

**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, September 27, 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:

Rip Ripley	<b>Board Supervisor, Chairman</b>
Tom Hatcher	<b>Board Supervisor, Vice Chairman</b>
Julie Guill	<b>Board Supervisor, Assistant Secretary</b>
Bob Collins	<b>Board Supervisor, Assistant Secretary</b> <i>(via phone)</i>
Paul Stumpf	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Matthew Huber	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Jere Earlywine	<b>District Counsel, Hopping, Green &amp; Sams, P.A.</b>
Jamie Scarola	<b>District Engineer, Scarola Associates Engineering</b>
John Toborg	<b>Operations Manager, Rizzetta &amp; Company, Inc.</b>
Kristy Owens	<b>District Coordinator</b>
Mindy Anderson	<b>Club Manager</b> <i>(joined in progress)</i>
Alex Murphy	<b>Club Asst. Manager</b> <i>(joined in progress)</i>

Audience members

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Huber called the meeting to order and conducted roll call confirming a quorum for the meeting.

**SECOND ORDER OF BUSINESS**

**Audience Comments on Agenda Items**

Mr. Huber asked if there were any comments on agenda items. There were none.

**THIRD ORDER OF BUSINESS**

**Consideration of Minutes from the Board  
of Supervisors' Meeting Held on August  
29, 2012**

Mr. Huber noted a correction that was made to line 159, adding the letter "f" to Mr. Stumpf's last name.

On a Motion by Mr. Stumpf, seconded by Mr. Ripley, with all in favor, the Board of Supervisors approved the minutes from the Board of Supervisors' meeting held on August 29, 2012 as amended for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Operation and  
Maintenance Expenditures for August  
2012**

Mr. Huber briefly presented the expenditures to the Board for consideration.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of August 1-31, 2012 (\$213,015.10) as discussed for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

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

Mr. Huber briefly presented the expenditures to the Board for consideration.

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 August 1-31, 2012 (\$82,297.07) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Discussion Regarding the Project Manual  
for the Proposed Painting Project,  
Timeline and Specs**

Mr. Huber noted the most recent version of the project manual that was distributed to the Board. Mr. Scarola reviewed the project manual for the Board and explained that this will not be a formal bid process. He noted the change that was made to Page 10, Paragraph H, 2D, removing the words "substantial completion." Mr. Scarola asked the Board if there were any questions. A question was raised about bid requirements. He stated that the advertisement makes it clear that this is an informal RFP process, and that there are no protest rights. A general discussion ensued regarding dates and the scope of work.

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On a Motion by Mr. Stumpf, seconded by Mr. Ripley, with all in favor, the Board approved the scope of work and the associated dates as presented for Harbor Bay Community Development District.

On a Motion by Ms. Guill, seconded by Mr. Ripley, with all in favor, the Board appointed a selection committee consisting of Kristy Owens, Jamie Scarola, and Paul Stumpf for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Discussion Regarding Off-Duty Deputies**

Mr. Huber noted the form of the off-duty deputy contracts that were distributed to the Board. He asked for direction from the Board on how to proceed with security services for the District in terms of the type of security needed, frequency, and specific times of day for the new fiscal year. A general discussion ensued with respect to the types of crimes occurring in the community, what is needed to deter future occurrences, and how to disseminate information regarding such incidents to residents.

On a Motion by Ms. Guill, seconded by Mr. Hatcher, with all in favor, the Board voted to disseminate information regarding all incidents of vandalism via Kristy Owens to all Board members and the head of the Neighborhood Watch for Harbor Bay Community Development District.

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with four in favor, and one, Mr. Stumpf opposed, the Board voted to retain the Hillsborough County off-duty deputies for the remainder of fiscal year 2011-2012 for Harbor Bay Community Development District.

**EIGHTH ORDER OF BUSINESS**

**WTS International Presentation of the MiraBay Club Facebook Page**

Ms. Murphy presented the Facebook proposal to the Board for their consideration. A general discussion ensued. The Board decided to table this item until the October Board of Supervisors meeting for further review and discussion. No formal Board action was taken.

**NINTH ORDER OF BUSINESS**

**Landscape Discussion**

Mr. Huber briefly presented the Lee Te Kim landscape contract to the Board for their consideration. A general discussion ensued with respect to freeze protection and the associated costs.

On a Motion by Ms. Guill, seconded by Mr. Hatcher, with all in favor, the Board authorized the Chairman to execute the Lee Te Kim contract subject to final confirmation of the price per application for irrigation freeze protection and plant freeze protection for Harbor Bay Community Development District.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
No report.
- B. District Engineer  
Mr. Scarola stated that the Hecker Construction contract is in its draft form and is in the process of being finalized.
- C. Club Manager – Mindy Anderson  
Ms. Anderson briefly reviewed the MiraBay Club Monthly Summary Report for the Board. She stated that September was a strong month financially and that they continue to generate revenue and implement new family programs. Ms. Anderson stated that the fitness equipment maintenance vendor has been changed and resident feedback has been very positive. Ms. Murphy stated that a new music program will be introduced including private lessons and a toddler music program. She updated the Board on various upcoming events in the community.
- D. District Coordinator- Kristy Owens  
No report.
- E. District Manager  
Mr. Huber stated that the next regular meeting of the Board of Supervisors will be held on October 25, 2012, at 5:30 p.m. at the MiraBay Clubhouse located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Mr. Huber asked the Board to consider a new date for the November Board of Supervisors' meeting. The Board agreed on November 15, 2012 at 5:30 p.m.

Mr. Huber briefly reviewed the financial forecast for the Board.

**ELEVENTH ORDER OF BUSINESS**

**Audience Comments and Supervisors Requests**

**Audience Comments**

Resident Tony Spazziano stated that the lagoon and other ponds in the community need to be addressed. He inquired about the maintenance contract entered into by the District; what the cost is per month versus work actually being done. A general discussion ensued. The Board agreed to obtain additional information to determine the scope of work and to review the matter further.

A Seacrest resident inquired about the hole in the Seacrest wall and whether it will be repaired in the near future. Mr. Earlywine explained that his review of the property records indicates that the wall is either located in the right-of-way owned by the County, or owned by the Seacrest HOA. He stated that a survey will need to be conducted to determine the owner of the Seacrest wall. Mr. Neal Lee stated that in the minutes of a 2007 Board of Supervisors' meeting,

the record reflects that Newland Communities built the Seacrest wall.

**Supervisor Requests**

Mr. Hatcher inquired as to whether the ADA and pool repair expenses were included in last fiscal year's budget. Ms. Guill stated that the ADA expenses were included but the pool expenses were not (aside from resurfacing costs).

Mr. Ripley stated that he met with Mr. Lee several weeks ago regarding the invoice that was billed to the District in the amount of \$26,236.08. He explained that based on new information he has obtained, he cannot in good conscience bring a motion to approve that expense to the Board.

Mr. Ripley stated that all interested parties can obtain information regarding filling the voids in the sea wall from Ms. Owens.

Mr. Huber briefly presented an addendum to the amenity management agreement to the Board for consideration. The addendum would increase administrative assistance to 40 hours per week.

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board approved the addendum to the Rizzetta Amenities Services Agreement for Harbor Bay Community Development District.

Ms. Guill stated that she is working on a new collaborative effort with District Staff, the HOA and Newland Communities to establish a new platform on MyMiraBay.net called "Know MiraBay," that will include a series of e-columns that will address topics that are of interest to residents.

Mr. Collins stated that he is working on the sea wall litigation and that all is looking positive.

Mr. Hatcher stated that he will not be attending the October Board of Supervisors' meeting and therefore this will be his last. He said his goodbyes to his fellow Board members and District Staff expressing his appreciation for all of the support, hard work and cooperation throughout the years.

**HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT**

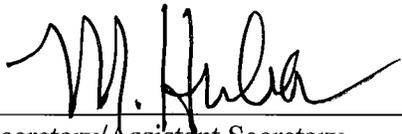
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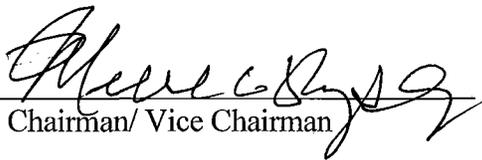
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**TWELFTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Hatcher, seconded by Ms. Guill, with all in favor, the Board adjourned the meeting at 7:53 p.m. for Harbor Bay Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/ Vice Chairman