

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, April 6, 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> <i>(via phone)</i>
Ned Carr	<b>Board Supervisor, Assistant Secretary</b>
Steve Lockom	<b>Board Supervisor, Assistant Secretary</b>
Tim Nargi	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Joseph Roethke	<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>
Greg Woodcock	<b>Interim District Engineer, Cardno</b>
Elliot Moseley	<b>Club Director</b>
Ashley Adkins	<b>WTS</b>
Amy Gallogly	<b>WTS</b>
Mindy Anderson	<b>Club Manager</b>
John Magnavita	<b>Langan Engineering</b>
Roger Archabal	<b>Langan Engineering</b> <i>(via phone)</i>
Greg Gruhl	<b>Amenities Manager, Rizzetta &amp; Co.</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. He explained that the Board probably will not respond to comments at this time and comments are limited to three minutes.

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48 A resident asked about clubhouse restoration.  
49 Several residents asked about the seawall.  
50 A resident commented about voids along seawall.  
51 A resident commented about bus stop issues.  
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53 *(Mr. Magnavita arrived while the meeting was in progress at 6:12 p.m.)*  
54

55 Mr. Gruhl introduced the new Club Director, Elliot Moseley, to the Board.  
56

57 **THIRD ORDER OF BUSINESS**

**Chairman's Perspective on Agenda Items**

58 There is no discussion for this item.  
59  
60

61 **FOURTH ORDER OF BUSINESS**

**Discussion of Seawall Project**

- 62 1. Repair Solutions for Special Situations
- 63 2. Litigation Strategy Background
- 64 3. Presentation of NCHRP Report
- 65 4. Presentation of Navigation Report
- 66

67 Mr. Magnavita reviewed the repair solutions for special situations with the Board. A  
68 discussion ensued. Mr. Curley requested that Langan review the entire map to determine if there  
69 are any other lots that will require special considerations. Mr. Magnavita will have this ready for  
70 the first meeting in May. Board members will review the map in the meantime and provide their  
71 suggestions to Mr. Roethke before the meeting on April 20, with such suggestions including  
72 aesthetic considerations. Mr. Roethke will subsequently send the suggestions to Langan.  
73

74 *(Mr. Archabal arrived via phone while the meeting was in progress at 6:36 pm)*  
75

76 Mr. Nargi presented the NCHRP report and discussed knee walls, tows, and revetment.  
77 Section 3.2 of the report was also mentioned. Mr. Nargi asked several engineering-related questions  
78 to Langan.  
79

80 Mr. Nargi suggested setting up a meeting between himself, Mr. Curley, Langan, and an  
81 additional engineering firm to further discuss engineering aspects of the seawall project. Mr. Curley  
82 agreed. District Staff will coordinate this meeting.  
83

84 Mr. Eckert discussed a recent lawsuit received by the District.  
85

86 Mr. Curley reviewed the Seawall Litigation Strategy with the Board, including a  
87 background of potential litigation issues and suggestions for moving forward. A discussion ensued  
88 and several Board members added comments.  
89

90 Due to the active litigation, Mr. Eckert requested additional time to determine whether, and  
91 when, a potential Seawall Workshop could take place.  
92

93 The Board directed District Staff to post a copy of the lawsuit's complaint to the CDD's  
94 website.

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95  
96 Mr. Nargi presented the Navigation Study. Mr. Eckert explained that District Counsel has  
97 been reviewing applicable permits for the seawall stabilization project, and that District Counsel and  
98 the Interim District Engineer should continue to review before the RFP and other materials are  
99 issued.

100  
101 Mr. Curley asked questions about the upcoming Rip Rap Pilot Project. The proposals that  
102 have been received for the Rip Rap Pilot Project will be presented at the next meeting. District  
103 Counsel will prepare the forms of agreement for next meeting's agenda. Mr. Eckert discussed the  
104 possibility of requiring a payment and performance bond for the Rip Rap Pilot Project. The Board  
105 directed District Counsel to not include a payment and performance bond for the Rip Rap Pilot  
106 Project.

107  
108 Mr. Magnavita commented that the first rip rap test pilot provides proof of concept. Mr.  
109 Curley emphasized the need for a timeline. Mr. Archabal stated that there was no reason why the  
110 RFP could not be issued by the end of April. Mr. McNeil stated that a date should be chosen. The  
111 Board directed District Staff to have the RFP for Phase One Reconstruction issued on April 14,  
112 2017.

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114 *(Mr. Archabal left while the meeting was in progress at 7:24 pm)*

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116 **FIFTH ORDER OF BUSINESS**

**WTS Event and Amenity  
Recommendations**

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119 Ms. Anderson reviewed WTS event and amenity recommendations with the Board. Ms.  
120 Adkins discussed focus group findings. Ms. Anderson provided recommendations for no cost  
121 changes to the Board.

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On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved eliminating tennis key fobs and moving to proximity cards for access for Harbor Bay Community Development District.
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On a Motion by Mr. Nargi, seconded by Mr. Curley, with four in favor and Mr. McNeil opposed, the Board of Supervisors directed District staff to publish a notice for future rate-making based on WTS recommendations for non-resident tennis players for Harbor Bay Community Development District.
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On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors directed District staff to publish a notice for future rate-making for a resident visitor pass policy, as described by WTS in its presentation, for Harbor Bay Community Development District.
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128 Ms. Anderson presented several other options for changes which would result in a cost to the District. The Board did not make any decisions on these at this time; however, they requested

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129 WTS to develop cost estimates for each initiative. The Board also decided to move forward with the  
130 social media posting proposed by WTS.  
131

On a Motion by Mr. Nargi, seconded by Mr. Carr, with all in favor, the Board of Supervisors agreed to continue the extended hours on Friday nights in perpetuity for Harbor Bay Community Development District.

132  
133 The Board directed District staff to further examine the possibility of leaving the gym  
134 facility open later.  
135

136 The Board directed District staff to incorporate the Lagoon Room changes as set forth in  
137 WTS' "Interim Solution for Kids Programs" document.  
138

139 *(A brief recess was taken at 8:16 p.m. and the meeting reconvened at 8:25 p.m. with all Supervisors  
140 and Staff in attendance at the onset of the meeting still in attendance.)*  
141

142 *(Both Mr. Gruhl and Ms. Gallogly left while the meeting was in progress at 8:25 pm)*  
143

144 **SIXTH ORDER OF BUSINESS** **Consideration of Dock Restrictions**  
145

146 Mr. Roethke presented a request to the Board to lift a dock restriction at 517 MiraBay Blvd.  
147 Mr. Eckert reviewed the background of this request with the Board. Mr. Magnavita summarized  
148 any potential issues with this request.  
149

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors agreed to remove the dock restriction for 517 MiraBay Boulevard from the Master Dock Plan and changed to a "special condition with 28 feet," without the owner of said lot signing a release, and with the understanding that the Board was not waiving any deed restriction or advising the owner that he had submitted all requisite documents.

150  
151 *(Mr. McNeil left while the meeting was in progress at 8:37 pm)*  
152

153 **SEVENTH ORDER OF BUSINESS** **Street Signs and Crosswalk**  
154  
155 **Speed Limits and Enforcement Issues**  
156

157 Mr. Pierson presented a speed limit and enforcement issue memorandum to the Board. A  
158 discussion ensued. The Board took no action on this item at this time.  
159

160 Mr. Curley requested a report to be presented regarding speeding and traffic violations at a  
161 future meeting. Mr. Curley made several recommendations for direction to FHP. Mr. Curley's  
162 direction included: reducing from three days per week service to two days per week service; 60% -  
163 70% of time should be spent monitoring MiraBay Blvd. & Manns Harbor East; patrol cars should  
164 remain hidden from sight; and once per shift the officer should patrol the dock for non-resident  
165 fishermen.  
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**EIGHTH ORDER OF BUSINESS**                      **Trespass Issues**

Mr. Pierson reviewed a trespass issue memorandum with the Board. A discussion ensued.

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors agreed to follow steps outlined in trespass memorandum, with a not-to-exceed budget of (\$2,000) for Harbor Bay Community Development District.

**NINTH ORDER OF BUSINESS**                      **Parking Issues**

Mr. Pierson reviewed a parking issue memorandum with the Board. A discussion ensued. The Board directed District staff to include parking Q&As on the District's website, but otherwise took no action on this item at this time.

**TENTH ORDER OF BUSINESS**                      **Major Project Update**

- a. Discussion**
  - i. Pool and hot tub
  - ii. Clubhouse
  - iii. Oak Tree Pruning
  - iv. Website Q&A
  - v. Floating Dock
  - vi. Batting Cage
- b. Information only**
  - i. Docker's Expansion
  - ii. Outfitters Update
  - iii. Sales Center
  - iv. Soccer Goals

Mr. Roethke presented a master project list to the Board and a discussion ensued regarding several items. Mr. Woodcock presented several updates on timelines for the pool project. Mr. Woodcock and Mr. Roethke will work on updating timelines for every major project by the next meeting.

Mr. Carr updated the Board on the status of the clubhouse restoration project, including cost estimates and a projected start date. Mr. Carr will be working on reaching out to new vendors for proposals on this work. Mr. Pierson provided a status update for the Kay Green contract. A termination notice, which included a reimbursement, was included in the consent agenda.

**ELEVENTH ORDER OF BUSINESS**                      **Discussion Regarding Vessel Protocol**

The Board discussed protocols for future vessel registration and renewal requests. Mr. Eckert advised that there will be a revised memorandum on this item on the next agenda.

**TWELFTH ORDER OF BUSINESS**                      **Review of Tentative Agendas for April 20, 2017 and May 4, 2017**

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210 Mr. Curley reviewed these agendas with the Board.

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213 **THIRTEENTH ORDER OF BUSINESS**

**Consent Agenda Items**

- 214  
215 A. Consideration of the Minutes of the Board of Supervisors'  
216 Meeting Held on March 2, 2017 .....Tab 11  
217 B. Consideration of Master Project Requisitions #26-29 .....Tab 12  
218 C. Consideration of Supplemental Project Requisitions (if any)  
219 D. Consideration of Refund Request to Kay Green .....Tab 13  
220

On a Motion by Mr. Curley, seconded by Mr. Lockom, with all in favor, the Board of Supervisors approved consent items A-D for Harbor Bay Community Development District.

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222 **FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

223 **A. District Counsel**

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225 (left intentionally blank)

226  
227 **i. Discussion of Agenda Item**  
228 **Inclusion**

229  
230 Mr. Eckert urged the Board to limit the amount of late additions beyond the 10-day mark for  
231 future agendas.

232  
233 Mr. Curley reiterated that any Board member who wants to add an agenda item needs to  
234 submit several sentences to Staff describing any decisions needed by the Board and Staff will ask  
235 the Supervisor to provide any necessary background information to be included in the agenda  
236 packet.

237  
238 **ii. Memorandum on WTS Crossing**  
239 **Responsibilities**

240  
241 Mr. Pierson presented a memorandum on crossing guard issues to the Board. Mr. Pierson  
242 recommended an amendment to the contract with WTS to re-define these crossing guard activities.  
243

On a Motion by Mr. Curley, seconded by Mr. Nargi, with all in favor, the Board of Supervisors approved amending the WTS contract to explicitly include crossing guard activities, subject to discussion between District Counsel and WTS' counsel for Harbor Bay Community Development District.

244  
245 Mr. Pierson will prepare an addendum to the WTS contract providing for the same.

246  
247 Mr. Pierson updated the Board on the status of the bus stop issue. Mr. Pierson is still  
248 waiting to hear back from the School Board Counsel, in spite of persistent and ongoing follow up.  
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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 20, 2017 at 6:00 p.m. at the MiraBay Clubhouse.

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

Mr. Nargi will hold off on soccer goal item.

Mr. Nargi is conducting tests for Envera web cameras. After discussion, the Board decided not to post any live video feeds that might include pictures of residents. Mr. Nargi asked District Counsel to follow up regarding control of the District's gates.

Mr. Curley mentioned that he will meet with a representative of the Seawall Alliance Committee with counsel.

Mr. Curley discussed the rate increase proposed by District Counsel.

Mr. Curley discussed the lighting of the Envera gates.

Mr. Curley asked Rizzetta to establish and monitor performance standards for all contractors.

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

A resident asked not to put pool camera footage on CDD website.

A resident asked about vessel registration.

A resident thanked Ashley and Mindy for their presentation.

A resident asked the Board to consider not putting camera video feeds on the CDD website.

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**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 9:53 p.m. for Harbor Bay Community Development District.

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Secretary/Assistant Secretary

  
Chairman/ Vice Chairman