

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, November 16, 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
Ned Carr	Board Supervisor, Assistant Secretary
Steve Lockom	Board Supervisor, Assistant Secretary
Tim Nargi	Board Supervisor, Assistant Secretary

Also present were:

Joseph Roethke	Regional District Manager, Rizzetta & Co.
Michael Eckert	District Counsel, Hopping, Green & Sams PA
Jennings Cooksey	District Counsel, Hopping, Green & Sams PA (via phone)
Elliot Moseley	Club Director
Ashley Adkins	Club Manager
Greg Woodcock	District Engineer, Cardno

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 about any subject 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 commented on issues with palm trees and other landscape concerns. Mr. Lockom informed the audience that the District is working with the landscape vendor to have these palms treated.

✓  
12/14/17

48  
49 **THIRD ORDER OF BUSINESS**

**Seawall Project**

50  
51 **i. Emergency Repairs**

52  
53 The Board reviewed the Land & Sea Masters contract for emergency repairs; there were  
54 no comments.

55  
56 Mr. Woodcock updated the Board on the status of the emergency repairs. Four  
57 contractors have been contacted for bids and those proposals will be due Tuesday,  
58 November 21<sup>st</sup>.

59  
60 Mr. Curley discussed the posting of seawall updates to the website. Further, Mr. Curley  
61 reiterated that emails should be sent to affected residents informing them of the  
62 emergency repair timeline.

63  
64 **ii. Design Build RFP**

65  
66 Mr. Woodcock updated the Board on the status of the design build RFP. At the pre-proposal  
67 meeting, seven contractors attended and approximately ten others showed interest. Mr. Woodcock is  
68 anticipating receiving bids from at least the seven contractors that attended the pre-proposal  
69 meeting, and he will continue to follow up with the other vendors that showed interest.

70  
71 **iii. Consideration of Resolution 2018-**  
72 **01, Amending FY 2017-2018**  
73 **General Fund Budget**

74  
75 Mr. Roethke presented to the Board for consideration Resolution 2018-01 which will amend  
76 the Fiscal Year 2017-2018 General Fund Budget. Mr. Eckert reviewed the details of the resolution  
77 with the Board. He advised that the resolution's exhibit will have minor changes to the language  
78 regarding the special assessment but that none of the amounts or the resolution itself will be  
79 changing. Mr. Eckert read the specific text changes to the exhibit into the record. Mr. Eckert  
80 entertained various questions from the Board.

81  
82  
83  
84  
85  
86  
87  
88  
89  
90  

On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors adopted Resolution 2018-01 as amended for Harbor Bay Community Development District.
---

**iv. Consideration of Resolution 2018-**  
**02, Certifying Collection of the**  
**2017-2018 Installment**

Mr. Roethke presented to the Board for consideration Resolution 2018-02 which will certify collection of the 2017-2018 installment. Mr. Eckert reviewed the details of the resolution with the Board.

12C  
12/14/17

91

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors adopted Resolution 2018-02 for Harbor Bay Community Development District.

92

93

**v. Consideration of Informational Letter to Landowners**

94

95

96

Mr. Eckert reviewed an informational letter that can be sent to residents in advance of the special assessment billing. Mr. Curley expressed concern over specific assessment information on a per lot basis, which is not included in the letter. Mr. Eckert will update the letter to include this information.

97

98

99

100

On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors approved as amended the informational letter to residents regarding special assessment billing for Harbor Bay Community Development District.

101

102

**vi. Consideration of Resolution 2018-03, Declaring O&M Special Assessments**

103

104

105

Mr. Roethke presented to the Board for consideration Resolution 2018-03 which will declare an Operations & Maintenance special assessment. Mr. Eckert reviewed the details of the resolution with the Board.

106

107

108

On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors adopted Resolution 2018-03 for Harbor Bay Community Development District.

109

110

**vii. Consideration of Resolution 2018-04, Setting Public Hearing on O&M Special Assessment**

111

112

113

114

Mr. Roethke presented to the Board for consideration Resolution 2018-04 which will set the public hearing on Operations & Maintenance special assessments. The special assessment public hearing will be set for 6:00 PM on January 18, 2018 at the Mirabay Clubhouse located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572.

115

116

117

118

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors adopted Resolution 2018-04 for Harbor Bay Community Development District.

119

120

121

122

123

124

125

126

**viii. Consideration of Form of Mailed and Published Assessment Notices for O&M Assessment**

Mr. Eckert reviewed the mailed and published assessment notices of the Operations & Maintenance special assessment with the Board.

126  
12/14/17

On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors approved the mailed and published notices for the Operations & Maintenance assessment for Harbor Bay Community Development District.

127  
128  
129  
130  
131  
132  
133  
134

ix. **Consideration of Proposal from Rizzetta & Company for Special Assessment Management**

Mr. Curley asked questions regarding the pricing of several items within the proposal and indicated he would like to negotiate with Rizzetta on some of these prices.

On a Motion by Mr. Lockom, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved the proposal from Rizzetta & Company for special assessment management services in an amount not to exceed \$7,000.00 for the flat-fee items in the contract, subject to final signoff by the Board Chair, for Harbor Bay Community Development District.

135  
136  
137  
138  
139  
140  
141  
142  
143  
144

x. **Consideration of Proposal from Public Resources Advisory Group**

Mr. Roethke presented a proposal from Public Resources Advisory Group to the Board for consideration. Mr. Eckert provided background on the proposal as well as the current professionals already involved in the bond process and what each of those roles include. The Board did not make any decision on the proposal at this time but may revisit the proposal at a later date as the District gets closer to a bond sale. Mr. Lockom may reach out to PRAG to better understand their services.

**FOURTH ORDER OF BUSINESS**

**Major Project Update  
Clubhouse, Pool, Oak Tree Pruning**

i. **Pool**

Mr. Woodcock presented a timeline to the Board for the overall pool project which includes key dates and statuses for the pool slide and stairs, pool tower, and pool resurfacing. Discussion ensued regarding completion dates and any issues this may cause. Mr. Woodcock is working on soliciting additional proposals for the pool resurfacing.

ii. **Clubhouse**

Mr. Carr updated the Board on the status of the Clubhouse Renovation project. He advised that all remaining items have been ordered and the project should be approximately 95% complete by Christmas, with possibly only a few furniture items to arrive after that time.

160  
161  
162  
163  
164

*(Left blank intentionally)*

*RBC  
12/14/17*

165  
166 **iii. Oak Tree Pruning**  
167

168 Mr. Roethke updated the Board on the status of the oak tree pruning project, advising that  
169 the work is in progress and will be completed by the end of November. Mr. Lockom added  
170 comments as well, and Mr. Curley stated that he is satisfied with the way the project is progressing.  
171

172 **FIFTH ORDER OF BUSINESS**

**Community Security Discussion**

173  
174 Mr. Nargi and Mr. Moseley discussed updates after conversations with Envera, including  
175 ways to save costs for the next year. Mr. Curley discussed possible options for bringing these  
176 operations in-house. Mr. Nargi commented that capital costs for doing so would be cost-prohibitive  
177 at this time. More information on the different options and costs will be presented at the next  
178 meeting. Mr. Curley asked a question regarding the cost benefits of the current system. The Board  
179 discussed this and other issues, specifically in regard to the basketball courts.  
180

181 *(The meeting recessed at 7:19 PM. Matt Davis and Ty Thompson*  
182 *arrived at 7:24 PM, at which time the meeting reconvened.)*  
183

184 **SIXTH ORDER OF BUSINESS**

**Seawall Upland Repairs**

- 185 **i. Goldstone – 5714 Tortoise Pl.**  
186 **ii. Kayat – 5725 Sea Trout Pl.**  
187

188 Mr. Davis and Mr. Thompson reviewed inspection results from a third party claims adjuster  
189 for two properties with upland claims, 5714 Tortoise Place and 5725 Sea Trout Place. Discussion  
190 ensued regarding the details of each pending claim. Mr. Woodcock will review additional vendors  
191 to be provided by Mr. Davis and Mr. Thompson.  
192

193  

On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors approved the upland claim for 5725 Sea Trout Place in the amount of \$9,650.00 for Harbor Bay Community Development District.
--

On a Motion by Mr. Nargi, seconded by Mr. Curley, with all in favor, the Board of Supervisors approved the upland claim for 5714 Tortoise Place in the amount of \$10,000.00 for Harbor Bay Community Development District.
---

194  
195 *(Mr. Davis and Mr. Thompson departed the meeting at 7:41 PM.)*  
196

197 Mr. Eckert updated the Board on the status of the current litigation. District Counsel is  
198 working with the court to assist with obtaining necessary documents from the litigants. To date,  
199 District staff has not received one document to support the claims of the lawsuit. The litigants may  
200 be sending an amended complaint in the near future with up to 45 additional parties named in the  
201 lawsuit.  
202  
203

*BC*  
*12/14/17*

204  
205 Mr. Curley discussed the Cardno bi-weekly updates and gave some recommendations for  
206 updating these in the future. Discussion ensued. Going forward, Mr. Woodcock will include more  
207 specific information in these updates as requested. The Board did agree that the current updates  
208 have been very helpful.

209  
210 Mr. Curley then discussed the FEMA claim status as it relates to insuring the seawall. This  
211 topic will be added to the December agenda for discussion.

212  
213 **SEVENTH ORDER OF BUSINESS** **Capital Reserve Study**

214  
215 Mr. Roethke informed the Board that the reserve study vendor conducted a site visit last  
216 week and will be starting on the report shortly. However, the inclusion of Admirals Pointe will  
217 increase the cost of the reserve study from \$2,500 to \$3,300.

218  
219  
220 

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved the additional expenditure of \$800.00 for the addition of Admirals Pointe to the reserve study for Harbor Bay Community Development District.
---

221  
222 **EIGHTH ORDER OF BUSINESS** **Discussion Regarding Dock Restrictions**

223 Mr. Eckert gave some introductory comments regarding requests received from residents  
224 who have restricted docks and would like those restrictions changed to allow larger vessels. Mr.  
225 Nargi is opposed to looking into these changes unless the resident can prove via their own research  
226 that the restriction should be lifted; the rest of the Board were in agreement. Mr. Roethke will reach  
227 out to the residents making these requests and inform them of the Board's direction.

228 **NINTH ORDER OF BUSINESS** **Discussion Regarding Tiki Hut Repairs**

229  
230 Mr. Curley believes that the tiki hut repairs are a low priority as compared to other capital  
231 projects. Mr. Lockom mentioned that the tiki hut repairs are in the reserve study and should be  
232 repaired as such. The Board directed staff to remove the thatch for the time being and the task will  
233 be revisited after the reserve study is completed and all the reserve projects can be prioritized.

234  
235 **TENTH ORDER OF BUSINESS** **District Accomplishments, Areas of**  
236 **Improvement, and 2018 Objectives**

237  
238 The Board reviewed District accomplishments of the past year as well as areas of  
239 improvement and 2018 objectives. Mr. Curley is very proud of the items that have been completed  
240 throughout the past year. The Board discussed ways to accomplish 2018 objectives more effectively  
241 and efficiently, and discussed getting more communication out to the community. Mr. Lockom  
242 requested reports from Netix regarding hits on the District website. Mr. Roethke will request this  
243 from Netix.

244  
245 **ELEVENTH ORDER OF BUSINESS** **Review of Tentative Agenda for December**  
246 **14, 2017**

15C  
12/14/17

247 Mr. Curley reviewed the tentative agenda with the rest of the Board. Discussion ensued.  
 248  
 249

250 **TWELFTH ORDER OF BUSINESS** **Consent Agenda Items**

- 251
- 252 A. Consideration of Minutes of the Board of Supervisors' Regular
- 253 Meeting Held on October 19, 2107
- 254 B. Consideration of Operation & Maintenance Expenditures for
- 255 October 2017
- 256 C. Consideration of Operation & Maintenance Expenditures
- 257 for October 2017 – Mira Bay Amenity Center
- 258 D. Consideration of Operation & Maintenance Expenditures
- 259 for October 2017 – Evergreen Fund
- 260 E. Consideration of Master Project Requisitions #49-51
- 261 F. Consideration of Supplemental Project Requisitions (if any)
- 262 G. Presentation of Monthly Staff Report: Mira Bay Club Manager
- 263 H. Presentation of Monthly Staff Report: Club Director
- 264 I. Dock and Lift Approvals
- 265 1. Evans – 733 Manns Harbor Drive
- 266 2. Agger – 408 Islebay Drive
- 267 3. McAllister – 5608 Seagrass Place (Dock Extension)
- 268 J. Consideration of Resolution 2018-05, Amending Budget for
- 269 Fiscal Year 2016/2017
- 270 K. Consideration of Resolution 2018-06, Designating Assistant Secretaries
- 271 L. Consideration of HCSO Indemnity Agreement
- 272

273 Mr. Roethke provided background information on items J, K, and L for the Board.  
 274 Mr. Curley asked various questions on the Club Manager and Club Director reports. Mr. Curley  
 275 requested that any specific items which require Board action be added as separate items to future  
 276 agendas. Mr. Curley is seeking some clarification on invoices from Chris Rossi Design and the  
 277 truck insurance.  
 278

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved consent agenda items A-L for Harbor Bay Community Development District.

279  
 280 **THIRTEENTH ORDER OF BUSINESS** **Staff Reports**

- 281 A. **District Counsel**
- 282
- 283 Mr. Eckert discussed the status of the Admiral's Pointe liquor permit that is in
- 284 progress.
- 285
- 286 B. **District Engineer**
- 287
- 288 No report.
- 289

*12/14/17*

290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318

**C. District Manager**

Mr. Roethke reminded the Board that the next meeting will be held on Thursday, December 14, 2017 at 6:00 p.m. at the MiraBay Clubhouse.

Mr. Roethke asked the Board if they would like to continue to work with a wild boar trapper at a cost \$500.00 per month. The Board is in support of this as long as the trapper is continuing to catch the animals.

**FOURTEENTH ORDER OF BUSINESS                      Supervisor Requests**

Mr. Nargi mentioned the Toys For Tots drive and a brunch with Santa at the clubhouse.

Mr. Curley updated the Board on Newland-related items and provided a report on those items to the Board.

Mr. Lockom mentioned that the reserve fund charges need to be broken out in future O&M packages.

**FIFTEENTH ORDER OF BUSINESS                      Audience Comments**

A resident commented on fence approvals from the HOA.

A resident asked a question about seawall weep hole maintenance, a possible boat show in the community, pond maintenance, boat stickers, and basketball court issues.

**SIXEENTH ORDER OF BUSINESS                      Adjournment**

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board adjourned the meeting at 8:40 PM for Harbor Bay Community Development District.

319  
320  
321  
322  
323

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman

✓ 2C  
12/14/17



# HARBOR BAY CDD

## EXHIBIT TO 11-16-17 MINUTES:

Newland Issues and Responses

✓  
12/4/17

## 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
  - **Expect completion by Thanksgiving; obtaining a proposal to remove any limbs that may have fallen into the canal.**
- Parcel: [U-28-31-19-76K-000000-C0001.0](#) Tract C-1; Prune mangroves, correct other landscaping issues, replace broken irrigation covers, general maintenance
  - **Delayed due to unpermitted trimming. Newland paid \$2,500 for a new application to allow up to 100% trimming. Completion date TBD.**
- Parcel: [U-32-31-19-97F-000000-A0006.0](#) Corner of Winterside Dr and Manns Harbor; dead bushes need to be replaced.
  - **Working with Bay Breeze HOA to ensure proper irrigation prior to installing replacement shrubs. Completion date TBD.**
- Parcel: [U-32-31-19-97F-000000-B032A.0](#) Paint wall; replace dead and dying landscaping
  - **Receiving proposals; plan to award contract ASAP. Painting the wall will be dependent on wall condition after cleaning.**
- Parcel: [U-29-31-19-ZZZ-000000-69500.0](#) Shell Cove; Cut grass twice a month instead of once a month, specifically areas visible from MiraBay Blvd
  - **Will mow Shell Cove 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
  - **The gate on the side of the Information Center has been ordered and will be installed upon receipt. In process of completing the trimming and cleanup around parking lot and building. Crotons will be trimmed shortly.**
- Repair Rip Rap around the lagoon
  - **Received proposals. Intend to do work around the front part of the lagoon and near Seacrest first. Completion date TBD**
- Replacing ripped MB banners on MiraBay Blvd
  - **Will replace; CDD to assume future responsibility**

2/2c  
12/14/17

- 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 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.
  - **Received proposals. Intend to do work around the front part of the lagoon and near Seacrest first. Completion date TBD**
- 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**
- Advertising sign on Rt 41 looks horrible and is falling down
  - **Newland does not own the land or the sign. Will ask owner to remove the MiraBay trademark from the sign.**

✓  
12/14/17