

**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, March 23, 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
Michael Lozicki	Co-Vice Chairperson
T. Dorsey Yawn	Assistant Secretary
Christine Nelson	Co-Vice Chairperson
Adam Tanenbaum	Assistant Secretary

Also present were:

John Ricciardi	District Manager
Harve Turner	General Manager

*The following is a summary of the minutes and actions taken at the March 23, 2009 Arbor Greene Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the February 23, 2009 Meeting**

Mr. Brickley stated each Board member received a copy of the minutes of the February 23, 2009 meeting and requested any additions, corrections or deletions.

Changes were requested to be made on page 7. They were so noted and are made part of the final public record.

On MOTION by Mr. Lozicki seconded by Mr. Yawn with all in favor the minutes of the February 23, 2009 meeting were approved as amended.
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**THIRD ORDER OF BUSINESS**

**Approval of the February 28, 2009  
Financial Statements**

Mr. Brickley reported on the March 19, 2009 Budget Workshop.

- Revenue as of the end of February was 88.9% of budget with the assessments at 91.2%. The assessments are at 91%.
- The expenses were at 40.6% of budget.
- This puts us on track as we have been in the last two to three years.

Mr. Ricciardi reported as of March 9<sup>th</sup> the assessment collections are at 92%. In 2008, for this same time period the collections were at 92% and we are running in trend with last year. In 2007 it was 94% and 2006 it was 88%.

*The record will reflect Ms. Nelson joined the meeting.*

Mr. Brickley noted the majority of the assessments come in December, which is usually \$1 Million plus and approximately \$1.6 Million in revenue from assessments has been budgeted. We are at approximately \$1.5 Million right now and we normally get about \$40,000 per month in January, February, March, April and May. If that continues this year, we will be fairly close to 100% of our assessment revenue, which makes up the majority of our budget and puts us in good shape compared to any other community in this area.

It was further noted that at the workshop the Board found that the District is on track with budget, both revenue and expenses. An investment plan submitted by Severn Trent was reviewed and it was decided to defer action on the plan pending a discussion with the District Manager at this meeting.

Mr. Brickley recommended approval of the financial statements as of February 28, 2009.

On MOTION by Mr. Yawn seconded by Ms. Nelson with all in favor, the Financial Statements for the period ending February 28, 2009 were approved.
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Mr. Brickley announced that since there were several residents in the audience, the agenda item sequence would be adjusted to accommodate any audience comments at this time.

**FOURTH ORDER OF BUSINESS**

**District Manager's Report**

Mr. Ricciardi reported on the following follow up items:

- Photos of the aquatic beneficial plants were emailed to the Board.

- The District has an agreement with TECO to provide lighting and a deposit of \$17,000 is required. Historically, instead of coming up with the \$17,000 the District has paid a surety bond each year of \$325 and this is coming up for renewal. The District Accountants recommendation is to authorize Severn Trent to renew the surety bond for the TECO deposit.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor Severn Trent's request for authorization to proceed with the renewal of the surety bond for lighting services from TECO was approved.

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

Mr. Brickley briefly explained an investment proposal provided by Severn Trent for the purpose of investing the District's funds that are used for expenses through the year. Each year the interest on these funds is budgeted as part of the revenue scheme. As the interest figures have changed dramatically, Severn Trent recommended that the Board look into laddering CD's recognizing that not much more interest will be made with that process, but it does offer a way to slightly improve the current procedure. The Board was asked for questions, comments or concerns regarding the CD investments.

Ms. Nelson asked what banks would the funds be invested in?

Mr. Ricciardi explained the funds would only be invested in qualified public depositories. In order to be a qualified public depository not only are the funds guaranteed with FDIC up to the amount of \$250,000, but because it is a qualified government depository, a bank that can accept government funds for investment, they in turn have to collateralize anything above \$250,000. The funds are insured up to any amount as long as they are put in a QPD.

Currently the District accounts are earning less than 1% interest. The amount budgeted for interest was \$25,000 and only \$1,721 has been earned because interest rates have dropped. We cannot get much more with CD's; right now they are averaging 2.4%. The government CD rates are not the same as a regular citizen can earn.

Mr. Lozicki inquired about Credit Unions.

Mr. Ricciardi explained the funds cannot be invested in a Credit Union.

The recommendation is to spread the funds out with the institution that will give the highest interest rate on the date of deposit. If you ladder the funds you may go to a different

bank on the same date, depending on how much you put in at one time. This process can improve the return amount and also provide security for the funds. Even though the funds are in an FDIC/QPD you will not get the funds overnight but because it is in a QPD you will get all of the funds.

Ms. Nelson inquired about the terms that are being considered.

Mr. Ricciardi explained it will be laddered; there may be 3 month, 6 month and 9 month CD's. As they mature, they will keep rolling and you will always have funds maturing at a different point. Keeping in mind the accountants have done a cash flow analysis in order for the District to pay its bills and not have to worry about where the CD is.

Mr. Brickley noted that looking at the cash flow projection, the key is that there is always sufficient money in the balance to insure payment of at least one or two months worth of expenses as averaged out over the year.

Ms. Nelson asked if the Board decides to accept the investment proposal will the specifics be reported to the Board?

Mr. Ricciardi responded that a monthly report will be provided with the financials noting when the funds get deposited, the amount of the deposit, what the interest rate is, which bank it was deposited with and the maturity date.

Mr. Brickley explained if we decide to proceed now, effective April 1<sup>st</sup> a distribution will be made so that the funds will be laddered between now and perhaps August.

Mr. Ricciardi noted if the Board requires additional explanation of the process, Mr. Alan Baldwin, the Senior Accountant at Severn Trent would be happy to attend a meeting for further discussion and explanation.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor the Severn Trent proposal for investing fund balances in to a ladder-type CD program with a cap of \$500,000 at any one time was accepted.

Mr. Yawn inquired about gaining access to stimulus funds.

Mr. Ricciardi noted that the Senior Accountants are pursuing this question through government entities to see how District's may go about possibly gaining access to stimulus funds.

Mr. Brickley recommended to the Board that the remainder of the agenda items be realigned in order to allow the audience to comment at this point in the meeting.

**NINTH ORDER OF BUSINESS**

**Audience Comments**

Ms. Jan Bootcheck of the Estuary requested Board approval for the use of the gathering room to hold an event which would be held on May 14, 2009 between 1 P.M. and 8 P.M. The event entails the presentation and sale of a collection of women's clothing, shoes, accessories and gift items.

Mr. Brickley recommended approval of the request made by Ms. Bootcheck for use of the District's gathering room on May 14<sup>th</sup> for the event noted in her written request submitted to the Board dated March 23, 2009 at the normal fee required for room rental.

On MOTION by Mr. Brickley seconded by Mr. Yawn with all in favor the use of the gathering room requested by Ms. Bootcheck for the "Unique Traveling Boutique" event to be held on May 14, 2009 between 1 and 8 P.M. at the regular room rental fee was approved.
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Mr. Greg Hildreth and Mr. Frank Weaver of Heather Sound requested permission for their photography business be allowed to act as the exclusive Arbor Green event photography company. They would like to take photos at CDD events.

Mr. Yawn expressed his concern regarding using the term "exclusive" and the Board concurred with Mr. Yawn's concern.

It was suggested to Mr. Hildreth to prepare a brochure regarding his services and distribute them to the residents instead of seeking the Boards approval.

Board consensus was to defer this request to the April meeting at which time Mr. Hildreth will present the documents required of all vendors.

Ms. Renee White of the Stingray Swimming Team addressed the Board. She expressed her dissatisfaction with the way things have been going with the District over the last few years. It was noted that she feels she is very under-valued here and she offered the Board her resignation as swim program director.

Mr. Greg Wells of Parkview addressed a Parkview gate problem. He explained an incident that occurred while driving through the gate. He maintains the gate was not working properly and caused damage to his truck. He is seeking payment for repair of the damages done to his truck.

Mr. Brickley requested that Mr. Wells submit to Mr. Turner a signed affidavit and any documentation he has on the incident to be forwarded to the District's insurance company for investigation and Mr. Wells stated he will comply with the request.

It was also noted that the gates will be re-inspected.

**FOURTH ORDER OF BUSINESS, continued District Manager's Report, continued**

**A. Consideration of Proposal/Agreement from OLM, Inc. for Exterior Landscape Maintenance Re-Bid Package**

Mr. Ricciardi referred to the OLM Agreement for Service document that was included in the agenda package. It was explained that the agreement is for OLM, Inc. to handle the exterior landscape maintenance re-bid package. This is an agreement that will last for three years.

Mr. Woods of OLM explained the agreement. It was noted that since the fiscal year 2010 budget is in the process of being prepared this is an appropriate time for the re-bidding of landscape services.

Mr. Woods noted OLM feels confident that the District will benefit by putting the landscape services out for bid and considering that in the event that OLM saves the District money, OLM's fee will be 75% of the savings, which would be spread over the costs from the first year's fee. If bids are received and there is no savings realized, there would be no fee due to OLM for the re-bidding process. The options available are fee based or percentage of savings.

Water and landscape management was discussed by Mr. Larry Rhum of Greenview Landscaping.

Ms. Nelson MOVED to authorize the Chairman to execute the 2010 through 2012 OLM agreement for Exterior Landscape Maintenance Re-Bid Package subject to District Counsel review and Mr. Tanenbaum seconded the motion.

Further discussion on the OLM agreement ensued.

Further discussion on the OLM agreement ensued.

With all in favor the previous motion, as noted in the motion box above, regarding the OLM agreement for the Exterior Landscape Maintenance Re-Bid Package was approved.

Mr. Yawn asked if Mr. Woods heard that in view of the current drought circumstances, the legislature was considering requiring that Saint Augustine grass not be used in communities such as Arbor Greene.

Mr. Woods responded by explaining about Saint Augustine grass and turf fertilizer.

Future water restrictions were discussed.

*The record will reflect Mr. Woods and Mr. Rhum left the meeting.*

**NINTH ORDER OF BUSINESS**

**Audience Comments, continued**

Representatives from Potential Sports Aquatics addressed the Board regarding their swim program. Proposal documents were submitted to Mr. Turner and are included with the enclosures submitted under the General Manager's Report.

Board consensus was to review the proposal and the program and take it under advisement at this time.

Mr. Lozicki expressed his hope that Ms. White of the Stingray Swimming Team would reconsider tendering her resignation.

Mr. Brickley recommended to Ms. White that she review the contract carefully and decide whether she wishes to comply with the contract and propose renewal of it.

**SEVENTH ORDER OF BUSINESS**

**General Manager's Report**

Mr. Turner highlighted his report as follows:

- Two unsolicited proposals have been received regarding starting swim teams at Arbor Green; one from Ms. Julia Lamb of Wharton High School and one from Potential Sports Aquatics.

It was noted that the Board received the Potential Sports Aquatics swim proposal at tonight's meeting and Ms. Lamb needs to submit a proposal to the Board for consideration at next month's meeting and it was recommended that Ms. Lamb attend the meeting.

- Cintas Contract – It was recommended to continue the current Cintas contract until it expires on 12-10-09. Two other recommendations, as noted in Mr. Turner's report were discussed.

Board consensus was to continue the contract with Cintas until the current contract expires on December 20, 2009.

- Waste Management Spill in Heather Sound

Board consensus was to defer the resurfacing of the Heather Sound streets until after the 2009 rainy season and in fiscal year 2010 reassess the streets.

- Broken Mirror in Weight Room

Board consensus was to consider the cost of \$452.11 for repair as unrecoverable as noted in Action Recommendation #3 of Mr. Turner's report.

- Landscaping on Cross Creek Berm behind Devonshire

Board consensus was to defer action on installing fence until fiscal year 2010 as noted in Option 3 of Mr. Turner's report regarding this issue.

- Cost to Restart Using the Enclave/Estuary Main Fountain

Board consensus was to take no action on this at this time.

- Resident Request to Remove Shrubs from the Landing Park

The resident indicated that recent crime in the Landing Park warrants removal of shrubs in order to have direct vision from the road into the park.

Board consensus was to trim down the shrubs as a first step to addressing this problem.

*The record will reflect Ms. Nelson left the meeting.*

- Rover Patrol -- For informational purposes, a cost proposal of \$44,139.52 was submitted for a mobile patrol for 8 hours per day, 5 days per week from 4 P.M. until 12 A.M.
- Replacement of Club Water Heater – The current water heater requires immediate replacement. The Board was asked to consider replacing the water heater with another residential water heater at a not to exceed cost of \$1,760 or replace it with a solar water heater at a not to exceed cost of \$6,400.

On MOTION by Mr. Lozicki seconded by Mr. Yawn with all in favor replacing the current damaged, clubhouse water heater with a new residential type water heater at a cost not to exceed \$1,760 was approved.

Mr. Brickley directed the Board to item 4e of the General Manager's Report regarding the Tampa Police Departments increased surveillance. The Board acknowledged their appreciation to the Tampa Police.

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

**EIGHTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Yawn questioned if there was any follow up from Mr. Micolus of the Estuary.


It was noted that Mr. Ricciardi replied to Mr. Micolus on a few issues that were previously discussed at a meeting; one of the issues was the planting around the ponds.


**TENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

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

  
John Ricciardi  
Secretary

  
John P. Brickley  
Chairman