

**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, May 21, 2007 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 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	Attorney
Harve Turner	General Manager
Alan Williams	Arbor Greene Tennis Operations
Neil Unruh	Shinn & Company, P.A.
Dave Bethune	Resident
Tereza Cleary	Resident
Bob Farrell	Resident
Rick Kelso	Resident
Jenny Sheerin	Resident
Adam Tanenbaum	Resident
Toby Thomson	Resident

The following is a summary of the minutes and actions taken at the May 21, 2007 Arbor Greene Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

**Approval of the Minutes of the
April 23, 2007 Meeting**

Mr. Brickley stated each Board member received a copy of the minutes of the April 23, 2007 meeting and requested any additions, corrections or deletions.

- On Page 3 in the first bullet \$13,500 should replace \$1,800.
- On Page 9 in which Mr. Turner discussed the letter being sent to the Mayor of Tampa, this was done and a check was received.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the minutes of the April 23, 2007 meeting were approved as amended.

THIRD ORDER OF BUSINESS

Approval of the April 30, 2007 Financial Statements

- Arbor Greene is at 98.9% of the revenue budget for the year and 59.9% of expenditures.
- The expenses for property assessments were paid up front, which normally does not occur until the end of the year.

On MOTION by Mr. Yawn seconded by Mr. Lozicki with all in favor the April 30, 2007 Financial Statements were approved.

FOURTH ORDER OF BUSINESS

Discussion of the 1998 Bond Issue

- Mr. Brickley gave a brief summary of this issue for the benefit of residents in attendance.

FIFTH ORDER OF BUSINESS

District Manager's Report

A. Acceptance of the Audit for Fiscal Year 2006

- The 1998 Bond issue is addressed on Page 26.
- This is considered a clean audit with no matters of internal control over financial reporting as well as no instances of non-compliance.
- Mr. Unruh from Shinn & Company gave a brief summary and addressed questions from Board members.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor the Audit from Shinn & Company, P.A. for Fiscal Year 2006 was accepted.

B. Consideration of Engagement Letter with Shinn & Co. to Perform the Audit for Fiscal Year 2007

This item was tabled to the next meeting.

C. Consideration of Resolution 2007-2 Designating John Ricciardi as Secretary

There being no questions or comments,

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor Resolution 2007-2 designating John Ricciardi as Secretary was adopted.

D. Discussion of Supervisor of Elections Issues

- Seats 3, 4 and 5 are up for election in November 2008.
- Seats 1 and 2 are up for election in November 2010.

EIGHTH ORDER OF BUSINESS

General Manager's Report

- Mr. Ricciardi discussed the Lakemasters contract.
 - Mr. Ricciardi and Mr. Turner met to discuss the issue.
 - Lakemasters signed and returned the contract, but a more specific scope of work is necessary.
 - Mr. Ricciardi is hopeful they are willing to amend their contract in compliance with this scope of work, as they have been working under this scope since 2002.
- Mr. Ricciardi discussed a Letter of Notice for a Public Hearing at the Board of County Commissioners on June 12, 2007 at 1:30 p.m. with regards to the northwest corner of Kinnan Street and Oak Preserve Boulevard which is north of Cross Creek Boulevard.
 - They wish to remove acreage from approved plan development to be included in other planned development projects.
- Mr. Ricciardi discussed Mr. & Mrs. Wong's encroachment issue.
 - Mr. and Mrs. Wong were told by the City of Tampa only CDD approval is required.
 - The easement is clearly a private drainage easement, which is neither dedicated to the City of Tampa nor the public.

- Mr. Robin discussed further.
 - A screened porch structure and part of the pool is in this drainage easement.
 - The city has a drainage easement over the same areas which the District owns according to the plat.
 - The Board usually authorizes the engineer to review and determine whether or not this adversely impacts the District's drainage easement.
 - If there is no impact, the resident is petitioned to pay the expenses.
- The Board decided Mr. Bartelt should review and make a determination.

TENTH ORDER OF BUSINESS

Audience Comments

- Mr. Bethune questioned the bar code policy.
 - Since Mr. Bethune owns a convertible which only has one window, he wants to know where he can put the placard.
 - According to the Florida statute, putting a placard on this window is considered a safety hazard since it may block the view while driving.
 - Mr. Brickley read the statute.
 - The Board decided these issues should be determined on a case by case basis.

Mr. Brickley moved to accept Mr. Bethune's explanation and waive the requirement of a placard being placed on his vehicle window in compliance with driving safety issues and be issued a hand-held card and Mr. Lozicki seconded the motion.

- Mr. Yawn suggested seeking an interpretation of the statute in order to determine whether or not this placard poses impairment to driver visibility.

On VOICE vote with all in favor the previous motion was approved.

- Mr. Kelso discussed the possibility of modifying some activity room policies.

- Mr. Kelso and his family like to play ball in the activity room during the summer, since it is too hot outside to do so.
- He suggested the policy prohibiting this be modified to allow ball-playing in the room.
- He suggested interested residents pay for the purchase of a large set of ping pong paddles in order to be able to check them out of the office whenever they wanted to play.
- He suggested reducing the age to use the room as long as they are accompanied by a responsible adult.
- Mr. Turner explained that children under 14 years old are allowed in the room accompanied by an adult, which also applies to teenagers 14 to 18 years old.
- The consensus of the Board is the room is not appropriate for ball-playing.
- Mr. Thomson discussed the possibility of installing a full-scale basketball court in the area where the trailer used to be.
 - The half courts do not provide fencing.
 - The existing facilities are close to conservation areas in which there are snakes.
 - There is no adequate lighting.
 - There are no water fountains.
 - This is not currently in the budget, but will be considered once cost estimates are received.
- Ms. Sheerin presented a proposal to conduct a children's computer club.
 - She will provide the laptops and software.
 - She will charge \$65 per student for a one-week course.
 - This is for children ages five to seven.
 - Mr. Turner and Ms. Sheerin agree the Gathering Room is the best location.
 - Ms. Sheerin believes this course will benefit children in this age group, as they need to prepare for lifetime use of computers.
 - Specific insurance requirements need to be met before final approval.

- A background check also needs to be done since the program involves children.
- Ms. Cleary discussed a situation in which a man cut across a walkway between two properties from the conservation area towards the Devonshire guard gate.
 - The Tampa Police took a description.
 - She recommended this walkway be eliminated.
 - *No Trespassing* signs should be posted.
 - Mr. Turner will meet with Ms. Cleary at the site and investigate her concerns.
- Mr. Turner introduced Mr. Bob Farrell who is replacing Mr. Barry Weston in managing the club area as of June 1, 2007.
 - Mr. Farrell is an Arbor Greene resident.
 - He is active in the tennis program.
 - Operations have already improved.

SIXTH ORDER OF BUSINESS

Attorney's Report – Discussion of Facility Use Policies

- Mr. Robin discussed the damaged playground equipment.
 - New equipment was ordered.
 - Mr. Turner asked for Mr. Robin's assistance to proceed with prosecution.
 - The Assistant Fire Marshall has not completed the appropriate paperwork in order to proceed with prosecution.
 - They need the assistance of the Tampa Police Department in order to complete this paperwork.
 - The District may have to assume \$7,500 to \$8,000, which should be reimbursed from the family of the individual who committed the crime.
 - Mr. Robin does not believe the reward portion is recoverable.
 - The deductible for the actual damage should be recoverable.
 - Mr. Robin recommends this be handled directly through Mr. Turner, since the family has been forthcoming on this issue.

- Mr. Robin also recommended making the Chief of Police as well as the Fire Marshall aware of this situation via written communication in order to keep a paper trail.
- The Board authorized Mr. Turner to write a letter to both the Tampa Chief of Police and the Fire Marshall.
- Mr. Robin discussed resident and non-resident fees for use of Arbor Greene facilities.
 - According to the statute, fees must be adopted at a public hearing which needs to be noticed.
 - This can be done in compliance with the statute, without drawing too much attention from non-residents.
 - The Board discussed other CDD rate structures.
 - A non-resident user fee must be adopted.
 - Each CDD has different amenities.
 - Tennis operations at Arbor Greene require daily rates.
 - Mr. Robin recommends having both a daily and quarterly rate.
- Mr. Robin inquired about the status of Ms. Renee White's swim contract, as well as SwimKids USA.
 - Use of SwimKids USA is only necessary if the Board wants to have swimming lessons for children on weekends as an addition to Ms. White's contract.
 - Mr. Brickley spoke to Ms. White and explained the contractual requirements of the CDD and as a result she signed her contract.
 - Ms. White has the ability to hire staff to conduct swimming lessons on weekends she is not there, but they must be certified.
- Mr. Robin raised the issue of Ms. Sheerin's proposal for the children's computer club.
 - He believes the Board should consider her hours of operation and possible fees to the District as done in other contracts.
- Mr. Turner raised the issue of background checks.

- Most of the concessionaires who work with children did not submit to a background check.
- According to Mr. Robin, this is the Board's decision and can be done on a case by case basis.

Ms. Nelson moved to approve a requirement for all concessionaires and/or activities directors to provide a background check on themselves, the cost of which will be reimbursed by the District if the report is positive; and concessionaires and/or activities directors to provide and pay for background checks on all of their employees at the concessionaires/activities director expense and Mr. Brickley seconded the motion.

- This will apply in particular to Mr. Williams, Ms. White and Ms. Sheerin.
- Ms. Nelson believes the motion should be amended for contractors who work with children only.
- Mr. Turner believes all of these contracts should be reviewed by Mr. Robin.

On VOICE vote with all in favor the previous motion was approved as amended to apply to contractors who work with children only.

FIFTH ORDER OF BUSINESS

**District Manager's Report
(Continued)**

- E. Distribution of the Proposed Budget for Fiscal Year 2008 and Consideration of Resolution 2007-3 Approving the Budget and Setting the Public Hearing**
 - The Board discussed various issues from the previous Budget Workshop.
 - Mr. Ricciardi explained the presentation of discounts and fees.
 - There is a 4% discount for residents who pay taxes up front which is shown on Page 2 under *Revenue*.
 - *Electricity – Pump Station* in the amount of \$3,000 was revised to \$7,000.
 - Monthly financial statements will be tied into this line item in order to track easily on a monthly basis.
 - The Board will discuss the items on the *Budget Wish List* at the next Board meeting in further detail.

- The Board discussed whether or not it is necessary for the Attorney to attend every Board meeting.

On MOTION by Mr. Brickley seconded by Ms. Nelson with all in favor Resolution 2007-3 approving the Budget for Fiscal Year 2008 and setting a Public Hearing for Monday, July 23, 2007 at 6:30 p.m. in the Gathering Room of the Arbor Greene Community Center; 18000 Arbor Greene Drive; Tampa, Florida; thereon pursuant to Florida Law was adopted.

- Mr. Ricciardi discussed assessment increases.
- Various attorneys have taken a strict interpretation of Florida Statute in terms of advising residents of assessment increases.
- This was handled via public notification in the past announcing a public hearing and indicating assessment increases.
- Hillsborough County attorneys now require an individual notice letter be sent to each resident indicating the maximum amount of their assessments.
- A legal letter must be sent to each Arbor Greene resident notifying them of the public hearing to discuss the fact that assessments are increasing and indicating the amount of the maximum assessment which cannot be exceeded.
- As a result, Boards are advised to gross up the budget by 5% or 10% in order to allow enough time between this date and the public hearing.
- Arbor Greene built up their *Reserve Account* in order to use it effectively in connection with projects, which is also known as *deficit-budgeting*.
- This involves budgeting a portion of the revenue from the fund balance.
- A part of the fund balance can be used as a *Carry Forward*.
- The fund balance can be used for *First Quarter Operating* expenses.
- The Board agreed to 5%.

EIGHTH ORDER OF BUSINESS

General Manager's Report (Continued)

Following are highlights of Mr. Turner's report:

- **Resident Request to Change Rental Policy for Facilities**
 - The current rate is \$50 no matter how long the room is used.

- There is a security deposit of \$250.
- The rate for parties with alcohol is \$100.
- The Board wants the rooms to be rented for certain blocks of time as opposed to holding it for an entire day.
- The new policy will not apply to those who are already scheduled to use the facilities.
- If the person wants to come in one hour before their four-hour time block, they will just be charged for that one hour as opposed to another four-hour block.
- The following changes were made to the document:
 - The fourth sentence in the first paragraph, *Hourly rentals must be within a designated block and cannot extend into the separation hour or the next block*, was deleted.
 - *Examples of* should replace *Designated* in the fourth paragraph.
 - *If adopted*, should be deleted in the sixth paragraph and *changes will* should replace *rates would*.

On MOTION by Mr. Brickley seconded by Ms. Nelson with all in favor the proposal from the General Manager for changes in connection with resident facility rentals and rental rates was accepted as amended.

- **Opening Village Gates for Real Estate Open House Event**
 - This was requested by a resident real estate agent.
 - This should be approved on an individual basis.
 - The Board decided to track this situation in order to determine whether or not problems arise.
- **SwimKids USA Request to Teach Swimming**
 - The Board agrees this weekend schedule during the summer is not good, since this is the prime time for residents wanting to swim.

- **Spanish Summer Camp Plan**
 - The Board believes Ms. Smith should have attended the meeting to explain this request in further detail.
 - Her insurance must cover this type of activity.
- **Proposal to Lennar Homes For Fence**
 - Mr. Turner submitted a proposal to Lennar Homes for Arbor Greene to install a fence around the retention pond as well as a fence between the Carriage Homes, which Lennar verbally agreed to.
 - Lennar decided they wanted to put the fences in along with real estate signs in the community until all homes are sold.
 - These signs do not meet Arbor Greene specifications.
 - The Board agreed not to allow this unless the signs meet Arbor Greene design specifications.

SEVENTH ORDER OF BUSINESS

Engineer's Report

There not being any, the next item followed.

NINTH ORDER OF BUSINESS

Supervisors' Requests

Hearing none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Lozicki seconded by Mr. Brickley with all in favor the meeting was adjourned.
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T. Dorsey Yawn
Assistant Secretary

John Brickley
Chairman

AGENDA ITEMS FOR THE JUNE MEETING

- Consideration of Engagement Letter for Shinn & Co. to Perform the Audit for Fiscal Year 2007. (See Page 3)

JOHN RICCIARDI & HARVE TURNER

- Lakemasters Contract – waiting for an amended scope of work before final approval. (See Page 3)

HARVE TURNER

- Ms. Jenny Sheerin to present insurance information and a background check will be done before final approval of her children's computer club. (See Pages 5 and 6)