

**HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT**

**October 25, 2012 - Minutes of Meeting**

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**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, October 25, 2012 at 5:43 p.m.** at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Julie Guill	<b>Board Supervisor, Assistant Secretary</b>
Bob Collins	<b>Board Supervisor, Assistant Secretary</b>
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>
Kristy Owens	<b>District Coordinator</b>
Alex Murphy	<b>Club Asst. Manager</b>

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.

Mr. Huber stated that upon recommendation of District Counsel, it was suggested that he be appointed as temporary Chairman for the purposes of this meeting.

On a Motion by Ms. Guill, seconded by Mr. Collins, with all in favor, the Board appointed Matthew Huber as temporary Chairman for Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of Minutes from the Board of Supervisors' Meeting Held on September 27, 2012**

Mr. Huber noted a correction that was made to the motion relating to security services. Mr. Stumpf stated that under the Eleventh Order of Business, Audience Comments (line 150), it should read "Sea Crest wall".

On a Motion by Mr. Stumpf, seconded by Mr. Collins, with all in favor, the Board of Supervisors approved the minutes from the Board of Supervisors' meeting held on September 27, 2012 as amended for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

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

Mr. Huber briefly presented the expenditures to the Board for consideration. Mr. Stumpf noted the HD Supply invoice in the amount of \$206.70 that should have been charged to amenities.

On a Motion by Mr. Stumpf, seconded by Ms. Guill, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of September 1-30, 2012 (\$310,386.99) as amended for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

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

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

On a Motion by Ms. Guill, seconded by Mr. Collins, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of September 1-30, 2012 (\$55,396.86) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of the MiraBay Club Facebook Page**

Mr. Earlywine updated the Board on his findings regarding Facebook and various concerns the Board would have to consider relating to public information and first amendment rights. A general discussion ensued. Ms. Murphy stated that she will be conducting a resident survey for upcoming programs and will add a question about whether residents would find Facebook useful. This agenda item was tabled until the results of the survey can be reviewed.

**SEVENTH ORDER OF BUSINESS**

**Presentation of Arbitrage Rebate  
Calculation Series 2001 A&B**

Mr. Huber presented the arbitrage rebate calculation series 2001 A&B to the Board for their review. Mr. Stumpf asked a question regarding the budgeted amount for the arbitrage rebate calculation services as the fee seems to be higher than anticipated.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board accepted the Arbitrage Rebate Calculation for Harbor Bay Community Development District.

**EIGHTH ORDER OF BUSINESS**

**Review of the District's Financial Forecast  
(under separate cover)**

Mr. Huber reviewed the District's financial forecast for the Board. No formal Board action was taken.

**NINTH ORDER OF BUSINESS**

**Discussion Regarding Pool Service**

The Board directed District Staff to obtain proposals to be reviewed at the November 15, 2012 Board of Supervisors meeting.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Collins updated the Board on the status of the sea wall litigation. He stated that at a recent court hearing, the judge denied a motion by the Defendants to delay the trial date. Mr. Collins stated that the Defendants have since requested mediation and that all parties should attend with the clients.

Mr. Earlywine stated that the sea wall litigation counsel has requested a shade session on November 15, 2012 at 3:00 p.m. to address settlement related issues associated with the sea wall litigation. It is expected that the current Board of Supervisors, as well as Matthew Huber, Jere Earlywine, Chuck Bowen, Steve Medendorp, Brian Bolves and a Court Reporter will be present, and that the session will last approximately 1 hour. Also, litigation counsel asked that the District approve funding of 1/3 of the proposed mediation expenses, in an amount not-to-exceed \$10,000.00.

On a Motion by Mr. Collins, seconded by Ms. Guill, with all in favor, the Board authorized District Staff to set a shade session for November 15, 2012 at 3:00 p.m. for Harbor Bay Community Development District.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board approved a Not-To-Exceed amount of \$10,000.00 for purposes of mediation for Harbor Bay Community Development District.

Mr. Earlywine noted that because the painting project is not reasonably expected to exceed the statutory thresholds for a formal bid process based on third party estimates, a request has been made that the RFP Review Committee be disbanded. Instead, staff can simply review the proposals and bring them to the next meeting for review by the Board.

On a Motion by Mr. Stumpf, seconded by Mr. Collins, with all in favor, the Board rescinded the motion to appoint a RFP Review Committee to for Harbor Bay Community Development District.

B. District Engineer

Not present. Mr. Huber noted that there were four proposers that participated in the walk-through for the painting RFP.

C. Club Manager – Alex Murphy

Ms. Murphy updated the Board on the background of the Soccer Shots program. She stated that they received approval from the HOA to run the program but do not have permission from the Board as the events are held on District property. Ms. Murphy stated that Soccer Shots would be subcontracted through WTS as a vendor and would be marketed to residents only. Mr. Earlywine briefly reviewed the contract for the Board.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board approved the Soccer Shots agreement for Harbor Bay Community Development District.

Ms. Murphy stated that Ms. Anderson will be on maternity leave for the next six weeks and that there is another WTS manager that will be assisting with programs. She reviewed the MiraBay Club Monthly Summary Report for the Board.

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 November 15, 2012, at 5:30 p.m. at the MiraBay Clubhouse located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Mr. Huber stated that the District will need to obtain a SESAC Music License that covers all forms of music being played in the clubhouse (\$580.00/year).

Mr. Huber distributed an email sent by Charles Pons of BRA Entrix regarding the algae blooms in the lagoon. He read the email for the record:

“Because the lagoon has become more of a saltwater body, at times the tide is over the boatlift. We are only to treat emergent vegetation such as cattails and grasses. This took some time from the original construction, but once we realized this we reduced the monthly fee from \$3,875.00 to \$2,800.00 back in 2005. We explained the situation to the CDD Board, which at the time, was comprised mostly of Developer personnel. The bulk of our efforts are concentrated on treating the storm water ponds. There’s been a minimal need for treating even emergent vegetation in the lagoon. In addition, Daniel Hammond of our water quality department has been working with the CDD on a long term solution to the algae problems in the lagoon that are not allowed to be treated with algacides. This has included aeration systems, but due to the large size of the lagoon, it has made it financially not feasible.”

Mr. Huber stated that a resident contacted the HOA regarding a broken curb in front of their house. He explained that he was hesitant to get involved with a residents personal driveway, but given its close proximity to the storm water structure, it may eventually affect the District’s infrastructure. Mr. Huber presented a quote from TMT Asphalt to repair the damage (\$1,579.32) and asked for the Board’s direction. A brief discussion ensued. The Board agreed to have Mr. Scarola review the request before deciding how to proceed.

**ELEVENTH ORDER OF BUSINESS**

**Audience Comments and Supervisors Requests**

**Audience Comments**

An audience member voiced his opposition to the implementation of a Facebook page. He inquired as to what the District can realistically gain from the sea wall mediation. An audience member inquired as to what happens after mediation.

An audience member stated that before the District enters into mediation, the Board should have an idea of a number that they are looking to mediate toward. He asked the Board to rescind the motion for the shade meeting in light of the upcoming election. Mr. Earlywine explained that because it is unknown how long the Board will have to make a decision on an offer by the Defendants, the shade meeting is scheduled immediately after to accommodate possible time constraints.

An audience member expressed his support of the mediation process. He voiced his opposition to Facebook and suggested that all efforts are concentrated on MyMiraBay.net. He praised the Adventure Club Day that took place the previous weekend and stated he was pleased to have participated in the event.

An audience member stressed the importance of having both parties agree so that the sea wall litigation does not continue indefinitely.

An audience member requested that the Board consider using a PA system during the Board meetings so that audience members can hear the discussions clearly.

A Harbor Bay resident requested that lights be installed at the basketball courts.

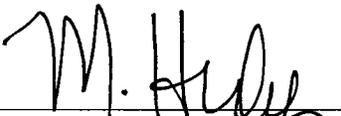
**Supervisor Requests**

There were no Supervisor requests.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Ms. Guill, seconded by Mr. Collins, with all in favor, the Board adjourned the meeting at 7:04 p.m. for Harbor Bay Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/ Vice Chairman