
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, April 15, 2008 at 6:30 p.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:

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
Jim Vrouhas	Resident Services Manager
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 Audit
Committee Meeting held on March 18,
2008**

Ms. Wells stated that the first item on the agenda was the consideration of the minutes of the Audit Committee Meeting held on March 18, 2008. She asked if there were any additions, deletions or corrections. There were none.

<p>On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board approved the Minutes of the Audit Committee Meeting held on March 18, 2008 for Harbor Bay Community Development District.</p>

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
Board Supervisors' Meeting held on
March 18, 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 March 18, 2008. She asked if there were any additions, deletions or corrections. There were none.

On a Motion by Mr. Gelston, seconded by Ms. Ackerman, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on March 18, 2008 for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of the Operation and
Maintenance Expenditures for
March 2008**

Ms. Wells stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for March 2008. She stated that the expenditures for the period of February 1 – 29, 2008 totaled \$313,751.50. Ms. Wells reviewed the expenditures for the Board. She asked if there were any questions. There were some questions about the Advanced Recreational Concept and Beachum Brothers invoices. It was noted that Newland was billed to reimburse the district for those invoices.

On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board approved the Operation and Maintenance Expenditures for March 2008 (\$313,751.50), for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

**Ratification of Capital Improvement
Revenue Bonds, Series 2001, Requisition
#225**

Ms. Wells stated that the next item on the agenda was the ratification of the Capital Improvement Bonds, Series 2001, Requisition #225. She asked if there were any questions. Some audience comments were made about the cameras.

On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board ratified the Capital Improvement Bonds, Series 2001, Requisition #225 for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

**Ratification of Capital Improvement
Revenue Bonds, Series 2002, Requisition
#CUS496**

Ms. Wells stated that the next item on the agenda was the ratification of the Capital Improvement Revenue Bonds, Series 2002, Requisition #CUS496. She stated that this requisition was for Mr. Kim for the irrigation installation in the amount of \$24,442.00.

On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board ratified the Capital Improvement Bonds, Series 2002, Requisition #CUS496 for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Audit Committee
Recommendation for Fiscal Year
2007/2008 Audit Services**

Ms. Wells stated that the next item on the agenda was the consideration of the Audit Committee Recommendation for Fiscal Year 2007/2008 Audit Services. The audit committee meeting took place prior to the regular meeting and the committee recommended that the Board select McDirmit Davis to perform the audit services which was ranked at 300 points. Carr Riggs Ingram came in second rank with 290 points.

On a Motion by Ms. Ackerman, seconded by Mr. Gelston, with all in favor, the Board approved the Audit Committee Recommendation for Fiscal Year 2007/2008 Audit Services and Authorized staff to enter into negotiations with them and if negotiations are not able to be made to enter into negotiations with the 2nd ranked firm for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Hecker
Construction Company Proposals**

Ms. Wells stated that the next item on the agenda was the consideration of the Hecker Construction Company Proposals. Jamie Scarola presented the proposals to the Board. The first was a standard proposal for a total of \$1,050 to fill voids behind homes in Islebay Drive that were missing caps.

On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board approved the Hecker Construction Company Proposal for Harbor Bay Community Development District.

The Second Proposal was in the amount of \$8,600 and it was recommended that the Board not approve until USL&H Insurance was further investigated. Ms. Ackerman stated that she would help look into this special insurance which allows people to work and paint over the edge of the wall and over the water. The Board decided to table this item until the regularly scheduled meeting in May.

NINTH ORDER OF BUSINESS

**Consideration of Fiscal Year 2006/2007
Financial Report**

Ms. Wells stated that the next item on the agenda was the consideration of the Fiscal Year 2006/2007 Financial Report. Ms. Wells briefly reviewed the report for the Board. She asked if there were any questions. There were none.

On a Motion by Mr. Gelston, seconded by Ms. Ackerman, with all in favor, the Board approved the Fiscal Year 2006/2007 Financial Report for Harbor Bay Community Development District.

TENTH ORDER OF BUSINESS

**Discussion Regarding Donation of Jenn
Swing for Handicapped Children**

Ms. Wells stated that the next item on the agenda was the discussion regarding the donation of a Jenn Swing for Handicapped Children. It was decided that before considering or authorizing the installation that the fall zones and structure needed are investigated for safety regulations. The Board decided to table the decision of the donation of a Jenn Swing for Handicapped Children until the regularly scheduled meeting in May pending further investigations.

ELEVENTH ORDER OF BUSINESS

**Consideration of Visitor Pass and Release
from Liability**

Ms. Wells stated that the next item on the agenda was the consideration of a Visitor Pass and Release from Liability. The Visitor Pass and Liability Form was reviewed for the purposes of allowing potential future residents the ability to use the amenities of Harbor Bay for one day. District Counsel had reviewed the Form. It was determined that the word "natural" preceding Guardian was not needed in this release.

On a Motion by Mr. Gelston, seconded by Ms. Ackerman, with all in favor, the Board approved the Visitor Pass and Release from Liability (as amended) for Harbor Bay Community Development District.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Craine gave the Board an update on the sea wall litigation. He stated that motions were filed to dismiss. Mr. Craine stated that the Woodruff and SeaMasters hearings have not yet been set. He stated that the motion is more or less just an extension and things are about to move into the next phase which is the discovery phase.

B. District Engineer

Mr. Scarola stated that to close the loop on District Counsel's report, there is a great response method in place to the miscellaneous sea wall repairs.

Mr. Scarola mentioned that the maintenance for the lagoon rip rap wall has two situations going on in the area from Manns Harbor to Brighton Shores. He stated that some walls are lower and recommended raising the lower walls which will be paid by the developer as a capital improvement through the CDD. He also stated that the two areas affected are private portions, common or District areas. He stated that part of the issue is that rocks are falling into the water after being hit by waves or from people sitting on the walls.

Mr. Scarola asked for a motion to authorize District Engineer to contact the ECC to quantify what needs repair and the locations which are both public and private.

On a Motion by Mr. Gelston, seconded by Ms. Ackerman, with all in favor the Board authorized Mr. Scarola to contact the ECC for the Harbor Bay Community Development District.

Mr. Scarola briefly updated the Board on the pre-dredging permit process for the canals. He stated that there are many soft costs involved and environmental issues related to it especially due to the sea wall issues. The Board asked Mr. Scarola to get a better estimate. He recommended that the Board plan about \$50,000 to \$100,000 over a year period as an upcoming budget item for the permitting process.

C. HOA Resident Services Manager

Mr. Vrouhas stated that the sea wall issues would best be funneled through his office. He stated that there will be a deep cleaning of the pool on Fridays and Mondays from 6:00 a.m. until 8:00 a.m. and that the pool would be closed during these times. Mr. Vrouhas stated that the decorative lights that are out will be repaired soon. He also stated that well drillers for the wells for the pool heater are coming to make the repairs at no cost.

(The Board recessed at 8:06 p.m.)

D. District Manager

Ms. Wells stated that she had a proposal from Lee Te Kim for Mulching in the amount of \$7,030. She reviewed the proposal for the Board. Ms. Wells stated that the proposal is for refreshing various areas and is not a full mulching. She asked for a motion to approve subject to clarification of the cubic yards and the type of mulch.

On a Motion by Ms. Hilton, seconded by Ms. Ackerman, with all in favor, the Board approved the Lee Tee Kim Proposal for Mulching (subject to clarification of the cubic yards and the type of mulch) for Harbor Bay Community Development District.

Ms. Wells stated that there were two seats up for the November Election. She stated that these were Seats #4 and #5, Scott Jones and Ben Gelston's seats. Ms. Wells stated that this information would be posted on the internet for anyone who was interested in becoming a candidate for these two seats. She stated that they also could contact the Supervisor of Elections.

Ms. Wells stated that the next scheduled meeting is a special meeting on April 29, 2008 at 9:00 a.m. for the consideration of the landscape maintenance proposals. Ms. Wells stated that the bids were due on April 23, 2008. She stated that the next regularly scheduled meeting is May 20, 2008 at 6:30 p.m. Ms. Wells stated that the proposed budget would have to be adopted at this meeting and is due to the County for submission by June 15, 2008. She stated that before the end of August they would need to have their Public Hearing on the final budget for fiscal year 2008/2009.

THIRTEENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Ms. Wells stated that the next item on the agenda was Supervisor Requests and Audience Comments. Ms. Wells asked if there were any audience comments. An audience member asked if we win the litigation, if the expenses would be included in a recoverable manor. Mr. Craine stated that he would have to look at the language in the contract and confirm if all expenses would be recoverable. He stated that generally the attorney and paralegal's fees are covered but he is not sure to what extent the expert's fees may be covered. Mr. Craine briefly reviewed the process of recovering expenses. Ms. Wells asked if there were any other questions for District Counsel or District Engineer. There were none.

Ms. Wells stated that she had some audience comments cards for the Board. She stated that the first one was from Ken Fink. Mr. Fink stated that he had four old issues to bring before the Board. He stated that the Board said that they would determine the process for trimming the mangrove trees and the cost involved and he hasn't heard anything yet. Mr. Fink stated that in the meeting minutes, Scott Jones had stated that the regrading of some lots, the reinstalling of the silt fence and the cleaning up was supposed to be completed by November. He stated that this work has not been completed yet. Mr. Fink stated that there was cracked concrete along the 800 block of Golf and Sea. He stated that he felt this was a safety issue. Mr. Fink also stated that the report for the shade structure had not been received yet. Mr. Fink stated that he also had two new concerns. He stated that he had a conversation with Mr. Kim regarding the overzealous pressure washing of the sidewalks around the club and in front of the welcome center. Mr. Fink stated that the smooth surface of the concrete is being taken off. He asked the Board who is responsible for the damage and who is going to pay for it. Mr. Vrouhas stated that the pressure washing was done by Pro Boring. A brief discussion ensued regarding the cleaning of the concrete. Mr. Fink stated that the placement of the new sign board was supposed to be inside by the monument but it was placed at the community entrance. The Board stated that they would review the location of the sign. A brief discussion ensued regarding the sign placement. Ms. Wells read an update regarding the trimming of the mangroves for the Board and audience members.

She stated that she would look into the installation of the silt fence and the seawall crack at Golf and Sea. Ms. Wells stated that the shade structures have been ordered and engineer drawings have been sent over and presently they are looking for a site plan so that they can do their permit application. She stated that it would probably be five or six weeks for completion.

Ms. Wells stated that the next comment card was from Jim Powell. She stated that he wanted an announcement of the Mira Bay Advisory Committee resident information meetings. Mr. Powell reviewed the meeting schedule and topics. He stated that the first meeting would be on May 7, 2008 at 6:30 p.m. at the Advisory Counsel Public Meeting in the Lagoon Room.

Ms. Wells stated that the next comment card was from Linda Daugherty. Ms. Daugherty asked about adding benches to the lagoon side. The Board stated that they hadn't had any requests come through the District but thought that it was a good idea. Ms. Daugherty also asked about getting a tree installed. Ms. Wells stated that the appropriate action would be to put a proposal together for the Board. Ms. Daugherty stated that the tree at the entrance to Mann's Harbor is not thriving. She stated that the lagoon side does not get the attention that the other side gets. Ms. Wells stated that she would look into the issue.

Ms. Wells stated that Larry had a couple of comment cards. She stated that he wanted an update on the neighborhood watch program. Ms. Wells stated that in the fall the CDD had made a motion to contribute five hundred dollars to the neighborhood watch fund. She stated that the CDD made a check out to the neighborhood watch program and there were some issues getting an account set up. Ms. Wells stated that the CDD can not make a check out to an individual for this program but the neighborhood watch program could submit for reimbursement from the CDD up to five hundred dollars. An audience member asked if the CDD could make out a check to the Hillsborough County Neighborhood Watch Association because they need to pay dues to that association. Larry asked if the minutes could reflect that he returned the check to the CDD. It was stated that the HOA could write a check to the Hillsborough County Neighborhood Watch Association and probably seek reimbursement from the CDD. Ms. Wells stated that she would check on this with the HOA manager. Larry stated that he had a question with regards to the revision of the visitor's passes. He stated that he was told that it was going to be brought to the CDD for determination as the HOA couldn't make that policy. Larry stated that the visitor passes as they exist are inaccurate. Ms. Hilton stated that she would work with Mr. Vrouhas on this issue. An audience member asked the Board if they could put the issue of the visitor passes on the next meeting's agenda. Ms. Wells stated that a lot of these issues could also be handled in individual meetings with the greeters.

Ms. Wells asked if there were any other audience comments. An audience member stated that there was a break in the fence somewhere on Villamere Road. He stated that a neighbor saw someone drive a motorcycle in through the break and then saw a vagrant walking in through the break. Mr. Vrouhas stated that the area in question is near the lift station, closer to US 41. He suggested taking a look at it and trying to deter motorized traffic.

Ms. Wells asked if there were any other questions. There were none. Ms. Wells asked if there were any supervisor requests. There were none.


FOURTEENTH 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.

On a Motion by Mr. Gelston, seconded by Ms. Hilton, with all in favor, the Board adjourned the Board of Supervisors' Meeting for Harbor Bay Community Development District.


Secretary / Assistant Secretary


Chairman / Vice Chairman