

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 27, 2016 at 5:05 p.m.** at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Bob Collins	Board Supervisor, Chairman
Bob Cribbs	Board Supervisor, Vice Chairman
Ned Carr	Board Supervisor, Assistant Secretary
Joe McNeil	Board Supervisor, Assistant Secretary
Timothy Nargi	Board Supervisor, Assistant Secretary <i>(joined the Board after Being Sworn in)</i>

Also present were:

Matthew Huber	District Manager, Rizzetta & Co.
Mike Eckert	District Counsel, Hopping Green & Sams P.A.
Jamie Scarola	District Engineer, Scarola Associates
Raul Anaya	Club Director
Mindy Anderson	Club Manager
Amy Gagoly	WTS Manager
Audience Members	

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

Audience members voiced opinions relative to Kathy Duke's resignation and the selection of a replacement supervisor, updates on the basketball court and Scarola Associates addendum contract, bus stop locations, the District's financial statements, and the way Rizzetta handles calls and emails. A request was also made for updated information on the circuit court validation hearing to be held on October 26, 2016.

THIRD ORDER OF BUSINESS

Discussion of Replacement Supervisor

Mr. Eckert reviewed the procedure for appointing a replacement supervisor per Florida Statutes. Mr. Huber read the names of the individuals submitting resumes into the record, noting that the Board received copies of the resumes in advance of the meeting. A brief discussion was held regarding the qualifications of the individual candidates and whether it would be prudent to wait until after the election and allow the new Board to make the decision.

On a Motion by Mr. Cribbs, seconded by Mr. Collins, with three in favor and one against (Joe McNeil), the Board of Supervisors appointed Timothy Nargi as Board Supervisor for Harbor Bay Community Development District

Mr. Huber, a Notary in the State of Florida, administered the Oath of Office to Mr. Nargi, who swore and affirmed to the oath as read into the record. Mr. Nargi confirmed acceptance of the available compensation for attending Board meetings.

Mr. Eckert touched briefly on the form 1 and Sunshine law and public records law requirements for serving on the Board, as well as public records request procedures. He stated that additional information would be forwarded to Mr. Nargi.

FOURTH ORDER OF BUSINESS

Consent Agenda/Business Administration

- A. Consideration of Operations and Maintenance Expenditures for September 2016
- B. Consideration of Operations and Maintenance Expenditures for September 2016- Mira Bay Amenity Center
- C. Staff Report: Mira bay Club Manager
 - 1. Presentation of Monthly Report
- D. Staff Report: Club Director
 - 1. Presentation of Monthly Report

Discussion was held regarding various invoices, with the Board requesting that Management research the accounting of the Envera Gate expense versus the payment from Newland.

On a Motion by Mr. McNeil, seconded by Mr. Carr, with all in favor, the Board of Supervisors approved Consent Agenda Items A-D, as discussed, for Harbor Bay Community Development District

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2017-01,
Changing Address of District Office**

Mr. Huber noted that Rizzetta has moved some of its offices and Resolution 2017-01 updates the change in the location of the District records office.

On a Motion by Mr. Collins, seconded by Mr. Carr, with all in favor, the Board of Supervisors approved Resolution 2017-01, changing the address of the District record's office to 9428 Camden Field Parkway, Riverview, FL 33578 for Harbor Bay Community Development District

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2017-02, Re-Designating a Treasurer

On a Motion by Mr. McNeil, seconded by Mr. Cribbs, with all in favor, the Board of Supervisors appointed William Rizzetta as a Treasurer for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Acceptance of Arbitrage Rebate Calculation Series 2001 A& B Dated August 15, 2016

Mr. Huber stated that the report reflects no negative arbitrage.

On a Motion by Mr. McNeil, seconded by Mr. Carr, with all in favor, the Board of Supervisors accepted the Series 2001 A& B arbitrage report dated August 15, 2016 for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Consideration WTS Amenity Management Agreement

A brief discussion was held regarding the inclusion of verbiage relative to providing a lifeguard for the pool slide and whether it has the potential to create a liability for the District. District Counsel will research the question.

On a Motion by Mr. McNeil, seconded by Mr. Carr, with all in favor, the Board of Supervisors approved the Agreement with WTS for Amenity Management Services, pending review of the lifeguard question by District Counsel, for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

Consideration of Proposal to Replace Medjool Palm at Seacrest Entrance

Discussion was held regarding the proposal to replace the Medjool Palm at the Seacrest entrance that was struck by lightning. Questions were raised regarding the increase in the cost of the palm from others that have been replaced, whether there is the possibility of moving one from Mira Bay Boulevard rather than replacing it with a new palm, and ensuring that the decline of the palm was not disease related.

On a Motion by Mr. Collins, seconded by Mr. McNeil, with all in favor, the Board of Supervisors approved the replacement of the Medjool Palm at the entrance to Seacrest, subject to checking for disease that would impact replacing a palm in the same location, verifying cost, and exploring options to move an existing palm to the location, for Harbor Bay Community Development District.

TENTH ORDER OF BUSINESS

Consideration of Proposal for Tennis Maintenance Cart

A representative from Welch Tennis spoke regarding the proposed maintenance cart for the tennis courts. A brief discussion ensued regarding funding and training, as well as the need to resurface the courts in approximately four to five years.

On a Motion by Mr. Collins, seconded by Mr. McNeil, with all in favor, the Board of Supervisors approved proposal from Welch Tennis for a maintenance cart in the amount of \$16,950.00 for Harbor Bay Community Development District.

ELEVENTH ORDER OF BUSINESS

Consideration of Proposal for Basketball Court

Discussion was held regarding issues with TCM, who has not lived up to the expectations of their contract in terms of obtaining the necessary permits to complete the job. The representative from Welch presented a proposal to complete the project that includes the ability to adapt one of the courts to a Pickle Ball court when desired, aluminum light poles, and adjustable height net poles. He estimated that it would take six weeks to obtain the permits and an additional six weeks to complete the project. A brief discussion ensued.

On a Motion by Mr. Collins, seconded by Mr. Carr, with all in favor, the Board of Supervisors approved terminating the contract with TCM to renovate the basketball courts for Harbor Bay Community Development District.

On a Motion by Mr. Collins, seconded by Mr. Cribbs, with all in favor, the Board of Supervisors approved the proposal from Welch Tennis Courts, Inc. in the amount of \$93,350 to renovate and authorized District Counsel to finalize the contract for Harbor Bay Community Development District.

TWELFTH ORDER OF BUSINESS

Consideration of Proposal to Paint Street Light Posts

Mr. Anaya reviewed the proposal from the Handyman Company in the amount of \$16,318 to clean, seal, and paint the street light poles and bases. Discussion was held regarding utilizing a safety lift to complete the project, a preference for the use of a roll-on paint rather than a spray paint, and the application of two coats of paint.

On a Motion by Mr. McNeil, seconded by Mr. Cribbs, with all in favor, the Board of Supervisors approved the proposal from Handyman Company in the amount of \$16,318 as discussed for Harbor Bay Community Development District.

THIRTEENTH ORDER OF BUSINESS

Discussion Regarding Envera Contract

Discussion was held regarding the terms of the existing Envera contract relative to its termination provisions and the upcoming deadline (March 3, 2017) to notify the vendor if the Board decides not to renew the contract. Mr. Eckert noted that this might be a good time to negotiate revisions to the termination clause. A request was made to provide a comparison of expenses over the past three years, as well as revisit the fees associated with damages from residents and whether those fees should be increased. It was decided to keep this topic on the Agenda over the next few months to ensure that deadlines are not missed.

FOURTEENTH ORDER OF BUSINESS

Discussion of Status of Bus Stop Locations

Mr. Eckert explained to the Board that the County School Board handles the location of bus stops and they have indicated that they would prefer to have only one stop in the community either in front of the Clubhouse or in front of the Tennis Courts on Mira Bay Boulevard (not in the parking lot). Safety concerns were expressed and possible solutions put forward. Mr. Eckert advised that in his opinion, the School Board should choose the bus stop and for the District not to make the decision as to what is safe and what is not. Mr. Carr was appointed as Board Liaison to work with Ms. Laura Hill, of the School Board, to further discuss the bus stop locations. Ms. Hill's contact information has been posted in the community updates on the District's website, so residents can express their concerns directly to her.

FIFTEENTH ORDER OF BUSINESS

Consideration of Work Authorization

Discussion was held regarding the supplemental work authorization for Scarola Associates to participate in the inspections of the upland repair inspections.

On a Motion by Mr. Carr, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved the Supplemental Work Authorization for Harbor Bay Community Development District.

SIXTEENTH ORDER OF BUSINESS

Update Regarding Tree Maintenance Program Transition Agreement

Mr. Cribbs provided a brief update regarding the Tree Maintenance Program Transition Agreement. He noted an occurrence of improper pruning being done. Mr. Huber confirmed that District Counsel was asked to send a cease and desist letter to the party involved.

SEVENTEENTH ORDER OF BUSINESS

Update Regarding Upland Repair Reports

Potential dates for a workshop were discussed for the purpose of addressing the Upland Repair requests prior to the bond issuance. It was noted that Mr. Bolves and Mr. Langan will also need to be present. The current Board and Mr. Scarola confirmed availability on November 30th, December 5th or 6th at 5:00 p.m. Staff will reach out to the team to finalize the workshop.

EIGHTEENTH ORDER OF BUSINESS

Consideration of "Boat Lift" Applications

Mr. Scarola spoke regarding the application submitted for a boat lift that he has reviewed given that the District is transitioning from the ECC to the EAC committee. He opined that Mr. Anderson's application is consistent with the master plan and all of the requirements have been met.

On a Motion by Mr. McNeil, seconded by Mr. Collins, with all in favor, the Board of Supervisors approved the "Boat Lift" application from Jeff Anderson for Harbor Bay Community Development District.

Mr. Scarola stated that in lieu of the seawall project the "jet ski lift" is a complicated issue and will require input from Langan Engineering before a decision can be made. Counsel will review the total number of watercraft allowed. Mr. Evarts spoke on his own behalf. The Board asked that he submit the proper application for his "Jet Ski Lift". A lengthy discussion ensued on the approval procedure. Mr. Eckert will look into the documents to address the concerns put forward.

NINTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Eckert stated that he will be working with Staff to determine the most cost-effective way to deal with gate strikes and develop a standard protocol.

Mr. Eckert stated that the validation hearing was converted to a case management conference as anticipated and the trial will most likely be the last week in January. Depositions must be completed by December 16th and mandatory mediation completed prior to the pretrial conference on January 5th. He noted that no resolution has been reached with Newland.

Mr. Huber stated that there is a bid-opening for the second interim repair work on the 28th at Rizzetta's Citrus Park office.

B. District Engineer

Not Present.

C. District Manager

Mr. Huber reminded the Board that the next meeting is scheduled for November 17, 2016 at 6:00 p.m.

Mr. Huber distributed copies of proposal for landscape oversight and asked that they be addressed at November meeting.

TWENTITH ORDER OF BUSINESS

Supervisors Requests

Mr. Collins stated that the allegations made against him to the Commission of Ethics were untrue and that he will be exonerated.

TWENTY FIRST ORDER OF BUSINESS

Audience Comments

The Board and Staff responded to audience questions pertaining to the Envera contract and the need to review onsite guard costs and on-site camera monitoring, public discourse on the selection of a Supervisor, tree trimming, and the basketball courts.

TWENTY SECOND ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Cribbs, seconded by Mr. Carr, with all in favor, the Board adjourned the meeting at 8:40 p.m. for Harbor Bay Community Development District.



Secretary/Assistant Secretary



Chairman/ Vice Chairman