

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 26, 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	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:

Matt Huber	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Jamie Scarola	District Engineer, Scarola Associates Engineering
Mindy Anderson	Club Manager
Audience	

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. Mr. Earlywine stated that the Board would not be making a decision on the landscaping contract this evening and asked that any comments relating to it be held until next month to allow the committee to continue to evaluate the proposals without inadvertently creating any prejudice.

There were no audience comments on the agenda at this time.

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

July 26, 2012 - Minutes of Meeting

Page 2

THIRD ORDER OF BUSINESS

Consideration of Minutes from the Board Supervisors' Meeting Held on June 28, 2012

Ms. Guill clarified that the statement under the Sixth Order of Business should indicate that the HOA voted not to participate in the regulation of golf carts on the streets not the enforcement of overnight parking as recorded in the minutes. Mr. Scarola noted that GeoPoint is one word not two.

On a Motion by Mr. Collins, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors approved the minutes from the Board of Supervisors' meeting held on June 28, 2012 as amended for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for June 2012

There were no questions regarding any of the expenditures.

On a Motion by Ms. Guill, 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, 2012 (\$134,492.26) for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

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

There were no questions regarding any of the expenditures.

On a Motion by Mr. Stumpf, seconded by Mr. Ripley, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures paid during the period of June 1-30, 2012 (\$63,045.61) for the Mira Bay Amenity Center, for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Public Hearing on Adopting Rules Governing Rates for District Amenities

Mr. Huber stated that the purpose of the public hearing is to adopt a policy relating to governing rates for us of District Amenities. He asked for a motion to open the public hearing.

On a Motion by Ms. Guill, seconded by Mr. Stumpf, with all in favor, the Board of Supervisors opened the public hearing on adopting rules governing rates for District amenities for Harbor Bay Community Development District.

Mr. Huber briefly reviewed the resolution that will provide Staff with the authority to adjust the fees for use of District Amenities within specified ranges.

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

July 26, 2012 - Minutes of Meeting

Page 3

Mr. Earlywine explained that the Board approved rates last year, but Clubhouse Staff has asked for the authority to have some flexibility in respect to the range of fees. He stated that the exhibit behind the resolution is the same one that was discussed at the time the public hearing was scheduled. A brief discussion ensued regarding the fact that the revised policy would provide Staff the ability to set the fee based on the size of the party and the season. It also provides the ability to rent out a portion of the room as opposed to the whole room.

On a Motion by Mr. Stumpf, seconded by Mr. Collins, with all in favor, the Board of Supervisors closed the public hearing on adopting rules governing rates for District amenities for Harbor Bay Community Development District.

Mr. Huber asked for a motion formerly approving Resolution 2012-07.

On a Motion by Ms. Guill, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors approved Resolution 2012-07, adopting rules governing rates for District Amenities as discussed for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2012-08,
Naming Board Liaison for Seawall
Litigation**

Mr. Huber briefly reviewed Resolution 2012-08, which designates a Board Liaison for matters relating to the seawall litigation. He stated that the resolution outlines the role of the position and the limitations regarding making decisions on behalf of the Board. He stated that it is his understanding that the Board would like to have Mr. Collins named as the liaison. The Board concurred.

On a Motion by Mr. Stumpf, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors adopted Resolution 2012-08, designating Robert A. Collins as Liaison to represent the Board in matters pertaining to the Litigation for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Review of District's Financial Forecast

Mr. Huber stated that Mr. Stumpf has indicated that he has some questions relating to the financial forecast and asked that they be addressed while he brings the forecast up on the screen. Mr. Stumpf reviewed the concerns that he has with the report that was provided to the Board as there appears to be calculation errors and missing information on collections. He noted that he emailed Mr. Brizendine regarding his concerns and learned that he is on vacation, but Mr. Brizendine has indicated that he would review the report when he gets back. Mr. Stumpf opined that the District will be okay until it starts to get the money from the tax roll next December providing they hold spending to a level that will keep the District within budget for this year rather than settling for keeping expenditures at the monthly average of what has been spent thus far. Mr. Ripley thanked the Amenity Center Staff for their contributions towards meeting budget obligations and emphasized the need to speak with Newland regarding prepayment of their 2012/2013 assessments to help with the interim period.

NINTH ORDER OF BUSINESS

Ratification of Second Amendment to Lee Te Kim Contract to Maintain Areas B, C, D-1, D-2 and E within Seacrest

Mr. Huber stated that he is looking for the Board to ratify the Second Amendment to Lee Te Kim's contract that was executed to address the CDD landscaping area within Seacrest that was being maintained by Greenbriar. He explained that, with no notice to the District, Greenbriar had attempted to assign the contract to another vendor when it pulled out of the Hillsborough County area. This was not admissible without the District's prior written consent per the terms of the original contract. He stated that the amendment is only valid through September 2012 when the new contract. It was noted that the amendment is for the same scope of service and pricing as the contract with Greenbriar.

On a Motion by Mr. Collins, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors ratified the execution of the Second Amendment to Lee Te Kim's contract to maintain areas B, C, D-1, D-2 and E within Seacrest for Harbor Bay Community Development District.

TENTH ORDER OF BUSINESS

Consideration of Proposals for Landscape Maintenance Services

Mr. Huber stated that this item is being tabled until after the landscape Committee meeting on August 2nd at 1:30 p.m. A brief discussion ensued.

TELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine spoke regarding the upcoming budget workshop and special Board meeting at 5:30 pm on August 2nd, during which the Board will take action regarding the RFP for landscaping and discuss possible revisions to the Fiscal Year 2012/2013 budget. He explained that the meeting is necessary because should the Board decide to increase the budget it would be necessary to notice the residents of the proposed increase and move the August meeting back in order to meet the required time line.

B. District Engineer

Mr. Scarola stated that he has served as the Board liaison to the Environmental Control Committee (ECC) and he was asked to discuss possible locations for the storage of the materials that are required to be onsite as part of the Pollution Control Plan in the event of an oil spill in the canal. He noted that currently the material is being stored near the clubhouse and the HVAC units owned by Newland and apparently are causing damage to the units.

A discussion ensued regarding possible locations within the District and the possibility of having some of the material deployed as there is a definite storage issue within the District. A question was raised about the need to determine the size of the space needed for the project.

It was noted that at one point there was mention of having resident responders from the various canals that would store the material on their property. The general consensus was that it would be difficult to get residents to agree to do this and it will be necessary to have a secure central location. The possibility of finding space near the boat lift, was put forward as opposed to the lagoon park area. Mr. Scarola stated that he would ask the question about possible deployment and then inform the ECC of the two possible locations that were discussed.

Mr. Scarola stated that the first set of data information has been collected by GeoPoint and distributed to the Board. Obviously, this data will not tell us anything until the second set of measurements are taken.

C. Club Manager – Mindy Anderson

Ms. Anderson spoke on the success of the summer programs and the Fourth of July event. She stated that a meeting was held with the Mariners Club inquiring about holding a casino event to raise funds for the channel dredging in November. She stated that they have asked that the event be opened to the general public and she has recommended that it be opened up to Mirabay residents first and then opened up until the maximum 200 limit has been reached. She stated that the costs would not exceed the amount budgeted for the annual November event. A brief discussion ensued regarding liability concerns, with Mr. Earlywine stating that liability insurance will be required of participating vendors, etc and they would review the agreements prior to the event to protect the District from any increased liability.

Ms. Anderson reviewed steps that have been taken to limit unauthorized use of the facilities that include having Staff asking to see proximity cards and asking unauthorized users to leave when head counts exceed the recorded number from the proximity card reader. She stated that the installation of security cameras and changing the flow of traffic into the pool area would also assist with controlling this issue. It was noted that the response from residents has been positive. A brief discussion ensued regarding the disciplinary procedures and whether the current policy addresses the use of other peoples' cards. Staff will research the matter.

D. District Coordinator- Kristy Owens

Not present

E. District Manager

Mr. Huber stated that the next regularly scheduled meeting is scheduled for August 23, 2012, although he understands that this may be moved depending on discussions during the special meeting on August 2nd.

The Board sought an update on the status of the broken resident gate and bids for painting District facilities. Mr. Huber stated that he was not aware of the timing of the gate repairs but would follow-up on the matter and get back to the Board shortly.

A lengthy discussion ensued regarding the disparity between the two bids that have been received for the painting project and the need to have a more defined scope of service by which contractors could prepare the proposals. Mr. Ripley stated that he invited the second vendor to attend the next meeting to review his recommendations. A request was made that District Engineer assist in the development of the specifications. Mr. Scarola indicated that this was outside of his area of expertise but he would be glad to contact paint suppliers to ascertain guidance on the best way to proceed on behalf of the Board. It was noted that the project is more involved than merely applying a coat of paint or two as there are areas that will need prep work and there are a number of repairs that will be needed prior to painting. It was noted that some of the contractors asked to bid on the project have declined to do so. The Board indicated that this was not something it was looking to complete within this fiscal year.

TWELFTH ORDER OF BUSINESS

**Supervisor Requests & Audience
Comments**

Supervisor Requests

Mr. Ripley expressed concern with the timing of publication of the agenda and minutes on the District website. He stated that he would like to see them posted the same day that the Board is sent the agenda packet and a brief discussion ensued.

On a Motion by Mr. Collins, seconded by Mr. Hatcher, with all in favor, the Board of Supervisors adopted a policy of posting the agenda for upcoming meetings and a draft copy of the minutes of the previous meeting 8-days prior to the meeting for Harbor Bay Community Development District.

A brief discussion ensued regarding an issue that has developed regarding utilization of lockers overnight or longer. Ms. Anderson stated that Staff has become aware that a number of lockers are being locked for longer than a day and this creates an issue given the limited number of lockers available. She stated that signs have been posted informing residents that any locks left on lockers at the end of the day will be cut, but they have not implemented the program yet. A motion was made and seconded and then subsequently revoked to allow for additional time to prepare a written policy prior to taken any action. It was noted that it could be included on the agenda for the August 2nd meeting.

Mr. Ripley encouraged residents to attend the budget workshop as there are a number of items that need to be considered and they want resident input. He emphasized that it is the resident's money that is being spent not the Boards. A request was made that pricing for the items discussed at the previous workshop be available prior to the meeting.

It was noted that any one who can not attend in person could email Mr. Brizendine with their concerns and he would bring them to the workshop. Mr. Earlywine clarified that the actual budget will not be approved during the meeting next Thursday as the process requires that a proposed budget be approved and residents noticed of any possible increases to assessments before a final budget hearing is held.

Audience Comments

A resident recommended that the ECC barrels be stored on the Newland lot near the boat ramp. It was noted that the west side of the boat lift is not as accessible as the east side would be.

A member of the neighborhood watch committee informed the Board of concerns with fishing in the boat lift areas, which may be creating a liability for the District. He recommended that the area be posted with "no trespassing signs" to not only address the fishing issue, but security of any barrels that might be stored in the area. He asked about the possibility of having information such as the agendas emailed out to residents and that alternatives be explored before making a decision to adopt a policy limiting the use of lockers to daily use only as there are always empty lockers.

Other comments were entertained regarding how easy it is to trespass at the club, concerns with alcohol being stored in the lockers and then brought to the pool area and the need to address the ECC issue sooner than later as it is part of the covenants. It was noted that the ECC will be covering the expense.

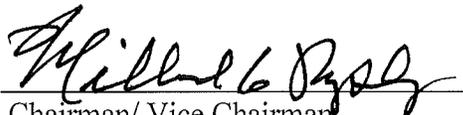
THIRTEENTH ORDER OF BUSINESS

Continuation

Mr. Earlywine recommended that the meeting be continued as a precautionary measure incase it is too late to get the required notice published.

On a Motion by Mr. Stumpf, seconded by Mr. Collins, with all in favor, the Board continued the meeting 7:52 p.m. until August 2, 2012 immediately following the budget workshop scheduled for 5:30 pm. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752 for Harbor Bay Community Development District.


Secretary/Assistant Secretary


Chairman/ Vice Chairman