

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, May 24, 2012 at 5:35 p.m.** at the MiraBay Clubhouse, located at 107 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.
John Toborg	Field Operations, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Chuck Bowen	District Counsel, Hopping, Green & Sams, P.A.
Jamie Scarola	District Engineer, Scarola Associates Engineering
Mindy Anderson	Club Manager
Kristy Owens	District Coordinator
Audience	

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Audience Comments on Agenda Items

A resident inquired as to whether or not residents would be asked to pay for any mistakes that are discovered as a result of the new RFP for landscaping services. No response was provided.

THIRD ORDER OF BUSINESS

Consideration of Minutes from the Board Supervisors' Meeting Held on April 26, 2012

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved the minutes from the Board of Supervisors' meeting held on April 26, 2012 as presented for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for April 2012

There were no questions regarding any of the expenditures.

On a Motion by Ms. Guill, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of April 1-30, 2012 (\$241,548.28) for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of Operations and Maintenance Expenditures for April 2012 – Mira Bay Amenity Center

There were no questions regarding any of the expenditures.

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 April 1-30, 2012 (\$55,022.62) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Review of District's Cash Flow Analysis

Mr. Brizendine stated that through the end of April the District has collected \$3,291,819 of the \$3,449,547 assessed and has \$205,310 in its cash account and \$1,270,881 in its investment account. Mr. Brizendine stated that based on current spending trends he estimates that the District will have approximately \$116,369 at the end of the fiscal year. It was noted that the County will be holding its tax certificate sales on Saturday. There were no questions regarding the report.

SEVENTH ORDER OF BUSINESS

Review of RFP for Landscape Maintenance Services

Mr. Earlywine and Mr. Toborg responded to Board questions relating to the RFP regarding the evaluation criteria, freeze protection, the purchase of fertilizer, and various other points. Concerns were expressed with the District purchasing fertilizer, mulch or plants as this tends to leave an out for the landscaper and the possibility of finger pointing. Possible solutions to this concern were put forward that would still allow the District to take advantage of pricing options.

Mr. Toborg inquired whether the Board would like to include an option to have the landscaper provide a price to utilize fire ant control for the common areas via a product called Top Choice. He also reviewed the form that has been included relating to pest control and the inoculations for the palm trees. A brief discussion ensued regarding who would be determining responsibility for the death of trees etc. and the use of standards of care, as well as what accountability process the Board would like to use with the vendors.

Mr. Earlywine led discussions regarding the landscaping map and any considerations that the Board might have for any areas of landscaping that might be added at some point. He stated that the map has been reviewed extensively but there is always the possibility that something was missed. It was decided to include a provision for the landscaper to add up to a half acre at no additional charge and anything greater to be done based on the contract pricing provided in the bids. It was noted that optional areas have been included on the map and optional pricing requested the District is still clarifying whether certain areas are within its maintenance authority.

A brief discussion ensued regarding the timing for the RFP. It was decided to hold a workshop prior to the July meeting to review the proposals and then make the final approval at the July Meeting.

Mr. Earlywine reviewed Resolution 2012-03 and asked for a motion to approve.

On a Motion by Mr. Ripley, seconded by Ms. Guill, with all in favor, the Board of Supervisors approved Resolution 2012-03, approving the bid documents in substantial form and appointing the Board as the RFP committee for Harbor Bay Community Development District.

On a Motion by Mr. Stumpf, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors authorized Staff to submit the required advertisement to hold a committee meeting to review the proposals received from the RFP for landscaping services on July 18, 2012 at 5:30 p.m. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752 for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Consideration of Rental Rate Revisions

Mr. Earlywine stated that he reviewed the fee structure that the Board approved last year and it does not give Staff the leeway that it is looking for to adjust the rental fee rates. He stated that another public hearing would be needed if the Board wanted to change the rates. Ms. Guill stated that management should be able to make the decisions, but emphasized the need to keep the wear and tear that occurs to the facilities as a result of the rentals in mind when setting the rates.

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board of Supervisors authorized Staff to submit the required advertisement to hold a public hearing on adjusting rental rates for District amenities on June 28, 2012 at 5:30 p.m. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752 for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

Discussion of Golf Cart Usage on CDD Property

A lengthy discussion was held regarding issues that have developed relating to the use of golf carts on District property; with concerns being expressed for the safety of residents and damage to property that has occurred. The greatest concern is with young children driving the carts. It was noted that neither the District nor the HOA have policing powers and could not enforce any restrictions even if there were any in place, but the sheriff's office can be called. The Board encouraged anyone observing this behavior to do just that as it is illegal for any golf cart to be driven by an unlicensed driver or the golf cart is not street legal. Mr. Bowen stated that the District might need to enter into an agreement with the County to have them enforce any District restrictions within the community. The possibility was put forward that it might be beneficial to invite the Lieutenant for this District to speak with the Board regarding this matter. The Board asked that the Lieutenant be invited to attend the June meeting.

TENTH ORDER OF BUSINESS

Presentation of Fiscal Year 2012/2013 Proposed Budget

Mr. Brizendine stated that he is required under Florida Statutes to present a proposed budget to the Board prior to June 15th of each year. He stated that the Board held a budget workshop to discuss the budget in detail on May 16th and reviewed a list of 82 potential capital improvement projects that he will be obtaining pricing on prior to the public hearing to finalize the budget. Mr. Brizendine briefly reviewed the proposed budget totaling \$3,377,225, explaining that they will be making adjustments to that total based on the results of the landscape bid and any capital improvement items the Board feels needs to be completed next year. He recommended that the Board hold the public hearing during the August 23rd meeting to allow sufficient time to obtain pricing on the projects as requested and for the Board to hold another workshop to discuss the options. A brief discussion ensued regarding pricing for some of the projects that he has already obtained, such as painting the clubhouse, lighting the basketball courts, and adding either sheriff patrols or roving services by security.

Mr. Stumpf stated that the Board budgeted to paint the clubhouse this year and recommended that they take advantage of the pricing from Certa Pro and get the painting done at this time. Mr. Brizendine confirmed that the proposal in the amount of \$18,210 includes all the prep work, filling of cracks, etc. and painting the clubhouse, the buildings by the tennis courts and Outfitters. He stated that the proposal is for Sherman Williams Super Paint, but it is only for one coat. The Board asked that he obtain pricing to include the boat lift and the guard houses, as well as confirm that the paint is mold resistant. They also suggested that he speak with Certa Pro to determine if doing a second coat would be cost effective when considering the additional cost and how long it would extend the period between paintings.

On a Motion by Mr. Ripley, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved a not-to-exceed amount of \$25,000 to have Certa Pro paint the clubhouse, tennis court buildings, outfitters, boat lift, and guard houses as discussed for Harbor Bay Community Development District.

Mr. Brizendine reviewed Resolution 2012-04 that approves the proposed budget and sets the public hearing for the final budget.

On a Motion by Mr. Stumpf, seconded by Mr. Ripley, with all in favor, the Board of Supervisors approved Resolution 2012-04, approving the fiscal year 2012/2013 proposed budget totaling \$3,377,225 and setting the public hearing for August 23, 2012 at 5:30 p.m. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752 for Harbor Bay Community Development District.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine stated that he was asked to explore the possibility of changing the way that O & M assessments are allocated. He explained that, while there are certain advantages and risks either way, it is possible to assess some line items spread equally over the community such as those associated with the clubhouse, but not those associated with items such as the stormwater drainage systems. Currently all of the O & M assessments are based on the EAU unit just as the debt service assessments are. Mr. Earlywine reviewed the process for making this type of change that includes noticing all of the affected property owners of the proposed change, holding a public hearing to address the proposed change, and then the Board voting on it. He recommended that Robbie Cox be asked to present a breakdown of how the proposed change would impact the assessment levels, so that the Board could make an informed decision. The Board asked that Mr. Cox be available to review the information at the next meeting if he is available.

Mr. Earlywine reviewed the draft Disclosure of Public Finance letter. He explained that Florida Statutes require that the disclosure of public finances be made available to the public and asked for authorization for Staff to distribute the information as required.

On a Motion by Ms. Guill, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors authorized Staff to distribute the disclosure information as discussed for Harbor Bay Community Development District.

Mr. Bowen addressed the issue of protecting the information provided to the clubhouse for the purpose of obtaining access cards, etc. He stated that in general that information is subject to public records requests, but sensitive items such as social security or credit numbers are exempt, and other information about children and their parents may be exempted from requests and he is in the process of reviewing how these exemptions can be utilized by the District. Mr. Bowen stated that he has also reviewed the record retention policy for the District and it calls for all records to be retained indefinitely.

social security or credit numbers are exempt, and other information about children and their parents may be exempted from requests and he is in the process of reviewing how these exemptions can be utilized by the District. Mr. Bowen stated that he has also reviewed the record retention policy for the District and it calls for all records to be retained indefinitely.

However, in order to further protect patron information, a new resolution could be approved allowing for amenity records to fall into the retention schedule as prescribed by the Department of Library and Information Services, as well as, changing the forms used to specify that certain information is collected for emergency purposes only. A brief discussion ensued regarding noting on the forms that the information may be subject to a public records requests and the possibility of having the HOA hold the documents, so they would not be public information. Mr. Earlywine stated that if the information is used by the District it would be subject to a records request regardless of which entity held the records.

B. District Engineer

Mr. Scarola stated that while initial inspections of the pool indicate that everything is fine, he does have one concern with the level of the south end of the pool as it appears to be lower than the rest of the pool. He recommended that the south end of the pool shell be monitored over a period of time to ensure that there isn't any issue given that one of the major cracks was in the area. It was stated that there is no information one way or the other indicating whether this situation was present prior to the work being completed or not. A brief discussion ensued.

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors authorized District Engineer to obtain proposals to monitor the water level at the southern end of the pool on a semi-annual basis for Harbor Bay Community Development District.

Mr. Scarola stated that he would bring costs to the Board next month.

C. Club Manager – Mindy Anderson

Ms. Anderson spoke regarding the success of the Dragon Boat Festival and upcoming events.

D. Operations Manager

No Report.

E. District Coordinator- Kristy Owens

No report.

F. District Manager

Mr. Brizendine presented the fiscal year 2010/2011 financial report prepared by McDirmit Davis, stating that it is unqualified audit meaning that is an accurate representation of the District finances and there were no findings in relation to control issues. However, as the Board is aware there were findings relating to the

fact the District was over budget last year and the deficit funding cash balance as the result Newland's early payment of the current year's assessments to carry the District through. He asked that the Board take time to review the report and get back to him with any questions and to authorize Staff to submit it to the appropriate governmental entities.

On a Motion by Mr. Stumpf, seconded by Ms. Guill, with all in favor, the Board of Supervisors accepted the fiscal year 2010/2011 financial audit and authorized Staff to submit it to the appropriate governmental entities for Harbor Bay Community Development District.

TWELFTH ORDER OF BUSINESS

**Supervisor Requests & Audience
Comments**

Audience Comments

Audience comments were entertained regarding concerns with ensuring that there is no recurrence of issues relating to landscaping or irrigation within Seacrest with this landscape bid, any performance clause included in the bid specs, the damaged boundary wall within Seacrest, the impact that increasing the assessments on the villas and townhomes could have, the golf cart issue, the timing for posting the minutes on the website and the proposal to paint the clubhouse being too low. Staff addressed all of the concerns put forward and Mr. Earlywine stated that his review of the ownership of the boundary wall clearly indicates that it is not owned by the District, but he could not unequivocally say whether it was owned by the HOA or Newland at this time.

Supervisor Requests

Mr. Stone informed the Board that he is moving the end of July and would be resigning his position on the Board effective at the end of the meeting. He stated that while he could remain on the Board until the move has been made, he feels it would be in the District's best interest for his replacement to be part of the decision making process for the landscape contract and the next fiscal year's budget. Mr. Stone read a short statement into the record regarding his service on the Board and his recommendation, based on Florida Statutes, for how he would like to see his seat filled. He asked that an e-blast be sent out to the residents requesting resumes and that the individual selected meet the eligibility requirements and be willing to run for the seat in the November elections. Comments were made thanking Mr. Stone for his dedication and service to the community.

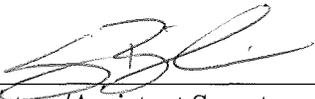
On a Motion by Mr. Hatcher, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors accepted the resignation of Ed Stone as Board Supervisor for Harbor Bay Community Development District.

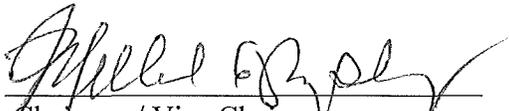
Mr. Brizendine stated that the position of Chairman could be filled once a replacement Supervisor has been selected and Mr. Ripley has the authority to sign documents, until that time.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stumpf, seconded by Ms. Guill, with all in favor, the Board adjourned the meeting 8:05 p.m. for Harbor Bay Community Development District.


Secretary/Assistant Secretary


Chairman/ Vice Chairman