

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, July 28, 2011 at 5:30 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.
Carl Eldred	District Counsel, Hopping, Green & Sams, P.A. <i>(via speakerphone)</i>
Jamie Scarola	District Engineer, Scarola Associates Engineering
Kristy Owens	District Coordinator
Karla Gibson	Club Manager
Tom Griggs	Representative, Newland Communities
Audience	

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Audience Comments on Agenda Items

There were no audience comments put forward on agenda items at this time.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors' Meeting held on June 23, 2011

On a Motion by Ms. Guill, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisors' meeting held on June 23, 2011 as presented for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for June 2011

A brief discussion ensued regarding the Ballenger invoice for the E/T system and whether the credit of \$25,000 from the County was being collected. It was also stated that bond construction proceeds would pay for this expense. Mr. Brizendine confirmed that the credit was being processed and the Hawkins invoice question has been resolved.

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of June 1-30, 2011 (\$311,458.69) for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

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

Mr. Brizendine confirmed that the sales tax issue had been resolved and the contract with WTS calls for reimbursement of telephone charges and the cell phone reimbursement was included in the budget.

On a Motion by Mr. Stone, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of June 1-30, 2011 (\$92,630.50) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Newland Request for Construction of Monuments on District Property

Mr. Griggs from Newland Communities addressed the Board regarding a request to construct monuments at the entrances to new neighborhoods within Harbor Bay. He reviewed the locations for each of the monuments, stating that they will be constructing five, but only three of them would be on District property. They would match the existing monuments as closely as possible and comply with line of sight triangle requirements. Mr. Griggs stated that the monuments were approved by the County in the design phase and all necessary permits have been pulled. It was stated that a License Agreement would need to be in place between Newland and the District.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved the request in substantial form and authorized District Counsel to prepare a License Agreement with Newland regarding construction of entrance monuments to be executed by the Chairman once finalized for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine stated that the easement conveyance from Newland is still in progress, with a conference call scheduled for next week to address any issues.

Mr. Earlywine stated the agreement has been sent to Crosland and he was told that they are committed to sign the agreement and make a payment next week but the person authorized to do so was out on vacation until next week.

Mr. Earlywine stated that he was asked to draft a letter on the status of the seawall litigation for distribution to the residents. He asked for guidance from the Board and a brief discussion ensued. It was stated that it is important that the letter go out along with the budget notification letter.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board of Supervisors authorized Staff to include a letter updating the community on the status of the seawall litigation with the budget notification letters for Harbor Bay Community Development District.

Mr. Earlywine stated that based on the last meeting he drafted the agreement with Greenbriar relating to the bid protest and asked if there were any comments from the Board regarding the agreement and related letters to Lee Te Kim and to the Seacrest HOA. A brief discussion ensued regarding the language of the termination clause and the scope of work. A recommendation was made that this item be tabled until the Board has had more time to review the agreement. Mr. Earlywine stated that the language in the agreement coincides with the settlement offer. He stated that Greenbriar is expecting the contract to begin August 1st, so he would not recommend putting a decision off for long. It will be addressed at the next meeting.

Mr. Toborg stated that he has reviewed the scope of service and addressed a few of the details of the scope of service.

Mr. Earlywine stated that in looking forward to the bid process for next year, he recommended that an O & E study be completed prior to completing the bid documents. Mr. Griggs stated that Newland has an ownership map that is updated quarterly. A brief discussion ensued regarding issues with O & E studies vs. surveying and the costs involved.

On a Motion by Mr. Stumpf, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors authorized Staff to work with Newland on the ownership map and obtain pricing for an O & E Study for Harbor Bay Community Development District.

B. District Engineer

Mr. Scarola stated that the ADA discussions are still ongoing.

Mr. Scarola informed Mr. Toborg that there is a site visibility issue on Manns Harbour Dr. at the Mirabay Boulevard intersection. Mr. Toborg stated that he noted that in his last report and has requested that the landscape be trimmed back.

C. Mira Bay Club Manager – Karla Gibson

Ms. Gibson reviewed the welcome packet that was provided to the Board and asked for comments from the Board. The Board put forward a few recommendations and Ms. Gibson stated that she would address the concerns. It was noted that the packet is designed to address items related to the amenities and not CDD / HOA items.

Ms. Gibson addressed the “Resident for-a-day Program,” explaining that the \$10.00 fee is to cover the cost of the lanyard and not to charge Newland for guests. It is designed to be provided to serious potential buyers.

On a Motion by Ms. Guill, seconded by Mr. Stone, with four in favor and one against (Paul Stumpf), the Board of Supervisors approved the “Resident for-a-day Program” as discussed for Harbor Bay Community Development District.

Mr. Earlywine stated that he has not had an opportunity to review the welcome packet, but recommended that it be adopted in substantial form, and subject to review by District Staff.

On a Motion by Mr. Ripley, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors adopted the WTS welcome packet in substantial form, and subject to review by District Staff, as discussed for Harbor Bay Community Development District.

A brief review of recent and upcoming events at the clubhouse was provided.

D. Field Operations Manager – John Toborg

Mr. Toborg stated that fertilizer applications are scheduled for August and September and they will be following the new guidelines approved by the County. He stated that it is now necessary to prove a need to utilize phosphate and fertilizing can not be done within 36 hours of a projected rainstorm of two or more inches.

Mr. Toborg spoke briefly regarding the proposals for hand watering, etc.

Mr. Stumpf inquired on the status of the landscape map and Mr. Toborg informed him that it was still an ongoing project.

E. District Coordinator- Kristy Owens
No Report.

F. District Manager
Mr. Brizendine reviewed the Cash Flow Analysis for the Board, stating that cash is going to get very tight should the monies not be received from Crosland. He stated that he will continue to monitor and keep the Board updated.

Mr. Brizendine presented a proposal from Le Te Kim for 280 cubic yards of mulch for a total of \$10,780, which would bring the total up to \$48,000. He stated that there is an option to bill for the additional mulch on October 31, 2011. A brief discussion ensued regarding the responsibility of the landscaper to estimate the proper amount of mulch and the terms of the contract. Mr. Toborg stated that there are several beds that need more mulch. He confirmed that they would still be under the allocated amount of 1,400 cubic yards that was scheduled to be installed in two rounds, but there will not be enough left to do another dressing.

On a Motion by Mr. Hatcher, seconded by Mr. Stone, with four in favor and one against (Paul Stumpf), the Board of Supervisors approved the proposal for 280 cubic yards (\$10,780) of mulch to be billed on October 31, 2011 for Harbor Bay Community Development District.

Mr. Brizendine reminded the Board of the special meeting on August 3rd at 5:00 p.m. for the purposes of holding a Shade Meeting and another budget workshop at 6:30 p.m. He stated that the WTS budget looks good and will be emailed out to the Board prior to the workshop.

EIGHTH ORDER OF BUSINESS

**Supervisor Requests & Audience
Comments**

Staff responded to Supervisor comments regarding the damage caused by the Atlas Truck, the OTC injections, the status of the palm tissue samples, ownership of the damaged wall in Seacrest along with options for obtaining reimbursement for the damages, and the status of the boat lift repairs.

Mr. Stone responded to comments made by members of the audience at the last meeting regarding the arborist's reports, the Lee Te Kim contract, a reference made that the Board impacted Mr. Kim's decision to withdraw from the bid protest, and the time that the landscape crews are on property.

Mr. Stone asked that comments on the agenda, etc. be sent to the Board as they would like to hear them. Mr. Stone also stated that he researched the question regarding Mr. Kim's vehicles having barcode stickers as this is not true. Mr. Kim and his wife have barcodes as residents, but their other commercial vehicles do not have them, nor does the District pay the landscaper by the hour. Mr. Stone requested that individuals with proof that the Board has committed criminal acts, please provide that evidence. It was stated that emails were circulated within Seacrest that contained misinformation regarding Seacrest residents paying twice for maintaining area within Seacrest that has fueled contempt for Le Te Kim and raised issues relating to allocations about illegal activities by the Board.

Mr. Toborg responded to a question as to how the irrigation as-builts are coming, stating that they are being prepared by Mark Ballenger. He stated that he attempted to obtain an update this past week, but Mr. Ballenger was on vacation.

Audience Comments

A resident reported that there is a pipe sticking out of the ground near the sidewalk. Mr. Brizendine stated that he would contact Newland regarding this matter.

Another audience member opinioned that the OTC injections have not been completed appropriately and it is not acceptable to lose as many trees as the District has lost. And the reason that residents are angry is that they have paid out \$50,000 to replace trees that shouldn't have died if the injections had been done right from the start.

NINTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Ms. Guill, with all in favor, the Board of Supervisors adjourned the meeting at 8:20 p.m. for Harbor Bay Community Development District.


Secretary/Assistant Secretary


Chairman/ Vice Chairman