

**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, October 22, 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
David Bootcheck	Co-Vice Chairman
Christine Nelson	Co-Vice Chairperson
T. Dorsey Yawn	Assistant Secretary
Michael Lozicki	Assistant Secretary

Also present were:

John Ricciardi	District Manager
Tracy Robin	District Attorney
Harve Turner	General Manager
Amy Schell	Resident
Carol Ann	Resident

The following is a summary of the minutes and actions taken at the October 22, 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 September 24, 2007 Meeting

Mr. Brickley stated each Board member received a copy of the minutes of the September 24, 2007 meeting and requested any additions, corrections or deletions.

- On Page 3 in the third bullet under the *Fifth Order of Business*, *through* should replace *including* and *period* should replace *work*.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor, the minutes of the September 24, 2007 meeting were approved as amended.

THIRD ORDER OF BUSINESS

**Approval of the September 30, 2007
Financial Statements**

- The District is at 104.56% of revenue for the year.
- The District is at 94.46% of expenditures for the year.
- Adjustments will be made, but it appears the District will end the year with a slight increase in revenues over expenses.
- Pages 1 and 2 show a generalized overview of the Gates.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor, the September 30, 2007 Financial Statements were approved.

FOURTH ORDER OF BUSINESS

District Manager's Report

A. Consideration of Resolution 2008-1 Amending the District's General Fund and Debt Service Fund Budgets for Fiscal Year 2007

- Exhibit A represents a net amendment to the General Fund budget accounting for the transfer of \$165,000 for the loan money which the District obtained and paid out.
- Exhibit B represents a net amendment to the Debt Service Fund budget as a result of the Interfund Transfer of \$303,600.
- Exhibit C represents a net amendment as a result of the Interfund transfer of \$130,295.
- There is no impact on the budget, but these amounts are being attributed to the appropriate places.

On MOTION by Mr. Yawn seconded by Mr. Bootcheck with all in favor, Resolution 2008-1 Amending the District's General Fund and Debt Service Fund Budgets for Fiscal Year 2007 was adopted.

B. Consideration of Resolution 2008-2 Amending the District's General Fund Budget for Fiscal Year 2008

- Mr. Turner requested a break-out of payroll allocations in order to track it accurately.
- The amounts are still the same, but are being broken down to three line items.
- A budget amendment must be done since line items are being modified in the adopted budget.

On MOTION by Mr. Yawn seconded by Mr. Lozicki with all in favor, Resolution 2008-2 Amending the District's General Fund Budget for Fiscal Year 2008 was adopted.

- Mr. Ricciardi distributed copies of an e-mail from Mr. Lawrence Miccolis to Mr. Ricciardi dated October 16, 2007 with regards to comments on the minutes; as well as a copy of a letter from Mr. Miccolis to Mr. Brickley dated October 17, 2007 referencing Mr. Brickley's letter to Mr. Miccolis dated October 10, 2007 requesting voluntary compliance with Arbor Greene Community Center Rules and Guidelines, all of which will be filed in the District's public records.
 - Mr. Robin does not believe a response from him is necessary at this time, even though they threatened pursuit of litigation.
- Mr. Ricciardi discussed the Engagement Proposal from Deloitte Tax LLP for the Arbitrage and Rebate Calculation.
 - This is required by the IRS for the bonds.
 - The cost for the calculation is \$1,575 per year.
 - It is technically required to be done every five years, for which the cost will be the same per year.
 - Severn Trent recommends this be done on an annual basis.
 - This has been budgeted for.

On MOTION by Mr. Lozicki seconded by Mr. Bootcheck with all in favor, the Chairman was authorized to execute the Engagement Letter from Deloitte Tax LLP to Perform Arbitrage Rebate Services for the District's \$8,425,000 Special Assessment Revenue Refunding Bonds, Series 2006 in the amount of \$1,575 per year.

FIFTH ORDER OF BUSINESS

Attorney's Report

- A. Consideration of Agreement with Carriage Homes at Arbor Greene Association, Inc., for Pond Maintenance**
- B. Consideration of Agreement with Carriage Homes at Arbor Greene Association, Inc., for Gate Maintenance**
 - The Gate Maintenance Agreement is not necessary yet.
 - There was no urgency to take action on the Pond Maintenance Agreement at this meeting.

SIXTH ORDER OF BUSINESS

Engineer's Report

There not being any, the next item followed.

NINTH ORDER OF BUSINESS

Audience Comments

- Ms. Amy Schell from the Estuary introduced Ms. Carol Ann as the new Aerobic Fitness Instructor to replace Ms. Sharon Harrison, who is no longer teaching.
 - She writes a monthly article in the New Tampa Style Magazine.
 - She will teach classes on Tuesday, Wednesday and Thursday mornings from 7:30 to 8:30 a.m.
 - The proposed fees are as follows:
 - \$10 for individual classes;
 - \$40 for five classes;
 - \$50 per month for unlimited classes.
 - The residents who already attend classes highly recommend her.
 - The proposal includes personal training.
 - She certifies personal trainers nationally.
 - The Board approved this.

SEVENTH ORDER OF BUSINESS

General Manager's Report

Following are highlights of Mr. Turner's report:

- **Recommendation from Mr. Ricciardi Concerning Policies for Use of District Facilities**
 - Mr. Turner recommended a tenth item be added under *Resident Conduct* titled, *Clean equipment and return equipment to racks or proper position following use.*

- There is signage in the facility indicating this should be done, but it was not indicated in the policies.
- Mr. Turner recommended Item #5 under *Suspension of Resident Privileges*, be expanded to state, *Flagrant violations to include, but not limited to damage to CDD or personal property or personal injury to other residents or staff, may result in suspensions as determined by the CDD Board of Supervisors.*
 - Mr. Yawn does not believe the Board should get involved with this as there are legal overtones.
 - Mr. Robin agrees with Mr. Yawn.
- Mr. Robin believes the Board will have greater flexibility if they are not “tied down” to policies.
- Mr. Turner’s staff should not be involved in making decisions with regards to suspending violators. This should be the Board’s decision.
- Urgent situations need to be addressed with less notice to be addressed by the Board.
- The fifth item should be eliminated.
- Ms. Nelson believes some of these policies are too rigid.
- Some of these policies can possibly be used to harass individuals.
- Some of these policies have a “moral” overtone, which cannot be forced upon some individuals.
- Mr. Robin offered to create a broad statement giving the Board the right to suspend use of all or part of the District’s facilities for violation of rules and bad behavior along with examples as follows: *The Board has the right to suspend privileges and upon occurrence of such events, the Board will give reasonable notice to the member or guest that suspension is going to be considered at the next hearing or at a minimum of five days’ notice the Board will send them a notice by First Class and Certified Mail.*
- Mr. Brickley suggested looking at the entire policy.
- The letter to the violator can be signed by the Chairman and be made aware it will be brought up at the next meeting.

- Mr. Robin suggested Mr. Turner come up with a proposed Code of Conduct, taking into consideration the Board's comments.
- **Non-Resident Community Center Facilities Usage & Rental Rates**
 - The enclosure shows rates which other CDDs are charging.
 - Most CDDs have both annual and daily use fees.
 - Mr. Robin suggested adding a quarterly fee.
 - Bond Counsel wants to see a daily rate, possibly in the amount of \$25 to \$30.
 - Mr. Robin recommended limiting the number of memberships based on use and capacity of the facilities.

Mr. Brickley moved to approve the District charging a daily fee of \$25 per individual and an annual fee of \$1,200 per individual for non-resident use of the facilities effective for Fiscal Year 2008.

- Adoption of fees requires a public hearing as part of the District's rules.
- A 28-day notice period is required.
- The Board discussed clubhouse rental rates for non-residents.
 - Since the clubhouse was constructed with bond proceeds, there needs to be a rate for public use.
 - The Board decided to charge \$250 for an event without alcohol and \$500 for an event with alcohol for non-residents, with residents receiving priority for use.

As a result of the continued discussion, the prior motion was not voted upon.

- **Use of the Gathering Room for Commercial Activities and/or Charity Events**
 - Fees can be refunded if the person using the room provides documentation of a donation to the charity they are sponsoring.
 - Residents should always get preference for using the facilities.
 - The Board requested Mr. Robin review this and bring back to the next meeting.

- **Amendment of the Arbor Greene Verification Policy**
 - The Board deferred discussion of this item until Mr. Robin has had a chance to review it.
- **Water Use Permit Conditions with SWFWMD Requiring the District to Continue to Carry Out the Provisions of its District-Approved Water Conservation Plan and Annual Reporting**
 - A Water Conservation Plan was required by SWFWMD.
 - Mr. Turner wants to update the current plan from the late 1990s.
 - The aquifers are still extremely low.
 - Mr. Turner recommends the formation of a committee consisting of Board members and/or residents with regards to this plan.
- **Landscape Maintenance Summary**
 - Mr. Tom Rohrer of OLM is being replaced by Mr. Paul Woods as the representative for the District.
 - The recommendations being made in this summary will require funds over and above what is in the current budget.
- **Replacement of Stop Signs**
 - The decals are being changed out on the old Stop Signs as opposed to replacing entire signs, which will be cheaper.
- **Four-Way Stop Signs on Arbor Wind Drive**
 - Mr. Turner has one Stop Sign and another one must be ordered.
 - The costliest part of this involves the painting of the two stripes on the road at the exact location of the Stop Sign, as required.
 - A *Stop Sign Ahead* sign is not required here.
- **Refinishing of Pool Decks**
 - Plans are being worked on.
 - A draft should be ready for the next meeting.
- **Newsletter Financial Status**
 - The cost is more than what is taken in for advertisements.
 - The possibility of sending the newsletter via e-mail was suggested, but it was decided it will be more labor intensive to do so.

- **Replacement of Sidewalk Sections**
 - The sidewalks in the area of Benito have been completed.
 - Areas considered safety hazards are being taken care of first.
 - The contractor is doing a good job.
 - All damaged manhole covers were replaced by the City of Tampa.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

- Mr. Bootcheck brought up the need to communicate to drivers in the area to drive slower on Halloween while the children are trick or treating.
 - Mr. Turner suggested asking for volunteers in the community to watch certain intersections to ensure the children are safe.
- The streetlights in the Estuary were out for a few days and Mr. Lozicki wanted to know if anyone called in with regards to the situation.
 - As soon as Mr. Turner found out about this, Borrell Electric repaired them, but they still were not working properly and Borrell repaired them again.
 - Mr. Turner's staff goes throughout the community once per month to check on all of the streetlights.
- Mr. Bootcheck raised the issue of the fountains not working properly.
 - This type of fountain cannot be used unless it is contributing to the health of a pond or lake according to the City of Tampa water restriction policy.
 - The District does not have reclaimed water use and it is not in the City of Tampa's plans for the near future.

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.

T. Dorsey Yawn
Assistant Secretary

John P. Brickley
Chairman