

**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 21, 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 |
| Harve Turner         | General Manager  |
| Bob Farrell          |                  |
| Audience Members (4) |                  |

*The following is a summary of the minutes and actions taken at the February 21, 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 January 24, 2011 Regular Meeting**

Each Board member received a copy of the minutes of the January 24, 2011 meeting and any additions, corrections or deletions were requested.

Corrections were requested for pages 2 and 6; corrections were made and will be part of the final public record.

On MOTION by Mr. Tanenbaum seconded by Mr. Yawn with all in favor the minutes of the January 24, 2011 meeting were approved as amended.

**THIRD ORDER OF BUSINESS**

**Approval of the January, 2011  
Financial Statements**

Mr. Brickley reported on the February 17, 2011 Budget Workshop meeting noting the following:

- Our revenue was at 88% of budget.
- Expenses are at 32.8%, we are right on budget.
- Assessment income to date through the end of January was 89.7% of budget; people have taken advantage of the 4% discount.
- The financial statements for the end of January, 2011 were recommended for approval.
- We discussed a briefing in connection with a local area network discussion that had been previously brought up by one of the members. Members were overall favorable to the idea and requested that additional vendors be sought out for briefings before any decision was made.
- We also discussed, in general, the hiring and the salary for Mr. Bob Farrell as our new General Manager. We recommended bringing to the Board a salary of \$50,000, 3 weeks vacation per year, 10 sick days per year, use them or lose them and a 6% IRA that begins after one year on the job. There were no dental and no medical requirements from Mr. Farrell in connection with putting this package together.

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

**FOURTH ORDER OF BUSINESS**

**District Manager's Report**

Mr. Ricciardi updated the Board on the following items:

- We worked on finalizing negotiations with the Chairman and Mr. Bob Farrell.

- A letter was sent to Mr. and Mrs. Rutherford regarding the Wildfire Mitigation Program indicating what the District Engineer said. The issue is now in the Rutherford's court.
- The easement was followed up on; the closing was finalized and all parties have received compensation from the title agency. Mr. Ricciardi has not received a copy of the final easement yet.
- Mr. Ricciardi had a discussion with Mr. Robin regarding public access to CDD's. Mr. Robin also had a discussion with Mr. Tanenbaum regarding the public access issue and Mr. Tanenbaum noted the following:

The long and the short of the conversation was that the issue is complicated.

There is no clear answer and a lawyer cannot be found who will go out on a limb to give a definitive opinion in writing.

The best that can be done is to go back and look at the opinion letter done by the firm of Carlton Fields back to the inception of the CDD in connection with the original bond issuance. The general language says we have to comply with federal law and regulations. Lawyers will not give written opinions because it is unclear. If we need a better answer we would have to hire a tax lawyer to go through the process of contacting the IRS to get the answer we really want. The discussion with Mr. Robin was helpful.

Mr. Yawn reported the Villages are currently in dispute with the IRS and it will be interesting to see how it turns out.

Mr. Brickley asked for a motion to accept the resignation letter from Mr. Harve Turner,

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor and with regret the resignation letter from Mr. Harve Turner, effective March 1, 2011 was accepted.

Mr. Brickley reiterated the terms/salary packet, as discussed at the workshop meeting, for the hiring of Mr. Farrell as follows: a starting salary of \$50K, 3 weeks vacation, 10 sick days (use it or lose it), 10 paid holidays, 6% in to an IRA commencing after 1 year on the job as the general manager. Mr. Farrell indicated that he does not require any dental or medical benefits.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the salary structure as stated above by Mr. Brickley was approved.

Mr. Tanenbaum noted in the event Mr. Farrell becomes ill and needs more than 10 sick days, it is the Board’s discretion to allow more than the stated days. Board consensus was to agree with Mr. Tanenbaum.

Mr. Brickley asked the Board to allow the agenda items to be realigned allowing for audience comments at this time. The Board concurred.

**NINTH ORDER OF BUSINESS**

**Audience Comments**

An audience member requested permission to address the Board but she decided to wait until later in the meeting.

**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**

Item 1a of the General Manager’s Report regarding the Devonshire Crosswalk Improvements was discussed.

Based on recent events the residents request to lower speed limits in the community was supported by Mr. Turner; on the main roads to 25 mph and in the villages to 20 mph.

Enclosure #1 Of the report indicates the number and locations of speed limit signs in the community and costs for replacing the signs.

The Board has the authority under the covenants to make any changes to the traffic rules within the community at their discretion. We try to follow the guide provided by the Uniform Traffic Code Enforcement. Currently there are no speed limit signs in the villages.

Mr. Yawn expressed his opinion that the speed limit go to 20 mph instead of 25 mph everywhere.

Ms. Nelson noted she feels 25 mph is acceptable.

Mr. Thomson indicated even if the speed limit is lowered to 5mph, it is really up to what the specific officer decides to do; they are allowed to make the judgment call. Lowering

the speed limit is not worth the expense; people will speed whether it is 5 mph or 55 mph. If we lower the speed limit we will need to advertise either in the Newsletter or website.

Mr. Tanenbaum MOVED and Ms. Nelson seconded in favor of items 1, 2 and 3 of item 1a, on page 2 of the General Manager's Report (lowering the speed limit on the main roads to 25 mph and the speed limit in each village to 20 mph) at a cost of \$1,000 for purchase and new installation of new speed limit signs in the community, \$470 to replace current signs and \$480 to add a speed limit sign in each of the 12 Villages without signs. One additional sign is needed on Arbor Greene Drive exit road past the gate house.

Ms. Nelson MOVED to amend the above motion by lowering the speed limit signs throughout the community to 25 mph.

Mr. Tanenbaum did not object to the amendment.

On MOTION by Mr. Tanenbaum seconded by Ms. Nelson with Mr. Yawn, Mr. Brickley, Mr. Tanenbaum and Ms. Nelson voting Aye and Mr. Thomson voting Nay lowering the speed limit to 25 mph throughout the Arbor Greene community and approve the purchase and installation of new signs on existing signs and install new signs in the Villages that are without signs and on Arbor Greene Drive exit road past the gate house at a cost of not to exceed \$1,000, effective June 1, 2011 was approved.

Mr. Brickley indicated we could use the April and May Newsletter and the web site to inform the residents of the new speed limit and the effective date.

Item 1b of the General Manager's Report – Resident Request to Improve Safety of Arbor Greene Drive (entry and exit sides) between Cross Creek Blvd. and the Arbor Greene Gatehouse.

Mr. Turner reported he met with the engineer and contractor to install a "friction course". This will be brought up next month.

The Board was asked if they want to consider having "slippery when wet" signs installed and they responded negatively.

Item 1c – Crosswalk Signs and Pavement Markings.

This was completed at the Devonshire crosswalk. Three other crosswalks remain to be completed at a cost of approximately \$3,888.

Ms. Nelson expressed her opinion that all crosswalk markings need to be redone.

Mr. Tanenbaum raised the question if the previous motion of the Board approved markings and signs at all crosswalks why are the funds now an issue.

It was clarified that Mr. Turner should proceed on all the crosswalks.

Mr. Turner will obtain bids to restripe all cross walks in Arbor Greene for the March meeting.

The Devonshire HOA President thanked the Board for the improvements at the crosswalks.

Mr. Yawn brought up painting crosswalks in other areas where they do not exist.

Mr. Turner will get quotes for these areas. (2)

Item 2a – Resident Request to place a free ad in the Gazette Newsletter

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor the recommended action to continue the policy to only accept paid ads unless the activity has been approved by the CDD Board was approved.

Item 2b – Road/Street Repairs

Due to wear, will obtain proposal for March meeting.

Item 2c – Installation of local area network (LAN)

Mr. Turner will obtain more bids.

The Board would like to see specifics of the project; costs and contract at the next meeting in March.

Item 3a – Accident at Entry Retention Pond – no discussion

Item 3b – Cross Creek Gazebo Repair of the Floor

The next report on this issue is due at the April meeting.

Current Unresolved Actions/Issues/Concerns

Items 4a through 4i (Current Unresolved Actions) of the General Manager’s Report were briefly discussed.

Item 5 – Projects were briefly discussed.

Main Fountain Repairs - Enclosures 8 and 9 were referred to pertaining to information on the fountain pump.

Mr. Turner recommended the proposal from Tampa Armature Works for repairs in the amount of \$1,216.45; to secure the motor, realign it to see if the vibration is alleviated.

To include the year maintenance with them the total will be \$3,506 of which \$2,290 would be the long term preventative maintenance proposal.

Mr. Tanenbaum questioned if the maintenance plan for \$2,290 was reasonable.

As per Tampa Armature Works the motor should be inspected every three months.

On MOTION by Mr. Brickley seconded by Ms. Nelson with all in favor the proposal from Tampa Armature Works to repair the fountain vibration for \$1,216.45 and perform quarterly maintenance checks for \$2,290 not to exceed \$3,600 was accepted.

Mr. Brickley will sign the proposal, but evidence of insurance, a W-9 (naming the District as an additional insured) and schedule of work are required.

Ms. Nelson asked about publishing the Newsletter at no cost.

Mr. Farrell explained there are 2 different vendors in the area that will produce newsletters for communities. We are meeting with those companies. They take over the entire project, but the ad prices will go up and there will be loss of some control. A proposal will be presented to the Board next month. The Board wants more information.

#### **EIGHTH ORDER OF BUSINESS**

#### **Supervisors' Requests**

Mr. Tanenbaum asked if getting a thumb drive is a violation of the ethics law.

Mr. Ricciardi noted he does not think it is an issue, but he will check on it.

Ms. Nelson asked about when the Reserve Advisors study will be completed.

Mr. Turner noted he has not heard when they will submit their information.

Mr. Ricciardi reported he spoke with them and they hope to have it finalized within a couple of weeks; he will follow up on it.

Mr. Yawn asked when the audit will be done and Mr. Ricciardi responded he will find out.

Mr. Thomson asked about looking in to the web site status of the log in.

Mr. Yawn indicated he did not get a response from the web master.

Mr. Turner will check on the web master.

Mr. Tanenbaum asked if a resident directory is on there. If a <sup>"log"</sup> sign-in is removed any personal information should also be removed.

**NINTH ORDER OF BUSINESS (continued) Audience Comments**

Ms. Lisa Montelione reported she is running for City Council, District 7, which includes Arbor Greene and is the largest district in the City of Tampa. She noted she hopes everyone agrees with her that she will be able to represent all of the citizens and the business interests of the City of Tampa, of the district.

She noted she has experience in banking, real estate, and land acquisition. She has a degree from USF in public administration and urban planning.

The City Council role needs someone who is paying attention, who has budget experience, and zoning review experience. You have to have some working knowledge of development, which she has.

The City Council person works with neighborhoods and communities to make sure the services of the staff are meeting the needs of the community, listening to people and getting the job done.

Ms. Montelione noted she has received an endorsement from every newspaper in town and she offered to answer questions at any time.


**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