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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, May 19, 2009 at 9:35 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:

Laura Ackerman	<b>Board Supervisor, Vice Chairman</b>
Ed Stone	<b>Board Supervisor, Assistant Secretary</b>
Tom Hatcher	<b>Board Supervisor, Assistant Secretary</b>
Rip Ripley	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Tina Wells	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Bricklemyer Smolker &amp; Bolves</b>
Jaime Scarola	<b>District Engineer, Scarola Associates Engineer</b>
Scott Smith	<b>Community Association Manager, Rizzetta &amp; Company, Inc.</b>
Karla Gibson	<b>Representative, WTS</b>
Debra Dremann	<b>Vice President &amp; General Manager, Newland Communities</b>
Vaike O'Grady	<b>Marketing Director, Newland Communities</b>
Barbara Johnson	<b>Representative, Newland Communities</b>
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 April 21, 2009**

It was stated that on page two, in the third order of business, the sentence that states, "*cause and effect*" should be "*complaint, cause, and cure*".

It was also stated that on page five, section C 1, the sentence that states, "*minimum*" should be "*maximum*".

<p>On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on April 21, 2009, as amended, for Harbor Bay Community Development District.</p>
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**THIRD ORDER OF BUSINESS**

**Consideration of Operation and  
Maintenance Expenditures for May 2009**

Ms. Ackerman had questions regarding the Entrix bills and Mr. Stone had questions regarding the Heidt and Associates bills.

On a Motion by Mr. Stone, seconded by Ms. Ackerman, with all in favor, the Board approved the Operation and Maintenance Expenditures for May 2009 totaling \$179,302.99 for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Update Regarding Community  
Information Boards (under separate cover)**

Ms. O'Grady informed the Board that there will be a community meeting on June 2, 2009 regarding Community Information Boards.

**FIFTH ORDER OF BUSINESS**

**Presentation Regarding Mirabay Branding**

Ms. O'Grady presented the MiraBay Branding to the Board.

**SIXTH ORDER OF BUSINESS**

**Discussion and Update Regarding the  
Contract between the District and HOA**

Ms. Ackerman stated that it was her opinion that the action taken in the April meeting to extend the HOA and Amenities contract was not necessary. She recommended terminating the contract at its original expiration date. She explained that since the upcoming Fiscal Year budgets are planned in the summer, that the timing on the contract was in fact okay in its original state. Mr. Craine recommended the Board take three actions.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board rescinded the section of the motion from the April meeting that extended the terms of the amenities contract for Harbor Bay Community Development District.

On a Motion by Mr. Ackerman, seconded by Mr. Stone, with all in favor, the Board accepted the WTS assignment of their Amenities Contract to the District for the period of July 1, 2009 to June 30, 2010 for Harbor Bay Community Development District.

On a Motion by Mr. Ripley, seconded by Mr. Stone, with all in favor, the Board requested that the HOA accept the actions of the Board as their termination notice for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Discussion Regarding Registered Voter  
Count within the District**

Ms. Wells stated that as of April 15, 2009, there are 826 Registered Voters within Harbor Bay Community Development District.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Proposed Budget for Fiscal Year 2009/2010, Consideration of Resolution 2009-07, Approving Fiscal Year 2009/2010 Proposed Budget (under separate cover)**

Ms. Wells presented the Proposed Budget to the Board. She explained that with the action taken in regards to the District assuming the Amenities Management that the Budget should remain the same. She stated that she would still incorporate a more detailed budget for the next workshop and Final Budget Public Hearing.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved Resolution 2009-07, Approving the Fiscal Year 2009/2010 Proposed Budget; setting July 23, 2009 at 6:30 p.m. at the at the Mira Bay Clubhouse, the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572 for the Public Hearing on the Final Budget for Harbor Bay Community Development District

**NINTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

1. Mr. Craine gave a brief update for the Board and audience regarding the two day mediation that occurred in late April for the sea wall litigation. He stated that it was apparent in the mediation that the parties were not eager to try the case. He stated that all parties seem to agree that there is a failure and appeared to be willing to work in collaboration. Mr. Craine stated that he would have further updates in June. He stated that most likely there will be another mediation after all of the party's experts meet.

B. District Engineer

1. Update Regarding Riprap Maintenance Plan

Mr. Scarola updated the Board regarding the riprap maintenance. He stated that the District could not be responsible for the individual property owner's riprap maintenance, but for some locations it could be considered on a case by case basis. He stated that occasionally the District may want to make a repair. Mr. Scarola advised that these results are preliminary and depend on the results of some limited location survey work that is presently occurring.

C. Community Association Manager

2. Mr. Smith updated the Board and audience regarding several repairs and other matters. He stated that the pool circulator pump failed last Friday and will need to be replaced in the near future. He stated that the same pump has been rebuilt previously. He also mentioned that the geothermal pump has been floating and feels that there may be a leak. Mr. Smith stated that he would know more once the circulator pump has been turned back on. He also reviewed other minor repairs that had happened throughout he community.

- D. District Manager  
1. Discussion Regarding Evaluation Criteria for District Staff

On a Motion by Mr. Stone, seconded by Ms. Ackerman, with all in favor, the Board appointed Rip Ripley to assist in setting forth Evaluation Criteria for Staff by researching current staff contracts Harbor Bay Community Development District.

2. Discussion Regarding the Boat Sling Replacement

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board authorized Ed Stone and Scott Smith to work with Florida Handling Systems to install either the standard boat slings as proposed or to customize the boat slings for the Boat Lift system with a not to exceed limit of \$8,000 for Harbor Bay Community Development District.

**TENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

Mr. Hatcher stated that the parking issues in Seacrest need to be addressed.

Ms. Dremann updated the Board on the annual rotations. She recommended that the District hire a specialist to perform a Capital Reserve study for all of the District's property. She stated that she would provide Ms. Wells with firm recommendations. Ms. Dremann also stated that she would work with Mr. Ripley with regards to the Evaluation criteria as well.


Ms. Johnson informed the Board that Mr. Kim was replacing the Podocarpus at the tennis courts free of charge.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Stone, seconded by Mr. Ackerman, with all in favor, the Board adjourned the meeting at 12:00 p.m. for Harbor Bay Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman