

**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 Tuesday, November 20, 2012 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:

Adam Tanenbaum	Chairman
Toby Thomson	Supervisor
Michael S. Candella	Supervisor
Steven Eckhardt	Supervisor

Also present were:

John Ricciardi	District Manager
Tonja Stewart	District Engineer
Bob Farrell	General Manager

5 Residents

The following is a summary of the minutes and actions taken at the November 20, 2012 Arbor Greene Board of Supervisors meeting.

Oath of office – Mr. Ricciardi being a Notary Public of the State of Florida administered the oath of office to the newly elected Supervisors, Mr. Candella, Mr. Eckhardt and Mr. Tanenbaum. A copy of the signed oaths are attached hereto and made part of the public record.

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Organizational Matters

A. Oath of office

This was done at the beginning of the meeting.

B. Election of Officers – Resolution 2013-1

Mr. Ricciardi called for nominations from the Board for a Supervisor to serve as Chairman and Mr. Eckhardt nominated Mr. Tanenbaum. There were no other nominations and nominations were closed.

The Board unanimously voted to appoint Mr. Tanenbaum to serve as Chairman.

Nominations for Vice Chairman were requested and Mr. Eckhart nominated Ms. Christine Nelson to serve as Vice Chairman. There were no other nominations and nominations were closed.

The Board unanimously voted to appoint Ms. Nelson to serve as Vice Chairman.

Mr. Ricciardi explained historically the remaining Supervisors become Assistant Secretaries of the District, however that is not required as Supervisors are officers of the District.

It was also explained that Mr. Ricciardi normally serves as Secretary, Mr. Stephen Bloom and Mr. Robert Koncar of Severn Trent normally serve as Treasurer and Assistant Treasurer.

On MOTION by Mr. Tanenbaum seconded by Mr. Candella with all in favor Mr. John Ricciardi was appointed to serve as Secretary, Mr. Stephen Bloom will serve as Treasurer and Mr. Robert Koncar will serve as Assistant Treasurer.

The consensus of the Board was for the remaining Board members not to be named as Assistant Secretaries.

On MOTION by Mr. Thomson seconded by Mr. Candella with all in favor Resolution 2013-1 designating officers of the District as follows: Adam Tanenbaum, Chairman, Christine Nelson, Vice Chairman, John Ricciardi, Secretary, Stephen Bloom, Treasurer, Robert Koncar, Assistant Treasurer, was adopted.

The record will reflect Ms. Stewart joined the meeting.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the October 22, 2012 Regular Board Meeting

Each Board member received a copy of the minutes of the October 22, 2012 meeting and any additions, corrections or deletions were requested.

There not being any changes requested the next item followed.

Mr. Tanenbaum stated as a matter of procedure, it is his preference to *not* require second's to motions made by any Supervisor. Board consensus was to *not* require a Second to a motion.

On MOTION by Mr. Tanenbaum with all in favor the minutes of the October 22, 2012 were approved.

FOURTH ORDER OF BUSINESS

Approval of the October, 2012 Financial Statements

Mr. Tanenbaum reported on the November 15, 2012 Workshop meeting noting the following:

- We are on target with respect to the expenditures; at 8.53% of budgeted expenditures for the year.
- Revenue is at .19% of budget; assessments have just started to be collected.
- We reviewed the financials and asked questions of Mr. Farrell.

On MOTION by Mr. Thomson with all in favor the October, 2012 financial statements were approved.

SEVENTH ORDER OF BUSINESS

Engineer's Report

Ms. Stewart discussed crosswalk installation options. She looked at the intersection at Arbor Wind Drive, Alcove Drive and Timberland Point and saw the sidewalk on the east side goes all the way to Arbor Greene Drive and it would be appropriate to interconnect at three locations. Three crosswalks are needed at that intersection as well as installing new ADA ramps. The estimated cost is \$9,000 to \$10,500 per crosswalk.

The estimate for a crosswalk at Arbor Creek is \$7,500 to \$9,000.

It was also reported we have a complete survey and construction drawings can be created to be sent out to contractors for bids.

Mr. Tanenbaum asked Ms. Stewart to make a recommendation on which crosswalk should be done, the east crosswalk or the west crosswalk.

Ms. Stewart indicated she will take a look at it to see which one would create the least cost.

Mr. Ricciardi suggested putting the cross walk options on an aerial photo for both sites to assist the Board with making a decision.

The ADA pool lifts were also discussed.

Ms. Stewart updated the new Board members on the ADA Pool Lift issue. A proposal from Florida Playstructures and Water Features Inc. was presented to the Board and briefly discussed. Two pool lifts are needed for this District; one lift per pool. Compliance with the ADA pool lift rule is due by January, 2013.

<p>On MOTION by Mr. Thomson with all in favor purchasing two #375 ADA Lifts for the two Arbor Greene pools from Florida Playstructures and Water Features, Inc. as per their proposal, in the amount of not to exceed \$10,800 was approved.</p>
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The record will reflect Ms. Stewart left the meeting.

FIFTH ORDER OF BUSINESS

District Manager's Report

Mr. Ricciardi reported on follow up items:

- o Tree trimming by HOA on Verge. Per District Counsel, it is ok for the HOA to have the trees trimmed, but the CDD should authorize them to do so; proof of a licensed company, insurance and the CDD should be named as an additional insured.
- o Indemnification agreement for parking with the HOA. There was an issue with the HOA not being able to obtain insurance originally required by the CDD. The Indemnification Agreement has been rewritten to include stronger language regarding the Association obtaining a licensed towing company, which would have to have insurance and the District would have to be named as an additional insured on the insurance. The new Indemnification Agreement was sent to the HOA Attorney who responded the HOA Board is still looking at it and they are reviewing the entire situation. The status is unclear at this point, but is now with the HOA.
- o The OLM inspection report was received.

A discussion regarding tree trimming on the Verge with regard to the HOA resumed.

Mr. Tanenbaum noted he plans on attending the next HOA meeting to introduce himself and possibly hear more information on the tree trimming issue.

SIXTH ORDER OF BUSINESS

Attorney's Report

There not being any, the next item followed.

EIGHTH ORDER OF BUSINESS

General Manager's Report

Carry over from Thursday night – gate authorization for repairs.

On MOTION by Mr. Candella with all in favor granting Mr. Farrell authority to spend up to what is in the annual gate budget and fund balance plus authorization to take a loan from the General Fund to make special repairs was approved.

The record will reflect Mr. Thomson left the meeting.

- Item #99062 – Contract renewal - none
- Item #506 – HOA parking indemnification – will discuss with the HOA.
- Item #556 – Tennis court light pole repainting – another quote has been obtained from Stewart Tennis. This proposal was recommended for approval in the amount of \$14,850 plus 10% contingency.

On MOTION by Mr. Candella with all in favor as per item #556 of the General Manager's report, the proposal from Stewart Tennis in the amount of not to exceed \$14,850 was approved.

Mr. Farrell was asked by Mr. Tanenbaum to give a summary of the tennis court light pole repair/repainting issue for the benefit of the two new Board members.

Mr. Ricciardi noted any contract over \$10,000 must follow the contract procedure; the contract is reviewed by Mr. Ricciardi and Mr. Farrell, submitted to District Counsel to get it to the contract format that the attorney and Board has approved, and come back to the Board for final approval.

The procedures for contracts over \$10,000 will be forwarded to the new Supervisors.

Mr. Tanenbaum expressed concern regarding the 10% contingency.

On MOTION by Mr. Eckhardt with all in favor the amount indicated in the previous motion, \$14,850 will be amended and reduced to not to exceed \$13,450.

On MOTION by Mr. Candella with all in favor the proposal from Stewart Tennis in the amount of not to exceed \$13,450 and to proceed with contract development was approved.

- Item #822 – Verge tree trimming.

The CDD maintains trees on the main roads and individual residents are responsible for trimming trees in the Verge.

A quote from Valley Crest for tree trimming was included in the General Manager’s Report.

Mr. Farrell recommended discussing this issue “Verge Tree Trimming” at the next workshop meeting and the Board concurred. This item will be added to the December workshop agenda.

- Item #835 – Leaving back gate unlocked. This was not feasible and not recommended.
- Item #819 – Painting and repairing clubhouse, administration and snack area.

The District Engineer was contacted and they sent out a representative from Karins Engineering Company. The cost of the engineering work would be \$3,500 to \$3,800. The quote from Karins Engineering Company is \$3,200.

On MOTION by Mr. Eckhardt with all in favor the work as proposed by Karins Engineering Company in the amount of not to exceed \$3,500 was approved.

- Item #832 – Devonshire Verge trees are diseased. The city has given permission to remove two trees. Mr. Paul Woods recommended removing one tree and trimming the other tree.

Mr. Stewart Morofsky, President of the Devonshire HOA, is ok with removal as long as the stump is ground down and the sod is replaced.

Replacing the trees was discussed.

On MOTION by Mr. Candella with all in favor the General Manager was authorized to proceed with the process to remove the identified tree including stump and roots and replanting proposal alternative with a preference to plant trees in Devonshire.

- Item #852 – Tennis league fees – (non-resident) - League changes. The current fees are \$150 for one league. It is proposed to have two seasons. It is suggested to charge \$150 for the first team they play on in the Spring and if they play in a second one in the same season, there would be no additional charge. The non-resident league fee would not be changing, only changing the parameters for which the fee is charged.

On MOTION by Mr. Eckhardt with all in favor authorization to modify the non-resident tennis league fee parameters for which fees are charged; \$100 for the first mini season and \$50 for any subsequent mini season they play, effective this winter/spring 2013 season.

- Item #373 – ADA Pool lifts. Regarding the proposal from Florida Playstructures for two ADA pool lifts accepted at this meeting, the Board was asked if the contract procedure for projects over \$10,000 should be followed or waived.

On MOTION by Mr. Candella with all in favor waiving the contract procedures for projects over \$10,000 with regard to the two ADA pool lifts from Florida Playstructures previously accepted by the Board was approved.

NINTH ORDER OF BUSINESS

Arbor Greene Sign Removal and Update Project – Toby Thomson

This item was not discussed and will be added to the December 17, 2012 meeting agenda.

ELEVENTH ORDER OF BUSINESS

Audience Comments

Ms. Hally Bouchet inquired about the painting of the clubhouse; will the color change? She indicated she is on the DRB and warned the Board that exterior colors are controversial and sensitive topics.

Mr. Stewart Morofsky of Devonshire inquired about the boulevard trees (Verge trees). He noted Devonshire takes care of maintaining and trimming their trees via the Devonshire HOA.

Mr. Nathan Clawson of Avalon inquired about something he read in the Newsletter about replacing mailboxes with aluminum mailboxes.

Mr. Tanenbaum explained the history of his inquiry to the District Manager and District Counsel on whether the CDD had authority to prevent or tell the HOA that no one can put aluminum structures on CDD property. The initial response from counsel was the CDD does not have any covenant enforcement authority and the HOA does. The HOA has authority over the mailboxes in terms of size, color and design as approved by the DRB.

Board consensus was to approve of the Chairman discussing the mailbox issue with the HOA President.

Mr. Clawson also asked what are the checks and balances to what gets into the Newsletter?

Mr. Farrell explained space is provided to different Arbor Greene entities in an attempt to allow them to communicate; what they submit is not edited. He is also fact-checking/editing CDD articles.

TENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Eckhardt noted the post orders from 2009 and the recent security company contract directs the gate attendant to ask for names, destination and license plate number. He has been driving different rental cars for two weeks and has not been asked for the required information. None of the post orders listed in the agreement of September 28, 2012 are being followed.

It was noted the current post order version is the October 2, 2009 version updated with asterisk changes on July 5, 2012.

Mr. Eckhardt asked why are we operating with that if we have an agreement with US Security Associates from September 28th that explicitly states they are supposed to be asking for names, names of resident visiting and destination neighborhood?

Mr. Tanenbaum summarized the issue being discussed as follows: there has been a change at the gate and they are no longer asking for any information other than the tag number.

Mr. Farrell noted the answer to your question, as asked “is the copy of the post orders that has the asterisk, the one that is supposed to be used”? And the answer is yes. Was there a change made; yes.

The various reasons for the changes were named and reported by Mr. Farrell, at length.

One of the reasons for the change was the difficulty in understanding the residents/visitors names which created many complaints.

Historically, the gate set up has been a “controlled access” gate, not a “security” gate. The agreement with the security company has been that the daytime function is to be “greeters”. There is an entirely different procedure for night time between 10 P.M. and 6 a.m.

In an attempt to knock the number of resident complaints down, Mr. Farrell changed it and stopped recording the name, name of person being visited, and neighborhood destination. The reason for that was there were no instances of needing that information for any investigations we had. Police have needed the kind of vehicle, color and tag number. Cameras record the time vehicles come in, records faces, and tag numbers and this is checked daily during the day. At night, names are taken.

It was also noted by Mr. Farrell approximately 880 visitors per day are processed through the gates. Of those, 22% are residents; also, residents are not compelled to purchase a bar code.

Mr. Bouchet expressed his opinion of the gate change issue.

It was noted the change to *not* write down names was made in July, 2012 and directed by Mr. Farrell.

Mr. Tanenbaum clarified that any item passed by motion of the Board should not be changed by the General Manager and needs to go back to the Board for discussion and acceptance. At this time, the Board can vote to restore the original post orders or not.

Mr. Candella pointed out that someone can give the gate guard a fictitious name.

<p>On MOTION by Mr. Eckhardt with all in favor restoring the post orders to the original, October 2, 2009, document and as stated in the current security contract (including taking names of the driver and the name of the homeowner being visited) was approved.</p>

Mr. Tanenbaum suggested discussing the post orders again when all Board members are present.

For the December workshop Mr. Tanenbaum would like Board members to discuss areas of specialization where members would be responsible for interacting with the appropriate staff members in that particular area; as in IT, landscape maintenance, clubhouse decor, rules and procedures, budget, newsletter, tennis and pool, neighbor outreach, etc.

At the next workshop meeting Mr. Tanenbaum would also like to start the discussion again about revising and consolidating our policies and procedures.

A version of the Rules and Procedures was handed out to the Board by Mr. Tanenbaum and he indicated we can talk about this more next month.

Mr. Tanenbaum inquired if the planters at the tennis courts will be painted and Mr. Farrell noted it was discussed at the last landscape inspection and it looks like they will be stained.

Mr. Tanenbaum also asked if the door handles in the clubhouse can be pushed open; this may be a safety issue for a child. He asked Mr. Farrell to start the process of looking into the feasibility of making the doors child proof. Also look into the feasibility of making some sort of fence to act as a second line to get through.

Mr. Farrell will consult with the District Engineer and research this safety issue.

It was also reported the gate lock near the bike rack is not working.

Mr. Eckhardt asked for quotes to clean the Travertine and door kick plates are corroding.

It was requested to add the following to the December workshop agenda:


“Clubhouse Appearance” and “Sidewalk Repair Project Revisited”.

TWELFTH ORDER OF BUSINESS


Adjournment

There being no further business,

On MOTION by Mr. Eckhardt with all in favor the meeting was adjourned.



John Ricciardi
Secretary



Adam Tanenbaum
Chairman