

**MINUTES OF MEETING  
ARBOR GREENE  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Arbor Greene Community Development District was held on Monday, April 23, 2012 at 6:30 p.m. in the Gathering Room, Arbor Greene Community Center, 18000 Arbor Greene Drive, Tampa, Florida.

Present and constituting a quorum were:

John Brickley	Chairman
Adam Tanenbaum	Assistant Secretary
Toby Thomson	Assistant Secretary
T. Dorsey Yawn	Assistant Secretary
Christine Nelson	Vice Chairperson

Also present were:

John Ricciardi	District Manager
Tracy Robin	District Counsel
Bob Farrell	General Manager
Mike Candella	

Audience Members

*The following is a summary of the minutes and actions taken at the April 23, 2012 Arbor Greene Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Brickley called the meeting to order and the Supervisors identified themselves at roll call.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the March 19, 2012 Regular Board Meeting**

Each Board member received a copy of the minutes of the March 19, 2012 meeting and any additions, corrections or deletions were requested.

A correction to a typing error on page six was requested; add *a* to the word *about*.

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor the minutes of the March 19, 2012 meeting were approved as amended.

**THIRD ORDER OF BUSINESS**

**Approval of the March, 2012 Financial Statements**

Mr. Brickley reported on the April 19, 2012 Workshop meeting noting the following:

- Revenue is at 92.06% of budget.
- Expenses are at 45.63%.
- The assessment income is at 93.39% of the budget.
- The monthly items were reviewed. The \$350,000 approved for investment has been invested by Severn Trent.
- Line items of the proposed fiscal year 2013 budget were reviewed and we reduced the preliminary budget figures by approximately \$67,000. We will set the high mark for the budget at the May meeting and will continue to review the budget until the final adoption at the August meeting.

The financial statements for the period ending March 31, 2012 were recommended for approval.

Mr. Thomson inquired about the CD that matured on April 8, 2012 and Mr. Ricciardi noted they are usually reinvested for the same term and he will check on this reinvestment with Mr. Bloom.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the financial statements were approved.

**FOURTH ORDER OF BUSINESS**

**District Manager's Report**

Mr. Ricciardi mentioned follow up items noted below:

- As directed by the Board at the last meeting, \$350,000 has been invested into the money market.
- Information on the ADA Challenge to the law was provided to Mr. Yawn as requested.

- The NPDES coordinator clarified we cannot split the fee and we will have to pay it all at one time, approximately \$5,000. This has been included in the budget for next year.
- A copy of the Lake Masters stormwater system report was emailed to the Board as requested.
- Regarding the question of how long Wharton High School has been paying the \$2,000 fee to the District for pool use, the financial records go back to 2005 and indicate this fee has been paid since then. However, it may have begun in 2003.

The OLM landscape inspection dated April 2, 2012 will be entered into the record as well as the Lake Inspection Report dated March 30, 2012.

**A. Review of the General Election Process and Consideration of Resolution 2012-2 Confirming the Use of the Hillsborough County Supervisor of Elections to Conduct the General Election**

Mr. Ricciardi explained this is a housekeeping item. There are three Board seats up for re-election in November, 2012; seats 3, 4 and 5. Information on how to qualify for election to these seats is available from the Hillsborough County Supervisor of Elections office. The deadline, if submitting petitions, is noon on May 7, 2012 or if qualifying and submitting the \$25 fee, the qualifying period is from noon on June 4, 2012 through noon June 8, 2012.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor resolution 2012-2 confirming the District's use of the Hillsborough County Supervisor of Elections to continue conducting the District's election of Supervisors in conjunction with the general election was adopted.

**FIFTH ORDER OF BUSINESS**

**Attorney's Report**

Mr. Robin discussed and answered questions regarding District liability issues with the Neighborhood Watch Program and utilizing the Tampa Police Department. The following was included in the discussion:

- The liability issues center around the involvement of the District or a Homeowners Association or Condo Association and those types of entities engaging in security services or participating in structuring or funding Neighborhood Watch programs.

- Neighborhood Watch programs in this city are orchestrated by the City of Tampa Police Department or if with the County, by the Sheriff's Department. They are independent groups; independent of the HOA or the District.
- If the District did not participate in setting up the program, the District doesn't participate in administering, funding or oversight management of the program there should not be any liability exposure to the District.
- Even if liability allegations were brought against the District on some grounds, the District has sovereign immunity limitations and carries its own insurance.
- This issue should not be a concern for the Arbor Greene District.
- It is encouraged to keep the Neighborhood Watch Program a program conducted by the residents and the HOA attorney would encourage the same thing.
- The program was intended to be a grass-root, resident-driven type of program supervised by the police department.

Mr. Paul Boucher, the coordinator of the Neighborhood Watch Program at Arbor Greene addressed the Board and clarified the Board did not set up the program at Arbor Greene. The program members are operating as residents under the direction of the Tampa Police Department; they never carry weapons, never engage and never pursue individuals as part of the program.

Mr. Tanenbaum asked Mr. Robin what we are going to do about the expanding police powers of the HOA with respect to towing. Emails regarding this issue sounded like the HOA President intends to start towing cars without notice or warning.

It was Mr. Tanenbaum's understanding the CDD Board had not authorized the HOA to do that.

Mr. Ricciardi clarified that a Resolution was adopted regarding this issue, however, the HOA was to comply with certain conditions of the authorization; the indemnification was never submitted and it was requested they provide a detailed time period in the procedure, which was not done.

Mr. Farrell offered information regarding a conversation he had with the HOA President about the towing issue whereby the HOA President indicated he had an article in the HOA section of the Arbor Greene Gazette announcing his intention to go forward with the towing program.

Mr. Boucher offered his understanding of the information discussed by the HOA Board regarding the towing procedure. He reported the HOA is meeting tomorrow night and will be discussing this issue.

A lengthy discussion of this issue ensued and concluded with asking HOA members in attendance at this meeting to request the HOA Board members carefully review, discuss and respond to the CDD resolution, resolution 2010-1 during their meeting tomorrow night. It was also suggested the HOA President be invited to the next CDD meeting in May.

*The record will reflect Mr. Robin left the meeting.*

**SIXTH ORDER OF BUSINESS**

**District Engineer’s Report**

There not being any report, the next item followed.

**NINTH ORDER OF BUSINESS**

**Audience Comments**

Ms. Julia Lamb addressed the Board requesting approval of her summer schedule:

From June 11 through mid August starting at 7:30 a.m.

Monday through Thursday 7:30 a.m. to 11:30 a.m.

Friday 8:30 a.m. to 11:30 a.m.

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After discussion of the proposed summer schedule, Ms. Lamb withdrew her request to change the hours for a summer schedule and the current schedule will remain in effect; 8:30 a.m. to 12:00 P.M.

Ms. Lamb noted she would like to host two swim meets in the summer; June 12<sup>th</sup> and July 10<sup>th</sup>. The entire pool will need to be closed.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the request of Ms. Lamb to host two swim meets as requested was approved.

**SEVENTH ORDER OF BUSINESS**

**General Manager’s Report**

Items included in the General Manager’s Report were explained by Mr. Farrell as follows:

- Contracts and Concessionaires
  - Wharton High School currently pays a \$2,000 fee for pool use.
  - Steinbrenner pays Emerald Green \$4,000 for pool use.

Freedom pays Hunters Green \$2,500 for pool use.

Gaiter pays the YMCA between \$2,500 and \$7,000.

Mr. Tanenbaum MOVED to approve an increase to the Wharton High School pool use contract to \$3,250 and Mr. Thomson seconded the motion.

Ms. Nelson noted she would like to see the fee raised to \$2,500.

Mr. Tanenbaum Withdrew his previous motion and MOVED to increase the Wharton High School pool use contract to \$3,000 and Mr. Yawn seconded the motion.

On VOICE vote with Mr. Tanenbaum, Mr. Yawn and Mr. Thomson voting Aye and Ms. Nelson and Mr. Brickley voting Nay increasing the Wharton High School pool use contract to \$3,000 was approved.

- #459 Clubhouse Air Conditioning – the equipment needs immediate attention and there have been numerous complaints from residents.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor replacing the air conditioning units at a cost of not to exceed \$22,000 as proposed by Air Rite, for installation only was approved.

This item will be charged to the Capital line item.

A service agreement for the new air conditioning units will be discussed at a future meeting.

- #475 – Club Treadmill #1 – It is recommended to withdraw the request to replace the broken treadmill and only use the current 3 for now. However, the third treadmill is down; waiting for a recommendation on repair of the third treadmill.

- #531 – Brick Paver Repairs in Roadway – Quotes from three vendors were obtained. The proposal from Quality Brick Pavers Inc. in the amount of \$2,915 was recommended.

Mr. Thomson MOVED to accept the quote from Quality Brick Pavers Inc. in the amount of not to exceed \$3,200 in areas specified by the General Manager and Mr. Yawn seconded.

On VOICE vote with Mr. Thomson, Mr. Yawn, Mr. Brickley and Ms. Nelson voting Aye and Mr. Tanenbaum voting nay the motion to accept the quote from Quality Brick Pavers Inc. in the amount of not to exceed \$3,200 was approved.

- #532 – Refurbishing the Pool Decks – Three quotes were received. The decks were last done in 2008. If approved, this is a non-budgeted item. The funds to pay for the pool deck painting could be used from current and 2012 reserves. The quote from Kalos Coatings was recommended for acceptance.

Mr. Yawn MOVED to accept the quote from Kalos Coatings for painting/refurbishing the pool deck, snack bar area and fitness pool area in the amount of not to exceed \$7,645 and Mr. Brickley seconded.

On VOICE vote with Mr. Yawn, Mr. Brickley, Mr. Thomson and Ms. Nelson voting Aye and Mr. Tanenbaum voting nay the quote from Kalos Coatings in the amount of not to exceed \$7,645 for pool deck resurfacing was accepted.

*The record will reflect Mr. Tanenbaum left the meeting.*

- #509 – Swimming Area Concessions – Julia Lamb and T-Bay would sell prepared food, pizza and water. Non alcoholic drinks could be sold; similar to the Back Nine Café at Heritage Isles.  
The Board was asked for their opinion: Mr. Yawn, Mr. Brickley, and Mr. Thomson were not in favor, and Ms. Nelson expressed an interest in the sale of soft drinks.
- #533 – Gates - Estuary Gate is broken since 4/14/12 and the gates have been deliberately left open. The Enclave Gate also has issues and went out of service

on 4/20/12. It was recommended to the Board by Mr. Farrell to approve repairs to each gate at a cost of not to exceed \$3,551 and also recommended the Board authorize the General Manager to repair internal gates as long as the costs are within current budget.

On MOTION by Mr. Thomson seconded by Mr. Yawn with all in favor repair of the Estuary gate arm, entry side and the Enclave gate, sidewalk side, arm in the amount of not to exceed \$3,551 for each gate was approved.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor authorizing the General Manager to repair the gates as necessary as long as the costs are within the existing fund balance was approved.

It was reported the meeting agenda's can now be found on the website.

It was also reported by Mr. Farrell the entire Community Center has never been painted on the outside. More work than just painting is needed; there is wood rot. Quotes from three vendors were obtained and costs for this project were included in the 2013 budget.

**EIGHTH ORDER OF BUSINESS                      Supervisors' Requests**

Mr. Thomson asked staff to compile a one year history of roadway citations and warnings issued by the Tampa Police Department.


Mr. Brickley noted the proposed 2013 budget will be discussed at the next workshop meeting in preparation for the May 21, 2012 meeting at which time we will be setting the high-figure for the fiscal year 2013 budget.

**TENTH ORDER OF BUSINESS                      Adjournment**

There being no further business,

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the meeting was adjourned.

  
R. John Ricciardi  
Secretary

  
John Brickley  
Chairman