

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, December 20, 2018 at 6:00 PM** 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
Steve Lockom	Board Supervisor, Vice Chairman
Ryan Wick	Board Supervisor, Assistant Secretary
Dan Leventry	Board Supervisor, Assistant Secretary
Michael Maurer	Board Supervisor, Assistant Secretary

Also present were:

Joseph Roethke	Regional District Manager; Rizzetta & Company
Mike Eckert	District Counsel; Hopping Green & Sams
Sarah Sandy	District Counsel; Hopping Green & Sams
William McFetridge	Gray Robinson
Greg Woodcock	District Engineer; Cardno
Chris Gamache	District Engineer; Cardno
Sandy Crespo	Club Admin
Ashley Adkins	Clubhouse Manager
Matt Davis	MPD Legal (via Phone)

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 recited.

SECOND ORDER OF BUSINESS

Audience Comments on Agenda Items

Mr. Curley discussed the order of items in the meeting agenda and reminded all those in attendance of District procedures, advising that in terms of audience comments, each person wishing to speak must submit a comment card and will be given three minutes to speak about any subject unless more than nine 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.

51 No Audience comments.

52

53 **THIRD ORDER OF BUSINESS**

**Presentation of Audience Comment
Follow-up Sheet**

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55

56 There was no discussion on this item.

57

58 **FOURTH ORDER OF BUSINESS**

**Chairman's Perspective on Agenda
Items**

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60

61 There was no discussion for this item

62

63 **FIFTH ORDER OF BUSINESS**

**Administration of Oath of Office to
Newly Elected Supervisors**

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65

66 Mr. Roethke administered the oath of office to Mr. Wick, Mr. Leventry, and Mr.
67 Maurer. Mr. Roethke informed them that as Board Supervisors they are entitled to
68 compensation of (\$200.00) per meeting, up to an annual maximum of (\$4,800.00) Mr.
69 Wick and Mr. Maurer accepted compensation. Mr. Leventry declined compensation.

70

71 **SIXTH ORDER OF BUSINESS**

**Review of Form 1, Sunshine Law,
Public Records Law and Ethics Law
Matters**

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74

75 Mr. Eckert reviewed these items with the newly elected Supervisors, except the
76 review of Form 1.

77

78 **SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-03,
Designating Officers**

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81 Mr. Roethke presented Resolution 2019-03 to the Board, which will re-designate
82 the Officers of the District.

83

<p>On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors adopted Resolution 2019-03, Designating Officers which named Paul Curley as Chairman and Steve Lockom as Vice Chairman for the Harbor Bay Community Development District.</p>

84

85 **EIGHTH ORDER OF BUSINESS**

Recovering HGS Litigation Fees

86

87 The Board reviewed proposals from Sivyer Barlow & Watson as well as Gray
88 Robinson and a discussion ensued.

89

<p>On a Motion by Mr. Curley, seconded by Mr. Wick, with four in favor and one (Mr. Leventry) opposed, the Board of Supervisors approved proposal from Gray Robinson at a cost of (\$4,575.00 - \$7,625.00) for the Harbor Bay Community Development District.</p>
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92 **NINTH ORDER OF BUSINESS**

Upland Claims

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94 The Board reviewed two upland claims. A discussion ensued. The Board did not
95 take any action on these two claims.

96
97 *(Mr. Davis left the meeting at 6:24 p.m.)*

98
99 **TENTH ORDER OF BUSINESS**

**Discussion Regarding Other
Organizational Matters**

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101
102 **i. 2019 Priorities**

103
104 Mr. Curley reviewed the 2019 Priorities with the Board; Mr. Leventry would like to
105 see a District-wide inventory added to this priority list.

106
107 **ii. Project Responsibilities**

108
109 Mr. Curley discussed project responsibilities for individual Board Supervisors. The
110 Board split up responsibilities on various topics and appointed a liaison for each.

111
112 List of Liaisons:

113 Seawall Financing – Mr. Steve Lockom
114 Seawall Maintenance – Mr. Michael Maurer
115 Capital asset maintenance & repair – Mr. Ryan Wick
116 Contract Review – Mr. Dan Leventry
117 Resident Communication – Mr. Dan Leventry
118 Security – To be determined at the next meeting
119 Landscaping – Mr. Steve Lockom
120 Park Square – Mr. Steve Lockom
121 WTS Operations – Mr. Steve Lockom

122
123 **ELEVENTH ORDER OF BUSINESS**

Seawall Emergency Repairs

124
125 Mr. Gamache updated the Board on the status of the emergency repairs. Overall,
126 the project has been moving forward on schedule. There were some minor pile driving
127 issues but construction is still progressing positively. A discussion ensued regarding
128 maintenance items. The Board discussed the current oversight bring provided by Cardno
129 and if it should be cut back. The Board gave Cardno discretion to cut back oversight hours
130 if appropriate moving forward.

131
132 **TWELFTH ORDER OF BUSINESS**

**Consideration of Cardno Weekly
Seawall Update Format**

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134
135 Mr. Woodcock reviewed two examples of weekly update reports and asked which
136 format the Board prefers. The Board directed Cardno to provide a summary report without
137 details on a day-to-day basis.

140 Mr. Gamache asked the CDD Board if they would be interested in allowing a
141 contractor on CDD owned property to provide grout injection tests to an area of seawall
142 owned by the District. The Board is not interested in allowing testing on District property
143 and recommended that the contractor continue to work with the developer to perform
144 these tests on private property.

145
146 **THIRTEENTH ORDER OF BUSINESS** **Seawall Master Project RFP**

147
148 Mr. Woodcock updated the Board on the status of the Master Project RFP. The
149 pre-bid meeting took place on Friday, December 14, 2018 and there was a very good
150 turnout of contractors.

151
152 **FOURTEENTH ORDER OF BUSINESS** **Seawall Assessment Methodology**

153
154 This item was deferred.

155
156 **FIFTEENTH ORDER OF BUSINESS** **Major Project Update (Cardno**
157 **Managed)**

158
159 Mr. Woodcock reviewed the Cardno project summary log with the Board.

160
161 **SIXTEENTH ORDER OF BUSINESS** **Landscape Design and Installation**

162
163 Mr. Curley reviewed this landscape design with the Board. A discussion ensued
164 regarding the details and the Board created a list of questions to be presented to the
165 vendor. This includes ballpark costs, feasibility and benefit of the design, and use of space
166 and capacity limitations.

167
168 **SEVENTEENTH ORDER OF BUSINESS** **Audio Installation**

169
170 Mr. Curley and Mr. Maurer provided comments on expectations for this project. A
171 discussion ensued. District staff will continue to work on obtaining proposals for the next
172 meeting and Mr. Wick will work with Staff to define a Scope of Services for the project.

173
174 **EIGHTEENTH ORDER OF BUSINESS** **Street Signs**

175
176 Mr. Lockom reviewed the history of this item with the Board.

177
On a Motion by Mr. Lockom, seconded by Mr. Leventry, with four in favor and one (Mr. Curley) opposed, the Board of Supervisors approved (\$9,300.00) cost for Cardno to certify signage for the Harbor Bay Community Development District.

178
179 **NINETEENTH ORDER OF BUSINESS** **Rizzetta-Managed Staffing**

180
181 Mr. Roethke informed the Board that the part-time 29 hour per week position has
182 been filled.

183
184
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186 **TWENTIETH ORDER OF BUSINESS** **Playground Shades**

187
188 This item is completed.

189
190
191 **TWENTY-FIRST ORDER OF BUSINESS** **Tiki Huts**

192
193 District Staff is still working on proposals for tables to be installed. The Board would
194 like to install two grills in the area as well. District Staff was asked to provide proposals for
195 gas and charcoal grills at an upcoming meeting.

196
197 **TWENTY-SECOND ORDER OF BUSINESS** **Dockers Window and Door Repair**

198
199 The material for this project is currently on order with the vendors.

200
201 **TWENTY-THIRD ORDER OF BUSINESS** **Power Washing**

202
203 Mr. Curley asked Staff to post to the website as soon as possible a work schedule
204 defining when each area of the District will be power washed.

205
206 **TWENTY-FOURTH ORDER OF BUSINESS** **Fountain Repair**

207
208 The motor has gone down again and a new part is on order.

209
210 **TWENTY-FIFTH ORDER OF BUSINESS** **Painting of Buildings and Monuments**

211
212 This is in process and the vendor will be applying the paint shortly.

213
214 **TWENTY-SIXTH ORDER OF BUSINESS** **Prioritizing Capital Projects**

215
216 Mr. Curley presented a capital project prioritization list to the Board. Mr. Roethke
217 presented a FY 18/19 projection for revenues and expenditures, including potential excess
218 funds for projects. A discussion ensued. Mr. Curley would like all supervisors to rank each
219 project either A, B, or C priority and send that to the District Manager. Mr. Lockom
220 discussed landscaping replacements throughout the community.

221

On a Motion by Mr. Lockom, seconded by Mr. Curley, with all in favor, the Board of Supervisors approved to set a not-to-exceed amount of (\$2,000.00) for a landscape review by John Toborg for landscape replacements and running an informal RFP process for the Harbor Bay Community Development District.

222
223 *(Mr. Gamache left meeting at 8:28 p.m.)*

224
225 The Board continued to discuss project prioritization and there were comments on
226 budgeting and available funds. The Board Supervisors will provide their top priorities not
227 exceeding (\$500,000.00) and send those to the District Manager, which will then be
228 provided for discussion at the next meeting. If there are any additional analytics need,
229 each Supervisor can provide that research to be included in the agenda packet.

230

231 **TWENTY-SEVENTH ORDER OF BUSINESS Park Square discussion topics**

232
233 Mr. Curley reviewed Park Square discussion topics with the Board. Mr. Eckert
234 provided a memo with some of these discussion items and others.

235
236 Mr. Woodcock presented a proposal for pond maintenance on two ponds in Pocket
237 101. This is needed to stay current with permits. Mr. Eckert recommended obtaining a
238 permanent easement for this area.

239

On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors approved the proposal from Sitemasters for Pocket 101 pond maintenance at a cost of (\$7,000.00) subject to District Staff finalizing an easement for access and confirming future maintenance by Park Square for the Harbor Bay Community Development District.

240
241 **TWENTY-EIGHTH ORDER OF BUSINESS Meetings – Town Hall & January**
242 **Meeting**

243
244 Mr. Curley discussed upcoming Town Hall meetings. These will continue going
245 forward and Mr. Curley recommended that all Supervisors take turns attending these. Mr.
246 Curley and Mr. Lockom will continue to attend these until the new Supervisors are more up
247 to speed. The meetings will take place on the second Thursday of the month at 6:30 p.m.
248 in the Lagoon Room at the Mirabay Clubhouse. Mr. Curley discussed potentially changing
249 the January Board meeting date. The Board did not want to change this meeting date and
250 it will still take place on January 17, 2019.

251
252 **TWENTY-NINTH ORDER OF BUSINESS Consideration of Advertising Policy**

253
254 Mr. Eckert reviewed the updated advertising policy with the Board. A discussion
255 ensued.

256

On a Motion by Mr. Leventry, seconded by Mr. Curley, with all in favor, the Board of Supervisors approved the advertising policy for the Harbor Bay Community Development District.

257
258 **THIRTIETH ORDER OF BUSINESS Street tree removal, root barrier**
259 **installation, and sidewalk maintenance**

260
261 Mr. Curley reviewed a document with the Board regarding street tree removal, root
262 barrier installation, and sidewalk maintenance. This will be discussed further at the
263 February meeting.

264
265 **THIRTY-FIRST ORDER OF BUSINESS Audience Comments**

266
267 A resident asked the Board to consider looking at contracts to ensure the District is
268 getting what they are paying for. Resident also asked questions about Envera's services
269 and discussed adding pickleball courts.

270

271 A resident discussed adding pickleball courts and where to install them.

272

273

(Mr. Woodcock left the meeting at 9:25 p.m.)

274

275

(The meeting recess at 9:25 p.m. and then re-convene at 9:28 p.m. for closed session)

276

277

THIRTY-SECOND ORDER OF BUSINESS Security Discussion (Closed to Public)

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279

The Board held a closed session to discuss security.

280

281

(Confidential discussion minutes recorded separately from this document.)

282

283

284

The Confidential discussion ended and the meeting publicly reconvened at 9:50 p.m.

285

286

THIRTY-THIRD ORDER OF BUSINESS CONSENT AGENDA ITEMS

287

288

A. Consideration of Minutes of the Board of Supervisors' Regular Meeting Held on November 15, 2018

289

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B. Consideration of Minutes of the Board of Supervisors' Workshop Meeting Held on December 12, 2018

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C. Consideration of Operation & Maintenance Expenditures for November 2018

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294

D. Consideration of Operations & Maintenance Expenditures for November 2018– Reserve Fund

295

296

E. Consideration of Operations & Maintenance Expenditures for November 2018– MiraBay Amenity Center

297

298

F. Consideration of Operations & Maintenance Expenditures for November 2018– Evergreen Fund

299

300

G. Consideration of Master Project Requisitions #MP (if any)

301

H. Consideration of Supplemental Project Requisition (if any)

302

I. Presentation of Monthly Staff Report: MiraBay Club Manager

303

J. Presentation of Monthly Staff Report: Club Director

304

K. Dock and Boat Lift Approvals (if any)

305

L. Project and Contract Management Guidelines

306

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

307

308

THIRTY-FOURTH ORDER OF BUSINESS Staff Reports

309

310

A. District Counsel

311

Mr. Eckert introduced Sarah Sandy with Hopping Green & Sams to the Board. Mr. Eckert updated the Board on some insurance claims that are in process. Mr. Eckert updated the Board on the status of the boat registration litigation. A discussion ensued regarding the history and status of Bay Breeze soil issue.

312

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317 **B. District Engineer**
318 No report.

319
320 **C. District Manager**
321 Mr. Roethke reminded the Board that the next regularly scheduled meeting
322 will be held on Thursday, January 17, 2019 at 6:00 PM at the Mirabay
323 Clubhouse located at 107 Manns Harbor Drive, Apollo Beach, Florida
324 33572.

325
326 Mr. Roethke presented a flyer for a CDD 101 presentation that Rizzetta will
327 be offering on January 23, 2019. All supervisors are welcome to attend.

328
329 **TWENTY-FIFTH ORDER OF BUSINESS Supervisor Requests**

330
331 Mr. Wick asked about getting a map for CDD meetings.

332
333 Mr. Wick asked about documentation standards for CDD documents.

334
335 Mr. Maurer asked about future boating issues.

336
337 Mr. Leventry asked about live streaming CDD meeting.

338
339 Mr. Leventry discussed accountability from vendors and prioritizing the agendas.

340
341 Mr. Curley discussed self-policing comments at meetings for better efficiency.

342
343 **THIRTY-SIXTH ORDER OF BUSINESS Adjournment**

344
On a Motion by Mr. Curley, seconded by Mr. Leventry, with all in favor, the Board
adjourned the meeting ended at 10:15 p.m. for the Harbor Bay Community
Development District.

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348 
Secretary / Assistant Secretary


Chairman / Vice Chairman