

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 24, 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
Rip Ripley	Board Supervisor, Vice 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.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Jamie Scarola	District Engineer, Scarola Associates Eng.
John Toborg	Field Operations Mgr., Rizzetta & Company, Inc.
Karla Gibson	Club Manager
Kristy Owens	District Coordinator <i>(joined the meeting in progress)</i>
Chip Barker	Representative, Newland Communities
Audience	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Brizendine called the meeting to order and conducted roll call. He asked the Board's permission to allow Mr. Barker from Newland Communities to make a presentation to the Board.

SECOND ORDER OF BUSINESS

**Presentation – Request to Utilize
Clubhouse Front Lawn Area**

Mr. Barker requested permission from the Board to utilize the front lawn of the clubhouse for a Taste of Southshore and Business Expo sponsored by the Ruskin Chamber of Commerce. He explained that the purpose of the event was to provide information on participating businesses. It was stated that consideration is being given to have a beer garden that would generate income for the Mira Bay Club, but nothing has been finalized.

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Mr. Barker stated that the date for the event would be Thursday, May 19th, 2011 from 4:00 p.m. to 8:00 p.m. He stated that Newland Communities has agreed to work along side the Chamber of Commerce in sponsoring the event and would be willing to provide the District with whatever it requires to hold the event. A brief discussion ensued.

On a Motion by Mr. Stone, seconded by Mr. Stumpf, with all in favor, the Board approved Newland Communities' request to hold the Taste of Southshore and Business Expo in conjunction with the Ruskin Chamber of Commerce on May 19, 2011 from 4:00 p.m. to 8:00 p.m. pending approval of the proposed agreement by District Staff and authorized the Chairman to execute the agreement once finalized for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Audience Comments on Agenda Items

There were no audience comments put forward on agenda items.

FOURTH ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors' Meetings held on February 24, 2011 and March 4, 2011

Mr. Brizendine stated that due to the nature of some of the items discussed during these meetings, he and Mr. Earlywine are recommending that the minutes be tabled so that they can verify that everything has been documented correctly.

On a Motion by Ms. Guill, seconded by Mr. Stone, with all in favor, the Board of Supervisors tabled consideration of the minutes of the Board of Supervisors' meetings held on February 24 and March 4, 2011 for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for February 2011

Mr. Stumpf requested that the TECO summary sheet be updated as discussed previously. He also questioned whether the Hawkins invoice in the amount of \$345 for work completed at the Welcome Center was actually a District expense. Mr. Brizendine stated that he would follow-up on those two items.

On a Motion by Mr. Stumpf, seconded by Mr. Stone, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of February 1-28, 2011 (\$272,025.97) subject to review of the Hawkins invoice for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Operations and
Maintenance Expenditures for February
2011 – Mira Bay Amenity Center**

No questions were put forward regarding any of the invoices presented.

On a Motion by Mr. Ripley, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of February 1-28, 2011 (\$51,661.90) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

**Continued Discussions on Bid Protest / Sea
Crest Landscape Maintenance**

Mr. Brizendine provided a brief overview of where the District stands regarding the bid protest, stating that last month District Counsel presented a draft settlement agreement that was forwarded on to both landscapers involved in the dispute. He stated that he has not heard back from Greenbriar or their attorney, but did receive an email from Mr. Kim stating that he is not in agreement with the proposed settlement and feels that this has gone on too long. Mr. Brizendine stated that Mr. Kim indicated that he has a signed contract for the maintenance of all of the ponds within Mira Bay and he intends to honor his current contract.

Mr. Earlywine reviewed the three options available to the District, which are to try and reach an agreement with Greenbriar without Mr. Kim's participation, rebid the contract, or go through the protest process. He provided a general outline of how the bid protest might proceed including the various avenues for reaching a resolution. A brief discussion ensued regarding how long the process might take and costs. Mr. Earlywine explained that his firm has not completed its review of the bid protest and would like time to complete it before making any recommendations to the Board. He stated that once completed he would speak individually with each of the Board Supervisors regarding his findings.

On a Motion by Ms. Guill, seconded by Mr. Stone, with all in favor, the Board of Supervisors authorized Staff to complete the review of the bid protest and provide an analysis to the Board for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Proposals to Complete
ADA Compliance Inspections**

Mr. Scarola stated that he was asked to research what if any areas within the District will need to be renovated to remain in compliance with the latest ADA requirements. In response to this request he obtained proposals from the RGA Group, an architectural firm with experience in the field (\$3,500.00) and from Mr. Bill Norkunas of ADAHelp, Inc., who has extensive experience at a national level. He stated that Mr. Norkunas basically submitted an hourly rate with a minimum of 10 hours to complete the inspection or \$1,500.00.

Mr. Earlywine confirmed that many Districts are taking the new requirements seriously and recommended that the Board do the same to avoid any penalties or potential legal action. A recommendation was made to proceed as quickly as possible so that the findings could be included in the budget for next year.

Mr. Scarola stated that while Mr. Norkunas has extensive experience in the area of ADA compliance, Mr. Norkunas is not an architect and would not be able to draw up any plans to complete any work his inspection might indicate should be completed. In contrast, RGA Group would be able to provide cost estimates and plans as warranted. Mr. Henry (RGA Group) discussed the impact that proportionality will play in deciding what modifications should be completed. He explained that the first phase of his inspection would include cost parameters and responded to Board questions. It was stated that the Sales Center belongs to Newland and should not be included in the inspection; however, the two playgrounds definitely should be. The possibility of hiring RGA Group and using Mr. Norkunas as a consultant on specific issues raised by RGA was put forward and further discussion ensued. Mr. Henry stated that the inspection and initial report would take approximately 30 days.

On a Motion by Ms. Guill, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors approved the proposal from RGA Group of \$3,500 to complete the initial inspection of the District's facilities in regards to the revised ADA Act, and authorized a not-to-exceed amount of \$1,000 for consultations with ADAHelp, Inc., all subject to preparation of an appropriate agreement by District Staff, and with authorization for the Chair to execute such an agreement, for Harbor Bay Community Development District.

Ms. Guill offered to go with Mr. Henry on his initial site visit if it was felt that it would be a benefit. Everyone concurred that it would be beneficial for Ms. Guill to participate.

(Mr. Scarola left the meeting.)

NINTH ORDER OF BUSINESS

Review of Rules and Regulations Manual

Mr. Brizendine stated that he spoke with Ms. Gibson regarding the review of the rules and regulations manual for the District's amenities and she has requested that she work with Mr. Stone to prepare the revised manual and bring it back to the Board next month. He stated that he did not feel that there would be any substantive changes relating to fees. Mr. Earlywine stated that in reviewing prior minutes, he was not able to ascertain whether a public hearing was ever held to set the fees as required under Florida Statutes. Mr. Brizendine stated that he did not believe that a public hearing was held and Mr. Earlywine asked for authorization to advertise a hearing for the rates and non-resident fees.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board of Supervisors authorized District Staff to submit the required advertisement to hold a hearing on rates and fees for use of District amenities for Harbor Bay Community Development District.

A brief discussion ensued regarding Mr. Stone continuing to work with WTS on the revisions and it was noted that the Board should submit their suggestions to Mr. Brizendine and Mr. Earlywine.

TENTH ORDER OF BUSINESS

Review of District's Cash Flow Analysis

Mr. Brizendine provided a brief overview of the cash flow analysis that he was requested to provide for the Board on a monthly basis and asked if there were any changes the Board would like to see made to the report. A request was made that a line be added to the report to reflect the payments from Crosland.

ELEVENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel – Jere Earlywine
Mr. Earlywine stated that he is still working with Newland Properties on the permit / easement issue. Mr. Scarola is identifying the affected properties, and Newland's counsel is preparing a deed for many of the properties, with an easement for those areas where construction will continue.
- B. Mira Bay Club Manager – Karla Gibson
Ms. Gibson informed the Board that she would not be submitting proposals today for new cardio equipment as she wanted to ascertain an estimate of repair costs for next year first. She explained that there is still a warranty in place for parts for the elliptical machines until February 2013, but the warranty for labor has expired. However, the fitness repair company has not been billing for labor, but did provide an estimate for what the charges could be were they to begin to charge for the repairs (\$500 to \$1,000 per machine a year). She stated that she would be providing the proposals for new equipment and repair costs for consideration as part of the budget planning process.
- Ms. Gibson reported that the pool would be closed Friday morning while the palm tree is being removed and the new clubhouse hours start April 1st. The clubhouse will be open Saturdays until 8 p.m. and on Sundays until 7 p.m. She reported that sales at the café were up over the weekend and they had sold out of everything.
- C. Field Operations Manager – John Toborg
Mr. Toborg presented the plan for the tree inventory map to the Board, stating that he needs to transfer the irrigation pump and well meters onto the map. He explained that stickers will be placed on the map that will be color coded by species. He stated that a separate chart will be kept with the map indicating when a tree was either removed or replaced and when they were inoculated.

Mr. Toborg provided a brief review of the field inspection report. He recommended that Mr. Kim provide a more detailed plan of the fertilization program for the palms, as he feels that the program may need to be adjusted. He also recommended that a herbicide be added to the fertilization of the Bahia grass.

Mr. Toborg stated that the contract with Lee Te Kim provides for Mr. Kim to correct any deficiencies noted in his inspection within 10 days. The Board asked that Lee Te Kim be given 10 days to correct the oldest items, 20 days for other ones with all of them to be completed by the next meeting. Mr. Toborg responded to questions from the Board regarding Oak trees, the rain sensors, the watering schedule, and the status of the tissue sample that was submitted to determine what killed the palms trees. Mr. Toborg explained that the original sample was lost and that another one was just sent to the testing facility. He also explained that having rain sensors installed does not guarantee that sprinklers will not run while it is raining, as they are set to shut the sprinklers off once a half-inch of rain has fallen. If they were set to immediately stop the irrigation cycle any time it rains, there is a chance that the areas would not receive enough water.

Mr. Toborg informed the Board that the CFI Agreement with SWFWMD is close to being finalized and they have recommended that the monitoring period be reduced to three years rather than five, which is a cost savings to the District. He stated that the agreement is being circulated again through SWFWMD due to this change relating to the monitoring period and it is not anticipated that any further changes will be necessary.

D. District Coordinator- Kristy Owens

A request was made for Ms. Owens to forward the new Greeter Policy to the Board. She explained that it is still being tweaked at this time, but once finalized she would circulate a copy to the Board.

E. District Manager

Mr. Brizendine stated that based on the timing for submitting the proposed and final budgets to the County it would be appropriate for him to present the proposed budget in May and then hold the public hearing at the August 25th meeting. He inquired about interest in holding a budget workshop and the Board requested that one be held in June. Mr. Brizendine stated that he would be working with Ms. Gibson and Ms. Owens to prepare the proposed budget. He stated that he would be including a contingency in the proposed budget presented in May in order to provide some leeway in case the Board wants to add items to the budget after the proposed budget has been submitted to the County.

Mr. Brizendine stated that the District has not received any payments from Crosland as promised and a brief discussion ensued regarding the options available to the District.

It was stated that Mr. Earlywine has had an initial conversation with Crosland regarding the payments, but more recent attempts to contact Crosland have not been successful. Mr. Earlywine further confirmed that he intends to obtain the payment schedule from Crosland and present it to the bond trustee to ensure that the trustee is agreeable to that schedule. Mr. Earlywine confirmed that assessments on platted land would be collected on the tax roll and if not paid would go through the tax certificate sale process. A request was made to determine if the assessments on the tax roll for properties owned by Crosland have been paid.

Mr. Brizendine reminded the Board that the next meeting would be held on April 28th at 5:30 p.m.

TWELFTH ORDER OF BUSINESS

**Supervisor Requests & Audience
Comments**

Mr. Stone stated that he received a call from a resident regarding the pump noise and he took decibel readings and determined that there is a need to install a sound shield. He met with Mr. Hawkins and Mr. Lindley to obtain proposals that he will submit to the Board next month. A temporary fix is being installed in the meantime.

Mr. Stone also led discussions on the damage at the park and the need to get it repaired. He asked that Mr. Kim be asked to address the landscaping. A recommendation was made to hold off on the other items until after the ADA inspection. Mr. Stone stated that he will be sitting in on the next neighborhood watch meeting to request their assistance in monitoring the area. The possibility of installing signage stating that the park is closed from dusk to dawn was put forward, but no Board action was taken at this time.

Mr. Hatcher stated that discussions have been held regarding establishing an asset replacement reserve schedule and he would like to see it completed for reference during the budget process.

Mr. Stumpf expressed concern with a substantial increase in the water usage at the Amenity Center over last year. It was stated that American Leak Detention has been out and they discovered a leak at the pump. A brief discussion ensued regarding an increase in the irrigation water bill as well. A request was made that a moisture reading be taken prior to any hand watering.

Audience Comments

Audience comments were entertained regarding the inferior trees that are being installed by the builders, issues with the boat lift camera, the need to penalize those that do not follow the rules, and the possibility of installing speed bumps by the gates to slow traffic down going through them.

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A representative from the Sea Crest HOA spoke regarding the bid protest and expressed his disappointment in Mr. Kim's response to the landscape settlement agreement. He reviewed his correspondence on the issue; requested that the HOA be reimbursed for the last eight months of maintenance; and requested that the maintenance within Sea Crest be kept consistent.

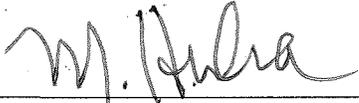
A resident asked for an update on the seawall litigation and the status of the irrigation grant. She also noted that there are two dead Royal Palms in Sea Crest that need to be replaced.

No Board action was taken regarding any of the items addressed.

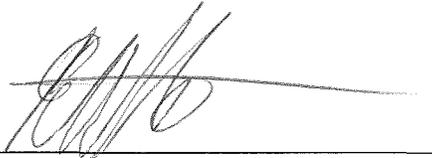
THIRTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board adjourned the meeting at 7:30 p.m. for Harbor Bay Community Development District.



Secretary/Assistant Secretary



Chairman/ Vice Chairman