

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 Harbor Bay Community Development District was held on **Tuesday, May 16, 2006 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:

Chris Coughlin	Board Supervisor, Chairman
Scott Jones	Board Supervisor, Vice Chairman
Sally McFolling	Board Supervisor, Assistant Secretary
Julie Wisdom	Board Supervisor, Assistant Secretary

Also present were:

Tina Wells	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker & Bolves, P.A.
Jamie Scarola	District Engineer, Scarola Associates, Engineering Design & Land Consultants, P.A.
Kathy Harp	Representative, Greenacres Properties, Inc.
Erika Werkheiser	Manager, Mira Bay Club

FIRST ORDER OF BUSINESS

Call to Order

Ms. Wells called the meeting to order at 9:04 a.m. and read roll call.

SECOND ORDER OF BUSINESS

**Consideration of Board Supervisor
Resignation (Suzanne Soto)**

Ms. Wells stated the next item on the agenda was the consideration of a Board Supervisor resignation.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board accepted the resignation of Board Supervisor, Suzanne Soto for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Consideration of Board Replacement

Ms. Wells stated that the next item on the agenda was the consideration of a Board Supervisor replacement. She asked if there were any candidates. There were none. Ms. Wells recommended the Board table this item until the next meeting.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board tabled the consideration of a Board Supervisor replacement until the next meeting for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisor's Meeting held on
March 21, 2006**

Ms. Wells stated that the next item on the agenda was the consideration of the minutes of the Board of Supervisors' meeting on March 21, 2006. She asked if there were any additions, deletions, or corrections. There were none. Ms. Wells asked for a motion to approve the minutes. Mr. Coughlin noted a correction on page five in which should be corrected to read from "gas heating" to "geothermal heating". Ms. Wells stated that the corrections will be made to the minutes. She asked for a motion to approve the minutes as amended.

On a Motion by Mr. Coughlin, seconded by Ms. McFolling, with all in favor, the Board approved the minutes (as amended) of the Board of Supervisors' meeting on March 21, 2006 for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for April 2006**

Ms. Wells stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for April 2006. She explained that the expenditures were for the period of March 1st – March 31st, 2006 totaling \$330,927.24. Ms. Wells asked if there were any questions. Hearing none, she asked for a motion to approve.

On a Motion by Mr. Jones, seconded by Ms. Wisdom, with all in favor, the Board approved the Operation and Maintenance Expenditures for April 2006 (\$330,927.24) for Harbor Bay Community Development District.

SIXTH OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for May 2006**

Ms. Wells stated the next item on the agenda was the consideration of Operation and Maintenance Expenditures for May 2006. She stated that expenditures were for the period of April 1st – April 30th, 2006 totaling \$159,781.17.

On a Motion by Mr. Coughlin, seconded by Ms. McFolling, with all in favor, the Board approved the Operation and Maintenance Expenditures for May 2006 (\$159,781.17) for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Series 2002 Construction
Requisitions #401-#405**

Ms. Wells stated that the next item on the agenda was the consideration of the Series 2002 Construction Requisitions #401 through #405. She asked if there were any questions. There were none. Ms. Wells asked for a motion to approve.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board approved the Series 2002 Construction Requisitions #401 through #405 for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

**Presentation of Fiscal Year 2006/2007
Proposed Budget**

Ms. Wells stated that the budget was not ready to be presented at this time. She stated the budget will be presented during the next regularly scheduled meeting on June 20th, 2006. Ms. Wells explained that adopting the proposed budget merely begins the budget process. The Board will adopt the proposed budget by way of resolution and it would then be forwarded to the County by the District Office.

Ms. Wells stated that as required by statute, the proposed budget must be submitted to the County for a minimum of 60 days prior to the holding of the public hearing on the final budget. During this time, the District would hold its workshop, which is tentatively scheduled for July 18th. She explained that the Board will adopt the final budget during the August meeting. She continued to explain that since August 19th was the 60 day mark, she recommended the Board change its regularly scheduled meeting from August 15th to either August 21st or 22nd to allow for the 60 days. Ms. Wells stated that the consideration of a date, time and location to hold the public hearing will be presented by a resolution during the June meeting, with the adoption of the proposed budget.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Craine requested that Mr. Coughlin present the results of their previous conversation. Mr. Coughlin stated he, Mr. Craine, two residents and an attorney, Mario Garcia, had a conference call with Bay Estate Gate regarding the privatization of roads in the District. Mr. Coughlin stated that he was concerned more about privatizing the park area rather than the roads. He stated that the roads must be accessed publicly. During the call, the residents acknowledged and agreed the Developers install an unmanned faux gate sensor as a visual deterrent.

Mr. Coughlin stated that the participants on the conference call also discussed the installation of fencing along the seawall to create a barrier with a swipe card access for residents to access the boat lifts.

Mr. Coughlin stated that that the participants on the conference call also discussed that residents have expressed their concern regarding parking around the round-about. Mr. Garcia had suggested the installation of a parking lot in this area. It was stated that residents expressed their disapproval in the past of installing a parking lot at the park.

Ms. Harp suggested the addition of signage with the hours of operation for the park. Mr. Coughlin stated that all parks need to be uniform and operate during the same hours. Mr. Craine added that rights are given to residents within the community and that the District cannot ignore their rights to use the park, in regards to allowing access after dark. No action was taken regarding signage for park access.

Ms. McFolling asked if there was a timeline for the installation of the Bay Estate Gate and the fencing along the seawall. Mr. Coughlin stated that the contractor is currently obtaining permits with the Hillsborough County building department for approval of the installation of the fencing and the gate.

B. District Engineer

Mr. Scarola stated that he wants to follow up on the memo from January 2006, which includes three items. The first item was a letter that he received from the seawall designer, Rueben Clarson, regarding the berms that are eroding the seawalls. Mr. Scarola stated that the Board released funds to enable the designer to propose solutions to the problem so that they could approach the issues from a maintenance standpoint.

Mr. Scarola presented two original designs by Rueben Clarson, the seawall designer. He explained the two different designs which described possible options on providing protection of the base of the seawall from berm erosion.

Mr. Scarola requested the Board authorize him to obtain pricing for solutions to protect and maintain the seawall from further berm erosion.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board authorized Scarola Associates to obtain pricing for solutions to protect and maintain the seawall from berm erosion for Harbor Bay Community Development District.

Mr. Scarola stated that the next item for discussion is the EPC Area Lagoon Dock Permitting. He stated the permit was obtained after the initial presentation and the issue has been resolved.

Mr. Scarola stated that the last issue for discussion is the SWFWMD Inspection Reports that are currently due. He stated that he submitted a concern that some of the builders have not been maintaining the Rear Yard Swales throughout the community.

Mr. Scarola stated that Heidt & Associates, Inc. has completed an operation and maintenance inspection of the stormwater facilities. A copy of the report was provided to the Board for review. He explained the maintenance process and noted the items that must be addressed. The specific items that require the Board's attention were as follows:

1. The Rear Yard Swales were not present on Lagoon Lots (8 3/8 water quality treatment swale not present).
2. The Rear Yard Swales were not present on Canal Lots (8 3/8 water quality treatment swale not present).

Mr. Scarola stated that the discussed issues regarding the stormwater facilities must be resolved prior to certification of the stormwater management system by SWFWMD. Mr. Scarola requested the Board enact a process to evoke the installation process. Ms. McFolling asked if the installation was the responsibility of the Builders. Mr. Coughlin advised that it was the Developer's responsibility initially, who in turn reallocates the responsibility through the contract with the Builder, according to the filed neighborhood grading plan.

A discussion ensued regarding addressing the SWFWMD operation and maintenance inspection. The Board decided to give a due date to the Developer of September 1, 2006 as a completion due date for the installation of the Rear Yard Swales. Mr. Coughlin stated he will meet with the Developer to discuss the matter and will report back to the Board during the June 20th meeting. No further action was taken by the Board at this time.

C. District Manager

Ms. Wells stated that she spoke with Mark Ballenger of Ballenger & Company regarding the lack of rain situation. She stated the pumps are working at 60% or less for irrigation. Ms. Wells stated that Mr. Ballenger recommended the Board install submersible pumps. She stated she would obtain the costs involved with installing submersible pumps.

Mr. Coughlin stated that he spoke to Mr. Kim, who has rented a water truck that pumps about 100 gallons per day. Mr. Kim's crew hand waters the vegetation within the district, 6 days per week. Mr. Coughlin stated that this cost is expensive. Ms. Harp stated that the District has received three watering citations for hand-watering during the hours of 8 a.m. to 5 p.m., which were \$500 for each citation plus court costs. Mr. Coughlin stated that they are currently researching other watering alternatives at this time.

A brief discussion regarding the water tables ensued. No further decisions were made at this time.

Ms. Wells asked Mr. Coughlin to present the assignment of a contract for Kearney Development Company, Inc. to perform the scope of work for the Harbor Bay Phases IB, 2A, and 3B infrastructure as noted in the 2002 Bond Series. Mr. Coughlin stated that Kearney Development Company, Inc. would like to assign the contract to Kearney Construction Company, LLC. Ms. Wells stated that she will fax the contract to Mr. Craine for review and report back to the Board during the June 20th meeting.

D. HOA Manager

Ms. Harp stated that U.S. Security proposed the Board to give the staff a \$0.25 raise, which is approximately \$6,500 per year. Therefore, the District billing rate would increase from \$18.42 to \$18.78. The Board agreed for the staff of U.S. Security to receive a \$0.25 salary increase.

Mr. Coughlin inquired about a cancellation of the contract with U.S. Security. Ms. Wells stated that she would obtain that information and report back to the Board during the next meeting. She requested a motion to approve with the condition of obtaining a status report for the cancellation of the billing rates contract with U.S. Security.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board approved the salary increase of \$0.25 (\$6,500 annually) with the condition of obtaining a status report for the cancellation of the billing rates contract with U.S. Security for Harbor Bay Community Development District.

Ms. Harp stated that she is currently taking bids for the painting of the District. She stated there have been several resident requests to paint the entry and pool lighthouse towers and gatehouses 1 and 2. Ms. Harp stated that she has received bids from Munyan Painting and All American Painting. She stated that Munyan Painting quoted a total of \$11,977 and a revised proposal should be received from All American Painting. Ms. McFolling inquired regarding the warranty and the supply of materials. Ms. Harp stated that both quotes include a 90-day warranty, materials, caulking, and scaffolding. The Board requested the receipt of the complete bid from All American Painting. The Board tabled the consideration of this item until the June 20th meeting.

TENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Ms. Wells stated that the next item on the agenda was Supervisor Requests and audience comments. She asked if there were any Supervisor requests at this time. There were none. She stated there were no audience members present.

Ms. Wells asked if there were any other questions or comments. There were none.

ELEVENTH 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 at 9:57 a.m.

On a Motion by Mr. Jones, seconded by Mr. Coughlin, with all in favor, the Board adjourned the meeting for Harbor Bay Community Development District.



Secretary / Assistant Secretary



Chairman / Vice Chairman