

**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, August 20, 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

Also present were:

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

8 Residents

*The following is a summary of the minutes and actions taken at the August 20, 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 July 23, 2012 Regular Board Meeting**

Each Board member received a copy of the minutes of the July 23, 2012 meeting and any additions, corrections or deletions were requested.

Correction to pages 3 and 6 were requested and will be made part of the final record.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor the minutes of the July 23, 2012 meeting were approved as amended.
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**THIRD ORDER OF BUSINESS**

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

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

- Revenue is at 99.9% of budget.
- Expenses are at 76.2%.
- The assessment income is at 100% of budget.
- We reviewed the proposed fiscal year 2013 budget. We are looking at basically zeroing out the Operations and Maintenance side of the budget.
- The workshop Board members recommended approval of the July financials.

On MOTION by Mr. Yawn seconded by Mr. Thomson with all in favor the July, 2012 financial statements were approved.

**FOURTH ORDER OF BUSINESS**

**Public Hearing to Consider the Adoption of the Budget for Fiscal Year 2013 (Resolution 2012-4) and Levy of Non Ad Valorem Assessments (Resolution 2012-5)**

The public hearing on the adoption of the budget was opened and the residents in attendance were welcomed to the meeting.

Mr. Ricciardi explained the public hearing process and explained the background of the budget. The only change in the budget that was first presented to the Board and today's budget is the actuals have been updated through July of this year.

Referring to the copy of the budget distributed to each attendee, Mr. Ricciardi proceeded to explain what each page entails and highlighted specific items.

He noted at this meeting the Board has the ability to adopt the budget as is, or lower the budget but they cannot raise it.

Mr. Brickley noted we have been working over the last five months to bring down the line items of the budget and we are now down to a relatively small figure. There is a way to bring that to fruition without having to go to the cost centers line by line and that is to use some of our Unassigned cash balance. One option we have is to bring the assessments flat for the General Fund from the fiscal year 2012 budget to the fiscal year 2013 budget. We would

direct the Severn Trent Accountant to make the adjustment of assigning those dollars from Unassigned to Assigned to flatten out the difference between 2013 and 2012.

Mr. Brickley indicated the option he discussed above would be his preferred action and the other members of the Board were asked for their input.

Mr. Yawn inquired about the procedure discussed at the last workshop meeting whereby each line item was reviewed and suggested for further discussion at this meeting.

Mr. Ricciardi noted in the above option outlined by Mr. Brickley, there would be no need to make any changes to individual line items, all there would be to do is move the Unassigned.

Mr. Yawn noted as discussed at previous meetings, this community is now 14 years old and we had problems with the roof of the clubhouse, some of the façade around the roof of the clubhouse, roads requiring a great deal of expenditure to repair and while it may look like there is too much money in reserve, it is assured that the money will be spent in a heart beat given the rates vendors charge to do the work. We have been very fortunate in the last two budget cycles to have our landscape management personnel hold their costs flat. The amount of \$400,000 plus in Unassigned Funds does not mean it is money we can throw anywhere and do anything with, it will be accounted for.

On MOTION by Mr. Tanenbaum seconded by Mr. Yawn with all in favor authorizing Severn Trent Services to utilize Unassigned Fund Balance to keep the 2013 General Fund Assessments flat to 2012 was approved.

The audience was invited to comment at this time.

Mr. Sean Kiehl asked if the Reserves are adequate can we pay down the bond?

Mr. Ricciardi noted we cannot use General Fund Assessments to pay on the bond.

It was also noted that every homeowner has the right to pay down their respective share of the bond.

Mr. Tanenbaum encouraged Mr. Kiehl to question the gate assessment at Parkview as it is increasing.

Mr. Kiehl noted he didn't notice the increase, but asked why is it going up?

Mr. Ricciardi noted it is going up from \$20 to \$96 per unit at Parkview.

Mr. Yawn indicated part of the reason is the District is 14 years old, we already replaced two gate operators in another Village here this year and they were approximately \$3,000 to \$4,000 per unit and there are two per gate. We must build the fund up for repairs and maintenance.

Mr. Kiehl indicated as a resident, he doesn't have a problem with the increase because he knows what it is going for; the gate. He chose to live in a gated community and he knows the gate is old and needs maintenance.

Mr. Tanenbaum questioned the amount in the budget for the Parkview gate and asked why not collect more at the Estuary gate.

Mr. Farrell noted each community has four gate operators that cost \$3,000 to \$4,000 each and the age of the Parkview gates was considered. The intention is to fund the account at a level that if the gates break, they can be repaired quickly.

A discussion on the gate assessments continued at length.

Mr. Tanenbaum MOVED and Mr. Thomson seconded to increase the special assessment for the Estuary by \$10 per unit.

On VOICE Vote with Mr. Tanenbaum, Mr. Thomson and Mr. Yawn voting Aye and Mr. Brickley voting Nay the special assessment increase for the Estuary of \$10 per unit was approved.

The public hearing portion of the meeting was closed.

Mr. Ricciardi directed the Board's attention to the budget resolutions included in their agenda packages.

On MOTION by Mr. Yawn seconded by Mr. Brickley with all in favor Resolution 2012-4 relating to the annual appropriations of the District and adopting the budget for fiscal year beginning October 1, 2012 and ending September 30, 2013 and referencing the maintenance and benefit special assessments to be levied by the District for said fiscal year was adopted.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor Resolution 2012-5 levying and imposing a non ad valorem maintenance special assessment for the District for fiscal year 2013 was adopted.

Mr. Ricciardi thanked the Board and staff for their efforts in preparing the budget.

**FIFTH ORDER OF BUSINESS**

**District Manager's Report**

District Manager – Follow Up Items

- A SEP Retirement account was set up for Mr. Farrell at no cost to the District.
- The question of whether a Board member can also be an employee of the District was explained by Mr. Robin; you cannot be an employee of the Board that you serve on. This is an ethics issue addressed by the Florida Code of Ethics. If the individual is elected to a public office, he must resign before he can take the seat. They can maintain their employment until such time as they are elected.

The question of whether a Supervisor's family member can be an employee of the District was raised and Mr. Robin will look into this issue.

- A copy of the State Statute referring to fire extinguishers was sent to Mr. Tanenbaum as requested.
- Regarding Mr. Thomson's inquiry regarding Severn Trent's computer security, any hardcopy documents with personal information are kept under lock and key and only two people have access to it. The auditors are currently doing an annual evaluation of our software and IT security as part of their process. Severn Trent is a large company based in England. Like all large corporations, we have extensive IT security. None of the District consultants have access to Severn Trent's computer systems. As a corporation, we have several software firewalls to protect our system.
- We received notice that the health plan benefits are going up 6.96%; this is built in to the budget already.
- PGIT will no longer cover D&O Insurance, Employer Liability Insurance and Property Insurance because of the economic downturn and default of some of the bonds some of the Boards have been sued. New carriers are being researched. The current insurance expires in October.
- Regarding Mr. Thomson's request for Supervisor compensation to be paid two times per month instead of monthly, it can be done but it was requested that the

entire Board agree to receive compensation two times per month with electronic deposits.

Mr. Thomson MOVED and Mr. Yawn seconded to authorize Severn Trent Services to pay all Board members two times per month, electronically.

On VOICE Vote with Mr. Thomson, Mr. Yawn and Mr. Brickley voting Aye and Mr. Tanenbaum voting Nay the motion was approved.

Mr. Ricciardi noted the electronic deposit forms will be sent to each Board member.

- An email was received today from Mr. Miccolis indicating he twisted his ankle at the front gate. He indicated he has repeatedly made the Board aware of deteriorating hazards on the roads in Arbor Greene.

Mr. Farrell indicated he inspected the area in question and only found holes in the street and at the intersection previously discussed where the concrete ribbon header abuts the blacktop and the pavers.

Mr. Farrell will follow up with Mr. Miccolis and will also check to see what repairs can be made to the pavement area by the gate.

**A. Engagement Letter from LLS Tax Solutions Inc. to Provide Arbitrage Services for Bond Series 2006**

Mr. Ricciardi noted we received the Arbitrage Report and will provide the Board with a copy if they wish. The results of the computations indicate a negative Cumulative Rebate Requirement of \$77,538.92 at June 5, 2012. As such, no amount must be in the Rebate Fund nor remitted to the United States Government. This is a positive finding.

An engagement letter from LLS Tax Solutions Inc. to provide Arbitrage Services for the next year was included in the Board's agenda packages for consideration.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor the engagement letter from LLS Tax Solutions Inc. to provide arbitrage services for Bond Series 2006 for year ended June 5, 2013 was accepted.

**B. Meeting Schedule for Fiscal Year 2013**

A lengthy discussion on the upcoming meeting schedule ensued. Some points discussed were:

- o Changing the November meeting date to November 20, 2012
- o Changing the December Workshop meeting date to December 13, 2012.
- o Changing the December regular meeting date to December 17, 2012
- o The possibility of conducting two monthly regular meetings.
- o Changing the Budget Workshops to Workshop Meetings.
- o Waiting to make a decision on the schedule until new Board is in place.

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor the meeting schedule for fiscal year 2013 was approved as modified.

**SIXTH ORDER OF BUSINESS**

**Attorney’s Report**

Mr. Robin noted he had no specific items to discuss.

**SEVENTH ORDER OF BUSINESS**

**Engineer’s Report**

There not being any, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**General Manager’s Report**

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

- Item #506 – HOA/Parking  
 Mr. Sean Kiehl, an HOA Representative, reported on the Parking Enforcement issue.  
 The Board was asked to consider posting No Parking signs throughout the community with the maximum penalty of a towed car.  
 The intention of the HOA is not to have cars towed, but some enforcement mechanism is needed to gain compliance; stickers were considered.  
 The CDD has been asked to be added to the HOA’s insurance policy and this has been done, pending approval by this Board.  
 The optimal intention is to have one sign at the entrance of each community.  
 Mr. Ricciardi noted an indemnification agreement will be sent to Ms. Betty Jackson and the HOA will provide a sample of the No Parking sign to the Board.

On MOTION by Mr. Brickley seconded by Mr. Thomson with all in favor installing signage before the front entrance, between Cross Creek and the gate house, on the ingress side (one post, two signs) was authorized.

- Item # 99062 – Contracts  
Plantz Interior Plant Specialists– no changes

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor the agreement with Plantz Interior Plant Specialists was approved.

- Item # 99062B Concession Agreement with Ruben Vasquez – no changes

On MOTION by Mr. Yawn seconded by Mr. Thomson with all in favor the concession agreement with Ruben Vasquez for a Yoga Program was approved.

- Item #99062C – Concession Agreement with Fast Splits Coaching – Doug Kugley – no changes.

On MOTION by Mr. Thomson seconded by Mr. Yawn with all in favor the concession agreement with Fast Splits Coaching – Doug Kugley was approved.

- Lake Masters – Automatically extended and it is recommended for approval.
- Item # 99062E – Trimmers Holiday Décor

On MOTION by Mr. Tanenbaum seconded by Mr. Thomson with all in favor the contract review requirements were waived and the contract with Trimmers Holiday was approved.

- Item # 99062G - Irrigation Technical Services – no changes – they do a good job.

On MOTION by Mr. Thomson seconded by Mr. Yawn with all in favor the contract with Irrigation Technical Services was approved.

The Digital Rescue contract expires next month, October 14<sup>th</sup>, and will be brought before the Board in September.

The Positive Pool Services contract is due October 28<sup>th</sup>. This will be brought before the Board for acceptance in September.



Mr. Robin noted these contracts are not in the format normally reviewed and there is no insurance provision in the Digital Rescue contract. With Board permission, Mr. Robin will have his office review the contract and make adjustments if needed.

- Item # 594 – Security Contract

An RFP was put out and bids were received; 5 companies provided bids.

A two-page spreadsheet was included in the Board's agenda packages and explained.

The lowest bid was from US Securities and the highest bid was from Allied Barton.

Mr. Farrell recommended US Securities.

Mr. Thomson MOVED and Mr. Yawn seconded to approve a new contract with US Securities, as modified, for an annual fee of \$115,297.

The discussion of this item continued at length.

On VOICE Vote with Mr. Thomson, Mr. Yawn and Mr. Brickley voting Aye and Mr. Tanenbaum voting Nay the motion to approve a contract with US Securities for an annual fee of \$115,297 was approved.

- Item #481 – Speed Limit

The City Traffic Safety Coordinators say Arbor Greene Drive should stay at 30 mph.

A discussion ensued about speed limits in the community and the only street not recommended to be 25 mph was Arbor Greene Drive, which will remain at 30 mph.

On MOTION by Mr. Tanenbaum seconded by Mr. Yawn with all in favor raising the speed limit on Arbor Greene Drive, from Cross Creek Boulevard to the Enclave Estuary entrance gate to 30 mph was approved.

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

- Item #481 - Trees

The City will change the permitting process so that a permit is not needed for removing every single tree; they will give a permit on a per-village basis. Any trees taken down will cost approximately \$800, a new tree acceptable to the City will be planted and other repairs will be made. This process does not seem cost effective to Mr. Farrell. He feels fixing the sidewalks and trimming roots should continue.

Board consensus was to take no action at this time.

- Item #698 – Golf Carts

Mr. Farrell contacted other John Deere dealers. The Ocala dealer quote was \$9,966, which is less than John Deere Plant City, which includes delivery.

The warranty quoted is 1 year parts and labor.

The new vehicle will fit in the shed, but may be four inches too tall; but the shed can be modified.

An extended warranty is not available.

The vehicle from John Deere Ocala at a cost of not to exceed \$10,963 was recommended by Mr. Farrell.

Mr. Brickley MOVED and Mr. Yawn seconded to purchase a Gator TX from John Deere Ocala at a cost of not to exceed \$10,963.

Mr. Tanenbaum expressed his opinion that the vehicle purchase is a waste of money since there is another golf cart that is a few years old and the new vehicle is too expensive.

Mr. Ricciardi noted he received an email from Ms. Nelson expressing her opinion in favor of purchasing a new vehicle.

Mr. Tanenbaum noted he will vote against the purchase and pointed out there are over \$3,000 of options and questions whether all of that is needed.

On VOICE Vote with Mr. Brickley, Mr. Yawn and Mr. Thomson voting Aye and Mr. Tanenbaum voting Nay the purchase of a Gator TX from John Deere, Ocala, at a cost of not to exceed \$10,963 was approved.

- Item #556 – Tennis Court Light Poles

The tops of the light poles are all rusting and it is proposed to have them repainted to stop them from rusting further. Two quotes were received; one for \$6,750 and one for \$4,750.

Mr. Tanenbaum asked if the structural integrity of the poles is ok.

Mr. Farrell will arrange to have five poles inspected and get a recommendation from the District Engineer on how to proceed.

- Item 602 – Guard House Hit

A check from the insurance company was received; \$7,421.87 in full and final payment and a check from the resident was received for the balance of \$453.13.

On MOTION by Mr. Tanenbaum seconded by Mr. Thomson with all in favor authorization to accept the settlement check from UHI Claims Account for \$7,421.87 was approved.

- Item #695/696 – Road and Allyway Repair

Asphalt at Landing Trace Circle is deteriorating and needs to be replaced. This has been reviewed by the District Engineer and bids were received from two vendors. Mr. Farrell will consult further with the District Engineer on this issue.

- A handout was distributed with a summary of costs for the back tennis court during lot improvements. A new estimate for \$13,501 was received.

Mr. Thomson noted if the Board were to approve this tonight, the work could begin or be completed in September and be paid for in October, which would fall within the 2013 budget and at least \$10,000 has been budgeted for 2013 for this project.

On MOTION by Mr. Thomson seconded by Mr. Brickley with all in favor the back tennis court parking project in the amount of not to exceed \$13,501 was approved.

**NINTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Yawn noted he briefly met with Mr. Steve Cochran on his way into the meeting at which time Mr. Cochran indicated he is being picked on with the berm being cut behind his house. He indicated he wants Viburnum planted in the berm behind his house.

Mr. Thomson and Mr. Tanenbaum agreed that at the end of the day, this is CDD property and as residents are sometimes asked for opinions, the Board and staff do not technically have to do so, as they are overseeing the maintenance of CDD property.

**TENTH ORDER OF BUSINESS**

**Audience Comments**

There not being any, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

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

  
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John Ricciardi  
Secretary

  
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John Brickley  
Chairman