

**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 **Tuesday, April 17, 2007 at 9:10 a.m.** at the Mira Bay Clubhouse, the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572.

Present and constituting a quorum were:

Chris Coughlin	<b>Board Supervisor, Chairman</b>
Scott Jones	<b>Board Supervisor, Vice Chairman</b>
Julie Wisdom	<b>Board Supervisor, Assistant Secretary</b>
Lisa Wrenn	<b>Board Supervisor, Assistant Secretary</b>
Laura Ackerman	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Tina Wells	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Brickleyer, Smolker &amp; Bolves, P.A.</b>
Jamie Scarola	<b>District Engineer, Scarola &amp; Associates</b>
Aida Johnson	<b>Clubhouse Manager</b>
Tracy Lose	<b>Community Association Manager</b>
Doug Draper	<b>Representative, Prager Sealy &amp; Company, LLC</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Wells called the meeting to order and read the roll call.

**SECOND ORDER OF BUSINESS**

**Consideration of Board Supervisor  
Resignation**

Ms. Wells stated that the next item on the agenda is the consideration of the resignation of Board Supervisor Chris Coughlin. She asked for a motion to accept the resignation.

On a Motion by Ms. Wrenn, seconded by Ms. Wisdom, with all in favor, the Board accepted the resignation of Chris Coughlin as Board Supervisor for Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of Board Supervisor Replacement**

Ms. Wells stated that the next item on the agenda is the consideration of a Board Supervisor replacement. She asked if the Board had any names they would like to submit. The Board agreed to table this item until the next regularly scheduled meeting.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2007-04, Re-Designating Officers**

Ms. Wells stated that the next item on the agenda is the consideration of Resolution 2007-04, Re-Designating Officers. She stated that the Board can table this item or address it at this time. Ms. Wells stated that if the Board is comfortable with leaving the designations as is the Board does have a Vice Chairman for signature purposes. The Board nominated Scott Jones as Chairman. Ms. Wells asked if there were any other nominations. There were none.

On a Motion by Ms. Wrenn, seconded by Ms. Ackerman, with all in favor, the Board appointed Scott Jones as Chairman for Harbor Bay Community Development District.

Ms. Wells asked if there were any nominations for Vice Chairman. Mr. Jones nominated Julie Wisdom as Vice Chairman. She asked if there were any other nominations. There were none.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board appointed Julie Wisdom as Vice Chairman for Harbor Bay Community Development District.

Ms. Wells stated that the remaining Board Supervisors will serve as Assistant Secretaries along with Sue Ellen Gehrke and Tina Wells of Rizzetta & Company, Inc.

**FIFTH ORDER OF BUSINESS**

**Consideration of Minutes of the Board of Supervisors' Meeting held on March 20, 2007**

Ms. Wells stated that the next order of business was the consideration of minutes of the Board of Supervisors' meeting held on March 20, 2007. She asked if there were any additions, deletions or corrections to the minutes. The Board stated there were several corrections to the minutes.

Ms. Ackerman asked if the District has an answer as to the legality of detaining or citing lawbreakers. It was stated that the CDD does not have any authority in this matter. It was stated that the radar guns training in order to use them. It was stated that the HOA can enforce homeowner's restrictions. It was stated that there is a meeting scheduled tonight at 5:00 p.m. with the HOA attorney and Rizzetta & Company, Inc, residents and committee members to discuss traffic enforcement.

It was stated that the understanding from last week was the HOA attorney's initial response was that detention was not permissible. It was stated that the speed would still be recorded, along with the number of people in the vehicle, identification of the vehicle, the driver of the vehicle and the location and time. The guard should be able to radio ahead to the gate were the cameras and a person can verify the violator and a violation can be sent to the owner of the vehicle. Ms. Wells stated that The Board will need to get clarification from the HOA attorney on this issue.

The Board stated that Ms. Lose would be meeting with U.S. Securities next week. The Board cited last month's meeting minutes wherein it was stated that the cameras were for indoor use. It was stated that the cameras are not for indoor use and this will be corrected on the minutes for last month. Mr. Coughlin stated that the boat ramp cameras are not operating properly, and that is being addressed.

Ms. Wells stated that on page four of the minutes of the meeting on March 20, 2007, it states that the cameras systems were intended for exterior use, not interior use

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting held on March 20, 2007 (as amended) for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Operation and  
Maintenance Expenditures for April 2007**

Ms. Wells stated that the next order of business was the consideration of the Operation and Maintenance Expenditures for April 2007 (\$178,749.54). Ms. Wells asked if there were any questions. There were none.

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board approved the Operation and Maintenance Expenditures for April 2007 (\$178,749.54) for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Series 2002 Construction  
Requisition #444**

Ms. Wells stated that the next order of business was the consideration of the Series 2002 Construction Requisition #444. The Board reviewed the requisition. Ms. Wells asked for a motion to approve.

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board approved the Series 2002 Construction Requisition #444 (\$240,000) for Harbor Bay Community Development District.

**EIGHTH ORDER OF BUSINESS**

**Presentation of Proposal for  
Series 2001 Bond Refinancing**

Ms. Wells stated that the next item on the agenda is the presentation of the proposal for the Series 2001 Bond Refinancing. Doug. Draper with Prager Sealy & Co., LLC presented the proposal to the Board. He stated that as the residents move in the land goes from one large folio number that is secured by bonds to many folio numbers secured by different residents and the debt service assessment is collected on the tax roll. Mr. Draper stated that at that time the security became seasoned in the sense that it becomes ratable or the District can now obtain insurance, which means the District can refinance the debt at a lower rate. He stated that the analysis basically shows the 2001A bonds are secured by 329 residential units; all 329 of those units are currently constructed and occupied. Mr. Draper stated that this analysis is showing the Board that they could get insurance and refinance this debt. He stated that currently the residents are paying 7%, however, with a refinance could get as low as 4.6%. Mr. Draper stated that this would in essence reduce the residents total debt service by \$40,000.00 which translates to about an average of \$121.00 per resident for a reduction in the annual assessment. He stated that the Board also has the ability to use this money that can be generated up front for any new projects or improvements for a total of \$290,000 which could be used for qualified CDD projects as well, and in that case the assessments would stay the same. Mr. Draper asked if there were any questions. It was stated that as an example another community had used the money for improvements and it was well received by the residents. There was a general discussion by the Board. It was stated that there are restrictions on what the money can be used for and the amount of time in which it must be utilized as well.

It was stated that the Board needs to survey the issue with the residents and possibly obtain a wish list from the residents. It was stated that any money used must go through a benefit analysis. The Board further discussed how the monies can be used. Ms. Wells asked for a motion to request more information from Prager Sealy & Co., LLC regarding the District's available financing options.

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board approved requesting more information from Prager Sealy & Co., LLC in regards to the District's available financing options for Harbor Bay Community Development District.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
No report.

B. District Engineer

Mr. Scarola updated the Board on the Hecker whaler construction contract progress. He stated that the project should be completed by the end of next week. Mr. Scarola stated that Hecker whaler has about 280 feet left to complete out of the 6000 feet that was originally authorized. Mr. Scarola also stated that they would come back to the community to get an inventory and look at the canal to get feedback on the canals.

C. District Manager

Ms. Wells stated that the Board had talked a little bit about the enclosure for the security cameras for the boat ramp and asked if the Board had any recommendations as to how to proceed.

Ms. Lose stated that she had Brighthouse Networks give her an estimate on the cost of running a line from the boathouse to the gatehouse and Brighthouse Networks estimated it to cost approximately \$20,000. She stated that Brighthouse Networks suggested that the District build some type of utility room to store the equipment at the boathouse at the District's expense. Ms. Lose stated that Brighthouse Networks can install control boxes and the theory was to run one of the cameras with the smaller pixels off of the DVR. She stated that the other camera is still not working properly at the gatehouse. It was stated that the DVR is recorded on a loop. It was stated that the camera is not an indoor camera but the DVR is indoor. A discussion ensued regarding legal recourse since the cameras have never worked properly since they were first installed. Ms. Wells suggested that the HOA Manager and the Project Manager should research this issue.

Ms. Wells stated that the next item for discussion is regarding the pool furniture. Ms. Johnson stated that there are currently 28 working chaise lounges and 30 regular sitting chairs. She has found 2 companies to bid on the pool furniture. Ms. Johnson stated that to purchase an additional 40 chaise lounges and 20 chairs would cost \$4,870 through Wholesale Pool Furniture and \$6,414 through Admiral. The Board agreed not to exceed \$5,000 on this expenditure. The Board asked the HOA Manager and the Developer to choose furniture that currently matches the existing furniture.

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board approved a not-to-exceed amount of \$5,000 for the purchase of pool furniture for Harbor Bay Community Development District.

D. HOA Manager

Ms. Lose stated that Sunshine Pool came out regarding the pool pump and they believe that the District will need to repair or replace the pool pump. She stated that Sunshine Pool's estimate for repair is \$1,190. Ms. Lose stated that the pool would be shutdown for some time for repairs. She also stated that with the new heaters the water will be circulating harder.

Mr. Coughlin stated that he still needs to have an estimate on the structural leak in the pool.

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board approved the Project Manager and HOA Manager to coordinate repairing the pool leak and the pump at the same time, taking approximately 5-10 days for Harbor Bay Community Development District.

Ms. Lose stated that she did not have a cost estimate with her for repair of the leak, but that it was a minimal cost.

Ms. Lose stated that she had made revisions to the proximity card rules. Ms. Wells reviewed the new rules with the Board. The Board had a discussion regarding the card reader system. It was stated that each form needs to be filled out and then affixed to the vehicle; however, there may be issues with window tinting, convertibles, etc. The Board stated that the rules need to be changed so that each vehicle is subject to a case by case legitimate hardship matter in regards to affixing the proximity card to their vehicle.

Ms. Lose stated that the next item for discussion is the tennis court lights. She explained to the Board that the electrician stated that for \$500 they would reposition the lights for temporary lighting. Ms. Lose stated that the comments she received at her recreational meeting was that the residents do not want to pay for the temporary lighting, they want new lights. She stated that the poles are bent and are not directed to the tennis court properly. Ms. Wells recommended that the Developer pay the electrician for the temporary fix.

E. Clubhouse Manager

Ms. Wells stated that the next item for discussion is the report from Ms. Johnson regarding the Gallery Café. Ms. Johnson stated that the Gallery Café is doing well. She stated that it has been a benefit for any activities that are going on in the community.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board approved continuing the Galley Café services as presented for Harbor Bay Community Development District.

Ms. Johnson stated that there is a massage room next to the men's locker room, and residents have stated that every conversation that takes place in the men's locker room can be heard in the massage room. Ms. Johnson stated that there are two other treatment rooms, one located in the women's locker room and one outside the pool area. She recommended that the rooms be reconfigured. The Board asked for Ms. Johnson to look into the costs and get back with the Board next month.

Ms. Wells stated that she had a proposal from Munyan Painting for exterior painting. She stated that were three items to be bid out, the exterior painting of the public walkway for \$3,228; the exterior painting of the soffit for \$2,235.43 and exterior painting of the trellis around The Outfitters and the yellow building for \$3,150.86. It was stated that this would fall under operation and maintenance costs for the clubhouse. Ms. Wells stated that the completion date will be three weeks from the date that the painting begins.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board approved exterior painting by Munyan Painting with the stipulation that the project completion date will be within 3 weeks of the start date for Harbor Bay Community Development District.

**TENTH ORDER OF BUSINESS**

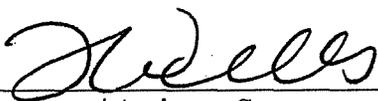
**Supervisor Requests and Audience  
Comments**

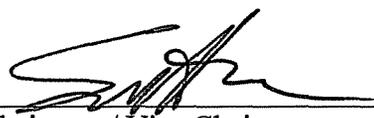
Ms. Wells stated the next item on the agenda is Supervisor requests or comments. There were none. Ms. Wells stated that the audience members that were present had left, therefore there were no audience members at this time.

**ELEVENTH ORDER OF BUSINESS      Adjournment**

Ms. Wells stated that there were no further agenda items to come before the Board and asked for a motion to adjourn.

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board adjourned the meeting at 10:50 a.m. for Harbor Bay Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman