

MINUTES OF MEETING

**HARBOR BAY
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Harbor Bay Community Development District was held on **Tuesday, April 20, 2004 at 9:00 a.m.** at the Mirabay Welcome Center located at 205 Manns Harbor Drive, Apollo Beach, FL 33572.

Present and constituting a quorum:

Don Whyte	Board Supervisor, Chairman
Suzi Greene	Board Supervisor, Assistant Secretary
Chris Coughlin	Board Supervisor, Assistant Secretary
Lisa Wrenn	Board Supervisor, Assistant Secretary

Also present were:

Pete Williams	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker and Bolves, P.A.
Jamie Scarola	District Engineer, Scarola & Associates, Inc.
Alan Getz	Greenacre Properties, Inc.
Alex McCloud	Development Representative, Newland Communities, Inc.

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

**Consideration of Board Supervisor
Resignation**

Mr. Williams stated that due to increased travel requirements from her job, Board Supervisor, Brenda Kunkel, is tending her resignation from the position of Vice Chairman. She expressed her desire to remain on the Board in the position of Assistant Secretary. Mr. Williams asked the Board to for a motion to accept Ms. Kunkel's resignation from the position of Vice Chairman.

On a Motion by Ms. Greene, seconded by Mr. Coughlin, with all in favor, the Board of Supervisors accepted the resignation of Board Supervisor Brenda Kunkel as Vice Chairman and appointed her as an Assistant Secretary for Harbor Bay Community Development District.

Mr. Williams asked if there were any nominations for the position of Vice Chairman. Ms. Greene nominated Chris Coughlin to the position of Vice Chairman. Mr. Williams asked if there were any other nominations. There were none, so he asked for a motion to approve.

On a Motion by Ms. Greene, seconded by Ms. Wrenn, with all in favor, the Board of Supervisors appointed Chris Coughlin to the position of Vice Chairman for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Consideration of Minutes of the Board of Supervisors' Meeting on March 16, 2004

Mr. Williams stated that the next item on the agenda is to consider the minutes of the Board of Supervisors' meeting on March 16, 2004 (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.

On MOTION by Ms. Greene, seconded by Ms. Wrenn, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on March 16, 2004 for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Authorizations to Disburse District Funds 2004-07 and 2004-07A

Mr. Williams stated that the next item on the agenda is the consideration of the Authorizations to Disburse District Funds 2004-07 and 2004-07A (located behind tab 2). He stated that the disbursement consist of invoices for standard contractual obligations, legal fees and management fees. He stated that Disbursement 2004-07A pertains to contractual obligations for the amenities center. Mr. Williams asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Mr. Coughlin, seconded by Ms. Greene, with all in favor, the Board approved the Authorizations to Disburse District Funds 2004-07 and 2004-07A for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of Construction Requisitions #242-#252

Mr. Williams stated that the next item on the agenda is the consideration of Construction Requisitions #242-#252 (located behind tab 3). He explained that the requisitions have been reviewed and certified by the District Engineer. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Mr. Coughlin, seconded by Ms. Greene, with all in favor, the Board approved Construction Requisitions #242-#252 for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Mitigation Proposal

Mr. Williams stated that the next item on the agenda is the consideration of a mitigation proposal from Biological Research Associates pertaining to sections M1, M2 and the enhancement of wetland sections B,C, C1, D1, E, H, I, J and K. The total proposal amount is \$30,030. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Mr. Coughlin, seconded by Ms. Wren, with all in favor, the Board approved the mitigation contract for Biological Research Associates totaling \$30,030 for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Consideration of Change Orders

Mr. Williams stated that there are several change orders from Kearney Development Company, Inc. Mr. Coughlin distributed copies of the change orders to the Board.

Mr. Williams explained that the original bid specifications for the project specified that additional portions of land would be added to the contract, provided that the unit pricing would remain the same as the original bid. The change order amounts are for additions to the existing contract in the following amounts: \$479,423.65; \$214, 425.90; and \$561,746.25. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Mr. Whyte, seconded by Mr. Coughlin, with all in favor, the Board approved the change orders for Kearney Development Company, Inc. in the amounts of \$479,423.65; \$214,425.90 and \$561,746.25 for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Mr. Craine introduced himself to the Board and provided a brief description of his legal background.
- B. District Engineer
Mr. Scarola stated that there is an issue pertaining to the walls surrounding the ponds located at the end of the cul de sacs in the District. He explained that there is an issue concerning minor cracks in the walls and an issue of an improperly installed water stop that has caused a deep crack which has resulted in water seeping from that pond. He explained that he has consulted the contractor responsible for the original construction who felt the problem was a maintenance issue and suggested the application of injection grout into the cracked areas. Mr. Scarola stated that pond with the water seepage will require extensive repairs than just the application of grout. Mr. Coughlin recommended that possible repair options be researched and brought to the Board for consideration at the next meeting.
- C. District Manager
Mr. Williams stated that there have been requests from residents in the community to hold an informational workshop in relation to the District and HOA's roles within the community. He recommended that a workshop be held on Tuesday, May 12, 2004 from 6:30 p.m. to 8:00 p.m.

NINTH ORDER OF BUSINESS

**Supervisor Requests and
Audience Comments**

Mr. Williams stated that the next item on the agenda is Supervisor Requests and Audience Comments. He stated that there is one member of the audience in attendance. Mr. Williams asked if there were any comments from the audience member. There were none. Mr. Williams asked if there were any Supervisor requests.

TENTH ORDER OF BUSINESS

Adjournment

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

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

Pete Williams
Secretary

W. Don Whyte
Chairman