

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, March 16, 2017 at 6:08 p.m. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Paul Curley	Board Supervisor, Chairman
Joe McNeil	Board Supervisor, Vice Chairman
Ned Carr	Board Supervisor, Assistant Secretary
Steve Lockom	Board Supervisor, Assistant Secretary
Tim Nargi	Board Supervisor, Assistant Secretary (via phone)

Also present were:

Joseph Roethke	District Manager, Rizzetta & Company, Inc.
Mike Eckert	District Counsel, Hopping Green & Sams, P.A.
Greg Pierson	District Counsel, Hopping Green & Sams, P.A.
Tom Burke	Interim District Engineer, Cardno
Raul Anaya	Club Director
Mindy Anderson	Club Manager
John Magnavita	Langan
Roger Archabal	Langan (via phone)
Brian Bolves	Seawall Repair Counsel, Manson-Bolves
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 and non-agenda items and unrelated items could be brought up at the end of the meeting. He explained that the Board probably would not respond to comments at this time and comments are limited to three minutes.

(Mr. Archabal arrived via phone while the meeting was in progress at 6:09 p.m.)

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A resident asked about basketball lights.

THIRD ORDER OF BUSINESS **Chairman’s Perspective on Agenda Items**

There is no discussion for this item.

FOURTH ORDER OF BUSINESS **Discussion of Seawall Project**

Mr. Curley discussed the Rip Rap Pilot Project options with the Board. Mr. Magnavita reviewed the details of the Rip Rap Pilot Project plans with the Board. Mr. Magnavita entertained various questions from the Board, including load weights in the testing areas.

Mr. Nargi asked questions about rip rap that is supposedly failing in other areas and Mr. Magnavita discussed these issues with the Board. The Board asked questions about protecting the integrity of the test area. Mr. Archabal added comments regarding the test area. The Board discussed seeking multiple bids for this project and directed staff to obtain bids from other vendors, utilizing an accelerated time schedule for responses and project initiation.

On a Motion by Mr. Curley, seconded by Mr. McNeil, with all in favor, the Board of Supervisors approved the removal of the Rip Rap Pilot Project from the Phase One Reconstruction RFP approved at the March 2, 2017 meeting and for the Rip Rap Pilot Project to be contracted separately for Harbor Bay Community Development District.

Mr. Curley presented seawall questions and answers provided by Langan. There was no further discussion on this item.

Mr. Nargi presented comments regarding issues with Langan’s Engineering Services related to the overall seawall project, including knee wall costs and dredging issues. A discussion ensued.

FIFTH ORDER OF BUSINESS **Upland Claims**

Mr. Curley presented issues resulting from previous upland repairs at addresses where claims have previously been approved by the Board. Mr. Magnavita recommended Langan inspect these sites going forward as the individual contractors are performing these upland repairs.

Mr. Curley discussed the protocol for future claims as it relates to inspections and consistency with the District’s expectations. Mr. Burke is in the process of vetting current vendors for these projects going forward.

The Board discussed other protocol requirements, including a completed intake form, 2 estimates, and permit drawings. Mr. Bolves suggested possibly paying a 50% deposit to the contractor before any upland repairs are completed when they are approved. Mr. Curley described the updated protocol process, and Mr. Bolves will update the protocol form for future repairs. Mr. Bolves discussed the potential for bulk repairs going forward.

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4/20/17

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92 Mr. Archabal recommended that upland repairs should not be completed until any seawall
93 bulkhead issues are stabilized. A discussion ensued regarding the District Engineer reviewing and
94 approving plans for upland repairs before they are completed. The Board determined that any
95 safety concerns as a result of upland issues will be reviewed on a case-by-case basis, but the Board's
96 direction is to agree with any engineering opinions provided to the Board.
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On a Motion by Mr. McNeil, seconded by Mr. Lockom, with all in favor, the Board of Supervisors approved issuing checks to previously approved claimants, pending the execution of the settlement and release agreement for Harbor Bay Community Development District.

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99 Mr. Bolves provided mediation suggestions to the Board on future claims, and the Board
100 discussed the inspection process for upland claims.
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102 The Board reviewed two current upland claims. Mr. Bolves reviewed the details of each of
103 these claims with the Board. Both claims are incomplete and require drawings to be provided. Mr.
104 Bolves recommended that once the drawings are obtained, the District Engineer should review the
105 drawings and, until such time, the District should wait on addressing the claims since the claims are
106 incomplete without the requisite materials. District Staff will follow up with claimants in order to
107 provide any missing information within the claims.
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109 *(Mr. Bolves, Mr. Nargi, Mr. Archabal and Mr. Magnavita left while the meeting was in progress at*
110 *8:33 pm)*

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112 *(A brief recess was taken at 8:33 p.m. and the meeting reconvened at 8:44 p.m. with all Supervisors*
113 *and Staff in attendance at the onset of the meeting still in attendance, except for Mr. Nargi.)*
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115 **SIXTH ORDER OF BUSINESS**

Boat Registrations and Dock and Lift Applications

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118 Mr. Roethke presented several boat lift and dock applications to the Board. Mr. Eckert
119 reviewed some issues with these applications with the Board, including dock restriction
120 modifications. Mr. Eckert and the Board discussed an opinion by the HOA attorney on the dock
121 application for 517 Mirabay Boulevard. The Board directed District Counsel to provide the HOA
122 attorney's opinion to the Board.
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124 The Board discussed procedures for handling boat registrations, dock and lift applications,
125 and other matters formerly under the ECC's purview going forward. District Staff will work on
126 training the District Engineer for reviewing and approving dock and lift applications. Accordingly,
127 the Board directed the District Manager to work with three former ECC members to train the
128 District Engineer on such matters. On-site amenity staff will be trained on vessel registrations.
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4/20/17

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The Board discussed the floating dock application for 507 Islebay Drive.

On a Motion by Mr. McNeil, seconded by Mr. Curley, with all in favor, the Board of Supervisors denied floating dock application for 507 Islebay Drive for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Major Project Update

- i. Pool
 - 1. Short-term slide stabilization
 - 2. Complete refurbishment
- ii. Clubhouse refurbishment
- iii. Docker's expansion
- iv. Outfitters update
- v. Sales Center
- vi. Oak tree pruning
- vii. Batting cage
- viii. Website Q&As
- ix. Soccer Goals

Mr. Curley presented an overall project update document to the Board. Mr. Roethke will work on updating a full project list to be presented to the Board at a future meeting.

Mr. Burke presented a pool slide and tower structural inspection report to the Board. Mr. Curley discussed a potential fall timeline for repairs with Mr. Burke. The Board requested the District Engineer to put together a timeline and pricing for the pool project in order for the Board to review.

Mr. Carr presented a clubhouse scope of work to the Board. A discussion ensued regarding the current contract with Kay Green Design. The Board directed District Counsel to reach out to Kay Green Design to determine the services Kay Green Design was currently providing and whether Kay Green Design would be willing to examine a revised scope of work.

On a Motion by Mr. Curley, seconded by Mr. McNeil, with all in favor, the Board of Supervisors approved Phase 1 of the Clubhouse Restoration scope of work and directed District Staff to obtain proposals for services with a low budget of \$150,000 and a high budget of \$200,000 for Harbor Bay Community Development District.

(Mr. Eckert left while the meeting was in progress at 9:41 p.m.)

Mr. Pierson informed the Board that he is working on the alcohol license for the Outfitters.

EIGHTH ORDER OF BUSINESS

Street Signs and Crosswalks

This item was tabled.

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4/20/17

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NINTH ORDER OF BUSINESS

- FHP Street Monitoring Plan**
x. Speeding
xi. Trespassing
xii. Parking

This item was tabled.

TENTH ORDER OF BUSINESS

Amenity Rules and Enforcement Process

Ms. Anderson reviewed current rules and enforcement procedures for amenities with the Board. Mr. Curley suggested changes to the enforcement policy, which includes the following: verbal warning (Staff will provide written documentation of the verbal warning), written warning, one-day amenity restriction, one week suspension of privileges, one month suspension of privileges, and, with the approval of the Board, complete termination of privileges. A discussion ensued regarding the visitor policy, but no decisions or changes were made at this time.

On a Motion by Mr. Curley, seconded by Mr. McNeil, with all in favor, the Board of Supervisors approved modification of enforcement policy which includes the following: verbal warning with written documentation, written warning, one-day amenity restriction, one week suspension of privileges, one month suspension of privileges, and, with approval of the Board, complete termination of privileges for Harbor Bay Community Development District.

ELEVENTH ORDER OF BUSINESS

Review of Tentative Agendas for April 6, 2017 and April 20, 2017

There was no discussion on this item.

TWELFTH ORDER OF BUSINESS

Consent Agenda Items

- A. Consideration of the Minutes of the Board of Supervisors' Regular Meeting Held on February 16, 2017 and Workshop Meeting Held on February 23, 2017
- B. Consideration of Operation and Maintenance Expenditures for February 2017
- C. Consideration of Operation and Maintenance Expenditures for February 2017 – Mira Bay Amenity Center
- D. Consideration of Master Project Requisitions (if any)
- E. Consideration of Supplemental Project Requisitions (if any)
- F. Staff Report: Mira Bay Club Manager
 - i. Presentation of Monthly Report
- G. Staff Report: Club Director
 - i. Presentation of Monthly Report
- H. Consideration of Street Sweeping Agreement
- I. Ratification of Invoice for Slide Rental
- J. Consideration of Indemnity Agreement for Marine Patrols

District Counsel requested the removal of Item J, Indemnity Agreement for Marine Patrols.

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4/20/17

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The Board asked to remove several WTS invoices for travel reimbursements until Ms. Anderson could confirm whether they were appropriate.

The Board also requested to have all HGS Seawall invoices moved to the capital account.

On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors approved consent items A-I, subject to Ms. Anderson confirming the validity of the travel reimbursement, and removed the Marine Indemnity Agreement from consent agenda for Harbor Bay Community Development District.

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THIRTEENTH ORDER OF BUSINESS **Staff Reports**

A. District Counsel

Mr. Pierson discussed the RASI scope reporting lines, wherein WTS staff reports to the RASI Club Director.

On a Motion by Mr. Curley, seconded by Mr. McNeil, with all in favor, the Board of Supervisors agreed to change the RASI scope of work, so that the scope reflects that Rizzetta reports directly to the Board, WTS reports directly to the Board, and WTS does not report to Rizzetta, for Harbor Bay Community Development District.

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B. District Engineer

No report.

C. District Manager

Mr. Roethke reminded the Board that the next meeting will be held on Thursday, April 6, 2017 at 6:00 p.m. at the MiraBay Clubhouse.

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FOURTEENTH ORDER OF BUSINESS **Supervisor Requests**

Mr. Lockom requested to post two (2) attorney letters received by the District to the CDD website and e-blast them to the community.

On a Motion by Mr. Lockom, seconded by Mr. McNeil, with all in favor, the Board of Supervisors approved to post attorney letters to the CDD website and e-blast to community, pending District Counsel's review of public records laws for Harbor Bay Community Development District.

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Mr. McNeil asked the Board to consider the status of Brian Bolves' involvement with the District and requested proposals for a new construction attorney. The Board accordingly directed the District Staff to explore other construction litigation attorneys.

FIFTEENTH ORDER OF BUSINESS **Audience Comments**

There were no audience comments.

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SIXTEENTH ORDER OF BUSINESS

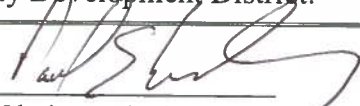
Adjournment

On a Motion by Mr. Lockom, seconded by Mr. Curley, with all in favor, the Board adjourned the meeting at 10:47 p.m. for Harbor Bay Community Development District.

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Secretary/Assistant Secretary



Chairman/ Vice Chairman