

**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, February 23, 2009 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 P. Brickley	Chairman
Michael Lozicki	Co-Vice Chairperson
Adam Tanenbaum	Assistant Secretary
T. Dorsey Yawn	Assistant Secretary

Also present were:

John Ricciardi	District Manager
Harve Turner	General Manager

The following is a summary of the minutes and actions taken at the February 23, 2009 Arbor Greene Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Approval of the Minutes of the January 19, 2009 Meeting

Mr. Brickley stated each Board member received a copy of the minutes of the January 19, 2009 meeting and requested any additions, corrections or deletions.

A change to page 4, the first motion box should read *Cintas contract provided it is a 36 month contract*; 3 year should be deleted.

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor the minutes of the January 19, 2009 meeting were approved as amended.

THIRD ORDER OF BUSINESS

**Approval of the January 31, 2009
Financial Statements**

Mr. Brickley reported on the February 19, 2009 Budget Workshop.

- Revenue as of the end of January was 86% of budget with the assessments at 88.6%. Through February 9th we are at 91% of our assessments, which keep us on track with where we have been for the last two or three years at this time of the year.
- The expenses were at 32% of budget, which puts us right on track after 4 months of this fiscal year.
- Everything appears to be on track with budget and the committee recommends approval of the financial statements as of January 31, 2009.

On MOTION by Mr. Yawn seconded by Mr. Lozicki with all in favor, the Financial Statements for the period ending January 31, 2009 were approved.

Mr. Brickley announced that since there were several residents in the audience, the agenda item sequence would be adjusted to accommodate any audience comments at this time.

NINTH ORDER OF BUSINESS

Audience Comments

Ms. Karen Goldman of the Best Buddies Club requested that the Board consider allowing the use of the clubhouse facility for their end-of-the-year get-together for 30 to 40 people. The event is scheduled for May 9, 2009 from 1 to 4 P.M. The Board was also asked to consider waiving the rental fee for this event.

On MOTION by Mr. Tanenbaum seconded by Mr. Yawn with all in favor the use of the clubhouse room and pool area by the Best Buddies Organization for their event to be held on May 9, 2009 between 1 and 4 P.M. for approximately 40 people, with waiving of the rental fee was approved.

Ms. Marilyn Dichl of Devonshire requested either a fence or improved plantings be installed along the berm as the foliage has died. She was told by Mr. Turner that he will look

into this matter and report back to the Board. Mr. Brickley concurred and will have Mr. Turner report his findings to Ms. Diehl and the Board.

Mr. Eric Topp of the Enclave requested the Board consider having a traffic calming analysis done in the Arbor Greene Drive area, inside the Enclave as there is lots of speeding going on. He recommended speed humps, which cost approximately \$4,000 and some can be moved if the location is not correct. Hillsborough has no issues with them and the EMS said that it impacts EMS access at about 5 seconds.

The following comments were made regarding this issue:

- The neighbors in the community should be contacted regarding the issue.
- This issue comes up about two to 3 times per year.
- There are many sides to the issue.
- The Carrollwood area has installed speed humps and the residents hate them.
- Some property owners feel that speed humps detract from the community.
- The District has not been able to come up with any good answer to this issue.
- The minute you put speed humps in, you will make many residents unhappy.
- There have been previous requests to put in stop signs or lights at a crosswalk coming out of Devonshire and after some research it was explained that a traffic study would have to be performed and the cost was a minimum of \$30,000 just for the study. We would be looking at a great deal of expense.
- If there is another option, we want to look at that before we go the expensive way.
- If more people are hit by cars in the community, that might be the study needed to have the speed humps installed.
- You can try to convince more people to support the issue of speed humps.
- It will go a long way if more residents attend a CDD meeting who support this issue.
- The traffic study has been recommended to avoid the idea that the District will be sued for putting in a safety bump or hump.
- It was noted the traffic calming issue is very topical in most CDD's right now. People are not following the community posted speed limits.

- Speed humps are more palatable for most areas than speed bumps. Westchase and Cheval West have been very aggressive and hired Florida State Patrols to do radar control and they have issued a vast number of citations and fines.
- Arbor Greene has also hired the State Patrols for radar control in the past.
- A radar gun has been purchased by another district to be used by the community services people. They issue non-legal citations to let people know they were speeding.
- It has been recommended to have the study done, as the District owns the roads, however, any of the signage that was put in to the Arbor Greene roads and the design of the roads was originally approved so any deviation from that signage, as recommended by the attorney, engineer and manager is to conduct the study. It would be to protect not the Board, but the community.
- The community will have to come together and bring their raised consciousness on this issue to the Board.
- It was suggested to include an article on this speeding issue in the community paper.

FOURTH ORDER OF BUSINESS

District Manager's Report

B. Discussion of Letter Received from Mr. Mulledy Regarding Pond Weed Control Complaint

Mr. Ricciardi reported on a letter and photos he received from Mr. Mulledy, a resident of Whisper Pointe Drive regarding the weed control being conducted around the pond behind his home. In the letter Mr. Mulledy indicated there may be some over spraying, over treatment from the pond maintenance that may have contributed to the problem along with the drought and freeze situation.

Representatives from Lake Masters were introduced to talk about treatment of the pond and whether they think the treatment is contributing to the situation addressed in Mr. Mulledy's letter.

The following comments were made regarding the pond:

- The drought in the State of Florida in the last couple of years has made the survival of beneficial plants a problem everywhere.

- Mr. Mulledy expressed his concern regarding this issue last year and there was the need for doing a little more weed control there and it probably had some impact at that point, but all the plants were not wiped out.
- One of the things that is very evident is the ponds that are lower right now have the least vegetation. Some of the ponds here only have a 4' to 6' of exposed bank. The majority of them have vegetation around them. It appears the ponds that are not getting as much runoff for some reason or another, that do not have as much water in them, have almost no plants in them.
- Right now there is a concern about putting in vegetation right now because if you do not get a very wet rainy season you will put plants in and they will go away.
- There is no doubt that the spraying sometimes has an impact. The applicators have to control for weeds that come up on the bank. It is very hard to be specific when shooting 30 feet; if you are shooting right on the edge it is very easy.
- Every effort is being made to try to make sure the plants come back.
- Based on the recommendation from the experts, until the water is replenished by the rain and it appears it will be sufficient to sustain any plantings or further action, we will wait for the rain.

The record will reflect the representatives from Lake Masters left the meeting.

A copy of the letter and photos submitted by Mr. Mulledy are attached hereto and made part of the public record.

A. Discussion on Letter Received from OLM Regarding Consultant Meeting Attendance

Mr. Ricciardi explained this is an informational item. The OLM letter informs the Board that as part of their services their representatives will be happy to attend any CDD meeting upon request.

C. Rescheduling of the May, 2009 Regular CDD Meeting and the May, 2009 Workshop Meeting

Mr. Ricciardi asked the Board if they would like to reschedule the May 25th regular CDD meeting since the annual meeting schedule presented to them in July, 2008 included the date of May 25th, which is actually Memorial Day.

Board consensus was not to make any change to the regular May meeting and the workshop meeting and it was established that a quorum of at least three Supervisors would be able to attend the May 25th meeting.

As a follow up item Mr. Ricciardi briefly discussed the matter of the resident who broke the mirror in the weight room and whether use privileges could be suspended. The Districts's Attorney and Mr. Turner were contacted to discuss the resident's facility use suspension and it was concluded that it is allowable.

It was suggested that the resident be informed that the issue of withdrawing privileges will be discussed at a specific Board meeting and they have a right to be present and be included in the discussion regarding the issue. The Board concurred that the resident's right to attend and explain his position at the meeting should be included in the letter of notification of the meeting.

Mr. Turner introduced the HOA Property Manager/Community Association Manager, Mr. Jeff Couturier. Mr. Couturier came to say hello and sit in on the meeting. He expressed his appreciation of Mr. Turner's cooperation.

FIFTH ORDER OF BUSINESS

Attorney's Report

There not being any, the next item followed.

SIXTH ORDER OF BUSINESS

Engineer's Report

There not being any, the next item followed.

SEVENTH ORDER OF BUSINESS

General Manager's Report

Mr. Turner reported on the following:

- One bar stool in the meeting room was damaged.
- The fuel surcharge has been deleted by the security company.

The following items from the General Manager's Report were discussed:

- Cintas Mat Cleaning – A revised proposal was provided for service two times per month for 24 months, thereafter renewing annually for a 12 month term at \$238.30 per month or \$2,859.60 annually. This would be a savings of \$924.72 over the current rate. The revised proposal contract would begin in January, 2010 through January, 2012.

Mr. Tanenbaum reminded the audience that this is a prime example of a good government program never being eliminated as this contract is a carry over from 10 years

ago when the contractors were building and there was dirt being tracked in. Given the way the economy is going, we may want to be focusing the District's resources on other areas to protect the property values of the residents and clean carpets ourselves or whether they are cleaned by Cintas as opposed to a vacuum cleaner once in awhile is top on the priority list. He believes this contract is unnecessary.

Mr. Brickley expressed his feeling that since this proposal is a reduction in charges it will not break the bank, but does provide a service that the staff cannot provide as efficiently as Cintas. The charge is in the weeds of the \$1.6 million budget and it is something that should be kept up.

Mr. Brickley MOVED to approve the revised proposal from Cintas for service two times per month for 24 months at a cost not to exceed \$2,859.60 annually and Mr. Lozicki seconded the motion and no vote was taken due to the motion being withdrawn by Mr. Brickley.

Mr. Turner was instructed to discuss with the cleaning contractor the possibility of their cleaning the mats and in that case Arbor Greene would have to purchase the mats. Consideration of the revised Cintas proposal was tabled.

- Rental Deposit for Non-Residents – When rental fees for non-residents was approved the deposit amount was not specified. It was determined that the room rental, non-resident deposit will be \$500. The public hearing process is not required as the deposit will be refunded to the renter upon determination of there being no damage to the property.

On MOTION by Mr. Yawn seconded by Mr. Brickley with all in favor the requirement of a non-resident, room rental deposit of \$500 was approved.

- Waste Management Spill in Heather Sound – A check was received from Waste Managements insurance company in the amount of \$5,187 for damage to the streets.

Mr. Turner reported Waste Management suggested that the District would be liable for up to \$3,000 if they have someone come in to reseal the streets. If Waste

Management is still willing to contract with someone to reseal the streets, the District's cost would be \$3,000. It was recommended that the Board approve the settlement in the amount of \$5,187 and a payment to Waste Management of not to exceed \$3,000 for resealing of the streets.

A discussion ensued regarding the settlement check and the Waste Management charge for resealing the streets.

On MOTION by Mr. Brickley seconded by Mr. Tanenbaum with all in favor ratifying the property damage settlement with Waste Management and receipt of the check in the amount of \$5,187 was approved.

Mr. Ricciardi suggested Mr. Turner speak with a representative from Waste Management requesting that they submit a written proposal for resealing, how much participation by the CDD and the scope and specs that will be used to do the work.

Mr. Turner will obtain proposals for resealing.

- Sidewalk Lights – Along the West sidewalk, near the main entrance. A proposal from Borrell Electric Co. in the amount of \$7,795 was discussed and Board consensus was to defer this item to the fiscal year 2010 budget planning process.
- Agreement with Wharton High School to Utilize the District Pool – The Board was questioned on whether the utilization charge should be increased from \$2,000. Board consensus was to continue with the charge of \$2,000.

On MOTION by Mr. Lozicki seconded by Mr. Yawn with all in favor the agreement with Wharton High School to utilize the District pool at a charge of \$2,000 was approved.

- Tree Trimming – It was reported that the proposals came in higher than what was budgeted for this item.
Board consensus was to approve Option 1 listed on page 3 of the General Manager's Report.

