

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 18, 2003 at 11:30 a.m.** at the Mirabay Welcome Center, located at 205 Manns Harbor Drive, Apollo Beach, FL 33572.

Present and constituting a quorum were:

Kathy Shelling	Board Supervisor, Chairman
Suzi Greene	Board Supervisor, Assistant Secretary
Brenda Kunkel	Board Supervisor, Assistant Secretary
Steve Gamm	Board Supervisor, Vice Chairman (<i>joined meeting in progress</i>)

Also present were:

Pete Williams	District Manager, Rizzetta & Company, Inc
Jonathan Johnson	District Counsel, Hopping Green & Sams, P.A.
Susie Marler	Leslie Land Corporation (<i>joined meeting in progress</i>)

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order.

SECOND ORDER OF BUSINESS

Resignation of Board Supervisor

Mr. Williams stated that the first item to consider was the resignation of Board Supervisor, Dean Luce. Mr. Williams asked for a motion to approve this resignation. There was a discussion regarding the appointment of Susie Marler to this position, and she was requested to join the meeting.

<p>On MOTION by Ms. Kunkel, seconded by Ms. Shelling, with all in favor, the Board accepted the resignation of Dean Luce for Harbor Bay Community Development District.</p>

THIRD ORDER OF BUSINESS

**Consideration of Minutes of the
Board of Supervisors' Meeting
On February 18, 2003**

Mr. Williams stated that the next item to consider is the minutes of the Board of Supervisors' meeting held on February 18, 2003 (located behind tab 1). He asked if there were any additions, deletions or corrections to the minutes. Hearing and seeing none, Mr. Williams asked for a motion to approve. (*Susie Marler joined the meeting.*)

On MOTION by Ms. Greene, seconded by Ms. Kunkel with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on February 18, 2003 for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Authorization
to Disburse District Funds 2003-06**

Mr. Williams stated that the next item on the agenda is the consideration of Authorization to Disburse District Funds 2003-06 (located behind tab 2). He stated that this disbursement consists mostly of invoices for standard contractual commitments. He asked if there were any questions. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Ms. Shelling, with all in favor, the Board approved the Authorization to Disburse District Funds 2003-06 for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Appointment of Replacement Supervisor

Mr. Williams stated that the next item is the consideration of a replacement for Dean Luce. Ms. Susie Marler was nominated. Mr. Williams asked the Board for any other nominations. There were none, so he asked for a motion to appoint Susie Marler to replace Dean Luce. (*Mr. Gamm joined the meeting.*)

On MOTION by Ms. Kunkel, seconded by Ms. Greene, with all in favor, the Board appointed Susie Marler to replace Dean Luce for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Oath of Office for New Supervisor

Mr. Williams stated that the next item on the agenda was to administer the oath of office to Ms. Marler. He asked Ms. Marler to raise her right hand and swear to the oath. Mr. Williams stated that he is a Notary for the State of Florida and is authorized to administer said oath. Ms. Marler swore and affirmed to the oath. Mr. Williams stated that he will forward a copy of the Form 1 Financial Disclosure to Ms. Marler.

SEVENTH ORDER OF BUSINESS

**Consideration of Construction
Requisitions #23-#52 (Series 2002)**

Mr. Williams stated that the next item on the agenda is the consideration of construction requisitions #23-#52 (2002 Series) (recap is located behind tab 3). All requisitions have been certified by the District Engineer and reviewed and approved by the Chairman. He asked if there were any questions. Hearing and seeing none, Mr. Williams asked for a motion to approve. A female Board member questioned the time period in which the requisitions are paid. Mr. Williams stated that there are some requisitions that are paid prior as stipulated in the contract.

On MOTION by Ms. Kunkel, seconded by Ms. Greene, with all in favor, the Board approved Construction Requisitions #23-#52 (2002 Series) for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Construction
Matters and Change Orders**

Mr. Williams stated that there are several change orders to consider. The first change order is from Basham Design Group for additional services to design a treatment system located on parcels 15 and 16 located in the roundabout. Mr. Johnson asked whether there was a specific contract with Basham Design Group or if the work was subcontracted through Heidt & Associates. Mr. Gamm confirmed that there is a separate contract. Mr. Gamm stated that this contract should be processed as a change order to the existing contract with the Mirabay Club. Mr. Johnson stated that the text from the bottom of page 2 and top of page 3 should be removed when it is reformatted as a change order to the existing contract. Mr. Williams asked if there were any further questions regarding processing this proposal as a change order with the appropriate limitations removed as provided by District Counsel. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Greene, with all in favor, the Board approved Change Order #1 for Basham Design Group for Harbor Bay Community Development District.

Mr. Williams stated that there is a change order from The Sinclair Group. Mr. Gamm stated that this was a second change order which pertains to the clubhouse (including electrical service for the irrigation pump at gate house #2, addition of a dumb waiter, and underground drainage construction.) Mr. Williams asked if there were any questions. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On MOTION by Ms. Shelling, seconded by Ms. Kunkel, with all in favor, the Board approved Change Order #2 for The Sinclair Group for Harbor Bay Community Development District.

Mr. Gamm stated that Change Order #3 from The Sinclair Group pertains to the clubhouse for upgrading of electrical circuitry, installation of underground conduit to link the gate houses together, installation of light fixtures on the bridges, and the addition of gaslights and gas pipes around the entry tower. He also stated that there will be a change to the entrance lights from the original proposal that will result in a deduction from the original proposal. Mr. Gamm added that, due to County regulations, a grease trap will need to be installed at the clubhouse. He also stated that there was an upgrade to the pool pavers, a street light relocation (due to placement of a sidewalk), and a deletion of a roadway section. The total amount of the changes is \$12,225.00. Mr. Williams asked for any questions related to Change Order # 3. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Greene, with all in favor, the Board approved Change Order #3 for The Sinclair Group for Harbor Bay Community Development District.

Mr. Williams stated that the next item is the change order from Artcraft Signs. Mr. Gamm stated that this change order related to the installation of decorative poles and street signs for Phase I and Phase II. He also stated that the signage placement is a County requirement. Mr. Gamm stated that this change order will be an ongoing change order that will cover the installation of new signage as the development progresses. Mr. Williams stated that this change order is under the bidding threshold. A female Board member asked for verification of the change order amount due to the fact that the vendor was paid up front the amount of \$27,000.00. Mr. Gamm commented that, since the fabrication performed by this vendor is considered a custom order, it is standard to pay up front. Mr. Williams asked if there are any further questions regarding Change Order #4. There were none, and he asked for a motion to approve Change Order #4.

On MOTION by Ms. Greene, seconded by Ms. Kunkel, with all in favor, the Board approved Change Order #4 for Artcraft Signs for Harbor Bay Community Development District.

Mr. Williams stated that the next item is the change order from Custom Docks by Seamaster. Mr. Gamm stated that there is already an existing contract with Custom Docks by Seamaster and that the change order is a DRI requirement. A discussion ensued regarding whether this vendor will accept the alterations as a change order. Mr. Gamm stated that this will not be a problem. Mr. Williams asked if there are any questions regarding this change order. There were none, and he asks for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Greene, with all in favor, the Board approved Change Order #5 for Custom Docks by Seamaster for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Johnson stated that there will be an upcoming meeting on the establishment of rates, fees and charges for access of the recreation facilities by members of the public. He stated that a public notice was advertised. He explained that the fee structure has been discussed with the Mr. Tyler, (Bond Counsel) who proposes a fee be assessed annually. Mr. Johnson stated that Mr. Williams has prepared a summary of daily fees assessed by other local government entities. Mr. Johnson also stated that the adoption of the fee structure will be discussed at great length at a future date.

Information regarding the fee structure and the comparison of other local governmental fee structures will be presented in the next agenda package. Mr. Williams stated that the process to adopt a fee schedule is similar to a real estate appraisal, in which a basic format is utilized and through additions and subtractions an appropriate rate is reached. He stated that he will provide an example of a comparable community with facilities similar to Harbor Bay, which will show examples of rental procedures and other policies related to fee structuring for facilities located within a district. Mr. Williams asked if there were any questions. Mr. Williams stated that the District may want to consider differentiating resident and nonresident fees. He also stated that there will be a public hearing and an opportunity for the public to voice their opinion. A discussion ensued regarding whether the residents should be charged a daily usage fee or if facility usage is already covered in their assessments.

