections 28 and 29, township 31, South Range 19 East, Hillsborough County Florida, plat book 101, page 38, shows the properties as tract C-1 (the canal side) owned by Terrabrook and Track D-14A (the Land side), owned by Sea Crest. The actual line between the two is very near the top of the wall and thus the largest area covered by the Rip Rap appears to be on the Newland or Terrabrook part of the property. The earthen wall is held in place

MSC
1/10/17

by mostly large rocks with a base of black fabric material. The pitch of the wall is quite steep and not surprisingly the rocks are beginning to slide down into the canal endangering navigation and undermining the stability of the earthen wall.

- **Will be included in overall Rip Rap review; final action dependent on findings.**
- Establish a process to handle requests from Elliot Moseley and other Rizzetta personnel
 - **CDD issues will be organized with Newland through Joe Roethke; HOA issues through Michelle George**

MSC
1/16/17

Notes on Clubhouse Restoration Project
October 19, 2017

1. The **Lagoon Room** is 80% finished with new flooring, painting, new chair rail and wallpaper, curtains cleaned and fire retardant sprayed. Electrical switches replaced.
2. Remaining items include new lighting, new quartz bar top and replacement of the small sink top.
3. The final touches will include the arrival of 90 new chairs, wall art, and furniture for the Entryway. The chairs were shipped last week and we anticipate arrival next week.
4. The **Admirals Lounge and the Galley Café** have new flooring and new painting. 42 chairs and 8 dinning height tables and 7 side tables have been selected and are awaiting shipment. Additional artwork, lighting, mirrors and an area rug will be ordered in the next week. We will be purchasing furniture and finishes from 13 different companies in an effort to get the very best prices and quality. All items will be commercial grade and with custom selected materials and finishes for function and appearance.
5. While our interior designer is working very hard to get us the quality we want at the price we want, it may be **four to six weeks** before all items will be shipped and received. Because of the custom colors and materials of the furnishings, it is difficult to anticipate a completion date. Throughout this time we have worked with staff in the café and the activities director to continue to open the facilities during these final stages and we will continue to do so despite the lack of new furniture.

If you have any questions, I will be glad to try and answer them.

PZC
11/16/17