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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 special meeting of the Board of Supervisors of Harbor Bay Community Development District was held on **Thursday, January 12, 2017 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>

Also present were:

Matthew Huber	<b>District Manager, Rizzetta &amp; Co.</b>
Michael Eckert	<b>District Counsel, Hopping Green &amp; Sams P.A.</b>
Greg Pierson	<b>District Counsel, Hopping Green &amp; Sams P.A.</b>
Raul Anaya	<b>Club Director</b>
Mindy Anderson	<b>Club Manager</b>
John Magnavita	<b>Langan Engineering</b>
Roger Archabal	<b>Langan Engineering (by phone at 6:16 p.m.)</b>
Hanna Khouri	<b>Langan Engineering (by phone at 6:16 p.m.)</b>
Audience	

**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**

Mr. Curley reminded all those in attendance of District procedures in terms of audience comments, reminding everyone that this section is for comments on agenda items and unrelated items can be brought up at the end of the meeting. He explained that the Board probably will not respond to comments at this time and comments are limited to three minutes.

47 Audience comments were entertained regarding what the annual seawall maintenance costs  
48 will be and a boat lift application being considered this evening.

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50 **THIRD ORDER OF BUSINESS**

**Consideration of Historical Consulting  
Services Agreement**

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53 Mr. Curley sought and received authorization from the Board to add Consideration of the  
54 Historical Consulting Services Agreement to the agenda. A brief discussion ensued regarding the  
55 agreement with Scarola Associates and the services it would authorize. Mr. Eckert reminded the  
56 Board of the need to accept audience comments on the topic since it was not on the agenda. There  
57 were none put forward.

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On a Motion by Mr. Curley, seconded by Mr. Carr, with all in favor, the Board of Supervisors approved the Historical Consulting Services Agreement with Scarola Associates subject to Counsel's review of the indemnity clause to ensure a \$10,000,000 limit on indemnity and any other changes for Harbor Bay Community Development District.
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60 **FOURTH ORDER OF BUSINESS**

**Discussion Regarding 12-Month Seawall  
Stabilization Plan**

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63 Mr. Curley introduced the topic and recommended that the Board start with the 23 lots  
64 identified as priority by Langan Engineering and a lengthy discussion ensued. Mr. Lockom  
65 commented on his personal calculations of the District's cash balances and potential funding  
66 sources for this project and other necessary capital projects. He presented his overall  
67 recommendations. Mr. McNeil presented a sample survey that he recommended be distributed to  
68 those residents directly impacted by the seawall; to include whether residents would be willing to  
69 fund an upgrade to the recommended fix. Mr. Nargi provided a brief synopsis of the steps taken by  
70 the previous Board in concluding that section 1 would be appropriately remedied with Option 3 as  
71 proposed by Langan Engineering, authorizing funding for the emergency and then interim repairs  
72 out of settlement funds, and authorized the implementation of the next interim phase of work as the  
73 contractor (Hecker) had completed the prior interim phase. However the new Board of Supervisors  
74 did not execute the agreement to proceed at its first meeting in December. Representatives from  
75 Langan Engineering interjected at key points to emphasize/explain its findings and  
76 recommendations for stabilizing 89 lots based on recent inspections and the number could increase  
77 over time.

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79 The following Board actions were taken:

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On a Motion by Mr. Nargi, seconded by Mr. Carr, with two in favor and three against (Paul Curley, Joe McNeil, and Steve Lockom), the Board of Supervisors failed to authorize the execution of the Hecker contract the Board previously approved for Harbor Bay Community Development District.
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On a Motion by Mr. Lockom seconded by Mr. McNeil, with three in favor and two against (Ned Carr, Tim Nargi), the Board of Supervisors approved moving forward with the most cost effective method of repairs that Langan Engineering will certify as a permanent solution on a lot by lot basis attempting to allow any residents wishes to upgrade their repairs may do so at their own expense (if applicable) for Harbor Bay Community Development District.

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**FIFTH ORDER OF BUSINESS**

**Discussion Regarding Settlement Offers  
for Upland Repair Claims.**

Discussion was held regarding claims that have been submitted for upland repairs as a result of the seawall issues. It was stated the three claims being presented this evening followed the procedures outlined in requesting reimbursement for repairs. A question was raised as to whether the District can seek reimbursement from the resident's insurance.

On a Motion by Mr. McNeil, seconded by Mr. Lockom, with four in favor and one against (Paul Curley), the Board of Supervisors approved payment of claims for Kelly, Carter, & Nordstrom (low bid) pending verification by Manson Bolves that the District can pursue resident's insurance and exonerates the District from any future claims for Harbor Bay Community Development District.

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*(A brief recess was taken at 7:34 p.m. the meeting reconvened at 7:40 p.m with all Supervisors and Staff in attendance at the onset of the meeting still in attendance.)*

**SIXTH ORDER OF BUSINESS**

**Consideration of Dock Lift Submissions**

Discussion was held regarding the dock lift applications submitted by Mr. Drum, Mr. Sanders, and Mr. Hefflin. It was stated that all three applications are consistent with Hecker's past submissions on the lagoon.

On a Motion by Mr. Nargi, seconded by Mr. McNeil, with all in favor, the Board of Supervisors approved the dock lift applications submitted by Mr. Drum, Mr. Sanders, and Mr. Hefflin for Harbor Bay Community Development District.

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Discussion was held regarding the Marchiniak request to amend the current "restricted" dock designation to a "special" one with a 28 foot boat length and 5 foot dock extension. Concern was expressed with potential legal implications and/or precedents that might be created by approving the request. Mr. Marchiniak spoke on his behalf, reviewing the documentation submitted with his application. It was ultimately decided to table a decision until the January 26<sup>th</sup> meeting to allow for more research on the matter.

**SEVENTH ORDER OF BUSINESS**

**Further Discussion Regarding Seawall  
Stabilization**

Mr. Magnavita responded to a question regarding any advantages and cost savings in going with a plus 4 rip rap rather than a plus 3, noting the cost increase and that Langan is willing to certify the stabilization at a plus 3 for several of the lots.

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Mr. Curley recommended that the Board move forward with making the repairs on the 22 lots at high risk for becoming emergent over the next 18 months. Mr. Lockom recommended doing all 89 of the lots, as based on his calculations there is funding to do them all, as opposed to only doing those that can be repaired within the funding currently earmarked for the project. It was stated that the resident survey needs to be completed before finalizing costs.

On a Motion by Mr. Curley, seconded by Mr. Carr, with three in favor and two against (Tim Nargi and Steve Lockom), the Board of Supervisors approved the interim repairs on the 22 lots identified by Langan Engineering as high risk for becoming emergent over the next 12 to 18 months with rip rap and a plus 3 elevation for Harbor Bay Community Development District.

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Mr. Eckert stated that he would have to review the contract so he can determine whether these repairs can fall within the scope of the current contract or will need to go out to bid. He stated that the District may also have the ability to declare an emergency and move forward sooner. A brief discussion ensued.

*(A brief recess was taken at 8:29 p.m. the meeting reconvened at 8:35 p.m. with all Supervisors and Staff in attendance at the onset of the meeting still in attendance.)*

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Discussion was held regarding the survey prepared by Mr. McNeil to be sent to all canal residents that have not received a new seawall regarding any desire to upgrade the repairs at their own expense.

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**EIGHTH ORDER OF BUSINESS**

**Further Discussion Regarding Functional and Master Time Line for Seawall Project**

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Mr. Curley asked that Rizzetta follow-up with all of the functional groups to ensure that this information is available for the January 26<sup>th</sup> meeting.

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**NINTH ORDER OF BUSINESS**

**Master Time Line for Summarizing All Activities**

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Tabled until January 26, 2017/

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**TENTH ORDER OF BUISINESS**

**Discussion Regarding Approval of Updated Process and Intake Form**

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Mr. Curley reviewed the process for submitting Intake Forms approved by the prior Board. A request was made to have a word version of the forms sent to each of the Board members for comments. Staff will then compile a revised agenda and include it on the January 26<sup>th</sup> meeting as a consent item.

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**ELEVENTH ORDER OF BUSINESS**

**Discussion Regarding January 26, 2017  
Meeting Agenda**

Mr. Curley reviewed his draft agenda for the next meeting and emphasized the importance of getting the agendas out in a timely manner. Individual Board members put forward their suggested changes to the agenda. Mr. Nargi will provide a presentation on Envera, Mr. Carr will provided documentation on the interior clubhouse design. It was noted that discussion on the RFQ for District Engineer will be limited to review of submittals with interviews being scheduled for a future meeting. District Counsel stated that the Board can not ask the Engineering firms to leave the meeting during the interview process. He recommended that the Board refrain for asking questions of the firms outside of the meeting.

A brief discussion regarding the need for a Shade meeting during the January 26<sup>th</sup> meeting Mr. McNeil sought and received approval to provide a presentation and evaluation of Rizzetta Management. He would also like the Board to consider refinancing the bond in order to make the community private vs. a CDD. Mr. Lockom stated that he has a meeting with upper management at Rizzetta to discuss the scope of work, staffing levels, and improve service from Rizzetta.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Amending Meeting  
Schedule**

A recommendation was made to change the meeting dates from the fourth Thursday of each month to the first and Third Thursdays of February and March and then the third Thursday of each month the remainder of the fiscal year. A brief discussion ensued.

On a Motion by Mr. McNeil, seconded by Mr. Curley, with all in favor, the Board of Supervisors approved holding its meetings on the first and Third Thursdays of February and March at 6:00 p.m. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752 for Harbor Bay Community Development District.

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved holding its meetings on the third Thursday of each month starting in April and continuing through the remainder of the fiscal year at 6:00 p.m. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752 for Harbor Bay Community Development District.

**THIRTEENTH ORDER OF BUSINESS**

**Consent Agenda Items**

A. Consideration of Proposal for Fall Annuals.

On a Motion by Mr. McNeil, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved the proposal from LTM for installation of the fall annuals for Harbor Bay Community Development District.

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**FOURTEENTH ORDER OF BUSINESS**                      **Staff Reports**

- A. District Counsel**  
Mr. Eckert stated that the meeting with Newland was productive. Counsel will be reaching out to each Supervisor individually to review all of the details.
  
- B. District Manager**  
Mr. Huber reminded the Board that the next meeting will be held on January 26, 2017 at 6:00 p.m.

**FIFTEENTH ORDER OF BUSINESS**                      **Supervisor Requests**

Mr. Nargi spoke briefly on the status of the Envera contract and his planned presentation for the next meeting.

Mr. McNeil emphasized the need to expedite the pool repairs. Staff needs to prepare a time line for the bid process and asked that the information is available at the next meeting so the Board can make a decision. Discussion was held regarding the bid threshold for this type of project and the need to include construction oversight.

Mr. Nargi provided an update on the Basketball courts, stating that they should be cured by January 22, 2017. The goals can not be installed until after that date.

Mr. Curley made a motion to authorize Staff to send out the survey on seawall upgrades. Discussion ensued regarding specific language in the survey.

On a Motion by Mr. Curley, seconded by Mr. McNeil, with all in favor, the Board of Supervisors authorized Staff to send out the seawall survey as discussed. for Harbor Bay Community Development District.

**SIXTEENTH ORDER OF BUSINESS**                      **Audience Comments**

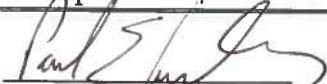
Audience comments were entertained regarding when the Board will be discussing the IFAS Landscape Report, the closing of the Newland Sales Center, placing a live webcam on the Newland Sales Center, the condition of the chairs in the downstairs clubhouse.

Mr. Nargi asked that the IFAS report be considered at one of the February meeting and a brief discussion ensued.

**SEVENTEENTH ORDER OF BUSINESS**                      **Adjournment**

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board adjourned the meeting at 9:42 p.m. for Harbor Bay Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman

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