

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, August 25, 2011 at 5:30 p.m.** at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Ed Stone	Board Supervisor, Chairman
Rip Ripley	Board Supervisor, Vice Chairman
Julie Guill	Board Supervisor, Assistant Secretary
Paul Stumpf	Board Supervisor, Assistant Secretary
Tom Hatcher	Board Supervisor, Assistant Secretary

Also present were:

Scott Brizendine	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Kristy Owens	District Coordinator
Karla Gibson	Club Manager
Bill Henry	Representative, RGA
David Click	Representative, RGA
Audience	

THIRD ORDER OF BUSINESS

RGA Presentation of the ADA Report

Mr. Earlywine: The next item on the agenda is the ADA compliance report. What I wanted to just briefly say to introduce this item is that this is an item that District Staff and Julie and the ADA consultants have been working on over the past couple of months. And the way they are going to approach this today is um David and Bill are going to get up here and tell you a little bit about the process they went through to prepare the report. They'll hit a few highlights and Julie will tell you a little about the budget items and how we want to address those; provide that recommendation to you all and then we will take action at that point on it. With that said, David and Bill.

Ms. Guill: I would just say, maybe ask the Board if they would let David and Bill get through their entire report, then I've got some recommendations to make to the Board for the purpose of the budget and I think that if you let us get through all that 99% of the questions you might have will be answered.

Mr. Click: Thank you Board. My name is David Click and I am the Project Manager with RGA and as you all might remember we were brought on board here to perform the ADA assessment (*The Board: Increase the volume no one can hear you.*) Sorry, we were brought on board here to perform the ADA assessment a few months ago as Jere had mentioned. To kind of give you a background on how this project has progressed. Um we initially came out here to perform the assessment and get a handle on what the technical data on the existing conditions were. That didn't take too long. What we wanted to do once that phase of the project was complete. We wanted to be sure that we presented the data in the most appropriate way and we wanted to make sure that we classified all of our findings in the most appropriate way in how they relate to the new design standards, to the previous design standards and just how the whole project was constructed. So that's kind of the background of how this whole process has been structured. Bill and myself have been working closely with Jere and with Jamie as well and Julie to really hone in on what is the appropriate way of bringing all this information to you. As you might remember our report and scope of work was just to assess all the CDD owned property. It is far reaching from the clubhouse, guard houses, to your boat recreational facilities, play areas, things of that nature, the pools, a lot of exterior items that the CDD owns and operates. So, that is kind of what our scope of work was and we were bringing in the new design standards and seeing how the existing conditions apply to them. I don't know if you have a copy of this report in front of you? Was it distributed? (*Board and Staff: yes*) Okay. Alright, so I will just briefly go through this, kind of hit the high points. As you know your property here is quite extensive, so we could go through countless dimensions and things of that nature, but I want to kind of hit the high points. What we did was we structured through areas of interest. Uh what we are in right now is the clubhouse, and that is the first place we started. Everything seemed to be in great order here with some exceptions of some items out in the parking lot relating to vehicular drop off areas. The design standards have requirements based upon the linear foot of your curb and how things should be striped and noted as a safety area for the disabled to travel through and also providing ramps. There were two locations here at the clubhouse that we noticed. Briefly the construction budget is roughly \$3,000 that we put together and projected. Here on the back side is your pool area; this is an area that that really these new design codes are really focusing on because before there were no design standards for areas such as the pools and they are requiring that that we provide means of egress to your pools and that's all based upon the linear footage of your pool perimeter. Your pool here measures 645 linear feet, which requires two means of access. The threshold there is 300 linear feet, if you are 300 feet or below you are required to have one means of access, 300 and above, two. So what what your pool also contains is what's called a zero slope where that that kind of water fountain mushroom thing is and that is considered a means of access so that counts as one of them. However, some railings need to be place in there to provide some support for an individual to get into the pool. The other means of access would be a pool lift a chairlift. We have put together some estimates here to be about \$12,000. I'm not sure how in depth you have had the opportunity to go through the report. We mentioned the wading pool, the kiddie pool over there. The design standards require that those too have access that they have a chair lift. All these design codes are very, very new, so there are some areas that we are working through and we have been talking with Jere on this one and we think that we have come up with some language that we think will exempt us from placing a lift in that small 12 foot, 12 in kiddie pool out there. As you'll note in the report it says that this item is under further review to determine the feasibility. I am reaching a point of comfort level that I think we can remove this thus removing it from your construction budget as well. I am working with Bill to kind of finalize that

and work with Jere to really nail that down and pull it out of the report. That is something that just came to light over the last day or two. Also in the pool area you have a playground back there. Those are new design standards that are being applied to that. Basically it is referring to accessibility: play stations, play components that are along what is called an accessible route. What we can do there is bring the play components down to the ground level. That is something that we can work with the playground equipment manufacturer to put those panels on there. You have sufficient clear space around there, which is sixty inches to provide access fully around the equipment so things are good there. That brings up another point one of the items that we structured things in this report was maintenance. We don't feel that necessarily that we need to put together a construction document and take it to the County and permit it and bring out a contractor. We feel that there are some items that can be addressed by your maintenance staff. Such as the wood chip mulch that is in those play areas. Bringing it up in some levels and bringing it down in others, just providing some maintenance that will be sufficient for ADA requirements. So as we go through this you will see some areas that will be labeled maintenance and those are areas that are a little bit more, that are not as taxing on the CDD.

The fitness center is another item that we looked at. That's basically looking at your clear spaces around different exercise equipment. We will have to take a look at some travel paths to and from your doors and rearrange a few things. I think what that is just working with your management of the fitness center to see what items are used most often, to see if there are any individuals with disabilities that come in there and if so what sort of equipment are they using. That way we can begin to prioritize items and then really determine how we are going to, where we can come up with a little extra space. Again that is something we will work with maintenance staff on. Your guardhouses we looked at. Neither one of those contained parking areas, particularly ADA parking. What we can do there is just provide parking for one of them. That is kind of how ADA works, you know, if you have facilities that are provided for everyone, as long as you provide access to at least one of those it meets your ADA design standards. You don't have to go through and blanket construction over all your facilities. So what we are looking at there is just creating some striping and a turn around area and placing it close to an existing ramp and bringing that are up to compliance. The budget estimate for there is roughly \$3,000.

Another area on Manns Harbor is the Wolf Creek playground. That's basically kind of going back to this playground here at the back of clubhouse the ground cover, accessibility. The one difference there is that the play component where it is located there is no travel path from your existing sidewalk to the play area. There is just grass there and that that unfortunately is not sufficient for providing accessible, so that is one of the items that will need to be changed there with a construction budget of roughly \$5,000.

Some of the more complex areas. Well I guess I'm getting ahead of myself here. The boat ramp areas is another area we looked at that has a playground area. The same comments there are being applied there as accessibility, ground cover, and play components. As I mentioned before these new design standards are being applied to recreational boating facilities, any sort of mariners, boating peers, fishing peers, things of that nature. Your existing boating--the peer at your boat slip area has if I remember correctly has two or three steps leading up to it. Unfortunately the peer is then not accessible. What we can do there is just provide some kind of sloped surface providing

access to that peer. In that area too, we noticed a lot of, some landscape issues in and around those bungalows, picnic kind of bungalow areas the vegetation, trimming some vegetation and looking at some at the ground cover whether or not some roots interfere with the travel path. That seemed to be a maintenance issue that can be easily addressed. The next area is your boat lift area and that was a little more complex. But after further review of that what we what we found was some of your ramps there were constructed and placed and I guess the way they should have been the ramps come down to the peers on the opposite side of where your columns come through, the through the boat dock. Let me refer to a picture on this one that will help me explain a little better as you can see it visibly. It is photo number 24 if you have your report in front of you. Now you'll see your ramp comes down straight into a column. That was one of the issues that we saw and it kind of alarmed us at first but what we found is there are some other locations where the ramp came down right where it should be and you have sufficient clear space. What we are proposing is that we label and identify the North West portion of the boat lift area. That is on the side of the undeveloped where the undeveloped round-a-bout is there. Label that has your accessible route. What we can do is minimize that amount of construction needed if we make that side label as your accessible route. The other side would require some more, some more work. So what we are looking at is placing some flanges on the bottom of your, of your ramps. Those already exist somewhere in multiple places on your property out by the Outfitter building. Those ramps have those steel flanges that will adjust with the tide and movement of your peers. So what we recommend is placing those on your ramps and a little bit of concrete being poured for applied access around a junction box that is being placed on one of the columns. There are a lot of items there that we were looking at. If you are familiar with it you know there are the aluminum catwalks that are bolted to the side of your concrete. We were first concerned about the drop off being no railing there. That proved to be okay per your code and design code. The drop off wasn't large enough to necessitate a guard rail. Your travel path between one to the other are stairs, but what we can do like I said is just label that one side as your accessible route and your boating users can then use that and there is no need to provide access to both sides. That gave us some relief there as well. With all that being said, we are looking at about \$10,000 worth in construction and roughly about a \$1,000 worth in maintenance there is what we are projecting.

The next portion is your sports complex located right across the street here. Things seem to be in good shape there relating to the actual courts themselves and accessibility. All your travel paths were flat and gave you access to the tennis courts and things of that nature. The issue that we saw there was your existing handicapped spot is a parallel parking space, which means that your travel path is then part of your drive isle right down the center of that parking lot which is unfortunate and we need to reorient that. We are proposing relocating a new parking space down on the far end of the parking lot and what that does is provide a handicapped stall that is closely in proximity to your tennis court, restrooms, in addition to the basketball courts. We found that with its current location on the near side of your parking lot there is a very long travel distance to your basketball court you had to go on the sidewalk and that creates some issues. So we wanted to place it right there in the center. Other than that that one seemed to be okay. There were some maintenance issues with the landscaping as well to just trim things back to provide the clear space. We are projecting all in for that portion about \$12,000.

One area that seemed to be okay was your Outfitters Building. You had all of your travel paths accounted for. There were some storage shelves in the restroom that impeded on the required turning radius. All that needs to be is just kind of be reoriented, relocate those shelves and you will be in full compliance there. That one was very light and very easy.

The last portion is the Seacrest pond. If you are not familiar with that, that is where there is a retention pond and there are multiple benches located around this pond. There exists a sidewalk and benches located on concrete pads. If I remember correctly there are eight or nine benches that are in that area approximately and there is there is not an accessible route from the existing sidewalk to the where the bench is located on the pad. What we are recommending is pour a little concrete from your pad to your bench to provide that access for just one bench. That was the required work there.

Those are the areas that we looked at and I hope you have the opportunity to really go through this report thoroughly because I really went through this quickly and hit the high points. As you will see at the end of the report we have three attachments: the first attachment, attachment A are pictorial references for each of these items so as we mentioned it in the area before we wanted to give you some photographic representation cause obviously a picture is worth a thousand words there so that kind of supports that. Attachment B is an itemized breakdown of the budgetary numbers and those budgetary numbers are structured as to what I was alluding to before that we have maintenance items; we have issues that pertain to the new design codes and items that pertain to your existing design standards with all those items broken down. Attachment C is the hard data that we got from our onsite assessment. That one is not as flashy, just a bunch of numbers a lot of dimensions, but we thought it was appropriate to include that so you can see the hard data. With that being said that is the overview of the report. Bill I don't know if you want to add anything else to it. It is a very large development and a lot of different areas. I guess I want to pass it off to Julie now to kind of go over some of these numbers.

Ms. Guill: I would just direct the Board to Attachment B which is the budget estimate sheet. Its two pieces of paper and the top section that is basically two sections; the 1991 design standard areas of interest and the non safe harbor areas of interest in the bottom part. I have some recommendations for the Board that pertain to our budget tonight that basically come in three parts. The first part is the 1991 design standards those areas of interest. We have been in the process of talking with Newland about those areas since those were pre during construction or pre-turn over to the District. And I want to say this correctly. They are on board and willing to work with us on those issues and we'll probably be in a situation where they will step up and take their share of that responsibility. And that may come to us either by them going ahead and doing some of that work or by them reimbursing the CDD after we do it. So that's good news. No one from Newland is here I don't believe, but we appreciate their continued commitment to the community and that goes with out saying. So that top section is \$23 \$26,000 out of it. That's the first part.

The second part is the Wolf Creek play area that has \$5,000 in this proposal. I think we can just cross that line item out that has not yet been conveyed to the District and we just need to stipulate that it is brought up to the guidelines before it is conveyed. And we can eliminate that \$5,000. That is not an area that is our responsibility.

On the bottom section the very last item \$5,000 for the Seacrest Pond to create an accessible route to one bench. The recommendation there is that those benches belong to the HOA. That was an HOA initiative and so would recommend that the District Supervisor or District Counsel whoever needs to do that contact the sub association giving them an opportunity and permission to enter onto District land to remove those benches to their common area if they would so choose. And that is another \$5,000 that we can take off this. Then when you go back through that the bottom number becomes \$53,000 with a ten percent contingency. We can drop that down to \$5,300 did I say \$53,000. \$53,000 plus \$5,300 for 10% contingency for \$58,300 if my math is right. That would lower that and that is the amount that we would recommend goes into the budget.

Mr. Ripley: I understand that this has to be started by a certain time

Mr. Earlywine: The project has to be completed before March of next year.

Mr. Ripley: Completed or started.

Mr. Earlywine: Completed

Mr. Ripley: I'm sorry, I remember that when we first talked about this. I kind of had the feeling that we needed to start these things, but not necessarily completed by that time.

Mr. Earlywine: Well I'll let.

Mr. Ripley: That's the reason we asked for the review.

Mr. Click: The way the code was issued and published is that the new designs came into effect on March of this year and you have a year window to come into compliance by March 15th of next year. However, say its March 17th, I don't know if I am speaking out of line. Would you expect that litigation is going to begin two days later?

Mr. Earlywine: When I say completed I think it is certainly the goal to get all this done before March of next year. The reason being there is civil liability for not completing it for sure. Criminal liability is based on willful neglect essentially. If you have done your best effort to get it completed by then and something turns up and there is a series of hurricanes and you are not able to finish it whatever. I think the Department of Justice would go more lenient on you. With that said I think the goal is definitely to get it done by March so you don't have any civil or criminal liability.

Ms. Guill: There's a great deal of this work that we can do still in this budget year that we can do. I have already talked to Karla about it. Its management, its maintenance. A lot of it we can do. Some of the bigger items we will have to push back to the next budget year.

Mr. Brizendine: The 1991 standards. Those items that need to come into compliance. Do they also have the March deadline? Or is that a different

Mr. Earlywine: Those need to be addressed.

Mr. Brizendine: That's what I figured

Mr. Stumpf: Julie clarification on the numbers. \$23,000, take the five out because that's not conveyed yet so that is really \$18,000 on the construction of the 1991 design. Correct?

Ms. Guill: Okay, yeah.

Mr. Stumpf: Total of \$53,000 but yet we expect to get \$23,000 reimbursed from the Developer. Is that correct? Or are they also going to do the maintenance? I mean I can.

Ms. Guill: Basically the difference between that construction and that maintenance column and David you jump in here if I misspeak. The difference between the construction and the maintenance column is what will require a permit and what won't. So Right.

Mr. Click: Yeah that's right.

Ms. Guill: It's permitable work and its its just you know what we talked about maintenance of

Mr. Stumpf: Is that an annual maintenance cost quoted here.

Mr. Click: I'm sorry.

Mr. Stumpf: or just the initial getting it set up right?

Mr. Click: That's our perimeter budget estimate for for construction.

Mr. Stumpf: oh okay not the not

Mr. Brizendine: It's not an ongoing maintenance cost. It's a

Mr. Stumpf: That was my concern that every year

Ms. Guill: There will be some of these areas though Paul that will require ongoing maintenance. Just for us to. I don't know if we will have to do a change order or it could be different management probably between the landscaper and the clubhouse as far as trimming back. We have some shrubs that are really growing well. Hahaha and very fast.

Mr. Stumpf: There again that would be initially to get it right and then our landscape contract would keep it cut back and and so it's not really a new cost.

Mr. Brizendine: It wouldn't be an ongoing expense.

Mr. Stumpf: So then \$5,800 for the ten percent so the \$53,000 plus the \$5,000, \$58,638 and we would expect to get \$18,000 back on that you're saying the Developer

Ms. Guill: That's our hope but we don't have

Mr. Stumpf: We don't have a contract or anything. They've just said they'll entertain it.

Ms. Guill: We're still talking with them,

Mr. Stumpf: Okay

Ms. Quill: That would be my other thing. That I would ask the Board's permission to continue those negotiations with Newland.

Mr. Stumpf: Okay. Thank you.

Mr. Brizendine: Anything else. Great. Thank you, David.

The Board: Thank you David.

Mr. Click: Thank you for the opportunity. I look forward to working with you guys in the future.

Mr. Earlywine: With respect to the report. I think it would be worth taking a motion to accept the report in substantial form. Obviously there are a few tweeks that we are still making to it. Uh, further authorize Julie to continue to work with District Staff, the ADA folks, as well as, Newland to work out the rated issues on the ADA compliance. I think that is about the first part. In terms of the follow-up and getting the rest of the work done. Do you all want to start that process at this time?

Ms. Guill: I think, probably no. I think that we are going to want to talk to management first and figure out what they can do.

Mr. Earlywine: Okay

Ms. Guill: Don't you think Scott?

Mr. Brizendine: Yes.

Mr. Earlywine: The motion is or would be to accept the report in substantial form and authorize the working group to continue to discuss these items and try to get certain of them resolved with Staff and also with Newland.

Ms. Guill: Do we want to list those two items that we talked about?

Mr. Earlywine: Yeah I think what we'll do Um. Again it is in substantial form so any changes that were made on the record as Julie suggested. ie., taking out those two items, also addressing the wading pool issue.

Mr. Stone: You need a motion.

Mr. Earlywine: Yeah a motion to adopt in substantial form and authorize the working group as discussed.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board of Supervisors adopted the report in substantial form and authorized the working group as discussed for Harbor Bay Community Development District.