

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, August 26, 2010 at 5:30 p.m.** at 700 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Scott Jones	Board Supervisor, Chairman
Laura Ackerman	Board Supervisor, Vice Chair
Rip Ripley	Board Supervisor, Assistant Secretary
Tom Hatcher	Board Supervisor, Assistant Secretary
Ed Stone	Board Supervisor, Assistant Secretary

Also present were:

Jonathan Miller	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker, Bolves
Karla Gibson	MiraBay Club Manager, WTS International
Kristy Owens	District Coordinator
Audience	

GENERAL AUDIENCE COMMENTS

The Board of Supervisors entertained various General Audience member comments. No Board action was taken.

FIRST ORDER OF BUSINESS

Call to Order

Mr. Miller called the meeting to order and conducted roll call.

SECOND ORDER OF BUSINESS

Consideration of Minutes of the Board of Supervisors' Meeting held on July 22, 2010

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on July 22, 2010 for the Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

**Consideration of Operations and
Maintenance Expenditures for August
2010**

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved the Operation and Maintenance Expenditures for August 2010 (\$197,206.13) for the Harbor Bay Community Development District.

On a Motion by Mr. Ripley, seconded by Mr. Jones, with all in favor, the Board approved the Operation and Maintenance Expenditures for August 2010 (\$64,884.99) for the Mirabay Clubhouse for the Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Presentation of Utilities Report

Mr. Miller stated the utilities report was included in the agenda for informational purposes only.

FIFTH ORDER OF BUSINESS

**Consideration of Financial Audit Report
Dated June 30, 2010**

Mr. Miller presented the Audited Financial Report for Fiscal Year Ending September 30, 2009 as prepared by McDirmit Davis, LLC. Mr. Miller stated that in summary as expressed in the auditor's letter to the Board of Supervisors their findings indicate that the "Financial Statements are presented fairly in all material respects...". Mr. Miller addressed questions from the Board of Supervisors.

On a Motion by Mr. Ripley, seconded by Mr. Stone, with all in favor, the Board acknowledged and accepted the Audited Financial Report for the Harbor Bay Community Development District as prepared by McDirmit Davis, dated June 30, 2010 for the Fiscal Year ending September 30, 2009.

SIXTH ORDER OF BUSINESS

**Review of Unaudited Financial
Statements, July 2010**

Mr. Miller reviewed the District's financials for July 2010 for the Board.

SEVENTH ORDER OF BUSINESS

**Review of Districts Financial Cash Flow
Analysis, July 2010**

Mr. Miller reviewed and explained the District Financial Forecast Analysis for July 2010 for informational purposes only. Board discussion ensued.

EIGHTH ORDER OF BUSINESS

**Public Hearing on Fiscal Year 2010/2011
Final Budget**

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On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board authorized a not-to-exceed amount of \$1,000 for the purchase of two drivers license scanners for the Harbor Bay Community Development District to be utilized for the purposes of security and tracking vehicular traffic at both community gates.

On a Motion by Mr. Ripley, seconded by Mr. Jones, with all in favor, the Board approved to permanently eliminate off duty sheriff patrols for the Harbor Bay Community Development District.

As a result of the previous motion, the following action was also taken by the Board of Supervisors.

On a Motion by Mr. Ripley, seconded by Mr. Jones, with all in favor, the Board approved to remove the monies budgeted (\$45,000) for off duty sheriff patrols from the Fiscal Year 2010-2011 Budget for the Harbor Bay Community Development District.

On a Motion by Ms. Ackerman, seconded by Mr. Jones, with all in favor, the Board opened the Public Hearing on the Fiscal Year 2010/2011 Final Budget for Harbor Bay Community Development District.

The Board entertained various public comments. Public comment ranged from the operational costs of the Outfitters facility to questions concerning the WTS Amenity Management Services Agreement. No Board action was taken.

On a Motion by Mr. Ripley, seconded by Mr. Stone, with all in favor, the Board closed the Public Hearing on the Fiscal Year 2010/2011 Final Budget for the Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2010-11,
Adopting the Fiscal Year 2010-2011 Final
Budget**

On a Motion by Ms. Ackerman, seconded by Mr. Stone, with all in favor, the Board approved Resolution 2010-11, Adopting the Fiscal Year 2010/2011 Final Budget in the amount of \$3,017,285.00 for the Harbor Bay Community Development District.

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2010-11,
Imposing Special Assessments**

On a Motion by Mr. Ripley, seconded by Ms. Ackerman, with all in favor, the Board approved Resolution 2010-12, Imposing Special Assessments for the Harbor Bay Community Development District.

ELEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2013-13,
Adopting Fiscal Year 2010/2011 Meeting
Schedule**

On a Motion by Ms. Ackerman, seconded by Mr. Stone, with all in favor, the Board approved Resolution 2010-13, Adopting the Fiscal Year 2010/2011 Meeting Schedule as follows: October 28, 2010; November – No Meeting; December 02, 2010; January 27, 2011; February 24, 2011; March 24, 2011; April 28, 2011; May 26, 2011; June 23, 2011; July 28, 2011; August 25, 2011; September 22, 2011; all meetings to be held at 5:30 P.M., at the MiraBay Club (Lagoon Room) 107 Manns Harbor Drive, Apollo Beach, FL 33572 for the Harbor Bay Community Development District.

TWELFTH ORDER OF BUSINESS

**Consideration of Resolution 2010-14,
Adopting Parking & Towing Policies**

Mr. Miller presented the Parking & Towing Policies Statements. He clarified that these statements were only in draft form and were pending completion upon final Board of Supervisor comment and direction. Board discussion ensued. Changes were made to the presented policy statements reflecting comments of the Board. Mr. Miller explained he would incorporate these changes into the policies and present at the next Board meeting for final review and decision.

THIRTEENTH ORDER OF BUSINESS

**Consideration of Proposal from Highland
Products Group – Tennis Court
Bleachers**

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board tabled the Proposal from Highland Products Group for the installation of Tennis Court Bleachers for the Harbor Bay Community Development District.

FOURTEENTH ORDER OF BUSINESS

**Consideration of Proposal from Lee Te
Kim Lawncare & Nursery - Additional
Pool Deck Pavers**

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved the Proposal from Lee Te Kim Lawncare & Nursery for Pool Deck Pavers in the amount of \$3,256 for the Harbor Bay Community Development District.

FIFTEENTH ORDER OF BUSINESS

**Consideration of Proposal for Potential
Storage Facilities**

Mr. Miller presented multiple costs estimates for an off-site storage unit for warehousing various District items and property. Mr. Miller explained the objective is to avoid a “rec center” appearance from the storage of such items in hallways, covered verandas, rooms, etc.

Items that would be moved off-site would include: non-seasonal items, club supplies, club records, field supplies & equipment. Board discussion ensued. Mr. Jones commented that the Developer, Newland Communities, would be willing to offer additional storage space in their sales facility at no costs to the District. As a result of this offer the District would not need to incur the additional expense of securing an off-site storage facility. The Board of Supervisors as well as various General Audience members thanked Mr. Jones for extending such an offer.

SIXTEENTH ORDER OF BUSINESS

Consideration of Security Guard Services Agreement

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board approved the Security Guard Services Agreement by and between the District and U.S. Security Associates as presented for the Harbor Bay Community Development District.

SEVENTEENTH ORDER OF BUSINESS

Discussion on 2010 General Election

Mr. Miller announced that the general election would be held on November 2, 2010.

EIGHTEENTH ORDER OF BUSINESS

Staff Reports

A. District Engineer
Not Present.

B. District Counsel
Mr. Craine gave an update on the sea wall design/construction litigation and presented the District Manager and Board of Supervisors with the monthly public report.

A discussion ensued regarding the Greenbriar Landscaping RFP bid protest. Mr. Craine explained that the latest actions from Greenbriar Landscaping indicated that they will not be holding up to the terms and conditions of the RFP Bid Protest Settlement Agreement. Mr. Craine stated that he had reached out to Greenbriar's attorney for resolution on the matter, but had not received any final answer. In response to the uncertainty of this situation, it was Mr. Craine's recommendation to move forward with engaging Lee Te Kim Lawncare and Nursery with the entire scope of services of the Landscape Maintenance RFP. Board discussion ensued. Through Board of Supervisor consensus, staff direction was given to proceed with contracting Lee Te Kim Lawncare & Nursery for the complete scope of services of the Landscape Maintenance RFP.

C. District Manager

1. Mr. Miller announced the next meeting would be held on September 23, 2010 at 5:30 p.m.
2. Mr. Miller presented residential correspondence concerning the new security guard gate procedures. In brief, the residential correspondence

was requesting a “frequent guest list” to avoid having to go through security protocol every time individuals on this list would approach the entry gates. Board of Supervisor discussion ensued. Through Board of Supervisor consensus, staff direction was to maintain the new security guard gate procedures as they stood.

3. Karla Gibson presented a proposal for consideration of a Vizio 47” LCD HDTV for Lagoon Room in the amount of \$798.00. Board discussion ensued, but no board action was taken authorizing this expenditure.
4. As a result of no action being taken by the Board of Supervisors regarding the purchase of a LCD TV the proposal consideration of wall mount for the TV in the amount of \$168.99 was not entertained.
5. Mr. Miller present a proposal for the purchase of storable card tables & chairs for the upstairs Lagoon Room. The total costs for 3 tables, and 6 sets of chairs is \$2,151.00. Board discussion ensued. Initially no Board action was taken authorizing this expenditure. Karla Gibson prompted the Board to clarify staff direction with regard to the existing tables and chairs in the Lagoon Room. She inquired as to what furniture was to be utilized in the room with the understanding the existing furniture needed to be moved downstairs into the Admiral’s Lounge. The Board reconsidered the proposal.

On a Motion by Mr. Ripley, seconded by Mr. Stone, with all in favor, the Board approved the proposal for storable card tables and chairs in the amount of \$2,151.00 for the Harbor Bay Community Development District.

NINETEENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Scott Jones – None

Laura Ackerman – None

Rip Ripley – None

Tom Hatcher – None

Ed Stone – Mr. Stone proceeded to comment in response to public posts on “My MiraBay.net” concerning accusations of multiple Board Members’ activities during the Landscape Maintenance RFP. A copy of Mr. Stone’s comments is attached as Exhibit A to these minutes.

TWENTIETH ORDER OF BUSINESS

General Audience Comments

The Board of Supervisors entertained various General Audience member comments.


No Board action was taken.

TWENTY-FIRST ORDER OF BUSINESS Adjournment

On a Motion by Mr. Ripley, seconded by Mr. Jones, with all in favor, the Board adjourned the meeting at 8:33 p.m. for Harbor Bay Community Development District.



Secretary/Assistant Secretary



Chairman/ Vice Chairman

PRESENTATION TO THE CDD BOARD

August 26, 2010

On June 26, 2010, a post appeared on the MiraBay message board regarding the Landscape Bids and awards.

In that message, certain allegations were made against members of the Board. Those remarks questioned the integrity, ethics and honesty of the board members, as well as the Board in general. To wit:

In part: it states and I quote:

I understand that the decision was made a few weeks ago when three of our CDD Supervisors alledged attended Mr. Kim's party - does the rule of "more than 2 Board members together at a function constitutes a meeting" and as such a clear violation of protocol - talk about a basis for claim of bias and ethics violation.

There was even a statement made on this very site by yet one of the "impartial 3" that he would do everything in his power to make sure Mr. Kim won the award! Sounds like ethics and fairness are deficient for a few CDD Board members

Speaking for myself, I wish to categorically deny these assertions, allegations and accusations and characterize them as out and out lies. I surely was not there or, for that matter, even invited.

To try and circumvent the allegations as a direct statement with the phrase "I understand" shows a complete disregard for any need for evidence, fact or proof. And further to publish them, shows a complete lack of any professionalism. It is beyond my comprehension that an intelligent person would take hearsay, rumor, unfounded and unconfirmed information and make such rash statements and insinuations such as these, especially in a public forum.

Realizing that the post on the message board might not be exactly true or for, that matter, whatever reason, it was pulled off the board. Too late. Once said, always remembered. Like trying to put toothpaste back in the tube.

I have waited patiently for a public or even a personal apology. None has been forthcoming. I cannot speak for others on the Board but for me, this type of attack is reprehensible and needs to be addressed.

With that being said and as speaking only for myself, I wish to go on record as requesting a written and public apology specifically rescinding and withdrawing these statements and specifically apologizing for the degrading, undignified, untruthful and humiliating remarks.

At the same time, I would request that a similar written statement be made to the Board and that both statements become part of the minutes as this statement will.