

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, January 27, 2011 at 5:30 p.m.** at 700 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Ed Stone	Board Supervisor, Chairman
Julie Guill	Board Supervisor, Assistant Secretary
Paul Stumpf	Board Supervisor, Assistant Secretary
Tom Hatcher	Board Supervisor, Assistant Secretary

Also present were:

Scott Brizendine	District Manager, Rizzetta & Company, Inc.
Jonathan Johnson	District Counsel, Hopping, Green & Sams, P.A.
Jere Erlywine	District Counsel, Hopping, Green & Sams, P.A.
John Toborg	Field Operations Mgr., Rizzetta & Company, Inc.
Kristy Owens	District Coordinator
Karla Gibson	MiraBay Club Manager
Audience	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Brizendine called the meeting to order and conducted roll call.

SECOND ORDER OF BUSINESS

Consideration of the Amended Minutes of the Board of Supervisors' Meeting held on August 26, 2010

Mr. Brizendine presented the amended minutes from the Meeting held on August 26, 2010. A brief discussion ensued regarding whether the minutes should be amended or a new motion made to address the pricing of the scanners. It was stated that regardless of whether the original motion was for a not-to-exceed amount of \$1,000 per scanner or a total of \$1,000 the actual costs are closer to \$3,500 and a new motion will need to be made either approving the expense or to send the equipment back. Mr. Johnson recommended that the tape from that meeting be reviewed to verify what was actually approved so the minutes are correct. The Board tabled this item pending that review.

On a Motion by Mr. Hatcher, seconded by Mr. Stumpf, with all in favor, the Board approved the expenses for the license plate scanners for a not-to-exceed amount of \$3,500 for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors' Meeting held on December 2, 2010

Mr. Stumpf and Mr. Stone questioned the accuracy and placement of some of the items discussed at the meeting as they were reflected in the minutes. A recommendation was made that the tape be reviewed to clarify the concerns. Mr. Brizendine stated that the topics in question would be reviewed and corrected as discussed. He asked for a motion to approve the minutes as amended.

On a Motion by Ms. Guill, seconded by Mr. Stone, with all in favor, the Board approved the Minutes of the Board Supervisors' Meeting held on December 2, 2010 as amended for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for December 2010 and January 2011

Mr. Stumpf stated that in reviewing the invoices, he noted various coding issues that he had contacted the controller about to seek clarification. Mr. Brizendine responded to specific questions regarding the requested correction to the TECO invoice, the Rizzetta invoice for setting up the tax rolls, invoices from the St. Pete Times, and the litigation invoices. Mr. Brizendine reviewed the guidelines used by District Management in approving expenditures, explaining that he has the authority to approve up to \$5,000 for non-continuing expenses and the Chairman can approve items over \$5,000 if needed. He confirmed that both types of expenditures would be ratified by the Board at the next meeting.

On a Motion by Mr. Stone, seconded by Mr. Stumpf, with all in favor, the Board approved the Operation and Maintenance Expenditures for December 2010 (\$153,104.46) and January 2011 (\$336, 301.80) for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of Operations and Maintenance Expenditures for December 2010 and January 2011 – Mira Bay Amenity Center

Mr. Stumpf pointed out a correction needed on the register where an invoice from WTS International was listed as being \$1,478 and it should have been \$4,478, which changed the total to \$54,689.94. Ms. Gibson and Mr. Brizendine responded to questions regarding the cost of the saltwater permit, decorations charged to event planning and the invoice from Symbiont Service

Corp.

On a Motion by Mr. Stumpf, seconded by Mr. Hatcher, with all in favor, the Board approved the Operation and Maintenance Expenditures for December 2010 (\$54,689.94) and January 2011 (\$50,027.92) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Update of CDD/Sea Crest HOA Landscape Breakout Issue

Mr. Brizendine reviewed the documentation that was included in the agenda packet showing the ownership of property within Sea Crest. He stated that District Counsel has been reviewing numerous documents, but is not ready to discuss the issue at this time. He recommended that this item be tabled until next month or possibly continue the meeting for two weeks. A brief discussion ensued regarding the issues with the landscaping contracts, etc.

SEVENTH ORDER OF BUSINESS

Update on Mulch Installation

Mr. Stone stated that based on his conversations with various firms and Mr. Toborg, he feels that further investigation is needed and this item should be tabled.

EIGHTH ORDER OF BUSINESS

Discussion on Time Setting for Irrigation of District Common Areas

Mr. Toborg spoke regarding the water variance granted by SWFWMD, explaining the days, times, amounts, and locations of watering. He stated that the timers were set according to the variance. Mr. Toborg stated that hand watering is allowed, which means by use of a garden hose with a shut off device at the end. However, Mr. Kim has not been in following the definition of hand watering as they have been turning on valves in certain areas and billing the District for hand watering. A brief discussion ensued regarding the requirement to have rain sensors installed as part of the variance. Mr. Toborg confirmed that all of the controllers have rain sensors attached, but there is no way to know in advance that a sensor is not functioning until watering occurs after or during a rain event. When that occurs the sensors are repaired as soon as possible. He stated that he has requested that Lee Te Kim provide detailed work orders including the location of the hand watering and the means by which it was completed. A request was made that the Board be provided with a detailed scope for hand watering guidelines that can be used to establish a policy and subsequently provided to Lee Te Kim at the next meeting. Mr. Brizendine recommended that the policy include language addressing fines for non-compliance.

A brief discussion ensued regarding a pending contract for the E.T. system with SWFWMD. Mr. Toborg stated that he anticipates that everything will be in place prior to the February meeting.

NINTH ORDER OF BUSINESS

Recap of Outstanding Projects

Mr. Brizendine provided a brief update on proposals to install lights at the basketball courts

and installation of security on five pedestrian gates. He reviewed the proposals from Bostech and Action Security.

The Board requested that additional proposals be obtained and the project be considered as part of the budget process as funding is not available at this time.

TENTH ORDER OF BUSINESS

Discussion of Speed Limit on Roadways

Mr. Johnson stated that the District does not have the authority to reduce the speed limit and that the District would have to follow the process set up by the County. A brief discussion ensued regarding whether the posted limit is the actual established limit and issues with getting the traffic violations enforced.

ELEVENTH ORDER OF BUSINESS

Consideration of Proposal to Remove Nuisance Vegetation from Saltwater Mitigation Area

Mr. Brizendine stated that he was contacted by the Sea Crest HOA regarding the possibility of having the nuisance vegetation removed from the mitigation area that abuts their property. He stated that he met with Entrix and obtained a proposal to remove the nuisance at a cost of \$1,675 and then a quarterly inspection at a cost of \$150 per inspection. Mr. Brizendine stated that even though the permit is in the District's name, the property is still owned by Newland (Terrabrook). A brief discussion ensued regarding the District being able to pay for the removal of the nuisance vegetation given the fact that the District does not own the property. Mr. Johnson recommended that the District explore the possibility of either getting the property conveyed to the District or changing the permit to reflect the current ownership, as there is the potential for the District to be fined for any permit violations. District Counsel was asked to research the matter.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counselor – Jonathan Johnson

Mr. Johnson introduced Mr. Erlywine and explained that his firm has decided to utilize two attorneys for this District since he would not characterize the District as being a simple and routine operation. He stated that the District will not be charged for two attorneys attending meetings.

Mr. Johnson reviewed the options available to the District to protect resident's personal information from a public records search, stating that there really aren't any short of presenting legislation to address the issue and it is late in the process for this session. He stated that short of a change in the law the exemptions in place currently do not apply in this situation. He recommended that the level of information retained be streamlined given that ultimately everyone has the right to go through the gates.

Mr. Johnson stated that in reviewing the Rules of Procedure, he has confirmed that they are out dated and would like to bring a draft version back to the Board

next month. He explained that it is a 60 day process after the Board decides to make a change as it requires a public hearing.

Mr. Johnson stated that this would mean that approval would not take place until May and there may be some legislation passing in April that could impact the rules. He reviewed some legislation that is being considered, such as providing Districts the option to advertise meetings on their websites rather than in the paper, that may require the Board to take public comments on every item and not such at the end of the meeting, and the smart cap legislation requiring a referendum of the tax payers in order to increase assessments. He stated that the smart cap legislation, as presented this year, probably would not impact CDD's.

B. Mira Bay Club Manager – Karla Gibson

Ms. Gibson informed the Board that the clubhouse has started observing its winter hours of operation; being open from 5:30 a.m. to 9:00 p.m. Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturdays, and 9:00 a.m. to 6:00 p.m. on Sundays. She stated that the hours would remain in place through March. She also informed them that the Bill, at the Outfitters, would be out for 8 weeks due to knee surgery and that someone else would be working in the shop until he is able to return to work

Ms. Gibson updated the Board on the status of coming events, and the need to look at purchasing more durable umbrellas for the pool deck. She also informed the Board of various maintenance items that have been addressed and additional service providers at the clubhouse.

Ms. Gibson responded to questions regarding sales and costs associated with the clubhouse.

C. Field Operations Manager – John Toborg

Mr. Toborg stated that Lee Te Kim used to supply the District with the OTC injections to treat the palms for Phytoplasma Disease at no charge. However, he is no longer going to be providing the service for free. He presented a proposal to inject susceptible palms throughout the community (412 palms). He explained that the treatments will not cure the disease but will suppress it and most arborists recommend the treatments. He stated that the proposal is for four treatments a year for the 412 palms or an annual cost of \$15,359.36 and that it does not guarantee that none of the trees will die from the disease. Mr. Toborg stated that it would not take many trees needing to be replaced to exceed the cost of the treatments. He also informed the Board of a couple of palms that are showing signs of Ganaderma. A brief discussion ensued regarding budget concerns and the need to track what trees have died and the replacement of palms. Mr. Toborg stated that he would bring the information back to the Board next month.

On a Motion by Ms. Guill, seconded by Mr. Hatcher, with all in favor, the Board approved the proposal from Lee Te Kim to provide quarterly OTC treatment for the District's 412 palms at an annual cost of \$15,359.36 for Harbor Bay Community Development District.

Mr. Toborg addressed issues mentioned in the monthly inspection such as; Poa Annuua (Annual Bluegrass), which is a very prolific weed that is very difficult to control and will require both cultural practices and varied treatments. The need to remove a dead palm by the pool deck and to move the Roebelinni Dates that are encroaching on the sidewalk, as well as, turf repairs that are necessary as a result of the removal of a dead Reclinata Palm were also discussed. It was stated that the cost to remove the dead palm by the pool is \$1,500 and it should not wait as there is a danger of it falling. The Board indicated that the palm should be removed.

D. District Manager

Mr. Brizendine stated that the District has collected 60% of the assessments placed on the tax roll, and expenses are running above budget at this time for the general fund but under budget for the Enterprise fund.

A brief discussion ensued regarding the high water bills for the month and the costs of repairs at the sea wall.

Mr. Brizendine updated the Board regarding the hog situation, stating that there are currently three entities out trapping hogs and he is receiving fewer calls from residents with hog sightings.

THIRTEENTH ORDER OF BUSINESS

**Supervisor Requests
& Audience Comments**

Mr. Stumpf inquired about the policy for broken gates and seeking reimbursement for damages and the need to put cones out when a bar is broken to ensure the safety of the greeters. He stated that the current greeters' policy is out dated and should be updated. Mr. Stumpf recommended that this matter be placed on the agenda for next month. A brief discussion ensued. Ms. Gibson responded to a question relating to software that was removed at the gatehouse.

Ms. Guill recommended that the District consider going out to bid for management services as it has been a long time since it has been discussed. Mr. Brizendine stated that the contract is renewed on an annual basis as part of the budget discussions. Mr. Stone requested that a copy of the current Scope of Services be provided for the February meeting and that District Counsel prepare an RFP for the Board to review at that time. Mr. Johnson recommended that the Board consider going through an informal request for proposals to alleviate the possibility of bid protests, etc. and invite different firms to apply. A brief discussion ensued regarding the statutory requirements for going out to bid.

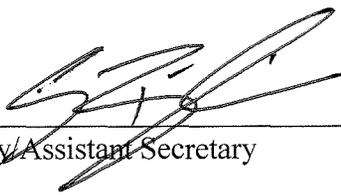
Audience Comments

A member of the audience expressed his approval of the recent changes and various issues that he would like to see addressed. He opined that it was a good idea to look at District Management and recommended that a committee be formed to look at what is working and what isn't. A brief discussion ensued regarding the maintenance of the gas lights and other maintenance items, with no Board action being taken.

FOURTEENTH ORDER OF BUSINESS

Continuance

On a Motion by Ms. Guill, seconded by Mr. Stone, with all in favor, the Board continued the meeting at 8:00 p.m. until February 10, 2011 at 5:30 p.m., at 700 Manns Harbor Drive, Apollo Beach, Florida 33752 for Harbor Bay Community Development District.


Secretary/Assistant Secretary


Chairman/ Vice Chairman