

MINUTES OF MEETING

BALLENTRAE HILLSBOROUGH COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS' MEETING

Tuesday, April 9, 2019 at 6:30 p.m.

Ballentrae Clubhouse

11864 Thicket Wood Drive

Riverview FL 33579

Board Members present at roll call:

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
Web Melton	District Counsel
Ciara Willis	District Counsel
Willie Reynolds	Resident
Jenny Owens	Resident
Earl Lawrence	Residents
Harland Henry	Resident
Melana Williams	Resident
Vishal Gunguru	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 points out that at the time of the public comment period, no members of the public were present.

THIRD ORDER OF ADMINISTRATION

Consideration of minutes from the March 12, 2019 Board of Supervisors Meeting

Ms. Robertson mentions that she has gotten responses on edits back from the supervisors and the minutes have been adjusted per their notes.

On MOTION by Mr. Cole, seconded by Ms. Keaton, with all in favor, the Board approved the minutes from March 12, 2019.

FOURTH ORDER OF ADMINISTRATION

Introduction of Web Melton, District Counsel

Ms. Robertson introduces Web Melton and his associate Ciara from Bush Ross. She goes on to explain that they will start with the discussion items requested by the Board.

- Pool Lift - Ciara spent extensive time researching it and at the last meeting the Board received the answer that one isn't necessary. Mr. Melton explains the confirmation came from the ADA.
- Speeding, Gates & Parking - Ms. Robertson explains the questions the Board has on these topics. All roads are the responsibility of the county and a District 4 Sheriff's officer came to a community townhall meeting and made it clear that the issues of vehicles parking on the street, next to each other etc. aren't a high priority for the sheriff's office, but they will address them as they can. The Board wants to know what the HOA and/or CDD can do, if anything. She also explains that speed tables have been discussed to deter the through traffic coming from people using the community as a cut through between Balm River Road and Rhodine Road. Since they and residents are speeding but the officers will not pull them over for 2 or 3 miles an hour over the speed limit, but it makes a significant difference in a residential community. The officer also recommended residents call the Sheriff's office to report people blocking the side walk as it is a Hillsborough County Ordinance but that it would be a low priority call. The District is also asking if they can gate the community and if they do would the roads become private and therefore the district be responsible for them?

Mr. Melton explains that a lot of these issues go back to defining the roll of the CDD vs HOA and making sure they are on the same page. Regarding the issues at hand, because the District has public roads the public has use of them. They could put up a gate, but they would need to have permission from Hillsborough County which will most likely entail every single unit owner and possibly their mortgagors to consent to the addition of the gate. Mr. Cole asks if a CDD is gated, would they be required to grant access to every member of the public who requests it. Mr. Melton said yes only, if the CDD owned the roads and in Ballentrae they don't. If

they were to gate the community, they would need to transfer the roads to the HOA making them private roads. Ms. Robertson asks to clarify that gating the community would fall under the HOA and not the CDD to which Mr. Melton agrees. In order to enforce speeding in the community, the HOA would have to pass a rule. However, it would apply only to residents. Due to the roads being public, the HOA couldn't enforce them on the general public using the community as a cut through, it would only apply to people bound to the HOA documents. Mr. Cole asks about the liability of the CDD if there is a vehicle accident in the community. Mr. Melton says, the CDD isn't liable but in his experience, the CDD, homeowner, HOA and the county will probably all get sued. He says liability and being sued are two different things. Ms. Keaton asks if towing in the community is the responsibility of the HOA or CDD. Mr. Melton specifies things that people can and cannot do fall under the HOA's jurisdiction. The HOA documents would have to speak to towing and if they don't, the HOA would need to amend them to say so. Ms. Robertson asks to clarify, even though they are currently county roads, if the HOA documents speak to towing then the HOA could tow from the streets. Mr. Melton says yes, it is legal. Parking, not including the clubhouse parking spaces that are owned by the CDD, is completely on the HOA. He explains that everything residents can own, maintain and control will usually be CDD responsibility and anything regarding rules and what can and cannot be done is generally the HOA. Mr. Cole asks about guests of residents and the homeowner being held responsible for the guest's violation. Mr. Melton explains the HOA can fine and potentially lien on the homeowner's property who had the guest.

- Clubhouse for Community events – Ms. Robertson explains the question, people inside the community want to use the clubhouse for things such as a card game but do not want to pay the rental fee. They feel that if the event is open to the entire community, they should have access to use the clubhouse. She asks him to speak to the fact that the clubhouse isn't owned by the HOA who generally would really be responsible for such events. Ms. Keaton and Mr. Peterson ask if there is a way to waive the fee for community events; only making someone pay the deposit for possible damages. Ms. Robertson asks if the CDD can be selective in who they do and don't charge for the clubhouse. Mr. Melton asks if the clubhouse is open for rental to the public. Ms. Robertson says that no one from the general public has asked to rent it since ECM took over management to which he recommends not advertising it as a rental to the public unless they have elected to pay the fee to become part of the membership. If they start opening it up to the general public, they must start thinking about ADA compliance issues. Mr. Cole asks if residents of the CDD can form a committee that would pay the deposit for community events. Mr. Melton says yes, but that should be the responsibility of the HOA not the CDD. The CDD would control access and cost to the clubhouse and the HOA would be who organized the events. Ms. Robertson clarifies essentially the District would be renting the clubhouse to the HOA and not to an individual resident and they could do that at no charge to the HOA. Mr. Melton replies, correct and gives the example that some communities, where the HOA & CDD work together, the

CDD allows the HOA to have availability to the clubhouse for social events or meetings at no charge. Ms. Robertson explains that the HOA would need to request use of the clubhouse with advanced notice so as not to double book. Mr. Cole asks if it must be laid out in the documents, Mr. Melton said no it can be decided on at meetings. Mr. Peterson asks about the HOA events having alcohol in the clubhouse. Mr. Melton says that is the CDD's decision as to whether they want to accept that liability to which Ms. Robertson points out that was decided on at the last meeting. The CDD has voted to not allow alcohol at any clubhouse events.

- Liabilities – Ms. Robertson tells Mr. Melton about the vacant lot in the community that was used for an event and the playground and asks about the CDD's liability when residents use them. Ms. Larson adds are there any liabilities the CDD is overlooking, what would the liability be if a child were to be injured at a bus stop on the CDD property for example. Mr. Melton says the CDD is liable for their negligence. He gives an example that if a child wanders into a pond and drowns the CDD wasn't negligent therefore not liable. However, if the CDD placed something enticing in the pond that attracts children that could be negligence therefore making them liable. If someone were to trip and fall in the vacant property, they would only be liable if the CDD was negligent and knowingly left the hole unrepaired. He reiterates that being liable and being sued are two separate things. Negligence would be considered if the CDD or HOA didn't maintain playground equipment, common area, etc. and it caused harm. Ms. Keaton asks who can give permission to use the vacant space and Mr. Melton replies, the CDD because it is CDD property. Ms. Robertson recommends that if the Board has someone request use of CDD property to take their information and reach out to ECM or Ms. Robertson personally for direction. Ms. Robertson & Mr. Melton recommend making a policy for the use of the CDD property but only after the vacant lot is brought to safe standards. Mr. Peterson asks if an outlook or similar calendar could be made to keep track of requests to use CDD property for the Board and ECM. Ms. Robertson said yes, but she's asks Mr. Melton if he would encourage the CDD to allow people to use the vacant lot as reservable CDD property. Mr. Melton responds, no and recommends redirecting them to using the clubhouse.
- No Fishing/ Caution Wildlife Signs – Ms. Robertson explains that the Board generally feels that the signs in the community ponds need to only say "Caution Wildlife" and due to the community's concerns about fishing in the ponds by trespassers she wanted Bush Ross's opinion. She had gotten it by email and forwarded it to the Board and asked them if they agreed to add "No Fishing" to the signs. Mr. Cole & Ms. Keaton understood Bush Ross's email differently. Mr. Melton explains that a sign isn't required, the rule still stands without it however, having the sign makes it easier to enforce. Ms. Robertson asked if there were any questions from the board. There weren't.

- Fishkind – Ms. Robertson explains that Fishkind was based out of Orlando and had a representative who worked at the clubhouse. The boards question is about an outstanding invoice from Fishkind that the CDD has been holding out on paying since Fishkind has rendered the DVR for the clubhouse security system useless by not supplying the password for access. She says that when ECM asked for the DVR password, they said it was left in “Harland’s Desk”. She explains that ECM went through the desk and nothing in there worked as a password for the DVR and they could have had it more secure. Per Ms. Robertson, Mrs. Cruz wants to know if the CDD could deduct the amount of a replacement DVR from the invoice owed and pay that to Fishkind, if they have to just pay the invoice in full, or if they should wait and see if any other issues Fishkind could be held accountable for come up. Mr. Melton asks how much the invoice is for. Ms. Robertson answers \$3997.56. He reviews the invoice and questions some of the things they are charging for. He recommends comparing the invoice to the contract to make sure the charges are first legitimate. He feels that the CDD has reason to hold off on payment until everything with Fishkind is resolved. Mr. Henry raises his hand from the audience and Ms. Robertson asks if he has something to add. He introduces himself as Harland, he says, when he resigned in September, he gave Mr. Cole a copy of the letter, a list of passwords and documents related to the community. He says that he did not leave the passwords in the desk. Ms. Robertson explains she is only repeating what Fishkind informed her over via email. She knows Harland has no responsibility in the DVR issue and maintains that Fishkind is solely responsible. Ms. Robertson asks him if he happens to remember the password from his time working for the CDD. Harland says he does. Ms. Robertson asks him to go outside with her assistant to give her the password so ECM can try it tonight and see if it works to which he agrees. Ms. Robertson thanks him.

Mr. Cole asks Mr. Melton if there was anything that caught his eye when he reviewed the documents. Mr. Melton thinks they are in good shape; everything looks standard. The website is good, user friendly and ADA compliant. He recommends adding District Counsel and District Engineer to the department staff list on the website. Driving through the community the only thing that stuck out to him is that the HOA isn’t really enforcing rules and regulations yet. He recommends communication and education between the CDD, HOA and all members because there is going to be confusion as to who is responsible for what. Mr. Cole asks if a mixed meeting would have to be posted because having 3 Board members is a quorum. Mr. Melton says yes; they can have a dual CDD/HOA meeting, but they would have to comply with both of their posting requirements. Ms. Larson asks if the CDD could take over the HOA. Mr. Melton says, not directly, but in theory the same Board members could run on the CDD & HOA boards. Mr. Peterson clears up that they don’t necessarily mean “take over” the HOA but could the community ever dissolve to CDD and have only a HOA. Mr. Melton replies that he hasn’t ever been involved in the dissolution of a CDD but in theory it is possible. What they would have to transfer the CDD responsibilities to the HOA.

Mr. Henry points out that there are only 4 residents from the community at the meeting and he feels it is due to the wording on the required postings saying, "Board of Supervisors Meeting". He thinks the residents don't know what that means. He wants signs to go out in the community. Ms. Robertson says signs have already been ordered. Ms. Larson mentions that it's the resident's responsibility to show up to the meetings, they are notified via Facebook, Bulletin Boards, signs ordered and the newspaper. It's a homeowner's responsibility to educate themselves on what a CDD is and why they should be involved. Ms. Robertson mentions that she could also add "open to the membership" to the bulletin board posting. Mr. Melton points out that in his experience the attendance is not unique for a CDD or HOA meeting.

Mr. Reynolds asks Mr. Melton specifically if there is any way to keep people from parking on the street. Mr. Melton points out that would be up to the HOA to regulate. He goes on to say that the HOA hasn't really kicked in yet. Since the management company is based in Orlando it is hard for them to be as hands on. When the HOA becomes more active it will be easier for the CDD & HOA to work together.

Ms. Robertson thanks Web & Ciara for his time and asks the Board if they have any additional questions. They are satisfied and Web & Ciara exit the meeting.

FIRST ORDER OF BUSINESS

Consideration of Proposal for District Engineer

Ms. Robertson says ECM has finalized the scope of work and has reached out for proposals. They are waiting for responses. She asks everyone to please let her know if they have any recommendations so she can send them the scope of work and request a proposal as well

SECOND ORDER OF BUSINESS

Consideration of Proposal for Pool Vendor

Ms. Robertson points out that ECM has completed the securing of the pool equipment with a combination lock that Apollo Pools has access to. The fence repair is complete, the mildew was cleaned off the pool deck. There is a tile that ECM's janitorial team found that needs to be repaired and has been ordered to do so. A hole was also made in the wall of the men's restroom that will be repaired soon.

ECM has reached out to vendors for proposals however, companies are pushing back because they normally don't come out 3 times a week as is being requested. Mr. Cole asked if the 3 days a week is necessary. Ms. Robertson explains it really depends on usage. She works with another community that has a high volume of usage and they do well with only 2 days a week. Mr. Cole asks if they can get proposals for just 2 days then. Mr. Tatka says yes, should have those quotes by Thursday. Ms. Robertson says that she has reviewed the

Apollo Pools contract and there is a 30-day cancelation policy and as other bids come in, she will email them to the Board for review.

THIRD ORDER OF BUSINESS

Ratification of Payment Authorization No. 164 & 165

Ms. Robertson says both have been approved previously by Amanda. She points out that the Tampa Bay Times charge is zeroed out on the bottom of #164 it was included because it was an invoice in the Districts name however, it was paid by Fishkind.

Ms. Keaton asks how long the playground lease is. Ms. Robertson says she thinks its about a 5 year lease. Mr. Tatka says that they are halfway through. Mr. Cole would like a copy of the contract and Ms. Robertson says she will send on to him. Mr. Tatka explains ECM has investigated it to see if it could be paid off early to save money and it won't make any difference in the cost to pay it off in one lump sum. Mr. Cole asks if a house can pay off its 30-year bond in entirety and be bond free. Mr. Tatka says yes, with hesitation because bonds change when they have a call that changes how much interest is due which would essentially change the assessment. Mr. Cole clarifies, so a house can have a payoff amount today, but it might change tomorrow because it could be called? Mr. Tatka says correct. Ms. Keaton says if you call the bond early you owe less money. Mr. Tatka agrees yes, it will drop the interest. She asks if a bond is called early if it will change the CDD payments for the next year. Mr. Tatka says yes, if it is significant. Ms. Keaton asked if bonds being called early is rare. Mr. Tatka says it is more common with interest rates going up. He suggests making an explication of the amortization charts a meeting topic for an upcoming meeting. As time goes on the amount, they need to pay to their bonds will increase. So, there is going to come a point where the CDDs debt service budget will not cover the bond payments. They are all things that need to be planned correctly to avoid the assessments going up.

On MOTION by Mr. Peterson, seconded by Mr. Cole, with all in favor, the Board approved Payment of Authorization of No. 164 & 165.

STAFF REPORTS

District Manager-

1. Pool Rules & Wildlife Signs – Ms. Robertson reminds the Board that the initial vote was to have the signs say, “Caution Wildlife” and asks if they are still in agreement. The board agrees and Ms. Robertson says she will order them. Ms. Robertson notes that Ms. Larson wanted to add “no tobacco & no vaping” to the pool rules. Per Ms. Robertson, Mr. Melton thinks that is covered under the general term “No Smoking”. Ms. Larson explains she specifically wants to make sure there is no chewing tobacco allowed around the pool. There is discussion on the wording

to be added to the sign. The Board agrees on adding No Smoking, Vaping or chewing tobacco, and homeowners being responsible for their belongings. The exact wording is TBD based on the opinion of the sign company. A proof will be sent to the Board for approval.

2. Clubhouse Storage – Ms. Robertson confirms with Mr. Tatka that there is a completed inventory list. She will email it out to the Board. She Says Mr. Reynolds asked about the HOA storing items in the storage closet. He says he has a few signs he would like to store in the closet. The Board agrees that they don't mind if there is enough space.
3. DVR System – Ms. Robertson thinks they should hold off discussing replacement until after they try to use the log in, and password provided by Mr. Henry. Mr. Cole requests quotes for the cameras. Mr. Tatka says that the quotes are ready and available, and Ms. Robertson will email them out.
4. Wi-Fi Update – Mr. Tatka says that the Wi-Fi is active in the clubhouse and pool. There is an unsecured Ballentrae Guest one for residents and a secured one for the DVR camera footage. The Board tried to connect on their phones and couldn't. Mr. Tatka will check on the connection tonight. Mr. Cole asks for signs to explain how to connect for the residents.
5. LGI Lot Status – They have agreed to look at better ground stabilization for the area. Mr. Cole explains there is wood, pipe and debris by the fence on the lot. And asks about the LGI billboards. Ms. Robertson says she will tell them about the debris and that she has already emailed LGI about the signs.
6. Financials – Ms. Robertson says that when they were discussing the financials last month, they forgot to take some things into Account. The CDD has been with ECM since mid-December, today they got their first income and expense statement and balance sheets for January. Amber said in the email she will send January- March by the end of this week. Ms. Robertson knows that Mr. Cole feels things haven't moved quickly enough but she wants to point out that amber has two things she has been working diligently on that are very time consuming. One is that the year end was never completed by Fishkind and the other was that the Bond was called in October which Fishkind should have also handled. Ms. Roberson lets them know another set back behind the scenes is that the CDDs banking partner has been bought by another bank so Amber had a difficult time getting the account balances. Ms. Robertson says they will get the first look at their budget in May and it will be finalized in the June meeting. Ms. Robertson recommends putting "Budget meeting" on the signs for the June meeting so the residents know. Ms. Keaton asks if they can get the budget a few days in advance of the May meeting. Ms. Robertson says yes, that's not the difficult part. The financials are what take time.

7. Website Update – Mr. Tatka says that they were trying to keep the same website provider, but they weren't very responsive. ECM was granted access in December however recently the password is no longer working and VGlobal Tech is not responding to requests. He has left messages for 2 weeks with no response. Mr. Tatka says that ECMs moving all their websites to a new company and will probably move the CDD website to the new company as well. Mr. Cole asks if the meeting schedule must be posted online to which Mr. Tatka replies that they are not required to. He says the meeting schedule needs to be posted in the newspaper for the year.

SIXTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Mr. Cole asks how foreclosure effect the CDD. Mr. Tatka says the mortgage is required to pay the taxes by November for the year so they will still be paid. He says there is a 5-month collection period. Mr. Cole asks for an update on the cleaning and repairs of the wall. Ms. Robertson answers the wall was cleaned Last Friday and Dynamic was supposed to do repairs today however they couldn't work due to the rain today.

Ms. Keaton asks who controls the rental percentage. Mr. Tatka says the HOA. He also points out that he quickly reviewed the HOA documents and residents must park in drive way and garage and cannot block the side walk. There is also a towing provision. Ms. Robertson points out that some HOA documents will speak to a rental cap, but theirs don't seem too. It is something the HOA could potentially amend if they wanted to.

Ms. Robertson asks if there are any audience comments.

Earl Lawrence – 11719 Winterset Cove Drive – He mentions he has been getting HOA bills. He would like to know what an HOA is and why they bill. Ms. Robertson explains tonight's meeting is the CDD meeting. As a homeowner he is associated with two different entities. One being the CDD which manages the common areas and the other the HOA which ECM doesn't manage. He will have to contact who ever is send the bills. Mr. Lawrence asks what the roll of the CDD is. Ms. Robertson says that it is twofold, developers essentially create CDDs so they can take loans or bonds out to create the infostructure. The HOA in Ballentrae is responsible for violations and curb appeal to maintain property value.

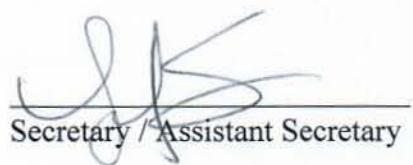
Ms. Williams – 12513 Ballentrae Forest Drive – She asks about the signs that are up pointing people to the other community's models homes and if they are on CDD property. Mr. Tatka explains that it isn't CDD property so they can't be removed.

SEVENTH ORDER OF BUSINESS

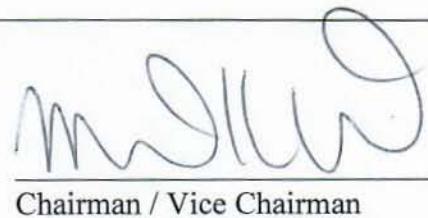
Adjournment

There were no other questions or comments.

ON MOTION by Mr. Cole, seconded by Mr. Peterson, with all in favor, the Board adjourned the April 9, 2019 Board of Supervisor's Meeting for the Ballentrae Hillsborough Community Development District.



Secretary / Assistant Secretary



Chairman / Vice Chairman