

**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, December 16, 2003 at 9:00 a.m.** at the Mirabay Welcome Center, located at 205 Manns Harbor Drive, Apollo Beach, FL 33572.

Present and constituting a quorum were:

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| Steve Gamm | Board Supervisor, Chairman |
| Brenda Kunkel | Board Supervisor, Vice Chairman |
| Suzi Greene | Board Supervisor, Assistant Secretary |
| Susie Marler | Board Supervisor, Assistant Secretary |

Also present were:

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| Pete Williams | District Manager, Rizzetta & Company, Inc. |
| Jonathan Johnson | District Counsel, Hopping Green & Sams, P.A. <i>(via speakerphone)</i> |
| Matthew L. Campbell | Rizzetta & Company, Inc. |
| Al Getz | HOA Representative, Green Acres Property Management |
| Kelly | Harbor Bay Recreational Staff |

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order.

SECOND ORDER OF BUSINESS

**Consideration of Replacement Board
Supervisor**

Mr. Williams stated that the first item is to consider a replacement Board Supervisor to replace Kathy Shelling. Don Whyte was nominated for the Board Supervisor position. Mr. Williams asked if there were any other nominations. There were none, so he asked for a motion to appoint.

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| <p>On MOTION by Ms. Kunkel, seconded by Mr. Gamm with all in favor, the Board appointed Don Whyte to replace Kathy Shelling as Board Supervisor for Harbor Bay Community Development District.</p> |
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Mr. Williams stated that the Oath of Office will be administered to Don Whyte at the next meeting.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of the
Board of Supervisors' Meeting
on November 18, 2003**

Mr. Williams stated that the next item on the agenda is to consider the minutes of the Board of Supervisors' meeting held on November 18, 2003 (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. Greene, seconded by Ms. Kunkel with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on November 18, 2003 for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Authorization
to Disburse District Funds 2004-03**

Mr. Williams stated that the next item on the agenda is the consideration of the Authorization to Disburse District Funds 2004-03 (located behind tab 2). He stated that the disbursement consists of invoices for standard contractual commitments and administrative fees. Mr. Williams explained that there was an increase pertaining to flood insurance for the clubhouse. He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Ms. Marler, with all in favor, the Board approved the Authorization to Disburse District Funds 2004-03 for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Series 2002
Construction Requisitions #190
through #197**

Mr. Williams stated that the next item on the agenda is the consideration of Series 2002 Construction Requisitions #190 through #197 (recap located behind tab 3). He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the Series 2002 Construction Requisitions #190 through #197 for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Audited Financial Statements

Mr. Williams stated that the next item for discussion is the consideration of Audited Financial Statements. He explained that any questions pertaining to the Audited Financial Statements should be directed to Stacey Thomas at the District office. Mr. Williams reminded the Board that during the process of a governmental audit, the operation of the entity is also audited and ensured to comply with the Auditor General's guidelines.

Mr. Williams stated that there are several proposals for the Board's consideration relating to maintenance issues. He distributed copies of the proposals to the Board. There is a proposal for Irrigation Technical Services pertaining to the irrigation repairs for the common areas.

On MOTION by Ms. Greene, seconded by Ms. Kunkel, with all in favor, the Board approved the proposal for Irrigation Technical Services for Harbor Bay Community Development District.

Mr. Williams stated that there is a proposal for Kim's Landscaping pertaining to the club house and tennis pavilion for monthly maintenance for the period of December 1, 2003 through November 31, 2004 totaling \$2,750.00. He asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Greene, with all in favor, the Board approved the proposal for Kim's Landscaping totaling \$2,750.00 for Harbor Bay Community Development District.

Mr. Williams stated that there is a proposal for Fitwise, Inc. for exercise equipment maintenance for a sum of 14 visits totaling \$3,500.00 annually. There was a discussion pertaining to whether the warranties for the equipment cover general maintenance. It was agreed that maintenance would not be covered under the equipment warranties. He asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Mr. Gamm, seconded by Ms. Marler, with all in favor, the Board approved the proposal for Fitwise totaling \$3,500.00 for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
No report.
- B. District Engineer
Not present.
- C. District Manager
No further report.

EIGHTH ORDER OF BUSINESS

**Supervisor Requests and
Audience Comments**

Mr. Williams stated that the next item on the agenda is Supervisor requests and audience comments. There are audience members in attendance. Mr. Williams briefly explained the guidelines of conduct concerning audience comments. A resident commented on the accumulation of trash along the edge of the lake. He also stated that there is an issue pertaining to erosion situated in the area of Brighton Shores. The resident asked whether there are plans to correct the erosion in this area. Mr. Williams stated that the trash issue will be referred to the landscaper for cleanup. Mr. Gamm stated that the issue pertaining to erosion will be resolved by the developer.

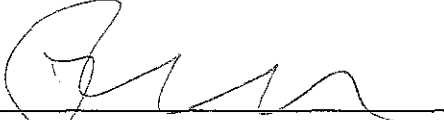
Mr. Williams asked if there were any further audience comments. There were none. Mr. Williams asked if there were any Supervisor requests. Mr. Gamm asked for a status on the de-annexation. Mr. Johnson stated that the petition documents are near completion. He explained that he is awaiting the receipt of consent forms from Terrabrook and some additional items needed in order to submit the petition. Mr. Gamm asked the status of an issue with the general contractor pertaining to a construction dispute regarding the rear retaining wall located near the amenities complex. There is a need to discuss this issue further with Mr. Johnson and the involved parties to obtain a resolution to the dispute.

NINTH ORDER OF BUSINESS

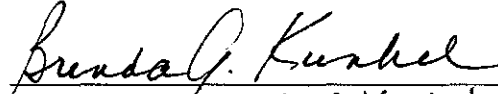
Adjournment

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

On MOTION by Ms. Marler, seconded by Ms. Kunkel, with all in favor, the Board adjourned the meeting for Harbor Bay Community Development District.



Pete Williams
Secretary



~~Steve Gamm~~ Brenda G. Kunkel
Vice Chair