
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, October 16, 2007 at 9:15 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:

Scott Jones	Board Supervisor, Chairman
Ben Gelston	Board Supervisor, Vice Chairman
Laura Ackerman	Board Supervisor, Assistant Secretary
Donald Hawkins	Board Supervisor, Assistant Secretary
Diana Hilton	Board Supervisor, Assistant Secretary

Also present were:

Tina Wells	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer Smolker & Bolves
Jamie Scarola	District Engineer, Scarola Associates
Aida Johnson	Mira Bay Club Manager
Debra Capelli	HOA Manager, Rizzetta & Company, Inc.
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 Supervisors' Meeting held on
August 21, 2007**

Ms. Wells stated that the next item on the agenda was the consideration of the Minutes of the Board of Supervisors' Meeting held on August 21, 2007. Ms. Wells asked if there were any additions, deletions or corrections. There were none.

On a Motion by Mr. Jones, seconded by Ms. Hilton, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on August 21, 2007, for the Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting held on
August 30, 2007**

Ms. Wells stated that the next item on the agenda was the consideration of the minutes of the Board of Supervisors' Meeting held on August 30, 2007. She asked if there were any additions, deletions or corrections. There were none.

On a Motion by Mr. Gelston, seconded by Mr. Jones, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on August 30, 2007, for the Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

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

Ms. Wells stated that the next item on the agenda was the consideration of the minutes of the Board of Supervisors' Meeting held on September 20, 2007. She asked if there were any additions, deletions or corrections.

Ms. Ackerman stated that in the middle of page 5 it reflects that there were issues regarding the tennis courts and it should reflect tennis and basketball courts.

On a Motion by Ms. Ackerman, seconded by Ms. Hilton, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on September 20, 2007 (as amended), for the Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of the Operation and
Maintenance Expenditures for
October 2007**

Ms. Wells stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for October 2007, which cover the time period of September 1-30. She asked if there were any questions or comments.

Ms. Ackerman asked about the street sweeping expenses. Ms. Wells stated that the District was being reimbursed.

On a Motion by Mr. Jones, seconded by Mr. Gelston with all in favor, the Board approved the Operation and Maintenance Expenditures for October 2007 (\$89,166.96), for the Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of the Series 2002, Capital Improvement Revenue Bond Requisitions #CUS479 & CUS480

Ms. Wells stated that the next item on the agenda was consideration of the Series 2002, Capital Improvement Revenue Bond Requisitions #CUS479 & CUS480. She asked if there were any comments or questions. There were none.

On a Motion by Mr. Jones, seconded by Ms. Hilton, with all in favor, the Board approved the Series 2002, Capital Improvement Revenue Bond Requisitions #CUS479 & CUS480, for the Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Discussion Regarding Alternate Service Contractors for Pool Maintenance

Ms. Wells stated that the next item on the agenda was the discussion regarding alternate service contractors for pool maintenance. She stated that the proposals previously received were:

Sharper Image	\$ 2,080.00 monthly	\$ 130.00 per visit	no Chemicals
Positive Pool Service	\$ 1,400.00 monthly		w/Chemicals
Sunshine Pool Service	\$ 1,870.45 monthly		w/Chemicals

Ms. Wells stated the current contractor is Sunshine Pool Service and the proposal given is for contract renewal. She stated that dissatisfaction with the current contractor has been expressed.

Ms. Wells stated that because of the significant difference in price and service, she contacted Sharper Image again and was given a lower proposal of \$1,760 monthly, including chemicals. A discussion ensued regarding the different contractors.

It was stated that a leak in the pool will cause an algae problem and that it is known the pool has a small leak. It was agreed that the leak had to be repaired. The discussion regarding the different contractors and their services continued.

On a Motion by Mr. Jones, seconded by Ms. Hilton, with all in favor, the Board approved the Positive Pool Service contract, to begin November 16, 2007, and to make official notification of termination of services to Sunshine Pool Services, effective November 16, 2007, for the Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel
No report.

B. District Engineer

Mr. Scarola stated that the whaler installation had been completed based on known exposure heights from the last bathymetric study. He stated that he received a letter from the installer, who indicated additional areas of concern. Mr. Scarola stated that he has not yet received that report. Mr. Scarola recommended the Board consider obtaining a second opinion, if the design engineer's report is not received by the next scheduled meeting.

Mr. Craine stated that the District is nearing the Statute of Limitations regarding construction defaults. He suggested that steps be taken to preserve the District's legal rights. Mr. Jones stated that under the circumstances the District should expedite obtaining a second opinion. A discussion ensued.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board authorized District Counsel to take the necessary steps to ensure the District's rights are preserved and for District Counsel to make written notification to potentially liable parties, for the Harbor Bay Community Development District.

Mr. Scarola stated that there is a SWFWMD issue regarding the operation and maintenance responsibilities that need to be certified on how the stormwater facilities are operated. He stated that there are some known inconsistencies in regard to the design drawings. Mr. Scarola stated that the Developer had been the last to take this on, but that he has seen no progress to date. He stated that the work must be done. A discussion ensued.

Mr. Scarola stated that fines and penalties can be imposed by SWFWMD if the deficiencies are not corrected. Mr. Jones stated he would contact the Developer and obtain an update on what corrections still need to be completed. Mr. Gelston suggested the District have legal representation.

On a Motion by Mr. Gelston, seconded by Mr. Hawkins, with all in favor, the Board authorized the Chairman and District Engineer to meet with the Developer and SWFWMD, to determine whether the District should file for non-compliance or if possible remedy the situation within 60 days, for the Harbor Bay Community Development District.

C. Project Manager

Ms. Wells stated that in the Project Manager's absence, she would give his report. She stated that the Contractor had indicated the problem with the tennis and basketball courts is a subsurface issue and that the warranty is under debate. Ms. Wells stated that soil and concrete samples have been taken and the report should be available soon. A discussion ensued.

D. Clubhouse Manager

Ms. Johnson asked the status of the cardio televisions. Ms. Wells stated that it had been approved at the August 20, 2007 meeting. She stated that all Districts have a shortage of funds until the first of January, due to having to wait on tax funds. Therefore, expenses and purchases are being prioritized until the funds are received.

E. HOA Resident Services Manager

Ms. Capelli stated that a wedding is scheduled for the clubhouse on Friday, November 16, 2007, and there is an expected overflow of parking. She asked for the Board to consider approval of the use of the playground parking lot on this occasion. A discussion ensued.

<p>On a Motion by Mr. Jones, seconded by Mr. Hawkins, with all in favor, the Board approved the use of the playground parking lot for overflow parking on Friday, November 16, 2007, during the hours of 5:00 p.m. – 11:00 p.m., for the Harbor Bay Community Development District.</p>

F. District Manager

Ms. Wells stated that she met with the landscaper, Mr. Kim, regarding the resident and Board concerns expressed at the previous meeting. She stated that since her talk with him, it appeared to her that things have improved.

Ms. Wells stated that she advised Mr. Kim the District had obtained a quote for the repair of the landscaping lights around the monument of \$950, and for the replacement of the lights of a little over \$6,000. She stated that Mr. Kim felt that was expensive and was going to look at other options. A discussion ensued.

Ms. Wells stated that fire ant treatment of the playground areas is scheduled to begin on October 22, 2007 and that any problems should be reported. She stated that the treated areas will be covered and that the treatment should last about one year.

A discussion ensued regarding newspaper box locations.

A discussion ensued regarding the District newsletter.

Ms. Wells stated it had been decided to change from the swipe card to the proximity card. She stated the new system will allow better control and access to the club. Ms. Wells stated that the new system will be fully installed within a few days of the old system being dismantled. She stated that new cards, with photographs need to be issued. Ms. Wells stated that the current goal for the new system to be up and running is mid November. A discussion ensued.

NINTH ORDER OF BUSINESS

**Presentation of Personal Watercraft Lift
Station Proposal**

Ms. Wells stated that Mr. Stone had requested to make a presentation of a personal watercraft (PWC) lift station proposal and that it was the next item on the agenda.

Mr. Stone stated that the purpose of his presentation is to present a consensual proposal for the design and installation of a PWC lift system located at the Mirabay boat lift, designed to safely transfer PWCs from one side to the other. He stated that the proposal is offered to the District for the purpose of the allocation of funds to further engineering design and other related matters, to determine the exact design to be utilized. Mr. Stone stated that it is also requested that funds based on this study be allocated for the purchase and installation of the selected system.

Mr. Stone stated that there is a bracket system located at the boat lift, for the purpose of transferring PWCs. He stated that it requires a minimum of two or three people to operate and considered by some to be dangerous. Mr. Stone explained some of the various systems that could be considered and the benefit of the lift station to the District residents. A discussion ensued and Mr. Stone was asked to gather additional information and present his findings at the next scheduled meeting.

TENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Ms. Wells stated that the next item on the agenda was Supervisor Requests and Audience Comments. Ms. Wells asked for any Audience comments.

A resident asked the Board to consider the installation of lights at the basketball courts. Ms. Wells stated that the Board previously obtained a proposal of \$45,000 and due to the high cost decided not to install the lights at that time. A discussion ensued and the resident stated that he would look into the costs and report his findings at the next scheduled meeting.

A resident thanked the Board for the speed limit change and asked the status on the South fountain. Ms. Wells stated that it is under a maintenance contract and that it may be out of service pending receipt of an ordered part.

A resident stated that he contacted SWFWMD regarding the erosion of earth moving into the wetlands. An inspector came out and stated that silt fences need to be installed. Mr. Jones stated that he would follow-up on the issue.

Ms. Wells stated that US Securities submitted a proposal for their coverage of \$255,734.75, which would allow for employee raises for the 2008 year. She stated that at the time the budget was approved, the proposal was not available so the budgeted amount was set at \$250,000. A discussion ensued and Ms. Wells stated that she would attempt to negotiate a lower rate and report her findings at the next scheduled meeting.

Ms. Wells asked if there were any Supervisor Requests. Mr. Hawkins stated that the common areas at the end of Isle Bay, and it's fingers, work had been started, but appears to have come to a halt. He asked why the work had not been completed. Ms. Wells stated that she would look into the situation.

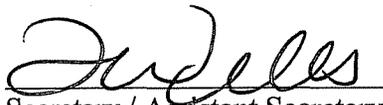
Mr. Hawkins stated that on Isle Bay there are inlets where the canals come into the road and that sometime ago it was decided to have Mr. Kim plant some bushes in the areas. He stated that there were also some erosion issues around the monuments.

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. Hilton, with all in favor, the Board adjourned the meeting Board of Supervisors' Meeting at 11:16 a.m., for the Harbor Bay Community Development District.


Secretary / Assistant Secretary


Chairman / Vice Chairman