

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 17, 2015 at 6:02 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
Kathy Dukes	Board Supervisor, Assistant Secretary

Also present were:

Matthew Huber	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Jamie Scarola	District Engineer, Scarola Associates Eng.
Raul Anaya	Club Director, Rizzetta Amenities

Audience members

FIRST ORDER OF BUSINESS

Call to Order and Pledge of Allegiance

Mr. Huber called the meeting to order and performed roll call confirming that a quorum was present.

All those present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Curley commented on the Seawall fees. *(A handout under separate cover was given to the Board.)*

Mr. Spasiano inquired about the EAC, how it was formed and what it has accomplished.

Mr. Maurer commented on establishing equilibrium. *(A handout under separate cover was given to the Board.)*

Mr. Jones inquired about the Navigation Study.

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THIRD ORDER OF BUSINESS **Presentation of New CDD Website**

Ms. Dukes presented the new website and reviewed all of its options. The site will go live in January 2016.

FOURTH ORDER OF BUSINESS **Consideration of Pedestrian Crossing and Signage Assistance and Transportation Assistance Proposals**

Mr. Huber presented the proposals for Pedestrian Crossing and Signage Assistance and Transportation Assistance that were discussed at the November meeting.

On a Motion by Mr. McNeil, seconded by Mr. Carr, with all in favor, the Board of Supervisors approved the proposals for Pedestrian Crossing and Signage and Transportation Assistance for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS **Consideration of Gate and Column Proposals**

Mr. Huber presented the proposals to the board. A discussion ensued regarding the maintenance staff.

On a Motion by Mr. Collins, seconded by Mr. McNeil, with all in favor, the Board of Supervisors approved both the gate and column proposals for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS **Consideration of Mira Bay Engineering Report for Pool**

Mr. Huber presented the pool report. The Board authorized \$5,500.00 for the engineering. Mr. Anaya will verify the plans.

On a Motion by Mr. McNeil, seconded by Mr. Cribbs, with all in favor, the Board of Supervisors approved \$5,500.00 for the pool engineering for Harbor Bay Community Development District.

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

December 17, 2015 - Minutes of Meeting

Page 3

84 **SEVENTH ORDER OF BUSINESS** **Consent** **Agenda** **Items/Business**
85 **Administration**

- 86
87 A. Consideration of the Minutes of the Board of Supervisors'
88 Regular Meeting held on November 19, 2015
89 B. Consideration of Operation and Maintenance
90 Expenditures for November 2015 (\$127,292.31)
91 C. Consideration of Operation and Maintenance
92 Expenditures for November 2015- Mira Bay Amenity Center
93 (\$63,689.23)
94 D. Presentation of Seawall Repair Requisitions #11-14, #15-18
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On a Motion by Mr. McNeil, seconded by Mr. Carr, with all in favor, the Board approved items A-D as presented for Harbor Bay Community Development District.

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97 **EIGHTH ORDER OF BUSINESS** **Staff Reports**

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99 **Club Manager**
100 Report provided during the Consent Agenda.

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102 **Club Director**
103 Report provided during the Consent Agenda.

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105 **District Counsel**
106 No report.

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108 **District Engineer**
109 No report.

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111 **NINTH ORDER OF BUSINESS** **Staff Reports**

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113 **District Manager**
114 Mr. Huber noted that the next regular meeting would be held on Thursday, January 28,
115 2016. It was discussed that additional hours are needed for the maintenance person over the
116 holidays.

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118 **TENTH ORDER OF BUSINESS** **Supervisors Requests**

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120 Mr. Carr made comments regarding the HVAC system as well as proposals from
121 residents regarding Seawall repairs.

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123 Mr. McNeil noted that dock extensions are meant to be a solution to navigation concerns,
124 and that the Seawall should be a standing agenda topic on future agendas so residents may
125 discuss it in the beginning of meetings rather than sitting for hours to make a three minute
126 comment at the end of a meeting.

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128 **ELEVENTH ORDER OF BUSINESS**

Audience Comments

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130 Mr. Jones made some comments regarding Mr. Anaya's performance, the website, the
131 procurement of bids (i.e. Langan Engineering Contract) and RFQ steps.

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133 Mr. Curley inquired about when the Board will decide or voice what's important to each
134 Supervisor regarding the Seawall repair options.

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136 Mr. Peterson provided dredging facts, website tips and commented on multiple
137 contractors. He discussed new residents and their knowledge of the Seawall.

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139 Mr. Maurer requested that the Sewall be put on the agenda for the January meeting He
140 also inquired about the workshop.

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142 Mr. Lockom inquired about the website, and communication.

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144 Mr. Daugherty requested that the Board expedite the Seawall repairs as well as the
145 aesthetics of the Seawall.

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147 Mr. Tussio inquired about the Seawall bids and how long the job will take.

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149 Mr. Hatcher acknowledged that being a Board Supervisor is a tough job.

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151 Mr. Spasiano mentioned that the Navigation Study cost \$6,900.00.

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153 **TWELFTH ORDER OF BUSINESS**

Adjournment

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On a Motion by Mr. Cribbs, seconded by Mr. Collins, with all in favor, the Board adjourned the meeting at 8:08 p.m. for Harbor Bay Community Development District.

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Secretary/Assistant Secretary



Chairman/ Vice Chairman

Exhibit A

Mr. Curley presented at
the 12-17-15 meeting
Exhibit A

December 17, 2015

I would like to comment on three areas tonight. They are accountability, communication and process. My comments will likely go past 3 minutes. At the end of 3 minutes I will stop and wait for you to tell me to sit down or continue.

At the board meeting on October 22nd I requested that my comments be entered into the record verbatim. On October 23rd I sent an electronic copy of my statement to Mr. Huber. He responded that, "The Board did not make a motion to accept and file this information into the minutes as you requested. Therefore the minutes will state as they usually do in regards to resident comments." Seeing that Mr. Huber was technically correct that the board did not make a motion, I decided to take that excuse away. Per the November 19th minutes, "On a motion made by Mr. McNeil and seconded by Mr. Collins, with all in favor, the Board approved items A as amended for the Harbor Bay Community Development District."

The amended item A was in part to correct the minutes from." Mr. Lockom had a concern about communication." to, "Mr. Lockom had a concern about communication. Specifically he wanted to know why it took District Manager Matt Huber 17 days and 3 requests to respond to how much money was approved for the seawall repairs at the emergency meeting." The posted minutes still do not reflect this change. Mr. Huber needs to be held accountable. We pay him to do a job and he is not serving the residents appropriately. When should I expect this to be corrected?

As for communication, we had a workshop on December 14th. 5 items were posted on the CDD webpage on December 11th. They included maps, the RFQ, and some cost information. Was a e-blast sent out to notify the residents that something had been posted? No, there was not any notification.

On the day of the meeting at 4:34pm the draft copy of the dredging study was posted. Any notification? No! Was a draft copy of the Langan presentation posted as requested? No!

You might think that there was a problem with the e-blast system, yet after the workshop items were posted, an e-blast was sent out for tonight's meeting with all the documentation required. I simply cannot understand why this board refuses to be proactive with information.

The FAQ's posted on October 8th talked about the dredging and navigation study being completed in 2 to 4 weeks. Magically, the draft is posted at 4:34pm and yet Langan has the time to incorporate the data into the presentation given at 6pm. Trying to manage the conversation about the seawall by controlling information borders on being unethical. This Board should be ashamed.

My call for better communication totally revolves around this. Inundate us with information. That allows you to tell the people who are just blabbering to go look at the documentation. If they don't want to take the time to look at it that becomes their fault and you can point that out. If they have questions about the detail of something that has been posted, fine. Answer their question and either they will learn something or you will learn something. If they have questions because they didn't look at the posted information then direct them to where it is posted on the website. I would only help those that are willing to help themselves.

As for process, the process is the solution and if you want to gain the community's respect you will define the process.

I would post a Gantt chart that shows the steps that need to happen and the expected dates. This will allow you to manage expectations since no expectations have been set and therefore the community is all over the place. If you want to get some harmony in the community, this is just as important as the decisions that will be made.

My personal opinion is that there is nothing defined and documented about the process and that makes what is happening haphazard at best. This is one of the reasons that you are being attacked. No one has confidence that you can complete the process successfully.

Think about what needs to happen between now and the time that the RFQ responses are received. Do we have a process? Are there things that can be done and discussed prior to the RFQ being received. Has a process been created to discern between option 1A and option 3? If option 1A cost \$6M and option 3 was \$60M the decision would be easy. Where is the breakeven point? \$10.8M? \$9M? \$8M? This SHOULD be discussed prior to receiving cost estimates because it will force you to come up with a process without knowing the bid responses.

We should be discussing the assessment process. If part of the reason that option 3 is chosen is because of navigability issues, is it fair that the community as a whole pays equally for it? How do you define what the community as a whole receives as a benefit vs. the specially accrued benefit that homeowners on the canal receive? It makes sense to do that now before the costs come in.

Going through the issues now and putting that out to the community that shows all the complexities and nuances of the decision making process allows the homeowners to gain some confidence that the process will be fair and objective. Because of the lack of information everyone has concluded that they are going to get screwed. You are wasting valuable time by not identifying issues that can be addressed now. At UPS we called this an unavoidable delay. There are many things that can be done between now and the time the RFQ responses are received. What is the rest of the Board excluding Mr. Collins working on now?

I understand that the Florida Sunshine Laws makes the process difficult. Mr. McNeil tried to get a discussion going at the workshop. Some Board members had technical questions, but a discussion never ensued. The discussion could include questions and answers but it must first be a discussion. What does everybody think? What should your decision be based upon? Having to go through this process in public meetings will expose everyone. That is a difficult situation. I understand that. But to not start discussing it now is a dereliction of your responsibilities.

We have all sorts of corporate expertise of residents that are willing to help. Have you as a board discussed how to access this intellectual property? Why not? What are you waiting for?

This seawall issue will not fix itself. It is not the sole responsibility of Mr. Collins. It is the responsibility of the entire Board. Set up a process with roles and responsibilities, publish it and then work to get it done! The community is here to lend support to the process. You must have a process first before you can implement it.

Exhibit B

12/17/2015

Establishing equilibrium

Mr. Maurer
presented at the
12-17-15 meeting.
Exhibit B

Now that the root causes of the bulkhead failures are determined, it warrants further consideration of the options to resolve the systemic problem.

Paraphrasing the Lagdon engineers, the systemic problem is the loss of equal pressure on both sides of the bulkhead. Equilibrium was lost when water collected behind the upland side of the wall due to no maintenance on the drainage (seep) holes in the walls. It was further exasperated by the loss of berm on the waterside of the bulkhead, reducing counter pressure against the upland pressure. Without berm support, the sheet piles yielded to the upland pressure, moving seaward. One or more piles ruptured as a result. This seaward movement also forced the rotation of the cap, which was held in place by the anchors when its supporting structure moved seaward.

Given these findings, the first and most prudent action must be to establish and operate a maintenance and monitoring plan for zone 1 east of the canal area. Reestablishing the drainage holes would immediately reduce the upland load against the bulkheads. Replacing the berm will counterbalance the upland pressure, re-establishing equilibrium at the bulkhead. Planting mangroves would stabilize and protect the berm. Leveling the cap could be accomplished by extending the length of the tie rod from the anchor and filling with the appropriate sand any gaps generated in the process.

Reestablishing equilibrium quickly must be our first priority! Verifying lack of drainage as the root cause is critical to any other step forward. Establishing and operating a maintenance and monitoring plan is essential to the long term viability of the Mirabay bulkhead.

A 30 day period to study and develop a proposal for a contract to create the Mirabay bulkhead maintenance and monitoring plan is required before any action related to restoring the bulkhead. The plan must include repairing the drainage holds in the existing walls and installing monitoring devices which measure flow rate through the hold. Loss of flow through the wall is the key indicator. Waiting to measure wall movement is months too late to correct the loss of equilibrium!

Of course the west side, zone 2, needs to be maintained and monitored as well. However, given the data that equilibrium is holding, it can take second priority.

The settlement monies should first be devoted to this effort.

This is a major change in direction, but most likely, less costly and more quickly implemented, to achieve a better result. Will the Board take action tonight, passing a motion to resolve the root cause of the bulkhead failures by developing a maintenance and timely, effective monitoring plan?