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**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, November 18, 2008 at 9:00 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	<b>Board Supervisor, Chairman</b>
Laura Ackerman	<b>Board Supervisor, Assistant Secretary</b>
Ed Stone	<b>Board Supervisor, Assistant Secretary</b>
Tom Hatcher	<b>Supervisor Elect</b>

Also present were:

Tina Wells	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Bricklemyer Smolker &amp; Bolves</b>
Jamie Scarola	<b>District Engineer, Scarola Associates Engineering Design</b>
Karla Gibson	<b>Club Manager, Mira Bay</b>
Theron Miller	<b>HOA Manager, Rizzetta &amp; Company, Inc.</b>
Vaike O'Grady	<b>Representative, Newland Communities</b>
Millard ("Rip") Ripley	<b>Resident</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  
Replacement**

Ms. Wells, a Notary Public in the State of Florida, administered the oath of office to newly elected Board Supervisor Tom Hatcher. Mr. Hatcher swore and affirmed to the oath and executed the oath. Ms. Wells stated that she had reviewed the Sunshine Amendment with Mr. Hatcher at a prior orientation meeting.

Ms. Wells stated that per Florida Statute, each Board member is entitled to collect a sum of up to \$200 per meeting with a maximum of \$4,800 annually for their attendance at Board meetings. She asked if Mr. Hatcher would like to receive compensation. Mr. Hatcher chose to accept compensation.

On a Motion by Ms. Ackerman, seconded by Mr. Stone, with all in favor, the Board approved compensation for meeting attendance for Mr. Hatcher for Harbor Bay Community Development District.

Ms. Wells, a Notary Public in the state of Florida, administered the oath of office to newly elected Board Supervisor Ed Stone. Mr. Stone swore and affirmed to the oath and executed the oath.

Ms. Wells stated that per Florida Statute, each Board member is entitled to collect a sum of up to \$200 per meeting with a maximum of \$4,800 annually for their attendance at Board meetings. She asked if Mr. Stone would like to receive compensation. Mr. Stone chose to accept compensation.

On a Motion by Ms. Ackerman, seconded by Mr. Jones, with all in favor, the Board approved compensation for meeting attendance for Mr. Jones for Harbor Bay Community Development District.

Ms. Wells stated that the next item on the agenda was the consideration of a Board Supervisor Replacement. She stated that she had received four letters of interest. Ms. Wells stated that she had sent the letters to the Board members for their review. She stated for the record that she had received letters of interest from the following applicants: Millard Ripley, Richard Horn, Bob Cribbs, and Tammy Franco. A brief discussion ensued regarding the applicants.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board appointed Millard Ripley as a Board Supervisor for Harbor Bay Community Development District.

Ms. Wells, a Notary Public in the State of Florida, administered the oath of office to the new Board Supervisor. Mr. Ripley swore and affirmed to the oath and executed the oath. Ms. Wells reviewed the new Board Supervisor package for Mr. Ripley.

Ms. Wells stated that per Florida Statute, each Board member is entitled to collect a sum of up to \$200 per meeting with a maximum of \$4,800 annually for their attendance at Board meetings. She asked if Mr. Ripley would like to receive compensation. Mr. Ripley chose to receive compensation.

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor the Board approved compensation for meeting attendance for Mr. Ripley for Harbor Bay Community Development District.

### **THIRD ORDER OF BUSINESS**

### **Consideration of Resolution 2009-03, Re-Designating Officers**

Ms. Wells stated that the next item on the agenda was the consideration of Resolution 2009-03, Re-Designating Officers. She asked the Board members if they wished to realign the Board. Mr. Stone nominated Scott Jones as Chairman.

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

Mr. Jones nominated Laura Ackerman as Vice Chairman and all other Board members as Assistant Secretaries.

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

Ms. Wells stated that the remaining Board members; Mr. Stone, Mr. Hatcher, and Mr. Ripley would be appointed as Assistant Secretaries. She stated that she and Sue Ellen Gehrke would be appointed as Assistant Secretaries for signature purposes only.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Board of Supervisors' Meeting held on October 21, 2008**

Ms. Wells stated that the next item on the agenda was the consideration of the minutes of the Board of Supervisors' meeting held on October 21, 2008. She asked if there were any additions, deletions, or corrections. Ms. Ackerman stated that she had corrections to the minutes. She stated that the first correction was on page two, in the first paragraph, the Florida Statute number should be "112.3148". Ms. Ackerman stated that on page four, the verbiage at the bottom of the page should read that "Mr. Miller is authorized as the District's landscape representative". She stated that on page ten, the third item down, the second to the last sentence should read "is included in the current budget". Ms. Wells asked if there were any additional comments or corrections. Mr. Scarola stated that on page seven, item B, the third sentence should read "the southeast side of Skimmer". He stated that he also wanted to make a clarification at the bottom of the paragraph. Mr. Scarola stated that there was some discussion about him contacting the District expert but he believed the discussion was concluded with Mr. Craine contacting the expert and the defendant's counsel. Ms. Wells asked the Board for a motion to approve the minutes of the Board of Supervisors' meeting held on October 21, 2008 as amended.

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 October 21, 2008 (as amended) for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of the Operation and Maintenance Expenditures for November 2008**

Ms. Wells stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for November 2008. She stated that the expenditures were for the period of October 1-31, 2008 and totaled \$268,690.57.

Ms. Wells reviewed the expenditures for the Board. She asked if there were any questions. Discussion ensued regarding the deputy hours, Lee Te Kim invoices, the TECO and Pesco gas bills, the Reedy Plumbing work, and the Rizzetta invoices. Ms. Wells asked for a motion to approve the Operation and Maintenance Expenditures for November 2008.

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board approved the Operation and Expenditures for November 2008 (\$268,690.57) for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Arbitrage Rebate Report for Capital Improvement Revenue Bonds, Series 2001 A&B**

Ms. Wells stated that the next item on the agenda was the consideration of the Arbitrage Rebate Calculation Report for Capital Improvement Revenue Bonds, Series 2001 A&B. She reviewed the report for the Board and asked for a motion to accept the Arbitrage Rebate Report.

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board accepted the Arbitrage Rebate Report for Capital Improvement Revenue Bonds, Series 2001 A&B for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Lee Te Kim Landscape Proposal for Re-Mulching**

Ms. Wells stated that the next item on the agenda was the consideration of the Lee Te Kim landscape proposal for re-mulching. She reviewed the proposal for the Board. Ms. Wells asked if there were any questions. There were none. She asked for a motion to approve the proposal with a not-to-exceed amount of \$7,000.

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor the Board approved the Lee Te Kim landscape proposal for re-mulching (with a not-to-exceed amount of \$7,000) for Harbor Bay Community Development District.

**EIGHTH ORDER OF BUSINESS**

**Presentation of New Marketing Signage Strategy (by Vaike O'Grady)**

Ms. Wells stated that the next item on the agenda was the presentation of the new marketing signage strategy by Vaike O'Grady. Ms. O'Grady reviewed the new marketing signage strategy for the Board. She stated that Newland Communities would be financing the new signage program and that none of the signs would be placed on District property. Discussion ensued regarding the signage. Ms. O'Grady stated that the individual real estate signage in homeowner's yards was an HOA issue and could be discussed at the HOA meeting. Ms. O'Grady stated that an agreement would be needed for maps of the community to be handed out at the greeter shack. Discussion ensued regarding County sign codes.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board authorized staff to draft an agreement between the District and Newland Communities to authorize the greeters to distribute community maps at no cost to the District by Newland Communities for Harbor Bay Community Development District.

**NINTH ORDER OF BUSINESS**

**Consideration of Installation of Haz-Mat Pads**

Ms. Wells stated that the next item on the agenda was the consideration of the installation of Haz-Mat pads. She stated that they had an approved location. Mr. Stone reviewed the purpose and the location of the Haz-Mat pads for the Board. He stated that their placement is required by the settlement agreement.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board authorized the HOA to move forward with the installation of the Haz-Mat pads on District property (to be paid for with the Evergreen Fund) for Harbor Bay Community Development District.

**TENTH ORDER OF BUSINESS**

**Consideration of U.S. Securities Proposal**

Ms. Wells stated that the next item on the agenda was the consideration of the US Securities proposal that was tabled from last month's meeting. She reviewed the proposal for the Board. Discussion ensued regarding security. The Board entertained audience comments. It was decided that Karla Gibson, Theron Miller, Scott Smith, and Ed Stone would continue to work with off-duty deputies to improve the scope of services. No Board action was taken.

**ELEVENTH ORDER OF BUSINESS**

**Update on Location of Jenn Swing**

Ms. Wells stated that the next item on the agenda was the update on the location of the Jenn Swing. Ms. Gibson gave the Board an update on the installation of the Jenn Swing. No Board action was taken.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Carpet and Upholstery Cleaning Proposals**

Ms. Wells stated that the next item on the agenda was the consideration of the carpet and upholstery cleaning proposals. She stated that she had four proposals and reviewed them for the Board. Discussion ensued. It was decided that carpet cleaning is normal maintenance and an HOA issue. No Board action was taken.

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Pest Control Proposals**

Ms. Wells stated that the next item on the agenda was the consideration of the pest control proposals. Mr. Miller reviewed the three proposals for the Board. Discussion ensued. Ms. Ackerman suggested that the District pay the initial treatment cost if needed and then the HOA pay

the monthly maintenance. The Board decided to table this item until the next meeting for further research.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Craine updated the Board on the seawall litigation. He stated that there was a shaded meeting scheduled for November 25, 2008 at 9:00 a.m. He stated that they would be discussing the need for additional whaler installation. Mr. Craine stated that there may be some consideration of the defendants to help cover the costs for the additional whalers needed. He stated that there would be a mediation in January.

Mr. Craine stated that two additional parties were brought into the lawsuit; Heidt and Associates and Scarola & Associates.

He stated that the lawsuit was still in the discovery phase and that the experts were gathering information for the hearing.

Mr. Craine stated that he confirmed that the miscellaneous charges on the invoices that were questioned at the last meeting were for the experts that were retained.

B. District Engineer

Mr. Scarola updated the Board on the commercial development easement.

C. HOA Manager

Mr. Miller stated that all of the repairs to the clubhouse and boat lift had been completed. Discussion ensued. He gave an update on the playground structures and the proximity card readers.

D. District Manager

Ms. Wells stated that the next meeting would be held on December 16, 2008 at 9:00 a.m.

**FIFTEENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

Ms. Wells stated that the next item on the agenda was Supervisor requests and Audience comments. Mr. Stone stated that Mr. Kim should be notified about the dead palm tree by the pool. He stated that a proposal needed to be obtained for the plants on the island at Bali Bay.

Mr. Hatcher stated that the weed growth at the town home wall needed to be addressed. Mr. Stone stated that BRA would need to be called as it is on the water side.

Ms. Ackerman suggested the Board consider obtaining new District Counsel for regular District business but retain Bricklemyer, Smolker & Bolves, P.A. to continue with the seawall litigation. Discussion ensued regarding District Counsel.

The Board entertained audience comments with no Board action being taken.

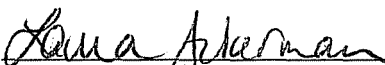
**SIXTEENTH ORDER OF BUSINESS**

**Adjournment**

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

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board adjourned the Board of Supervisors' Meeting for Harbor Bay Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman