

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 emergency meeting of the Board of Supervisors of Harbor Bay Community Development District was held on **Thursday, September 3, 2015 at 11:03 a.m.** at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

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| 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:

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| Jere Earlywine | District Counsel, Hopping, Green & Sams, P.A. <i>(Via phone)</i> |
| Jamie Scarola | District Engineer, Scarola Associates Eng. <i>(Via phone)</i> |
| Roger Archabal | Langan Engineering |
| John Magnavita | Langan Engineering |
| Audience present | |

FIRST ORDER OF BUSINESS

Call to order

Mr. Earlywine called the meeting to order

SECOND ORDER OF BUSINESS

Consideration of Emergency Repair of the Retaining Wall

Mr. Archabal gave a short presentation regarding the emergency retaining wall (a/k/a seawall) project. He stated that, per the August 13th meeting, his office had conducted a further review of the community's retaining wall and had determined that there is at least an additional approximately 1,850 linear feet of retaining wall in need of immediate repair. For that repair, he recommended that the Board authorize the installation of a new retaining wall and concrete cap (i.e., Option 3, with some modifications), as that was the only option under consideration that would provide long-term stability at the locations identified. He further reported that there are approximately 2,060 linear feet of retaining wall that Langan will continue to monitor to determine whether additional emergency repairs are warranted.

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48 A discussion ensued.

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50 **THIRD ORDER OF BUSINESS**

Audience Comments

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52 Residents were offered an opportunity to ask questions, and responses were provided, on a
53 variety of topics, including alternative pricing proposals, timing of the repairs, timing of the master
54 project, utilities connection fees, communication with homeowners, and other items.

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56 The following motion was made – a motion to authorize emergency repairs as described for
57 approximately 2,475 linear feet of retaining wall at the locations identified (including the 383 linear
58 feet previously authorized in August of 2015, plus 200 linear feet for nearby lots also in need of
59 repair), and at a not-to-exceed amount of \$2,230,000.00 (including construction work and materials
60 in an amount not-to-exceed \$1,975,000, design and construction administration services from
61 Langan not-to-exceed \$250,000, and permitting services from Cardno-Entrix not-to-exceed \$5,000).

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63 On a Motion by Ms. Dukes, seconded by Mr. McNeil, with all in favor, the Board of Supervisors
authorized emergency repairs as described in the motion above for Harbor Bay Community
Development District.

64 On a Motion by Mr. McNeil, seconded by Mr. Cribbs, with all in favor, the Board of Supervisors
authorized expenditures not-to-exceed \$175,000.00 to be earmarked for emergency installation of
rip-rap on approximately 2,060 linear feet of additional retaining wall, to be implemented upon a
determination that such measures are necessary on an emergency basis, for Harbor Bay
Community Development District.

65 On a Motion by Ms. Dukes, seconded by Mr. Carr, with all in favor, the Board of Supervisors
66 adopted Resolution 2015-12, Declaring a Valid Public Emergency, for Harbor Bay Community
67 Development District.

68 **FOURTH ORDER OF BUSINESS**

Adjournment

69 On a Motion by Mr. Cribbs, seconded by Mr. Carr, with all in favor, the Board adjourned the
70 meeting at 1:30 p.m. for Harbor Bay Community Development District.

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Secretary/Assistant Secretary


Chairman/ Vice Chairman