

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 the Harbor Bay Community Development District was held on **Tuesday, January, 20 2009 at 6:30 p.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:

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:

Tina Wells	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer Smolker & Bolves
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 the Minutes of the Board
of Supervisors' Meeting held on December
16, 2008**

Mr. Ripley noted an error on page 5, tenth order of business in the sentence that states, "Whaler bolts *on the boat lift* are jagged and could cause potential damage to jet skis"; it should state, "Whaler bolts *near the sea wall* are jagged and could cause potential damage to jet skis".

Mr. Stone noted that there was an error on page 2, fourth order of business in the sentence that states, "Accepting *Installation* Payments for Assessments"; it should state, "Accepting *Installment* Payments for Assessments".

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting held on December 16, 2008 as amended for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for January
2009**

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board approved the Operation and Expenditures for January 2009 totaling \$718,042.11 for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Agreement with Newland
Communities**

Ms. O'Grady of Newland Communities reviewed the changes and additions that the Board requested at the previous meeting and indicated that all of those changes were now incorporated in the revised agreement.

On a Motion by Mr. Stone, seconded by Ms. Ackerman, with all in favor, the Board approved the Revised Agreement with Newland Communities to have Greeters Distribute Community Maps and the Signage Program for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

**Presentation from Biological Research
Associates for Waterway Maintenance and
Monitoring**

It was stated that the South West Florida Water Management District permit requirements for the first five years of monitoring are expired. However, Ms. Wells stated that she has received proposals from Biological Research Associates for monitoring of both the lagoon and the canal. It was stated that the SWFWMD requirements in the past had focused on the monitoring of the canal and that Biological Research Associates recommendation now is to focus more on the Lagoon due to the fact that the salinity has increased over the years in that location. Ms. Wells introduced Dan Hammond and Stephanie Fidler of Biological Research Associates and they gave a presentation to the Board. Mr. Hammond stated that the 24 hour tests in the past would now be 12 hour tests. It was mentioned that the salinity in the Lagoon has increased, almost tripled from 7/1000 parts to 20/1000 parts, and it was an area that they feel would be good to focus on. The monitoring would occur quarterly and the proposal included 1 station in the canal two times a year and the rest would focus on the lagoon. Discussion ensued and Dan Hammond and Stephanie Fidler answered questions for the Board of Supervisors and the audience.

On a Motion by Mr. Hatcher, seconded by Mr. Stone, with all in favor, the Board agreed to table the proposals from Biological Research Associates for waterway maintenance and monitoring for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Update on Basketball Court Lighting

Ms. Dremann stated that Newland has contracted with an engineering firm to make recommendations for the scope and specifications for the poles and materials to be used.

The plans should be available by the end of January and will be available for bidders to pick up shortly after they are complete. It was stated that proposals will be brought back at the next regularly scheduled meeting.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

1. Mr. Craine stated that in regards to the Sea Wall Litigation things were moving forward with the case management conference call scheduled for January 21st with the Judge, all the Attorneys, and all the parties named in the case.

Mr. Craine stated that proposed resolutions are being put on the table.

Mr. Craine stated that he believes there will be an agreement for early mediation as a first step to resolution, not to expect full resolution, but this will be a positive step towards remediation.

Mr. Craine stated that it would be helpful to have a District representative sit in on the mediation and he recommended that the Board appoint Ed Stone. He anticipated that this mediation should take place sometime in late February or early March.

On a Motion by Ms. Ackerman, seconded by Mr. Hatcher, with all in favor, the Board approved to have Ed Stone attend the mediation in approximately late February or early March for Harbor Bay Community Development District.

2. Mr. Craine stated that he was in receipt of collection notices for debt service payments for Terrabrook Apollo Beach and Crosland totaling about \$400,000. He stated that approximately \$304,000 has been paid and the remaining balance was approximately \$99,000. He also stated that there was an agreement between the two entities for the payment of the debt service.
3. Mr. Craine stated that the Uniform Rules of Procedure were originally adopted by the District in 2001. He stated that with recent changes and updates in the Statutes especially in the area of procurement with regards to the bidding processes that it would be in the District's best interest to update these rules by way of a public hearing. He recommended that the Board be provided with a copy of the current adopted rules in February / March and that the District hold the public hearing for any changes to be held in May 2009.
4. Mr. Craine updated the Board with regards to the case between the District and the Hillsborough County Property Appraiser. He stated that the only areas that the District will not qualify for tax exemptions will be The Outfitters and The Admirals Lounge. He requested that the Board by way of motion authorize District Counsel to finalize and put the case to rest.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board authorized District Council to finalize the case between the District and the Hillsborough County Property Appraiser for Harbor Bay Community Development District.

- B. District Engineer
Not present.

District Counsel and the District Manager offered to update the Board in regards to the Hecker proposal regarding the whaler bolts. Ms. Wells presented the proposal and it was determined that if the bolts were installed in a faulty fashion that the contractor should remedy the problem. Ms. Wells stated that she would follow up with the contractor.

Mr. Craine updated the Board that neither he nor Mr. Scarola had heard back with regards to the easement for the MiraBay Village Commercial Developer.

- C. HOA Manager
Mr. Smith stated that he would be obtaining quotes for the Basketball Court Lighting as soon as the plans were available and hopes to have those ready for the next regularly scheduled meeting. He also gave an update on the Jenn Swing, the contractor was out today and the swing will be installed in the very near future.

- D. District Manager
Ms. Wells stated that she has been working with the HOA to find ways for potential cost savings as the current District fiscal year budget line item for the Clubhouse is lower than it has been in the past. She stated that the HOA requested a District Board member be appointed to represent the District during this process and then the HOA would report back to the Board in the next meeting.

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board appointed Ed Stone as the District representative to assist the HOA with the budget amendments for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

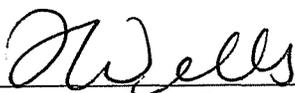
Supervisor Requests and Audience Comments

The Board entertained audience comments; however, no Board action was taken.

NINTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Ms. Ackerman, with all in favor, the Board adjourned the meeting at 8:05 p.m. for Harbor Bay Community Development District.


Secretary / Assistant Secretary


Chairman / Vice Chairman