

**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 19, 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 P. Brickley | Chairman            |
| Christine Nelson | Co-Vice Chairperson |
| T. Dorsey Yawn   | Assistant Secretary |
| Michael Lozicki  | Assistant Secretary |

Also present were:

|                |                          |
|----------------|--------------------------|
| John Ricciardi | District Manager         |
| Harve Turner   | General Manager          |
| Gary Smith     | Arbor Greene Maintenance |
| Adam Tanenbaum | Resident                 |

*The following is a summary of the minutes and actions taken at the November 19, 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 October 22, 2007 Meeting**

Mr. Brickley stated each Board member received a copy of the minutes of the October 22, 2007 meeting and requested any additions, corrections or deletions.

There not being any

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| On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor, the minutes of the October 22, 2007 meeting were approved. |
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**THIRD ORDER OF BUSINESS**

**Approval of the October 31, 2007  
Financial Statements**

- There was a budget committee meeting attended by Mr. Brickley, Mr. Yawn, Mr. Lozicki and Mr. Harve Turner.
- The first month of the fiscal year revenues are less than 1% of budget and approximately 7% of what expenses are.
- The assumption was for the Fiscal Year 2007 books to close in November.
- There was a question with regards to the Capital Improvement figure.
- Action was deferred with regards to charging the water distribution system to the beginning of Fiscal Year 2008, and it is in the Board's best interest to defer approval of the financials until received.
- The *Electricity-Street Lighting* line item is currently under the *Water & Sewer Combined Services*, but it should be under *Road & Street Facilities*.
- Minor work is being done on the tennis courts, but a major renovation will be required in Fiscal Year 2009.
  - Approximately \$6,000 has been set aside in R&M each year primarily for this.
  - A motion can be made to restrict it to a specific capital improvement; and it will be reflected as such on the balance sheet.
- The Dissemination Agent was explained as Bond Services.
- The line for Financial Advisor is for assessment services, in which they do the assessment roll; communicate with the tax collector; process all assessments; and coordinate with the county.

**FOURTH ORDER OF BUSINESS**

**District Manager's Report**

- Mr. Ricciardi distributed copies of a follow-up with Mr. Robin as requested with regards to the Conduct and Suspension of Privileges Policy.
  - Mr. Robin provided Mr. Ricciardi a statement for review of guidelines for commercial and charity use in the clubhouse.
  - Mr. Robin indicated at the last meeting he believes the Board should approve on an individual basis.

- Commercial for profit use of the clubhouse need not be allowed, but if allowed should be for the benefit of residents with a portion of the profits going to the District.
  - Facilities do not have excess capacity to accommodate commercial or charity use.
  - The Board should consider activities or uses benefiting residents.
  - Boards in many districts restrict for-profit use of District facilities.
  - Commercial use also applies to residents.
  - Some districts allow use for charity purposes such as Cub Scouts and Girl Scouts, or a benefit for someone who has passed away within the community on a limited basis.
  - Ms. Nelson noted there is an upcoming Holiday craft event with many vendors from throughout the community, which she believes should be an exception to this rule since it is well-attended.
  - This may be considered a gray area with regards to business use of the facility.
  - The Board discussed resident versus non-resident use.
    - It raises the question of whether or not they are renting the facility for a useful purpose.
    - Mr. Turner is trying to get a couple of those scheduled to pay the fee since they currently do have to pay one.
    - This needs to be looked at on an individual basis.
  - These comments need to be incorporated into the Policies and Procedures Manual.
  - Something should be included in the newsletter or posted stating six to eight weeks are required for the Board to consider any commercial events.
  - In summary, it will be addressed on an individual basis with appropriate lead time and it does not need to be addressed as a standing policy of the community but as an action taken by the Board.
- Mr. Ricciardi distributed a letter from the Miccolis family referencing the June 25, 2007 Arbor Greene CDD minutes.

- Ms. Miccolis notes there are references in the minutes posted on the Arbor Greene website which indicates their son was fired. They are demanding the minutes be modified and the words *was fired* be removed from the posted minutes.
- Mr. Turner told the Board when young Mr. Miccolis left their employment, there was no formal notification to him he had been fired.
- He was suspended for a number of reasons and did not return after the suspension. Mr. Turner indicated to the rest of the staff he did not return and he was fired.
- Mr. Brickley believes it is in the Board's best interest to accede to the request of Ms. Miccolis to delete the term *fired*, and use the term; *his services were terminated* as a modification, if appropriate.
- The amended minutes will be brought back to the Board for approval at the next meeting.
- The Miccolis family will be informed of the Board's actions.
- The June 25, 2007 minutes will be removed from the website until the amended minutes are approved.
- The public hearing with regards to *Rulemaking for Fees* will take place at the January meeting, as opposed to the December meeting in order to meet the timeframe for advertising.

**FIFTH ORDER OF BUSINESS**

**Attorney's Report – Consideration of Agreement with Carriage Homes at Arbor Greene Association, Inc., for Pond Maintenance**

- Mr. Robin forwarded the agreement to Mr. Ricciardi and asked him to present it to the Board.
  - Mr. Robin indicated the Pond Agreement with Carriage Homes was edited for approval by the Board.
  - It is the same agreement; the only change made was to Paragraph 2, describing the services to be provided.
  - This agreement is essentially in effect and is being done on a daily basis.

There being no further discussion,



- The attorney must still receive a copy of the agenda package and will continue to bill you for reviewing it, regardless of whether or not they attend.
- Mr. Brickley wants the Board to try the option of not having Counsel present at the meetings and see how it works out.
- Mr. Yawn raised the issue of attorney fee payments with regards to work done with the developer and asked Mr. Turner for the status.
  - Mr. Turner provided Mr. Brickley a complete list of all the charges.
  - Mr. Brickley was told they were reviewing the minutes of the meeting as well as the billing.
  - The attorneys are currently reviewing the September and October 2006 meetings for verification of accurate billing.
  - Mr. Yawn recalls Mr. Straley recommending the District obtain outside counsel since he was involved in drafting the documents.
  - Mr. Straley told the Board he would not charge for any services with regards to this issue as long as the District had the recommended outside counsel representation, but the District received billing from them in the approximate amount of \$12,000.

**SIXTH ORDER OF BUSINESS**

**Engineer's Report**

There not being any, the next item followed.

**NINTH ORDER OF BUSINESS**

**Audience Comments**

Hearing none, the next item followed.

**SEVENTH ORDER OF BUSINESS**

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

Following are highlights of Mr. Turner's report:

- **Community Issues**
  - The Halloween event for the children had an attendance of more than 220 people.
  - Casino Night was attended by over 40 people.
  - The Board confirmed the Community Center will close at 3:00 p.m. on the Friday following Thanksgiving.

- The fitness pool, which is usually closed when the facility is closed, will be closed on Thanksgiving Day; and will close at 3:00 p.m. on the Friday following Thanksgiving, but a restroom facility must be available when the pool is open as required by code.
- A deposit will be required for rental of the Gathering Room to non-residents.
- A resident, Mr. Mike Barnett, volunteered to be the new Coordinator for the Neighborhood Watch Program.
  - He is a professor at USF and Mr. Turner met with him last Friday to discuss his responsibilities.
- **Fitness Pool Resurfacing/Refurbishment**
  - Mr. Turner's report contains the schedule of dates of activities which must occur at certain times during the project.
  - The Hillsborough County Health Department will inspect the project prior to reopening.
  - The cost to refill the pool will be approximately \$2,000.
  - The window for completion is four to six weeks depending on the weather
  - Mr. Turner will inquire about salt water purification for commercial pools and send the information to the Board members via email.
    - This system may increase costs.
  - There were two different products for finishes for consideration, Marquis and Pebble, and Marquis was recommended as the best finish.
  - The pneumatic application is a method of pumping the product from another location such as the parking lot, and it provides a more consistent finish.
  - Pavers are being considered as opposed to resurfacing the deck.
  - The major tasks in the specifications which are necessary to bring the pool up to code are: refurbishment of the pool surface; replacement of the metallic circulation pumps; and installation of the PH controller bringing all aspects of the pool up to code.
  - The tile around the pool must be in a darker color.

- There were so many coping stones around the pool which had to be repaired or replaced, it was decided to replace at a cost of \$7,000 to \$11,000.
- The circulation pump needs to be replaced.
- The three bidders were Pegasus Pools; Tampa Pool Restoration; and M & M Pool Finishers.
  - Mr. Turner provided a spreadsheet showing comparisons of the three bidders.
  - Pegasus Pools only provided a one total cost, even though a breakdown of individual costs was requested.
  - Mr. Turner did some visual inspections of pools finished by Tampa Pool Restoration, which looked good and the customers gave positive recommendations.
  - The Better Business Bureau had no information on Pegasus; and no negative feedback on the other two contractors.
  - All three contractors require a 30% down payment.
  - Mr. Turner recommended the bid from Tampa Pool Restoration.
  - Tampa Pool Restoration will be able to do all of the coping work as opposed to having to hire a separate contractor.
- The total cost of \$64,000 includes the additional \$7,000 to \$11,000 for the coping.
- Mr. Turner believes \$85,000 which was budgeted for Fiscal Year 2008 was for both pools.
- The down payment is due two weeks prior to commencement of the project.
- The current pool contractor will do the start-up on the pool in order to offset the down time.
- **Four-Way Stop Signs for Arbor Wind Drive at the Preserve and Alcove Intersection**
  - Mr. Yawn knows of some inexpensive, one-man paint applicators which Mr. Smith can operate.

- There are two lanes, one of which is a turn lane requiring three lines.
- All of the original stop lines are done in thermoplastic.
- A Traffic Engineer must do a traffic study in order to decide whether or not a stop sign is warranted on a private road, which is expensive.
- Crosswalks can be installed without the study.
- Mr. Yawn recommended trimming the limbs coming out of the trees in the Preserve.
- Ms. Nelson recommends moving the front shrubbery out in order to extend the line of sight.

*The record reflects Mr. Yawn exited the meeting and the Board recessed for five minutes.*

- **Fitness Pool Resurfacing/Refurbishment (Continued)**

There being no further comments or questions,

On MOTION by Mr. Brickley seconded by Ms. Nelson with all in favor, renovation and refurbishment of the fitness pool in an amount not to exceed \$85,000 was awarded to Tampa Pool Restoration.

- **Non-Resident Community Center Facilities Usage and Rental Rates**

- The daily fee for non-resident usage is \$25 and the annual fee for an individual \$1,200, based on peak and non-peak times of the day.
- Ms. Nelson believes the fees should be \$1,200 per family, to include spouses and children only; and \$900 per person.
- Mr. Turner recommended a security deposit of \$500 for rental of the facility by non-residents, since it is \$250 for residents.
- Checks for non-resident security deposits should be deposited, but resident checks are not deposited.
- Mr. Ricciardi recommended adding a requirement in which the deposit will be returned within 10 days.
- The Board concurred with \$1,200 for a family.

On MOTION by Mr. Brickley seconded by Ms. Nelson with all in favor, the following facilities usage and rental rates were approved: non-resident daily use rate of \$25 per person; non-resident annual rate of \$1,200 per family, which is defined to include spouses and children only; Gathering Room rental fee without alcohol in the amount of \$250; Gathering Room rental fee with alcohol in the amount of \$500, and a security deposit of \$500.

- Mr. Turner will incorporate these changes and send the document to Mr. Ricciardi to be provided to Mr. Robin.

**EIGHTH ORDER OF BUSINESS**

**Supervisors' Requests (Continued)**

- Ms. Nelson inquired about the installation of the turf irrigation system.
  - Mr. Turner met with OLM, Inc. to discuss exactly how much water is being put through the system in order to determine whether or not the District will need to submit a variance request to the City of Tampa based on the District's compliance with water restrictions.
  - The previous variance is no longer valid due to the current City of Tampa water restrictions.
  - If sod needs to be replaced it may be irrigated on a daily basis for 30 days in order for the sod to be established.

**SEVENTH ORDER OF BUSINESS**

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

- **Connecting Drainage/Sidewalks in the Estuary Park**
  - Ms. Nelson is concerned the trenches are filling in to the point where large puddles form when it rains.
  - Mr. Turner will look into this after the next heavy rainfall in order to determine the extent of this problem.
- **Resident Request to have Local Boy Scout Troop Members Earn Merit Badges for Assisting in Cleaning up the Community**
  - Ms. Nelson believes this is a great idea.
- **Trace Playground Fire**
  - All payments are going through the State Attorney's Office.

- The District received \$47 as the first payment instead of \$100 because the State Attorney's Office deducted court fees from the first payment.
- The District cannot seek reimbursement from homeowners insurance since the crime was committed by a juvenile, who is required to pay restitution.
- **Damage to the Visitors' Entrance Overhead**
  - Ms. Nelson wanted to know why the guard did not do something more to avert the damage.
  - It was a new guard in training, but Mr. Turner called the security company, who immediately sent a supervisor to assist him.
  - This incident is the driver's fault since the height requirements are clearly labeled he is required to know the height of his truck.
  - Mr. Smith was able to pinpoint the time the damage occurred; and the license plate number of the truck from viewing security tapes.
  - The trucking company's insurance should cover the repair bill in the amount of \$650.
- Mr. Lozicki complimented Mr. Turner on his work.
  - Mr. Turner complimented Mr. Smith on his work.
- Mr. Turner is going to request an additional maintenance person or two part-time people for next year's budget.
- Mr. Ricciardi commended both Mr. Turner and Mr. Smith for contributing to the submission of the most complete report of all of his Districts.

## **EIGHTH ORDER OF BUSINESS**

### **Supervisors' Requests (Continued)**

- Ms. Nelson commented on the amount of paper being used for all of Mr. Turner's enclosures with his report and recommended the possibility of people asking for this material as they want to see it.
  - Mr. Turner's copy machine cannot make two sided copies, and believe it will eventually have to be replaced.
  - Mr. Turner will make copy containing all of the enclosures for Mr. Brickley and Mr. Ricciardi.

**TENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

On MOTION by Mr. Lozicki seconded Ms. Nelson with all in favor, the meeting was adjourned.

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T. Dorsey Yawn  
Assistant Secretary

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John P. Brickley  
Chairman