

**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, 2007 at 6:30 p.m. in the Gathering Room of the Arbor Greene Community Center, 18000 Arbor Greene Drive, Tampa, Florida.

Present and constituting a quorum were:

John Brickley	Chairman
David Bootcheck	Co-Vice Chairman
Christine Nelson	Co-Vice Chairperson
T. Dorsey Yawn	Assistant Secretary
Michael Lozicki	Assistant Secretary

Also present were:

Robert Fernandez	District Manager
Mark Straley	Straley & Robin
Harve Turner	General Manager
Gary Smith	Arbor Greene Maintenance
Tina Neuzil	Wesco Turf Irrigation System
Stephanie Larson	Resident
Tim Larson	Resident
Davida Constant	Resident
Steve Constant	Resident
Greg Miller	Resident
Marie Miller	Resident

The following is a summary of the minutes and actions taken at the April 23, 2007 Arbor Greene Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Brickley called the meeting to order and called the roll.

ELEVENTH ORDER OF BUSINESS

Audience Comments

- Mr. and Mrs. Larson distributed a letter and addressed the Board expressing their apologies for their son being responsible for the fire in the playground.

- The Board may need to seek reimbursement for the \$5,000 deductible.
- Mrs. Constant submitted a proposal to provide personal training to clients at the Clubhouse.
 - The Board has an issue with participation of non-residents.
 - She currently does not have non-resident participation, but would like to bring them in if possible.
 - She will probably do this one hour per day.
 - She will only train up to two people per session.
 - This will have no effect on the current trainer.
 - There may possibly be a fee for non-residents to be reimbursed to the community for wear and tear of the equipment.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor the proposal from Mrs. Davida Constant to provide personal training services at the Arbor Greene Clubhouse was approved.

SECOND ORDER OF BUSINESS

Presentation by Ms. Tina Neuzil of Wesco Turf Irrigation System

- This presentation represents an upgrade to manage the capability of the District's water system.
- Mr. Turner contacted this company.
- The current *TouchNet System* has limited capability, and will not be able to determine what system is running at what time.
- Parts for this system are no longer available.
- Their system is hooked up to *Sitepro Software*.
- This system has the following features:
 - *NSN* supports the software.
 - A new computer will be installed.
 - Unlimited programs may be set up.
 - It includes an alarm system in the event something did not get watered.
 - It includes water charts.
 - A weather station may be installed.

- Cost for the basic system is approximately \$13,500.
- It will collect temperature, humidity and rain.
- A service person will set up the system and teach people how to use it.
- Technical support is available 24 hours per day, seven days per week.
- The selected program will be covered by a three-year warranty, after which it may be renewed.
- *Sitepro* has been in business for approximately five years.
- Windows XP comes with the new system.
- Mr. Brickley recommends staff to look at the system Hunters Green has.
- The Board decided to delay a decision on this until the Fiscal Year 2008 budget is approved.

ELEVENTH ORDER OF BUSINESS

Audience Comments (Continued)

- Mr. Miller is a City Operations Manager for Hertz. Since he often comes home with a different car, he wants to get a variance to transfer his bar code to the various cars he drives for use only by Mr. Miller and his wife.
 - The Board requested Mr. Miller send a formal letter to Mr. Turner requesting this to be kept on the record in the event any other residents question it.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the February 19, 2007 Meeting

Mr. Brickley stated each Board member received a copy of the minutes of the February 19, 2007 meeting and requested any additions, corrections or deletions.

- The Board discussed advertising charges for the meetings.

There being no further comments or questions,

On MOTION by Mr. Yawn seconded by Mr. Lozicki with all in favor the minutes of the February 19, 2007 meeting were approved.

FOURTH ORDER OF BUSINESS

Approval of the February 28, 2007 and March 31, 2007 Financial Statements

- The Board discussed the March 15th budget workshop for the February 28, 2007 financial statements.
 - The revenue was at 90.4% and expenses were at 43.3% of budget, which is on track.
 - Mr. Turner made some coding corrections.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the February 28, 2007 Financial Statements were approved as amended.

- The Board discussed the March 31, 2007 Financial Statements.
 - The District is currently at 95.92% of income.
 - District expenses are currently at 51.54% of budget.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the March 31, 2007 Financial Statements were approved.

FIFTH ORDER OF BUSINESS

Discussion of the 1998 Bond Issue

- The Board discussed different options for handling this situation.

Mr. Yawn moved to authorize Mr. Addison to delay any settlement offers with regards to the 1998 Bond Issue and Ms. Nelson seconded the motion.

- Mr. Lozicki wanted to know if the motion should give Mr. Addison more flexibility.
- The remaining Board members disagreed.

On VOICE vote with all in favor the previous motion was approved.

ELEVENTH ORDER OF BUSINESS

Audience Comments (Continued)

- Mrs. Miller presented a proposal to conduct a Children’s Writing Club at Arbor Greene.
 - She is already conducting a children’s book club which both the parents and children are happy with.
 - This will be conducted during the month of June.
 - There will be eight sessions.
 - This program is basically for children in third to fifth grade.
 - This is not meant to be a tutoring program for children who need help with writing.
 - It is meant to be a fun program.

Mr. Brickley moved to approve Mrs. Miller’s proposal to conduct a Children’s Writing Club primarily for elementary school children residing in Arbor Greene during June 2007.

- She is going to charge \$105 for the eight sessions.

Mr. Yawn seconded the previous motion as amended.

There being no further comments or questions,

On VOICE vote with all in favor Mrs. Miller’s proposal to conduct a Children’s Writing Club primarily for elementary school children residing in Arbor Greene during June 2007 in the amount of \$105 for eight sessions was approved.

SIXTH ORDER OF BUSINESS

**General Manager’s Report –
Discussion of a Property
Encroachment Issue**

- This may not be an issue for the Board to consider, as Mr. Fernandez is still investigating it.
- This requires approval from both the CDD as well as the City of Tampa.
- The encroachment is in a drainage easement belonging to the District.
- The plat and drainage easement are recorded.

- The resident is looking for permission from the District to allow their pool to continue into the District's easement.
- The plat needs to be surveyed.
- Mr. Fernandez told the people who are requesting this there are associated costs which they will be responsible for.
- The Engineer needs to look at this before approval.
- If the Engineer approves, an agreement allowing the encroachment to continue must be drawn up and recorded.
- Both the CDD and the City of Tampa must sign the agreement.

On MOTION by Mr. Brickley seconded by Mr. Bootcheck with all in favor permission to continue the encroachment belonging to the District at 17807 Sandpine Trace Way, Tampa, Florida in the Parkview Subdivision was granted to Mr. and Mrs. Wong subject to approval by the District Engineer and approval of a three-party agreement between Mr. and Mrs. Wong; the District; and the City of Tampa allowing continuation of said encroachment.

- Severn Trent received a request for monitoring data from SWFWMD for a permit for the Hunters Green Middle School.
 - Mr. Fernandez wants to authorize the District Engineer to take care of this request.
 - Mr. Turner has started work on this and will handle the issue.
- Mr. Fernandez discussed proposals for lake maintenance.
 - Based on necessary criteria, the companies ranked in the following order:
 1. American Ecosystems
 2. Lakemasters
 3. Aquatic Systems
 4. Aqua-Terra
 - There are different qualitative issues to consider.
 - Mr. Turner recommends continuing with Lakemasters.
 - The recommendation is to retain them on a monthly basis, and award them a two-year contract at the monthly fee of \$2,790.

- They previously charged \$2,083.33 per month.
- The current budget will be exceeded by \$324.
- Arbor Greene has used them for the last five years.

Mr. Brickley moved to accept the bid from Lakemasters for maintenance of District lakes in the amount of \$2,790 per month for one year.

- The monthly service amount may be adjusted upon agreement by both parties and set forth in writing to the customer, with both parties agreeing the service will be continuous without interruption.

Mr. Brickley restated the motion to approve the service contract from Lakemasters for maintenance of District lakes for one year in an amount not to exceed \$33,480 per year.

- This amount will exceed the current budget of \$27,500, but will be adjusted in the Fiscal Year 2008 budget.

Mr. Yawn seconded the motion.

There being no further comments or questions,

On VOICE vote with all in favor the service contract from Lakemasters for maintenance of District lakes for one year in an amount not to exceed \$33,480 per year was approved.

SEVENTH ORDER OF BUSINESS

Attorney's Report – Discussion of Facility Use Policies

- Mr. Robin is currently working on the rental policy agreement and making changes for the one in place.
- He is also focusing on non-resident use policies and what must be done in order to stay in compliance with the IRS.

- Bond Counsel believes there should be a daily rental fee schedule and a monthly/quarterly/annual fee to be based on the market rate and the assessment levels of the residents.
- There is no advertising requirement for non-residents.
- The District Recording Secretary will be asked to commence the process requiring two notices.
 - A notice of intent to establish rules is required.
 - A specific notice of the public hearing for consideration of the fee is also required.
 - The notice must run for 28 days.
- The focus will be on non-resident use of the facilities.
- Mr. Straley believes the District should determine what other CDDs are charging in order to do a comparison.
- Mr. Fernandez previously reported the following rates at other CDDs:
 - Tampa Palms charges \$300 per year for non-residents.
 - Heritage Isles charges \$1,250 for a family and \$700 for an individual per year for use of the exercise room, pool, basketball courts and tennis courts, not including the golf course.
 - TPOST charges \$800 per year. They charge a daily fee between \$5 and \$15.
- Mr. Brickley recommends this notice reflect non-residents as opposed to residents.
- The Board is not ready to make a decision and will discuss further at the May meeting.

Mr. Fernandez requested the Board discuss *Waivers to Limit Liability to the CDD*, which is part of Mr. Turner's report.

- Mr. Straley believes this is necessary in order to release the District from any liability for injuries.
- The District is also covered by insurance.
- A generic form will be done to cover the activities listed under Mr. Turner's report.

EIGHTH ORDER OF BUSINESS

Engineer's Report

There not being any, the next item followed.

NINTH ORDER OF BUSINESS

**General Manager's Report –
Discussion of Proposals for Security
Lights and Cameras**

Following are highlights of Mr. Turner's report:

- **Vandalism/Damage to Arbor Greene Property**
 - Mr. Turner recommends sending a letter to the Mayor of Tampa.
 - The letter should come from Mr. Brickley.
 - Mr. Turner will draft the letter.
- **Replacement of Trace Playground Structure**
 - Mr. Turner is in the process of getting the necessary paperwork in order to pursue prosecution due to the fire.
 - The CDD has the right to press charges in this case.
 - If the CDD receives compensation without having to prosecute, it may not be necessary.
 - If the CDD prosecutes, the guilty party will still be released to his parents since he is not of legal age.
 - Pursuing prosecution makes the community aware the CDD is not going to tolerate any type of vandalism.
 - Mr. Yawn recommends pursuing prosecution with the Chairman sending a letter to the State's Attorney since the CDD has incurred a significant dollar amount in damage at the playground.

Mr. Yawn moved to approve pursuit of prosecution of Mr. Isaac Larson for causing the fire which destroyed the Trace Playground structure and Mr. Bootcheck seconded the motion as discussed.

- The Board continued to discuss the moral issue of prosecuting this individual.

On VOICE vote with all in favor the previous motion was approved.

- The Board also had to make a decision with regards to replacing the structure.

On MOTION by Mr. Yawn seconded by Mr. Brickley with all in favor replacement of the playground structure in an amount not to exceed \$35,000 was approved.

- The Board will delay the decision with regards to the \$2,500 reward upon conviction until the prosecution issue is resolved.
- **Request for Spanish Summer Camp for Children Ages 3 through 6**
 - The Board had no comments or questions on this issue.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor the request for permission from Ms. Mariella Monsante Smith to conduct Spanish Summer Camp for children ages 3 through 6 to be held Monday through Friday from 9:30 a.m. to 12:30 p.m. during June 2007 in the former Administration Building was approved.

- **Non-Resident Request to Rent Community Center Facilities**
 - This issue was tabled pending the outcome of the discussion on *Facility Use Policies* at the May meeting.
- **Resident Request to Use the Gathering Room for Recurring Business Meetings**
 - The Board will invite Mr. Efrain Jovel to attend the May meeting in order for him to discuss.
- **Bar Codes on a Card**
 - The Board agreed the bar codes of individuals not in compliance with the policy will be deactivated effective June 1, 2007.
 - Their bar code will be replaced free of charge one time only.
- **Resident Request to Play Ball in the Aerobics Room**
 - Since the individual was unable to attend the meeting, he requested the issue be tabled to the May meeting.

- **Security at Arbor Greene**
 - The Board agreed residents should be responsible for locking their bikes and an additional camera is not necessary.
- **Near Drowning at the Pool**
 - CPR was successfully performed; the person was taken to the hospital; and was okay.
 - Mr. Turner will look into a CPR refreshment course for Board and staff members.

TENTH ORDER OF BUSINESS

Supervisors' Requests

A. Discussion of Salary Evaluation for Mr. Turner

- Mr. Brickley distributed criteria to the Board for the evaluation.
- As a result, Mr. Brickley recommended a salary increase of \$8,000 for approval and implementation in Fiscal Year 2008.
- The Board agrees Mr. Turner is doing a good job.
- The salary increase will be effective on October 1, 2007.
- Mr. Brickley and Mr. Turner met informally to discuss the evaluation.

B. Discussion of Crime Issues

- These issues are of great concern.
 - With regards to the incident in which the mirror was broken in the Weight Room, Mr. Vazquez admitted to breaking it and will pay the cost to repair it.
 - With regards to the window which was broken at the Benito Gazebo, two of the four families paid restitution for the damage.
 - With regards to the *Gate Ahead* sign which was hit, the person lost control of her car and hit it. The insurance company will cover the repair and seek reimbursement from her.
- \$10,000 per month is being spent for security, which includes gate guards, task force employees and roaming cars.

Mr. Yawn discussed the poor condition of the boardwalk.

- Nails are coming up.
- Boards need to be replaced.

Mr. Yawn believes the Supervisors' should get a salary increase once the Fiscal Year 2008 budget is approved.

Mr. Fernandez announced his resignation from Severn Trent Services. Mr. Ricciardi will now handle the services of the CDD.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business,

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

T. Dorsey Yawn
Assistant Secretary

John P. Brickley
Chairman

➤ **AGENDA ITEMS FOR THE MAY MEETING**

- Attorney's Report – Discussion of facility Use Policies (See Page 8)
- General Manager's Report – Non-Resident Request to Rent Community Center Facilities (See Page 10)