

**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, September 23, 2010 at 5:30 p.m.** at 700 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

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

Also present were:

Jonathan Miller	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Karla Gibson	<b>MiraBay Club Manager, WTS International</b>
John Liles	<b>Representative, WTS International</b>
Kristy Owens	<b>District Coordinator</b>
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 August 26, 2010**

On a Motion by Ms Ackerman, seconded by Mr. Stone, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on August 26, 2010 for the Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

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

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board approved the Operation and Maintenance Expenditures for September 2010 (\$212,484.80) for the Harbor Bay Community Development District.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved the Operation and Maintenance Expenditures for September 2010 (\$54,546.52) for the Mirabay Clubhouse for the Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Discussion regarding Manns Harbor  
Playground**

Mr. Ripley

**FIFTH ORDER OF BUSINESS**

**Presentation of Utilities Report**

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

**SIXTH ORDER OF BUSINESS**

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

Mr. Miller reviewed the District's financials for August 2010 for the Board. Board discussion ensued. No formal Board action was taken.

**SEVENTH ORDER OF BUSINESS**

**Review of District's Financial  
Cash Flow  
Analysis, August 2010**

Mr. Miller reviewed the District's Financial Cash Flow Analysis for August 2010. Board discussion ensued. No formal Board action was taken.

**EIGHTH ORDER OF BUSINESS**

**Review of Fiscal Year Budget  
2009-2010**

Mr. Miller reviewed the Fiscal Year 2009/2010 Budget for the Board. Board discussion ensued. No formal Board action was taken.

**NINETH ORDER OF BUSINESS**

**Consideration of Resolution 2010-14,  
Parking and Towing Policies**

Mr. Miller reviewed Resolution 2010-14 for the Board, including two versions of the

Parking Policies Statement. He stated that this resolution would establish the usage policy and set restrictions on various amenity parking areas such as the Clubhouse parking lot, the Tennis facility parking lot, the Mirabay Boulevard Park and Playground parking lot and other District common areas in an attempt to eliminate undesirable parking and storage of vehicles and/or vessels.

Mr. Miller noted that Version #2 of the Parking Policies Statement includes an exception for Anchor Cove resident parking.

Mr. Miller noted that the District would reserve the right to amend, at any time, the policies contained in the resolution at its sole and absolute discretion.

General discussion ensued. The Board determined to select Version #2 of the Parking Policies Statement.

On a Motion by Mr. Ripley, seconded by Ms. Ackerman, with all in favor, the Board adopted Resolution 2010-14, Adopting Parking and Towing Policies for the Harbor Bay Community Development District.

**TENTH ORDER OF BUSINESS**

**Consideration of Resolution 2010-15,  
Adopting Fiscal Year 2010/2011  
Shaded Meeting Schedule**

Mr. Miller briefly reviewed the proposed Shaded Meeting Schedule for Fiscal Year 2010/2011. General discussion ensued. The Board determined to hold the Shaded Meetings at 9:00 a.m. at the offices of Scarola Associates Engineering Design and Land Consultants, 6505 Surfside Boulevard, Apollo Beach, Florida 33572, on the following dates: October 29, 2010, December 3, 2010, January 28, 2011, February 25, 2011, March 25, 2011, April 29, 2011, May 27, 2011, June 24, 2011, July 29, 2011, August 26, 2011 and September 23, 2011. Mr. Miller noted that these meetings are closed to the general public and are for the sole purpose of discussion between the Board and their attorneys regarding litigation strategy.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board adopted Resolution 2010-15, Adopting Fiscal Year 2010/2011 Shaded Meeting Schedule for the Harbor Bay Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of WTS Amenity  
Management Services Agreement**

Mr. Miller reviewed the scope of the WTS Amenity Management Services Agreement providing for the general management and oversight of the MiraBay Club's daily operations, including responsibility for amenity programming, event coordination, enforcement of amenity usage policies, facility cleanliness and ensuring that every Resident is having fun.

Mr. Miller noted that the Agreement is for \$36,000.00 for the term of October 1, 2010 through September 30, 2011 and allows for two one-year renewals. He stated that there is a ninety-

day termination provision, with or without cause. Board discussion ensued.

On a Motion by Mr. Jones, seconded by Mr. Stone, with four in favor and one against, the Board approved the WTS Amenity Management Services Agreement for Fiscal Year 2010/2011 (\$36,000.00) for the Harbor Bay Community Development District.

**TWELVETH ORDER OF BUSINESS**

**Consideration of Cornerstone Proposal  
for Hardscape Repair**

Mr. Miller presented the Hardscape Repair Proposal for damage to various community monuments cause by contractors, weather, vandalism, etc. for Sunset Isle, Beacon Point, Grand Isle, Marsh Isle, Harbor Isle, Sea Crest, Bay Crest, Bay Crest Isle, Skimmer Isle, and Lagoon Cove. He stated that the total cost would be \$2,326.00 if all of the work is to be completed together and \$3,102.00 if the monument work is to be completed separately. Board discussion ensued. The Board requested that Mr. Miller provide them with a repair schedule and advise when the work is started and completed.

On a Motion by Mr. Hatcher, seconded by Mr. Stone, with four in favor and one against, the Board approved the Cornerstone Proposal for Hardscape Repair in the amount of \$2,326.00 for the Harbor Bay Community Development District.

**THIRTEENTH ORDER OF BUSINESS**

**First Addendum to the Lee Te Kim  
Landscape and Irrigation Maintenance  
Services Agreement**

Instead of presenting the First Addendum to the Lee Te Kim Landscape & Irrigation Maintenance Services Agreement, Mr. Miller presented a recommendation to the Board of Supervisors for resolution related to the maintenance of common areas along Islebay Drive as well as areas internal to the Sea Crest community. Mr. Miller's recommendation was to meet with representatives of the Sea Crest HOA and one delegated representative of the CDD Board to negotiate ongoing maintenance arrangement terms regardless of property ownership. Board discussion ensued. The Board, through general consensus appointed the chairman, Scott Jones, to assist staff on this matter. Mr. Jones agreed.

Public comment was taken and entertained on this matter. No Board action was taken. Mr. Miller stated that he would attempt to have an actionable business matter at the next District Meeting based on these negotiations.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Clubhouse Holiday  
Hours and Closure Schedule**

Mr. Miller presented the proposed holiday hours and closure schedule for the MiraBay Club. General discussion ensued.

On a Motion by Ms. Ackerman, seconded by Mr. Jones, with all in favor, the Board approved the Clubhouse Holiday Hours and Closure Schedule as follows: Thanksgiving Eve, open from 5:30 p.m. until 7:00 p.m.; Thanksgiving Day, Clubhouse Closed; Christmas Even, open from 5:30 a.m. until 3:00 p.m.; Christmas Day, Clubhouse Closed; New Year's Eve, open from 5:30 a.m. until 6:00 p.m.; New Year's Eve Party will begin at 8:00 p.m.; New Year's Day, open from Noon until 6:00 p.m. for the Harbor Bay Community Development District.

**FIFTEENTH ORDER OF BUSINESS**

**Consideration of Exhausted Assets-  
Kitchen Equipment**

Mr. Miller presented a list of Exhausted Assets/Kitchen Equipment (**Exhibit A**) for the Board's review. Board discussion ensued. The Board determined to approve the disposition of the Kitchen Equipment as presented.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board approved the Disposition of Exhausted Assets/Kitchen Equipment as presented for the Harbor Bay Community Development District.

**SIXTEENTH ORDER OF BUSINESS**

**Discussion regarding General Election  
2010**

Mr. Miller stated that the General Election will be held on Tuesday, November 2, 2010. He noted that Seat 1 (currently held by Laura Ackerman), Seat 2 (currently held by Scott Jones), and Seat 3 (currently held by Millard Ripley) will be up for election. Mr. Miller stated that the following are the Qualified Candidates: Seat 1, Paul Stumpf; Seat 2, Julie A. Guill and Rick Terrell; and Seat 3, Bill Kirchhofer and Millard G. Ripley.

Mr. Miller stated that any questions should be directed to the Hillsborough County Supervisor of Elections.

**SEVENTEENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Engineer  
Not Present.
- B. District Counsel  
Not Present
- C. District Manager
  - 1. Mr. Miller announced the next meeting would be held on October 28, 2010 at 5:30 p.m.
  - 2. Mr. Miller presented a request from the Karla Gibson, Club Manager to post temporary rummage sale signs at the entrance to MiraBay Boulevard for the community rummage sale on Saturday November 6, 2010 from 8:00 a.m. to 2:00 p.m. Board Discussion ensued.

On a Motion by Mr. Jones, seconded by Mr. Hatcher, with all in favor, the Board approved the posting of temporary rummage sale signs at the entrance to MiraBay Boulevard for the community rummage sale on Saturday, November 6, 2010 from 8:00 a.m. to 2:00 p.m. for the Harbor Bay Community Development District.

3. Mr. Miller presented correspondence from a resident concerning the Amenity Policies with respect to residents who are 16 and 17 years of age. General discussion ensued and Audience comments were entertained. No formal Board action was taken.
4. Mr. Miller presented a memo he had received from Prager, Sealy & Company updating the Board on the status of the possible Series 2001A Bond Refinancing. A copy of this memo is attached as an exhibit to these minutes for reference.
5. Mr. Miller stated that the District had received a \$25,000 funding subsidy from the South West Florida Management District for the installation of an ET Irrigation System. Mr. Miller went on to state the benefits for installing such an irrigation system. Mr. Miller said he would be providing the Board with more information on this matter in the upcoming months.
6. Lastly, Mr. Miller stated that the District had ordered the ID Scanners authorized by the Board at the last meeting. Mr. Miller went on to say that Ron's Communication would need to be contacted in order to get the scanners setup for operation and to train the greeter staff on their use. The Board agreed.

**EIGHTEENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

Scott Jones – None

Laura Ackerman – None

Rip Ripley – None

Ed Stone – None

Tom Hatcher – Mr. Hatcher made comments related to the Manns Harbor Playground.

**NINETEENTH ORDER OF BUSINESS**

**General Audience Comments**

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

TWENTITH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board adjourned the meeting at 8:04 p.m. for Harbor Bay Community Development District.



Secretary/Assistant Secretary



Chairman/ Vice Chairman