

**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 Harbor Bay Community Development District was held on **Tuesday, October 17, 2006 at 9:00 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:

Chris Coughlin	<b>Board Supervisor, Chairman</b>
Scott Jones	<b>Board Supervisor, Assistant Secretary</b>
Julie Wisdom	<b>Board Supervisor, Assistant Secretary</b> <i>(joined the meeting in progress.)</i>
Lisa Wrenn	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Pete Williams	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Tina Wells	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Matt Huber	<b>Representative, Rizzetta &amp; Company, Inc.</b>
Debra Cappelli	<b>Representative, Rizzetta &amp; Company, Inc.</b>
Michael Brooks	<b>Representative, Bricklemyer, Smolker &amp; Bolves, P.A.</b> <i>(joined the meeting in progress.)</i>
Jamie Scarola	<b>District Engineer, Scarola &amp; Associates</b>
Laura Ackerman	
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Wells called the meeting to order at 9:00 a.m. and read roll call.

**SECOND ORDER OF BUSINESS**

**Consideration of Resignation of Board  
Supervisor (Sally McFolling)**

Ms. Wells stated that the first order of business is the consideration of resignation of Board Supervisor, Sally McFolling. She asked for a motion to approve the resignation.

On a Motion by Mr. Jones, seconded by Mr. Coughlin, with all in favor, the Board approved the resignation of Board Supervisor, Sally McFolling for Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of Board Supervisor Replacement**

Ms. Wells stated that the next order of business is the consideration of a Board Supervisor replacement. She asked for any nominations. Mr. Coughlin nominated Laura Ackerman as Assistant Secretary.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board appointed Laura Ackerman as Assistant Secretary for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Appointed Board Supervisor**

Ms. Wells stated that the next order of business is the administration of the oath of office to the newly appointed Board Supervisor. Ms. Wells stated that she is a licensed Notary in the State of Florida. She asked that Ms. Ackerman raise her right hand and repeat the oath that Ms. Wells read. Ms. Ackerman swore and repeated the oath that was read.

**FIFTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Board of Supervisors' Meeting held on August 22, 2006**

Ms. Wells stated that the next order of business is the consideration of the minutes of the Board of Supervisors' meeting held on August 22, 2006. She asked if there were any additions, deletions or corrections. There were none. She asked for a motion to approve the minutes.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting held on August 22, 2006 for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Operation and Maintenance Expenditures for September 2006**

Ms. Wells stated that the next item on the agenda is the consideration of operation and maintenance expenditures for September 2006 totaling \$135,519.19. She stated that the expenditures covered the period of August 1<sup>st</sup> – 31<sup>st</sup>. Ms. Wells asked if there were any questions. There were none. She asked for a motion to approve.

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board approved the Operation and Maintenance Expenditures for September 2006 (\$135,519.19) for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Operation and  
Maintenance Expenditures for October  
2006**

Ms. Wells stated that the next item on the agenda is the consideration of operation and maintenance expenditures for October 2006 totaling \$80,574.36. She stated that the expenditures covered the period of September 1<sup>st</sup> – 30<sup>th</sup>. Ms. Wells asked if there were any questions. There were none. She asked for a motion to approve.

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board approved the Operation and Maintenance Expenditures for October 2006 (\$80,574.36) for Harbor Bay Community Development District.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Series 2002 Construction  
Requisition #410 - #412 and #415 - #426**

Ms. Wells stated that the next item on the agenda is the consideration of the Series 2002 Construction Requisitions #410 through #412 and #415 through #426. She asked if there were any questions. There were none. Ms. Wells asked for a motion to approve.

On a Motion by Mr. Jones, seconded by Mr. Coughlin, with all in favor, the Board approved the Series 2002 Construction Requisitions #410- #412 and #415 - #426 for Harbor Bay Community Development District.

**NINTH ORDER OF BUSINESS**

**Consideration of Fiscal Year 2004/2005  
Audit**

Ms. Wells stated that the next item on the agenda is the consideration of Fiscal Year 2004/2005 Audit. She stated that on page 23 of the management report, there was an observation that the Budget was exceeded by approximately \$147,578. Ms. Wells stated that the auditor recommended the Board amend the Budget.

*(Julie Wisdom joined the meeting in progress.)*

Ms. Wells stated asked if there were any questions. There were none. Mr. Coughlin stated that the Budget overages were noticed during the budget workshop. Mr. Williams stated that there will be no special assessments to residents to make up for the short fall.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board accepted the Fiscal Year 2004/2005 Audit for Harbor Bay Community Development District.

**TENTH ORDER OF BUSINESS**

**Consideration of Resolution 2007-01,  
Adopting Fiscal Year 2005/2006 Amended  
Budget**

Ms. Wells stated that the next item on the agenda is the consideration of Resolution 2007-01, Adopting the Fiscal Year 2005/2006 Amended Budget. She stated that, by statute, the District is required to present a balanced budget. Ms. Wells stated that since the overage of the budgeted allocations occurred, the District is required to adopt an Amended Budget within 60 days of the end of the 2005/2006 Fiscal Year. She asked if there were any questions. There were none. Ms. Wells asked for a motion to approve.

On a Motion by Mr. Coughlin, seconded by Ms. Wisdom, with all in favor, the Board approved Resolution 2007-01, Adopting Fiscal Year 2005/2006 Amended Budget (\$2,300,000.00) for Harbor Bay Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Brooks stated that Mr. Craine is still in the negotiation with Café Denali regarding the finalization of the lease.

B. District Engineer

Mr. Scarola updated the Board regarding the seawall repairs. He stated that the whalers are currently being installed. There was a question regarding the seawall designer. Mr. Scarola stated that the Designer is currently onsite daily and is supervising the project.

Mr. Scarola updated the Board regarding the SWFWMD inspections. He stated that the Developer and Builder are working to correct the rear yard swales so that the permits can be obtained through SWFWMD. Mr. Scarola stated that he will continue to monitor the project and keep the Board abreast of any developments.

C. Club Manager

Not present.

Mr. Coughlin stated that the current Club House Manager, Erika Werkheiser is being promoted. He stated that WTS International is currently interviewing candidates to replace Erika. Mr. Coughlin stated that the Developer has been participating in the final interviews. He stated that the new candidate will be employed by November 1<sup>st</sup>, 2006. Mr. Coughlin stated that Erika Werkheiser will be the account executive, overseeing the management at Mira Bay.

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

D. HOA Manager

Mr. Coughlin provided an update that the HOA management process has been finalized and transitioned from Greenacres to Rizzetta. He stated that the transition was a full 30-day process between the accounting departments. Mr. Coughlin stated that Debby Cappelli will now be the HOA manager and she is in the process of obtaining an on-site manager.

E. District Manager

Ms. Wells stated that there was a meeting held on September 27, 2006 with the Chairman, District Management and some of the residents that discussed some of the issues that have been going on within the District.

Ms. Wells stated that one of the issues that were the discussed was the speeding within the District. Mr. Coughlin stated that the group had reviewed installing a monitoring system. However, he stated, that the system would not allow the District to remain within statutory guidelines. Mr. Coughlin stated that further discussion ensued regarding using the system at a 15% capacity. Ms. Wells stated that District Management has other companies for the Board to review as well. She stated that it was the District's intention to maintain and comply within the Florida Statutes. Therefore, she asked to Board to approve and allow the Chairman and District Management and staff to proceed with a solution for the gate issues. Ms. Wells requested the Board set a not-to-exceed amount of \$40,000. She recommended that the Board select a bar code gate system that will combine hardware and software that allows visitors access for 5-7 days and then, the system would automatically disable the scanner. Ms. Wells also recommended the Board consider allowing maids, pool and lawn services to have access to the District from 7am to 7pm. She stated that the monitoring systems allows for programming to set the gate access.

Mr. Coughlin stated that the maids, pool and lawn services would go through the resident or scanner side, without having to stop at the main gate, if they are already pre-registered. He stated that the maids, pool and lawn service personnel would still have 24-hour access, however, if they attempted to gain access to the District during their non-registered hours, they would be required to go to the non-resident side of the main gate.

Mr. Coughlin stated that the resident group discussed replacing the swipe card proximity cards with cameras.

Ms. Wells requested a motion to enter a not-to-exceed amount and authorizing staff to proceed with researching and entering into negotiations with a company that is capable of handling the gate access monitoring needs for Harbor Bay Community Development District.

On a Motion by Mr. Jones, seconded by Ms. Wrenn, with all in favor, the Board approved the not-to-exceed amount of \$40,000 in Capital Improvements to replace the swipe card proximity cards with gate access software and hardware. The Board authorized the Chairman and Staff to proceed with researching and entering into negotiations with a company that is capable of handling the gate access monitoring system for Harbor Bay Community Development District.

Ms. Wells provided an update on resolving the speeding issues within the District. She stated that Kathy Harp had received several emails from residents. Ms. Wells reviewed the residents' requests with the Board. She stated that she received a suggestion from a resident to install speed bumps to resolve the speeding.

Ms. Wells stated that at the resident meeting, several possible solutions were discussed to evaluate the speeding problems. She stated that a traffic engineer was present at the resident meeting, however he was not able to attend the entirety of the meeting, and therefore was not able to provide any recommendations. Ms. Wells stated that she contacted the traffic engineer and invited him to attend today's meeting, however, he was unable to attend.

Ms. Wells provided the Board with some of the residents' resolutions. She stated that she would provide the residents' suggestions to the traffic engineer to determine if a traffic study is needed. Ms. Wells stated that traffic studies cost up to \$20,000. She stated that there may be other options available, rather than having a traffic study conducted.

Ms. Wells stated that one of the residents' suggestions was to purchase radar guns. She stated that she researched the suggestion. Ms. Wells stated that radar guns cost approximately between \$810 and \$1,300 per radar gun. She stated that the costs also include certifying someone to use them. Ms. Wells stated that upon the Board's approval, the HOA could issue violations to speeders. She stated also that the Board could invite the Hillsborough County Sheriff's Department to run radar and issue speeding tickets to violators. She stated that if the District had its own radar gun, someone could continually monitor the speeding at any time of the day, rather than having to conform to the Sheriff Department's schedule.

A discussion ensued regarding the HOA issuance of violations to residents. Mr. Williams stated that the District could review the HOA bylaws and review the general nuisance behavior scenario. He stated that the District could institute an amendment by way of a Declaration of Conveyance.

Mr. Williams stated that a Funding Committee would need to be created to make recommendations to the Board regarding individuals who have been repeatedly cited for speeding violations. He stated that the committee could consist of residents and volunteers within the community. Mr. Williams stated that the committee would be created to raise community awareness and to help the District remain in compliance.

Mr. Williams also stated that the individuals who would operate the radar equipment would be required to attend the meetings and participate in a certification program from the manufacturer.

A brief discussion ensued regarding the installation of speed bumps.

Ms. Wells stated that another resident suggestion to alleviate speeding within the District was to install the "Your Speed Is" speed boards. She suggested placing the speed board under the speed limit signs, or attaching the speed board to a hitch. Ms. Wells stated that the speed boards cost between \$4,000 and \$4,700 each.

A brief discussion ensued regarding the recording capabilities on the speed board equipment. Mr. Jones requested further research on purchasing and installing the equipment. He requested that studies be provided to the Board, prior to purchasing the equipment.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board approved the not-to-exceed amount of \$12,000 (through Operation and Maintenance Expenditures) to install two speed boards equipment, along with the associated equipment to make the installation process as mobile as possible, and authorized the purchase of two radar guns for Harbor Bay Community Development District.

Ms. Wells asked Mr. Coughlin to discuss the cameras. He stated that he would like to propose replacing and installing cameras at Gates #1 and #2 and at the boat lift. Mr. Coughlin stated that he contacted several vendors and that Royce had the lowest bid. He asked the Board to approve a motion to enter into a contract with Royce for the installation of the camera system at Gates #1 and #2 and at the boat lift. Mr. Coughlin stated that the new cameras and gates system will work with the existing DXS car camera system for the license plates.

Mr. Coughlin requested a not-to-exceed amount of \$40,000 be set for the installation of cameras and a not-to-exceed amount of \$30,000 for the installation of the gates. The total amount of \$70,000 will be applied to the Capital Improvement Fund.

Ms. Wells asked if there were any questions. There were none. She asked for a motion to approve.

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board approved a motion to enter into a contract with Royce for the installation of the camera system at Gates #1 and #2 and at the boat lift with a not-to-exceed amount of \$40,000 for the cameras and a not-to-exceed amount of \$30,000 for the installation of the gates. The total amount of \$70,000 will be applied to the Capital Improvement Fund for Harbor Bay Community Development District.

Ms. Wells stated that the next resident solution regarding the speeding issue was the discussion to request a traffic study. She stated, however, due to the recent motion for the approval of the radar guns and speed boards, she will wait until further results are provided by the Board.

**TWELFTH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

Ms. Wells stated that the next item on the agenda is Supervisor Requests and audience comments. She asked if there were any Supervisor requests at this time. There were none. She asked if there were any audience comments. There were none.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

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

On a Motion by Mr. Coughlin, seconded by Mr. Jones, with all in favor, the Board adjourned the meeting at 9:50 a.m. for Harbor Bay Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman