

**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, July 25, 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
Bob Farrell	General Manager
Audience Members	

The following is a summary of the minutes and actions taken at the July 25, 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 June 20, 2011 Regular Meeting

Each Board member received a copy of the minutes of the June 20, 2011 meeting and any additions, corrections or deletions were requested.

Corrections were requested and will become part of the final minutes for the record.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor the minutes of the June 20, 2011 meeting were approved as amended.

THIRD ORDER OF BUSINESS

Approval of the June, 2011 Financial Statements

Mr. Brickley reported on the July 21, 2011 Budget Workshop meeting noting the following:

- Revenue is at 101.1% of budget.
- Expenses are at 70.9% of budget.
- Assessment income is at 100% of budget. The assessments make up 96% to 97% of our revenue for the year.
- Budget issues were discussed.
- The financial statements for the end of June, 2011 were recommended for approval.

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor the financial statements as of June 30, 2011 were approved.

FOURTH ORDER OF BUSINESS

Questions and Comments on the Proposed Fiscal Year 2012 Budget

Mr. Ricciardi explained the Board has been reviewing the budget since March. Since that time the Board approved the proposed budget at the May 23rd meeting and set a budget public hearing meeting for August 22, 2011 at 6:30 P.M. at which time the Board will consider adopting the fiscal year 2012 budget.

The budget has been updated with the actuals. Any changes that were recommended at the workshop meeting can be made at this meeting. The current budget has a tentative increase of 3% over last year, total overall. When the proposed budget was approved in May, the Board set the high water mark. All residents will receive a letter from the CDD indicating the assessment high water mark for the 2012 budget. The Board can lower the budget at the public hearing and therefore decrease assessments, but they cannot raise it.

The Board was invited to comment on potential revisions to the proposed budget.

Mr. Thomson made the following motion:

On MOTION by Mr. Thomson seconded by Mr. Tanenbaum with all in favor under Landscape, R&M Trees and Trimming, on page 2 of the budget, reducing the amount from \$64,500 to \$39,500 allowing for trimming the Washingtonian Palms one time was approved.

Mr. Tanenbaum made the following motion:

On MOTION by Mr. Tanenbaum seconded by Mr. Yawn with all in favor under Flood Control Stormwater Mgmt., on page 2 of the budget, reducing R&M Lake from \$25,000 to \$22,000 and R&M Stormwater System from \$20,000 to \$18,000 was approved.

Mr. Brickley announced to the audience that the assessments tentatively just went down.

Mr. Thomson recommended that the budget adjustments made at this meeting be posted to the website allowing residents to review the budget, as adjusted, before the August 22nd meeting.

The consensus of the Board was to request that the District Accountant, include the three adjustments motioned and approved above, in the proposed budget and forward a revised tentative/proposed budget to Mr. Ricciardi for the purpose of transmitting it to the District web master for website posting.

Mr. Brickley requested that the Board allow a change in the agenda in order to hear comments from residents in attendance.

Residents were requested to keep their comments to not more than 5 minutes each. Another opportunity, close to the conclusion of the meeting, will be made available to residents who feel that their issue would take longer than 5 minutes.

Comments from the audience were as follows:

- Ms. Mary Jo Lefcort introduced A Lot Team Captains. The issue was new rules (percentage of Arbor Greene residents vs. non residents) regarding tennis court usage that was given to them on July 20th. It was requested that they be allowed to proceed with the teams the way they are now just for the fall season. In January, 2012 they

would fully comply with the new rules by arranging their teams to include only Arbor Greene residents.

- Ms. Julie Van Acker would like the percentage ramped up to 80% resident participation for the next session. Regarding court availability, she also suggested eliminating multiple court team practices per night; this is good for both team and leisure players. Another suggestion was to have a tennis committee to make suggestions and recommendations to the Board.
- Ms. Sylvie Roy noted the following:
 - She heads up mixed doubles teams.
 - The new rules gave little advance notice.
 - The new cost is too much of an increase all at once.
 - Does not think the new rules are correct.
 - There are some player levels that do not have enough players to field a team for only Arbor Greene.
 - Would like to form a committee to provide input to the Board.
 - She is also concerned that Sunday morning matches are being blocked out.

Mr. Brickley noted one of the mixed doubles teams season is in effect right now, but the other one will not start until December. Based on the current players, meeting the 80% rule is impossible.

- Mr. Doug Van Acker noted the following:
 - He plays on teams and also plays leisure tennis.
 - He is pleased with what is happening in Arber Greene in general.
 - Arbor Greene is a tennis community.
 - He feels the Board listened to only a few residents.
 - If you want to free-up availability, reduce the blocked court practice time and reduce the tennis pro's court time for lessons.
 - The new rules state players cannot gather under covered decks.
- Mr. Clarence McDaniel noted the following:
 - He plays more socially than league playing.
 - There is an imbalance between league play and practice sessions.

- League players feel they are more “entitled” and social players do not have a collective voice.
- 8 courts and 18 leagues seems to be imbalanced. We need to consider reducing the number of league teams. If we are unable to field the team within the community maybe that suggests there shouldn’t be a team for that level of play. We cannot accommodate 18 active teams.
- Ms. Kathi McDaniel noted the following:
 - She is an entry level tennis player and plays on the 30 team.
 - This team could not continue due to the fee adjustments from \$45 to \$145; they could not afford to continue.
 - It will be very tough to get 80% participation.
 - Advance scheduling for the year should be eliminated.
- Mr. Vijay Paul & Ms. Mary Paul
 - We are non-resident tennis members who have membership at the club. We have a fantastic tennis community.
 - Asked that we coexist peacefully, we appreciate the opportunity and we are in support of what has been proposed.
- Mr. Joe Klein
 - The practices for leagues start at 8:00 P.M. The Board was asked to have the courts checked at 8 P.M. to see how many courts are open. There is no problem with league practices from 8 P.M. to 10 P.M. because residents are not playing at that time.
- Ms. Eileen Farrell
 - This is an evolving tennis community. She and Bob have had the opportunity to play tennis both recreational and on leagues. She is familiar with all the wonderful things that Arbor Greene provides including the tennis courts.
 - We need to work to assure non-team members can play tennis.
 - She supports the 80% rule and believes there is enough of a draw to consolidate from the current teams to make this work. We need to cooperate and work together.

Mr. Brickley noted there seems to be a number of issues. If we were to consider the request to grandfather in the current teams through the end of the season to the 80%, so the 80% would start on January 1st. . .

Mr. Yawn interjected the way he interpreted it was we have been requested to defer implementation of the 80% rule until then.

Mr. Brickley indicated deferring is fine with him. Implementing it January 1st seems to be one issue we might be able to handle right now and it might help in some way.

Mr. Bob Farrell shared the following data:

- Total league players, playing out of Arbor Greene for the last year (the last 4 seasons) are 131.
- 70 of the 131 are residents playing on league teams (53%)
- 50 non-resident players, playing on league teams.
- 59 households of league players; 4.7% of all Arbor Greene households are represented by league player households.
- It is up to the Board to figure out how many Arbor Greene teams they want to allow.
- There are 120 tennis reservation accounts. Approximately 67 of those are non-league players.
- We have 18 different types of teams. In the winter season there are 7 teams, in the spring we have 10 teams, in the summer we have 16 and in the fall we have 10 teams. We have approximately 32 teams, over a year, playing at Arbor Greene; they are in 18 different categories.
- One of the suggestions he would not be in favor of; the reason we have allocated some practice times to teams, if you don't do that the group represented in this room will suck up every single available prime time reservation, starting at 12:01 and they will be gone.
- This is the fourth annual captains review meeting that we have had. The only two changes that were recommended to the Board and that were approved by the Board were an increase from 50% to 80% resident team participation and an increase from \$45 to \$150. Everything else has to remain within the workings of how the club operates.

Mr. Ricciardi explained, the Board members are elected governmental officials. Their responsibility is to maintain and operate the infrastructure. They do a really good job of maintaining and operating this facility. The problem facing the Board tonight is a dilemma that Boards face all the time, which is the balance between use of their facilities which is paid through tax dollars by non-residents versus residents. Tennis is one of those activities that tend to involve non-residents because of the team aspect of it.

This Board previously made the decision to move forward with the 80% and the increase to \$150. There seems to be a discussion and consensus tonight leading to deferring the implementation of the previous decision until December, which gives the Board some additional time to hear input from residents either through staff or through a committee. There are some difficulties with a committee because the Board is a government body. If a committee of the Board is formed, they fall under the Sunshine Law. This means every meeting of that group must be noticed publically, paid for in the Tampa Tribune (a cost to the CDD) and the members of that committee may only discuss committee business in the public meeting.

Another option is an adhoc committee, which is just a voluntary group of residents who form together to meet with staff to brainstorm the issue. Staff reports to the Board with recommendations, which the Board can either take action on or not.

Mr. Yawn noted the Board has their ears open and are willing to listen further. He will make a motion to defer the new rule implementations to January 1, 2012 to allow resident and non-resident tennis players to meet together on their own and come up with what recommendations they think the Board should look at. Keep in mind, we don't want to get involved in the day to day details of what goes on in the tennis world.

Mr. Yawn MOVED and Ms. Nelson seconded to defer implementation of the Board's previous decision to increase tennis fees to \$150 and change the resident participation rate from 50% to 80% to January 1, 2012.

Mr. Tanenbaum indicated the fee increase and the 80% participant rate are two separate issues.

Mr. Tanenbaum MOVED to have two votes, one on suspending the 80% participation rule and one on suspending the fee increase for non-residents. There was no second, however, Mr. Yawn withdrew his previous motion.

On MOTION by Mr. Yawn seconded by Mr. Thomson with all in favor deferring the implementation of the 80% team membership rule until January 1, 2012 was approved.

Mr. Yawn MOVED to defer the implementation of the new \$150 fee until January 1, 2012. There being no second, the motion failed.

The \$150 fee will continue to be imposed as originally approved by the Board.

Mr. Brickley encouraged residents to work with staff (Mike and Bob) to provide input on this tennis issue.

The record will reflect audience members who attended the meeting to hear and make comments on the tennis issues left the meeting.

Audience members who wished to address the Board regarding issues other than tennis issues were invited to make comments at this time.

- Mr. Robert Jerome, a resident of Devonshire noted the following:
 - Would like to conduct a babysitting course utilizing the gathering room on Saturday, August 13, 2012 from 9 a.m. to 4 p.m.
(the details of this item are included in the General Manager's Report)

Mr. Thomson raised concern about reserving rooms all day on Saturday when it is a peak day for residents.

On MOTION by Mr. Tanenbaum seconded by Mr. Thomson with all in favor the proposal made by Mr. Jerome to use the gathering room for a babysitting course on Saturday, August 13, 2011 between 9 a.m. and 4 p.m. was approved.

- Mr. Steve Eckhardt
 - Asked to revisit the sidewalk repair issue.

- The fitness equipment is disgusting; never wiped down, dirty, all the weights are chipped. Our fitness center looks 10 times worse than any fitness center around.

Mr. Farrell rebutted, the company that does our machine equipment is Phenomenal Exercise and they come in every other month.

- The Smith machine is loose; the straps are raised on the pulley.
- The lifeguards are on their cell phones more than watching the kids; they are texting and not watching the kids.
- The pool deck is dirty, chairs not straightened and there is food on the deck.
- A kid vomited in the pool and Julia jumped in to help; lifeguard didn't see it, when he finally noticed it took 30 to 40 minutes for him to close down the pool and it was re-opened in 1 ½ hours.
- Mr. Paul Bouchet
 - The Community Watch membership is on the rise.
 - This area is one of the lowest crime areas in the North Tampa area.

FIFTH ORDER OF BUSINESS

District Manager's Report

Mr. Ricciardi gave an update on the following items:

- In the matter of the 10109 Whisper Point Drive easement release, we received a quit claim deed in that regard and all of the fees have been paid.
- A letter was received by District Counsel from Carriage Homes. They had ongoing questions regarding the CDD and the responsibility for maintenance within the Carriage Homes area; in particular the roads. The letter notes the roads within the Carriage Homes are not maintained by the CDD and it is the only village within the CDD where the roads are not being maintained by the CDD and the bond documents indicate intent to construct their roads with bond money. They feel that since the residents are paying assessments like all other residents, the CDD should either maintain the roads or refund some of the assessments back to Carriage Homes.

Mr. Robin, District Counsel is researching the issue. It was suggested to him to report back to the Board on this issue at the August meeting.

A. Discussion of Engineering Services Proposals

Mr. Ricciardi updated the Board regarding the status of the engineering services proposals as previously ranked by the Board.

A District Engineer Rate Comparison was provided to the Board.

Mr. Ricciardi noted if the Board is comfortable with the proposal from WilsonMiller Stantec, the next step would be for the Board to make a motion to execute an engagement letter with them for engineering services. At the same time we would send a termination notice to the existing engineering firm.

On MOTION by Mr. Tanenbaum seconded by Ms. Nelson with all in favor authorizing the Chairman to execute an engagement letter for District engineering services with WilsonMiller Stantec as per their proposal and terminate the contract with the current District engineer was approved.

SIXTH ORDER OF BUSINESS

Attorney’s Report

There not being any, the next item followed.

SEVENTH ORDER OF BUSINESS

Engineer’s Report

There not being any, the next item followed.

EIGHTH ORDER OF BUSINESS

General Manager’s Report

Mr. Farrell briefly reviewed the first 3 items of his report.

The main fountain restoration issue was discussed.

- o The fountain is still operating, but vibration continues to be a problem.
- o A proposal for a long term vibration fix will be obtained.
- o The current fountain schedule is 4 hours in the morning, around rush-hour and 4 hours in the evening. On the weekend the fountain will run between 9 a.m. and 5 p.m.

The Cross Creek Gazebo was checked on June 22nd and it is okay.

The tennis court resurfacing will be done the week of August 22, 2011. The courts will be shut down for approximately 5 days; rain will deter the schedule. This information has been put on the tennis reservation site; signs will also be posted.

The LAN project is moving along and should be completed by next month. All Board members have email addresses that will be distributed by Mr. Farrell; all, except Mr. Tanenbaum's are; [firstnamelastname@arborgreene.org](mailto:firstname.lastname@arborgreene.org). Mr. Tanenbaum's is; ast@arborgreene.org as requested.

A discussion on free WIFI ensued.

Mr. Ricciardi will ask District Counsel if there are any restrictions regarding WIFI.

The fitness pool schedule is being looked at with Julia.

Mr. Tanenbaum inquired about the contract for Wharton High School; when will the contract be presented to the Board?

Mr. Farrell responded it is currently in the works, we are waiting for a new contract, August through October.

The rusty sidewalks in the parks were discussed. The price quoted to use City water at the park was \$50,000. That is not workable and we will keep cleaning the sidewalks until we come up with a better plan.

NINTH ORDER OF BUSINESS

Supervisors' Requests

C. Devonshire Stop Sign Location

Mr. Thomson requested to remove this item from the agenda. He will bring it back in the future.

Mr. Farrell will request that the new engineer prepare a study and report their findings to the Board, including costs.

A. CDD Revenue Sales Tax Procedures

Mr. Ricciardi explained this year we started paying sales tax on vendor fees we collect because it is considered revenue from a tax point of view. We are exempt from paying property and sales tax, but not exempt from paying tax on revenue. CDD's have either been absorbing the tax (taking 7% of the fee and paying it to the tax collector) or charging 7% additional for tax. Arbor Greene is currently not adding 7% for tax charges, but absorbing the tax amount.

Mr. Thomson MOVED to add 7% sales tax on to the sale of bar codes, room rentals and any other associated sales items for which sales tax has to be paid, effective October 1, 2011. There not being a second, the motion failed.

B. Missing Sidewalk 18019 Avalon

Mr. Farrell reported he does not have more information on this. The quote was for \$9,500.

The new District Engineer will be asked to look at the situation and report back to the Board.

Mr. Thomson asked if the Board wants to continue the private security patrols when they already have Tampa Police Patrols. The cost for the private security is \$3,000 per year.

The Neighborhood Watch representative suggested continuing the private security but request that they need to vary their times and their routes.

Mr. Thomson expressed his opinion that the private security is not necessary.

Mr. Farrell will check the contract and will advise the Board.

Mr. Tanenbaum reported the sidewalk opposite the entry, on the fountain side, appears to be lifting and it needs repair.

Mr. Farrell will look into this issue.

Mr. Tanenbaum requested that the allegations made by resident, Mr. Steve Eckhardt regarding the lifeguards and pool closing due to vomit in the pool be investigated and action to be taken if needed.

Mr. Tanenbaum expressed his opinion that the tennis scheduling should be turned into a policies and procedures document.

Mr. Thomson asked if it is policy to not allow eating under the canopy and Mr. Farrell responded no, people eating there are tennis players.

Mr. Tanenbaum asked that Mr. Farrell have his tennis staff review the brochure provided by him and jot down things that they do that are not encompassed in the brochure.

A copy of the League Captains Info Packet Brochure is attached hereto and made part of the public record.

Mr. Stuart Marofsky asked about speed limits.

Mr. Yawn indicated communication has begun and there is no status report on the issue.

A resident, Doug, brought up a number of issues.

Another resident asked why the May meeting minutes were not posted on the website.

Mr. Paul Bouchet asked about “no parking” areas in the CDD. He asked what is the process to get “no parking” in front of their lot? They are requesting “no parking” signs on their property.

Mr. Farrell explained the current “no parking” signs were due to the safety, traffic ingestion problem blocking the round-about. From all of that, with TPD’s input, the Board approved putting signs up.

Mr. Yawn inquired whether the signs are there legally.

Mr. Farrell indicated he believes they are legal because they were put there under TPD direction and TPD has given tickets for parking there.

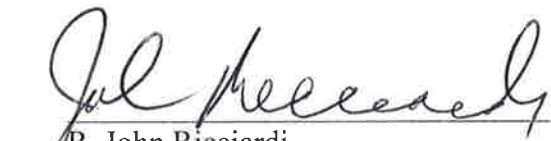
Mr. Tanenbaum noted the HOA has been authorized by the CDD Board to tow vehicles and they can take action as they see fit.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business,

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


R. John Ricciardi
Secretary


John Brickley
Chairman