

**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, November 20, 2006 at 6:30 p.m. in the Gathering Room, Arbor Greene Recreation 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:

Robert Fernandez	District Manager
Mark Straley	Straley, Robin & Williams
Harve Turner	General Manager
Gary Smith	Arbor Greene Maintenance
Barbara Koscinski	Arbor Greene Office Manager

*The following is a summary of the minutes and actions taken at the November 20, 2006 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 October 23, 2006 Meeting**

Mr. Brickley stated each Board member received a copy of the minutes of the October 23, 2006 meeting and requested any additions, corrections or deletions.

- On Page 2 in the first bullet under the ninth order of business, *July* should replace *December*.
- On Page 4 in the first bullet *a principal* should be added before *amount*.

- On Page 4 in the third bullet from the bottom *twice* should be deleted and *through April 26, 2005* should replace *until the refunding which occurred last June*.
- The next bullet should read as follows: *The 1998 Trust Indenture went away as a result of the refunding and the payments were no longer made.*
- On Page 5, *Mr. Straley will draft a response as to how this is being handled* should be deleted.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor the minutes of the October 23, 2006 meeting were approved as amended.

**THIRD ORDER OF BUSINESS**

**Approval of the October 31, 2006  
Financial Statements**

- Severn Trent was asked to investigate a figure of \$17,291 on Page 6 under Parks & Recreation – General under the Repairs and Maintenance line.
- The Board also wants to change the format in order to make the financials less complicated.

On MOTION by Mr. Yawn seconded by Mr. Lozicki with all in favor the October 31, 2006 Financial Statements were approved.

**FOURTH ORDER OF BUSINESS**

**District Manager’s Report**

- Mr. Fernandez presented a memorandum to the Board from the Severn Trent financial manager indicating the funds for the promissory note were reported, deposited into the bank and correctly recorded, along with a schedule of payments, a memo from Mr. Fernandez to Mr. Brickley incorporating the attachments, including the first page of the meeting minutes in order for the Board to see who attended and only the pertinent pages from those minutes.
- The December 13, 2000 minutes include discussion which led to a motion to sign the promissory note for the corrected amount of the 1998 A Reserve Fund.
- The November 8, 2000 minutes includes discussion of the management contract which was approved at this meeting.

- The September 30, 2001 financial statement does not show a reference to these management services payments, but the September 30, 2002 Financial Statement shows a reference to Other Charges of \$72,421 which is in the debt service fund.
- Severn Trent has tried to reconcile the total payments with the records of the developer. The developer has come up with an analysis based upon a calculation of interest rates, and there is a \$26,000 difference between the amount Severn Trent has calculated in interest and the amount the developer has come up with.
- Mr. Fernandez believes there is agreement between the accountants for Severn Trent and the developer on the amount of the payments which were made.
- Mr. Brickley wants a breakdown of payments by principal and interest at the time the payments were made.

**FIFTH ORDER OF BUSINESS**

**Attorney's Report – Discussion of 1998 Bond Issue**

- After the last meeting Mr. Straley gave a status report to Mr. Pete Cockey who was Counsel for the Arbor Greene Joint Venture.
- Their accountants are also experiencing difficulty in trying to determine exactly what is owed on this obligation.
- Mr. Straley spoke to Mr. Mike Addison, a business trial attorney not involved with Arbor Greene about whether or not the he may be willing to look at this situation on behalf of the District.
- Arbor Greene Joint Venture can sue the District to enforce the note.
- Mr. Straley believes Mr. Addison may charge more than \$300 per hour.
- According to Mr. Straley all the involved parties respect this attorney.
- The fundamental issue is the District's obligation to pay and the amounts can be clarified.
- In order for any meetings to take place outside of the Sunshine Law, there must be pending litigation.

- Mr. Straley believes one Board member should be authorized to interview counsel, and retain counsel up to a certain amount.
- The one on one interview can take place without notice requirements.

Mr. Lozicki moved to authorize Mr. Brickley to meet with Mr. Addison for an initial consultation with regards to the Promissory Note and report back to the Board of Supervisors.

- There was further discussion in which the Board agreed Mr. Straley should also attend the initial consultation.

Mr. Yawn seconded the previous motion as amended.

There being no further discussion,

On VOICE vote with all in favor Mr. Brickley and Mr. Straley were authorized to meet with Mr. Addison for an initial consultation with regards to the Promissory Note.

*The record will reflect Mr. Yawn exited the meeting.*

**SIXTH ORDER OF BUSINESS**

**Engineer’s Report**

There being no report, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**General Manager’s Report**

- A. Discussion of Sidewalk Repairs**
- B. Discussion of Music Together Program**

- Mr. Turner discussed his report, a copy of which is attached.
- Mr. Turner discussed a proposal to upgrade the Parkview Playground which will include installation of mulch in the amount of \$1,746.

On MOTION by Mr. Brickley seconded by Ms. Nelson with all in favor the proposal to upgrade the Parkview Playground Park in the amount of \$1,746 was approved.

- Mr. Smith identified 26 sections of sidewalks in need of repairs, which were shown on a map.

- One estimate was received from A&A Development, Inc. in the amount of \$8,232, who previously did this type of work in Arbor Greene.
- They are waiting for additional bids to repair the ramps.

On MOTION by Ms. Nelson seconded by Mr. Lozicki with all in favor the bid from A&A Development, Inc. to repair 26 sections of sidewalks which are raised or broken and the installation of two sections of sidewalks near Benito Gazebo which were indicated on the site plans but never installed in the amount of \$8,232 was approved.

- Refinishing of the pool and decks was discussed, which is currently not in the budget.
  - Since this is considered a maintenance repair and not a capital item, Mr. Brickley recommended tabling this to the 2008 budget.
  - This will be discussed at the December meeting.
- A waiver was implemented for residents renting the Gathering Room and having alcohol. As a result, the policy must be changed.

On MOTION by Ms. Nelson seconded by Mr. Brickley with all in favor Change #1 to the District Policies and Standard Operating Procedures Manual on Page 10, Paragraph 6d, Gathering Room Rentals-Waiver of Liability and indemnity Agreement was approved.

- Mr. Turner requested information from Severn Trent with regards to the terms of the Board members, which Mr. Fernandez discussed.
  - The two terms which expire in November 2006 are those of Ms. Nelson and Mr. Lozicki.
  - Once they become staggered, they are all four-year terms.
  - Mr. Brickley, Mr. Yawn and Mr. Bootcheck expire in November 2008.
  - The new supervisors will be sworn in at the December meeting.
- Mr. Brickley addressed the liability issue of overnight parking in the community center.

- Approximately one year ago, an inspector for the Department of Youth and Child Services asked to park his car at the community center, which was approved.
- The District is not responsible if anything happens to the car.
- Mr. Brickley has not run this by Mr. Straley.
- There is no policy prohibiting overnight parking.

**EIGHTH ORDER OF BUSINESS**

**Supervisors' Requests**

- Ms. Nelson addressed the issue of the afternoon gate guard spending too much time talking to people in the cars, since a resident complained.
  - Mr. Turner requires the guard to get the driver's name, find out where they are going and log this information in which takes some time.
- Ms. Nelson addressed the issue of fitness room staff interrupting people in the middle of workouts to ask for identification.
  - Perhaps the wall should be taken down and a desk should be installed, and each person coming in to work out must check in at this desk.
  - Mr. Turner does not have a staff person who can sit at this desk all the time.

**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. Lozicki seconded by Ms. Nelson with all in favor the meeting was adjourned.

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Robert Fernandez  
Assistant Secretary

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John P. Brickley  
Chairman

**AGENDA ITEMS FOR THE NEXT MEETING**

- Refinishing of the pool and decks. (To be discussed during Mr. Turner's report when Mr. Bootcheck is present – see Page 5)