
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 19, 2008 at 9:05 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
Ben Gelston	Board Supervisor, Vice Chairman
Laura Ackerman	Board Supervisor, Assistant Secretary
Diana Hilton	Board Supervisor, Assistant Secretary

Also present were:

Tina Wells	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer Smolker & Bolves
Jamie Scarola	District Engineer, Scarola Associates
Debra Cappelli	HOA Manager, Rizzetta & Company, Inc.
Jim Vrouhas	Resident Services Manager
Aida Johnson	Manager, Mirabay Club
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
January 15, 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 January 15, 2008. Ms. Wells asked if there were any additions, deletions or corrections.

Ms. Ackerman stated that on page 3, Section B, it states "Mr. Jones", but Mr. Jones was not in attendance.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on January 15, 2008 (as amended), for the Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Consideration of the Operation and Maintenance Expenditures for February 2008

Ms. Wells stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for February 2008. She stated that the expenditures covered the time period of January 1 – 30, 2008 and totaled \$234,417.37. Ms. Wells gave a brief explanation of the expenditures and asked if there were any questions or comments.

Ms. Ackerman stated that the street sweeping continues to show on the expenditures. Ms. Wells stated that the issue is currently being addressed.

On a Motion by Mr. Jones, seconded by Ms. Hilton, with all in favor, the Board approved the Operation and Maintenance Expenditures for February 2008 (\$234,417.37), for the Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Selection of Audit Committee

Ms. Wells stated that the next item on the agenda was the selection of an Audit Committee. She stated that the committee would need to meet prior to the next scheduled Board of Supervisors' meeting on March 18, 2008 at 8:45 a.m. Ms. Wells explained the audit request for proposal process.

On a Motion by Mr. Gelston, seconded by Mr. Jones, with all in favor, the Board appointed Mr. Jones, Mr. Gelston, Mr. Hawkins, Ms. Ackerman and Ms. Hilton as the Audit Committee, for the Harbor Bay Community Development District.

On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board authorized the advertising of the Audit Committee meeting to be held March 18, 2008 at 8:45 a.m., for the Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of Cross-Walk Proposal

Ms. Wells stated that the next item on the agenda was the consideration of the cross-walk proposals. She stated that four proposals and a diagram had been received. A discussion ensued regarding where the funds were to come from. Mr. Jones stated that there were no funds in the Capital Improvement budget and that it was outside the original intentions.

A discussion ensued regarding the use of pavers and/or painted lines, what is felt necessary and the cost. A discussion ensued regarding required signage, with the installation of the cross-walk. Mr. Jones requested that Mr. Vrouhas obtain prices on the signage, striping, and side-walk piece and investigate on whether or not the signs the District has can be utilized.

On a Motion by Mr. Jones, seconded by Mr. Gelston, with all in favor, the Board approved the one cross-walk on Mirabay Boulevard location 5 and fixing the side-walk connection to the street at the Mirabay Boulevard location 5, at a cost not-to-exceed \$2,500 and must be in compliance with FDOT Index 304 in regards to all aspects of ADA requirements, for the Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Royce Customer Service Protection Plan

Ms. Wells stated that the next item on the agenda was the consideration of the Royce Customer Service Protection Plan. She explained that the plan was for service on the gates, and does not include parts. A discussion ensued regarding the camera security system and equipment. Mr. Jones stated that he felt entering into a service agreement with Royce was premature, as the District is not yet satisfied with the equipment that Royce installed.

On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board directed Staff to contact Royce and request that they provide the security system and equipment agreed upon in the proposal and contract, for the Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Consideration of Proposals from Lee Te Kim for Replacement of Palm Trees at Various Locations

Ms. Wells stated that the next item on the agenda was the consideration of proposals from Lee Te Kim for the replacement of palm trees at various locations.

Mr. Vrouhas stated that he obtained proposals from Mr. Kim for the replacement of a large dead date palm near the playground, the removal of trunk/stump and replacement, dead tree located by the boat lift and the replacement of dead sable palms near the bridge. A discussion ensued regarding the options and proposals.

Ms. Ackerman stated that she was not in favor of replacing anything with sable palms because of their short life span and fungus issues. Ms. Ackerman noted items in the proposed contract that she had concerns about. A discussion ensued regarding irrigation. It was stated that replacement palms would be pigmy date palms and not sable palms.

On a Motion by Mr. Gelston, seconded by Ms. Ackerman, with all in favor, the Board approved removal and replacement of palm trees, not-to-exceed \$4,200, for the Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Consideration of Lee Te Kim Monthly Maintenance Contract

Ms. Wells stated that the next item on the agenda was the consideration of the Lee Te Kim monthly maintenance contract. She stated that the District currently has a contract with Mr. Kim, but that there have been quite a few additions since the inception of the contract. Ms. Wells stated that she received a new contract from Mr. Kim for the monthly maintenance for services from January 2008 through January 2010, with a monthly cost of \$38,100 and an annual cost of \$457,200. She stated that replacement and hand watering was not included in this contract.

A discussion ensued regarding the various provisions of the contract and putting the landscape maintenance service contract out for bid.

On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board approved acceptance of the Lee Te Kim landscape maintenance proposal with a 90-day period, with a provision that the Board of Supervisors has the right to extend the agreement in writing for a period of 30-days, for the Harbor Bay Community Development District.

On a Motion by Mr. Gelston, seconded by Mr. Jones, with all in favor, the Board authorized Staff to begin the process for obtaining proposals for landscape services, for the Harbor Bay Community Development District.

A discussion ensued regarding the up-coming budget preparation and the process to obtain proposals for the landscape services.

NINTH ORDER OF BUSINESS

Consideration of Munyan Painting Proposals for Miscellaneous Improvements at the Clubhouse and Pool Areas

Ms. Wells stated that the next item on the agenda was the consideration of the Munyan painting proposals for miscellaneous improvements at the clubhouse and pool areas.

Mr. Vrouhas explained that the dormers around the front and back of the clubhouse were in need of painting due to the peeling of existing paint, 24 light poles surrounding the pool area were in need of painting due to peeling of existing paint, the bridge rails and concrete were in need of painting, the stairs leading to the metal slide and metal risers were in need of painting, and the wood trim on the roof peaks were in need of painting. He stated that the cost would be \$14,090. A discussion ensued regarding finding other ways to alleviate the painting of the light poles and other possible cost cutting options available.

On a Motion by Mr. Gelston, seconded by Ms. Ackerman, with all in favor, the Board approved completion of all named painting projects, with the exclusion of the light poles, for the Harbor Bay Community Development District.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Craine stated that the sea wall litigation is proceeding and that the expert had conducted an inspection. He stated that the complaint has been amended and that the parties should be served before the next scheduled Board meeting. Mr. Craine stated that the contractor has retained representation and that their insurance company has also become involved in the issue.

Mr. Craine stated that an inspection of the Clubhouse, by the County Property Appraiser's Office, had been conducted and that a resolution should be reached soon.

A discussion ensued regarding what assessment fees the Developer pays and doesn't pay and what is intended for land currently owned by the Developer, but not yet plated or built on.

B. District Engineer

Mr. Scarola stated that he continues to work on the bathymetric summary for presentation to the Board.

C. Project Manager

Mr. Vrouhas stated that a meeting was held with the contractor regarding the basketball court. The uneven portion of the court was ground down to smooth out the surface and that control joints were to be installed and should be working for the scheduled tournament. Mr. Vrouhas stated that having an asphalt over-lay installed and putting in fresh shell around the outside perimeter is being considered.

D. Clubhouse Manager

No report.

E. HOA Resident Services Manager

1. Update on Fitness Equipment

Mr. Vrouhas stated that four treadmills, three ellipticals, a functional trailer, seven spin cycles, one step climber, concept rowing machine, were either on order or to be ordered and total a cost of \$36,442.29, with possible installation fees that will need to be added.

Ms. Wells stated that \$65,000 was budgeted for capital improvements and was to include the fitness equipment. She stated that previously approximately \$17,000 had been spent on televisions for the fitness center, and that with the spending of the proposed \$37,000 on the fitness equipment a balance of approximately \$11,000 would remain.

A discussion ensued regarding the space available for the equipment and what equipment was replacement or additions to existing equipment.

A discussion ensued regarding the District being tax exempt and the deduction of the tax on the fitness equipment purchase.

On a Motion by Ms. Hilton, seconded by Mr. Gelston, with all in favor, the Board approved the purchase of the identified fitness equipment, not-to-exceed \$37,000, for the Harbor Bay Community Development District.

2. Update on Fountain Maintenance

Mr. Vrouhas stated that he has met with Aquagenix and that they are an approved aqua control service provider. He stated that Aquagenix obtained a letter from Architectural Fountains stating that they would honor the warranty on the current equipment. Mr. Vrouhas stated that Aquagenix confirmed that the pond is brackish water and that the equipment the District owns is for brackish water. He stated that he was advised the equipment needs cleaning five times yearly at a cost of \$2,000 annually.

A discussion ensued regarding Aquagenix being interested in obtaining the pond maintenance contract for the District.

On a Motion by Mr. Gelston, seconded by Mr. Jones, with all in favor, the Board approved the entering into a contractual agreement with Aquagenix for fountain maintenance at a cost of \$2,000 annually, for five cleanings, pending amendment to the contract of a 30-day written notice of termination clause and giving 30-day written notice to Architectural Fountains of the District's decision to terminate their contract for service, for the Harbor Bay Community Development District.

3. Consideration of Corso Homes, Inc. Proposal on Ceiling Repairs

Mr. Vrouhas stated that the clubhouse ceiling currently has water damage from a prior leak. The proposal covers repair and painting of the ceiling where the damage has been done, not the entire ceiling. A discussion ensued regarding the proposal.

On a Motion by Ms. Hilton, seconded by Mr. Jones, with all in favor, the Board approved the Corso Homes, Inc. proposal for painting the entire ceiling at a cost not-to-exceed \$2,500, for the Harbor Bay Community Development District.

4. Consideration of Corso Homes, Inc. Proposal on the Women's Restroom Remodeling

Mr. Vrouhas stated that the Board had previously approved this project at a cost not-to-exceed \$2,500, but that proposal did not include the cost of materials. A discussion ensued regarding the additional cost.

F. District Manager

Ms. Wells stated that the next meeting of the Harbor Bay Community Development District Board of Supervisors is scheduled for March 18, 2008, at 9:00 a.m. She stated that prior to that meeting, an Audit Committee Meeting will be held at 8:45 a.m.

Ms. Wells briefed the Board on what actions had been taken previously on the alcohol policies. She stated that the liquor license had been obtained under the name of Mr. Pete Williams and he would like to be relieved of that responsibility. A discussion ensued regarding the alcohol policies of the District, which concluded with the decision that:

1. Patrons and guests must be at least 21 years of age to be served alcohol.
2. All patrons and guests must present valid picture identification at the requests of club staff.
3. Alcohol must be consumed on the premises
4. Alcoholic beverages are prohibited within the area of the pool as defined by the fence.
5. Club staff reserves the right to refuse service to anyone.
6. Club staff reserves the right to ask that intoxicated persons leave the premises.
7. Alcohol policies may be changed from time to time, at the discretion of the Harbor Bay Community Development District Board of Supervisors.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board approved a temporary alcohol use policy, for the Harbor Bay Community Development District.

Ms. Johnson stated that the purpose of wanting the partition wall by the women's restroom is to allow special services to men as well as women. A brief discussion ensued.

On a Motion by Mr. Jones, seconded by Ms. Hilton, with all in favor, the Board approved the Corso Homes, Inc. proposal for remodeling the women's bathroom at a cost not-to-exceed \$2,800, for the Harbor Bay Community Development District.

ELEVENTH 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 the proposed Jet Ski lift is an alternative solution to the bracket system purchased in the past that does not work. He stated that based on the new information on the lack of reliability of the current system, that the Developer purchase the new system. A discussion ensued regarding this suggestion and the cost.

On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board approved requesting the Developer to purchase and have installed the Jet Ski lift at a cost not-to-exceed \$1,500, for the Harbor Bay Community Development District.

Mr. Vrouhaus stated that Ms. Monohan has requested permission for a doggie station to be installed on Anchor Cove property. He stated that he spoke with John Ritchie and was told that there were two available stations, so that there would be no cost to the District. A discussion ensued regarding the placement of the doggie station.

On a Motion by Mr. Jones, seconded by Mr. Gelston, with all in favor, the Board approved the installation of a doggie station, for the Harbor Bay Community Development District.

Ms. Wells asked if there were any Supervisor Requests.

Ms. Ackerman asked how off-duty deputies' work time was verified. A discussion ensued. It was decided that a log is to be maintained and submitted to Ms. Wells.

Ms. Ackerman asked where the revenue generating from various services is being show on the books. Mr. Jones explained that the revenues are being shown as revenue to the club amenities, to off-set costs of operation. A discussion ensued.

Mr. Gelston departed the meeting in progress.

TWELFTH ORDER OF BUSINESS

Adjournment

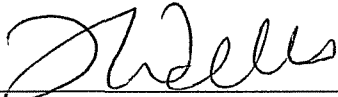
Ms. Wells stated that there were no further agenda items to come before the Board and asked for a motion to adjourn.

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

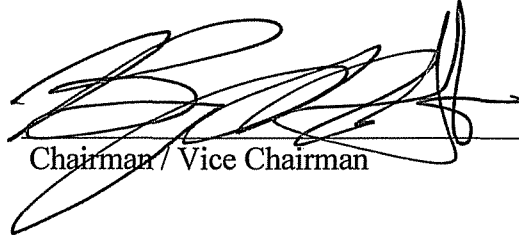
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On a Motion by Mr. Jones, seconded by Ms. Hilton, with all in favor, the Board adjourned the Board of Supervisors' Meeting at 12:18 p.m., for the Harbor Bay Community Development District.



Secretary / Assistant Secretary



Chairman / Vice Chairman