

**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, October 21, 2003 at 9:10 a.m.** at the Mirabay Welcome Center, located at 205 Manns Harbor Drive, Apollo Beach, FL 33572.

Present and constituting a quorum were:

Steve Gamm	Board Supervisor, Chairman
Kathy Shelling	Board Supervisor, Assistant Secretary
Suzi Greene	Board Supervisor, Assistant Secretary

Also present were:

Pete Williams	District Manager, Rizzetta & Company, Inc.
Jonathan Johnson	District Counsel, Hopping Green & Sams, P.A. (via speakerphone)
Danny Tyler	Bond Counsel, Nabors, Giblin & Nickerson, P.A. (via speakerphone)
Toxey Hall	District Engineer, Heidt & Associates, Inc.
Stacey Thomas	Rizzetta & Company, Inc.

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order.

SECOND ORDER OF BUSINESS

**Consideration of Minutes of the
Board of Supervisors' Meeting
on September 16, 2003**

Mr. Williams stated that the first item is to consider the minutes of the Board of Supervisors' meetings held on September 16, 2003 (located behind tab 1). Mr. Williams asked if there were any additions, deletions or corrections to the minutes. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm with all in favor, the Board approved the minutes of the Board of Supervisors' meetings on September 16, 2003 for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

**Consideration of Authorization
to Disburse District Funds 2004-01**

Mr. Williams stated that the next item on the agenda is the consideration of the Authorization to Disburse District Funds 2004-01 (located behind tab 2). He stated that the disbursement consists of invoices for standard contractual commitments and administrative fees. He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the Authorization to Disburse District Funds 2004-01 for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Series 2002
Construction Requisitions #152
through #173**

Mr. Williams stated that the next item on the agenda is the consideration of Series 2002 Construction Requisitions #152 through #173 (recap located behind tab 3). He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the Series 2002 Construction Requisitions #152 through #173 (in their entirety) for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2004-01,
Amending the Fiscal Year 2002/2003
General Budget**

Mr. Williams stated that the next item for discussion is the consideration of Resolution 2004-01, amending the fiscal year 2002/2003 general budget. He explained to the Board that, due to the fact that there was a bond issue within the 2002/2003 fiscal year, the budget was

amended in order to show the Debt Service Fund and Capital Projects Fund for the bond series. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved Resolution 2004-01, Amending the Fiscal Year 2002/2003 General Budget for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Monitoring and
Maintenance Proposal**

Mr. Williams stated that the next item on the agenda is the consideration of a monitoring and maintenance proposal from Biological Research Associates. He explained that this proposal pertains to the maintenance of wetlands located in Parcel M1, M2, and the enhancement of wetlands B,C, C1, E, H, I, J and K. The maintenance of these areas is required per the SWFWMD permit. The total amount is \$2,265 for each monitoring event. He asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the proposal for maintenance of Parcel M1, M2 by Biological Research Associates for Harbor Bay Community Development District.

Mr. Williams explained that there are several change orders and proposals for the Board's consideration. He stated that there is a proposal for Heidt & Associates, Inc. pertaining to engineering services for Parcel 13 infrastructure totaling \$17,500. The proposal consists of fees for services rendered during the inspection phase of \$5,500 and a fee for services rendered during the certification phase totaling \$3,500.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the proposal from Heidt & Associates for engineering services totaling \$17,500 for Parcel 13 for Harbor Bay Community Development District.

Mr. Williams stated that there is a proposal from Newberg Irrigation, Inc. pertaining to irrigation installation on the berm area totaling \$12,188.00. He asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the proposal from Newberg Irrigation, Inc. totaling \$12,188.00 Harbor Bay Community Development District.

Mr. Williams stated that there are four change order proposals from Kim's Landscape & Waterfall Creations, Inc. pertaining to the Mirabay Tennis Pavilion and the Mirabay Club for landscaping. The first change order pertains to the removal of a tree, the installation of 100,000 square feet of Bermuda grass, 50 truckloads of topsoil, and the installation of a drainage system at the tennis courts totaling \$53,000. He asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Mr. Gamm, seconded by Ms. Greene, with all in favor, the Board approved the change order from Kim's Landscape & Waterfall Creations, Inc. in the amount of \$53,000 for Harbor Bay Community Development District.

The second change order from Kim's Landscape & Waterfall Creations, Inc. pertains to the installation of additional sprinklers in the amount of \$1,339. He asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the change order from Kim's Landscape & Waterfall Creations, Inc. in the amount of \$1,339 for Harbor Bay Community Development District.

Mr. Williams stated that there is a change order from Kim's Landscape & Waterfall Creations, Inc. for additional Podocarpus shrubs to be located at the Tennis Pavilion totaling \$31,500.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the change order from Kim's Landscape & Waterfall Creations, Inc. in the amount of \$31,500 for Harbor Bay Community Development District.

He stated that there is a change order from Kim's Landscape & Waterfall Creations, Inc. pertaining to the addition of 12 sprinkler heads totaling \$936.00. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the change order from Kim's Landscape & Waterfall Creations, Inc. in the amount of \$936.00 for Harbor Bay Community Development District.

Mr. Williams stated that there is a change order (#1) for Duratek Precast Technologies, Inc. for additional painting of a pre-cast wall totaling \$2,970.00. He asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved Change Order #1 from Duratek Precast Technologies, Inc. totaling \$2,970 for Harbor Bay Community Development District.

Mr. Williams stated that there are several TECO street lighting agreements for the District. He explained that the agreements are standardized contracts pertaining to specific areas that require street lighting. There is a contract pertaining to underground distribution for Parcel 13, totaling \$19,220.25. Mr. Williams stated that there is an agreement pertaining to the installation of an underground distribution system pertaining to Parcel A-2, 12B and Parcel 12C totaling \$33,733.50. There are street lighting agreements for Parcel 13 for street lights which include 15 poles with 100 lights and 7 lights with poles for Parcel 12B and 12C. There was a question regarding the amount of recurring monthly charges for the street lighting agreements, as the amount was not listed on the street lighting agreements. Mr. Williams suggested that the Board review the contracts to verify that they are consistent with previous street lighting contracts and to verify that the lights that will be installed are consistent with the District schematics. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Mr. Gamm, seconded by Ms. Greene, with all in favor, the Board approved the contracts for TECO for Harbor Bay Community Development District.

Mr. Gamm stated that there is a proposal for Rover Wireless pertaining to security cameras, security access systems and internet access for future residents. The total of the

proposal is \$21,034.06 with an additional recurring monthly charge of \$600.00 for the T-1 data line. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the proposal for Rover Wireless in the amount of \$21,034.06 for Harbor Bay Community Development District.

Mr. Gamm stated that there is a proposal for Servidian Innovative Security Services pertaining to the locking mechanism for the swipe card access system to allow residents and non-residents access to club facilities. The total amount of the proposal is \$17,224.00. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Gamm, with all in favor, the Board approved the proposal for Servidian Innovative Security Services totaling \$17,224.00 for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Johnson stated that there is a resolution for the Board's consideration. Mr. Tyler explained that originally the resolution pertaining to the bond had a typographical error stating that from November 2, 2002 any excess monies in the 2001A capitalized interest account would be transferred over and utilized to redeem 2001B bonds. It should have stated that from November 2, 2003 any excess monies remaining would be utilized to redeem the 2001B bonds. He explained that the developer paid the amount that would otherwise have been capitalized. This resolution will provide the equal amount that the developer had paid in interest. Mr. Johnson stated that he reviewed Resolution 2004-02 and approved of its content. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Shelling, seconded by Mr. Gamm, with all in favor, the Board approved Resolution 2004-02 for Harbor Bay Community Development District.

Mr. Johnson asked the Board for verification whether there is a policy and rules in place pertaining to the use of recreational facilities by builder/developer owned lots by the end user of the property.

B. District Engineer
No report.

C. District Manager
Mr. Williams stated that a Request for Engineering Services was advertised per statutory requirements. The results will be considered at the November meeting. Mr. Williams stated that he will consult with Mr. Johnson and Mr. Gamm regarding composing rules and policies for the recreational facilities.

EIGHTH ORDER OF BUSINESS

**Supervisor Requests and
Audience Comments**

Mr. Williams stated that the next item on the agenda is Supervisor requests and audience comments. There were no audience members in attendance other than those noted at the beginning of the meeting. He asked if there were any Supervisor requests.

Ms. Shelling offered her resignation to the Board effective upon the adjournment of the meeting today. Mr. Williams asked for a motion to approve.

On MOTION by Mr. Gamm, seconded by Ms. Greene, with all in favor, the Board approved the resignation of Ms. Shelling from the Board of Supervisors for Harbor Bay Community Development District.

Mr. Williams asked the Board to consider a replacement Supervisor and present their findings at the next Board meeting.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Williams stated that there were no further agenda items to come before the Board and asked for a motion to adjourn.

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

Williams
Secretary

Steve Gamm
Chair

Pete