

**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, December 16, 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:

Laura Ackerman	<b>Board Supervisor, Vice Chairman</b>
Ed Stone	<b>Board Supervisor, Assistant Secretary</b>
Tom Hatcher	<b>Board Supervisor, Assistant Secretary</b>
Rip Ripley	<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>
Jamie Scarola	<b>District Engineer, Scarola Associates Engineering Design and Land Consultants</b>
Karla Gibson	<b>Club Manager, Mira Bay</b>
Scott Smith	<b>MiraBay Community Association Manager, Rizzetta &amp; Company, Inc.</b>
Vaike O'Grady	<b>Representative, Newland Communities, Inc.</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 the Minutes of the Board  
of Supervisors' Meeting held on November  
18, 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 November 18, 2008. She asked if there were any additions, deletions, or corrections. There were none. Ms. Wells asked the Board for a motion to approve.

On a Motion by Mr. Stone, seconded by Ms. Ackerman, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting held on November 18, 2008 for Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

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

Ms. Wells stated that the next item on the agenda is the consideration of the Operation and Maintenance Expenditures for December 2008. She stated that the expenditures were for the period of November 1-30, 2008 and totaled \$40,334.70.

Ms. Wells reviewed the expenditures for the Board and explained that the reason this month's expenditures were less than last month's is due to the fact that the District was waiting on funding from the Tax Collector. Mr. Ripley requested that trend sheets or accrual sheets on the expenditures be provided to the Board members. A discussion ensued.

On a Motion by Ms. Ackerman, seconded by Mr. Ripley, with all in favor, the Board approved the Operation and Expenditures for December 2008 (\$40,334.70) for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2009-04,  
Removing Property from the Tax Roll and  
Accepting Installment Payments for  
Assessments for Repossessed property  
formerly owned by Whitehall**

Ms. Wells stated that the next item on the agenda is the consideration of Resolution 2009-04, Removing Property from the Tax Roll and Accepting Installment Payments for Assessments for Repossessed property formerly owned by Whitehall. Mr. Craine explained to the Board that the Landowner, Whitehall had paid a portion of their past due assessments as previously discussed at the November 25<sup>th</sup> shaded meeting. At that time the Board of Supervisors agreed to accept quarterly payments for the balance owed. The resolution brought to the Board today for consideration ratifies this action. Ms. Wells asked for a motion to approve.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved Resolution 2009-04, Removing Property from the Tax roll and Accepting Installation Payments for Assessments for Repossessed property formerly owned by Whitehall for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Agreement with Newland  
to have Greeters Distributed Community  
Maps**

Ms. O'Grady presented the draft agreement on the signage program. The Board recommended several changes to the agreement. It was stated that the approval on the signage would need to be presented for consideration by the Architectural Review Committee. The Board agreed to table this item until the January meeting, pending the discussed changes and approval by the ARC.

**SIXTH ORDER OF BUSINESS**

**Consideration of Hand Watering  
Proposals from Lee Te Kim for January,  
February and March 2009**

Ms. Wells stated that the next item on the agenda is the consideration of Hand Watering Proposals from Lee Te Kim for January, February and March 2009. A discussion ensued. There was a motion to approve pending an issued work order from the HOA District Managers.

<p>On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board approved the hand watering proposals from Lee Te Kim for January, February and March 2009 pending an issued work order from the HOA Manager for Harbor Bay Community Development District.</p>
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**SEVENTH ORDER OF BUSINESS**

**Consideration of Basketball Court  
Lighting**

Ms. Wells stated that the next item on the agenda is the consideration of basketball court lighting proposals. The Board agreed to table this agenda item until the January meeting pending further research pertaining to engineering and design concerns.

**EIGHTH ORDER OF BUSINESS**

**Update on Location of Jenn Swing**

Ms. Wells stated that the next item on the agenda is the consideration of the location of the Jenn Swing. She stated that a poll of the residents was conducted and the results showed that 84% of the community was in favor of installing the swing. Ms. Wells stated that she will update the Board when the installation has been completed.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Craine stated that the preliminary report on the estimated costs of the sea wall repairs was circulated to the Boards. He explained the report was based upon a similar design and similar materials, but with a greater length, depth and thickness which should give the sea wall the strength that is needed. Mr. Craine stated that this document will be required by the judge pertaining to the sea wall litigation. He stated that the replacement cost is estimated to be approximately \$28.5 million.

Mr. Craine stated that a mediation hearing has been scheduled for January 29, 2009 for the named defendants in the case. He explained that if a resolution cannot be reached at the mediation hearing, then the issue will proceed to deposition and then to trial. Mr. Craine stated that a trial date has been scheduled to be held in February of 2010.

Mr. Scarola stated that he wants the record to reflect his comments with regards to the proposal for the repairs. This proposal does not include a cost for the removal of Hard Material. Mr. Craine stated he would make a note of that.

B. District Engineer

Mr. Scarola asked Mr. Craine for a status on the drainage easement with Crosland. It was stated that neither the District Engineer or District Counsel have heard back from Crosland regarding this issue. Mr. Scarola stated that there have been very few voids behind the sea wall reported within the last month.

C. HOA Manager

Ms. Wells and Mr. Smith presented a revised contract from USA Services (formerly Street Sweeping of America) for street sweeping for two occurrences monthly totaling \$345.00 per occurrence.

On a Motion by Mr. Ripley, seconded by Mr. Stone, with all in favor, the Board approved the revised contract from USA services for street sweeping for two occurrences monthly totaling \$345.00 per occurrence for Harbor Bay Community Development District.
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Mr. Smith updated the Board with regards to the meeting with the Off Duty Deputy Coordinator. He stated that the Hillsborough County Sheriff's Department is willing to work with the District in regards to budget constraints. Mr. Smith stated that overall the meeting was very productive.

Mr. Smith updated the Board on several pending projects he is currently working on, one of which is the basketball court perimeter.

D. District Manager

Ms. Wells stated SWFWMD permits that require monitoring have expired. She explained that at the January meeting, Biological Research Associates will give a presentation on the past history of this area and provide recommendations for ongoing monitoring and maintenance.

Ms. Wells reviewed several minor changes occurring at the District office. She presented to the Board in an effort to impact the environment, she asked that they consider the option of reducing the amount of paper used, there is an option to receive only digital agendas. Mr. Scarola requested that only a digital copy of the agenda be sent to him. The Board agreed to receive only the Operation and

Maintenance Expenditures check register portion in hard copy agendas and the invoice copies only in digital version. Ms. Wells stated that the next regularly scheduled meeting will be held on January 20<sup>th</sup> at 6:30 p.m. with the Shaded meeting to be held at 5:30 p.m.

Ms. Wells stated that she is in the process of researching the TECO vs. Pesco invoices and will provide a status on this issue at that January meeting. She stated that she would like to begin to plan the Fiscal Year 2009/2010 budget process at the January or February 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.

Mr. Stumpf, a resident asked a question regarding the resolution approved at today's meeting and clarification of the process to remove property from the tax roll. He asked several questions regarding signage at the gates, handwatering, and issues regarding street lights on Tybee road.

Mr. Pagliano, a resident asked a question regarding gas lights, and recommended that electronic signage be installed by the gates instead of wood signage.

Mr. Terrell, a resident stated that the Whaler bolts near the sea wall are jagged and could cause potential damage to jet skis. He asked a question regarding the water meters and recommended that the Board consider following up on the security cameras and trade them in for cameras that can read car license tags.

Mr. Fink, a resident commented that signage owned by Sable Homes needs to be removed. He stated that there is an issue concerning landscaping on the island at the end of Bali Bay that needs attention. Mr. Fink recommended that the Board consider a new design for the traffic island as when it has been replaced trucks still run over it.

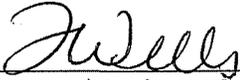
The Board entertained audience comments; however, no Board action was taken.

**ELEVENTH ORDER OF BUSINESS**

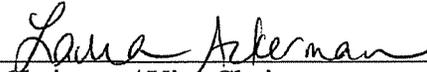
**Adjournment**

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. Ripley, with all in favor, the Board adjourned the Board of Supervisors' Meeting at 11:02 a.m. for Harbor Bay Community Development District.



Secretary / Assistant Secretary



Chairman / Vice Chairman