

**MINUTES OF MEETING
ARBOR GREENE
COMMUNITY DEVELOPMENT DISTRICT**

The recessed meeting of the Board of Supervisors of the Arbor Greene Community Development District held on Monday, January 21, 2008 at 6:30 p.m. was reconvened on Tuesday, January 29, 2008 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 P. Brickley	Chairman
Christine Nelson	Co-Vice Chairperson
T. Dorsey Yawn	Assistant Secretary
Michael Lozicki	Assistant Secretary

Also present were:

John Ricciardi	District Manager
Tracy Robin	District Attorney
David Bartelt	District Engineer
Harve Turner	General Manager
Sally Cavallo	Kids Kraze/Resident
Steve Corcoran	Resident
Adam Tanenbaum	Resident

The following is a summary of the minutes and actions taken at the January 29, 2008 Arbor Greene Board of Supervisors reconvened meeting.

FIRST ORDER OF BUSINESS

Roll Call

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

SEVENTH ORDER OF BUSINESS

Engineer's Report

- Mr. Bartelt made a presentation with regards to issues with Pond 10 in Alcove Sound.
 - There is no clay material in the pond.

- The subsidence which is natural has been covered up and stabilized.
- These retention ponds allow the water to migrate in and out through the sand causing a recharge which is in compliance with the environmental resource permits.
- Lining it will cut off the water source and involves obtaining another permit.
- Mr. Bartelt suggested the Board contact Mr. Rick Mortensen and ask him whether or not two additional borings should be done behind the lot in order to determine the condition of the sub-surface measures.
- Three bids were received for compaction grouting:
 - Hayward Baker Geotechnical Construction in the amount of \$14,330 to \$17,940;
 - L.R.E. Ground Services, Inc. in the amount of \$32,100 to \$44,850;
 - GEO-LOGICAL, Inc. in the amount of \$23,490
- Mr. Bartelt is most familiar with Hayward Baker.
 - They have been in business for many years.
 - They do a large amount of work in this area.
- The District is not responsible to pay for drilling on an individual homeowner's property.
- It is imperative polluted water does not get into the aquifer.
- Mr. Robin discussed the legal perspective.
 - There is a liability potential in which small children may play in this area and actually become buried.
 - There is probably no potential liability to the CDD if polluted water enters the aquifer.
 - SWFWMD requires this to be reported in order for corrective measures to be taken.
- Mr. Bartelt will continue to discuss this with Mr. Mortensen and report back to the Board before a final decision is made.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the December 17, 2007 Meeting

Mr. Brickley stated each Board member received a copy of the minutes of the December 17, 2007 meeting and requested any additions, corrections or deletions.

- Ms. Nelson inquired as to the status of engineering studies done by Arbor Greene Joint Venture concerning traffic devices.
 - Mr. Ricciardi was able to obtain a pdf copy the approved drawings which were originally submitted to the city, which shows the approved sidewalk on the opposite side of Arbor Wind Drive.
 - Mr. Ricciardi spoke to Mr. Kirk at the city to determine why the sidewalk was not constructed in conjunction with the drawing, but has not received a response.
 - Mr. Ricciardi is going to contact Mr. Strickland from Heidt Services, since they were the original engineering firm for Arbor Greene.
 - It is possible there were changes from the Design Phase to the Construction Phase.
 - Mr. Ricciardi will send responses back to the Board.

There being no further comments or questions,

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor, the minutes of the December 17, 2007 meeting were approved.

THIRD ORDER OF BUSINESS

Approval of the November 30, and December 31, 2007 Financial Statements

- Approval of the November 30, 2007 Financial Statements was tabled at the last meeting.
 - The Board had questions with regards to capital outlay, utility, water & sewer, payroll as well as other miscellaneous issues.
 - These issues were resolved at the last budget workshop, which was attended by Mr. Yawn, Ms. Nelson and Mr. Brickley.

There being no comments or questions,

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the November 30, 2007 Financial Statements were approved.

- The December 31, 2007 Financial Statements were also reviewed at the last budget workshop.
 - Revenues increased from 9% to 84% as a result of the receipt of \$1.3 Million in assessment fees.
 - Expenses are at 26.5%, which is on track for the year.
 - The Board recommended separate line items for the Fiscal Year 2009 Budget.
 - A line item for Newspaper Income.
 - The Board approved a contingency line item under landscaping for the work on the depression.
 - Most of the budget is within 25% with the exception of the following:
 - Under the Administrative section, the District has paid 2% to the Property Appraiser and Tax Collector.
 - The District fully paid insurance of \$27,000 for the year.
 - The gates are currently in good shape.
 - There is a large income influx within Debt Service as a result of assessment fees received in December.
 - The first of six payments to pay off the loan in connection with the mediation issue will be reflected in the January Financial Statements.
 - The collection rate for assessments is approximately 3% higher than other Districts, despite real estate market problems.

There being no comments or questions,

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

FOURTH ORDER OF BUSINESS

Public Hearing to Consider Implementation of Rules Regarding the Schedule of Rates, Fees and Charges for Use of the District's Utility Facilities and Services – Consideration of Resolution 2008-4 Adopting a Fee Schedule for Resident and Non-Resident Use of the District Recreation Facilities

Mr. Ricciardi opened the Public Hearing.

- This Public Hearing was duly noticed in the newspaper.
- Mr. Ricciardi gave an overview of Resolution 2008-4.
 - It adopts and clarifies fees charged to residents and non-residents for use of the District Gathering Room.
 - Resident fees for use of the Gathering Room will be \$50 for four hours if there is no alcohol served; \$100 if alcohol is served.
 - Annual and daily non-resident user fees for use of recreational facilities were established at the recommendation of District Counsel.
 - The proposed annual user fee is \$1,200.
 - The proposed daily fee is \$25.
 - Non-resident fees for use of the Gathering Room were also established.
 - A fee without alcohol for four hours is proposed to be \$250.
 - A fee with alcohol for four hours is proposed to be \$500.

The Hearing was open to Board discussion.

- The \$1,200 fee applies to an individual and his or her family.

The Hearing was open to public comment.

- Mr. Tannenbaum asked for clarification the rental fees for residents did not change.
 - Mr. Ricciardi clarified this to be the case.
- Mr. Tannenbaum asked for clarification as to advertisement of this Public Hearing.

- Mr. Ricciardi clarified the notice which included the Fee Schedule was published in the Tampa Tribune.
- Mr. Tannenbaum asked for some background for establishing fees for non-residents.
 - Since the recreational facilities were constructed with Bond money, public access must be allowed.
 - The facilities are appropriately-sized for District use as opposed to public use, which is the reason minimum advertisement is permitted.
 - Establishment of these rates serves to protect the tax exempt status of the Bond.
- Mr. Corcoran raised the issue of over-crowding in the weight room.
 - Arbor Greene residents are always given first preference for use of the facilities.

The Public Hearing was closed.

There being no further discussion,

On MOTION by Mr. Yawn seconded by Mr. Lozicki with all in favor, Resolution 2008-4 which establishes a Fee Schedule for Resident and Non-Resident Use of the District Recreational Facilities was adopted.

FIFTH ORDER OF BUSINESS

District Manager's Report

- Mr. Ricciardi gave the Board an overview of the upcoming 2008 General Election.
 - The three seats up for election are as follows:
 - Seat 3 – David Bootcheck;
 - Seat 4 – T. Dorsey Yawn
 - Seat 5 – John Brickley
 - Mr. Ricciardi recommends any residents interested in running for election view the Hillsborough County Supervisor of Elections Web Site for further information.
 - The qualifying period commences June 16, 2008 at noon and ends June 20, 2008 at noon.

- Mr. Ricciardi discussed some changes in the statute.
 - Interested individuals are no longer required to open a campaign fund.
 - The District is required to publish a notice in the newspaper which reflects the qualifying periods, requirements and contact information.
- Mr. Ricciardi recommends the details be noted in the District's newsletter.
- Mr. Ricciardi gave Mr. Turner a set of District Plat Maps for filing.
- Mr. Ricciardi discussed the Cost of Issuance Account for the Bond Refunding.
 - The fees associated with the Bond Refunding are held in this account.
 - Since all fees were paid, the account will be closed.
 - Remaining funds usually flow through the Bond Indenture.
 - Mr. Ricciardi will bring a summary as to the actual amount and where the funds will be deposited.
- Mr. Ricciardi acknowledged the Board of Supervisors received a letter from Straley & Robin referencing the Promissory Note to the Arbor Greene Joint Venture, a copy of which is enclosed hereto and will be made part of the public record.
 - Mr. Robin will discuss this during the Attorney's Report.

TENTH ORDER OF BUSINESS

Audience Comments

- Ms. Sally Cavallo of Kidz Kraze presented a proposal to the Board to rent the District swimming pool for her summer children's' program.
 - Her business is located in the Cory Lake Isle Professional Center, but she is an Arbor Greene resident.
 - Most of the children involved in the program are Arbor Greene residents.
 - She wants to rent the pool two days per week in the middle of the week in four hour increments.
 - She has liability insurance in the amount of \$2 million.
 - There are approximately 20 children involved in this program.
 - All supervisors and assistants are trained to handle any life safety issues.
 - Mr. Robin discussed legal ramifications.

- Background checks on all workers are required.
- The program may fall under the guise of a *for profit entity*.
- The facilities are not appropriately-sized for this type of program.
- The Board and staff expressed some concerns.
 - The facility is not set up for exclusive use.
 - The clean-up after these sessions needs to be handled.
 - Approving this may set a precedent.
 - Arbor Greene residents and their guests must be given priority for use of all facilities.
- The Board concurred denial of this proposal.

SIXTH ORDER OF BUSINESS

Attorney's Report

- Mr. Robin discussed the letter to the Board referencing the Promissory Note to the Arbor Greene Joint Venture.
 - This letter is self-explanatory and is in response to the dispute over this note which is in favor of the Arbor Greene Joint Venture.
 - The Board expressed their dissatisfaction.
 - The fee for adjustments in the amount of \$14,600 appears to be high.
 - The District is being charged for an error for which they are not responsible, even though this work was the result of an oversight by the attorney and Severn Trent Services.
 - The Board recalled the fact that Mr. Straley recommended the Board retain outside counsel; for which it would not be appropriate for Straley & Robin to charge the District for any work they would be doing in connection with a possible trial.
 - Straley & Robin gave Mr. Addison the necessary background information to proceed.
 - Mr. Robin and Mr. Straley listened to the tapes from these meetings and were unable to detect Mr. Straley's statement.
 - The Board believes Straley & Robin should refund the District \$5,000, which represents one-third of the total disputed amount of the invoices.

- Mr. Robin was in concurrence with this request and the refund will be disseminated to Severn Trent Services on behalf of the District.

The record reflects Mr. Robin exited the meeting.

EIGHTH ORDER OF BUSINESS

General Manager's Report

Following are highlights of Mr. Turner's report:

- **Stop Signs for Arbor Wind Drive at the Preserve and Alcove Intersection**
 - Purchase of the pavement marking equipment was considered since most of the District's crosswalks will need to be re-marked.
 - Staff will have to learn how to use and maintain the equipment.
 - There will be lengthy periods of time for which this equipment will not be used.
 - There may not be enough room in the shed for storage of this equipment.
 - A traffic survey should be conducted prior to installing the Stop Signs.
 - Purchase of the pavement marking equipment should be delayed to Fiscal Year 2009.
 - Mr. Turner is requesting hiring of some part-time maintenance personnel.
- **Proposal for Emergency SOS Unit at Village Gates**
 - Mr. Turner is in favor of *Possible Solution #s 1, 2, 3, 4, 5 and 6*, as per the General Manager's Report.
 - The Board is in concurrence.
- **Estuary/Enclave Fountain Repairs**
 - The liner needs to be replaced in order to lessen the maintenance costs, which will cost approximately \$18,000.
 - Mr. Turner recommends delaying action to Fiscal Year 2009, especially since the fountain cannot be used due to the water restrictions.
- **Television Set Replacement**
 - Two reduced-price television sets were purchased in the amount of \$198 each for the Fitness Room.
 - The Board expressed dissatisfaction that flat-screen television sets were not purchased.

- The cost of a flat-screen television set was \$1,000.
 - The smaller, flat-screened television sets will not fit on the stands.
 - New stands cost approximately \$400.
 - Mr. Lozicki asked Mr. Turner to look into the purchase of transmitters which come with headphones in order for people to work out without having the audio running from the television sets.
- **Resident Request for the CDD to Install a Swing Set in the Small Estuary Park**
 - Mr. Turner asked this resident to attend the meeting in order to discuss this issue, but the person has not come forward.
 - The Board does not believe this park is large enough to accommodate a swing set.
 - Mr. Turner measured the area and determined it is appropriately-sized for a small one.
 - Mr. Turner recommends deferring this issue to Fiscal Year 2009.
- **Trace Playground Burning**
 - Mr. Turner contacted the State Attorney's Office and three restitution payments have been made.
 - Mr. Turner received \$47 so far and is waiting for the State Attorney's Office to send the remaining payments.
- **Signage Indicating Commercial Rental Activities in the Gathering Room**
 - The interested party should submit a written request for Board approval.
 - Mr. Turner recommends the Board determine guidelines for these activities.
 - Mr. Ricciardi believes the Covenants prohibit this signage.
 - This signage will be prohibited until the Board makes a determination.
- A tree in the center island at the Arbor Greene Drive exit was hit by a vehicle and knocked down to the roots this morning.
 - This is currently under investigation.
- A couple of trenches were dug in the area of the standing water at the Estuary Park after last week's heavy rainfall.
 - It appears the trenching will alleviate the need to install a sidewalk.

NINTH ORDER OF BUSINESS

Supervisors' Requests

- Mr. Yawn commended Mr. Turner for appropriately addressing the visual problems for drivers by having the shrubbery trimmed at the intersection of Timberland Point and Arbor Wind Drives.
- Mr. Yawn raised the issue of the dangling limbs on the oak trees which is blocking vision for drivers.
 - Mr. Corcoran has been trimming them occasionally.
 - Mr. Brickley recommends working with the HOA in obtaining the services of a contractor.
 - The residents are not taking care of this.
 - Discussion on this issue will continue since it detracts from the District's appearance.

TENTH ORDER OF BUSINESS

Audience Comments

- Mr. Corcoran inquired as to the status of the *Yield to Pedestrians* at the crosswalks.
 - An Engineering Study must be done in compliance with the law, and the Board does not believe it is feasible to spend money to do this.
 - The CDD may install signage without doing a traffic study, but will be held liable if an accident occurs.
- The Board was commended for having the trash bin placed at the corner of Arbor Wind and Arbor Greene Drives.
- There are broken pipe covers in the middle of the sidewalks in the Enclave and Estuary.
- The landscapers have not been trimming the Wax Myrtles on the berms over the last couple of years.
- The Board was commended for having the sidewalks pressure-washed.
- Open House signs can be put up on Friday afternoon, but must be removed by Saturday or Sunday afternoon, depending on when the Open House was held.
- Mr. Corcoran commented on the *Florida Friendly Yard Symposium*.
 - The information would have been more useful to the CDD as opposed to the HOA.

- Mr. Corcoran believes the Board should look into their ideas with regards to micro-irrigation.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Lozicki seconded by Ms. Nelson with all in favor, the meeting was adjourned.

T. Dorsey Yawn
Assistant Secretary

John P. Brickley
Chairman