

**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 24, 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
T. Dorsey Yawn	Assistant Secretary
Christine Nelson	Co-Vice Chairperson
Michael Lozicki	Co-Vice Chairman
Adam Tanenbaum	Assistant Secretary

Also present were:

John Ricciardi	District Manager
Harve Turner	General Manager
Tracy Robin	District Attorney
Bob Farrell	Club Manager
Audience Members	

The following is a summary of the minutes and actions taken at the May 24, 2010 Arbor Greene Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Brickley called the meeting to order and four Supervisors identified themselves at roll call.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the April 19, 2010 Meeting

Mr. Brickley stated each Board member received a copy of the minutes of the April 19, 2010 meeting and requested any additions, corrections or deletions.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor the minutes of the April 19, 2010 meeting were approved.

THIRD ORDER OF BUSINESS

Approval of the April, 2010 Financial Statements

Mr. Brickley reported on the May 20, 2010 Budget Workshop noting the following:

- The revenue was at 98.5% of budget; expenses were at 55% of budget and the assessments were at 98% of budget.
- The cost centers were reviewed and there were no surprises.
- The financial statements for the end of April, 2010 were recommended for approval.

On MOTION by Mr. Yawn seconded by Mr. Lozicki with all in favor the financial statements as of April 30, 2010 were approved.

Mr. Ricciardi noted there are two corrections to the minutes of April 19, 2010. On page 5, under the ninth order of business, HAO should be corrected to read *HOA* and the last sentence on page 5 the word *modified* should be added to the end of the sentence.

On MOTION by Mr. Brickley seconded by Mr. Yawn the minutes of the April 19, 2010 were approved as amended.

- Regarding the Budget Workshop report, Mr. Brickley added one of the things discussed at the workshop was to recommend to the Board to accept the current proposed budget figure, \$1,733,499, recognizing 2% as the high point of going in to the fiscal year 2011 budget.
- We talked about some things in both 2010 and 2011. For this year we had an issue about a resident falling (sidewalk repairs) and in order to make the sidewalk repairs cost efficient, we cannot repair only one sidewalk. A package has been put together by Mr. Turner that would cost approximately \$8,000 and would be an additional expense for fiscal year 2010. A second issue for 2010 is the issue of security. We have a security study package from Mr. Turner, dated April 15th, which includes four items on it; a monitor, computer, updated camera for the

lobby and provides for 10 additional hours of security for the community center and the pool during the summer. Those were all pieces of the pie that were provided by Mr. Farrell and his team when security was addressed. We looked for things that could get started this year, before we adopt the 2011 budget and these recommendations were made.

The workshop recognized this would require us to come up with approximately \$14,500 over the next five months to finish the sidewalk repairs and to institute some of the security issues before we get into fiscal year 2011. There is probably \$14,500 available and that is something we need to be aware of right now.

- At the workshop we looked at 2011. We agreed to go line by line of the budget at the next workshop meeting again.
- We looked at the issue of the fountain, which is in R&M Fountain, a \$35,000 item and the gate house security plan, which was \$53,000 for a total of \$88,000.
- We talked about a \$70,000 figure that was in the budget over the past years. Right now it is contained under Reserves Roadway as it had to have a title. We talked about using the \$70,000; \$35,000 would go to R&M Fountain and the other \$35,000 would take a huge piece of the overall security plan and put it into effect. If we were to do that, the \$88,000 would drop off the figures of the budget as we know now and \$1.733 Million would come down fairly close to the fiscal year 2010 figure. The downside would be that the \$70,000 would not be available for anything that might pop up.

FOURTH ORDER OF BUSINESS

District Manager's Report

Mr. Ricciardi reported on a follow-up question from Mr. Yawn regarding insurance and if the insurer would do any on-site security analysis. The insurance carrier sent someone out and when the analysis is received it will be reported to the Board.

Mr. Turner indicated the TPD told him that the District is already doing more than most communities regarding security.

A. Report on the Number of Registered Voters in the District – 2,111

Mr. Ricciardi reported a letter from the Supervisor of Elections office indicates there are 2,111 registered voters within the District.

B. Attorney RFP's

Mr. Ricciardi noted he was requested to reach out to a number of law firms to see if they would be interested in providing district counsel services to the District. Responses were received from Mr. Robin's firm and two other firms. The responses were submitted to the Board with previous board packets.

Mr. Robin requested the opportunity to come before the Board to discuss his firm's services and any concerns the Board may have regarding the services he provides.

Mr. Brickley explained for clarity purposes, Mr. Tanenbaum, as the newest member of the Board was looking at the longevity of different contracts and he expressed an interest in seeing if there was any interest from other law firms that may or may not work in this field.

It was indicated that Mr. Tanenbaum would probably not be able to attend today's meeting.

Mr. Lozicki noted the RFP was not driven by any complaint of service.

Mr. Robin indicated he is prepared to answer any questions the Board may have. He and his firm are pleased to represent the District and they would like to continue.

He reported his firm has approximately 75 districts, which is the fundamental practice area of his firm. The firm believes they bring value to the Board's they represent because by representing so many district's and making that the focus of their practice, they have already seen 99.9% of the problems districts have and most of them have been researched at some level. The Arbor Greene legal services budget is very modest for the property and the caliber of this District.

It was also noted that the hourly rate for lawyers included in the other proposals were the lowest and it strongly suggests that new lawyers would be training on this District.

Mr. Robin continued, we hope that you will not decide to change firms and hope that you are happy with the services we provide.

Mr. Yawn asked if the fact that Mr. Robin has not been in attendance at every meeting been a hindrance to the performance of what he does for the District and Mr. Robin responded, not a hindrance but it is a little more difficult than attending district meetings. It is a little

harder to represent a client at a distance. Communication is very important in an attorney-client relationship.

The record will reflect Mr. Tanenbaum joined the meeting.

Mr. Lozicki asked how did Mr. Robin's firm get into the CDD business and are there firms with more experience with CDD's than his?

Mr. Robin responded his partner, Mr. Mark Straley was one of the first lawyers in this area of the state to get involved in CDD work because he had a client who asked him how to create a district. Mr. Straley had no experience in CDD's at the time, read the statute and he and his client figured it out as they went. US Homes also wanted to create a district at the same time. Two districts grew into 4 and continued.

Mr. Robin began CDD services in the early 2000's. Mr. John Vericker, Mr. Robin and Mr. Straley left Ackerman, Senterfitt in 2004 and started their own firm. The lion's share of their practice is dealing with CDD issues and is what they focus on.

Regarding other law firms who handle CDD's, there are three major law firms in the state that have a major presence; one in Fort Lauderdale and the largest player is located in Tallahassee; Hopping, Green & Sams. Certain districts, particularly districts over 1,000 acres have to be created by the governor and the cabinet and a lot of the work gravitated up there for the huge districts because they needed a local Tallahassee firm.

Ms. Nelson noted she is glad that the Board entered into this endeavor because it is good to revisit what we have, appreciate what we have and see what else is out there. She expressed her opinion that things have gone smoothly and appreciates that.

Mr. Tanenbaum asked Mr. Robin what his philosophy is as far as servicing boards; what do you see as your goal as counsel.

Mr. Robin responded you have to ask yourself who is the client; the client is not the individual Supervisor, it is the entity. His loyalties as a lawyer run to the district and one of the things that is not the role of district counsel is to steer the board either in a political way or a result driven way. He views his job as district counsel as making sure the District stays on the road and out of the ditch. He helps the Board meet the legal requirements and stay within the frame work of the legal authority and it progresses along in managing the business of the district.

Mr. Tanenbaum noted as a follow up to that, in the time he has been on the Board, it seems that when there is a legal question or something that gets deferred the Board gets a statement of opinion as to one thing as opposed to the strength and weakness of those various options since it is ultimately the Board that has to make the decisions. Do you feel that you do that or am I misreading how you approach various issues, or are there sometimes where you have to give an opinion as opposed to options?

Mr. Robin responded when you are representing a client at a distance it is only natural that you have less conversation, you tend to get things back in sound bites, partly because if the Board or Mr. Ricciardi has a question we are communicating between meetings and Mr. Ricciardi is the messenger and he comes back and reports to the Board what the answer is. Another part is that often times the questions that get asked are ones that because of the law or because of the way the district's work, there is an answer; it is not often that there is a range of answers. For example, swim schools and lessons at the pool; as a Board you can decide whether you want to permit that activity or not and you have an entire range in between. Some districts say no, some yes, some say one exclusive provider and they limit the hours and want to make sure that their residents have the opportunity to use the facility as well. We have other districts that have two or three swim schools that all get to operate in the pool. There is a broad range of things for the Board to decide.

Mr. Tanenbaum asked a similar question as Mr. Yawn did regarding whether Mr. Robin felt that not attending board meetings hampered his ability to counsel and having issues filtered through Mr. Ricciardi as opposed to being more engaged person to person.

Mr. Robin responded with a similar explanation to the response he previously provided to Mr. Yawn.

Mr. Brickley expressed his opinion that the consensus of the Board is that they are happy with the service provided to the District by Mr. Robin and they look forward to continuing the service. The issue of communication may need to be readdressed.

Mr. Ricciardi suggested that since an RFP for legal services went out and Board consensus has been reached to continue with the current law firm, it would be appropriate for the Board to make a motion to retain the services of Straley & Robin under the existing engagement.

On MOTION by Mr. Brickley seconded by Mr. Lozicki with all in favor retaining the legal services of Straley & Robin Attorneys At Law under the existing engagement terms was approved.

A discussion on item 2g of the General Manager's Report ensued. (Resident request for the CDD to remove neighbor's bushes/hedges in drainage easement) Upon deliberation, it was concluded that the issue is not a CDD issue. The hedges are on private property and do not impede access to the easement.

Mr. Brickley noted for the record, we are waiting for more information from the HOA on how the towing procedure in the community is working.

C. Distribution of the Proposed Fiscal Year 2011 Budget and Consideration of Resolution 2010-3 Approving the Budget and Setting the Public Hearing

Mr. Ricciardi explained the Board will set the high water mark for assessments and between now and the public hearing date the Board has the opportunity to tweak the budget and the final budget will be adopted at the public hearing.

A few minor changes were discussed at the budget workshop meeting; the projected amount of Contracts-Landscape was reduced to \$260,000. We clarified that the R&M Gatehouse for 2011 was \$4,800 and not \$48,000 and we modified the assessments for two villages; the Enclave and Parkview. The Enclave was increased to \$6,000 and Parkview was lowered \$6,087 to \$4,000. The changes were made and are reflected in the budget presented to the Board today.

Mr. Ricciardi indicated if the Board were to approve this draft tentative budget tonight, it would represent an overall increase of approximately 2%.

Mr. Lozicki noted with that in mind we will go over the budget line by line again. This budget reflects the high water mark and we cannot go higher.

Mr. Ricciardi noted at the workshops we can get into these items making sure we feel comfortable going in to the public hearing and justifying the numbers.

A brief discussion on the R&M-Trees and Trimming budget item ensued.

Mr. Brickley pointed out three items to Mr. Tanenbaum that were previously discussed before he joined the meeting; the Enclave Estuary Repair, a \$6,500 figure in terms of the Security Study Project and a Security Study Project that throws out a \$32,500 figure. The

option we were looking at under the Enclave Estuary Fountain was option 3 and recognizing that in connection with that option, we are buying in to a maintenance cost. If the fountain is repaired and goes, we will have a \$10,000 maintenance fee annually once it is up and running. This figure applies to any option either way we go.

Mr. Ricciardi noted if there are no budget changes tonight, the Board should move on to the resolution.

On MOTION by Mr. Yawn seconded by Mr. Brickley with all in favor Resolution 2010-3 approving the budget for fiscal year 2011 and setting the public hearing date for August 23, 2010 at 6:30 P.M. in the Arbor Greene Community Center gathering room at 18000 Arbor Greene Drive, Tampa, Florida was adopted.

Mr. Tanenbaum pointed out that people are willing to pay an extra \$30 to \$40 per year, especially if we get the fountain fixed, all the other things getting done to keep the community looking nice and the security issues. A 2% to 3% high water mark is not particularly unreasonable.

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.

The record will reflect Mr. Robin left the meeting.

A brief discussion regarding an email inquiry received from Mr. Larry Miccolis ensued.

SEVENTH ORDER OF BUSINESS

General Manager's Report

Mr. Turner reported on several items included in his report. Some items discussed were:

- o Item 1c – Modified Security Enhancements for FY 2010

It was recommended that the Board approve the expenditure of \$6,509 for Security related items for implementation this summer, 2010. (summer staffing, 42" monitor, PC for office and camera for lobby)

It was decided to postpone a decision on purchasing the security equipment.

On MOTION by Mr. Brickley seconded by Mr. Tanenbaum with all in favor item 1b.1 of the General Manager's Report; summer staffing at \$8/Hr. for 34 hours for 10 weeks was approved.

- Item 2a – Florida Friendly Landscaping Implementation
It was recommended that when St. Augustine grass needs to be replaced it should be replaced with a more economical and hardy ground cover such as Bahia or Bermuda turf grass.
- Item 2b. Contract Renewal – LakeMasters It was recommended to approve the renewal of the LakeMasters contract.

On MOTION by Mr. Brickley seconded by Mr. Lozicki with all in favor renewing the LakeMasters revised contract with no change in cost at \$2,865 per month, \$34,380 annually through 2010, to October 1, 2011 was approved.

- Item 2c – Contract Renewal – Architectural Fountains.
It was recommended to approve the contract renewal at the same price of \$500 annually or \$125 per quarter.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the Architectural Fountains contract renewal for \$500 per year was approved.

- Item 2d – Contract Renewal – Davida Constant and Julia Lamb
It was recommended to review the addendum proposed by Ms. Constant before approval.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor the contract renewal with Ms. Davida Constant (personal trainer) for the period May 1, 2010 through April 30, 2011 without an addendum was approved.

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor the renewal of the Julia Lamb contract for the aquatics program was approved.

- Item 2e – Resident, Sally Cavallo, Request to use Resort Pool for Business
The Board did not support this request.
- Item 2f – New Sidewalk Repairs – It was recommended to approve an additional \$8,000 for sidewalk repairs for fiscal year 2010.

On MOTION by Mr. Lozicki seconded by Ms. Nelson with all in favor the additional sidewalk repairs for fiscal year 2010 in the amount of not to exceed \$9,300 was approved.

- Item 2h – Wharton High School Swim Team Contract Renewal for School Year 2010. It was recommended to approve the contract renewal at the same \$2,000 fee.

On MOTION by Mr. Yawn seconded by Mr. Brickley with all in favor the renewal of the Wharton High School Swim Team contract to rent the pool for the 2010 swim team season with no contract changes was approved.

A brief discussion regarding increasing the Wharton High School Swim Team contract fee ensued.

Mr. Tanenbaum MOVED to increase the Wharton High School Swim Team pool usage contract fee by \$500. There being no second, the motion died.

- Item 3a – Closing Augmentation and Shallow Wells – The request for an extension from SWFWMD is still pending.

The record will reflect Ms. Nelson left the meeting.

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

Mr. Brickley discussed a letter he received from residents, Mr. and Mrs. Thomas Dooley who are the parents of the young man killed while crossing Cross Creek Boulevard. The letter requests that consideration be given to extending the path that kids usually take to get to the sidewalk.

Board consensus was to request that the District Engineer look into and evaluate the sidewalk extension matter.

- o Approving the ITS (irrigation system) contract renewal was recommended by Mr. Turner.

On MOTION by Mr. Yawn seconded by Mr. Lozicki with all in favor the ITS Irrigation Pump Station and Amiad Filter maintenance contract renewal at the same rates was approved.

- o Interior Plantz Specialists Contract – The proposed contract indicates the same charge as the previous contract. District Counsel has reviewed the renewal contract and the renewal was recommended for approval as amended by District Counsel.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor the Plantz Interior Plant Specialists contract renewal in the amount of \$178.25 per month, as revised by District Counsel was approved.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

There not being any, the next item followed.

NINTH ORDER OF BUSINESS

Audience Comments

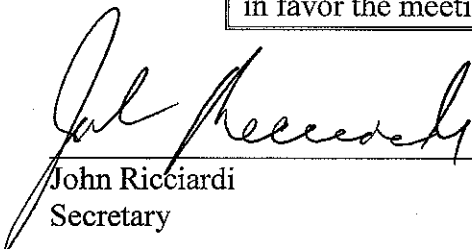
There not being any, the next item followed.

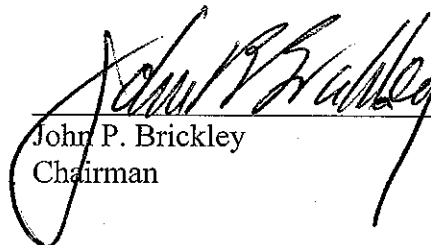
TENTH ORDER OF BUSINESS

Adjournment

There being no further business,

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


 John Ricciardi
 Secretary


 John P. Brickley
 Chairman