

**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 22, 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 Brickley	Chairman
T. Dorsey Yawn	Assistant Secretary
Toby Thomson	

Also present were:

John Ricciardi	District Manager
Harve Turner	General Manager
Christine Nelson	Resident
Audience Members	

*The following is a summary of the minutes and actions taken at the November 22, 2010 Arbor Greene Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

The Board welcomed Mr. Toby Thomson to the Board.

**SECOND ORDER OF BUSINESS**

**Organizational Matters**

**A. Declare Seat #1 Vacant – Appointment of Supervisor (1)**

Mr. Brickley indicated that the board seat vacancy was advertised in the Arbor Greene Gazette and one letter of interest was received from Ms. Christine Nelson.

Mr. Ricciardi clarified that Seat #1 was occupied by Mr. Michael Lozicki who did not seek re-election to the board and no other candidates ran for that seat at the general election held in November, 2010. The board has declared Seat #1 vacant and one resident, Ms. Christine Nelson responded.

On MOTION by Mr. Yawn seconded by Mr. Thomson with all in favor Seat #1 on the Board of Supervisors was declared vacant.

Based on the discussion by Mr. Brickley and Mr. Ricciardi above, Mr. Brickley nominated Ms. Christine Nelson to serve on the Board, in Seat #1.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor Ms. Christine Nelson was appointed to serve on the Board occupying Seat #1. Ms. Nelson's term of office will expire in November, 2014.

*The record will reflect Mr. Tanenbaum joined the meeting.*

**B. Oath of Office**

Mr. Ricciardi being a Notary Public of the State of Florida administered the oath of office to Ms. Christine Nelson; a copy of which is attached hereto and made a part of the official record.

Mr. Ricciardi provided a Form 1 to Ms. Nelson and instructed her to fill it out and forward to the Supervisor of Elections office in which she resides.

Ms. Nelson was invited to take a seat, in the front, with the Board.

**C. Adoption of Resolution 2011-1 Designating Officers of the District**

Mr. Ricciardi explained any time a new Supervisor is elected or appointed to the Board the opportunity to reconstitute the structure is available.

Mr. Brickley was nominated to serve as Chairman, Ms. Nelson was nominated to serve as Vice-Chairperson, Mr. Yawn, Mr. Tanenbaum and Mr. Thomson were nominated to serve as Assistant Secretaries. Mr. Ricciardi will continue as Secretary, Mr. Stephen Bloom of Severn Trent, Treasurer and Mr. Robert Koncar of Severn Trent, Assistant Treasurer.

Mr. Tanenbaum questioned the rationale to be named an officer of the District.

Mr. Ricciardi indicated it was to ensure coverage under the D&O insurance. He indicated he would look into this further.

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor Resolution 2011-1 Designating Officers of the District as follows: John Brickley, Chairman, Christine Nelson, Vice Chairperson, Mr. Yawn, Mr. Tanenbaum and Mr. Thomson, Assistant Secretaries, John Ricciardi, Secretary, Stephen Bloom, Treasurer, Robert Koncar, Assistant Treasurer was adopted.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the October 25, 2010 Meeting**

Each Board member received a copy of the minutes of the October 25, 2010 meeting and any additions, corrections or deletions were requested.

A correction to the spelling of Hunter's Green on page 6 was requested.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all others in favor except Mr. Brickley who abstained, the minutes of the October 25, 2010 meeting were approved as amended.

**FOURTH ORDER OF BUSINESS**

**Approval of the October 31, 2010 Financial Statements**

Mr. Brickley reported on the November 18, 2010 Budget Workshop meeting noting the following:

- We just started the fiscal year 2011; October was our first month.
- Our revenue was at less than 1% of budget, which is normal for this time of year. 95% of the budget comes in as assessment income that starts in December.
- Our expenses are at 6.75% of the year. Looking at that as one of 12 months we are under budget, in good shape.
- We have a sufficient budget balance through the end of fiscal year 2010 to accommodate the first three months of our fiscal year.
- The financial statements for the end of October, 2010 were recommended for approval.

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor the financial statements as of October 31, 2010 were approved.

*Mr. Brickley realigned the agenda to allow residents an opportunity to address the Board at this time.*

**TENTH ORDER OF BUSINESS**

**Audience Comments**

- Mr. Stuart Marofsky of Devonshire addressed the Board regarding house numbers and the Arbor Greene crosswalk.

A copy of a letter submitted to the Board from the Villages of Devonshire HOA Board of Directors explaining the issues presented and discussed by Mr. Marofsky is attached hereto and will be made part of the public record.

The Devonshire HOA requested approval from the Board to paint the house numbers on the upper part of the street gutters at the base of driveways in the villages.

On MOTION by Mr. Tanenbaum seconded by Ms. Nelson with all in favor the Devonshire HOA's request to paint house numbers on their street gutters/curbs as specified in enclosure #6 of the General Manager's Report was approved.

Mr. Marofsky explained the second issue included in the letter from the Villages of Devonshire HOA Board of Directors to the CDD Board (enclosure #6) - The Arbor Greene Drive Crosswalk issue.

A discussion on the issue ensued.

One of the suggestions made was the use of pedestrian crossing lights. Mr. Ricciardi will discuss the issue, including this option, with District Counsel and the District Engineer.

Mr. Thomson asked that information be obtained on how much it will cost for the TPD to observe and enforce the law in this area during the morning rush. Knowing the costs for this service would help with deciding on what course to take with this issue.

Mr. Turner suggested getting an updated traffic study for the Devonshire crosswalk and for in front of the clubhouse. The traffic study should include recommendations on what the most feasible course of action would be.

The Board instructed Mr. Turner to obtain an updated estimate for a traffic study for the Devonshire crosswalk and in front of the clubhouse including a scope of what the traffic study would conclude.

Mr. Ricciardi recommended that this issue "Devonshire Crosswalk Concerns" be included on the agenda for next month's Board meeting and the Chairman agreed.

- Ms. Candy Sandford of the Retreat addressed the Board regarding noise issues from clubhouse events (especially music).

A resident of Parkview suggested that the clubhouse speakers should be turned toward the clubhouse.

Mr. Thomson suggested not allowing DJ music at events and rental contracts should be modified to reflect this new restriction.

On MOTION by Mr. Thomson seconded by Mr. Tanenbaum with all in favor modifying the clubhouse rental policy by eliminating the use of a DJ-type commercial amplified music systems, effective with new contracts signed on or after December 1, 2010 was approved.

- Ms. Julia Lamb, swim coach addressed the Board regarding her request for the use of the pool on one Saturday per month at 9:00 a.m. instead of 10:00 a.m. on December 18, January 8 and February 12. (2 lanes)

The consensus of the Board was to approve the request.

- Mr. Dave Franks addressed the Board regarding the ice cream truck in the community. He requested that District Counsel provide to him copies of the statutes that indicate CDD's can restrict access during evening hours; 10:00 P.M. through 6:00 a.m.

Mr. Franks also asked why the Enclave, Estuary and other communities can further restrict access to their streets.

Mr. Ricciardi clarified the District's access policy and provided the rationale.

Mr. Franks expressed satisfaction with this response and indicated he was satisfied.

Mr. Ricciardi will ask District Counsel if the ice cream vendor can be asked to turn down the music with regard to the level of sound being a public nuisance or can the vendors business license or health department records be checked.

- Ms. Lisa Tesh, HOA President suggested that the ice cream vendor be asked to become a vendor; he will need to fill out all vendor forms and go thru a background check.
- Mr. Jeff Sbrocco, Carriage Homes HOA President, addressed the Board regarding whether the Series 2000 Bonds built the infrastructure inside Carriage Homes and therefore is the CDD responsible for those infrastructures. Were bond funds used to build roads within Carriage Homes?

Mr. Ricciardi will make the bond documents available to Mr. Sbrocco via email.

**FIFTH ORDER OF BUSINESS**

**District Manager's Report**

- o Mr. Ricciardi reported he received a phone call from Mr. Isaac Larson and he apologized for not being able to make any restitution payments. He is still in Arizona and just obtained a full-time job and hoped that within two weeks he would be able to start making restitution payments again. He intends to make full restitution as soon as he gets his economic life back together.
- o Mr. Ricciardi also noted he has been working with Mr. Turner on contract management procedures in order to ensure that contracts were written in a way that any stipulations made by the Board were included in the contract, that the contract had been reviewed by District Counsel and the Board and if there were any caveats regarding final payment that they always come back to the Board before final payment is made.

The document was discussed at the last workshop meeting.

On MOTION by Mr. Tanenbaum seconded by Mr. Yawn with all in favor the Contract Management Procedures document was approved.

- o A discussion regarding Mr. Turner's replacement as General Manager ensued. The drafted employment ad previously presented to the Board, the advertising dates and the resume review and interviewing process were discussed. A decision on a candidate is anticipated to occur by the January, 2011 meeting.

Mr. Thomson stressed the importance of having a community resident fill the General Manager's position.

- o Mr. Ricciardi introduced a discussion on the Reserve Advisors Study.

Mr. Tanenbaum noted he is in favor of having a reserve, however he has more faith in the people of Arbor Greene that if we told them, after serious consideration as to the needs of the community, that we are setting a goal for x amount of dollars, he feels they would be comfortable with that as long as we give some details of what the needs are and we have been through this for two or three meetings and have given it a lot of thought. He has the utmost confidence that people will be okay with this as long as they are told that we gave it some thought. Throwing \$7,000 at someone for a company to come up with a study that masquerades as something scientific, which at the end of the day just gives targets which we, ourselves could come up with;. we could put \$7,000 towards our reserves.

He continued, he is comfortable with having a debate during the next budget process on reserves without having a reserve study done.

Ms. Nelson expressed her opinion on why she believes a reserve study is advisable.

Mr. Thomson expressed his concern on how the Board would attain an educated reserve amount considering none of them are professionals in engineering and construction fields.

Mr. Yawn expressed his opinion that the CDD has the authority to create reserves now because we are doing it; and usually when we decide how much reserves we need, we have a feel for what the cost of this project is likely to be in the future. Namely, we looked at the tennis court maintenance. We can count on the cost being increased over time and we know we have to budget a little more in order to pay for it.

He indicated he does not consider any engineers any brighter than the people sitting around this table in order to figure out how much money we need. If we have to raise our assessments in order to put more money in our reserves, we have authority to do so.

Mr. Yawn noted we could compare Arbor Greene to the fact pattern in the example we received from Reserve Advisors and come up with something that is a reasonable approach to what we need to budget money for and how much. He is not in favor of paying \$7,000 for a study.

On MOTION by Mr. Brickley seconded by Ms. Nelson with Mr. Brickley, Ms. Nelson and Mr. Thomson voting Aye and Mr. Tanenbaum and Mr. Yawn voting Nay the Precision 20/20 Full Reserve Study proposed by Reserve Advisors for a fee of not to exceed \$7,000 was approved.

Mr. Brickley introduced a brief discussion on an email sent to the Board from Mr. Miccolis regarding the Trace playground damage and the consolidation of positions at the clubhouse.

Mr. Miccolis will be informed that the Board received and discussed his email and they will continue to take his suggestions into consideration.

**NINTH ORDER OF BUSINESS**

**General Manager's Report**

Item 1 of the General Manager's Report regarding the Enclave/Estuary fountain was discussed.

The Board was asked to approve the purchase of a motor from Hudson Pump and Equipment and have Borrell Electric install it and have Southern Equipment align the shaft.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor purchasing the motor from Hudson Pump and Motor, installation by Borrell Electric and alignment of the shaft by Southern Equipment for a total of not to exceed \$7,500 was approved.

Mr. Turner recommended increasing the total price for the fountain to \$38,000.

On MOTION by Ms. Nelson seconded by Mr. Brickley with all in favor increasing the overall expenditure for the fountain to \$38,000 including \$1,500 to repair circulation leak on 11/11/10 and \$1,891 to compensate contractor for 50% of the repair costs was approved.

Item 2b – Community Center Security

Items included on Enclosure 5 of the General Manager's Report were discussed.



Mr. Turner was instructed to obtain a cost estimate for a turnstile-type exit gate so a single entrance could be implemented. He will also get an estimate of cost for additional staff to man a single entrance.

Item 3b – Contract Renewal – Borrell Electric

Mr. Turner recommended extending the current contract until 12/31/10.

On MOTION by Mr. Yawn seconded by Mr. Tanenbaum with all in favor extending the Borrell Electric contract to 12/31/10 with the caveat that proposals be obtained from other electrical companies for consideration by the Board at the December meeting was approved.

Item 3c – Retaining Wall Replacement

Mr. Turner recommended approval of the paver retaining wall replacement for \$4,220. The wall will be removed and plantings will be installed by Mr. Turner before a decision on the wall replacement is made.

**NINTH ORDER OF BUSINESS**

**Supervisors' Requests**


There not being any, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business to discuss,

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

  
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John Ricciardi  
Secretary

  
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John Brickley  
Chairman