
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, November 3, 2008 at 6:30 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
Steve White	Board Supervisor, Assistant Secretary
Richard Levy	Board Supervisor, Assistant Secretary <i>(joined the meeting in progress)</i>

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 October 6,
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 October 6, 2008. He stated that if there were no additions, deletions, or corrections to the minutes, a motion to approve would be in order.

On a Motion by Ms. Moseley, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisor's meeting held on October 6, 2008 for Ballantrae Community Development District.
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THIRD ORDER OF BUSINESS

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

Mr. Flateau stated that the next item on the agenda was the consideration of the Operation and Maintenance expenditures for October. He asked if there were any questions on any of the expenditures. A brief discussion ensued regarding the invoice from PACA and the advantages of belonging to the organization. Further discussion ensued regarding an invoice from Brown & Brown. Mr. Hallberg recommended that the Board table this item until he could provide clarification on the dates of the insurance coverage.

On a Motion by Ms. Moseley, seconded by Mr. White, with all in favor, the Board of Supervisors tabled consideration of the Operation and Maintenance Expenditures for October pending clarification of the Brown & Brown invoice for Ballantrae Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Old Business

Mr. Flateau stated that the next item on the agenda was the consideration of any old business. A brief discussion ensued regarding the proposals submitted by Ameriscape for enhancing the landscaping within the community.

(Mr. Levy joined the meeting in progress).

It was decided to hold off on making a decision regarding these proposals until a representative from Ameriscape could be present to review them.

Mr. Flateau read a letter from Aquagenix into the record regarding the damaged plants, stating that Aquagenix would be replacing 200 plants around pond number six. He asked that the final payment be held until this project was completed. Mr. Hallberg introduced Mr. Tony Smith from American Ecosystems, Inc. and Dr. Don Richardson of Ecological Consultants, Inc., stating that they will be working together to work on the pond issues within the community. Mr. Smith spoke briefly regarding his company's plan to maintain the ponds, stating that his firm was known for their fast response time. He emphasized that all employees are required to be licensed and they do not work under a licensed person.

Dr. Richardson addressed the District's cattail issues, stating that the process of removing the cattails was a very laborious process as they have to be cut down and then sprayed a couple of times to make sure they do not come back. He stated that they do provide ecological advantages for wildlife, but they are also invasive and most people prefer to replace them with more favorable plants. Dr. Richardson recommended that the District wait a year before planting any new vegetation. Ms. Stewart recommended that the pond banks be inspected during this period to determine if there are any erosion issues that should be addressed as it would be easier to complete the work. Dr. Richardson reviewed the costs to remove the cattails in the various ponds and stated that there were two ponds that he would not recommend the cattails be removed.

Dr. Richardson stated that if there were any access issues the costs would be greater. He also stated that the process would take a few days to complete. It was estimated that the process to do the five ponds would be approximately \$25,000. Mr. Flateau suggested that the ponds be done in stages to spread the cost over a couple of years, with the ponds that have received the most complaints being done first. A brief discussion ensued regarding the difference between ponds and mitigation areas that cannot be treated without SWFWMD permitting. Algae issues were also discussed. It was stated that now was the time to address those issues. A request was made to invite the vendors back to the next meeting when the contract was formally in place and detailed proposals were prepared to allow the Board to make an informed decision on the matter.

A representative from "We Hang Christmas Lights" reviewed the timing for installation and removal of the decorations, as well as maintaining the lights during the interim. He stated that they will be doing periodic inspections on a weekly basis, but will respond to any issues that occur during the interim the day after his firm was notified. It was stated that the actual pricing will be determined once the decorations from last year have been examined to see how much of it will be usable. The Board confirmed that it had approved everything that had been proposed. The possibility of leaving the lighting at the community entrances in place all year was discussed. It was stated that the lights would be turned on once everything has been installed and what time in the evening they would be turned on and off. Mr. Hallberg stated that there were some contract issues that need to be finalized, however District Counsel would be working those out.

FIFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Robin stated that he had discussed the drainage structure issue with Mr. Addison and that he concurs that even though M/I Homes hired the design engineer and the construction company, they have no liability in the issue. He stated that Mr. Addison recommended that the District try to obtain the assignment of those contracts to strengthen the case against the design engineer and the contractor rather than merely filing the claim as the intended third party beneficiary. He stated that M/I Homes may be willing to assign those contracts to the District and therefore, any rights or claims under those contracts in exchange for a waiver releasing any claims that the District might have against M/I Homes in connection to those structures. He confirmed that the legal document would be specific to the two drainage structures in question at this time and would not preclude the District's ability to include M/I Homes in any possible future unrelated actions. Following a brief discussion, Mr. Robin asked for a motion to authorize the Chairman to execute such a waiver in exchange for the assignment of the associated contracts.

On a Motion by Mr. Levy, seconded by Mr. White, with all in favor, the Board of Supervisors authorized the Chairman to execute a waiver of release of liability in regards to the two damaged drainage structures for M/I Homes in consideration of the assignment of M/I Homes' contractual rights in conjunction with the associated contracts for Ballantrae Community Development District.

B. District Engineer

Ms. Stewart stated that she had nothing new to present in regards to the drainage structure. She stated that she has recently been made aware of the need for inspections to be completed on the recreational facilities, pools, and playground equipment to provide an analysis on the timing of maintenance issues that can be anticipated and therefore budgeted for. She inquired as to whether the District might be interested in having this type of inspection performed.

Mr. Flateau discussed the possibility of reallocating \$40,000 from the District's carry over amount of approximately \$93,000 into this fiscal year's budget to establish a reserve fund for scheduled asset maintenance. He recommended that the Board have the inspections done and set up a maintenance program and continue to add to the reserve funds to cover the annual maintenance fees. A brief discussion ensued. Mr. Hallberg stated that a resolution would be needed to move these funds as they were not included in the original budget. Mr. Flateau stated that Ms. Denise Fischer of Rizzetta & Company, Inc. had indicated to him that this could be done by motion only. Mr. Robin concurred that a resolution was not necessary. He recommended that it not be called a reserve fund to ensure that the funds are available in case of an emergency. Further discussion ensued.

On a Motion by Mr. Levy, seconded by Mr. White, with all in favor, the Board of Supervisors authorized the District Staff to move \$40,000 from the roll over balance to an asset maintenance fund for Ballantrae Community Development District.

A discussion ensued regarding having Dr. Richardson take over the wetland mitigation inspections from BRA. Ms. Stewart recommended that the Board ask him to do annual inspections as opposed to waiting for issues to occur.

A discussion ensued regarding circular cracks in the roads in Ayrshire Blvd

(Mr. Robin and Ms. Stewart left the meeting).

C. District Manager

No report.

D. Maintenance Supervisor

Mr. Fletcher discussed a proposal to paint the common walls throughout the community and the upper portion of the entrance building totaling \$5,500. It was stated that the price does not include pressure washing. Ms. Battistoni stated that she clarified with the painter that this price was for all of the walls. She stated that this firm was the only one that she had used and based on this, she would be declaring a conflict of interest and abstain from the vote. The Board decided to seek additional proposals and accept this one pending it remains the lowest proposal.

On a Motion by Mr. White, seconded by Mr. Levy, with four in favor and one abstaining (Amanda Battistoni), the Board of Supervisors authorized the Chairman to accept the proposal from E & R Quality Painting, Inc. providing additional proposals are all above \$5,500 for Ballantrae Community Development District.

(Mr. Robin & Ms. Stewart returned to the meeting).

Mr. Robin stated that in retrospect he would recommend that the Board amend the previous motion to include the entire storm water management system as the same situation would ultimately be the case should any other drainage structure fail. He stated that this would alleviate the need to potentially go back to M/I Homes with a similar request and might improve M/I Homes willingness to assign the contractual rights to the District. Following a brief discussion, Ms. Battistoni made a motion to amend the motion to include the entire storm water management system.

On a Motion by Ms. Battistoni, seconded by Mr. Levy, with all in favor, the Board of Supervisors amended the motion authorizing the Chairman to execute a waiver of release of liability in regards to the two damaged drainage structures to include the entire storm water management system for M/I Homes in consideration of the assignment of M/I Homes' contractual rights in conjunction with the associated contracts for Ballantrae Community Development District.

(Mr. Robin and Ms. Stewart left the meeting).

Mr. Fletcher stated that he obtained a quote from Ameriscape USA to weed treat the Bahia totaling \$930. Mr. Flateau stated that the Board had previously approved replacing a half acre of Bahia grass and questioned the appropriateness of paying to have grass treated that might be replaced at a later date. A brief discussion ensued. A recommendation was made to treat all of the areas and then replace the grass in the areas that die off as that would indicate that the Bahia should be replaced. The Board concurred.

SIXTH 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. A request was made to obtain a copy of the budget and assessment levels on the commercial lot to show where the increase came from. A discussion ensued regarding the rental policies for use of the recreational facilities. It was stated that it was time to retreat for the fire ants and it may be necessary to treat them bi-annually.

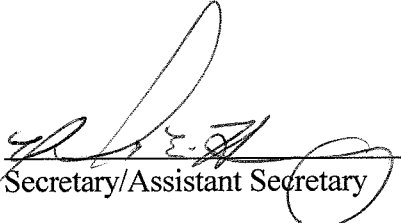
Mr. Flateau discussed the costs for printing the District newsletter and establishing the website. He explained that the St. Pete Times has agreed to sponsor the newsletter as a means of getting their name out in the community and will post the website as part of theirs. They will be selling ads to cover their expense, but the ads will not be associated with the District in any way. Mr. Flateau stated that the contract contains a thirty-day cancellation policy. The only cost would be for mailing, but a website link would allow residents to receive the newsletter electronically. A brief discussion ensued.

SEVENTH ORDER OF BUSINESS

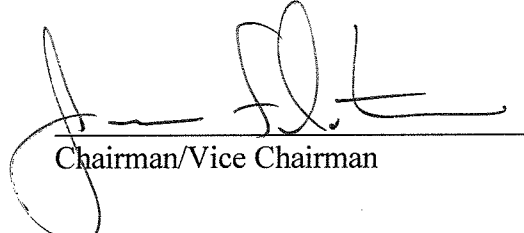
Adjournment

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

On a Motion by Ms. Moseley, seconded by Mr. White, with all in favor, the Board of Supervisors adjourned the meeting at 8:36 p.m. for Ballantrae Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME BATTISTONI AMANDA S	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE BAWANTRAE CDD
MAILING ADDRESS 11154 GLENAPP DRIVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY LAND O LAKE PASCO	NAME OF POLITICAL SUBDIVISION: BAWANTRAE
DATE ON WHICH VOTE OCCURRED 3 NOVEMBER 2008	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

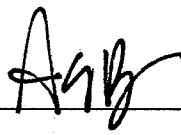
I, AMANDA S. BATTISTONI, hereby disclose that on 3 NOVEMBER, 2008.

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

3 NOVEMBER 2008
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.