
MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**BALLANTRAE
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Ballantrae Community Development District was held on **Monday, October 6, 2008 at 6:33 p.m.** at the Ballantrae Community Center, located at 17611 Mentmore Boulevard, Land O'Lakes, FL 34638.

Present and constituting a quorum:

James Flateau	Board Supervisor, Chairman
Amanda Battistoni	Board Supervisor, Vice Chairman
Kelly Moseley	Board Supervisor, Assistant Secretary
Richard Levy	Board Supervisor, Assistant Secretary

Also present were:

Nils Hallberg	District Manager, Rizzetta & Company, Inc.
Tracy Robin	District Counsel, Straley & Robin
Tonja Stewart	District Engineer, WilsonMiller, Inc.
Bill Fletcher	Maintenance Supervisor
Audience	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Flateau called the meeting to order and Mr. Hallberg read the roll call.

SECOND ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisor's Meeting on September 8,
2008**

Mr. Flateau stated that the next item on the agenda was the consideration of the minutes of the Board of Supervisor's meeting held on September 8, 2008. He stated that if there were no additions, deletions, or corrections to the minutes, a motion to approve would be in order.

<p>On a Motion by Ms. Moseley, seconded by Mr. Levy, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisor's meeting held on September 8, 2008 for Ballantrae Community Development District.</p>

THIRD ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for September**

Mr. Flateau stated that the next item on the agenda was the consideration of the Operation and Maintenance expenditures for September. Mr. Hallberg briefly reviewed the expenditures paid during the period of August 1-31, 2008 totaling \$60,832.22. He asked if there were any questions on any of the expenditures. Following a brief discussion, Mr. Flateau asked for a motion to approve.

On a Motion by Ms. Battistoni, seconded by Mr. Levy, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for September totaling \$60,832.22 for Ballantrae Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of New Business

Mr. Flateau stated that the next item on the agenda was the consideration of landscape enhancement proposals from Ameriscape USA. He explained that he asked Ameriscape to inform the District in advance of any additional services /needs that they anticipate the District might want to consider. Mr. Flateau stated that based on his request, Ameriscape prepared three proposals for various enhancement projects that they feel would improve the aesthetics of the community. He recommended that a representative from Ameriscape USA attend the next meeting to respond to any questions Board Supervisors might have regarding the proposals. Mr. Hallberg stated that he would make the necessary arrangements.

FIFTH ORDER OF BUSINESS

Consideration of Old Business

Mr. Flateau provided the Board and members of the general audience with a brief recap of the meeting that he and Mr. Hallberg had with Mr. Mike Addison, one of the litigation lawyers recommended by District Counsel, regarding the possibility of initiating legal action relating to the drainage structures on Ayrshire Boulevard. He stated that Mr. Addison is both a litigation lawyer and an engineer with substantial experience in this area. Mr. Flateau stated that he and Mr. Hallberg found Mr. Addison to be very knowledgeable and decided not to meet with the other attorney. He reviewed the opinions offered by Mr. Addison regarding the legal issues and repair costs, as well as the options and costs that the District could be facing. Mr. Flateau explained that in lieu of discussing strategies at this time he would like the Board to only consider whether or not to file the claim or possibly enter into a contract with Mr. Addison to review the case and determine whether or not it makes sense for the District to file a claim.

Mr. Robin clarified the stages of litigation and the purpose and legal requirements of holding closed (shaded) meetings to discuss strategies rather than discussing such things in a public meeting where the records would be available to the contractor and or engineer being sued. He reviewed the risks involved in any litigation and recommended that the Board retain the services of Mr. Addison to further investigate the case and allow individual Board Supervisors to speak with him to address concerns prior to making any formal decision.

Following a brief discussion, it was decided to retain the services of Mr. Michael Addison to evaluate the merits of filing a claim. Mr. Robin asked that a motion be made to retain Mr. Addison and authorize the Chairman to execute the engagement letter.

On a Motion by Mr. Levy, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors approved retaining Mr. Michael Addison as legal counsel in the drainage issue and authorized the Chairman to execute the Engagement Letter for Ballantrae Community Development District.

Mr. Robin further recommended that a motion be made authorizing the Chairman to proceed with filing a claim, pending Mr. Addison's review of the case warrants such action.

On a Motion by Ms. Moseley, seconded by Mr. Levy, with all in favor, the Board of Supervisors authorized the Chairman to proceed with filing a claim, pending Mr. Addison's review of the case warrants such action for Ballantrae Community Development District.

Mr. Flateau stated that the next item on the agenda was a discussion regarding the Aquagenix contract. He provided an overview of discussions held with Aquagenix regarding the removal of cattails in the ponds and the condition of the plants that were planted in the pond across from Ballantrae Boulevard. Mr. Flateau expressed his dissatisfaction with the continued service being provided and the company's apparent unwillingness to work with the Board in correcting the cattail issue in stages. Mr. Flateau stated that the Board has the ability to retain the services of the next lowest bid received during the bid process. Mr. Hallberg stated that he spoke with American Ecosystems and they have agreed to honor their bid through December 31, 2008. Following a brief discussion, it was decided to provide Aquagenix with written notification of the Board's intention to cancel the contract effective November 15, 2008, as allowed under the terms of the contract. A brief discussion ensued regarding how much the final payment to Aquagenix should be. Mr. Flateau stated the he would like to see the cost of the dead plants installed by Aquagenix be deducted from their final payment. He asked for a motion to authorize District Staff to send the cancellation letter to Aquagenix.

On a Motion by Ms. Battistoni, seconded by Mr. Levy, with all in favor, the Board of Supervisors authorized District Staff to send a notice to Aquagenix cancelling their contract for aquatic management services effective November 15, 2008 for Ballantrae Community Development District.

Mr. Flateau asked for a motion authorizing District Staff to enter into an agreement with American Ecosystems for aquatic management services effective November 15, 2008 or sooner if possible.

On a Motion by Ms. Battistoni, seconded by Mr. Levy, with all in favor, the Board of Supervisors authorized District Staff to enter into an agreement with American Ecosystems for aquatic management services effective November 15, 2008 as discussed for Ballantrae Community Development District.

Mr. Flateau stated that the next item on the agenda was a discussion on holiday decorations. Mr. Hallberg stated that he has contacted two other companies regarding providing decorations for the District. He stated that he has a meeting scheduled with Tropical Holiday Lights on Friday at 4:00 p.m. to discuss the needs of the community and request a proposal. The other company, Decorating Elves, has not returned his call to date. Mr. Hallberg stated that once the District has selected a new firm, he will retrieve the decorations in storage from Flowers Gone Wild. A brief discussion ensued regarding the materials owed to the District. Ms. Moseley stated that she would meet with Mr. Hallberg and the representative from Tropical Holiday Lighting.

SIXTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Mr. Robin announced to the Board that he would like to schedule a shaded meeting to discuss any possible litigation issues should Mr. Addison recommend that the Board file a claim regarding the drainage structure. A brief discussion ensued.
- B. District Engineer
No report.
- C. District Managers
Mr. Hallberg notified the Board of an incident that occurred over the weekend, whereas, the weekend maintenance person was discovered using the District's mule to give non-employees a ride. He stated that the employee has been reprimanded and written notification will be placed in his file. Mr. Hallberg stated that Mr. Fletcher was notified of the incident by a resident and asked that the Board support him in his request to require any further incidents be directed directly to himself or Mr. Flateau. The Board concurred.
- D. Maintenance Supervisor
No report.

SEVENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Mr. Flateau stated that the next item on the agenda was Supervisor requests and audience comments. He asked if there were any Supervisor requests. Mr. Fletcher addressed some maintenance issues and a brief discussion ensued.

Mr. Flateau informed the Board that the Pasco County Sheriff's office has located an authorization form that can be filed with the Sheriff's Department that will allow an officer to enforce the no trespassing rules without a Board member being present to sign the trespassing complaint. He asked for authorization to execute the form and submit it to the County. The Board indicated its approval, however an official motion was not made. Mr. Hallberg recommended that a copy be placed on file at the clubhouse and another in the District files. A brief discussion ensued regarding the current schedule for security and what the Board would like to see starting in November. It was decided to try and keep the expenses under \$1,000 each month until spring.

Discussion was held regarding the possibility of utilizing the clubhouse as a polling place for the District. Mr. Hallberg stated that the County does pay \$100 every time that the facilities are used to cover clean up as they do not remove any political signs or trash that remains after the event.

Mr. Flateau stated that he received a phone call from a gentlemen interested in renting the facilities for a business seminar. He stated that he inquired whether the facility could be rented for less than the four hour block. A brief discussion ensued regarding reviewing the current policies and possibly making changes to this portion of it. Mr. Hallberg reminded the Board that a public hearing would need to be held should it desire to make any changes.

Mr. Flateau asked if there were any audience comments. A resident expressed interest in filling the vacant seat and inquired as to the timing for the replacement to be appointed. A brief discussion ensued regarding the process for filling the vacant seat. Mr. Flateau turned the meeting over to Mr. Hallberg and nominated Steve White to fill the vacant seat. Mr. Hallberg asked if there were any other names the Board would like to consider at this time. Hearing none, he asked for a motion to appoint Mr. White as a Board Supervisor.

<p>On a Motion by Mr. Flateau, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors appointed Steve White as a Board Supervisor for Ballantrae Community Development District.</p>

A brief discussion was held regarding limiting the number of community newsletters to one. Mr. Hallberg explained that the CDD can place articles in the HOA newsletter, but the HOA cannot post articles in the CDD newsletter in order to comply with Florida Statutes. It was also stated that it is not advisable for the CDD to be part of a newsletter that accepts advertising to cover its expenses.


Mr. Hallberg, a Notary in the State of Florida, administered the oath of office to Mr. White. He stated that he would review the necessary paperwork and Sunshine Law requirements as they pertain to serving on the Board immediately following the meeting. Mr. Hallberg explained that Board Supervisors as public officials are eligible to receive compensation in the amount of \$200 per meeting or \$4,800 per year and it is up to each individual Supervisor as to whether or not they wish to accept this compensation. Mr. White accepted the compensation.

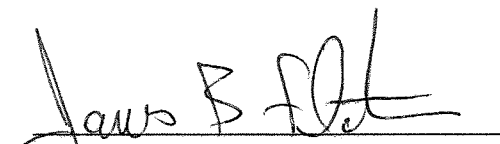
EIGHTH ORDER OF BUSINESS

Adjournment

Mr. Flateau stated that there was no other business items scheduled to come before the Board. He asked for a motion to adjourn the meeting.

On a Motion by Ms. Battistoni, seconded by Ms. Moseley, with all in favor, the Board of Supervisors adjourned the meeting at 8:24 p.m. for Ballantrae Community Development District.


Secretary/Assistant Secretary


Chairman/Vice Chairman