

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, April 28, 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:

Matt Huber	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
Chip Barker	Representative, Newland Communities
Audience	

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Presentation – Request from Newland Communities for Photo Shoot

Mr. Huber stated that his office was contacted by Newland Communities regarding the possibility of utilizing District amenities for a photo shoot. Mr. Barker reviewed the proposed shooting schedule to be held on May 9th and 11th and responded to Board questions. He explained that the models would be actual Mirabay residents and the sessions themselves would require limited use of the pool, etc. while in progress. He noted that he understood that the Board may be limiting access to fishing and if that occurs he would adjust the schedule accordingly.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved Newland Communities' request to do a photo shoot as discussed for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Discussion on Arborist Report

Mr. Huber stated that he circulated an arborist report from Rich Bailey prior to today's meeting. Following a brief discussion, the Board decided to table any action on the report until next month when the Board has had more time to review the report.

On a Motion by Mr. Stone, seconded by Ms. Guill, with four in favor and one against (Paul Stumpf), the Board tabled further discussion on the arborist report for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Audience Comments on Agenda Items

There were no audience comments put forward on agenda items.

FIFTH ORDER OF BUSINESS

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

A brief discussion ensued regarding each set of minutes with minor revisions being requested to the minutes of the February 24th and March 4th minutes. Mr. Huber stated that he would make the requested changes.

On a Motion by Mr. Stumpf, seconded by Mr. Stone, with all in favor, the Board of Supervisors approved the minutes, as revised, of the Board of Supervisors' meeting held on February 24, 2011 as amended for Harbor Bay Community Development District.

On a Motion by Mr. Ripley, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved the minutes, as revised, of the Board of Supervisors' meeting held on March 4, 2011 as amended for Harbor Bay Community Development District.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisors' meeting held on March 24, 2011 as presented for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Discussion on Replacement of Dead Palm Trees

It was stated that this item was tabled at the beginning of the meeting.

SEVENTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for March 2011**

A brief discussion ensued regarding the invoice for replacing the broken finials by the clubhouse and the possibility of coming up with a more cost-effective, and long-term, option. A request was made to review a previous water bill in the amount of \$30.00 that may belong to Newland. Mr. Huber stated that he would follow-up on those two items.

On a Motion by Ms. Guill, seconded by Mr. Stone, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of March 1-31, 2011 (\$189,127.63) as discussed for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

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

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

On a Motion by Mr. Stumpf, seconded by Mr. Ripley, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of March 1-31, 2011 (\$68,882.98) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

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

Mr. Earlywine provided a brief update on the status of the bid protest to the Board and recommended that they authorize Staff to continue the District's negotiations with Greenbriar to try and resolve the protest.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board of Supervisors authorized Staff to continue the District's negotiations with Greenbriar for Harbor Bay Community Development District.

TENTH ORDER OF BUSINESS

Public Hearing on Rules of Procedure

On a Motion by Mr. Stumpf, seconded by Mr. Stone, with all in favor, the Board of Supervisors opened the Public Hearing on the Rules of Procedure for Harbor Bay Community Development District.

Mr. Earlywine reviewed certain revisions to the proposed Rules of Procedure, which were provided under separate cover, and related to, among other things, the authority of the Board Supervisors to authorize expenditures on behalf of the District and the process for creating and announcing the agenda. Mr. Stumpf requested that the item addressing the request for items being placed on the agenda be revised to include any individuals and not just Board Supervisors.

Mr. Earlywine responded to Board questions relating to emails as a means of filing documentation, budget adjustments, the mandatory bid process for contracts and consultants, the process for selecting a District auditor, and items 3.3 and 3.4 of the Rules of Procedure. He also clarified that the District Manager is often appointed as the Secretary.

Mr. Huber inquired as to whether there were any audience comments. There were none relating specifically to the rules.

On a Motion by Mr. Stumpf, seconded by Mr. Stone, with all in favor, the Board of Supervisors closed the Public Hearing on the Rules of Procedure for Harbor Bay Community Development District.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved Resolution 2011-04 Adopting the proposed Rules of Procedure, as discussed and revised during the public hearing, for Harbor Bay Community Development District.

ELEVENTH ORDER OF BUSINESS

Consideration of Revised Rules and Regulations Manual

Mr. Earlywine clarified that this item relates to the amenities rates and disciplinary rule. He distributed a copy of certain draft rules, stating that the rules address the disciplinary actions that will be taken by the Board if rule violations are observed, as well as the fees associated with use of the amenities facilities. He stated that the rates have not changed, but he has included ranges to give Staff more flexibility in determining the appropriate fee to charge based on current market rates. The rule also provides the ability for the Board to adjust the fees by 10% annually. Mr. Earlywine reviewed the disciplinary actions that can be taken and the process that must be followed. A brief discussion ensued regarding the ability to limit access to the facilities should CDD fees not be paid, as well as, individuals who run up a tab at the clubhouse and do not pay it. A request was made to clarify that a violation of the pool rules could result in disciplinary action. A request was also made that the rules be posted on the website once finalized.

Following a brief discussion, Mr. Earlywine asked that the Board authorize Staff to notice the required public hearing.

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 public hearing on June 23, 2011 in order to adopt by rule rates and a disciplinary policy for the District Amenities for Harbor Bay Community Development District.

A brief discussion ensued regarding a letter that was received from an attorney requesting that the Board adopt a policy prohibiting dog owners from allowing their pets to utilize the areas between the sidewalk and the streets as a dog run and to limit the length of leashes. The Board tabled any action on this item at this time.

TWELFTH ORDER OF BUSINESS

Consideration of Proposals to Reduce Pump Noise at Pool

Mr. Huber stated that Hawkins has requested additional time so that he may evaluate the effectiveness of a cover, similar to the one being recommended, that is being installed at another community. Mr. Stumpf asked that decimal readings be taken to measure nuisance levels versus normal ones.

THIRTEENTH ORDER OF BUSINESS

Review of District's Cash Flow Analysis

Mr. Huber reviewed the cash flow analysis. Questions were entertained regarding the amount of funds showing as being collected. Mr. Huber stated that he would ask Mr. Brizendine to get back to the Board on this matter.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel – Jere Earlywine
Mr. Earlywine stated that he understands from District Management that Crossland is overdue on its assessment payments for this year, as well as last year. He explained that he has reached out to the Trustee to discuss the issue.

Mr. Earlywine stated that he is still working with the Attorney for Newland Properties on the permit / easement issue, and spoke with representatives from Newland about this issue just last week.

- B. District Engineer
Mr. Scarola stated that he recently completed a SWFWMD inspection and the report has been submitted. He further stated that he will be completing the report due on the 13th shortly. He stated that his inspection indicates that the District is going to need to make some repairs to the storm drains soon and should consider budgeting for this expense.

Mr. Scarola stated that the meeting with RGA went well, and they will be submitting a detailed report in the near future.

Mr. Scarola responded to a question relating to the channel dredging, stating that there was citizen funding in the early 90's to dredge the main channel. He stated that recent efforts to obtain funding from Hillsborough County to have the channels dredged again have been unsuccessful, but the resident group has been able to procure the permits necessary for the project.

Mr. Scarola stated that it is his understanding that the meeting last night was to encourage residents to donate to the project, which is projected to cost about \$350,000.

C. Mira Bay Club Manager – Karla Gibson

Ms. Gibson informed the Board that usage has increased at the clubhouse and all of the fitness equipment is up and running. She reviewed recent and upcoming events, stating that recent events went well. Discussion was also held regarding staffing of the pool.

A brief discussion ensued regarding the water bill, the client report, and pool rules obtained from another community that Ms. Gibson is modifying to fit the communities needs. A request was made that a copy of the client report be forwarded to the Board, as well as, a copy of the pool rules. It was noted that the pool rules should be forwarded to District Management and District Counsel for their review.

D. Field Operations Manager – John Toborg

Mr. Toborg reviewed the current Field Inspection Report, stating that the dates on the pictures indicate when the deficiency was corrected. He stated that he has spoken with Entrix regarding the issues noted that they are responsible to correct.

Mr. Toborg informed the Board that the CFI Agreement with SWFWMD has been finalized and the system will be installed by the end of May. The first quarterly OTC injections were completed and Lee Te Kim will be plugging prior injection sites going forward. A brief discussion ensued.

Mr. Toborg stated that the installation of mulch has begun and explained that the proposals included maintaining the beds with a top cover of between two to three inches twice a year. He stated that Mr. Kim has installed all of the mulch that he included in his proposal for the first installation and is approximately 250 cubic yards short of completing the project. He asked for Board authorization for Mr. Kim to borrow from the second installation to complete the process at this time. It was stated that a full installation was not completed last year. Following a brief discussion, the Board indicated its approval to install some of the mulch earmarked for the second installation at this time.

Mr. Toborg stated that he just received numerous proposals to address some of the items noted in the last inspection and others that are recommendations. He stated that he would be forwarding them to the District Management for disbursement to the Board and consideration at next month's meeting.

Mr. Toborg updated the Board on the status of the tree map and a brief discussion ensued regarding using GPS readings to provide tree locations and timing for completion of the project.

Mr. Toborg addressed Board concerns and made recommendations to address specific issues and a brief discussion ensued. Mr. Stumpf requested that moisture readings be taken prior to hand watering and that he be provided a copy of all future requests in order that he might be aware of them. This was agreed to by John Toborg. A request was also made that Mr. Toborg include the condition of the palms in SeaCrest in his monthly report so they can be addressed once the bid protest has been resolved.

E. District Coordinator- Kristy Owens

Mr. Stumpf requested that Ms. Owens get with him to review the "Royce" invoices to determine if the system could be rebooted by staff rather than making a service call each time it occurs.

F. District Manager

Mr. Huber reminded the Board that the next meeting will be held on May 26, 2011 and Mr. Brizendine will be presenting the proposed budget at this time.

Mr. Huber stated that he was asked by litigation counsel to speak with the Board regarding scheduling a Shade Meeting at the beginning of the May 26th meeting. A verbal listing of the individuals, who would be attending the meeting was put forward and included the District Manager (Scott Brizendine), District Counsel (Jere Earlywine), Litigation Counsel (Brian Bolves and Steven Medendorp), the Board Supervisors, and a Court Reporter.

On a Motion by Ms. Guill, seconded by Mr. Stone, with all in favor, the Board of Supervisors authorized District Staff to submit the required advertisement to notice the Shade Meeting to be held on May 26, 2011 at 5:30 p.m. for Harbor Bay Community Development District.

FIFTEENTH ORDER OF BUSINESS

**Supervisor Requests & Audience
Comments**

Mr. Stumpf led discussions on the status of the Greeter Policy and requested that a copy be provided to the Board prior to the next meeting.

Audience Comments

Audience comments were entertained and discussions held regarding the condition of the canal and the status of the transfer from Newland Communities, unruly behavior at the pool and the possibility of separating kids from adults, who owns the conservation area on the North side of SeaCrest and evasive plants that are growing in it, and a recommendation was made that the District not accept any conveyances from the Developer that will require the District to spend a massive amount for ongoing maintenance without an agreement that they will maintain it or at least make sure it is in decent condition at the time it is acquired. A request was made for Rizzetta to research when Entrix completed inspections of the canal.

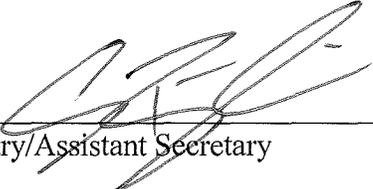
A resident asked for an update on the seawall litigation. It was stated that the process is still ongoing, but appears to be progressing nicely. A brief discussion on the purpose of the shaded meetings ensued. It was noted that a court reporter is present during the Shade Meetings and minutes will be available after the case has been settled.

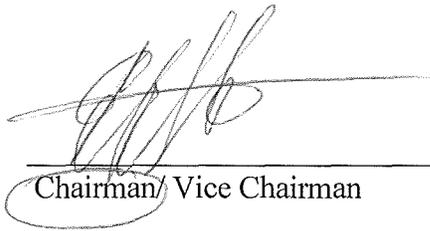
No official Board action was taken regarding any of the items addressed.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board adjourned the meeting at 7:56 p.m. for Harbor Bay Community Development District.


Secretary/Assistant Secretary


Chairman/Vice Chairman