

## 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 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, June 21, 2005 at 9:05 a.m.** at the Mirabay Welcome Center, located at 205 Manns Harbor Drive, Apollo Beach, FL 33572.

Present and constituting a quorum were:

Chris Coughlin	<b>Board Supervisor, Vice Chairman</b>
Suzanne Soto	<b>Board Supervisor, Assistant Secretary</b>
Lisa Wren	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Pete Williams	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Deborah Bayne	<b>Representative, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Bricklemyer Smolker &amp; Bolves, P.A.</b>
Jamie Scarola	<b>District Engineer, Scarola Associates Engineering Design and Land Consultants, P.A.</b>
MaryAnn Luallen	<b>Greenacres Property, Inc.</b>
Kathy Harp	<b>Greenacres Property, Inc.</b>
Audience	

#### FIRST ORDER OF BUSINESS

**Call to Order**

Ms. Bayne called the meeting to order.

#### SECOND ORDER OF BUSINESS

**Consideration of Minutes of the  
Board of Supervisors' Meeting  
on May 17, 2005**

<p>On MOTION by Mr. Coughlin, seconded by Ms. Soto with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on May 17, 2005 for Harbor Bay Community Development District.</p>
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**THIRD ORDER OF BUSINESS**

**Consideration of Operation and  
Maintenance Expenditures for June**

On MOTION by Mr. Coughlin, seconded by Ms. Wrenn with all in favor, the Board approved the Operation and Maintenance Expenditures for June for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Series 2002  
Construction Requisitions #329-#333**

On MOTION by Mr. Coughlin, seconded by Ms. Soto, with all in favor, the Board approved the Series 2002 Construction Requisitions #329 (Kim's Wholesale Nursery & Waterfalls, \$1,900.00); #330 (Kearney Development Co., Inc., \$270,400.98); #331 (Kearney Development Co., Inc., \$91,107.47); #332 (Kearney Development Co., Inc., \$272,998.82); and #333 (Kearney Development Co., Inc., \$543,445.83) (funded by the Developer, as the construction fund has been depleted) for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Presentation of Proposed Fiscal Year  
2005/2006 and Consideration of  
Resolution 2005-04, Adopting Proposed  
Fiscal Year 2005/2006 Budget**

On MOTION by Mr. Coughlin, seconded by Ms. Wrenn with all in favor, the Board approved Resolution 2005-04, adopting the proposed Fiscal Year 2005/2006 Budget (\$2,049,525) and setting the public hearing for August 16, 2005 at 9:00 a.m. to be held at the Mirabay Welcome Center, located at 205 Manns Harbor Drive, Apollo Beach, FL 33572 for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Craine stated that the documents for the FDOT Landscape Grant have been submitted to the Chairman and will be forwarded to the Florida Department of Transportation, with the work estimated to be completed within 30 days.

Mr. Craine provided a brief review of a Florida Supreme Court ruling (Borough vs. The City of Miami Beach) regarding central liability and the use of natural facilities or in the District's case the man made facilities for resident use, such as lakes. He stated that he does not believe that this would impact the District. Mr. Craine explained this would affect coastal communities which would need to provide warnings to the public and those being encouraged to use these facilities. The City of Miami Beach provided showers, change areas, and licensed vendors encouraging the use of the beach, all under the control of The City of Miami Beach and in such showed their responsibility to the public.

B. District Engineer

Mr. Scarola provided an update on the wall repairs, stating that progress is coming to a close.

C. District Manager

No report.

D. Property Manager

Ms. Luallen provided a brief report to the Board. She handed out a maintenance list showing the items that have been done for the Board to review. Ms. Luallen presented a request by Seacrest HOA requesting that the District maintain a portion of land abutting the common area, Tract D 14A. Mr. Williams stated that part of this is wetland and conservation and will not be able to be considered for maintenance. He requested information to better define the area in order to see if the request could be addressed. General discussion ensued. It was also stated that Tract C1 by the pond was included in the consideration. Mr. Williams asked for a colored map to define the areas. The discussion will continue at a later date.

**SEVENTH ORDER OF BUSINESS**

**Supervisor Requests and  
Audience Comments**

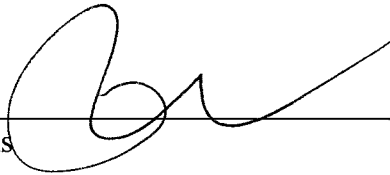
Ms. Bayne stated that the next item on the agenda was Supervisor requests and audience comments. She stated that there were audience members. Ms. Bayne asked if there were any comments or questions. There were general questions and discussion. However, the Board did not take any action. Ms. Bayne asked if there were any Supervisor requests. There were none.


**EIGHTH ORDER OF BUSINESS**

**Adjournment**

Ms. Bayne stated that there were no further agenda items to come before the Board and asked for a motion to adjourn. The meeting was adjourned at 9:45 a.m.

On MOTION by Mr. Coughlin, seconded by Ms. Soto with all in favor, the Board adjourned the meeting for Harbor Bay Community Development District.

  
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Pete Williams  
Secretary

  
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Don Whyte  
Chairman