

**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, January 25, 2010 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
Adam Tanenbaum	Assistant Secretary
T. Dorsey Yawn	Assistant Secretary
Christine Nelson	Co-Vice Chairperson
Michael Lozicki	Co-Vice Chairman

Also present were:

John Ricciardi	District Manager
Harve Turner	General Manager
Audience Members	

The following is a summary of the minutes and actions taken at the January 25, 2010 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
December 21, 2009 Meeting**

Mr. Brickley stated each Board member received a copy of the minutes of the December 21, 2009 meeting and requested any additions, corrections or deletions.

The record will reflect Mr. Tanenbaum joined the meeting.

Corrections were requested on page 2 and 7; the changes were made and will be made part of the final minutes for the public record.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor the minutes of the December 21, 2009 meeting were approved as amended.

THIRD ORDER OF BUSINESS

**Approval of the December, 2009
Financial Statements**

Mr. Brickley reported on the December 21, 2009 Budget Workshop noting the following:

- The revenue is at 87% of budget; expenses are at 26.4% of budget. We received \$1.35 Million in assessment revenues during December, 2009. We are a couple of percent ahead of where we were at this time last year.
- We are on budget in terms of expenses.
- A recommendation was made regarding additional investments of some of our checking account funds of which there is well over \$1 Million. \$500,000 being spread over two different CD's of \$250,000 each was discussed. This recommendation will be discussed later in the meeting.
- The financial statements for the end of December 2009 were recommended for approval.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the financial statements as of December 31, 2009 were approved.

NINTH ORDER OF BUSINESS

Audience Comments

Ms. Valerie Casey submitted a handout regarding a charity tennis tournament, which she is seeking permission from the Board to conduct. The objective of the tournament is to raise money and awareness to support the Tampa Fisher House.

The request was for the use of 6 Arbor Greene tennis courts on Saturday afternoon, commencing with the playoff on Sunday afternoon, April 18, 2010.

On MOTION by Mr. Lozicki seconded by Mr. Yawn with all in favor permission to use 6 Arbor Greene tennis courts for a charity tennis tournament to benefit the Tampa Fisher House on Saturday, April 17, 2010 and Sunday April 18, 2010 was approved.

Mr. Brickley noted that Ms. Casey is also the mover behind the golf tournament at MacDill Air Force Base for the Fisher House and it raised \$30,000 this year.

FOURTH ORDER OF BUSINESS

District Manager's Report

A. Parking Policy for District Roads

Mr. Ricciardi reported the following:

- Following the discussion at last month's meeting and the workshop meeting discussion he was asked to draft a resolution for review by the Chairman and District Counsel regarding achieving the goal of allowing the HOA to enforce the parking restrictions and covenants within CDD streets. Based on the conversation between Mr. Ricciardi, Mr. Brickley and Mr. Robin the resolution was edited and was presented for Board consideration.

Mr. Brickley opened up the parking policy issue for discussion.

Mr. Tanenbaum reported on research he did and referenced the City of Tampa Ordinance Section 15-43. He explained that in South Tampa a resident can post a sign in front of their property and if someone violates the ordinance the police will be called to ticket the vehicle.

Mr. Ricciardi noted the ordinance is not applicable on CDD property as the CDD streets are not City roads; the District owns the roads.

Mr. Hartnagel, of the HOA clarified the HOA's current overnight parking issue by stating he presented the issue as whether a resident would be allowed to park on the street, overnight, in front of their own house; the HOA is concerned about homeowner's and their guests parked in front of their own homes overnight.

A handout which indicates 9 items prepared by Mr. Hartnagel entitled "HOA towing implementation procedures" and is proposed to be attached to Resolution 2010-1 was discussed.

Ms. Nelson noted she would like to see the time periods as indicated on the procedures list for towing, shortened.

Mr. Hartnagel noted items 4 thru 7 of the procedures list are current HOA policy. Items 8 and 9 have been discussed by the HOA Board but have not been voted on yet.

Mr. Yawn MOVED to adopt Resolution 2010-1 which indicates that the Arbor Greene HOA desires to enforce certain deed restrictions relating to overnight parking of vehicles on District owned roads or streets and Mr. Lozicki seconded the motion.

The motion was opened for discussion.

Mr. Tanenbaum MOVED to amend the proposed Resolution 2010-1 by changing the word "may" to "shall" on the second page, paragraph #3, last sentence and Ms. Nelson seconded the motion to amend with Mr. Tanenbaum, Ms. Nelson and Mr. Lozicki voting Aye and Mr. Yawn and Mr. Brickley voting Nay the motion to amend was adopted.

Mr. Tanenbaum also MOVED to amend paragraph 4 of the proposed Resolution by adding a new sentence to the end of paragraph 4 that states as follows: "notwithstanding any other provision herein, the authority granted the Arbor Greene HOA by this resolution shall expire May 31, 2010". There being no second, the motion died.

Mr. Tanenbaum expressed that he would vote "no" on the adoption of the amended Resolution 2010-1. He noted he is concerned about the lack of criteria for enforcement, concerned about the lack of an appeal process and concerned about the CDD ceding this kind of control over our streets to the HOA.

Mr. Lozicki noted we need a little trust and build up a relationship with the HOA. The Board would like to receive the completed procedures from the HOA as soon as possible. The CDD has the authority to pull this policy back at any time and he is comfortable with giving the overnight parking enforcement issue over to the HOA. We should try to work together to make this work for the community without going one way or another. The Board will review the procedures and if they have any concerns they will quickly move on it.

As previously MOVED by Mr. Yawn seconded by Mr. Lozicki the amended Resolution 2010-1 was adopted with Mr. Yawn, Mr. Lozicki, Ms. Nelson and Mr. Brickley voting Aye and Mr. Tanenbaum voting Nay.

A. Music in the Club Facility

The fitness instructor, Carol Ann introduced herself and explained the reason for her attendance at the meeting, which is the BMI music issue as discussed at the last meeting. She asked the Board to reiterate what their position on the BMI music fees is.

Mr. Brickley explained we are trying to get a handle on why the District received the letter from BMI and inquiries about what other communities in the area are doing regarding the issue are being made. It was noted that in most cases the other communities have contracts with Muzak, which runs from \$157 per year to \$150 per month.

The fitness instructor suggested that since the CDD pays for tennis court maintenance, why not pay for the music license for the community center.

A lengthy discussion on the music issue ensued.

The discussion concluded with consensus from the Board to allow the aerobics instructor, Carol Ann, to play her own music during the aerobics classes she conducts at the community center.

District Manager's Report, continued.

Mr. Ricciardi reported the District is at 90% collected on the assessments, which is 2% above last year.

He also reported that Mr. Isaac Larsen and his father both called him and asked him to communicate to the Board what his intentions are regarding making restitution for the remaining balance on the damages he caused. Mr. Larsen indicated that Isaac intends to fulfill his obligation to the District.

Mr. Ricciardi updated the Board on questions they had from the last meeting regarding insurance money for damage and whether it goes against that line item and the answer was yes it does. The other question raised at the workshop was regarding investment of cash and would the District's cash flow allow investing an additional \$500,000 in CD's at this time or some other mechanism to get a higher interest rate and the answer was yes. Mr. Bloom has suggested that \$250,000 be invested in a 15 month, no penalty for withdrawal CD. There are two options for the other \$250,000; one is to put them in CDAR's (certificate of deposit account registry service); it pays a little higher than a typical CD. The CDAR would be bought through Center State Bank, the same bank the CD is invested with and the Board might not be

comfortable with all of the money in the same bank. The Board might want to spread the money out by investing \$250,000 in two different banking institutions.

Mr. Brickley expressed his opinion that he does not have a problem with investing all the funds, split into two different accounts, in the same bank.

On MOTION by Mr. Brickley seconded by Mr. Tanenbaum with all in favor authorizing Severn Trent Services to invest an additional \$500,000 in CD's (\$250,000 in a 15 month CD with no penalty for withdrawal and \$250,000 in a 6 month CD) was approved.

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 items of his report:

- Regarding the music in the fitness and weight rooms there have been 20 inquiries/complaints from residents about the music being discontinued. The Board decided to take no action to reinstate the ambient music in the fitness room/weight room at this time.
- Community Center Security and Club Guest Passes – The current ID checking process cannot be accomplished with the existing staff due to their performing addition duties. If improving the ID checking process is a goal, there needs to be another system than what is in place now.

A discussion ensued regarding spending \$2,380 per month on TPD security coverage. It was suggested to cut back to 3 days per week for TPD security coverage.

On MOTION by Mr. Brickley seconded by Mr. Yawn with Mr. Brickley, Mr. Yawn, Mr. Lozicki and Ms. Nelson voting Aye and Mr. Tanenbaum voting Nay, reducing the TPD services from 5 days to 3 days per week (including Saturday's and the other two days random) with 3 hour blocks (9 hours per week) 7:00 to 10:00 P.M. was approved.

Mr. Tanenbaum MOVED to amend the motion for TPD services from 3 days to 5 days per week for 3 hours per day. The motion to amend died for lack of a second.

- Fitness Pool Gas Heater Replacement – The gas heater that provides supplemental heat to the heat pumps when the temperature is below 40 has failed and it is beyond economical repairs. It was recommended that the District purchase replacement gas heaters at a cost of \$5,300.

On MOTION by Mr. Yawn seconded by Ms. Nelson with Mr. Yawn, Ms. Nelson, Mr. Lozicki and Mr. Brickley voting Aye and Mr. Tanenbaum voting Nay, the purchase of 2 Hawkins Residential Heaters at 400,000 BTU's each at a cost of \$5,300 for 2 heaters was approved.

- Community Center Policies and Standard Operating Procedures Update – A copy of the updated policies manual has been forwarded to the Chairman for his review. The Board was asked how they would like to proceed with the review process of the updated policies.

Mr. Brickley explained that in the past the review was accomplished at several workshop meetings. He noted the current policies document consists of approximately 30 pages.

The Board requested to receive an electronic version of the updated policies manual and indicated that they will discuss the review procedure at the next meeting.

- Current Unresolved Actions/Issues/Concerns – Some of the items listed on the General Manager's Report, under this item were discussed.

A copy of the General Manager's Report and supporting enclosures is attached hereto and made part of the public record.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Yawn reported on a request from a resident that mulch is needed in the playground. Mr. Turner updated the Board on the playground mulch situation. He indicated that during recent heavy rain the playground was flooded. Currently the playground gate is locked and a closed sign is posted. Additional drainage is being considered to hinder another flooding incident. Mulch will be replaced when the drainage issue is corrected.

Ms. Nelson requested proposals/quotes on redesigning the front entrance where a sign-in desk might be placed in order to have a more formal appearance and in order to make an office attendant more visible.

Mr. Tanenbaum requested that the General Manager obtain and report on the cost to reconnect the electricity to the gazebo. The consensus of the Board was to request a cost estimate for this project. Mr. Turner will obtain an updated cost estimate for this project and bring it before the Board at the next meeting.

Mr. Tanenbaum also requested that the District Manager obtain proposals from other attorneys including giving the current attorney an opportunity to speak. He indicated he does not have a level of trust in the current attorney; he expressed his opinion that the current attorney is overextended and he does not feel the money is being well spent.

As instructed by the Board, Mr. Ricciardi will seek proposals from CDD attorneys to represent the District. The request for attorney proposal will indicate there is no need for the selected attorney to attend all CDD meetings.

Mr. Ricciardi informed the Board that he would not be able to attend the next Board meeting in February. He indicated Mr. Alan Baldwin, a senior accountant with Severn Trent will attend the next meeting in his place if the Board allows.

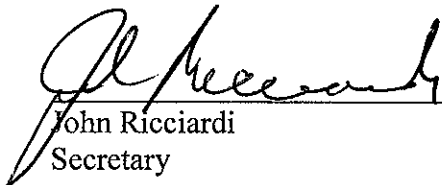
Mr. Lozicki suggested that a rack for the large weights in the weight room be obtained.

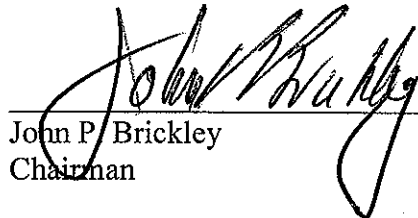
TENTH ORDER OF BUSINESS

Adjournment

There being no further business,

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


John Ricciardi
Secretary


John P. Brickley
Chairman