

**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, March 16, 2004 at 9:10 a.m.** at the Mirabay Welcome Center, located at 205 Manns Harbor Drive, Apollo Beach, FL 33572.

Present and constituting a quorum were:

Lisa Wrenn	Board Supervisor, Assistant Secretary
Suzi Greene	Board Supervisor, Assistant Secretary
Brenda Kunkel	Board Supervisor, Vice Chairman

Also present were:

Pete Williams	District Management, Rizzetta & Company, Inc.
Jamie Scarola	District Engineer, Scarola Associates
Al Getz	HOA Representative
Christopher Coughlin	Developer Representative

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order.

SECOND ORDER OF BUSINESS

**Supervisor Resignation and Appointment
of Replacement Supervisor**

Mr. Williams stated that Steve Gamm submitted his resignation from the Board of Supervisors. Mr. Williams asked if there were any individuals the Board would like to consider to fulfill the unexpired term of Mr. Gamm. Ms. Kunkel nominated Christopher Coughlin. There were no other nominations.

<p>On MOTION by Ms. Greene, seconded by Ms. Kunkel, with all in favor, the Board appointed Christopher Coughlin to replace Steve Gamm as Board Supervisor for Harbor Bay Community Development District.</p>
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Mr. Williams administered the oath of office to Mr. Coughlin. Mr. Williams is a Notary in the State of Florida and thereby authorized to administer said oath. Mr. Coughlin swore and affirmed to the oath.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of the
Board of Supervisors' Meeting
on February 17, 2004**

Mr. Williams stated that the next item on the agenda is to consider the minutes of the Board of Supervisors' meeting held on February 17, 2004 (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. Kunkel, seconded by Ms. Wrenn with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on February 17, 2004 for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Authorizations
to Disburse District Funds 2004-06
and 2004-06A**

Mr. Williams stated that the next item on the agenda is the consideration of the Authorizations to Disburse District Funds 2004-06 and 2004-06A (located behind tab 2). He stated that Disbursement 2004-06 consists of invoices for standard contractual commitments and administrative fees. Disbursement 2004-06A consists of invoices related to the amenity center. He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Greene, with all in favor, the Board approved the Authorizations to Disburse District Funds 2004-06 and 2004-06A for Harbor Bay Community Development District.
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FIFTH ORDER OF BUSINESS

**Consideration of Series 2002
Construction Requisitions #224-#241**

Mr. Williams stated that the next item on the agenda is the consideration of Series 2002 Construction Requisitions #224-#241 (recap located behind tab 3). He stated that each of the requisitions has been approved by the Chairman and certified by the District Engineer. 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. Wrenn, with all in favor, the Board approved Series 2002 Construction Requisitions #224-#241 for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Irrigation Proposals

Mr. Williams stated that the next item on the agenda is the consideration of an irrigation proposal from Ballenger & Company (behind tab 4). The contract would total \$1,480 per month for inspections. Additional service calls will be billed at an hourly rate. Last month, the Board was presented with a similar proposal from ITS Irrigation, but the Board decided to solicit other bids. Mr. Williams asked if there were any questions or comments. There were none.

On MOTION by Ms. Greene, seconded by Ms. Wrenn, with all in favor, the Board approved the irrigation maintenance proposal from Ballenger & Company. (\$1,480 monthly) for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Consideration of Proposals

Mr. Williams stated that a proposal from Architectural Fountain has been received based on some of the recent fountain issues the District has encountered. The District currently has a quarterly maintenance contract with this firm totaling. This proposal is to perform monthly inspection and repairs. It is believed that the Staff members on site can perform the monthly inspections. It was recommended that the District handle the task in house. If there seems to be on going problems, the Board can revisit the issue. After a brief discussion, the Board determined not to approve the monthly contract proposal from Architectural Fountains.

Mr. Williams stated that a proposal has been received from Tampa Electric for street lighting in Parcel 7. The total would be \$870 monthly. He asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Ms. Kunkel, with all in favor, the Board approved the TECO street lighting contract for Parcel 7 (\$870 monthly) for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of District Counsel
Appointment**

Mr. Williams stated that, at the last meeting, the Board discussed the contracting of local firm for District Counsel. This change is not indicative of the service performed by the prior firm. Mr. Williams noted that Jonathan Johnson of Hopping Green & Sams, P.A. did an admirable job for the District.

Mr. Williams distributed an engagement letter from Biff Craine of Bricklemyer, Smolker and Bolves, P.A. Mr. Williams stated that this firm has experience as District Counsel for numerous other districts. Mr. Williams asked if there were any other firms that the Board would like to consider. There were none, so he asked for a motion to appoint Bricklemyer, Smolker & Bolves, P.A. as District Counsel. He noted that Mr. Johnson stated that he clearly understood the Board's intent and was more than willing to assist with the transition of the new firm and would continue to be available in the future to assist, based on his knowledge of the District's history.

On MOTION by Ms. Kunkel, seconded by Mr. Coughlin, with all in favor, the Board appointed Bricklemyer, Smolker & Bolves, P.A. as District Counsel for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

Staff Reports

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

TENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Mr. Williams stated that the next item on the agenda is Supervisor requests and audience comments. The only audience members in attendance were those individuals identified at the beginning of the meeting. He asked if there were any Supervisor or audience comments. Mr. Getz stated that the residents have requested a joint meeting of the HOA and CDD to discuss general information. Mr. Williams stated that this will be coordinated with Mr. Whyte.

Ms. Kunkel stated that the community intranet is being completed, as well as the official District website. She recommends that the joint HOA/CDD meeting be coordinated with the completion dates of both of these projects, probably in late April or early May. There were no other comments.

ELEVENTH 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. Greene, seconded by Ms. Wrenn, with all in favor, the Board adjourned the meeting for Harbor Bay Community Development District.



Pete Williams
Secretary



W. Don Whyte
Chairman