

MINUTES OF MEETING

***BALLENTRAE HILLSBOROUGH COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS' MEETING***

Tuesday, March 12, 2019 at 6:30 p.m.

Ballentrae Clubhouse

11864 Thicket Wood Drive

Riverview FL 33579

Board Members present at roll call:

Amanda Cruz	Board Member
Michael Cole	Board Member
Robin Larson	Board Member
Timothy Peterson	Board Member
Shamekia Keaton	Board Member

Also, Present:

Jennifer Robertson	Excelsior Community Management LLC
Kenneth Tatka	Excelsior Community Management LLC
Patricia Cartwright	Excelsior Community Management LLC
Willie Reynolds	Resident
Kelli Reynolds	Resident
Jenny Owens	Resident
DeJesus Family	Residents
Johnny Kazmierczak	Resident
Tori Kazmierczak	Resident
Stephen Merrette	Resident

FIRST ORDER OF ADMINISTRATION

Call to Order and Roll Call

The meeting was called to order. The Board Members and staff in attendance are outlined above.

SECOND ORDER OF ADMINISTRATION

Public Comment Period

Ms. Robertson asked the public in attendance if they had any comments. She explained at the end of the meeting there will be a second open forum where any topic can be discussed whether it was on the agenda or not.

There were no comments during this portion of the meeting.

THIRD ORDER OF ADMINISTRATION

Consideration of minutes from the October 16, 2018 Continued Board of Supervisors Meeting, and January 8, 2019 Board of Supervisors Meeting & February 12, 2019 Board of Supervisors Meeting

Ms. Robertson mentions that she has gotten responses on edits back from the supervisors so what they are seeing is the final drafts that including edits. To please review them for their accuracy. She mentions if they motion to approve these tonight, they will be caught up and will only have to approved one a month. Ms. Larson asks about posting them to the website to which Ms. Robertson explains they will be added once they are approved.

On MOTION by Mr. Cole, seconded by Mrs. Cruz, with all in favor, the Board approved the minutes from 10/16/18, 01/08/19 & 02/12/19.

FIRST ORDER OF BUISNESS

Consideration of Proposal for Aquatics Maintenance

Ms. Robertson starts that this is from last months request for proposals to have one Aquatics company do the full scope of work that currently two are doing. Only one proposal is in writing because the cooperate office for Aquatics systems was still working on it however, she has a proposal via email for them and a written proposal for Horner Environmental.

Ms. Robertson goes on to explain that what the Board is seeing front of them is Horner's proposal with a map of the mitigation areas they currently maintain and a map of the ponds that Aquatics systems maintains. In her opinion, there are other mitigation areas on the property that Horner should be taking care of that they aren't and are not marked on the map because they weren't part of the SWFMD permit and therefore not included in their current contract. Whichever vendor is chosen, will need to walk the property to look for additional areas that may need to be added. Ms. Larson asks for the definition of a mitigation area. Ms. Robertson points out that there's a good explanation in their packets of "nuisance and exotic vegetation" She continues, it is essentially evasive plants that do not benefit the water bodies they are encroaching upon. Currently, they are only focusing on any mitigation/conservation area that are touching the waterline. Mr. Cole asks about the SWFMD permit, Ms. Robertson says there are additional sets to take such as sitting down with an engineer, pulling the permit and possibly rewriting a scope of work, possibly increasing costs. Some confusion about the maps was explained by Ms. Robertson. The 12-pond map is currently Aquatics Systems' scope of work and the 4-mitigation area map is Horner's. The bids are from each company to take over both scopes of work.

Mr. Cole asks what costs are for each company now. Ms. Robertson says \$700 goes to Aquatic Systems monthly, for them to treat only the ponds once a month. Horner is being

paid \$525 six times a year for only the mitigation areas. Horner doesn't feel they need monthly treatment however, Aquatics Systems does. They quote to treat the ponds and mitigation areas once a month at \$1,800 monthly. Horner wants to treat ponds twice a month to aggressively treat the blue green algae and the mitigation areas six times a year. They are quoting 24 visits a year (twice a month for ponds) 6 mitigation visits and 1 visit for the year to handle the SWFMD permit renewal for \$1,160 a month.

Mr. Cole mentions Ballentrae is currently paying on average \$745 a month and going to \$1,160 is a big jump. He asks if twice a month pond treatment is necessary. Mr. Peterson believes it is especially by his house because the algae is tacking over. There is discussion amongst the board that next year, after the upkeep has been contained, they could possibly go down to once a month visits for the ponds. Ms. Larson states the 2019 adopted budget is \$12,500 and Mr. Thomas says this (Horner's proposal) would be \$13,920 for the year, a difference of \$1,420 a year. Or \$120 a month Mr. Cole adds.

Mrs. Cruz asks if the SWFMD permit is yearly, Mr. Cole thought it was 5 years. Ms. Robertson explains it depends. Once the community is older and more established it could go to every 5 years but right now is yearly. She reminds them that when they decided what direction they want to go as far as vendors she will check and see where Ballentrae is as far as active agreements and cancelations policies. Mrs. Cruz would like to know what they would charge for one-time visits if additional are needed.

On MOTION by Mr. Cole, seconded by Mrs. Cruz, with all in favor, the Board approved the Proposal for Aquatics Maintenance by Horner Environmental.

SECOND ORDER OF BUSINESS

Consideration of Proposal for Perimeter Wall Cleaning, Repair and Paint

Mrs. Robertson explains that two proposals from Dynamic Painting were reviewed at last months meeting and the Board requested other proposals from other companies. Mr. Tatka says he spoke to three additional companies, Color 360, Mark's Painting and Able Painting. He walked the property with all three companies as he did previously with Dynamic Painting to go over the specific scope of work. The only thing the district would provide for this would be water well service. All the proposals are comparable to Dynamics original scope of work including repairs including cracks on the outside, pressure cleaning the walls and painting with the same paint. Color 360 is \$5,200 for Clubhouse & \$12,900 for the walls. Marks Painting is \$4,000 for clubhouse & \$9,500 for walls and Able Painting is \$4,250 for clubhouse and \$13,800 for the walls. Mrs. Cruz asks what Dynamic's pricing was to which Mr. Tatka Replies they were at \$3,360 for the clubhouse and \$7,870 for the walls. Mrs. Robertson asks if one of the bids was from a resident referral to which Mr. Tatka explains he was only given the company name and no contact information, and he couldn't locate them on his own. Mr. Tatka mentions that with all the bids, the wall is a 5-6-day job. Mrs. Cruz and Mr. Cole agree that its obvious Dynamic is the most cost effective

and Mrs. Cruz asks if the budget can handle it. Mr. Tatka says he has seen Ballentrae's bank accounts and they do have money there but with the way their bonds mature, when they get to approximately year 16, the assessment rate won't cover the bonds alone. Not including operating and maintenance accounts. Money is going to have to sit there and build up, if Ballentrae continues to pay their bonds off at the rate they are now the assessment will have to go up significantly because the bond payments increase with time. This all needs to be taken into consideration with the amount of money that is on hand now to avoid the issue of the assessment having to be continuously increased.

Mr. Tatka explains they are looking at other options for example with the Playground situation. Mr. Cole asks if ECM has gotten to the bottom of that yet. Mrs. Cruz says they have gotten a copy of the contract. It is a 60-month contract with the first months being paid on January 2016 because it was signed in December 2015. Mr. Tatka explains the first payment and deposit was in December of 2015 making the second payment was January 2016. Mr. Cole asks the finance charge. Mr. Tatka replies the finance charge was not disclosed in the contract, it is not a lease but the only way to get out of it is to prepay all the payments. The \$30,500 that was financed would wind up costing almost \$48,000. Mr. Tatka says ECM is looking into options but how it appears now, is even paying it early wouldn't save Ballentrae any money. Mr. Cole asks why a builder would finance a playground and borrow money from the CDD? He clarifies the builder gave the CDD \$70,000 loan for operating and maintenance. However, no one was living there at the time so there was no need for it. Mr. Tatka thinks they would have better off issuing additional bonds for the playground then to finance it. Mr. Tatka reiterates they are looking into options on getting out of it early.

Mr. Cole says in the meantime they do need to repair the wall before it gets worst and costs more. Mrs. Cruz asks if any work as been done on the wall. Mr. Tatka replies, not yet but it isn't extremely bad. Mr. Cole wants to know what \$11,000 will do between 2018 & 2019 budgets. Do they have the \$11,000 to spend? Mr. Tatka suggests holding off on the clubhouse and moving forward with the wall. Mr. Cole points out the clubhouse is more visible to the residents then the exterior wall. Mrs. Cruz asks to do a cleaning and crack repair. She Also, doesn't feel its extremely visible, so could it be cleaned and preserved without painting and then revisit it after they are more knowledgeable on the finances. Mr. Cole recommends holding off on the wall for a month and go ahead with the clubhouse now, he feels it would be more impactful. Ms. Robertson says from her perspective, Ballentrae is on the corner of Rhodine and Balm Riverview or "Hollywood and Vine". The wall is the biggest show piece for the community and although residents may not notice it because they pass it every day, in the shape that its in now, from an outsider it stands out as an eyesore. It needs pressure washing and it needs to be sealed and the paint is such a good quality that it will help hairline cracking and little things that turn into more. The fact that the clubhouse has already been sealed and is water tight is a good thing and buys time. She personally feels the funds are best used now on the preserving the wall. If water continues to intrude the wall the damage will only get worse and the price of the repairs will go up. The clubhouse is still a priority however, its weather tight and that's buying them time. Mr. Tatka adds that if it really comes down to it, he feels the \$11,000 isn't going

to sink Ballentrae this year. There are still homes closing with LGI that they will be getting checks from, so they won't be hurting for money, they just need to make sure they are looking to the future to keep it sustainable.

Mr. Cole points out that they have saved money in the past from August - December and he wants both items to be done. Mrs. Cruz & Mr. Cole agree they would like to do one of them now and revisit the other in a couple months. Ms. Larson asks if there is any cost savings in doing both projects at once. Mr. Tatka replies that the way they were proposed they are most likely priced out where it won't make a difference.

On MOTION by Mr. Cole seconded by Ms. Larson, with all in favor, the Board approved Proposal for perimeter wall cleaning repair and paint and revisiting the exterior of the clubhouse in a few months.

THIRD ORDER OF BUSINESS

Consideration of Proposal for Painting the Exterior of the Clubhouse

Covered with the third order of business.

FOURTH ORDER OF BUSINESS

Ratification of Agreement for Pool Deck Repair by Excelsior Community Management, LLC

Ms. Robertson mentions this came up at the last meeting. Mr. Tatka was looking up numbers and the meeting got side tracked and it was never returned to. The repairs have been made. The cost was \$1,287.13. Mr. Cruz mentions it is under the NTE of \$1,300 confirmed by Mr. Tatka.

On MOTION by Mrs. Cruz, seconded by Mr. Cole, with all in favor, the Board approved Ratification of Pool Repair by ECM.

FIFTH ORDER OF BUSINESS

Ratification of Payment Authorization No. 162 & 163

Ms. Robertson starts with 162 has been approved by Amanda and paid. On 163 the only thing holding is the Fishkind invoice. She explains from a contractual obligation perspective, Fishkind has done everything that has been requested of them by her for the transition. She doesn't feel a need to continue to hold payment unless Ken & Amber have additional information. Mr. Cole & Mrs. Cruz question some of the things on the itemized

invoice from Fishkind. Ms. Robertson explains that the itemization is just a breakdown of what Fishkind says they did for Ballentrae; however, they are only charging the flat \$2,500. Mr. Cole and Mrs. Cruz ask if ECM has gotten everything, they needed for financials from Fishkind. Mr. Tatka responds that Amber is still in contact with them. Fishkind didn't close out Ballentrae's last fiscal year. Mr. Cole states to not make the invoice payment until the financials are done. Mrs. Cruz mentions that ECM is doing financial work that they weren't supposed to have to. She wants to ask Fishkind why the fiscal year wasn't closed out and not pay the invoice without that information. Mrs. Cruz asks if there are any late fees involved in not paying the Fishkind invoice. She and Mr. Tatka agree neither of them saw anything in the contract about not paying in a timely manner. Ms. Robertson points out that angering Fishkind by continuing to hold the payment could make them stop communicating all together and send the invoice to their attorney's for collections. Amber needs them to continue to openly communicate with her so she can finish doing the financials they were supposed to. Mr. Tatka wants to talk to Amber and see where she sits on the situation. He feels Fishkind has done harm to the district that they should be held accountable for. Such as the camera system and that they haven't provided the password needed for the DVR and so there is no way to obtain any access to the DVR system. So, if she is done with what she needs from them they can investigate options.

Mr. Cole asks to investigate quotes on the pool company because Apollo Pools seems to be high. Mrs. Cruz points out the levels are low, and the pool isn't being cleaned thoroughly.

On MOTION by Ms. Keaton seconded by Mr. Cole, with all in favor, the Board approved to payment Authorizations 162 & 163 except for the Fishkind invoice.

STAFF REPORTS

District Manager-

1. Attorney Opinion – Webb was in complete agreement with obtaining a district engineer. The engineer would only be at meetings etc. on an as needed basis. As for the pool lift, if the district is not offering or providing services or activities in conjunction with the pool i.e. water aerobics, they are not required to have an ADA approved pool lift. Ms. Robertson asks if the Board would like to invite the new Attorney to a meeting for a Q&A. They do. She asks them to give her topics they would like to speak about in advance so she can give them to Webb so he can come prepared. She's going to ask him to come for the April meeting, if not May.

On MOTION by Mrs. Cruz seconded by Mr. Cole, with all in favor, the Board approved Webb Milton with Bush Ross to come to a meeting for a Q & A.

area was taken. Mr. Tatka mentions they only disposed of the plants and everything else is accounted for. He will give them the inventory list for them to review.

Window valences have been finished. There is still a patch repair that needs to be done with paint touch ups. Mrs. Cruz asks about the outside of the clubhouse. Ms. Robertson said they are still looking for a piece of soffit to fit by the pool and asks Mr. Tatka for an update on the gate. He says that Mozart's came out and brought equipment to fix an aluminum gate however it turns out the gate that needs to be fixed is metal, so they have to reschedule for tomorrow. The moss cleaning on the deck will be done this week and the clock outside needs to be checked to make sure it is working and on the correct time.

Mr. Reynolds asks if since daylight savings time just past, the key fob times can be extended on the gate. Mr. Tatka is going to extend it tonight. 7:30pm is what the board decides on. Mrs. Cruz mentions the chain on the pool shower is gone. Mr. Tatka says it's required per health code so adding it is a priority. Mr. Cole and Mrs. Cruz are impressed with the way the janitorial staff has been taking care of the clubhouse and pool areas. Mr. Reynolds asks about the grill. Mrs. Cruz answers that it is for rent so whoever rents it will be responsible for cleaning and returning it to the same condition it was. There will be a refundable deposit for this. He asks if clubhouse rental includes the pool to which Mrs. Cruz clarifies it does not. Mr. Cole asks about the clubhouse rental calendar. Ms. Robertson explains there is a hard copy kept at ECM's office with approx. three rentals as of today.

3. DVR System – This was previously touched on earlier. Fishkind said that the passwords were written down and left inside the desk in the clubhouse office. ECM has gone through that desk multiple times and have found nothing resembling a password. As of right now the cameras are only available on a live feed. They are being recorded but there is no access without that password to the DVR footage. Mr. Cole asks about getting access or new cameras as soon as possible. There is audience feedback on camera systems. Ms. Robertson & Mr. Tatka suggest moving the cameras to cover exposed areas that need coverage. Mr. Cole requests quotes for updated camera and security systems. Mr. Tatka brings up the cameras for one of the other communities they manage so the Board can see quality. Ms. Robertson mentions they can get quotes. The Board mentions the security line item on the budget is \$5,000 and it hasn't been used before, so the funding is there. Ms. Keaton asks if they should wait to see what Webb's opinion on holding Fishkind accountable for the DVR is before deciding. Mr. Peterson feels like they should go ahead and get the security system updated and worry about going after Fishkind later if they need to. Mrs. Cruz wants a comparable quote. Mr. Cole asks about privacy laws and someone's house being visible on one of the cameras. There is Board and audience discussion on this.
4. Hillsborough County Questions – Per Lori with Hillsborough County, they will not come on to District property and spray for mosquitos regardless of permissions given. If this is something the district wants, they will need to reach out to their Aquatics vendors for a quote. Ms. Robertson will do so on request of Mr. Cole. She reminds everyone that Hillsborough County will come and spray from the roads with a resident request. One stop sign was added but the Deputy Nixon is checking to see if one more can be added. It was removed when a home was built and never

replaced. Adding additional speed limit signs is an option. The District will have to put in a request will Public Works including a placement map and how many signs they are requesting, and a traffic engineer would decide on the application. Mrs. Cruz asks about lowering the speed limit. Mr. Tatka says that's up to the county. Ms. Robertson states she will ask the Aquatics company about spraying for mosquitos and put together a request for the additional speed limit signs with the county.

5. Clubhouse Reservations – Per the CDD's insurance carrier, if alcohol is not being sold then it is covered at reserved parties. However, and they may want to talk to Webb about this when he comes, She and Mr. Tatka recommend that it is not allowed because it is opening the district up for liability. She also suggests that the clubhouse application wording be changed so the renter is made aware of alcohol not being allowed. Mrs. Cruz and Mr. Cole agree they do not want alcohol allowed at the clubhouse. Ms. Larson points out that glass is also not permitted, and it should be added to the form that the reserving person signs. When it comes to CDD hosted events at the clubhouse, after doing some research it is not recommended. Tatka and Ms. Robertson explain using CDD funds is what the issue is, but they could always look for sponsors for their events. Mrs. Cruz elaborates that they wouldn't necessarily need any funds or host anything, only use of the open clubhouse. Ms. Robertson doesn't see any problem with that she just points out someone would need to be accountable for any damages. She suggests, in the future possibly accounting for some money in the budget for touch ups as needed that could be used for small items like cosmetic issues when the clubhouse is open for a community wide event. Mr. Cole asks how other communities do holiday events. Ms. Robertson mentions some communities have social committees that would find sponsors for their events. She mentions Moss Landing, a community down the street is having an Easter event that the landscapers sponsored 250 eggs plus the candy to fill them for.

Mr. Cole mentions that the budget spent on the clubhouse and pool shouldn't be considered an upgrade because its was only brought back to basically what was its original condition. He would like to know at what point they could hold Fishkind accountable for the \$25,000 that had to be spent due to their neglect. Ms. Robertson asks what he means by \$25,000. He mentions that a lot of time and money has been spent to get it back to where it should have been. Mrs. Cruz adds that they had to replace the floors to which Ms. Robertson points out Fishkind didn't select the type of floor in the clubhouse. Mr. Cole says their neglect is the reason they were forced to even replace the floor. Ms. Robertson feels that's arguable but suggests asking Webb when he comes to the meeting. She feels that at some point they will just have to learn from the experience with Fishkind and move forward. There are some things that they should be held accountable for. She points out she has gotten responses from Fishkind as she's needed. They haven't done everything for The District that they should have but its time to pick and choose the battles. Holding back payment of a \$5,000 bill until they get the DVR password and the close of the fiscal year is very reasonable but going back to what happened in the clubhouse will be hard to determine. Mr. Tatka agrees that there would be a pointing of fingers because there was an employee

of the district there. There was overlapping audience discussion on this. Mrs. Cruz interjects that these are questions that are better brought up to the attorney.

Mr. Reynolds asks about the Wildlife signs and what is going on with those. Ms. Robertson explains they were approved last month and should be in by the next meeting.

6. Rules/Regulations for afterhours pool violations – Mr. Cruz wants to know the protocol when someone hops the fence after hours to get into the pool enclosure. Mr. Tatka & Ms. Robertson find in the rules and regulations “Suspension and termination of privileges” which speaks to those specifics. They should be able to turn off the fob for a suspension period. If they continue to violate, they could be fined or possibly trespass them. Mr. Peterson asks about the fine amount. Mrs. Cruz suggests going back through the rules and regulations because they need to be more specific on that and the hours parking is and isn’t allowed at the clubhouse. Ms. Robertson points out that some communities label parking spaces and designating one for “Mailbox Only” is an option. Mrs. Cruz brings up the possibility of labeling them all “Clubhouse use Only”. Mr. Peterson points out that people need to be calling the after ours ECM line when someone is parking in the clubhouse parking overnight. Mrs. Cruz is hesitant that it isn’t an emergency. Ms. Robertson explains, fire and flood are emergencies, but the policies need to be enforced 24/7 to make them stick. Someone in the pool after hours, people parking in the clubhouse all need to be called in 24/7 and ECM is trained to prioritize.

SIXTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Ms. Robertson begins to list the requests she has from the Board for the next meeting. Inviting the lawyer, quotes for new pool vendor, quotes for new cameras and email the most current policies to them to vote on at the April meeting. Ms. Robertson says it would have to be for the May meeting because they must do the legal notice. Mr. Cole asks if the financials will be ready for April. Mr. Tatka says they should have everything by the 15th. Mr. Coles asks for the website to be updated with the minutes and to remove previous financials from it. Mr. Tatka says that once Amber is done, he will go through all of them. Mrs. Cruz asks that the email server be switch because the current isn’t user friendly, she also wants to know if there is someone local who could do the ADA compliance on the website. Mr. Tatka says he doesn’t see why not. He will work on it in the next couple of days. Also, check the clock battery, provide the closet inventory and make sure janitorial cleans off the moss on the pool deck.

Ms. Robertson asks if there are any audience comments.

Mr. Kazmierczak - 12205 Ballentrae Forest Drive – He wants to know if the walls are crumbling or if they just need cleaned. Ms. Robertson explains there were cracks that weren’t sealed that water got into so now there is interior damage. He would like to know if it could be done as a community. Mr. Cruz explains that its not possible because of

liability and insurance. Ms. Robertson further explains that's personal insurance could deny any claim because they were doing "volunteer work" and should have had coverage.

Ms. Owens – 12339 Ballentrae Forest Drive – Would like to suggest more tables for the pool deck. Mrs. Cruz says yes; more tables and chairs are on the future wish list.

Mr. Cole asks about the grass on the empty lot. Mr. Tatka says it was only seeded, LGI is responsible because they used it so in his opinion, they should be required to fix it. At some point they will need to do landscape improvements but there are more pressing issues.

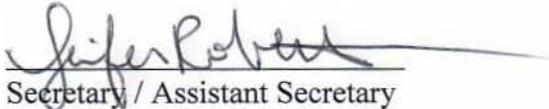
Ms. Larson asks the requests on the Boards clubhouse keys. Ms. Robertson suggests to only use them in an extreme emergency to minimize risk.

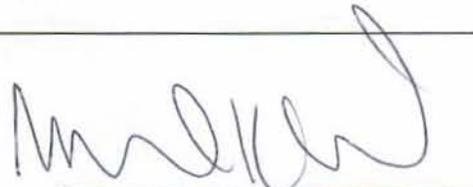
SEVENTH ORDER OF BUSINESS

Adjournment

There were no other questions or comments.

ON MOTION by Ms. Cruz, seconded by Mr. Cole, with all in favor, the Board adjourned the March 12, 2019 Board of Supervisor's Meeting for the Ballentrae Hillsborough Community Development District.


Secretary / Assistant Secretary


Chairman / Vice Chairman