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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 15, 2016 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   | <b>Board Supervisor, Chairman *</b>          |
| Joe McNeil    | <b>Board Supervisor, Vice Chairman *</b>     |
| Ned Carr      | <b>Board Supervisor, Assistant Secretary</b> |
| Timothy Nargi | <b>Board Supervisor, Assistant Secretary</b> |
| Steve Lockom  | <b>Board Supervisor, Assistant Secretary</b> |

\* *(Office designations based on resolution passed during meeting.)*

Also present were:

|                  |  |
|------------------|--|
| Matthew Huber    | <b>District Manager, Rizzetta &amp; Co.</b>            |
| Jere Earlywine   | <b>District Counsel, Hopping Green &amp; Sams P.A.</b> |
| Michael Eckert   | <b>District Counsel, Hopping Green &amp; Sams P.A.</b> |
| Doug Smith       | <b>District Counsel, Hopping Green &amp; Sams P.A.</b> |
| Jamie Scarola    | <b>Representative, Scarola Associates</b>              |
| Raul Anaya       | <b>Club Director</b>                                   |
| Mindy Anderson   | <b>Club Manager</b>                                    |
| Ashley Adkins    | <b>WTS Manager</b>                                     |
| Nika Priestley   | <b>Court Reporter</b>                                  |
| 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 comments were entertained comments regarding seawall concerns and the timeline for repairs, the desire to have the tree project moved up on the priority list and possibility hold a workshop, and regarding the conveyance items on the agenda.

**THIRD ORDER OF BUSINESS**

**Election and Organizational Matters**

Mr. Huber stated that he administered the oath of office to the Mr. Curley and Mr. Lockom prior to the meeting.

Mr. Eckert provided a brief overview of the Florida Sunshine Law, code of ethics, record retention procedures, and Form 1 requirements. A brief discussion ensued with Mr. Eckert emphasizing that controversy is expensive and inefficient.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-03,  
Designating Officers**

Mr. Curley presented his power point presentation relative to his thoughts on office/board liaison responsibilities, qualifications, and election process, which ongoing projects would benefit for a liaison, questions regarding Seawall matters, District Security, measuring Supervisor outcome, and the defining a Mirabay Vision Statement. A brief discussion ensued with the following Board actions being taken:

On a Motion by Mr. Curley, seconded by Mr. McNeil, with all in favor, the Board of Supervisors adopted a policy prohibiting the Chairman from removing any item on the agenda for Harbor Bay Community Development District.

On a Motion by Mr. Curley, seconded by Mr. Lockom, with four in favor and one against (Ned Carr), that Board appoint Joe McNeil as Vice Chairman for Harbor Bay Community Development District.

On a Motion by Mr. Curley, seconded by Mr. McNeil, with four in favor and one against (Ned Carr), the Board of Supervisors approved Resolution 2017-03, appointing Paul Curley as Chairman, Joe McNeil as Vice Chairman, and Tim Nargi, Steve Lockom, Ned Carr, and Matt Huber as Assistant Secretaries for Harbor Bay Community Development District.

On a Motion by Mr. McNeil, seconded by Mr. Nargi, with all in favor, the Board of Supervisors adopted a policy of revisiting rotating the Chairman and Vice Chairman every year for Harbor Bay Community Development District.

Discussion was held regarding the District's Rules of Procedure and spending limits and a request made for copies of associated resolutions and Rules of Procedure for Board review and discussion at the next meeting. District Counsel will prepare summary of Board comments and/or prepare revised resolutions.

**FIFTH ORDER OF BUSINESS**

**Review of Liaison Roles**

Discussion was held regarding the role and limitations of a Board liaison. It was stated that a liaison does not have the authorization to make decisions on behalf of the Board.

A request was made for District Counsel to draft a one page document outlining what a liaison can do when meeting with vendors.

A question was raised regarding the need to have the Florida Highway Patrol (FHP) in attendance during Board meetings.

On a Motion by Mr. McNeil, seconded by Mr. Curley, with all in favor, the Board of Supervisors eliminated the hiring of FHP for future meetings for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Matters Relative to Master Project**

Langan Engineering presented a report providing a brief synopsis of the history of the project to date, interim repair options used, timing, and recommendation for potential next steps given available funding. A lengthy discussion was held on the topic with numerous questions being raised by the Board. It was decided to have the individual Board Supervisors send their questions to Staff for disbursement to Langan, who will prepare a written response for discussion at the next meeting. Mr. Earlywine stated that there may need to be an RFP process for selection of the firm to complete the emergency repairs, which could take up to 90 days. He recommended that the process be started next month to obtain linear foot pricing to ensure compliance with State law. The Board indicated that it would prefer to wait on the RFP.

On a Motion by Mr. Nargi, seconded by Mr. Curley, with all in favor, the Board of Supervisors authorized Staff to order the sheets for the final repairs on the eleven lots in question for Harbor Bay Community Development District.

*(A brief recess was taken until 8:43 p.m. The meeting reconvened at 8:53 p.m. with all Supervisors in attendance and the onset of the meeting still in attendance.)*

**SEVENTH ORDER OF BUSINESS**

**Attorney Client Session**

Mr. Curley identified the individuals attending the attorney client session, and the estimated time of the session. Mr. Huber verified that only those individuals participating in the session were present and directed the court recorder to begin.

*(The regular meeting reconvened at 10:12 p.m with a quorum of Supervisors still in attendance.)*

**EIGHTH ORDER OF BUSINESS**

**Consideration of Proposal for Expert Engineering Services**

Mr. Earlywine discussed the proposal for expert engineering services from Peer Professional Engineering Resources, Inc. to assist with the validation hearings.

On a Motion by Mr. McNeil, seconded by Mr. Carr, with all in favor, the Board of Supervisors approved the proposal for expert engineering services from Peer Professional Engineering Resources, Inc. with a not-to-exceed amount of \$35,000 for Harbor Bay Community Development District.

Mr. Earlywine recommended that the Board also consider entering into an agreement for an assessment consultant. A brief discussion was held regarding Rizzetta's fee schedule for this type of service. The Board asked for public comments from the audience. There were none.

On a Motion by Mr. McNeil, seconded by Mr. Curley, with all in favor, the Board of Supervisors authorized the Chairman to execute an agreement with Rizzetta and Company, Inc. for assessment consultant services with a not-to-exceed amount of \$5,000 for Harbor Bay Community Development District.

On a Motion by Mr. Carr, seconded by Mr. Nargi, with all in favor, the Board of Supervisors appointed Joe McNeil as Board Liaison for mediation proceedings for Harbor Bay Community Development District.

**TENTH ORDER OF BUSINESS**

**Consideration of Request for Qualifications for District Engineering**

Discussion was held regarding the RFQ for engineering services. A motion was made and seconded to authorize Staff to submit the RFQ. It was followed by a motion and seconded to include specific questions in the RFQ, but it was later withdrawn. Mr. McNeil and Mr. Nargi agreed to amend the original motion to include the requirement of a public presentation with the lead engineer in attendance.

On a Motion by Mr. McNeil, seconded by Mr. Nargi, with all in favor, the Board of Supervisors authorized submittal of the amended RFQ for engineering services as discussed for Harbor Bay Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Financial Update/ General Discussion Regarding Pending Projects & Priorities**

This item was tabled due to time constraints.

**TWELFTH ORDER OF BUSINESS**

**Discussion Regarding Upcoming Meeting Schedule**

Discussion was held regarding conflicts with the current meeting schedule with possible alternative dates put forward. It was decided to hold a special meeting at 6:00 p.m. on the 12<sup>th</sup> with the upland discussions beginning at 7:00 p.m. and hold the regular and a shade meeting on the 26<sup>th</sup>. Mr. Earlywine announced the parties who would be attending the shade meeting.

The Board will address the meeting schedule for the remainder of the fiscal year at its next meeting, with an eye towards meeting on the third Thursday of each month.

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Matters Regarding  
Developer Conveyances**

This matter was tabled.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Matters Regarding  
Mirabay Car Show**

Mr. Earlywine discussed an outreach event that Mr. Nargi is interested in holding for the community. Mr. Nargi noted that WTS requested the event. It was noted that it would be held under the WTS contract and Mr. Nargi would like to serve as the liaison for the event.

On a Motion by Mr. McNeil, seconded by Mr. Curley, with all in favor, the Board of Supervisors appointed Tim Nargi as the liaison for the Mirabay Car Show for Harbor Bay Community Development District.

**FIFTEENTH ORDER OF BUSINESS**

**Discussion of EAC Related Items**

The Board asked that an e-blast be sent out to residents requesting resumes from those interested in serving on the EAC Committee. It was noted that there were no applications to review at this time.

**SIXTEENTH ORDER OF BUSINESS**

**Consent Agenda Items**

- A. Consideration of the Minutes of the Board of Supervisors' Special Meeting Held on October 17, 2016
- B. Consideration of the Minutes of the Board of Supervisors' Regular Meeting Held on October 27, 2016
- C. Consideration of Master Project Requisitions #8-#12
- D. Consideration of Supplemental Project Requisitions #96-#98
- E. Staff Report: Mira bay Club Manager
  1. Presentation of Monthly Report
- F. Staff Report: Club Director
  1. Presentation of Monthly Report

Mr. Huber reviewed changes to the minutes that were requested prior to the meeting, noting that they have all been made. Concern was expressed regarding payment of a particular invoice. Mr. Huber explained that if it is found to have been paid in error a refund would be requested.

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

Mr. McNeil asked for a copy of the testing report landscaping.

**SEVENTEENTH ORDER OF BUSINESS**

**Discussion Regarding Envera Contract**

Discussion was held regarding Mr. Curley's comments relative to the Envera Contract and a possible RFP. The Board discussed the performance of Envera, merits of onsite guards, onsite monitoring of cameras, and building a single guardhouse closer to Route 41. It was stated that some information such as camera locations, are considered confidential and as such should not be stated in the RFP. Mr. Earlywine sought direction from the Board as to what items it would like to see included in an RFP if deemed necessary. Various options were put forward and while no formal direction was given by the Board, the majority indicated that it was in favor of having live guards.. Additional discussion will be held during the January meeting.

On a Motion by Mr. Curley, seconded by Mr. McNeil, with all in favor, the Board of Supervisors appointed Mr. Nargi as liaison for security services for Harbor Bay Community Development District.

**EIGHTEENTH ORDER OF BUSINESS**

**Consideration of Revising Amenity Hours**

A request was made to extend the hours of operation for the Galley in the Amenity Center by one hour on Friday evening. Ms. Anderson noted that it would not be an issue to keep the Galley open until 10:00 p.m. and estimated that alcohol sales would most likely cover the additional expenses. She recommended that a three month trial basis be implemented. Discussion was held regarding ensuring that the alcohol license and insurance coverage would allow it.

Discussion was held regarding the clubhouse remodel relative to costs, the timing for certain aspects of the overall project, and the need to close some of the amenities during repairs.

On a Motion by Mr. McNeil, seconded by Mr. Nargi, with all in favor, the Board of Supervisors appointed Mr. Carr as liaison for the clubhouse remodel for Harbor Bay Community Development District.

**NINTEENTH ORDER OF BUSINESS**

**Supervisor Requests**

Staff responded to questions regarding concerns with the timeliness of items being uploaded to the website. The Board asked that Rizzetta enforce the terms of the contract.

On a Motion by Mr. McNeil, seconded by Mr. Carr, with all in favor, the Board of Supervisors appointed Mr. Lockom as liaison for communication management for Harbor Bay Community Development District.

Discussion regarding who is responsible for ensuring that items included on the reserve study are completed when scheduled. It was stated that the street tree issue needs to be discussed next month. Mr. Earlywine reminded the Board that there funding for the transition agreement to trim the trees throughout the community were not budgeted this year. A request was made for copies of the letter to the County and vendor relative to street tree trimming.

Mr. McNeil stated that he requested that the IFAS free landscape inspection be included and he will be forwarding the report to Staff for disbursement.

**TWENTYITH ORDER OF BUSINESS**

**Audience Comments**

Audience comments were entertained regarding the need to make the pool repairs a priority, ensuring that the clubhouse remodel is consistent with a resort style ambiance, recommendations for security, concerns with the open gate at Admiral's Pointe. It was stated that the Board can review the hours to ensure they are adjusted as per the agreement if they vary from the actual hours. It can also be reviewed at a future meeting.

A representative from Newland Homes stated that they are looking forward to working with the new Board. She stated that Alex McCloud will be the point of contact going forward. She also encouraged the Board to move forward on the property conveyances that were tabled tonight and the tree trimming agreement.

**TWENTY FIRST ORDER OF BUSINESS**


**Staff Reports**

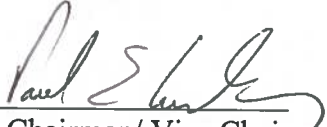
Mr. Huber circulated a Certificate of Incumbency for Board signatures, explaining that US Bank is looking to update its records following the election.

**TWENTY SECOND ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board adjourned the meeting at 11:42 p.m. for Harbor Bay Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/ Vice Chairman