

**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, August 17, 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 were:

Suzanne Soto	<b>Board Supervisor, Assistant Secretary</b>
Brenda Kunkel	<b>Board Supervisor, Assistant Secretary</b>
Lisa Wrenn	<b>Board Supervisor, Assistant Secretary</b>
Don Whyte	<b>Board Supervisor, Chairman</b> ( <i>joined the meeting in progress</i> ).
Chris Coughlin	<b>Board Supervisor, Vice Chairman</b> ( <i>joined the meeting in progress</i> )

Also present were:

Pete Williams	<b>District Manager, 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>
Al Getz	<b>Green Acres Property Management</b>

**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 July 20, 2004**

Mr. Williams stated that the first item on the agenda is to consider the minutes of the Board of Supervisors' meeting held on July 20, 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 to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Wrenn with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on July 20, 2004 for Harbor Bay Community Development District.

*(Mr. Coughlin joined the meeting in progress).*

**THIRD ORDER OF BUSINESS**

**Consideration of Authorizations  
to Disburse District Funds 2004-11 and  
2004-11A**

Mr. Williams stated that the next item on the agenda is the consideration of the Authorizations to Disburse District Funds 2004-11 and 2004-11A (located behind tab 2). He stated that the disbursements consist of invoices for standard contractual commitments and administrative fees. Mr. Williams asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Wrenn, with all in favor, the Board approved the Authorizations to Disburse District Funds 2004-11 and 2004-11A for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Series 2002  
Construction Requisitions #280  
through #284**

Mr. Williams stated that the next item on the agenda is the consideration of Series 2002 Construction Requisitions #280 through #284 (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. Wrenn, seconded by Ms. Kunkel, with all in favor, the Board approved the Series 2002 Construction Requisitions #280 through #284 for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Public Hearing on Fiscal Year 2004/2005  
Operating Budget and Consideration of  
Resolution 2004-04, Adopting Budget**

Mr. Williams stated that the next item for consideration is the public hearing on the Fiscal Year 2004/2005 Operating Budget and consideration of Resolution 2004-04, Adopting the budget. He recommended that this agenda item be discussed later in the meeting, pending the arrival of the Chairman.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2004-05,  
Disbursement for Expenses**

Mr. Williams stated that the next item on the agenda is the consideration of Resolution 2004-05, Disbursement for Expenses. He explained that upon establishment, a resolution was adopted authorizing the payment of invoices which are based upon contractual agreements between Board meetings. These invoices are then brought back to the Board for ratification at the next Board meeting. Mr. Williams explained that the approval of Resolution 2004-05 authorizes the payment of invoices for continuing expenses for items which are considered necessary or may pose a potential hazard to the community therefore requiring immediate attention. The invoices related to such expenditures would be brought back to the Board at the next meeting for ratification. Mr. Williams asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Wrenn, with all in favor, the Board approved Resolution 2004-05, Disbursement for Expenses for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
No report.
- B. District Engineer  
Mr. Scarola stated that he has information relating to seawall issues to present to the Board, but requested to present this information later in the meeting.
- C. District Manager  
Mr. Williams reminded the Board that the next fiscal year meeting schedule will be adopted at the next Board meeting. He recommended that the Board review the current meeting schedule and make any recommendations for changes at the next meeting.

Mr. Getz stated that preparations for the hurricane were well-organized and proceeded as planned. He stated, that due to time constraints of preparing for the storm, the pool was closed with signage; however, he recommended that larger signage be used for future pool closings. Mr. Getz explained that emergency related information was posted informing residents of shelters and pertinent storm information. Mr. Getz stated that the Developer sent requests to builders in the community to secure supplies and structures. He expressed that they responded well and made preparations for the storm. *(Mr. Whyte joined the meeting in progress)*

**EIGHTH ORDER OF BUSINESS**

**Public Hearing on Fiscal Year 2004/2005  
Operating Budget and Consideration of  
Resolution 2004-04, Adopting Budget**

Mr. Williams stated that the next item for discussion is the public hearing on the Fiscal Year 2004/2005 Operating Budget and consideration of Resolution 2004-04, Adopting the budget. Mr. Williams asked for a motion to open the public hearing.

On MOTION by Mr. Whyte, seconded by Ms. Kunkel, with all in favor, the Board opened the public hearing on the Fiscal Year 2004/2005 Operating Budget for Harbor Bay Community Development District.

Mr. Williams stated that there have been changes to the proposed budget which include increasing the District Engineer and Auditing line items. The District Counsel line item was decreased as funds were allocated last fiscal year to accommodate traveling expenses for the previous District Counsel firm. Mr. Williams stated that there are several additional line items such as gas usage for the restaurant facilities and clubhouse. He stated that the total budget is \$1,700,800. Mr. Williams stated that, based upon review of the current expenditures, he recommended that the Entry & Wall Maintenance line item be reduced to \$20,000. He reviewed additional line items for the Board in further detail.

Mr. Williams stated that the next step in the public hearing process is open for public comment and testimony. Since there is no public in attendance, he asked for a motion to close the public hearing.

On MOTION by Mr. Whyte, seconded by Mr. Coughlin, with all in favor, the Board closed the public hearing on the Fiscal Year 2004/2005 Operating Budget for Harbor Bay Community Development District.

Mr. Williams asked if there were any questions regarding the budget. There were none, so he asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Mr. Whyte, with all in favor, the Board approved Resolution 2004-04, Adopting the Fiscal Year 2004/2005 Operating Budget (\$1,700,800) for Harbor Bay Community Development District.

## **NINTH ORDER OF BUSINESS**

### **Continuation of Staff Reports**

Mr. Scarola reviewed the results of a seawall inspection that was conducted and presented details of his inspection to the Board. He presented recommendations to the Board for future monitoring of the seawall. Mr. Scarola concluded that the seawall integrity is good and appears to be functioning; however, it should still be monitored. Mr. Williams recommended that the Board consider authorizing the Vice Chairman and District Engineer to contract a design consultant to review issues related to the seawall and proceed with necessary repairs based upon the design consultant's recommendations and setting a not-to exceed amount of \$10,000 for services and repair. 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. Kunkel, with all in favor, the Board authorized the Vice Chairman and District Engineer to obtain design consultant services and proceed with necessary repairs based on those recommendations and setting a not-to-exceed amount of \$10,000 for services and repairs for Harbor Bay Community Development District.

## **TENTH 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 are no audience members in attendance other than those listed at the onset of the meeting. Mr. Williams asked if there were any Supervisor requests.

Mr. Coughlin distributed correspondence he received from The Sinclair Group responding to a request for further information regarding the cost increases of Change Order #24, totaling \$239,220. He stated that he has reviewed the information and verified the support given for the increased cost and it is justified. Mr. Williams asked for a motion to approve Change Order #24.

On MOTION by Mr. Coughlin, seconded by Mr. Whyte, with all in favor, the Board approved Change Order #24 from The Sinclair Group for Harbor Bay Community Development District.

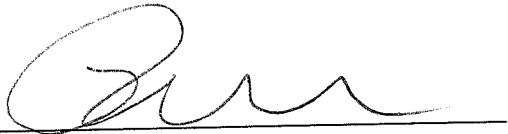
Mr. Williams asked if there were any further Supervisor requests. There were none.

**ELEVENTH 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. Whyte, seconded by Ms. Kunkel, with all in favor, the Board adjourned the meeting for Harbor Bay Community Development District.

  
Pete Williams  
Secretary

  
~~Don Williams~~  
Chairman

  
Don Whyte