

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, June 2, 2008 at 6:05 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 <i>(joined the meeting in progress)</i>

Also present were:

Nils Hallberg	District Manager, Rizzetta & Company, Inc.
Tonja Stewart	District Engineer, WilsonMiller, Inc.
Tracy Robin	District Counsel, Straley & Robin <i>(joined the meeting in progress)</i>
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 April 21 &
May 5, 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 April 21 and May 5, 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. 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 April 21 and May 5, 2008 for Ballantrae Community Development District.

(Mr. Robin joined the meeting in progress.)

THIRD ORDER OF BUSINESS

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

Mr. Flateau stated that the next item on the agenda was the consideration of the Operation and Maintenance expenditures for May. Mr. Hallberg briefly reviewed the expenditures totaling \$58,974.05 for the Board, stating that everything was within budget. Mr. Flateau asked if there were any questions. Hearing none, 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 approved the Operation and Maintenance Expenditures for May totaling \$58,974.05 for Ballantrae Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Old Business

Mr. Flateau stated that the first item listed under old business was a discussion on the costs to enclose the basketball courts. Mr. Fletcher presented a fencing proposal totaling \$7,300 to enclose the courts with a ten foot fence and another proposal to install a card swipe access control system compatible with the one at the pool for \$4,727.13. He stated that the cost for the fence could be slightly more depending on actual measurements. Mr. Hallberg confirmed that the costs were below the amount included in the budget for this project. Following a brief discussion, Mr. Flateau recommended that the Board approve the project with a not-to-exceed amount of \$14,000.

On a Motion by Ms. Moseley, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors approved the installation of a fence to enclose the basketball courts and a card swipe access control system with a not-to-exceed amount of \$14,000 for Ballantrae Community Development District.

A brief discussion ensued regarding signage that will be needed and the timing of the project. It was stated that project should be completed at this time.

Mr. Flateau stated that the next item for discussion was the extension of the sidewalk from Straiton and from Cunningham to Lintower.

(Mr. Levy joined the meeting in progress.)

Ms. Stewart reviewed the costs for the total project at \$50,000 and then broke the costs down by section. She stated that the Board could go with a four foot sidewalk to reduce the costs but would need to include turnaround areas to meet ADA regulations. Following a brief discussion, it was decided to table further discussion until later in the meeting as part of budget considerations.

Mr. Flateau stated that the next item of discussion was the timing and location of the installation of the swing sets. He explained that this was a two fold question as the Board must decide whether to install the special safety mulch under the swings, which more than doubles the cost of the project and would impact the timing. Following a brief discussion, it was decided to forego the safety mulch at this time and install the swing sets on the lawn. A brief recess was taken to allow the Board time to inspect the proposed locations for the swings. Mr. Hallberg reminded the Board that any discussion would need to be held once the meeting was reconvened.

(The meeting reconvened at 6:40 p.m. with all those present at the time of the recess still in attendance.)

Mr. Levy recommended placing the tot swings in the lawn area parallel to the basketball courts and the teen set perpendicular and down from them making an L shape. Following a brief discussion, Mr. Flateau called for a motion to install the swing sets as discussed.

On a Motion by Ms. Battistoni, seconded by Ms. Moseley, with all in favor, the Board of Supervisors approved the installation of the swing sets as discussed for Ballantrae Community Development District.

Mr. Flateau recommended that District Counsel and District Engineer present their reports prior to the budget discussions.

FIFTH ORDER OF BUSINESS

Staff Reports

A. District Engineer

Ms. Stewart addressed concerns with three drainage structures within the District, stating that there appears to be some flaws in the design of the structures. She stated that she asked a contractor to give her an estimate of the cost to repair the issue and was given a cost of \$20,000 each. Ms. Stewart stated that it might be more as they should be inspected by a structural engineer. She recommended that the repairs be done sooner rather than later to prevent further damage during the rainy season. Various options were discussed regarding both repairs and possible recourse that could be taken by the District to recoup repair costs. Mr. Robin recommended contacting M/I Homes and King Engineering, the firm that designed the drains, asking for their assistance prior to considering any litigation. He recommended that the work be started and that all documentation relating to the design, construction, damage and repairs be maintained, should the Board decide in the future to take any legal action. Mr. Flateau asked for a motion to authorize District Engineer to hire a structural engineer to complete a study on the drainage structures with a not-to exceed amount of \$2,500 and once completed meet with District Counsel and M/I Homes to seek their assistance with the repairs. Ms. Stewart stated that she would initiate contact with M/I Homes based on the pictures that she already has and get the process started.

On a Motion by Ms. Battistoni, seconded by Mr. Levy, with all in favor, the Board of Supervisors authorized the District Engineer to hire a structural engineer to complete a study on the drainage structures with a not-to exceed amount of \$2,500; and authorized District Counsel and the District Engineer to meet with M/I Homes to seek their assistance with the repairs for Ballantrae Community Development District.

B. District Counsel

Mr. Robin stated that M/I Homes obtained the affidavit requested by the County to correct the platting error in Phase 1 whereas the roads were not dedicated to the County. He stated that the affidavit has been submitted to the County and should be approved shortly, which will enable the County to then accept maintenance of those roads.

Mr. Flateau asked for a legal opinion on a request made by a resident to install plants on the outside of his fence on District property to enhance the appearance of the common area by the Gazebo. He explained that the resident is willing to not only pay for the installation of the plants and landscape material, but also their removal should the District ever decide that it would like them removed. Mr. Robin stated that he saw no legal issues with granting permission under those terms, but recommended that the District approve the type of plants to be installed and consider any irrigation concerns. Following a brief discussion, Mr. Flateau called for a motion to either approve or deny the request. Mr. Levy made a motion to approve.

On a Motion by Mr. Levy, seconded by Mr. Battistoni, with all in favor, the Board of Supervisors approved a resident request to install landscaping on District property (as discussed) for Ballantrae Community Development District.

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

SIXTH ORDER OF BUSINESS

**Discussion on Fiscal Year 2008/2009
Proposed Budget**

Mr. Flateau stated that the next item on the agenda was the discussion on the Fiscal Year 2008/2009 Proposed Budget. He provided a brief overview of how he would like to see the budget process proceed, stating that his goal was to submit a proposed budget that includes everything that the Board wants to accomplish next year plus the TRIM amount. Mr. Hallberg distributed revised copies of the budget, stating that revisions had been made after discussions with the Chairman. He stated that in speaking with the senior accountant for the District he felt comfortable including a roll over amount of \$100,000. However, based on the Board's decision to enclose the basketball courts this year rather than waiting until next, he has reduced this amount to \$86,000 and the capital improvements line item to \$11,000. Mr. Hallberg confirmed that these changes would not impact the overall total of the budget.

A brief discussion ensued regarding whether the funds for the drainage structure repairs should be included in the budget and the assessment levels including the 6% collection costs. Mr. Hallberg reviewed the various line items, explaining where and why the \$27,000 in increases over last year's budget were made. A lengthy discussion ensued.

Mr. Flateau stated that if there was no further discussion on the budget, he would like to consider Resolution 2008-05, approving the proposed budget. Mr. Hallberg read the resolution into the record, stating that the total Operation and Maintenance budget being approved was \$899,150 and the total Debt Service budget was \$686,106. He recommended that the public hearing be set in conjunction with the regular meeting on August 4, 2008. Mr. Flateau suggested that the meeting start at 7:00 p.m. to make it easier for residents to attend. The Board agreed. Mr. Hallberg asked for a motion to approve the resolution.

On a Motion by Ms. Battistoni, seconded by Mr. Levy, with all in favor, the Board of Supervisors approved Resolution 2008-05, Approving the Fiscal Year 2008/2009 proposed budget and setting the public hearing on August 4, 2008, at 7:00 p.m. at the Ballantrae Clubhouse, located at 17611 Mentmore Boulevard, Land O' Lakes, FL 34638 for Ballantrae Community Development District.

Mr. Flateau stated that the next item was the actual approval of a contract with Ameriscape USA that was discussed at last month's meeting. Mr. Hallberg reviewed the contract as previously discussed totaling \$257,958, stating that the Board indicated its approval of the contract but he inadvertently failed to obtain an official motion and vote. He asked for a motion at this time. Ms. Moseley stated that she would be abstaining from the vote.

On a Motion by Mr. Levy, seconded by Ms. Battistoni, with four in favor and one abstaining (Kelly Moseley), the Board of Supervisors approved the contract with Ameriscape, USA for landscape maintenance services totaling \$257,958 for Ballantrae Community Development District.

SEVENTH ORDER OF BUSINESS

Remaining Staff Reports

- A. Maintenance Supervisor
Mr. Fletcher stated that he had nothing further to report.

- B. District Manager
No report.

EIGHTH 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. Flateau stated that he has heard comments regarding the amount of time that the off-duty officers are actually spending at the pool. He stated that he prepared a one page outline of the duties that he feels should be fulfilled by the officer's on-site. Mr. Flateau stated that the form, which he will ask the officers to sign, requests that he be contacted at both the beginning and end of a shift and that he be given a cell phone to contact an officer in the event that a maintenance person is not on shift and an issue arise. He stated that it describes the requirements of the shift that include all but one hour of the duty be at the recreational facilities, monitoring the pool, basketball courts, etc. the remaining hour would be divided into two non-connected periods to be used to check on the Straiton pool and gazebo areas and to patrol Ballantrae Boulevard. A brief discussion ensued regarding the need to accept unmarked cars as the County is not always able to provide an off-duty officer with a marked car. The Board agreed that the officer's should be provided with the detailed expectations and that occasional unmarked cars would be acceptable.

A brief discussion was held regarding a pond maintenance issue that Mr. Fletcher indicated had already been addressed.


Mr. Flateau asked if there were any audience comments. There were none.

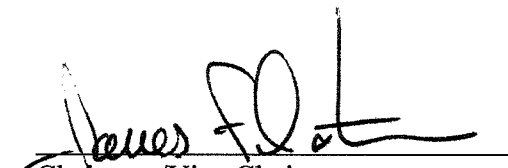
NINTH ORDER OF BUSINESS

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 7:58 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 MOSELEY KELLY DANNETTE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE BALLANTRAE CDD
MAILING ADDRESS 4055 Duke Firth St.	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' Lakes Pasco	NAME OF POLITICAL SUBDIVISION: BOARD MEMBER
DATE ON WHICH VOTE OCCURRED 6/2/08	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 Maseley, hereby disclose that on June 2, 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, Spouse _____;
- 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:

6/2/08
Date Filed

Kelly J. Maseley
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.