

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 28, 2016 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:

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:

Bill Rizzetta	Rizzetta & Company, Inc.
Pete Williams	Rizzetta & Company, Inc.
Scott Brizendine	Rizzetta & Company, Inc.
Bre Beirl	Rizzetta & Company, Inc.
Angel Montagna	District Manager, Rizzetta & Co.
Shannon Nasekos	Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Doug Smith	District Counsel, Hopping, Green & Sams, P.A.
Jamie Scarola	District Engineer, Scarola Associates Eng.
John Magnavita	Langan Engineering & Environmental Services
Mindy Anderson	Club Manager
Raul Anaya	Club Director
Ashley Adkins	WTS

Audience members

**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.

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48 **SECOND ORDER OF BUSINESS**

**Public Hearings to Consider the  
Imposition of Master Project Special  
Assessments**

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52 Mr. Earlywine reviewed the process of the public hearing and provided a brief synopsis of  
53 the history of the failing seawall and subsequent litigation leading to the District being awarded \$8.5  
54 million for damages. He stated that the situation has been studied for years, the Master Plan devised,  
55 and bids obtained to complete the project. He asked for a motion to open the public hearing.  
56

On a Motion by Mr. Collins, seconded by Ms. Duke, with all in favor, the Board of Supervisors opened the public hearing on the master project special assessments for Harbor Bay Community Development District.

57  
58 Mr. Magnavita introduced himself to the Board and those in attendance, and briefly  
59 reviewed his background in engineering. He and Mr. Earlywine reviewed the changes that were  
60 made to the engineer's report since the March 17, 2016 version, detailing the benefits to the  
61 Community and the costs of the project (\$18,364,699.96). Mr. Magnavita provided testimony  
62 regarding the master project and the engineer's report.  
63

64 Mr. Brizendine reviewed the assessment methodology associated with the 2016 bond  
65 issuance, whose proceeds will be used to complete a portion of the master project. He reviewed the  
66 costs associated with the bond issuance that bring the par amount of the bonds to \$22,445,000 and  
67 the assessment levels that will be spread across the 1,686.4 planned units according to the various  
68 product types and EAU factors. He read the assessment levels for this bond issuance into the record  
69 by product type. Mr. Brizendine provided testimony regarding the assessment methodology.  
70

71 The Board entertained comments from several residents and landowners pertaining to the  
72 proposed master project. Comments ranged from why the entire community was not getting a new  
73 seawall to why any sections would be replaced when repairs could be made as needed, why  
74 assessments for costs would be spread across the entire community when only a few sections of the  
75 community would be benefiting from the improvements, the need to obtain additional bids and  
76 more cooperation between District and Newland before any Board action is taken. Some residents  
77 opined that the Board is not taking into consideration what the residents want regarding the matter,  
78 while others spoke in support of the Board and recommended they move forward. One resident  
79 submitted a written statement to the Board, and representatives from a commercial landowner  
80 submitted an engineer's study.  
81

82 Mr. Collins took a few moments to respond to some of the comments.  
83

On a Motion by Mr. Collins, seconded by Ms. Duke, with all in favor, the Board of Supervisors closed the public hearing on the master project special assessments for Harbor Bay Community Development District.

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85 *(A brief recess was taken at 8:10 p.m. The meeting reconvened at 8:24 p.m. with all*  
86 *members of the Board and Staff in attendance at the onset of the meeting still in attendance.)*  
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**THIRD ORDER OF BUSINESS**

**Consideration of Resolutions 2016-03, Imposing Special Assessments for the Master Project & 2016-04, Authorizing Proceedings for the Issuance of Bonds for the Master Project**

A brief discussion was held regarding the revisions made to the engineer's report.

Mr. Earlywine reviewed the details for both Resolutions 2016-03 and 2016-04 and questions were raised regarding the assumptions used in setting the amount of the bonds, whether the amount could be lowered, if alternative finance plans had been explored, and liability concerns. It was noted that the Board is not tied to a certain number at this point.

A motion was made to approve both Resolutions 2016-03 and 2016-04; however it failed for lack of a second and further discussion ensued. The following Board actions were taken:

On a Motion by Ms. Duke, seconded by Mr. Cribbs, with 4 in favor and 1 opposed (Mr. McNeil) the Board of Supervisors approved Resolution 2016-03, imposing special assessments for the Master Project at reduced amount of \$19,800,000 for Harbor Bay Community Development District.

On a Motion by Mr. Cribbs, seconded by Mr. Carr, with 4 in favor and 1 opposed (Mr. McNeil) the Board of Supervisors approved Resolution 2016-04, authorizing proceeding with the issuance of bonds for the Master Project at reduced amount of \$19,800,000 for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

No report.

**B. District Engineer**

No report.

**C. District Manager**

No report.

**FIFTH ORDER OF BUSINESS**

**Supervisors Requests**

No Supervisor requests were put forward.

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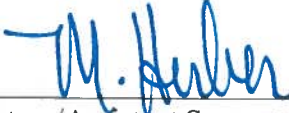
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SIXTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Cribbs, seconded by Mr. Collins, with all in favor, the Board adjourned the meeting at 9:50 p.m. for Harbor Bay Community Development District.

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Secretary/Assistant Secretary



Chairman/ Vice Chairman