
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 meeting of the Board of Supervisors of the Harbor Bay Community Development District was held on **Thursday, October 22, 2009 at 9:30 a.m.**, at the Mira Bay Clubhouse in the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572.

Present and constituting a quorum were:

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

Also present were:

Jonathan Miller	District Manager, Rizzetta & Company, Inc.
Greg Cox	District Manager, Rizzetta & Company, Inc.
Scott Smith	Community Association Manager, Rizzetta & Company, Inc.
A. Montes de Oca	Administrative Assistant, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer Smolker & Bolves
Karla Gibson	Representative, WTS
Barbara Johnson	Representative, Newland Communities
Debra Dremann	VP & GM, Newland Communities
Audience	

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisors' Meeting held on September
24, 2009**

<p>On a Motion by Mr. Jones, seconded by Mr. Ripley, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on September 24, 2009 as presented for Harbor Bay Community Development District.</p>
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THIRD ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for Harbor Bay Community Development for October 2009

Mr. Miller presented a utility tracking sheet to be included in future Board packages. He explained that per the Board's request, a spreadsheet showing the amounts and allocation of the District's gas and electrical expenses had been generated. Mr. Miller provided an in-depth review of the District's utility expenses.

On a Motion by Mr. Hatcher, seconded by Mr. Stone, with all in favor, the Board approved the Operation and Maintenance expenditures for October 2009 (\$231,805.38) for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for MiraBay Club for October 2009

Mr. Miller presented the expenses for the Mira Bay Amenity Center. Ms. Ackerman questioned the CapSure, Inc. expense and the invoice from Brighthouse. Mr. Miller explained that a termination notice had been sent to CapSure, Inc. and that their invoices were no longer being paid. He provided a detailed explanation of the Brighthouse expenditures, stating that there were three Brighthouse accounts, including the Mira Bay clubhouse, Gate 1 and Gate 2. He stated that all Brighthouse invoices were to be received by District Management's Office.

A Board member addressed the wi-fi internet speed at the Mira Bay Clubhouse. It was the consensus of the Board to decrease the internet speed.

On a Motion by Mr. Ed Stone, seconded by Mr. Hatcher, with all in favor, the Board approved the Operation and Maintenance expenditures for the MiraBay Amenity Center for October 2009 (\$52,233.06) for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2010-01, Designating Location of District Records

On a Motion by Ms. Ackerman, seconded by Mr. Ripley, with all in favor, the Board approved Resolution 2010-01, Designating Location of District Records at the office of Rizzetta & Company, Inc., 3434 Colwell Avenue, Suite 200, Tampa, FL 33614 for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Discussion and Consideration Regarding Survey Results, Presentation by Bill Kirchhofer

Mr. Miller explained that a Board member had requested to place the review of the survey on the Agenda and opened the floor to Mr. Kirchhofer.

Mr. Kirchhofer addressed the Board and thanked them for allowing him to present the survey. He explained that although the survey wasn't done in an official capacity, he felt that it expressed the views of the community as a whole. He stated that he felt an adversarial relationship had developed between the residents and the Board and requested that a mission statement be developed and implemented to establish common ground. He stated that the resident survey was the first attempt to paint a picture of the community's expectations, including a lowest cost strategy and serving the community in transparency. He stated that the survey contained four-hundred resident names and e-mails, a majority of the approximately seven-hundred homes in the community.

Mr. Kirchhofer reviewed ten areas that were of most concern to the residents. Following his presentation, the floor was opened for Board discussion. Mr. Miller asked the Board how they would like him to proceed. The Board asked to be sent the resident comments' section of the survey for review. No Board action was taken.

SEVENTH ORDER OF BUSINESS

Consideration and Discussion of Resolution 2010-02, Policy for Official Committee Formation/Establishment

Mr. Miller presented Resolution 2010-02 and explained that it was generated in response to the Board's request for formal policy on establishing committees. Discussion ensued.

On a Motion by Mr. Ripley, seconded by Ms. Ackerman, with all in favor, the Board approved Resolution 2010-02, Policy for Official Committee Formation/Establishment for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Update on the Progress and Revamping of the Outfitters, Presentation by Jim Powell

Mr. Powell addressed the Board and passed out a proposal outlining the Outfitter's improvement plans. He explained that the Outfitters were an informal gathering of residents who had been meeting over the past several months. Mr. Powell explained that as the HOA and CDD were not in a position to fund the requested improvements, Newland Communities had been approached and had agreed to provide funding. Mr. Ripley asked if there was a current business plan setting sales goals and budgets based on a future time period. Mr. Stone stated that he would submit the business plan. Mr. Miller stated that the plan would be reviewed at the next meeting.

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board approved an agreement between Newland Communities and the District to fund improvements as requested by the Outfitters, subject to the review and final approval by District Counsel, District Management, and the Board Chairman for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

Review of Unaudited Financial Statements, September 2009

Mr. Miller explained that the District's position had not changed very much. He stated that the District's average monthly expenditures were \$230,000 and that barring any material

expenditures, the District had sufficient funds to sustain operations through calendar year-end.

Mr. Ripley expressed his concern regarding the District's deficit and inquired the current deficit amount. Mr. Miller stated he would get back to him on the exact number.

Ms. Ackerman addressed Mr. Miller regarding changes in particular line item amounts. Mr. Miller stated he would research the sources of the changes. Mr. Miller asked if there were any further questions. There were none.

TENTH ORDER OF BUSINESS

Discussion and Consideration on Various Land Transfers and Conveyances to the Harbor Bay Community Development District

Ms. Johnson addressed the Board and explained that nine various tracks of land were to be conveyed to the District. She reviewed the areas on a large map, indicating the said tracks. Mr. Miller explained that the conveyance would be done via a quit claim deed. Mr. Craine stated that he was concerned regarding the address that was being used for the District. He recommended that a uniform address be used. Ms. Ackerman expressed her concern regarding some of the language used in the agreement as well as potential liabilities regarding the boatlift structure. Mr. Craine explained that the District already held liability for the facilities and that it was just the land on which the structure rested on that was being conveyed to the District's name.

On a Motion by Mr. Stone, seconded by Mr. Jones, with four in favor, and one opposed (Ms. Ackerman) the Board approved the conveyance of the nine tracks as presented via Quit Claim Deed, as amended for Harbor Bay Community Development District.

ELEVENTH ORDER OF BUSINESS

Discussion and Consideration on Various Landscape Material Replacement Proposals

Mr. Miller passed out the proposals and explained that no decision was required that day. He stated that he would like to table the proposals in light of the current season, watering issues, and considerable funds involved. He stated that proposals were submitted by Cornerstone, Lee Te Kim, Sunshine, and ValleyCrest. Discussion ensued.

On a Motion by Mr. Hatcher, seconded by Ms. Ackerman, with all in favor, the Board approved to table the Discussion and Consideration on Various Landscape Material Replacement Proposals for Harbor Bay Community Development District.

TWELFTH ORDER OF BUSINESS

Discussion and Consideration on Replacement Power Washer Proposal

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board approved to the Replacement Power Washer Proposal in an amount not to exceed \$1,249 for Harbor Bay Community Development District.

THIRTEENTH ORDER OF BUSINESS

**Discussion and Consideration on Portable
Public Announcement Equipment
Proposal**

On a Motion by Ms. Ackerman, seconded by Mr. Jones, with all in favor, the Board approved the Portable Public Announcement Equipment Proposal for Harbor Bay Community Development District.

FOURTEENTH ORDER OF BUSINESS

**Discussion and Consideration of Newland
Communities' Proposed License
Agreement for Entry Monument
Hardscape Repainting**

Ms. Johnson explained the repairs that would take place to the Entry Monument sign. She stated that it would take one to two weeks to complete the repairs.

On a Motion by Ms. Ackerman, seconded by Mr. Hatcher, with all in favor, the Board approved the Newland Communities' Proposed License Agreement for Entry Monument Hardscape Repainting, subject to final review and approval by District Management, District Counsel, and the Board Chairman for Harbor Bay Community Development District.

FIFTEENTH ORDER OF BUSINESS

**Consideration and Discussion Regarding
Signage Samples**

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board approved the marketing banners, as presented and commemorated via an amendment to the existing signage agreement for Harbor Bay Community Development District.

SIXTEENTH ORDER OF BUSINESS

Staff Report

District Counsel

1. Mr. Craine updated the Board regarding the demand letter for the poles. He stated that no response had been received. Discussion ensued. It was the consensus of the Board to send a second demand letter with a copy of the suit to be filed.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board approved District Counsel to send a second demand letter to reach an agreement for the poles for Harbor Bay Community Development District.

2. Mr. Craine provided an update regarding the Seawall Litigation. His memorandum has been attached as an addendum to the minutes.

3. Mr. Craine provided an update regarding the delinquent assessment collection from First National Bank of Central Florida. The Board agreed to wait for payment until Friday, October 30, 2009. If payment was not received by that date, then the Board authorized District Counsel to file a foreclosure suit.

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board approved to authorize District Counsel to file a foreclosure suit against First National Bank of Central Florida if no payment was received by Friday, October 30, 2009 for Harbor Bay Community Development District.

4. Mr. Craine reminded the audience that there would be a PowerPoint presentation regarding the Seawall Litigation later that evening at 6:00 p.m. followed by a question and answer session.

SEVENTEENTH ORDER OF BUSINESS

Staff Report

District Manager

1. Mr. Miller stated that the transfer of the gem car had been completed.
2. He stated that the next regularly scheduled meeting would be held on November 24, 2009.

EIGHTEENTH ORDER OF BUSINESS

**Consideration and Discussion Regarding
Ballenger & Company, Inc.'s Proposals for
Consulting Services for Irrigation Areas**

Mr. Miller explained that the District's irrigation system had been built at a time when SWFWMD had not placing watering restrictions. Discussion ensued.

On a Motion by Mr. Hatcher, seconded by Mr. Stone, with all in favor, the Board approved the Ballenger & Company, Inc.'s Variance Proposals, as presented for Harbor Bay Community Development District.

NINETEENTH ORDER OF BUSINESS

**Consideration of Requisition #81681,
Brickleymyer, Smolker, & Bolves, P.A.**

On a Motion by Ms. Ackerman, seconded by Mr. Ripley, with all in favor, the Board approved Invoice #81681 in an amount of \$3,193.26 for Harbor Bay Community Development District.

TWENTIETH ORDER OF BUSINESS

Staff Reports

District Engineer

Not Present.

Operations Manager

1. Mr. Smith addressed the Board and provided updates regarding various issues. No Board action was taken.

Mira Bay Clubhouse Manager

1. Ms. Gibson addressed the Board regarding various requests.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board approved a Mariner's Club donation in an amount not to exceed \$100 for Harbor Bay Community Development District.

TWENTY FIRST ORDER OF BUSINESS

Supervisor Requests and Audience Comments

1. Mr. Miller addressed Mr. Ripley's request regarding moving forward with the RFQ and RFP process. He asked that the board allow District Management to bid out contracts one at a time. Mr. Miller asked which contract the Board wished to review first. It was the consensus of the Board to review the District's Landscaping contract. Mr. Miller stated that he would place the proposed RFP on the next agenda.

Mr. Ripley and Ms. Ackerman left the meeting in progress.

2. Various audience comments were entertained by the Board. No Board action was taken.

TWENTY SECOND ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board adjourned the Board of Supervisors' Meeting at 12:50 p.m. for Harbor Bay Community Development District.

Secretary / Assistant Secretary

Chairman / Vice Chairman