

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 **Wednesday, December 19, 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
Julie Guill	Board Supervisor, Vice-Chairman
Bob Collins	Board Supervisor, Assistant Secretary
Paul Stumpf	Board Supervisor, Assistant Secretary
Bob Cribbs	Board Supervisor, Assistant Secretary

Also present were:

Scott Brizendine	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Doug Smith	Hopping, Green & Sams, P.A.
Jamie Scarola	District Engineer, Scarola Associates Engineering

Audience members

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Audience Comments on Agenda Items

An Audience member reminded the Board that a survey was conducted two years ago regarding the installation of the basketball court lights. He stated that the results showed that there was a total of 107 responses. 85 said no, 13 said yes, and 9 were undecided. He stated that he was very impressed by the Slide Renu proposal for the waterslide and also noted that there is an upcoming lawsuit between Lee Te Kim and Seacrest on January 16, 2013.

An Audience member asked for clarification on the website regarding what is covered on the agenda and if he can comment on the content of the topics being covered or the agenda itself. He noted that there has not been a budget forecast posted to the website since May of 2012. The Audience member asked for clarification on the general fund and the enterprise fund and how the

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two funds come into play based on the information on the website. He noted that the revised agenda was not posted to the website, and therefore he is not prepared to comment on the agenda as presented. He asked that in the spirit of transparency, the agendas are posted for review prior to the meetings and that the minutes become more consistent as it relates to identifying people by name when they comment in the meetings, or not identifying them by name.

Mr. Brizendine explained that "Audience Comments on Agenda Items" allows members of the Audience to comment on business items that are on the agenda that particular day, prior to the Board discussing it. "Audience Comments" at the end of the meeting allows Audience members to ask questions about what was discussed that day, or perhaps comment on items that were discussed at a previous meeting, or provide general feedback.

Mr. Brizendine stated that he will make sure that the updated Financial Forecast is updated on the website. He explained that because a CDD is a governmental entity, anything associated with items that may turn a profit such as a Café must operate via the Enterprise Fund and be separate from the General Fund, which is used to operate and maintain the District.

An Audience member stated that he hoped the street lights that have been discussed would be transferred over to Newland Communities. He stated that most residents that attended the second budget workshop expressed their opposition to hiring off-duty deputies as vandalism seems to be the biggest problem.

An Audience member reiterated the opinion that most residents are not in favor of hiring off-duty deputies. She stated that if given the choice between hiring off-duty deputies or installing basketball court lights, she would prefer the installation of the lights.

An Audience member expressed his displeasure with the Board's decision not to install lights on the basketball courts as they are not the ones using the amenity.

An Audience member commented on the revised agenda that notes consideration of the installation of lights on the basketball courts. He noted that there should be criteria established that would not allow \$30,000.00 - \$40,000.00 items to be considered after the budget has been approved.

THIRD ORDER OF BUSINESS

**Consideration of Minutes from the Board
of Supervisors' Meeting Held on
November 15, 2012**

Mr. Stumpf noted a typo on line 46. "Mr. Baugherty" should be spelled with a D and should read "Mr. Daugherty".

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 November 15, 2012 as amended for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

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

Mr. Brizendine presented the expenditures to the Board for consideration. Mr. Stumpf inquired as to why Ballenger's cost went from \$200.00 to \$375.00 for the ET System. He asked about the Hawkins invoice to repair lights and noted that he did not believe it was charged to correct fund. Mr. Stumpf stated that anything over \$5,000.00 should come before the Board for prior approval. Mr. Cribbs asked if Mr. Collins had reviewed the legal fees associated with the ongoing litigation. He asked about the Biting Back invoice and noted that there are residents that are willing to decorate for the holidays.

On a Motion by Mr. Collins, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of November 1-30, 2012 (\$434,096.11) as amended for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

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

Mr. Brizendine presented the expenditures to the Board for consideration. Mr. Cribbs inquired about the net proceeds for the Casino Royale invoices.

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 November 1-30, 2012 (\$48,472.33) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2013-02,
Designating Officers**

Mr. Brizendine presented Resolution 2013-02 to the Board for their consideration.

On a Motion by Mr. Cribbs, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors adopted Resolution 2013-02, designating Millard Ripley as Chairman for Harbor Bay Community Development District.

On a Motion by Mr. Ripley, seconded by Mr. Collins, with four in favor, and one opposed, the Board of Supervisors adopted Resolution 2013-02, designating Julie Guill as Vice Chairman for Harbor Bay Community Development District.

On a Motion by Mr. Ripley, seconded by Mr. Collins, with all in favor, the Board of Supervisors adopted Resolution 2013-02, designating Robert Collins, Robert Cribbs, Matthew Huber and Scott Brizendine as Assistant Secretaries for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2013-03,
Reappointing Assistant Treasurer**

Mr. Brizendine presented Resolution 2013-03 to the Board for their consideration.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board adopted Resolution 2013-03, reappointing Joseph Kennedy as Assistant Treasurer for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

**Discussion Regarding Street Lights on
Newland Communities' Property**

Mr. Earlywine stated that Chuck Bowen in his office has been researching the matter and there are three contracts at issue on different accounts. He stated that the contracts have a 30-day termination notice requirement and that they are looking into the possibility that the District has been billed twice for Parcel 18B. He asked for the Board's direction on how they wanted to proceed with the assignment of the TECO contracts.

On a Motion by Mr. Stumpf, seconded by Mr. Collins, with all in favor, the Board authorized District Staff to approach Newland Communities and request that the contracts be reassigned to them, subject to final review of the contracts by the Chairman for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

**Discussion Regarding Off-Duty Deputy
Patrols**

Mr. Ripley stated that it is his opinion that the money would be better spent on security Cameras rather than to hire off-duty deputies. Mr. Stumpf requested that signs be posted stating the park closes at dark.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board approved the posting of signs that state the parks close at dark for Harbor Bay Community Development District.

TENTH ORDER OF BUSINESS

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

Mr. Brizendine reviewed the District's financial forecast for the Board.

ELEVENTH ORDER OF BUSINESS

**Discussion Regarding Paint Project Start
Date**

Mr. Scarola updated the Board on the status of the painting project and the revised scope.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board approved the painting project (\$60,000.00) and authorized the Chairman to finalize the agreement for Harbor Bay Community Development District.

TWELFTH ORDER OF BUSINESS

Discussion Regarding Installing Basketball Court Lights

A discussion ensued regarding the budgeted amount for lights, proximity cards, and security. It was noted that Mr. Ripley would be meeting with a security expert regarding overall security and would present a proposal to be considered at the January meeting.

On a Motion by Mr. Cribbs, seconded by Mr. Stumpf, with four in favor, and one, Ms. Guill opposed, the Board voted not to hire off-duty deputies for Harbor Bay Community Development District.

A discussion ensued regarding the shell-filled area surrounding the basketball courts.

On a Motion by Mr. Collins, seconded by Mr. Ripley, with all in favor, the Board approved a not-to-exceed amount of \$5,000.00 to level the area surrounding the basketball courts subject to final approval by the Chairman for Harbor Bay Community Development District.

THIRTEENTH ORDER OF BUSINESS

Consideration of Green Synergies Proposal to Address Playground Drainage Issues and Install Mulch (*under separate cover*)

Mr. Brizendine presented the proposal to the Board for their consideration. A general discussion ensued. The Board requested that Ms. Owens provide Mr. Scarola with the drainage plan for the community before deciding how to proceed.

This agenda item was tabled.

FOURTEENTH ORDER OF BUSINESS

Consideration of Waterslide Proposals

Mr. Brizendine presented the proposals to the Board for their consideration. A discussion ensued. The Board requested that Ms. Owens schedule a conference call with the vendor to include Mr. Ripley and Mr. Scarola to discuss the proposal (\$9,985.00). This agenda item was tabled.

FIFTEENTH ORDER OF BUSINESS

Consideration of Payne AC & Heating Proposal to Replace Condenser in Pool House (*under separate cover*)

This agenda item was tabled.

SIXTEENTH ORDER OF BUSINESS

Consideration of Gutter Proposals (*under separate cover*)

Mr. Brizendine presented the proposals to the Board for their consideration. A discussion ensued.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board approved a not-to-exceed amount of \$15,100.00 to repair the gutters subject to approval and review by District Staff and the Chairman for Harbor Bay Community Development District.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine updated the Board on the legalities of the District having a Facebook page. He explained that there are essentially three options:

1. A Facebook page applicable to all activities of the CDD
2. A Facebook page limited to amenity programs and activities
3. No Facebook page

Mr. Earlywine stated that in certain contexts, the District may be limited in its ability to remove posts due to First Amendment rights.

On a Motion by Ms. Guill, seconded by Mr. Collins, with two in favor, and three (Mr. Ripley, Mr. Cribbs and Mr. Stumpf) opposed, the Board denied the creation of a District Facebook page for Harbor Bay Community Development District.

B. District Engineer

Mr. Scarola reviewed a proposal to repair the pool wall/retaining area for the Board. Mr. Stumpf inquired about the storm drain issue. Mr. Scarola stated that it was determined that the issue was the responsibility of the homeowner. Mr. Stumpf inquired about the notice to be given to the greeter shack advising drivers of semis that there are areas in which they will not be able to turn around.

C. Club Manager – Mindy Anderson

Ms. Anderson stated that \$9,500.00 was raised at the Casino Royale event and updated the Board on upcoming events and programs.

D. District Coordinator- Kristy Owens

Not present.

E. District Manager

Mr. Brizendine stated that the next regular meeting of the Board of Supervisors will be held on January 24, 2013, at 2:00 p.m. at the MiraBay Clubhouse located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

EIGHTEENTH ORDER OF BUSINESS

**Audience Comments and Supervisors
Requests**

Audience Comments

An Audience member gave his compliments on the information sign.

An Audience member gave his compliments on the District website and its functionality. He noted that the budget on the website is different than the one being referenced by the Board.

An Audience member congratulated the new Board member on his election. He inquired about the location of the street lights that were addressed previously. He noted that some of the live oak trees are being trimmed but others looked neglected.

An Audience member inquired about the seawall mediation and requested that the Board reconsider the Facebook page for the amenities. She inquired about the phone bill charges to Japan. Mr. Ripley stated that there is now a block to prevent overseas phone calls and that the District will be refunded the charge.

Supervisor Requests

Mr. Collins stated that the Seacrest HOA has sued the District which means each resident is in essence, being sued, as the lawsuits are paid for by the tax assessments that are collected from residents. He stated that the lawsuit is currently being defended. Mr. Collins stated that the mediation regarding the seawall is also in progress and the trial date has been set for January 28, 2013.

Mr. Cribbs stated that as it relates to the Seacrest lawsuit, he has a fiduciary responsibility to all residents as a Board Supervisor. He congratulated the Audience on excellent input and feedback throughout the meeting.

Ms. Guill expressed her displeasure with the decision not to allow District Staff to create a Facebook page due to a small minority of people that may post negative comments.

Mr. Ripley stated that the boatlift needs to be power washed. He stated that he is of the opinion that more part-time help is needed.

Mr. Stumpf stated that he would support a second maintenance person if the District can show a return and establish a maintenance schedule to increase efficiency.

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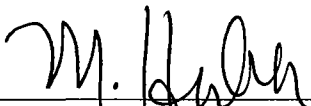
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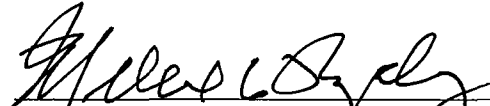
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NINETEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Ms. Guill, seconded by Mr. Cribbs, with all in favor, the Board adjourned the meeting at 8:00 p.m. for Harbor Bay Community Development District.


Secretary/Assistant Secretary


Chairman/ Vice Chairman