

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, March, 17 2009 at 9:04 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:

Tina Wells	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer Smolker & Bolves
Jaime Scarola	District Engineer, Scarola Associates Engineer
Scott Smith	Community Association Manager, Rizzetta & Company, Inc.
Barbara Johnson	Representative, Newland Communities
Debra Dremann	Vice President & General Manager, 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 February
17, 2009**

Mr. Craine stated that on page four, in the eleventh order of business, under number one, the sentence that states, "*there has been a SWFWMD violation*", should be "*there has been a Hillsborough County Environmental Protection Commission violation*".

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on February 17, 2009, as amended, for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for March 2009

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved the Operation and Maintenance Expenditures for March 2009 totaling \$177,196.16 for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Discussion to Set Workshop Date(s) for Budget

On a Motion by Ms. Ackerman, seconded by Mr. Jones, with all in favor, the Board authorized staff to advertise a Budget Workshop to be held April 23, 2009 at 10:00 a.m. the for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Update of Basketball Court Lighting (Tabled from previous meeting)

Mr. Smith stated that he had been working with Ben Gelston from Newland Communities and an Electrical Engineer to provide an update for the Board on the basketball court lighting. He stated that one the vendors performed a cost analysis on the original specifications to provide different materials for pricing. To complete both courts, the new pricing totaled approximately \$30,000, about \$10,000 less from the original bid. Mr. Smith stated that the Engineer approved moving forward with the scope with the new materials. He stated that preparing a design Request for Proposal based off of the last vendor's quote and sending that to the original five vendors to obtain new bids with the new products would be the best method to proceed.

Discussion ensued. It was decided to obtain a two phase quote with the new materials with one quote for each court. It was decided that the first proposal would be presented in April with a not to exceed cost of \$19,000 and approximately six months later to proceed with the next court at the Board's discretion.

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board agreed to table this item until the April meeting with the intention of having updated proposals as discussed at that time for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

1. With regards to the Sea Wall litigation, Mr. Craine reported that there will be a shaded meeting on April 21st at 5:30 p.m. to discuss strategy.
2. Mr. Craine stated that ongoing discovery activities and monitoring testing have occurred.

3. Mr. Craine also stated that prior to the next meeting, the historic document review from the previous District Counsel and the interviews of several former Terrabrook LLC personnel which were discussed at the shaded meeting would occur. He stated that that would then bring the District to the first mediation session to be held on April 28th and 29th.

B. District Engineer

1. Discussion Regarding Compliance Issues for the Respective SWFWMD Permits

Mr. Scarola stated that with regards to the ongoing Phase 3A SWFWMD certification, there appears to be success with rear yard swale issue. He stated that Heidt and Associates performed and certified the work and that SWFWMD has not has any compliance issues thus far.

HOA Manager

1. Mr. Smith stated that Hawkins Electric is replacing landscaping lights at the Gate, several in front of the clubhouse, several at the main entrance which were damaged by the landscape mowers, as well as troubleshooting a few others. Ms. Wells stated that the District will pay the electrician directly.

Mr. Ripley requested that a complaint cause and repair should be shown on the Hawkins Electric bill.

On a Motion by Ms. Ackerman, seconded by Mr. Stone, with all in favor, the Board approved a charge back for a portion of the invoice from Hawkins Electric for damaged landscape lighting and authorized Staff to invoice Lee Te Kim as discussed for Harbor Bay Community Development District.

District Manager

1. Discussion ensued regarding the SWFMWD watering restrictions. It was decided to contact SWFMWD to investigate water restriction variances that may be allowed prior to the SWFMWD meeting on March 13, 2009.

On a Motion by Mr. Ripley, seconded by Mr. Jones, with all in favor, the Board authorized the District Engineer to contact SWFMWD and discuss possible variances regarding watering restrictions prior to the SWFMWD meeting on March 31, 2009 for Harbor Bay Community Development District.

2. Ms. Wells presented the April 2009 Hand Watering proposal to the Board.

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board approved the April, 2009 Hand Watering proposal in the amount of \$5,500 pending the results of the SWFMWD District meeting on March 31, 2009 for Harbor Bay Community Development District.

3. Ms Wells stated that there was a Homeowners Association request to appoint a Board Supervisor to act as a representative to assist in the Homeowner Association's administrative efforts regarding the current Facilities Services Agreement for the MiraBay Club.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board appointed Ms. Ackerman to assist the Homeowners Association in its administrative efforts as discussed for Harbor Bay Community Development District.

4. Discussion ensued regarding the contract between the Homeowners Association and the District. Ms. Dremann suggested that because the contract between the two entities is set to expire on June 30, 2009, that either negotiations or termination should be considered. Discussion ensued.

Ms. Wells stated that if the Board wished to Notice the Homeowners Association with the Intent to Terminate the contract with the District that she would need Board authorization.

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board authorized the District Manager to Notice the MiraBay Homeowners Association with the District's Intent to Terminate the contract for Recreational Facility Services for Harbor Bay Community Development District.

5. Mr. Jones stated that there will be an April Agenda item regarding the contract renewal with the Homeowners Association and the District. He stated that there will need to be a high level of direction and approach as to the weight of responsibilities between the two.
6. Ms. Wells also stated that there will be a Public Hearing in April to update the Rules of Procedures. The Board agreed that due to the length of the April Agenda, the Public Hearing will be opened in April and continued to June to minimize the meeting time.
7. Ms. Wells stated that she would email an updated proposed meeting schedule to the Board and to Mr. Smith to possibly move the regular meeting day to the fourth Thursday of the month beginning in June, 2009. She stated that the current, regular meeting date in June could be changed to serve as the second Budget Workshop for the 2009/2010 Proposed Budget.

Mr. Jones requested Ms. Wells to also put a meeting schedule for the remainder of the 2009 Calendar year due to conflict in November and December.

8. Ms. Wells stated that Barbara Johnson, Debra Dremann, and herself are working on the landscaping at the end of Balibay and that Newland will present proposals to the Board April or May. Barbara Johnson stated that Newland has completed a license agreement allowing Newland to access the District's property and summarizing insurance and they would like District Counsel to review.

SEVENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

There were no Supervisor requests.

The following audience comments were discussed:

A request was made for the Board to prepare an organizational chart for the residents providing direction as to which issues should be directed to the District and which should be directed to the Homeowners Association, as well as who the primary contact is for each issue.

A request was made for action to be taken regarding the increased amount of speeding in the District.

A resident requested that the Board to provide evidence that the off duty Sheriff is fulfilling his duties.

A resident requested that the Board consider long term ramifications of water shortage on the current landscaping.

The following was discussed in detail:

1. Reclaimed water
2. Performance Review Committee to review various vendors
3. Strategic Planning Committee

A resident requested that the Board receive the Financial Statements sooner.

A request was made for Ms. Wells to tighten the accounting guidelines for the Financial Statements with the Homeowners Association and the District.

A discussion ensued regarding the traffics issues within the District. It was decided to add a discussion on a speeding budget workshop to the April agenda.

A request was made to include a discussion on the District funding the Homeowners Association at the budget workshop.

EIGHTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board adjourned the meeting at 11:36 a.m. for Harbor Bay Community Development District.



Secretary / Assistant Secretary



Chairman / Vice Chairman