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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 Harbor Bay Community Development District was held on **Tuesday, November 20, 2007 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>
Ben Gelston	<b>Board Supervisor, Vice Chairman</b> ( <i>Joined meeting in progress</i> )
Laura Ackerman	<b>Board Supervisor, Assistant Secretary</b>
Donald Hawkins	<b>Board Supervisor, Assistant Secretary</b>
Diana Hilton	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Tina Wells	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Bricklemyer Smolker &amp; Bolves</b>
Debra Capelli	<b>HOA Manager, Rizzetta &amp; Company, Inc.</b>
Jim Vrouhas	<b>Resident Services Manager</b>
Aida Johnson	<b>Mira Bay Club Manager</b>
Erica Workhiser	
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  
October 16, 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 October 16, 2007. Ms. Wells asked if there were any additions, deletions or corrections. There were none.

On a Motion by Mr. Jones, seconded by Mr. Hawkins, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on October 16, 2007, for the Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

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

Ms. Wells stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for November 2007. She stated that the expenditures covered the time period of October 1 – 31, 2007 and totaled \$203,751.49. Ms. Wells asked if there were any questions or comments.

A discussion ensued regarding the Kearney Construction invoice for stripping. Mr. Hawkins stated that there is an area on Isle Bay Drive that was not stripped and that there are some areas that were stripped, but that do not appear to have been done professionally and need touched up. Ms. Wells was asked to review the invoice and ensure the services paid for were received.

*Mr. Gelston joined the meeting in progress.*

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board approved the Operation and Maintenance Expenditures for November 2007 (\$203,751.49), for the Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Series 2001 Construction  
Requisition #224**

Ms. Wells stated that the next item on the agenda was the consideration of the Series 2001 Construction Requisition #224. She asked if there were any questions or concerns. There were none.

On a Motion by Mr. Jones, seconded by Mr. Hawkins, with all in favor, the Board approved the Series 2001 Construction Requisition #224, for the Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Series 2002 Construction  
Requisitions, CUS481 – CUS485**

Ms. Wells stated that the next item on the agenda was the consideration of the Series 2002 Construction Requisitions CUS481 – CUS485. She asked if there were any questions or concerns. There were none.

On a Motion by Mr. Gelston, seconded by Ms. Hilton with all in favor, the Board approved the Series 2002 Construction Requisitions CUS481 - CUS485, for the Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Discussion Regarding Fiscal Year  
2006/2007 Amended Budget**

Ms. Wells stated that the next item on the agenda was the discussion regarding Fiscal Year 2006/2007 Amended Budget. She stated that the budget has not yet been audited, but that during an internal audit by Staff, it was found that a deficit of \$213,872 existed, as the budgeted amount was \$2,324,350 and actual expenditures were \$2,538,022. Ms. Wells stated that although these are unofficial audited numbers, Statute requires the Board to acknowledge and accept an amended budget prior to November 30, 2007. Ms. Wells asked if there were any questions or concerns. There were none.

On a Motion by Mr. Jones, seconded by Mr. Gelston, with all in favor, the Board approved the Budget Amendment for Fiscal Year 2006/2007 in the amount of \$2,538,022.00, for the Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Discussion Regarding Mangrove  
Maintenance**

Ms. Wells stated that the next item on the agenda was the discussion regarding mangrove maintenance. She stated that there are some mangroves that appear to be growing taller than some residents would like. A discussion ensued regarding the laws governing the mangroves.

On a Motion by Ms. Hilton, seconded by Mr. Hawkins, with all in favor, the Board authorized Staff to research the necessary process and cost for the trimming of mangroves that is to be presented to the Board for consideration, for the Harbor Bay Community Development District.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Renewal of Audit  
Services for Fiscal Year 2006/2007 with  
Grau & Associates**

Ms. Wells stated that the next item on the agenda was the consideration of renewal of audit services for Fiscal Year 2006/2007 with Grau & Associates. She stated that the contract remains in effect, but that she would like the Board to acknowledge proceeding with Grau & Associates for the Fiscal Year 2006/2007 audit.

On a Motion by Mr. Jones, seconded by Mr. Gelston, with all in favor, the Board approved the renewal of audit services for Fiscal Year 2006/2007 with Grau & Associates, for the Harbor Bay Community Development District.

**NINTH ORDER OF BUSINESS**

**Update From HOA Regarding Clubhouse Expenditures**

Ms. Wells stated that the next item on the agenda was the update from the HOA regarding the Clubhouse expenditures.

Ms. Capelli stated briefly reviewed the expenditures concerning the Clubhouse, with the Board.

Ms. Ackerman stated that she had requested a copy of the profit and loss statement for the Outfitters, but has not yet received it. Ms. Wells requested a copy of the profit and loss statement from Ms. Capelli and stated that she would then forward Ms. Ackerman a copy.

A discussion ensued regarding the Outfitters and Galley Café and whether or not they were turning a profit. Mr. Jones stated that he understood that they were operating at a profit, but that later clarification was obtained that they are not operating at a profit. He stated that it had been explained that original intention had been to operate as an amenity and not as a profit making operation. Ms. Johnson stated that the café is receiving positive feedback from residents and explained that the operation was a resident services position focused on water aspects.

Mr. Jones stated that the operation is not affecting the District in a negative monetary manner. A discussion ensued regarding the continued operation and its being a major marketing item for the District.

Ms. Wells stated that she will email the P&L and the updates from WTS on the Outfitter and Café.

**TENTH ORDER OF BUSINESS**

**Update on Personal Watercraft Lift Station Proposal**

Ms. Wells stated that the next item on the agenda was the update on the personal watercraft lift station proposal. She stated that the gentleman who was gathering information is not present and she will place this item on the next agenda.

**ELEVENTH ORDER OF BUSINESS**

**Update on Erosion of Earth Movement into Wetlands and Silt Fence Installation by Mr. Jones**

Ms. Wells stated that the next item on the agenda was the update on erosion of earth movement into the wetlands and silt fence installation.

Mr. Jones stated that he met with the Contractor, who has met with SWFWMD and that they will be re-grading some of the lots, re-installing the silt fence and cleaning everything up. He stated that this should be completed by Tuesday, November 27, 2007.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Sea Crest HOA to  
Provide and Install Bench(es) by Pond**

Ms. Wells stated that the next item on the agenda was the consideration of Sea Crest HOA to provide and install benches by pond. An HOA Representative stated that funds had been donated for the purchase and installation of eight benches. He explained that if approved seven of the benches would be installed around the pond under the Royal Oak Trees and one would be installed looking out into the waterway. A site plan was presented and a discussion ensued.

On a Motion by Mr. Gelston, seconded by Ms. Ackerman, with all in favor, the Board authorized Sea Crest HOA to install and maintain eight benches around the pond in their neighborhood, for the Harbor Bay Community Development District.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

1. Update Regarding Action to Prevent or Reduce CDD Property Tax Burden

Mr. Craine stated that a law suit has been filed on the ad valorem tax issue. He stated that they are continuing to identify the Property Appraiser's intent and will keep the Board informed on the issue as it develops.

2. Sea Wall

Mr. Craine stated that notice was given to the responsible parties regarding the sea wall issues. He stated that a complaint was filed, but has not yet been served and that this has been done in order to stay within the Statute of limitations.

Mr. Craine stated that it had been previously suggested that the construction and design elements of the sea wall be reviewed by an independent expert, and he would like to obtain authorization from the Board to proceed with having this done. He stated that the expert should be hired through District Counsel for confidentiality purposes.

Mr. Craine stated that the complaint would probably need to be amended and have it served within the next 30 to 60 days. He stated that he is hopeful that this can be brought to a resolution quickly.

Mr. Craine stated that he would like to arrange for an Executive Session, which is permitted by Statute, to discuss the legal issues outside the scope of the Sunshine Law.

A discussion ensued regarding the District's filing suit against the County Property Appraiser, what can be expected and what has happened to date.

On a Motion by Mr. Jones, seconded by Ms. Hilton, with all in favor, the Board authorized District Counsel to retain a sea wall expert to review the construction and design of the sea wall, for the Harbor Bay Community Development District.

B. District Engineer  
Not present

C. Project Manager

1. Update Regarding Open Wall Along Golf and Sea Boulevard in Sea Crest

Mr. Jones stated that the intention of the Developer was to leave the wall open until such time as the majority of home construction was complete, to allow direct access from Gulf and Sea Boulevard.

Mr. Hawkins stated that a problem exists with people going into the area through this opening. He asked if some type of temporary barricade could be installed until such time as building begins. A discussion ensued regarding this proposal.

Mr. Jones stated that he and Mr. Coughlin would obtain a commitment from Standard Pacific regarding whether or not they will begin construction in the area and when.

2. Update on Landscaping Improvements at Isle Bay Drive, Sea Trout Place, Tortoise Place and Sea Turtle Place

Mr. Jones stated that the landscaping improvements are approximately 95 percent complete and should be completed by the end of next week. He stated that a punch list inspection had been completed and all items on that list should be completed within two to three weeks.

A resident asked if the cracked concrete located in the 800 block of Gulf and Sea was included on the punch list. A discussion ensued and it was indicated that it would be looked into.

A discussion ensued regarding the Date Palm on Mirabay Boulevard that was to be replaced and that no tree had been planted, but the area has been re-landscaped. It was stated that Mr. Kim had promised a new tree would be planted in September. Ms. Wells stated that it would be researched and the findings reported to the Board.

Mr. Jones stated that quotes to replace the basketball court, replace the shell edging around the court with concrete and to resurface the tennis court have been requested. He stated that Newland Communities is disputing the warranty of the basketball courts.

D. Clubhouse Manager  
No report.

E. HOA Resident Services Manager

1. Update on Installation of Trash Cans

Ms. Capelli stated that the installation of the trash cans will hopefully be completed today.

2. Update on Fountains

Ms. Capelli stated that the North side fountain was sent back for warranty issues and that the South side fountain needs some adjustments. A discussion ensued regarding the normal problems fountains maintained in brackish water will have.

Ms. Capelli stated that the pool was found to have two leaks that are currently being repaired. She explained that a leak was found in the filter pit, which is currently being drained, repaired and re-fiber glassed. Ms. Capelli stated that a second leak was found in the pool heater pump and that it is being fixed under warranty. She stated the pool heater is off and will be turned back on after all repairs have been completed.

F. District Manager

Ms. Wells stated that the possibility of updating/renovating the Spa Room had previously been discussed. She stated that she has received a proposal of \$1,838, which includes paint, labor and materials. Ms. Wells asked for the Board's approval to have the renovation completed, with a not-to-exceed amount of \$2,500.

<p>On a Motion by Mr. Jones, seconded by Mr. Hawkins, with all in favor, the Board authorized the renovation of the Spa Room with a not-to-exceed amount of \$2,500, for the Harbor Bay Community Development District.</p>
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Ms. Wells stated that Newland Communities has offered to pay for the installation of shade structures for the two play grounds. She stated that two proposals have been received, but that she has a couple of concerns with the proposals. Ms. Wells stated that the concerns include that they are not clear about whether or not the design plan is included, there are concerns with the footers, and it is not clear whether or not the cost of permits are included. A discussion ensued and it was determined that an attempt to obtain additional proposals should be made.

Ms. Wells stated that U S Securities stayed within the budgeted amount for their employee raises.

Ms. Wells stated that the Board had previously authorized funds for the Neighborhood Watch and that a check will be cut next week.

**FOURTEENTH 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 stated that traffic on US41 was becoming increasingly worse and asked what, if anything could be done. Mr. Jones stated that a traffic signal was planned for installation going into Water Set, but that no date of installation has been set. He stated further that the Mirabay DRI <sup>Mr. Jones</sup> requires a traffic signal being installed when warranted. Mr. Jones explained that the State will not allow a traffic signal being installed unless it is warranted and that a traffic study must be completed to document the need. Mr. Jones stated that he would check into the matter further.

A resident asked about the rip rap upgrading on the lagoon. Ms. Wells stated that she would follow up with the District Engineer.

A discussion ensued regarding the content of the transcribed minutes of the meetings. Ms. Wells explained that only Board action is required to be included in the minutes.

A resident asked if the meeting time could be changed and a discussion ensued regarding scheduling quarterly evening meetings. Ms. Wells stated that she will place amending of the meeting schedule on the next meetings agenda.

*Mr. Craine left the meeting in progress.*

Mr. Rick Terrell stated that fire ant treatment will be completed tomorrow. A discussion ensued regarding what treatment is being completed.

Mr. Rick Terrell stated that he had received numerous lights being out. He stated that all lights that are not operational are being repaired.



Ms. Wells asked if there were any Supervisor Requests.

Mr. Hawkins stated that the Isle Bay inlets need to be looked at for landscaping. He also asked about additional lighting of the park. A discussion ensued regarding the lights and the cost involved.

Ms. Ackerman stated that the Deputies need to be more consistent on the logs and utilize the correct form. A discussion ensued regarding the change of the speed limit and the Deputies continuing to issue warnings, rather than tickets.

**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 Mr. Gelston, with all in favor, the Board adjourned the meeting Board of Supervisors' Meeting, for the Harbor Bay Community Development District.

  
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Secretary / Assistant Secretary

  
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Chairman / Vice Chairman