

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, February 4, 2008 at 6:00 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

Also present were:

Nils Hallberg	District Manager, Rizzetta & Company, Inc.
Tracey Robin	District Counsel, Straley & Robin <i>(via speaker phone)</i>
Tonja Stewart	District Engineer, WilsonMiller, Inc. <i>(joined the meeting in progress via speaker phone)</i>
Bill Fletcher	Maintenance Supervisor
Jim Dunphy	Representative Dunphy Properties
Richard Levy	Resident
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 January 21,
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 January 21, 2008. He asked if there were any additions, deletions, or corrections. Hearing none, Mr. Flateau asked for a motion to approve.

On a Motion by Ms. Battistoni, seconded by Ms. Moseley, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisor's meeting held on January 21, 2008 for Ballantrae Community Development District.

THIRD ORDER OF BUSINESS

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

Mr. Flateau stated that the next item on the agenda was the consideration of the operation and maintenance expenditures for January. Mr. Hallberg briefly reviewed the expenditures totaling \$38,523.03 for the Board, explaining that his office was in the process of correcting an error relating to Board Supervisor pay.

(Ms. Stewart joined the meeting in progress via speakerphone).

Mr. Hallberg asked if there were any questions. Hearing none, Mr. Flateau asked for a motion to approve as discussed.

On a Motion by Ms. Battistoni, seconded by Ms. Moseley, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for January totaling \$38,523.03 as discussed for Ballantrae Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of New Business

Ms. Moseley declared a conflict of interest regarding the consideration of two proposals that have been submitted for consideration at tonight's meeting by Ameriscape USA. She explained that her husband is the landscape supervisor for Ameriscape USA responsible for this general area and as such, she will be abstaining from voting on these proposals (see attached Form 8b).

Mr. Flateau stated that the next item on the agenda was the consideration of new business to be brought before the Board. He asked for an update on the status of the request to install new pavers on the Straiton pool deck. Mr. Hallberg presented two proposals; one from Ameriscape USA and one from US Brick and Block. He explained that the proposal from Ameriscape encompasses the moving of the landscape material whereas the other one does not and that is the difference in the pricing.

Mr. Flateau explained that a request was made to extend the patio at the Straiton pool to allow room for additional tables, seating and standing charcoal grills that could not be added without the extension of the pool deck. Following a brief discussion ensued, Mr. Flateau asked Mr. Hallberg to temporarily take over chairing the meeting. He then made a motion to approve the proposal from Ameriscape USA based on their familiarity with the community.

On a Motion by Ms. Battistoni, seconded by Mr. Flateau, with two in favor and Ms. Moseley abstaining, the Board of Supervisors approved the proposal from Ameriscape USA totaling \$4,980 to install new pavers at the Straiton Pool Deck for Ballantrae Community Development District.

FIFTH ORDER OF BUSINESS

**Update on DRC Meeting and Presentation
by Developer of Shoppes at Ballantrae
Village**

Mr. Flateau turned the floor over to Mr. Dunphy of Dunphy Properties for a presentation of a proposed project to develop a plaza to be called the Shoppes at Ballantrae. Mr. Dunphy provided a general overview of the plan and design as it exists in its initial planning phase, which includes commercial C-2 development allowing for restaurants, office buildings, banks, day cares and retail space of no more than 70,000 square feet. He stated that he does not envision any big or mid boxes as part of the project, but prefers to use more boutique or mom and pop type operations. Mr. Dunphy stated that if the project moves forward, it will undoubtedly include a combination convenient store / gas station on one of the corners to offset some of the extensive costs that will be incurred to meet the requirements that are being set forth by the County. Mr. Dunphy assured the Board that the Shoppes will architecturally tie in with the stone and lighting at the Ballantrae entrance and will work with the Board to ensure that everyone is happy with the end result. Further discussion ensued regarding roadways and access issues. It was stated that it will probably be the end of 2009 early 2010 before any ground work could be started.

Mr. Hallberg stated that the DRC meeting that he attended on this project was moved until February 14, 2008 and that he would not be able to attend on behalf of the District as he has a conflict. Mr. Flateau stated that he would be able to attend.

SIXTH ORDER OF BUSINESS

**Consideration of Appointing a
Replacement Supervisor**

Mr. Flateau stated that during the January 4th meeting the Board accepted the resignation of James Bagley as Board Supervisor creating a vacancy on the Board. He asked if there were any nominations to fill this position. Hearing none, Mr. Flateau nominated Richard Levy, stating that he has been an active member in the community. He asked for a motion to approve.

On a Motion by Ms. Battistoni, seconded by Ms. Moseley, with all in favor, the Board of Supervisors appointed Richard Levy as Board Supervisor for Ballantrae Community Development District.

Mr. Hallberg, a Notary Public in the State of Florida, administered the Oath of Office to Mr. Levy. Mr. Levy raised his right hand and swore and affirmed to the oath read by Mr. Hallberg. Mr. Hallberg explained that Mr. Levy is eligible to receive compensation in the amount of \$200 per meeting or \$4,800 per year. Mr. Levy stated that he would accept the compensation.

Mr. Hallberg reviewed the Form 1 and Sunshine Law requirements as they relate to his service on the Board. Mr. Hallberg recommended that any District records retained by Mr. Levy, be kept separate from any personal records.

SEVENTH ORDER OF BUSINESS

Consideration of Old Business

Mr. Flateau stated that the next item on the agenda was the consideration of old business. He asked for an update on the status of the sidewalk extension. Ms. Stewart stated that she is trying to avoid doing survey work by using the existing site plans and will have a better idea in the next couple of weeks as to whether or not any additional survey work will be required. She stated that she should be able to bring the right-of-way permit application to the March meeting. Ms. Stewart reviewed the timing and process of attaining the permit, stating that it generally takes about 30 to 45 days to obtain the permit and that the project can be bid out during the permitting process.

Ms. Stewart stated that she would obtain cost estimates for this project so that the District can decide if it is financially feasible to take on the project. A brief discussion ensued.

Mr. Flateau asked for an update on decorating the Community Center. Mr. Hallberg stated that he and Ms. Battistoni met with two different decorators that will be presenting designs to the Board over the two next meetings. He stated that based on conversations with both decorators he estimated the cost to be between \$20,000 to \$30,000. However, as requested by the Board, he is in the process of determining whether or not it would be feasible to add onto the existing clubhouse and ways to obtain financing for the project. He stated that he should have cost and financing information available within the next month. A brief discussion ensued.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Robin stated that he has been working with Mr. Hallberg in providing written notice to Mr. Schleman regarding the encroachment into the conservation area. Mr. Hallberg confirmed that the letter was mailed and noted that he has had no response from Mr. Schleman to date.

B. District Engineer

Ms. Stewart addressed an erosion issue occurring in the left hand pond across from the fountain. Mr. Hallberg stated that part of the solution involves moving the fountains further from the bank. He stated that Ms. Stewart is estimating the cost to correct the erosion damage will be around \$14,000. A brief discussion ensued regarding ways to avoid erosion before occurs. It was stated that there is a need to unbury the cables to the fountain at this time rather to waiting for the water levels to drop. Ms. Stewart stated that she would get back to the Board with pricing on that project.

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

C. District Manager

Mr. Hallberg stated that he obtained a proposal from Ameriscape USA to replace the artificial flora in the front with live plants. He stated that the proposal includes installing an irrigation system to maintain the plants. Following a brief discussion, Ms. Battistoni made a motion to approve.

On a Motion by Ms. Battistoni, seconded by Mr. Flateau, with two in favor and Ms. Moseley abstaining, the Board of Supervisors approved the proposal from Ameriscape USA to install plants and irrigation to replace the artificial flora at the front of the clubhouse for Ballantrae Community Development District.

Mr. Hallberg stated that he obtained a proposal from Advance Water Systems to install equipment and monitor the wells to control the rust issues at a cost of \$3900 for the equipment and \$763/month. Following a brief discussion, it was decided to table further discussion until the second March meeting to determine what other options might be available to the District.

Mr. Hallberg stated that he received a letter from a resident expressing concern with placing lighting at the gazebo as they feel that doing so would only increase the deviant behavior issues that go on in the area already. Mr. Flateau asked that Mr. Hallberg respond to the resident and let them know that the Board has already decided to hold off on placing lighting at the gazebo at this time. A brief discussion ensued.

D. Maintenance Supervisor

Mr. Fletcher stated that the gates have been installed at the lift station on Ballantrae Boulevard and the electrical service to the Ballantrae Park sign has also been installed.

Mr. Fletcher stated that he has received a number of complaints regarding the amount of solicitors in the community. A brief discussion ensued.

NINTH 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. Ms. Moseley asked about the status of the light pole issue. Mr. Hallberg stated that he has been in contact with Progress Energy and he will continue to do so until the issue has been resolved.

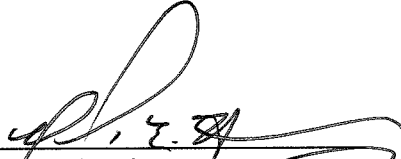
Mr. Flateau asked if there were any audience comments. Audience comments were entertained regarding trash in the ponds on the west side of the bridge on Duke Firth in Castleway. Discussion ensued regarding the grasses growing in the ponds and the need to have the ponds treated. Mr. Hallberg stated that he would contact Aquagenix regarding this issue.

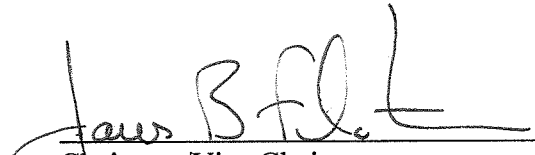
TENTH ORDER OF BUSINESS

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 Mr. Levy with all in favor, the Board of Supervisors adjourned the meeting at 7:34 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 <i>Moseley Kelly Dannette</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Ballantrae CDD</i>
MAILING ADDRESS <i>4055 Duke Firth St.</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Land O' Lakes</i>	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
COUNTY <i>PASCO CO</i>	NAME OF POLITICAL SUBDIVISION: <i>Ballantrae CDD</i>
DATE ON WHICH VOTE OCCURRED <i>February 4, 2008</i>	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, Kelly Moseley, hereby disclose that on February 4, 20 08:

(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, spouse whom is a supervisor over Ballantrae;

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:

my spouse is the Landscaping Supervisor for Ameriscape USA which is the company contracted with the COD for maintenance. Ameriscape USA places bids on various jobs/repairs/and special projects throughout Ballantrae.

Today topics and votes ~~to~~ were pavers in Straiton and additional landscaping at front entrance.

Date Filed _____

Signature Kelly J Moseley

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.