

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, February, 17 2009 at 9:30 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	Board Supervisor, Chairman
Laura Ackerman	Board Supervisor, Vice Chairman
Ed Stone	Board Supervisor, Assistant Secretary
Tom Hatcher	Board Supervisor, Assistant Secretary
Rip Ripley	Board Supervisor, Assistant Secretary

Also present were:

Jaime Scarola	District Engineer, Scarola Associates Engineer
Tina Wells	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer Smolker & Bolves
Scott Smith	Community Association Manager, Rizzetta & Company, Inc.
Theron Miller	HOA Manager, Rizzetta & Company, Inc.
Karla Gibson	Clubhouse Manger, WTS International
Erika Werkheiser	Representative, WTS International
Dan Hammond	Representative, Biological Research Associates
Stephanie Fidler	Representative, Biological Research Associates
Barbara Johnson	Newland Communities
Debra Dremann	Newland Communities
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 January
20, 2009**

<p>On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on January 20, 2009 for Harbor Bay Community Development District.</p>
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THIRD ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for February 2009

Laura Ackerman asked to see proof of payment from Newland on the Hand Watering bill and their contribution of the additional annual replacements.

Ed Stone asked for clarification on a notation next to a miscellaneous charge of \$20,857.14 from Bricklemyer Smolker & Bolves. Mr. Craine and Ms. Wells stated that they would both follow up on it.

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board approved the Operation and Maintenance Expenditures for February 2009 totaling \$293,186.31 for Harbor Bay Community Development District.

On behalf of the Harbor Bay HOA, Mr. Miller requested \$70,000 additional funding from the District's FY 2008-2009 Budget. Discussion ensued. The Board decided to table this item until the end of the meeting.

FOURTH ORDER OF BUSINESS

Consideration of Notice of Rescission of Demand Letters

Ms. Wells stated that these letters were for the Board's information. Mr. Craine reviewed the letters for the Board.

FIFTH ORDER OF BUSINESS

Consideration of Biological Research Associates for Waterway Maintenance (tabled from previous meeting)

On a Motion by Mr. Stone, seconded by Ms. Ackerman, with all in favor, the Board approved the Agreement with Biological Research Associates for Waterway Maintenance in the amount of \$33,600.00 for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Biological Research Associates for Compliance Services (tabled from previous meeting)

Ms. Wells stated that this agreement was for the purpose of Biological Research Associates to act as a liaison between the District and the Regulation Agencies regarding the Wetland Mitigation areas. Ms. Fidler explained to the Board that whether you have a creation or enhancement, the Wetland must stay in the state that was required of the original permit in Perpetuity. This agreement would allow for budget purposes for Biological Research Associates to act on behalf of the District should one of the Regulation Agencies require an enhancement. This agreement is set at a not to exceed amount and would be in place in the event that such action was needed.

On a Motion by Mr. Jones, seconded by Mr. Ripley, with all in favor, the Board approved the Compliance Services Agreement with Biological Research Associates subject to the submittal of a work order as necessary with a not to exceed amount of \$15,000.00 for Harbor Bay Community Development District

SEVENTH ORDER OF BUSINESS

Consideration of Biological Research Associates for Lagoon Water Quality Monitoring (tabled from previous meeting)

Mr. Fink reported Mr. Chappel's comments to the Board as well as his own regarding the meeting with Biological Research Associates, Mr. Stone, and Ms. Wells. He stated that their main concerns were how to best maintain the water quality in the lagoon and if the monitoring would be beneficial to that effect. Discussion ensued.

On a Motion by Mr. Stone, seconded by Ms. Ackerman, with all in favor, the Board approved the Lagoon Water Quality Monitoring Agreement with Biological Research Associates subject to the submittal of a work order for each event with a not to exceed value of \$26,950.00 for Harbor Bay Community Development District

EIGHTH ORDER OF BUSINESS

Summary of Surface Water Management System Phase 3A SWFWMD Inspection

During discussion regarding water quality monitoring, Mr. Scarola made note that while he intended to bring a matter up during the Engineer's Report section of the meeting, he needed to do so during discussion regarding water quality monitoring as there is an interrelationship in the issues. SWFWMD requires inspections on stormwater management and treatment systems. Currently they need one for Phase 3A. However, as has been mentioned by the District Engineer over the years, many of the residential lot's rear yard swales are not compliant as they have not been properly constructed. This can affect water quality. Accordingly, Mr. Scarola suggested that the Board retain the design engineer, Heidt & Associates, to perform the inspection as it had been done on another phase previously and accepted by the District. An upset limit without additional authorization was discussed.

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board authorized Mr. Scarola to utilize Heidt and Associates for the Bi-Annual Inspections with a not to exceed amount of \$5,000.00 for Harbor Bay Community Development District

NINTH ORDER OF BUSINESS

Update on Basketball Court Lighting (tabled from previous meeting; under separate cover)

The Board decided to table this item and requested that Mr. Smith contact the Engineer to revise the specification for the electrical components for a reduced cost.

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2009-05,
Setting the Public Hearing on Adopting the
Rules of Procedure**

Mr. Craine presented the current Uniform Rules of Procedure to the Board to provide an opportunity before the next meeting to gather comments regarding any changes to be presented in draft form at the March meeting, followed by a public hearing in April.

On a Motion by Ms. Ackerman, seconded by Mr. Stone, with all in favor, the Board approved Resolution 2009-05, Setting the Public Hearing to adopt the Rules of Procedure for April 21st, 2009 at 6:30 p.m. at the Mira Bay Clubhouse, the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572 for Harbor Bay Community Development District

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

1. Mr. Craine stated that there has been a Hillsborough County Environmental Protection Commission violation at a location which is now District Property by a builder. Terrabrook LLC (Newland) was the property owner at the time of the violation and has stepped in to settle with the agency and pay the response costs under the consent order. An agreement was presented for the Board's approval to allow Terrabrook the right to go after the Builder to recover the response costs.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board authorized the Chairman to execute the Environmental Protection Commission (EPC) Short Form Consent Order for EPC Case No. 2006-3366E Agreement with Terrabrook and the Short Form Consent Order for Harbor Bay Community Development District.

2. With regards to the Sea Wall litigation, Mr. Craine reported that the inspections and soil samplings by the Defendant, Woodruff & Sons, will be shadowed by the District expert to monitor their work. He stated that there is a mediation planned for April 28th and 29th, 2009.

B. District Engineer

Report covered previously in meeting.

C. HOA Manager

1. Mr. Smith reported that the gas lights are currently being worked on.
2. Mr. Miller reported for the Board that the HOA met with the appointed District Supervisor, Ed Stone, in regards to the Clubhouse Management Budget. In going over the areas of potential savings there are areas that can be trimmed, but others that cannot be without cutting back on services. It was stated that cutting services is not recommended going into the summer months.

In meeting with the HOA, the District's staff and appointed representative found areas in the current budget that can be amended. It was stated that the District can amend the Fiscal Year 2008-2008 Budget by \$70,000.00 and reallocate that to the Clubhouse Management Contract Line.

On a Motion by Mr. Jones, seconded by Mr. Hatcher, with four in favor and one opposed, (Laura Ackerman), the Board approved the Fiscal Year 2008-2009 Budget adjustment, reducing the Mitigation area of Monitoring and Maintenance by \$40,000.00, reducing the Miscellaneous Contingency by \$30,000.00, and increasing the Clubhouse Management contract by \$70,000.00 for Harbor Bay Community Development District.

D. District Manager

1. Ms. Wells stated that Budget season is approaching and that she would like to review the financials in March, set a workshop in April, adopt the proposed budget in the May meeting, hold another workshop in June, and adopt the final budget in July. It was discussed that April 23, 2009 at 10:00 a.m. could be a possible date for a workshop.
2. Ms. Wells also reminded the Board that email communication with the Board should come from the District office if it's regarding Board/District business.

TWELFTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Audience comments were entertained with no Board action taken.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board adjourned the meeting at 11:47 a.m. for Harbor Bay Community Development District.


Secretary / Assistant Secretary


Chairman / Vice Chairman