

**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 22, 2013 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:

Adam Tanenbaum	Chairman
Toby P. Thomson	Vice Chairman
Steven Eckhardt	Supervisor
Michael S. Candella	Supervisor
Nathaniel Clawson	Supervisor

Also present were:

John Ricciardi	District Manager
Tonja Stewart	District Engineer
Tracy Robin	General Counsel
Mike Candella Sr.	Club Manager
Claudia Mayo	Administration Manager
Gary Smith	Maintenance Manager

7 Residents

*The following is a summary of the minutes and actions taken at the July 22, 2013 Arbor Greene Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Call to Order**

**A. Roll Call**

Mr. Tanenbaum called the meeting to order and all Supervisors were in attendance.

**B. Approval of Agenda**

The following agenda changes were requested: under agenda item 3C, change WiFi Mapping to Technology Matters (NC), and remove item 3A, Newsletter Content Costs (TT).

**SECOND ORDER OF BUSINESS**

**Reports**

**A. Chairman's Report**

- Mr. Tanenbaum mentioned the new “anti shssing” law in the August Newsletter and District Counsel will discuss this law later in the meeting.

**B. District Engineer’s Report**

Follow up on the Erosion Report:

The majority of the repairs are still in good shape and do not require any follow up. Only a small percent of work needs follow up when rainy season is over. Ms. Stewart will then evaluate and make recommendations to the Board.

**Clubhouse Roof Leak**

Ms. Stewart has reached out to Karins Engineering to see if they have any recommendations. The Board will need to decide whether to repair the dormers or remove them. Until the dormers are exposed it will not be known where the leak is coming from. Infrared was not used yet but Ms. Stewart indicated it is worth pursuing. However, she feels there will be a better idea once the dormers are exposed. Ms. Stewart will pursue a vendor with infrared detection equipment.

The Board was asked for direction on the selection of exterior paint colors for the clubhouse. Will the Board do that or will they designate someone to do it? Ms. Stewart will bring samples of paint for discussion at the next workshop meeting.

The bids for the clubhouse exterior are due July 29<sup>th</sup> and will be included on the August agenda.

Mr. Ricciardi introduced a discussion on ownership maps and provided to the Board samples of the maps of Lake Bernadette and T-POST. Ms. Stewart explained the process for preparing the maps. It is the District Manager’s and District Engineers recommendation that Arbor Greene obtain this type of ownership map as it is a very useful document.

**C. District Counsel’s Report**

Mr. Robin introduced himself to the new members of the Board. He explained after speaking with Mr. Ricciardi and reading meeting minutes regarding the current parking policy he drafted a parking policy for the District.

*A copy of the drafted Parking Policy is attached for the public record.*

Mr. Robin recommended adopting a formal rule using the formal rule-making procedure as set up in Florida State Statute Chapter 120, of the parking policy which

will provide notice to residents with a notice of a public hearing at which time residents can participate and express their concerns and provide input.

Counsel addressed the “anti shssing” law passed by legislation, which will go into effect on October 1<sup>st</sup>. This law gives the public the opportunity and right to comment on all Board actions made at meetings. Whatever procedure the Board decides to adopt on this public comment issue should be a part of the District’s formal rule. There are two options for this public comment procedure; one can be done by having “public comment” at the beginning of each meeting for agenda items and at the end of the meeting or give residents the opportunity to be heard as you go on an item by item basis.

Mr. Tanenbaum noted rule making regarding user fees is not addressed in Chapter 120. District Counsel expressed that the statute does require the District to adopt rules. It was advised by Counsel to publish notice of the parking policy in the newspaper. Mr. Robin clarified that the CDD is not subject to HOA covenants and clarified that the District can impose parking restrictions in addition to covenants.

The consensus of the Board was for Counsel to bring back as a Rule for the September meeting as well as a list of actions needed; also, there was Board consensus to authorize Counsel to draft the “no shssing” rule.

Mr. Thomson asked about the status of the Severn Trent Services contract and Mr. Robin responded pointing out there was language in the contract dealing with liability that he couldn’t live with; it all relates to some business issues with Severn Trent’s parent company, we had some conversations with language that has been improving but we are still working on improving it at the level he is comfortable with bringing it back to the Board. It will get resolved.

Mr. Robin also suggested to the Board that the Rules of Procedures should be updated and in his view they should be active and in play for the District and he asked the Board to allow going ahead with updating the necessary 2010 changes already made so they can be brought back to the Board as a whole package, making the Board current on all of the rules being in compliance with Florida law. Mr. Tanenbaum disagreed and suggested only updating the rules regarding the bidding process, as most of the rules already duplicate Chapter 190. The consensus of the Board was to direct

District Counsel to draft a rule for the bidding process that the Board could follow. The draft will be considered for approval by the Board at a future meeting. The other rules were, or will be, rescinded.

*The record will reflect Mr. Robin left the meeting.*

**E. Manager's Report**

**i. Vendor/Concessionaire Contract Review/Amendments/Approval**

#99062 – Contracts – The Zumba contract was modified and signed by the Chairman. Fast Splits Coaching and Yoga contract changed to two years and is ready for approval. Waste Management (\$312 per month) and Republic (\$270 per month) proposals are included in the Manager's Report. The new contracts should begin October 1, 2013; Republic contract is preferred.

#1087 – Mindfulness Program – Mr. Parker Pope is requesting to continue his activity on a permanent basis.

#1086 – Landscape Improvements – The budget was over spent and Board direction is needed.

#1091 – A/C and Pool Cost Analysis – Maintenance Manager comments are enclosed in the report for Board consideration.

#1090 – Estuary Gate Concerns – Now completed.

#1088 – Playground Equipment – The survey was conducted and recommendations are enclosed in the report.

#1092 – Gate arm at the front gate is now fixed.

Kendo class proposal will be presented later in the meeting.

#1096 – Roof Tech proposals – Ms. Stewart reported on this item.

Mr. Clawson asked for the status on the Masons property and Mr. Farrell responded the work was completed including moving sprinklers. The sod was installed well, but due to rain it will need some work.

Mr. Tanenbaum asked if the Hillsborough County Schools was contacted about the pool and Mr. Farrell responded yes. Mr. Tanenbaum also asked about a projector for the TV. Mr. Thomson responded we have a laptop. Mr. Clawson asked who has the requested user names and passwords and Mr. Farrell responded a document exists today and he, Ms. Mayo and Mike have access to it.

Roof Repairs Revisited:

Ms. Stewart will follow up on the roof leak.

On MOTION by Mr. Eckhardt with all in favor directing Ms. Stewart to proceed with contacting a contractor with infrared technology to find the roof leak and repair as needed for an expenditure amount of not to exceed \$5,000 was approved.

Playground Equipment

Mr. Farrell handed out pictures and a list of the rusting playground equipment.

On MOTION by Mr. Thomson with all in favor an expenditure of not to exceed \$12,000 with Little Tykes from Playground Reserves subject to review/correction by District Counsel on contract (change vendor to Florida, and need indemnification) was approved.

*The record will reflect Ms. Stewart left the meeting.*

Contracts

Fast Splits

On MOTION by Mr. Clawson with all in favor the Fast Splits Coaching concession agreement was approved.

Yoga – Ruben Vasquez

On MOTION by Mr. Thomson with all in favor the Yoga concession agreement with Mr. Ruben Vasquez was approved.

Regarding waste disposal, Mr. Thomson will meet with Mike to figure out a location for a new recycling bin. This will be added to the August workshop agenda and a decision will be made at the August regular meeting. There should be a significant savings to the District whether or not recycling is done.

#1087 – Mindfulness – Parker Pope

This was an activity that was temporarily approved and permanent approval is being requested. Mr. Pope addressed the Board requesting permanent approval to conduct classes in the aerobics room on Monday and Wednesday from 7:30 to 8:30 P.M. The consensus of the

Board was to approve, on a permanent basis, the Mindfulness classes conducted and proposed by Mr. Pope.

#1086 – Landscape Improvement Projects

The reason this item was presented to the Board at this time is because this particular budget line item is over spent. Spending an additional \$6,585 is requested.

On MOTION by Mr. Candella with all in favor authorization to expend \$6,585 for Landscape Improvement Projects as requested was approved.

#1091 – A/C and Pool Maintenance

Mr. Tanenbaum reported Mr. Gary Smith is not a licensed air conditioning contractor.

Regarding pool maintenance service Mr. Smith reported the pool company does approximately 200 visits per year at approximately \$67.50 per visit including chemicals.

Mr. Smith will call Air Rite to ask what the cost would be for a single service.

Kendo Class Proposal – Request to add a Kendo Class to the District’s list of activities.

Mr. Sungmin Ro addressed the Board regarding his request to conduct Kendo classes in the aerobics room on Friday evenings from 6 P.M. to 9 P.M. Staff is ok with the requested hours. The consensus of the Board was to approve this request on a trial basis until November.

**D. District Manager’s Report  
Follow Up Items:**

- The master list of motions going back to inception is in progress and is expected to be presented to the Board by August.
- Spending limits – minutes reviewed and in a documented motion from January, 2006, \$1,500 for the GM, \$1,000 for the Admin Manager and \$500 for Maintenance. Increasing the limits was recommended.
- The TECO rates question was answered via email to the Board.

On MOTION by Mr. Thomson with all in favor authorization for Severn Trent Services to utilize Assigned Reserve Lakes, \$12,000, to offset R&M Lakes expenditures was approved.

On MOTION by Mr. Tanenbaum with all in favor authorization for the District Manager to secure ownership maps in the amount of not to exceed \$2,000 was approved.

For the record, the OLM inspection report of July 2, 2013 will be sent to the Board; the score was 91.5%. Also, at the last meeting of June, 24, 2013 Board member, Mr. Candella abstained from a vote regarding the reorganization of staff, which resulted in his filing a Form 8B, Memorandum of Voting Conflict and the form was submitted to Severn Trent as of July 3, 2013. The disclosure has been filed and made part of the public record.

**i. Review and Approval of the Minutes of the June 20, 2013 Workshop Meeting and the June 24, 2013 Regular Meeting**

Changes for each set of minutes were requested and will be made part of the final sets of minutes.

On MOTION by Mr. Candella with all in favor the minutes of the June 20, 2013 workshop and the June 24, 2013 regular meeting were approved as amended.

**ii. Review and Approval of the June 2013 Financial Statements**

Mr. Ricciardi reported regarding collections through June 30, 2013, the District collected 98.59% collected. We were 100% collected last June. Expenditures are on target.

On MOTION by Mr. Thomson with all in favor the financial statements of June 30, 2013 were approved.

**iii. Questions and Comments on the Modified Tentative Fiscal Year 2014 Budget**

On MOTION by Mr. Thomson with all in favor reducing Capital Outlay by \$5,000 and increasing Utility Water and Sewer to \$24,000 was approved.

On MOTION by Mr. Thomson with all in favor authorization to create new line items as follows was approved: Reserve Landscape \$2,500, Reserve Stormwater System \$2,500, and Reserve Lake \$2,500 and reduce Capital Outlay by \$7,500.

On MOTION by Mr. Thomson with all in favor authorization to reduce Utility Refuse Removal from \$14,100 to \$4,140 and increase Capital Outlay by \$10,000 was approved.

Mr. Ricciardi reminded all that the public hearing on the 2014 budget is scheduled for August 19, 2013 at 6:30 P.M.

District Counsel’s attendance at the next regular meeting was requested to discuss the Severn Trent Services contract and the parking/towing issue.

**SECOND ORDER OF BUSINESS**

**Reports (continued)**

**E. Manager’s Reports**

- i. Vendor/Concessionaire Contract Review/Amendments/Approval**
- ii. Expenditure Requests/Policy Matters**
- iii. Questions/Consideration of Recommendations**

Vending machines were discussed. The Board requested to see the contract the District has with the vending company.

Mr. Tanenbaum asked Mr. Candella about recent issues with reservations for the Gathering Room; double booking. Mr. Candella explained the particular event error.

**FOURTH ORDER OF BUSINESS**

**New Business and Supervisor Requests**

**C. Public Comments and Requests**

Ms. Dawn Perez and Ms. Kristen Cherry addressed the Board with a proposal to change the resident, non resident ratio to 50 - 50%. The current ratio is 70-30%.

On MOTION by Mr. Tanenbaum with all in favor authorizing a waiver from the 70-30% rule regarding tennis teams to USTA 8.5, Night, USTA 7.5, Night, USTA 4.0 Womens, Night, to have 50% resident and 50% non-resident with Kristen Cherry as Captain or Co-Captain for the fall 2013 & spring season 2014 with proviso 50-50 resident, non-resident split was approved.

Ms. Valerie Casey reported an issue she had with gate personnel when she submitted a party guest list to them; when guests arrived personnel said they did not have the list and directed guests to the wrong village. Ms. Casey also upset with hearing screaming infants from the infant swim lessons.

Mr. Paul Boucher requested the Board include resident comments at the beginning of each meeting. He also wants to put security cameras on his Oak tree, (between the sidewalk



and the road) on the easement, looking up and down the street. Mr. Boucher expressed his concern regarding the parking issue; parking on both sides of the street and obstruction of emergency vehicles.

**THIRD ORDER OF BUSINESS** **Old Business**

**B. Video Gaps for Tennis Courts (TT)**

This item was deferred to the September workshop.

**A. Newsletter Content Costs (TT)**

This item was not discussed.

**D. Manager/Personnel Reform**

Mr. Clawson MOVED to hire Mr. Jason von Merveldt for the position of General Manager and move responsibilities of scheduling employee hours verification, payroll information and preparation for back office to Administration as well as remove the Club Manager position and see if we could utilize some of the club attendants for maintenance and support of the club facilities within the complex here.

Mr. Clawson indicated he would like to see the General Manager relocate to this side of the facility so they know exactly what is going on and be able to interact with the residents of the community.

Mr. Thomson inquired about voting for the position of General Manager separately.

Mr. Tanenbaum handed out a different motion from the above motion made by Mr. Clawson. He noted the handout was just informational as a reference point and he was not proposing it as a motion right now. He indicated he is willing to concede on the issue of not having an onsite manager and he likes the idea of establishing two assistants of some sort and leaving the rest of the restructuring.

*A copy of the handout provided by Mr. Tanenbaum will be attached hereto for the public record.*

Each Board member expressed his opinion on the restructuring issue again.

Mr. Clawson indicated he is willing to modify his motion, but he wants to hear ideas; even put the contingency that the reorganization will happen. Mr. Thomson noted with such a contingency he would vote for it. Mr. Eckhardt noted he would like to see the new manager reporting to us for at least the near. Mr. Clawson noted at the start the new General Manager

should report to the Arbor Greene Board of Supervisors with the understanding that as we move forward that position will slide up underneath the District Manager. Mr. Tanenbaum stated you still don't have the District Manager as being a direct report to the Board of Directors. Mr. Tanenbaum asked if Mr. Clawson would accept an amendment to his previous motion to change General Manager to Community Manager and Mr. Clawson responded yes. The understanding is that the General Manager will report to the District Manager at a later date. He would like to see the new General Manager come back with a proposed structure for the remaining staff and still proposing to eliminate the Club Manager because it is a redundant position. He wants the new manager to evaluate it and come back with a plan within 60 days. Mr. Tanenbaum indicated to Mr. Candella Sr. that the Club Manager position he currently holds will be eliminated.

On VOICE Vote with Mr. Clawson and Mr. Eckhardt voting Aye and Mr. Tanenbaum, Mr. Thomson and Mr. Candella voting Nay the above motion made by Mr. Clawson regarding hiring of a new General Manager failed.

Mr. Tanenbaum MOVED to re-title the position of General Manager to Community Manager and hire Mr. Jason von Merveldt to fill that position subject to negotiations. Mr. von Merveldt will initially report to the Board of Supervisors and at a later date report to the District Manager and at the third workshop following his entry on the duty date he will have evaluated the District's operations and report his restructuring plan to the Board.

On VOICE Vote with all in favor the above motion made by Mr. Tanenbaum regarding re-titling the General Manager position to Community Manager and hiring Mr. Jason von Merveldt, etc. was approved.

Mr. Ricciardi noted he will contact Mr. von Merveldt informing him of the Board's decision to employ him and explain the salary and benefits offer. The consensus of the Board was to authorize both the Chairman and the District Manager to negotiate with Mr. von Merveldt.

**FOURTH ORDER OF BUSINESS**

**New Business and Supervisor Requests**

**A. Roof Leaks**

This item was previously discussed.

**B. Post Orders**

Mr. Ricciardi explained there was a previous motion made by the Board to go back to the old post orders. He will work with Ms. Mayo to update the names and contact information and bring it back to the Board.

*The record will reflect Mr. Mike Candella left the meeting.*

**THIRD ORDER OF BUSINESS (Continued) Old Business**

**C. Technology Matters**

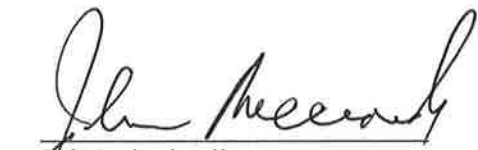
On MOTION by Mr. Clawson with all in favor directing Digital Rescue to modify all administrative passwords that they can change and also direct the District Manager to hold the modified passwords for safe keeping was approved.


**FIFTH ORDER OF BUSINESS**

**Continuation**

On MOTION by Mr. Thomson with all in favor the meeting was continued to Monday, August 5, 2013 at 6:30 P.M. at the Arbor Greene gathering room.

The items for discussion will be as follows: Technology Matters, Supervisor Requests and Community Manager Hire Status.

  
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John Ricciardi  
Secretary

  
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Adam S. Tanenbaum  
Chairman