

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

November 15, 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, November 15, 2012 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:

Rip Ripley	Board Supervisor, Chairman
Tom Hatcher	Board Supervisor, Vice-Chairman
Julie Guill	Board Supervisor, Assistant Secretary
Bob Collins	Board Supervisor, Assistant Secretary
Paul Stumpf	Board Supervisor, Assistant Secretary

Also present were:

Matthew Huber	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Jamie Scarola	District Engineer, Scarola Associates Engineering
Kristy Owens	District Coordinator
Alex Murphy	Club Asst. Manager

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 October 25, 2012

Mr. Huber noted corrections that were made per the previous email correspondence from Ms. Guill noting that Mr. Collins was in attendance. Mr. Stumpf noted a correction to the Eleventh Order of Business, Line 200 that should read: "Mr. Baughtery".

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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 October 25, 2012 as amended for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

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

Mr. Huber briefly presented the expenditures to the Board for consideration. He noted that once the funds are available, the insurance premium will be paid in full. A question was raised about the Hillsborough County Off-Duty Patrols and whether the intent was for the services to extend through the end of the fiscal year or the calendar year. Mr. Huber stated that he would look into the matter further and noted that the charge for phone calls to Japan is currently under investigation.

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 October 1-31, 2012 (\$119,255.83) as presented for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

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

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

On a Motion by Mr. Collins, seconded by Mr. Ripley, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of October 1-31, 2012 (\$56,128.20) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Proposals for Pool
Repairs**

Mr. Scarola reviewed the proposals for the Board. A brief discussion ensued.

On a Motion by Ms. Guill, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors approved the Hawkins proposal to replace the motor (\$1,600.00) for Harbor Bay Community Development District.

Mr. Huber noted the proposal that was distributed under separate cover to repair the slides. He stated that District Staff is not recommending that the Board proceed with the repairs at this time due to the cost (\$19,500.00). A brief discussion ensued.

SEVENTH ORDER OF BUSINESS

Consideration of Painting RFP

Mr. Scarola reviewed the proposals and the suggested rankings for the Board. A general discussion ensued with respect to price and the scope of work (exclusive of entry monuments, guard houses, bridge columns and miscellaneous community monuments unless it can be done within budget).

On a Motion by Mr. Collins, seconded by Mr. Hatcher, with all in favor, the Board authorized District Staff along with a representative of the Board to negotiate a contract with Elias Brothers subject to final review by the Board for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

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

Mr. Huber noted that the financials were not available for review at this meeting due to the holiday schedule and the meeting date change. This agenda item was tabled.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine stated that the District is currently being sued by Seacrest HOA. He presented Resolution 2013-01 to the Board for their consideration. He stated that Resolution 2013-01 would serve to designate a Supervisor as a liaison to represent the Board in matters pertaining to litigation, authorize the liaison to represent the District in meetings, direct the District's counsel on matters relating to strategy with respect to the litigation and regularly report to the Board, at publicly noticed Board meetings or "shade" meetings, regarding the status of the litigation.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board adopted Resolution 2013-01, appointing Bob Collins as a liaison to represent the Board in matters pertaining to the Seacrest HOA litigation for Harbor Bay Community Development District.

Mr. Earlywine stated that there are two shade sessions for the Board to consider to be held on November 19, 2012.

Mr. Earlywine stated that with respect to the Seawall litigation, the insurance carriers will have further discussions and it was requested that a shade session be scheduled in the event that an offer comes through in the next couple of weeks.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board authorized District Staff to set a shade session for December 19, 2012 at 2:00 p.m. (Seacrest HOA) and 3:30 p.m. (Seawall) and to publicly notice the sessions for Harbor Bay Community Development District.

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B. District Engineer

Mr. Scarola updated that the Board on the GeoPointe survey and recommended that the Board consider retaining a structural engineer.

On a Motion by Ms. Guill, seconded by Mr. Ripley, with all in favor, the Board approved a not-to-exceed amount of \$5,000.00 to retain a structural engineer for Harbor Bay Community Development District.

C. Club Manager – Alex Murphy

Ms. Murphy asked the Board for approval of the annual Dragon Boat event scheduled for March 2013 that will be open to the public.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board approved the dragon boat event scheduled for March 2013 for Harbor Bay Community Development District.

Ms. Murphy updated that Board on upcoming holiday events.

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 December 19, 2012, at 5:30 p.m. at the MiraBay Clubhouse located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

TENTH ORDER OF BUSINESS

Audience Comments and Supervisors Requests

Audience Comments

An audience member thanked Board members for their service and sacrifice. He noted that an attempted break-in occurred over the weekend that was not communicated throughout the community as it should be. The audience member stated that there is a computer in Gate House 1 that is capable of capturing security information that is not currently functioning. He recommended that the Board implement an information dissemination policy to keep residents better informed of future incidents. A general discussion ensued regarding the policy that was previously approved at the September 27, 2012 Board of Supervisors' meeting to disseminate this sort of information and how to communicate it in a responsible way. The Board directed the Crime Watch captains to determine the best way to address this issue and report back to the Board.

An audience member requested that the Board consider painting the doggie bag signs as part of the painting project and noted that the boat lift area (ramps) is filthy and needs to be cleaned. She also requested that the Board consider installing a PA system so that audience members can hear them better during the Board meetings.

An audience member thanked the organizers of the Adventure Club on a job well done. He noted that the kayaks are in need of replacement.

Supervisor Requests

Mr. Hatcher noted that the expense of the street lights (included in assessments) on vacant lots owned by Newland Communities should be reimbursed if the lights are shut off.

Mr. Ripley stated that the cameras, card scanners and other electronics are in desperate condition and the Board is working to obtain proposals to upgrade and replace the equipment as needed over the next 4-5 years.

Mr. Collins encouraged residents to be mindful of security and protecting their homes with alarm systems.

Mr. Stumpf inquired about the freeze protection price. Mr. Huber stated that it would cost \$2,000.00 per application. Mr. Stumpf asked about the two additional OTC injections. Mr. Huber stated that the contractor is claiming that the injections have been done and it is still under investigation. Mr. Stumpf inquired about the contracts for the streetlights at the end of MiraBay Boulevard that are currently under contract with the District. He stated that the contract should be terminated if in fact the property is owned by the Developer. A general discussion ensued with respect to the assessments which include the street light expenses and possible liability issues.

On a Motion by Mr. Ripley, seconded by Ms. Guill, with all in favor, the Board authorized District Staff to amend the current streetlight contract to a month to month (which reflect the current lighting), determine if the streetlights are on Developer property to then terminate the contract for Harbor Bay Community Development District.

Mr. Ripley asked for an update on the perimeter wall ownership issue. Mr. Earlywine stated that one side of the wall is a County right-of-way and the other side is Seacrest property. He noted that the Board authorized some patch work approximately 5 years ago and he has reached out to Newland Communities to work with the HOA to fix the wall. Mr. Huber recommended that Mr. Earlywine submit a memo for the record officially documenting his findings and that the perimeter wall is not District property.

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ELEVENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stumpf, seconded by Mr. Collins, with all in favor, the Board adjourned the meeting at 7:16 p.m. for Harbor Bay Community Development District.


Secretary/Assistant Secretary


Chairman/ Vice Chairman