

**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 25, 2011 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
Christine Nelson	Vice Chairperson
T. Dorsey Yawn	Assistant Secretary
Adam Tanenbaum	Assistant Secretary
Toby Thomson	Assistant Secretary

Also present were:

John Ricciardi	District Manager
Tracy Robin	District Counsel
Bob Farrell	General Manager
Audience Members (5)	

The following is a summary of the minutes and actions taken at the April 25, 2011 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 21, 2011 Regular Meeting

Each Board member received a copy of the minutes of the March 21, 2011 meeting and any additions, corrections or deletions were requested.

Corrections were requested, made, and will be part of the final public record.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor the minutes of the March 21, 2011 meeting were approved as amended.

THIRD ORDER OF BUSINESS

Approval of the March, 2011 Financial Statements

Mr. Brickley reported on the April 21, 2011 Budget Workshop meeting noting the following:

- We are half-way through fiscal year 2011, as of the end of March our revenue was at 92.4% of budget.
- Expenses are at 48.2%.
- Assessment income is at 93.4% of budget; we are on track.
- The financial statements for the end of March, 2011 were recommended for approval.
- During the workshop the Board had an opportunity to review the first effort at developing a fiscal year 2012 budget. In preparation for the workshop Mr. Ricciardi and Mr. Farrell reviewed the recommendations made by the Reserve Advisors study and incorporated several in to a budget proposal for Board review.

The proposed fiscal year 2012 budget will contain reserve accounts for several cost centers for the first time; fountains, swimming pools, playgrounds, etc. and they will be built up over time to accommodate future repairs and replacement.

The timeline for developing the fiscal year 2012 budget will continue through July and then be presented to the Arbor Greene community at a public hearing in conjunction with the August CDD meeting.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the financial statements as of March 31, 2011 were approved.

Mr. Ricciardi pointed out that the assessment collection rate is very good and it will continue to be monitored.

FOURTH ORDER OF BUSINESS

District Manager's Report

Mr. Ricciardi reported on follow up items as noted below:

- The LAN for the clubhouse can be considered a capital line item. It is considered a system over \$5,000 and has a life expectancy of 2 years or more.
- The approved investments suggested by Severn Trent have been made accordingly.

A. NPDES Update

We received follow up from the Florida Department of Environmental Protection regarding the NPDES Permit. They indicated the report we submitted to them is considered to be complete. There are a number of follow up items the NPDES is suggesting. The Board will see that they are beginning to get in to water quality and beginning to look at how we, as a community, drain off in Trout Creek which eventually goes into other bodies of water in the state. We have an obligation to educate residents and provide materials to them.

Mr. Farrell reported on a meeting he attended with Mr. Ricciardi regarding the NPDES issue. He indicated we put some money in the 2012 proposed budget to get environmental engineering systems we will need.

Mr. Ricciardi noted he spoke with Mr. Bartelt, the District Engineer and he thought that Ms. Stewart of WilsonMiller would be a good resource as she is familiar with the District. She was asked to submit to the Board an engagement/proposal for an hourly rate for the time that we might need her.

A lengthy discussion on possible future water quality restrictions, regulations and NPDES suggestions ensued.

B. Carriage Homes HOA – Legal Issues

Mr. Ricciardi and Mr. Farrell reported on an issue presented to Mr. Farrell by the President of the Carriage Homes HOA that may come before the Board in the future regarding a Carriage Homes land ownership/storm sewer drain collapse incident. Mr. Farrell requested that the HOA President submit his information in writing to be discussed at a future CDD meeting.

Mr. Ricciardi noted Mr. Robin will report on new legislation regarding ADA laws and speed limit regulations.

FIFTH ORDER OF BUSINESS

Attorney's Report

The following was noted by Mr. Robin regarding new ADA requirements:

- In 2010 congress made some amendments to the ADA act which required upgrades in compliance that are over and above the old standards that grandfathered you in until you upgraded your facilities and then you were required to bring them into compliance; in the statute this is called *safe harbor*. There are new requirements that are not in the safe harbor anymore. Implementation of the new requirements needs to start by March of 2012.
- Things that are now exempt from the safe harbor and the new requirements apply to pools, wading pools, spas, exercise equipment, fishing piers, platforms, golf courses and play areas. You already have a lift for your pool.
- The new memo on new ADA requirements will be forwarded to the Board so that they can refer to it when going through the budget process to either start building some reserves for the installation of some of the improvements or include funds in the budget for the purpose of retaining an ADA consultant to help in understanding, in the context of this facility, of what this law requires.
- After some research, it was found there is no one in this area who claims to be an ADA expert. Ms. Tonja Stewart of Wilson Miller Stantec has indicated to Mr. Robin that she will become an expert in this area so that she can provide these services to any districts that do not have someone else to provide them.
- At this time it is not known exactly how these requirements are going to relate to the District and not known whether the existing lift at the pool will be sufficient.

Speed Limits

- An AGO opinion was found that says communities can change the speed limits if there is a traffic enforcement agreement with the local city municipality. The opinion suggests that if you don't do that, the municipality might refuse to enforce the traffic regulations or if they are enforced and a ticket is written, it might be challengeable by the person who receives the ticket if their attorney finds it was not in conformity with the traffic enforcement agreement the municipality has over special district property.

- Counsel's recommendation is to contact the City of Tampa, Traffic Engineer. It is entirely possible that the City will require some sort of traffic study to be done, as previously recommended to the Board.

Mr. Brickley requested that Mr. Robin write a letter informing city officials of the Districts intention to reduce the speed limit in the community to 25 mph. As backup to the Districts intentions to reduce the speed limit, statistics from the police department can be included with the letter.

Mr. Robin recommended that the previous decision approved by the Board to change the speed limit as of June 1, 2011 be deferred until a response to Mr. Robin's letter has been received from the city.

Mr. Farrell will prepare a spread sheet showing a three month tally of incident statistics provided by police officer logs and provide it to Mr. Robin to be attached to his letter.

School Bus Release

Mr. Farrell reported on a form and request he received from the Hillsborough County Schools regarding a school bus release agreement; the release would allow the school district's buses to enter and drive over District property and the District would waive the right to sue the Hillsborough School District for any property damage that might be incurred.

Mr. Robin indicated the release form is designed for a private, gated community with HOA owned roads. It is not geared to a CDD environment, but it will work well. It is not a complicated agreement and approval was recommended. The release would be from the CDD, not private individuals.

The record will reflect Mr. Robin left the meeting.

NINTH ORDER OF BUSINESS

Audience Comments

Mr. Don Dellow of Devonshire addressed the Board regarding the organized swim activities at the pool. He indicated it is getting more difficult for residents to have time to swim laps.

A lengthy discussion on the pool use schedule ensued.

The record will reflect Mr. Tanenbaum joined the meeting.

Mr. Dellow proposed “resident only” swimming in the lap pool for two hours per day instead of one hour.

Mr. Marofsky expressed his opinion that the facility is for the residents and residents shouldn’t be inconvenienced by teams.

Mr. Brickley asked Mr. Farrell to prepare a plan for the May meeting for resident swim and organized programs.

Mr. Farrell introduced Ms. Susan Cali who addressed the Board regarding a proposal to conduct a swim program for one-on-one swim lessons. She has 10 students who are Arbor Greene residents and they are currently swimming at Meadow Pointe IV. The requested time is 5 hours per week, utilizing 1 lane.

It was suggested by Mr. Farrell that Ms. Cali work together with Ms. Julia Lamb during the time Ms. Lamb already has.

This issue will be brought back before the Board in May.

SIXTH ORDER OF BUSINESS

Engineer’s Report

There not being any, the next item followed.

SEVENTH ORDER OF BUSINESS

General Manager’s Report

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

- LAN – As discussed at the last meeting, the LAN proposal from Digital Rescue in the amount of not to exceed \$10,000 was recommended for approval. The contract has been reviewed by District Counsel.

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor the proposal from Digital Rescue to create a working Local Area Network (LAN) in the amount of not to exceed \$10,000 was accepted.

- Toro Irrigation Computer and Maintenance Agreement – The current contract expires on May 15th.

The Board requested more detailed contract information on the Toro agreement and also requested that Mr. Farrell obtain another quote. The requested

information and additional quote will be brought before the Board at a future meeting.

- Credit Card – Due to Mr. Turner’s retirement, it was suggested that the current Bank of Tampa credit cards used by District staff be cancelled and new cards should be issued under the same terms and conditions, from SunTrust Bank.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor authorization for the Chairman to execute a resolution to open a new credit card account at SunTrust Bank under the same credit limits that were in place with the Bank of Tampa credit cards for Bob Farrell, Barbara Koscinski, Gary Smith and Michael Candella was approved.

- District Engineer – It was recommended to the Board that at this time it would be advantageous to the District to consider going out for an RFP from engineering firms. Board consensus was to have Mr. Farrell and Mr. Ricciardi work on preparing an RFP which would include the request for environmental and NPDES engineering experience. A drafted RFP for engineering services will be brought before the Board at the May meeting.
- Main Fountain Repairs – The fountain is now operating and the cost for additional repairs should come in around \$3,000; well below \$10,000.
- Crosswalk Signs and Pavement Markings – in progress.
- Road Street Repairs – The Estuary and Enclave birdbaths have been repaved. The Arbor Greene incoming road is also complete.
- Sidewalk Repairs – Completed in 178 locations, 217 repairs. Project will be slightly under budget.
- Starka Fitness Contract
- Easter Bunny Hunt went well.
- Aerobics room roof job awarded to Motts; may be installed this week.
- Cross Creek gazebo – it was checked and there is no substantive change.

Mr. Brickley inquired about the Washingtonian Palms and Mr. Farrell responded trimming the trees would cost \$50 per tree and trimming is recommended twice per

year. There are between 400 and 500 of these trees in AG. There are no restrictions regarding taking them down.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Thomson asked Mr. Farrell to provide an update on the vehicle registration for the bar code. Mr. Farrell responded it is an active and alive project; they have started soft-peddling it and the club has started asking for them with the hard date being June 1st.

Mr. Thomson also discussed the gate logging procedure. His opinion is that every vehicle at the guest gate must be stopped.

The consensus of the Board was to follow post orders.

Mr. Paul Boucher suggested that a memo be placed every few months in the gazette reminding residents of the options available for entering through the gates; either buy a bar code enabling them to go thru the resident side or go thru the check list that the visitor side requires. This is in line with security.

The Board reiterated their previous consensus; the gate guards should follow the post orders.

Mr. Tanenbaum inquired about the speed limit signs and Mr. Farrell responded it is an active project and is not complete.

TENTH ORDER OF BUSINESS

Adjournment

There being no further business,

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



R. John Ricciardi
Secretary



John Brickley
Chairman