

**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 the Harbor Bay Community Development District was held on **Tuesday, October 21, 2008 at 6:33 p.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:

Scott Jones	<b>Board Supervisor, Chairman</b>
Ben Gelston	<b>Board Supervisor, Vice Chairman</b>
Laura Ackerman	<b>Board Supervisor, Assistant Secretary</b>
Ed Stone	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Tina Wells	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Bricklemyer Smolker &amp; Bolves</b>
Jamie Scarola	<b>District Engineer, Scarola Associates Engineering Design</b>
Karla Gibson	<b>Club Manager, Mira Bay</b>
Theron Miller	<b>HOA Manager, Rizzetta &amp; Company, Inc.</b>

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Wells called the meeting to order and read the roll call.

**SECOND ORDER OF BUSINESS**

**Consideration of Board Supervisor  
Replacement**

Ms. Wells stated that the next item on the agenda was the consideration of a Board Supervisor Replacement. She stated that there was one (1) vacant seat. Mr. Craine explained that Mr. Stone has been sitting in Seat 3 and that the Board was using this seat to fill the vacancy of Donald Hawkins. He stated that Seat 3 is scheduled to become vacant again because Mr. Stone is going to resign from that seat and is expected to be elected to Seat 4. Mr. Craine asked that the Board authorize the acceptance of Mr. Stone's letter of resignation upon submission. He stated that at that point Seat 3 would be subject to being filled at the November 18<sup>th</sup> meeting or any meeting thereafter. Mr. Craine stated that Seat 5 is going to be determined by the Electors and the new Board will be sworn in on November 18, 2008.

On a Motion by Ms. Ackerman, seconded by Mr. Jones, with all in favor, the Board authorized Ms. Wells to accept Mr. Stone's resignation, effective November 4, 2008 for harbor Bay Community Development District.

Mr. Craine stated that there was an article in the *Osprey Observer* regarding the issues at the August meeting with regard to one of the Supervisors who resigned at that meeting. He stated that the article also implicated some other issues with regard to Board member Ben Gelston. Mr. Craine stated that he looked into the allegations in that article and found that Mr. Gelston had gone to a reception for Mr. Kim on August 2nd, and unbeknownst to him, his hotel room was actually paid for by Mr. Kim. Mr. Gelston responded to Mr. Kim by sending him a check prior to the August 28<sup>th</sup> meeting that covered the cost of that hotel room and the evening. Mr. Craine reviewed Florida Statute 112.3148 and stated that under the Statute this was a non-reportable gift. He stated that the gift was not solicited to Mr. Gelston and that Mr. Gelston reimbursed the vendor and complied with the Statute both in the spirit and in the letter of the law. Mr. Craine stated that he considers this matter closed. He asked if the Board had any questions. There were none.

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes of the Board of Supervisors' Meeting held on August 28, 2008**

Ms. Wells stated that the next item on the agenda was the consideration of the minutes of the Board of Supervisors' meeting held on August 28, 2008. She asked if there were any additions, deletions, or corrections. Mr. Scarola stated that in the *Eighteenth Order of Business* on Page 8 under the *District Engineer's Report*, Mira Bay, LLC should be identified as the commercial developer. A Board member asked if the leaking water main head, discussed in the *Eighth Order of Business* on Page 9, had been replaced. Ms. Wells stated that it was replaced in September.

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting held on August 28, 2008 (as amended) for Harbor Bay Community Development District.

A Board member asked for clarification regarding the releasing of minutes. Ms. Wells stated that it had been Rizzetta & Company's policy in the past to not release minutes until they were approved by the Board. She stated that once the minutes were approved, they were posted on the District's website. Ms. Wells asked the Board if they would like to make the decision now regarding how they would like to proceed with releasing public records. It was decided that the minutes would be posted on the CDD Website in a draft format prior to posting the approved minutes since the Board Members receive this version prior to the meeting. Ms. Wells recommended that any request for public records come directly to the District Management office. She clarified that if any Board member wanted to share the minutes, he or she can do so because the minutes are a matter of public record. Ms. Wells reminded everyone in attendance that there is usually a two week turnaround time for drafting the minutes. She asked if there were any questions from the Board. There were none.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Operation and Maintenance Expenditures for September and October 2008**

Ms. Wells stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for September 2008. She stated that these were for the period of August 1-31, 2008 and totaled \$251,903.72. Ms. Wells stated that the expenditures for October 2008 were for the period of September 1-30, 2008 and totaled \$209,282.03. Ms. Ackerman inquired about the substantial charges under miscellaneous expenses. Mr. Craine stated that he believed that it was for the fees for expert witnesses. He stated that he would check with accounting and follow-up with the Board with more specific information. Ms. Ackerman also inquired about interest on an unpaid balance of \$900. Ms. Wells stated that they do not pay any interest and that she would have that removed from the invoice. Mr. Stone stated that in the last meeting, he made a request to withhold payment to Welch until such time as the tennis courts had been approved. He stated that it was paid, and he did not know anyone had approved it. Ms. Wells stated that when that request was made at the last meeting, the bill had already been paid. Mr. Gelston asked if they still hold retainage. Ms. Wells stated that there was not any retainage. Discussion ensued. A Board member stated that the District needs to have someone inspect the tennis courts to ensure that the work is completed. Ms. Wells stated that Ms. Gibson and Mr. Miller could inspect the courts. She asked if there were any other questions. There were none. Ms. Wells asked for a motion to approve the Operation and Expenditures for September and October 2008.

On a Motion by Mr. Jones, seconded by Ms. Gelston, with all in favor, the Board approved the Operation and Expenditures for September 2008 (\$251,903.72) and October 2008 (\$209,282.03) for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2009-01, Amending the Fiscal Year 2007/2008 General Fund Budget**

Ms. Wells stated that the next item on the agenda was the consideration of Resolution 2009-01, Amending the Fiscal Year 2007/2008 General Fund Budget. She stated that for auditing purposes the Florida Statutes require the District to amend the budget within sixty (60) days of the end of the fiscal year. Ms. Wells explained the budget process for the Board. She reported that for Fiscal Year 2007/2008, the Board had budgeted for \$2,577,998. Ms. Wells stated that they took in \$2,759,599, which included tax collector interest earnings and any interest earnings from investments. She stated that there may be a few miscellaneous bills that would reduce the \$5,883 in excess revenues. Ms. Wells clarified for the Board that the storm damage replacement on page 2 was approximately an \$11,000 over-accrual to the amended budget. A discussion ensued regarding the capital reserve fund.

On a Motion by Mr. Jones, seconded by Mr. Gelston, with all in favor, the Board approved Resolution 2009-01, Amending the Fiscal Year 2007/2008 General Fund Budget totaling \$2,759,599 for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2009-02,  
Addendum to the Provision of Contractual  
Services dated September 11, 2003**

Ms. Wells stated that the next item on the agenda was the consideration of Resolution 2009-02, Addendum to the Provision of Contractual Services dated September 11, 2003, as requested by Mr. Gelston and the HOA. She stated that this item would be tabled until a later meeting.

**SEVENTH ORDER OF BUSINESS**

**Consideration of US Security Proposal**

Ms. Wells stated that the next item on the agenda was the consideration of the US Security Proposal. She stated that she did not request this proposal but believed that Mr. Vrouhas and some of the residents wanted to know the difference of costs between the off-duty deputies currently in place versus the roving patrol. Ms. Wells stated that there was one proposal for forty (40) hours per week totaling \$45,583 per year and another proposal for twenty (20) hours per week totaling \$29,432 per year. She asked if the Board would like to consider either of these proposals at this time. The Board decided to table this item.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Terminix Proposal**

Ms. Wells stated that the next item on the agenda was the consideration of the Terminix Proposal. Ms. Gibson updated the Board on the findings. A discussion ensued regarding obtaining a formal quote and work schedule. Ms. Wells reminded the Board that there is no line item in the budget for this particular circumstance. She asked the Board if they would like to address this before approving it. Ms. Wells stated that the HOA will be asking the District to pay for this item. A discussion ensued. The Board decided to use the money from the contingency. Mr. Stone asked that the HOA obtain three (3) proposals and then provide a recommendation to the Board by the next meeting. Ms. Wells asked for a motion.

<p>On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board authorized the HOA to obtain three (3) bids for termite preventative services and to provide the District with a recommendation by the next meeting for Harbor Bay Community Development District.</p>
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**NINTH ORDER OF BUSINESS**

**Consideration of Lee Te Kim Proposals**

Ms. Wells stated that the next item on the agenda was the consideration of the Lee Te Kim Proposals. She stated that the annuals needed to be replaced. Discussion ensued. Ms. Wells suggested requesting a different type of annual. It was stated that Mr. Miller is authorized as District's landscape representative. Ms. Wells asked the Board if they wanted to set a not-to-exceed amount of \$4,317.49 and if they were comfortable with Mr. Miller seeking approval from Ms. Ackerman.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board approved the Lee Te Kim Proposals for \$8,317.49 minus the \$4,000 credit from the July billing (totaling approximately \$4,317.00) and the change in the type of annuals for Harbor Bay Community Development District.

Ms. Wells stated that in September, she received calls from residents regarding watering issues. Ms. Wells contacted Betsy at Lee Te Kim, and Betsy stated that the issues were only in Seacrest. Ms. Wells stated that the hand watering occurred without her approval. She asked the Board how they would like for her to proceed. Ms. Wells stated that the Board had budgeted \$80,000 for this year for hand watering. She stated this would give the District approximately \$6,500 per month for hand watering. Ms. Wells stated that she and Betsy decided to put together quarterly proposals not-to-exceed \$5,500 per month. She stated that the October, November, and December proposals were for \$1,000 less than the proposed monthly budget. Ms. Wells suggested pre-approving the proposals on an as-needed basis. She stated that if there was an extreme drought, they would still have a cushion in the budget.

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board approved the proposal for Watering for the Month of September totaling \$5,980.00 for Harbor Bay Community Development District.

Ms. Wells stated that one motion could be made for all of the hand watering for the months of October, November, and December. She stated that she would include "if deemed necessary" on the signature copies.

On a Motion by Mr. Jones, seconded by Mr. Gelston, with all in favor, the Board accepted the proposal for Watering (if deemed necessary) for the months of October, November, and December (with a not-to-exceed amount of \$5,500) for Harbor Bay Community Development

Ms. Wells stated that the last proposal from Lee Te Kim was a request to include weed clean-up on a monthly basis for the sand volleyball court, which was not part of the original contract. She stated that this would be at no additional cost. Ms. Wells stated that she would amend the original contract to include the scope of service.

On a Motion by Mr. Gelston, seconded by Mr. Stone, with all in favor, the Board accepted the amendment to the Lee Tee Kim contract (for weed clean-up in the sand volleyball court) for Harbor Bay Community Development District.

#### TENTH ORDER OF BUSINESS

#### CDD Facility – Cost of Extraordinary Repairs

Ms. Wells stated that the next item on the agenda was the CDD Facility – Cost of Extraordinary Repairs. She stated that this item had already been covered and asked if the Board had any questions. There were none.

**ELEVENTH ORDER OF BUSINESS**

**Proposed Changes to Proximity Card Policy**

Ms. Wells stated that the next item on the agenda was the proposed changes to the proximity card policy. She stated that this dealt with changing the rules for the Mira Bay Club. Ms. Wells distributed copies of the list of frequently asked questions, brought before the Board at the last meeting, and ensured that the Board had copies of the original rules. Ms. Wells reviewed the frequently asked questions for the staff. She stated that her understanding was that the Mira Bay Club facility was only for residents and their guests. Ms. Wells stated that she worked with Mr. Gelston and a few staff members and made some revisions, which were highlighted. She reported that the hours had changed and that the cost to replace the cards is now \$20.00. Ms. Wells stated that the access to the pool is now by the pool gate and not by the fitness center front desk. She stated that the majority of the changes were to address the frequently asked questions and definitions, such as homeowners, visitors, and guests. A Board member asked to strike the word *overnight* in the definition of a visitor, so it would read that a visitor is someone using the facility without the homeowner being present. A discussion ensued regarding the difference between a guest and a visitor. Mr. Gelston explained that with the new proximity cards, they can identify and track people more readily. He asked if there needed to be a limit on the number of visitors. Ms. Wells stated that there was no limit, but they could add a limit.

Ms. Ackerman suggested incorporating a subsection for the basketball courts. She also asked whether the current policy still allowed 13-17 year olds to use the fitness center, after having an orientation with a staff member. Ms. Gibson stated that this was still the policy; however, she suggested that children ages 13-15 be accompanied by an adult. A discussion ensued. The Board decided to change No. 8 to reflect that children under the age of 15 can use the fitness facility with an adult present and after successfully completing the orientation. The Board decided that if someone is 15-17 years old, they can use the fitness facility, under the staff's discretion, after successfully completing the orientation. A Board member asked who is considered an adult. Ms. Wells stated that an adult is anyone 21 years of age or over. The Board decided to change No. 7 to reflect the change with children 15-17 years of age. A Board member asked to change the word *liquor* to *alcohol* in No. 5. Ms. Wells stated that she would make the requested changes as well as correct some typographical errors. She stated that the frequently asked questions would be attached. A Board member suggested proactively notifying residents of the changes. A Board member stated that in No. 1 *Newland Properties* should be changed to *Newland Communities*. Ms. Wells asked if there were any questions. There were none. Ms. Wells asked for a motion to approve the Mira Bay Club Operating Rules of Procedure, as presented, and with the attached frequently asked questions.

On a Motion by Mr. Gelston, seconded by Ms. Ackerman, with all in favor, the Board approved the MiraBay Operating Rules of Procedure as presented and amended (with the attached frequently asked questions) for Harbor Bay Community Development District.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Craine stated that he has been speaking to Pete Williams at Rizzetta & Company regarding holding an orientation session for the Board subsequent to the election and prior to the reconvening of the Board in November to review the functions and responsibilities of Board members. He stated that a date has not yet been set; however, they were interested in setting the date prior to the November 18, 2008 meeting date. Mr. Craine stated that he was interested in having a shaded session to discuss the current status of the litigation process with the new Board. He stated that they are on target for a trial date in February, 2010. Mr. Craine stated that his goal is to get the parties to a table in February, 2009 to begin discussing alternatives. Mr. Craine stated that the Defendants' experts have examined the areas in Mira Bay that have been damaged. He stated that they have had some informal talks to begin discussing a way to resolve this matter.

Mr. Gelston stated that Mr. Craine stated that he had acknowledged the hotel room as a gift, but he stated that he did not acknowledge the hotel room as a gift. He stated that per the Commission on Ethics, the Form 9, and the State Statutes, this was not a gift. Mr. Gelston stated that he also disagreed with Mr. Craine's previous statement that a Form 9 needs to be filed by the end of the period if a gift is not repaid.

A Board member expressed his concern that the new Board members may not be sworn in before the shaded session. Ms. Wells stated that she can swear in the new Board members before the shaded session; that this does not have to take place in a public meeting.

B. District Engineer

Mr. Scarola updated the Board on the Sea Wall tracking process as the litigation continues. He reviewed the map showing the problem areas for the Board. Mr. Scarola stated that the northeast corner project and the southeast side of Skimmer have a lot of reports. He emphasized the immediate importance of addressing these issues even if it was only at an interim measure. Mr. Scarola clarified that some other areas had reports as well but they had a whaler applied.

He added that areas that have mangroves growing tend to do better. Mr. Jones asked Ms. Wells how this work had been paid for in the past. Ms. Wells stated that it was paid for by construction requisition through the construction fund. It was noted that the designer of the whaler system was also a Defendant in the case, so this should only be done as an interim measure. Mr. Craine stated that he would speak to the expert and the defendant's counsel and would report back to the Board.

Mr. Scarola stated that it was requested that he further discuss the needs of the District in order to be able to grant the easements with the commercial developer. He notified the Board that he called the commercial developer but has not yet received a call back.

C. District Manager

Ms. Wells stated that the Board appointed Ed Stone as a Board member in July, but that a motion asking him to accept or waive compensation had not been done. She stated that pursuant to Florida Statute, each Board member is entitled to receive up to \$200 per meeting with a maximum of \$4,800 annually for their attendance at Board meetings. Ms. Wells asked Mr. Stone if he would like to accept or waive compensation. He stated that he would like to accept compensation.

On a Motion by Mr. Ackerman, seconded by Ms. Jones, with all in favor, the Board approved Mr. Stone's compensation for meeting attendance for Harbor Bay Community Development District.

Ms. Wells stated that Mr. Stone's meeting compensation would be retroactive to the July meeting.

Ms. Wells stated that a resident suggested that she review with the Board and Staff a revenue-generating idea that he had for the District. She stated that the idea involves finding areas along the sea wall where the District would be able to allow someone to construct boat docks that would become District property. The process would include establishing long-term leases as a revenue generator.

Mr. Jones mentioned that, per zoning issues, there are a very restrictive number of docks that are allowed. He also stated that the land under the water is owned by the Developer so this would not only be at the discretion of this Board. Mr. Jones stated that there have been a number of lawsuits in neighboring areas regarding these issues. He additionally stated that obtaining permits would be quite challenging at the present time.

Ms. Wells stated that the resident also wanted the Board to consider providing RV and boat storage in undeveloped areas as a revenue generator. Mr. Jones stated that any undeveloped area would be owned by the Developer or a third party builder who has purchased the land. He stated that there are also zoning and DRI conditions that may or may not make this feasible. The Board decided not to research these ideas further at this time, given the current economic conditions.

Ms. Wells stated that she wanted to follow-up on the Williams lot. She stated that they did receive an improvement memo. Ms. Wells stated that she reviewed this with District Counsel, District Engineer, and the Board Chairman.

She stated that Adam Heath was here from the Hughes Group if the Board would like him to present his drawing. Mr. Jones stated that Mr. Heath still has not provided the information they need, such as the indemnification and the waiver. Mr. Jones reread the motion from the June 2, 2008 meeting denying the request to grant a variance for the installation of a spa and fireplace amenity based on the independent engineer's review and District Engineer's review for the Harbor Bay Community Development District, with all in favor. A brief discussion ensued.

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board denied the request to grant a variance for the installation of a spa and fireplace amenity based on an independent engineer's review and District Engineer's review for Harbor Bay Community Development District.

Mr. Jones asked Mr. Scarola to refrain from spending any additional time on this matter unless authorized by the Board.

Ms. Wells stated that she did not have any more items for the Board. She noted that the next meeting will be held on November 18, 2008 at 9:00 a.m. She stated that they will be having a new Board orientation and a shaded meeting prior to that meeting.

#### **THIRTEENTH ORDER OF BUSINESS**

#### **Supervisor Requests and Audience Comments**

Ms. Wells stated that the next item on the agenda was Supervisor requests and Audience comments. She reminded the audience that she had yellow cards for the audience members to complete. Ms. Wells stated that some of the issues on the cards had already been discussed in the meeting. She asked Mr. Jones to read the cards.

Mr. Jones stated that Larry Greenfield, a resident, asked the Board to contact him before making a decision regarding US Securities and off-duty Sheriff coverage.

Jim Powell, a resident, asked what the consideration cost is for residents where the sea wall does not apply. He stated that one-third of all occupied homes are currently not on the water. Mr. Craine stated that there are two (2) factors to consider: (1) the area between the sea wall and home structures that is in the easement and that exists there as part of the overall system; and (2) that the sea wall itself was paid for by construction funds from the bond that all of the residents are paying, so it is a community asset. He stated there are similar cases where roadways extend beyond the development and there is still a requirement to maintain those roadways. Mr. Craine stated that since the sea wall is a community asset and is a functioning part of the storm water system that serves the entire community, it is not being apportioned for those reasons. Mr. Powell also addressed the allowance of water crafts with regards to the manatees. A discussion ensued regarding ways to obtain more water rights for the third of the residents who do not live on the water. Ms. Wells stated that other people have expressed an interest in this. Mr. Craine stated that if the Board would decide to apportion the costs and work with the Save the Manatee Club, it may be a battle.

He stated that obtaining a boat ramp or boat facility may take a few years. Mr. Craine stated that if the Board wanted to proceed in this matter, the District would (1) need to look at whether that is a legal position it can take, and (2) determine a methodology it can take.

He stated that if the District were to proceed with this then the Newland portion would go down in assessments. Mr. Jones stated that he believes the way to proceed is based on the Capital Improvement Plan. He asked the Board if they wanted to explore what the feasibility is of dividing up the costs and stated that if they wanted to try to find a way to provide access to the water for residents who live in off-water lots, maybe they can renegotiate with the Save the Manatee Program. Mr. Craine stated that his only concern was the expenditures, especially since this is the beginning of a new fiscal year.

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board supported the current methodology of assessing the expenses for the Sea Wall litigation for Harbor Bay Community Development District.

Joe Hiti, a resident, stated that he thought the hand watering fees were exorbitant. He asked if it would be more cost effective to extend the current irrigation system to cover all of these areas. Mr. Jones stated that the hand watering is included in the current budget. He stated that they are just restricted to watering only one day a week. A discussion ensued.

Mr. Hiti also stated that his wife felt there should be no smoking in the pool area. The Board clarified that there is no smoking allowed in the pool area; smoking is only allowed in designated areas.

Joan Fink, a resident, asked if the Board wanted to consider a policy to require formal inspection of contracted work before Rizzetta and Company, Inc. ("Rizzetta") pays for that work. Ms. Wells stated they do have a resolution in place, and she stated that she would provide a copy of the resolution to Ms. Fink if needed. Ms. Wells stated that Rizzetta pays all contractual expenses. She stated that Rizzetta is authorized to pay any work that is non-contractual and under \$5,000. She stated that if the work is over \$5,000, the Board's approval is needed and if it is an emergency, they need the Chairman's approval before they pay. Mr. Jones asked Mr. Miller to review all contractual work after it is completed.

Mr. Jones stated when it is required, and sometimes even when it is not required, they do put three (3) bids out for contract work.

A resident asked the Board to consider posting the unapproved minutes on the website as soon as possible, no more than two weeks after the meeting. Ms. Wells stated the minutes are usually completed 2-3 weeks after the meeting. Mr. Jones emphasized that the minutes should reflect that they are in draft form and have not yet been approved by the Board.

Erica, a resident, asked if a nanny who does not live in the house can bring a child to the facilities. Ms. Wells stated that that was addressed in the frequently asked questions. It was noted that children can bring their nanny as a guest. It was also stated that they could give her a proximity card approving the nanny to use the facility.

Mark McGuire, a resident, asked if there was a way they could get non-potable water if ground water was costing too much. It was stated that they are probably paying for non-potable water, not County water.

A resident asked whether someone could simply take the draft notice off the minutes. Mr. Jones stated that the minutes are always sent in PDF, read only, format. Ms. Wells stated that she would make sure that the minutes were watermarked draft.

A resident asked if they were able to contact District Counsel to ask questions, and if so, would they be billed for those discussions. It was stated that the residents would be billed for these discussions and the District Counsel's recent discussions with residents mainly dealt with the sea wall. It was noted that residents must first have authorization from the Board to speak to District Counsel.

Rae, a resident, wanted to correct a previous comment and state that the Sheriffs do patrol during a specific time. Rae stated that she is concerned that the Sheriffs are not doing their jobs, after finding one sleeping. Rae also stated that she knows termite prevention companies that the Board may want to consider using. Mr. Jones stated that she could speak with Ms. Wells regarding those companies. Rae also suggested requiring a notarized signed statement to be on file, giving someone, other than the parent or guardian, permission to be in charge of supervising children while at the facilities.

Bob Daugherty, a resident, asked if Mr. Gelston had violated Florida Statutes. Mr. Craine stated that he had not. Mr. Daugherty also stated that on the message board it was stated that Mr. Craine discussed issues concerning Ms. Hilton with other residents. Mr. Daugherty stated that as a representative of the Board he felt that Mr. Craine should be protecting the Board's interests. Mr. Daugherty also noted that Mr. Craine left the meeting tonight for a few minutes to discuss issues, unrelated to the sea wall, with another resident and was unsure how he would bill that discussion. Mr. Craine replied that residents should not believe everything that they read on the message boards. Mr. Daugherty provided the Board with a copy of the highlighted messages that he felt were privileged information and asked the Board to take this into consideration.

Paul Stumpf, a resident, asked a lighting and water question. Mr. Jones stated that he should contact Mr. Miller directly with those questions or issues.

Tom Hatcher and a few other residents had questions regarding the minutes. Ms. Wells stated that residents could e-mail her with requests for minutes.

A resident asked Mr. Craine to identify which statements on the message board were false. Mr. Craine stated that the main part that was inaccurate was that both Newland's Counsel and the CDD Counsel were sufficiently troubled by the circumstances and arranged a meeting with Ms. Hilton, at which time she confirmed having a meeting with Mr. Kim.

Mr. Craine stated that he never arranged a meeting with Ms. Hilton and that he stated that there may be potential lawsuits from the other vendors in the bid.

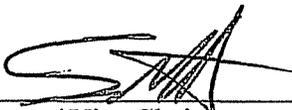
**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

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

On a Motion by Mr. Jones, seconded by Ms. Ackerman, with all in favor, the Board adjourned the Board of Supervisors' Meeting at 10:06 p.m. for Harbor Bay Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman