

**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 19, 2009 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 P. Brickley	Chairman
Christine Nelson	Co-Vice Chairperson
Michael Lozicki	Co-Vice Chairman
Adam Tanenbaum	Assistant Secretary
T. Dorsey Yawn	Assistant Secretary

Also present were:

John Ricciardi	District Manager
Harve Turner	General Manager
Audience Members	

*The following is a summary of the minutes and actions taken at the October 19, 2009 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.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the September 21, 2009 Meeting**

Mr. Brickley stated each Board member received a copy of the minutes of the September 21, 2009 meeting and requested any additions, corrections or deletions.

A correction to page 7 was requested; delete the words *A resident* from the bullet pointed sentence.

On MOTION by Ms. Nelson seconded by Mr. Yawn with all in favor the minutes of the September 21, 2009 meeting were approved as amended.
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**THIRD ORDER OF BUSINESS**

**Approval of the September 30, 2009  
Financial Statements**

Mr. Brickley reported on the October 15, 2009 Budget Workshop noting the following:

- Revenue was at 100% of budget, expenses at 93.7%. We are still paying off a mediation settlement that surprised us a few years ago in terms of a management contract that the developer forgot to tell us about. With that we will end up with a surplus of income over expenses for the year. The surplus will not be a huge amount of money, but we will have stayed within budget for the year.
- The tennis fund was reviewed and because we redid the tennis courts last year, and because of accounting issues, half of the costs went to 2008 and half went into 2009. We ended up with a lot of money in 2009 that was not spent because half of those expenses went into 2008. There is an approximate \$18,000 overage. A suggestion was made to take \$15,000 of that and apply that to the Reserve Fund for tennis in addition to the \$5,000.
- Changing the financial statement pool line item wording from "Contracts Gas-Pool Heater" to "Utility" Gas-Pool Heater was requested.
- The financial statements for the end of September, 2009 were recommended for approval.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the financial statements as of September 30, 2009 were approved.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor taking \$15,000 of the amount in the September financial statements indicated as R&M Court Maintenance and reserve to the Tennis Fund to be reflected on the Balance Sheet was approved.

**FOURTH ORDER OF BUSINESS**

**District Manager's Report**

Mr. Ricciardi explained the Arbitrage Engagement Letter previously emailed to the Board. An arbitrage calculation on the bond is required each year. In view of the economic situation and competition within the market, the accountants have been negotiating with Deloitte Tax LLP to reduce the fee for this service. The fee has been reduced to \$750 for the bond year that closes on June 5, 2010; this is a savings of \$800.

Approval of the Deloitte engagement letter was recommended.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor the Arbitrage Engagement letter submitted by Deloitte Tax LLP to provide arbitrage services for a fee of \$750 was accepted.

Mr. Brickley noted the Seven Oaks Rules and Regulations Committee chaired by Ms. Susan Jerick was looking for assistance with their procedures for the clubhouse and their tennis program and Mr. Bob Farrell assisted Ms. Jerick. A complimentary note was received regarding Mr. Farrell's services to Seven Oaks; they were impressed with Mr. Farrell and his explanation of how things work at Arbor Greene.

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

**FIFTH ORDER OF BUSINESS**

**Attorney's Report**

There not being any, the next item followed.

**SIXTH ORDER OF BUSINESS**

**Engineer's Report**

There not being any, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**General Manager's Report**

Mr. Brickley introduced a discussion on contractors being allowed to accomplish outside work on holidays that occur on week days. He explained that the Devonshire HOA has requested to have landscape contractor work done on holidays that fall on a Monday as indicated in the General Manager's Report on page 2, item #2.

Ms. Nelson inquired about allowing other contractors to work in the District on week day holidays.

Mr. Tanenbaum noted that the CDD does not have authority to tell a homeowner they cannot have a contractor work at their home on a holiday; that would be an HOA issue.

This discussion concluded with the Board deciding to hear and decide these types of requests on a case by case basis. That being noted, the Devonshire contractor landscape work scheduled to be done on holidays that fall on a week day (Mondays) was allowed and approved.

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

Mr. Turner reported on the following items of his report:

- Regarding item 1f, on page 2 (HOA Request for the CDD to install “No Overnight Parking Signs” on streets) Mr. Hartnagel, President of the HOA presented the case for the request. He noted the main purpose of the request was for safety purposes. The Tampa Police have been contacted regarding this issue and they have responded they cannot do anything unless signs are posted.

Mr. Lozicki suggested that since there is a remedy to the HOA violation of the overnight parking issue indicated in the HOA covenants as towing of the offending automobile, then that remedy should be exercised by the HOA.

A lengthy discussion on this issue ensued.

Mr. Brickley concluded the discussion by inquiring that since there seems to be only a few habitual offenders to the overnight parking covenant, is the HOA reluctant to send letters to the offending parties that states continuance of the parking violation will result in the vehicle being towed.

Mr. Hartnagel responded that he would have to consult with the rest of the HOA board regarding enforcing the towing option.

Mr. Brickley offered to utilize the District website and Newsletter to inform and reiterate to residents the HOA rules and covenants regarding overnight street parking.

Mr. Ricciardi noted towing is problematic because of the ill-will it creates. Because the streets within Arbor Greene are owned and maintained by the CDD, even though the covenants say there is no overnight parking, it is not 100% clear that the HOA can legally have vehicles towed without an agreement with the CDD. Currently, there is no such agreement in place. This issue should be discussed with both counsels before moving forward.

The discussion concluded with the HOA President indicating that he will discuss this issue further with his board and inform the CDD Board of the results.

- Item 1a of the General Manager's Report (Resident request to advertise personal fitness training on the Arbor Greene website) was discussed. The recommendation made to the Board was to approve the ad fees and process for advertising on the Arbor Greene website, as indicated in Enclosure #2 of the report.

On MOTION by Mr. Lozicki seconded by Mr. Yawn with Mr. Lozicki, Mr. Yawn and Mr. Brickley voting Aye and Mr. Tanenbaum and Ms. Nelson voting Nay the recommended fees for advertising on the Arbor Greene website, the fees to be published in the December Newsletter and will be effective January, 2010 were approved.

- Item 1b of the report (Landscaping on the Cross Creek Blvd. berm) was discussed. Mr. Yawn noted in his opinion he sees no apparent holes/gaps. Mr. Tanenbaum noted he did not see a problem from an aesthetic or security issue. Mr. Brickley noted he went inside Devonshire and there is one gap and also a path out to Cross Creek. The consensus of the Board was to take no action and have Mr. Turner come back with a reduced scope proposal.
- Item 1c of the report (Reduced speed limits in Arbor Greene Villages) was discussed. Mr. Turner's recommendation was to maintain the speed limits as is.

On MOTION by Mr. Tanenbaum seconded by Ms. Nelson with all in favor the request made by the Devonshire HOA to change the speed limit signs in their village from 30 mph to 25 mph was approved.

- Item 1d of the report (Lightning policy sign for pools and tennis courts) was discussed.

An example of the sign included in the report under Enclosure 6 was recommended for approval.

The consensus of the Board was to approve the lightning sign as indicated in Enclosure 6 of the General Manager's Report.

- Item 1e of the report (Year-round swim program for Tamp Bay Aquatics) was discussed.

The fees and schedule as presented in the report were recommended for approval.

On MOTION by Mr. Tanenbaum seconded by Ms. Nelson with all in favor the fees and schedule proposed in the report for the year-round Tampa Bay Aquatics swim program were approved.

- Item 2b of the report (Request to conduct Cardio Kick Boxing Self Defense classes at Arbor Greene) was discussed.

Information has not been received from the person who made the request, therefore no action was taken.

- Item 2c (Sidewalk repairs) was discussed.

Approval of the identified repairs was recommended.

On MOTION by Mr. Yawn seconded by Mr. Lozicki with all in favor the sidewalk repairs at a cost of not to exceed \$15,500 were approved.

- Item 2d (Lightning strike) was discussed.

It was noted some of the repair costs were covered by insurance and proposals have been received to repair and re-attach the decorative ball on the roof.

The recommendation is to not replace the ball and the Board agreed.

- Item 2e (Request to renew SwimKids USA Swimming Classes Contract) was discussed.

The current contract expires on November 30, 2009 and a fee is not charged at this time. The requestor, Mr. Alan Messing, has not submitted a financial report as requested of him.

Mr. Turner recommended not renewing the SwimKids USA swimming class contract.

On MOTION by Mr. Brickley seconded by Mr. Tanenbaum with all in favor **not** renewing the SwimKids USA contract for fiscal year 2010 was approved.

- Item 2f (Purchase and installation of State Law “Yield” to pedestrians within crosswalk signs) was discussed.

Mr. Turner recommended approval of \$5,580 for the purchase of the signs and poles for the two crosswalks on Arbor Greene Drive and budget for the installation of the 2 other signs and poles at crosswalks in the fiscal year 2011 budget.

Mr. Turner was directed to check to see if new signs can be installed on existing signs and report back to the Board.

- Item 2g (Resident TPD Officer request for bar code on TPD vehicle) was discussed. Board consensus was to issue a bar code to the resident TPD Officer at no charge.
- Item 2h (Enclave gate hit by a commercial vendor) was discussed.

It was reported the insurance company offered to pay a settlement of \$5,647 due to the depreciation of the gate and if the offer is accepted by the Board that would leave a deficit of \$1,412. Restitution from the vendor themselves has been attempted.

The Board requested that Mr. Turner obtain a copy of the vendor’s auto insurance policy.

Action on this item was delayed until the vendor’s insurance policy can be reviewed by the Board.

- Item 2i (Tree root pruning maintenance proposal) was discussed. No action on this item is required at this time.
- Item 2j (Replace the Trace Park well pump) was discussed.

It was recommended to obtain other proposals and approve replacing the pump at a cost of not to exceed \$3,500.

On MOTION by Mr. Brickley seconded by Mr. Lozicki with all in favor replacing the Trace Park well pump at a cost of not to exceed \$3,500 was approved.

Mr. Turner updated the Board on items listed in his report under Current Unresolved Actions/Items.

*A copy of the General Manager's Report and the supporting enclosures is attached hereto and made part of the public record.*

The following items were also reported to the Board by Mr. Turner:

- He received a proposal from UPS for them to place a POD in the parking lot for packages and they would provide a golf cart for the purpose of delivering packages during the Christmas season. They consider this process as a cost savings for them. They provided a brochure on this that was passed around to the Board.

There was no Board interest in this process.

- Borrell Electric Company, the company that does the street light repairs and some of the repairs to the high ceiling lights in the community center and tennis court lights have submitted a new proposal for replacing bulbs; prices have gone up somewhat.

On MOTION by Mr. Tanenbaum seconded by Ms. Nelson with all in favor authorizing the Chairman to sign the rate proposal with Borrell Electric pending clarification of items in the proposal was approved.

- Affidavit provided by the TPD to authorize Tampa Police as representatives to enforce State Statute regarding trespassing. The affidavit must be signed in order for the TPD to enforce the statute.

On MOTION by Mr. Tanenbaum seconded by Ms. Nelson with all in favor authorizing the Chairman to sign the affidavit for no trespassing with the City of Tampa Police Department was approved.



**EIGHTH ORDER OF BUSINESS**

**Supervisor's Requests**

Ms. Nelson inquired about getting a quote for additional lights at the entrance for better camera coverage.

Mr. Turner responded we are investigating that right now; checking to see if cameras can be relocated.

Ms. Nelson also asked about the visitor log and the number of calls to residents.

Mr. Turner noted this is an on going issue and we try to enforce it with our guards making sure they are calling residents when they have a guest. We get occasional complaints from residents that they had a visitor and they were not called.

Ms. Nelson requested permission to allow LSM Construction to do work at her home on November 11<sup>th</sup>, which is a holiday, Veterans Day.

On MOTION by Mr. Tanenbaum seconded by Mr. Yawn with all in favor lifting the vendor access restriction on November 11, 2009 was approved.

Mr. Brickley noted an answer to the email from Mr. Lawrence Micolus is needed and he will respond accordingly.

**NINTH ORDER OF BUSINESS**

**Audience Comments**

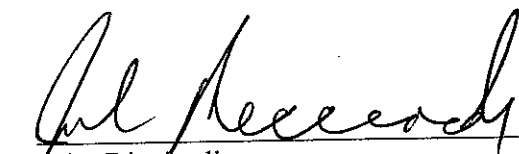
There not being any comments at this time, the next item followed.

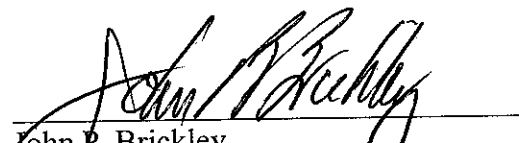
**TENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

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

  
John Ricciardi  
Secretary

  
John P. Brickley  
Chairman