

PANTHER TRACE COMMUNITY DEVELOPMENT DISTRICT

February 24, 2009 Minutes of Meeting

Minutes of the Regular Meeting

The regular meeting of the Board of Supervisors for Panther Trace Community Development District was held on Tuesday, February 24, 2009, at 6:30 p.m. at the Panther Trace Clubhouse, located at 12515 Bramfield Avenue, Riverview, Florida 33579.

1. CALL TO ORDER/ROLL CALL

Mr. Altman called the regular meeting of the Board of Supervisors of the Panther Trace Community Development District to order on Tuesday, February 24, 2009, at 6:30 p.m.

Board Members Present and Constituting a Quorum:

Donna Lee Burke	Chairman
Ken Roberts	Supervisor
Dennis Stevens	Supervisor
Michael Staubitz	Supervisor

Staff Members Present:

Peter Altman	District Manager, District Management Services, LLC
Brian Lamb	District Manager, District Management Services, LLC
Monica Vitale	Recreation Manager

Audience Members Present:

Residents

2. PLEDGE OF ALLEGIANCE

Mr. Altman led the Pledge of Allegiance.

3. BUSINESS ADMINISTRATION

A. Consideration of Minutes of the Board of Supervisors Meetings on January 22, 2009 (Tab 1)

Mr. Altman stated that Ms. Burke's name was corrected several times throughout the minutes. He asked if there were any additional revisions. Ms. Burke stated that on page 4, if they are going to detail Mr. Robert's expressions, they should also detail the rebuttal. She stated that Mr. Roberts expressed his feelings on how the matter was handled and she expressed her perspective on the issue. Ms. Burke stated that if they are going to detail perspectives, both sides should be given so the record is accurate and fair. Mr. Altman asked Ms. Burke if she would like to make a recommendation on adding a sentence summarizing her comments. Ms. Burke requested that the record be reviewed and clarified to show that she advised that she did not feel that any policies or procedures were violated however that she understood that Mr. Roberts disagreed.

MOTION TO:	Approve the Minutes of the Board of Supervisors Meeting on January 22, 2009 (as amended).
MADE BY:	Supervisor Roberts
SECONDED BY:	Supervisor Staubitz
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 4/0 - Motion passed unanimously

B. Consideration of Operations and Maintenance Expenditures February 2009 (Tab 2)

Items of discussion were:

- Mr. Roberts stated that they currently contract with Raymow to do the majority of the landscaping and other miscellaneous jobs but they receive invoices form Cornerstone on a monthly basis for other miscellaneous jobs. He asked if these jobs are put out for bid or if Cornerstone is the only provider. Mr. Altman stated that Cornerstone is not the only provider but they have been reliable and cost effective, however, they can put it out for bids if the Board directs him to. Mr. Lamb stated that they have established reasonable labor and service rates for the different services required in the District. Mr. Altman stated that there will be further discussion later in the meeting regarding the Bidding Process.
- Ms. Burke stated that on the Verizon invoice the monthly service description shows that they have the “Verizon Freedom for Business” plan which includes unlimited long distance. She stated that on page four of the invoice it itemizes that they are also being charged an additional \$10 for long distance and \$6.68 in other charges, taxes and surcharges that should be included in the plan that they have. Ms. Burke stated that they are also being charged a monthly service fee for valid account numbers that they are not utilizing. She wants to have the bill reviewed to make sure they are being charged correctly.
- Ms. Burke stated that she would like a follow up on the Raymow invoice for repair to the west bound berm in regards to seeking reimbursement from the driver and/or if contact was make with the insurance company.

MOTION TO:	Approve the Operations and Maintenance Expenditures – February 2009.
MADE BY:	Supervisor Roberts
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 4/0 - Motion passed unanimously

4. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS

Ms. Burke asked if there were any audience comments.

Items of discussion included:

- When the landscaping will be green again. Ms. Burke stated that there was a soil fungus. She stated that the landscaper sent samples of the grass and soil to Gainesville to be analyzed and were told that the fungus could have been brought on by the drought conditions, stress conditions, cutting the grass too short, and many other things. Ms. Burke stated that the Board and Staff are following up on the how landscaping is managed and that all items are addressed by the service company with a pro-active plan. Discussion ensued regarding the routine inspection process in place.
- Maintenance of the excessive weed vegetation around the ponds. Ms. Burke stated that they are maintained monthly and there are SWFWMD and County regulations the District must follow on the care and maintenance of Ponds.
- Fixing of lights. Ms. Burke stated that it is part of the County's plan for an upgrade to the lights when the 301 expansion is completed.
- Monitoring of the pool surveillance. Issues with children propping open the gate and climbing over the fence to access the pool.
- Whether the CDD fees remain the same even with foreclosures/renting. Ms. Burke stated that the CDD assessments are linked to the property taxes and whoever owns the property will pay the assessments. She stated that there may be a delay in the payment but then they will not receive the early payment discount. Mr. Altman stated that the financial statements as of December reflect 88% of the assessments have been collected before the end of December.

Ms. Burke asked if there were any Supervisor requests. There were none.

5. STAFF REPORTS

A. District Counsel

Not present.

B. District Engineer

Not present.

C. District Manager

1. Financial Statements, Month Ended December 31, 2008 (Tab 3)

Mr. Altman reviewed the financial statements for the Board. General discussion ensued.

Ms. Burke stated that in looking at the outstanding checks and vouchers there are two or three that are very old. She asked if they have contacted the people to ensure that they received the checks and determine if they need to reissue the checks. Mr. Altman stated that he will look into the outstanding checks and vouchers.

Mr. Altman stated that in the next several months they may look at doing a budget amendment to move funds around to accommodate the needs of the District if necessary.

2. Managers Report (Tab 3i)

Mr. Altman reviewed the Managers Report for the Board. He stated that he has an invoice from Raymow totaling \$660 to replace the (4) solenoids on the clocks. Mr. Altman stated that once the system is in place the intention is to go to the County to make an appeal to get more watering capabilities.

Ms. Burke stated that Raymow referenced getting the variance to water more frequently so as to address the cause of the turf focus. She stated that the information provided from the University of Florida stated that the extra watering is needed to water in the fungicides and it specifically states that "The use of fungicides to treat the disease is not strongly recommended at this time" and "Consider these fungicides as preventatives not curatives". Ms. Burke stated that she does not see an increased need to water in fungicides. She stated that referring back to the Hillsborough County Water Resources invoice and the gallons of water used went from 75,000 gallons per month to 14,500 gallons per month in December and 53,200 in January. Ms. Burke stated that one of the causes of this fungus is stress pathogen and it is recommended that they avoid irregular watering practices as it will further stress diseased turf. She stated that over watering can cause the same problem. Ms. Burke stated that Raymow should not rush into getting the variance changed to allow them to water more frequently. Mr. Altman stated that the purpose of the variance is to get the appropriate amount of water onto the ground. He stated that he thinks the University of Florida study is going to show the amount of water that they are entitled to lay down on the ground; due to the number of stations and how long the system takes to go through the cycles the amount of water that maybe needed is not actually getting on the ground. Ms. Burke stated that she wants to ensure that they take the scientific approach on determine how to maintain the landscaping. General discussion ensued.

Ms. Burke addressed the two recent vehicle accidents that caused damage to private property and CDD property.

3. Recreation Facility Managers Report (Tab 3ii)

Ms. Vitale reviewed the report for the Board. Ms. Burke encouraged the Board members to contribute an article for the upcoming newsletter.

6. OLD BUSINESS

A. Consideration of Resolution 2009-04, Authorization of Spending Limits (Tab 4)

Mr. Altman distributed a revised copy of the resolution to the Board and reviewed the changes. He briefly reviewed the laws relating to bids. General discussion ensued. After a discussion, a change was made to Section 2.1 to add "providing that the funds are available within the appropriate line item in the budget" to the end of the sentence and Section 2.3 to add to "approval of the District Manager" "and a Supervisor" as well as add to "notification of the Board of Supervisors" "by e-mail, telephone, and any other practical means".

MOTION TO:	Approve Resolution 2009-04, Authorization of Spending Limits (as amended).
MADE BY:	Supervisor Roberts
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 4/0 - Motion passed unanimously

B. Acceptance of Fence Donation (Tab 5)

Mr. Altman stated that at the last meeting they continued this item until this meeting. He stated that one of the concerns was checking with District Counsel to determine the effect of this decision in terms of setting precedence. Mr. Altman stated that Mr. Vericker indicated that any action taken by the Board can cause someone to claim precedence has been set. He stated the Board can without being arbitrary make decisions without being consistent. Mr. Altman stated that Mr. Vericker did not indicate that there was any impediment or any reason for him to recommend against accepting the donation. Ms. Burke asked if they obtained a price quote to have the same kind of fencing on the other side of the property or if they knew the cost that the resident incurred. Mr. Roberts stated that it was \$17.25 a linear foot. Discussion ensued regarding possibly installing landscaping in the area near the fencing. Mr. Altman showed the Board a picture of the proposed fencing. He stated that the resident offered to pay half the cost of installing fencing on the other side to make it consistent and aesthetically pleasing. Mr. Roberts stated that they as the Board need to do something to either make both sides of the property equal, get rid of the white fence, or come up with a different entrance in the back. He stated that they need to clearly delineate the two entrances. Mr. Staubitz made a motion to ratify and accept the donation of the fence.

MOTION TO:	Ratify and accept the donation of the fence.
MADE BY:	Supervisor Staubitz
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 4/0 - Motion passed unanimously

Ms. Burke stated that it was her understanding that the consensus of the Board was to direct District Management to get some visual aids for the Board to look at representing options available to create symmetrical appearance and more of an entrance to the back.

C. Consideration of WillPowerUSA Boot Camp Proposal (Tab 6)

Mr. Roberts asked if the insurance issue has been resolved. Ms. Burke stated that they will resolve the defect of error in coverage once the Board has adopted their proposal in principal. A question was asked as to whether the vendor was willing to pay the fees. Ms. Vitale stated that she has not received any indication of approval of the fees.

Mr. Roberts stated that they allow people to rent the clubhouse and there are people who are making profit off of renting the clubhouse. He stated that if WillPowerUSA has all of their requirements fulfilled, why is it any different than any other renter using it for a business. Ms. Burke stated that her concern is that the vendor wants to have classes on weekday mornings and evenings and weekend mornings. She stated that if they allow that level of classes then they will be eliminating a broad range of opportunities for the residents to be able to utilize the clubhouse. Mr. Roberts stated that as with the church groups, residents needs come first and there is nothing that precludes the Board from limiting the times that he is able to utilize the clubhouse. Discussion ensued regarding setting limitations on the amount of time and days that they would allow the class to be held. The Board decided to defer the consideration of the proposal.

7. BUSINESS ITEMS

A. Selection of Audit Committee for Fiscal Year 2009 and Set Meeting Date

Mr. Altman reviewed the statutory audit requirements for CDD's.

MOTION TO:	Select the entire Board of Supervisors as the Audit Committee for the Fiscal Year 2009 and set the first Audit Committee meeting for March 24, 2009 at 6:30 p.m. at the Panther Trace Clubhouse located at 12515 Bramfield Avenue, Riverview, FL 33569.
MADE BY:	Supervisor Roberts
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 4/0 - Motion passed unanimously

B. Public Hearing on Rule Amendment for Recreational Fees and Rules and Key Card Agreement

Mr. Altman asked for a motion to open the public hearing.

MOTION TO:	Open the public hearing on Rule Amendment for Recreational Fees and Rules and Key Card Agreement.
MADE BY:	Supervisor Roberts
SECONDED BY:	Supervisor Staubitz
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 4/0 - Motion passed unanimously

Ms. Burke asked if there is a rule that states that if they are going to charge a non-resident fee that they must charge a resident fee. Mr. Altman stated that there is no such rule.

Discussion ensued the complications of enforcing a per person cost policy. Ms. Burke stated that the same rule that applies to the pool should apply to the ball courts and multi-purpose fields in regards to a resident being allowed to have up to three guests with them to utilize the facilities at no charge. Mr. Altman stated that if there is an organized activity or league that is looking to utilize the field or courts exclusively then they need to charge them a fee. Ms. Burke stated that they should not allow any group to exclusively have the court or fields. She stated that if a resident wants to reserve a field or court they should not have to pay a fee and it should be first come first serve.

Mr. Roberts stated that there is currently a flag football league practicing on the fields two to three times a week. He asked if the league is resident run and if it is not, can a resident ask them to leave the field so they can use it. Mr. Lamb stated that they currently can not ask a non-resident to leave as there is no rule in place allowing that. Ms. Burke stated that she doesn't feel that residents should have to pay to reserve any of the District facilities but that non-residents should have to pay a fee. Ms. Vitale stated that they charge a non-resident \$250 to reserve the clubhouse so their fee to rent the cabana, ball courts, or multi purpose field should also be \$250 in order to be consistent.

Mr. Roberts stated that he understands the administrative issues that would arise from having all the different fees and rules for the courts and fields, but if they do not have rules in place they have nothing to enforce.

Ms. Burke stated that the usage time for the cabana should be changed to four hours. Ms. Vitale stated that the charge for the league should be different than the classes because the leagues don't charge for practices and they most likely won't be utilizing it for league games. Mr. Staubitiz stated that resident run leagues, sports team, and classes should not have a fee charged but has to be approved by the Board.

Ms. Burke stated that if a league is going to cater to the residents they should set a rate that is favorable to the residents. She stated that if there is going to be a non-resident attending the class, there should be a \$3 surcharge. Mr. Altman suggested that they work with Ms. Vitale to create a more robust base plan of resident based activities. It was stated that an article will be included in the next newsletter encouraging residents to start a league or class for the residents. Ms. Burke stated that they need to set a universal non-resident fee for all facilities. She stated that if a non-resident requests exclusive use of one of the Districts facilities, they have to pay a fee. Ms. Burke stated that if a resident wants exclusive use of one of the facilities they just have to make a reservation so they can let the rest of the residents know that it is unavailable.

Mr. Roberts stated that there is a maintenance cost associated with the facilities. He stated that the multi purpose field grass will be torn up by resident leagues and if they are not charging a fee they will not have the funds to maintain or fix the fields.

The Board discussed the pros and cons of issuing individual non-resident one day pass and the enforceability of asking unruly people using the facilities without a pass to leave. Ms. Burke stated that if they are going to charge for a one day pass it should be good for all facilities and set one rate.

Public comments were entertained by the Board.

Mr. Altman recommended that in order to provide the Board more time to review the rules and come up with an agreement on the rules and fees they could continue the public hearing to a future meeting.

Ms. Burke recommended that they put the date of the continued public hearing in the newsletter that will be mailed to all residents so that they can provide their feedback on the rules and fees.

MOTION TO:	Continue the public hearing on Rule Amendment for Recreational Fees and Rules and Key Card Agreement to April 28, 2009 at 6:30 p.m. at the Panther Trace Clubhouse located at 12515 Bramfield Avenue, Riverview, FL 33569.
MADE BY:	Supervisor Roberts
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 4/0 - Motion passed unanimously

C. Consideration of Resolution 2009-05, Adopting Recreational Fees and Rules and Key Card Agreement (Tab 7)

This item was tabled for consideration.

D. General Matters of the District

Mr. Altman stated that Ms. Turner, a resident, was notified in October that she violated the maximum number of people who could attend the September 6, 2008 event at the clubhouse so the \$100 deposit was withheld and her family's facility privileges were suspended until a request was made for consideration of reinstatement. Ms. Turner spoke to the Board as why she feels her family's privileges should be reinstated.

MOTION TO:	Reinstate the District facility privileges of Ms. Turner's family.
MADE BY:	Supervisor Roberts
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 4/0 - Motion passed unanimously

8. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS ON AGENDA ITEMS

Mr. Altman asked if there were any audience comments. There were none. Mr. Altman asked if there were any Supervisor requests.

Mr. Roberts asked if they are receiving any revenue or if there is an agreement in place with Standard Pacific Homes to allowing them to place sales flags in the medians. Mr. Lamb stated that they received a request from the marketing director of Standard Pacific Homes to allow the flags. Mr. Altman stated that he will look into the matter and let the Board know of his findings.

9. ADJOURNMENT

MOTION TO:	Adjourn the regular Panther Trace Community Development District meeting.
MADE BY:	Supervisor Staubitz
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 4/0 - Motion passed unanimously

**These minutes were done in summary format.*

** Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that 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.*

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on _____.

Signature

Signature

Printed Name

Printed Name

- Title:**
 Chairman
 Vice Chairman

- Title:**
 Secretary
 Assistant Secretary

Recorded by Records Administrator

Signature

Date