

**MINUTES OF MEETING  
HARBOR BAY  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Harbor Bay Community Development District Board of Supervisors was held on **Tuesday, October 19, 2004 at 9:05 a.m.** at the Mirabay Welcome Center, located at 205 Manns Harbor Drive, Apollo Beach, FL 33572.

Present and constituting a quorum were:

Don Whyte	<b>Board Supervisor, Chairman</b>
Chris Coughlin	<b>Board Supervisor, Vice Chairman</b>
Brenda Kunkel	<b>Board Supervisor, Assistant Secretary</b>
Lisa Wrenn	<b>Board Supervisor, Assistant Secretary</b>
Suzanne Soto	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Pete Williams	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Bricklemyer Smolker &amp; Bolves, P.A.</b>
Jamie Scarola	<b>District Engineer, Scarola Associates Engineering Design and Land Consultants, P.A.</b>
Al Getz	<b>Green Acres Property Management</b>

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Williams called the meeting to order.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes of the  
Board of Supervisors' Meeting  
on September 21, 2004**

Mr. Williams stated that the first item on the agenda was the consideration of the Minutes of the Board of Supervisors' Meeting held on September 21, 2004 (located behind tab 1). Mr. Williams asked if there were any additions, deletions or corrections to the minutes. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Wrenn, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on September 21, 2004 for Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of Authorizations  
to Disburse District Funds 2005-01 and  
2005-01A**

Mr. Williams stated that the next item on the agenda was the consideration of the Authorizations to Disburse District Funds 2005-01 and 2005-01A (located behind tab 2). He stated that the disbursements for 2005-01 consists of invoices for standard contractual commitments and administrative fees, and that 2005-01A consists of invoices for materials and supplies for the club and club facilities. Mr. Williams asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Mr. Whyte, seconded by Mr. Coughlin, with all in favor, the Board approved the Authorizations to Disburse District Funds 2005-01 and 2004-01A for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Series 2002  
Construction Requisitions #261  
and #288 through #297**

Mr. Williams stated that the next item on the agenda was the consideration of Series 2002 Construction Requisitions #261 and #288 through #297 (recap located behind tab 3). He stated that these had been certified by the District Engineer. Mr. Williams stated that the fund has been depleted and that these were now being funded by the Developer. He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Wrenn, with all in favor, the Board approved the Series 2002 Construction Requisitions #261 and #288 through #297 for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2005-01,  
Confirming Secretary and Re-designating  
an Assistant Secretary**

Mr. Williams stated that the next item for consideration was the consideration of Resolution 2005-01, confirming the Secretary and Re-designating an Assistant Secretary. He recommended himself as Secretary, and the re-designation of Karen Hartman as an Assistant Secretary. Mr. Williams asked if there were any other suggestions. There were none. He asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Soto, with all in favor, the Board approved Resolution 2005-01, confirming Pete Williams as Secretary and re-designating Karen Hartman as an Assistant Secretary for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Change Orders  
#49 and #50**

Mr. Williams stated that the next item on the agenda was the consideration of Change Orders #49 and #50 (under separate cover). He stated that change order #49 was from Kearney Development Co., Inc., for additions to the original contract, for Phase 3, Parcel 19B totaling \$560, 919.60, there was also a change order #50 from Kearney Development Co., Inc. for Phase 3, Parcel 20 totaling \$631,931.55. Mr. Williams asked if there were any comments or questions. There were none. He asked for a motion to approve.

On MOTION by Mr. Coughlin, seconded by Ms. Kunkel, with all in favor, the Board approved Change Orders #49 (Kearney:\$560,919.60) and #50 (Kearney:\$631,931.55) for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
No report.

B. District Engineer

Mr. Scarola provided a brief overview of Mr. Clarkson's investigation of the T pond walls (under separate cover). The report stated that the current status on the T ponds is as follows: T4, failed; T5, seems to be ok; and T6, which has had construction related problems. Mr. Scarola stated that the investigation, though not complete, has returned findings that there may have been piping problems under the T4 pond walls. He provided a brief overview for the Board. Mr. Clarkson's investigation included a possible solution to rectify the leakage issue on the other pond walls, by utilizing sheet piling system (steel 13'high) be installed behind the footing with poured concrete over inserted steel rods, which would keep them from rotating. Mr. Scarola stated that this was only the initial stages of the investigation and that he would have further information at the next Board meeting. General discussion ensued, to include the lagoon's erosion problem (worsen by the recent hurricanes) and possible solutions.

C. District Manager

Mr. Williams asked Mr. Getz if he had any comments for the Board. Mr. Getz stated that the gates are going to be back up, and have been situated so that they may be pushed up to open, which was more cost effective. Mr. Williams stated that this would have to be delegated as a responsibility during emergency situations, so that the gates are open and not causing delaying. Further discussion ensued regarding possible solutions for procedures affected by possible hurricane or severe storm season.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests and  
Audience Comments**

Mr. Williams stated that the next item on the agenda was Supervisor requests and audience comments. He stated that there are no audience members in attendance other than those listed at the onset of the meeting. Mr. Williams asked if there were any Supervisor requests. There were none.

**NINTH ORDER OF BUSINESS**

**Adjournment**

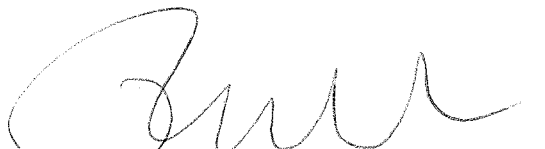
Mr. Williams stated that there were no further agenda items to come before the Board and asked for a motion to adjourn.

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

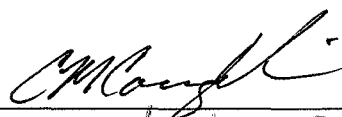
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On MOTION by Mr. Whyte, seconded by Mr. Coughlin with all in favor, the Board adjourned the meeting for Harbor Bay Community Development District.



Pete Williams  
Secretary



Don Whyte  
Chairman

Chris Coughlin  
Vice Chair