

PANTHER TRACE COMMUNITY DEVELOPMENT DISTRICT

April 28, 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, April 28, 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, April 28, 2009, at 6:30 p.m.

Board Members Present and Constituting a Quorum:

Donna Lee Burke	Chairman
Megan Jones	Vice Chairman (<i>joined meeting in progress</i>)
Ken Roberts	Supervisor
Michael Staubitz	Supervisor
Dennis Stevens	Supervisor

Staff Members Present:

Peter Altman	District Manager, District Management Services, LLC
Brian Lamb	District Manager, District Management Services, LLC
Tony Canorro	Assistant District Manager, District Management Services, LLC
John Vericker	District Counsel, Straley & Robin, P.A.
Monica Vitale	Recreation Manager

Audience Members Present:

Deputy Pulido	Hillsborough County Sheriff's Office
Deputy Seale	Hillsborough County Sheriff's Office
Grant Christie	Representative, Raymow
Residents	

2. PLEDGE OF ALLEGIANCE

Mr. Altman led the Pledge of Allegiance.

3. PRESENTATION BY DEPUTY PULIDO

Deputy Pulido addressed the residents concerns regarding the issues occurring during some rentals of the clubhouse by non-residents and teenage parties. He stated that District Staff will be proposing some changes to the clubhouse usage rules to try and resolve some of the issues. Deputy Pulido reviewed several of the recent issues they have had at the clubhouse and within the community. Discussion ensued regarding how word of the events is spread via the internet, which leads to the event getting out of control. A resident expressed concern regarding gun use near the clubhouse. The Board encouraged the resident to call the police if a similar episode should occur. Residents expressed concern regarding the lack of safety they feel due to the recent episodes, and inquired why the community is obligated to rent the clubhouse to non-residents.

Mr. Vericker stated that each Bond Counsel often has a different interpretation of the Statute requirements; therefore, the Board members must do as instructed according to the fee structures. He recommended the Board allocate funds to Tax Attorney Mike Williams to review and seek an opinion regarding the requirements on the availability of the clubhouse to non-residents. Mr. Vericker stated that currently, the Florida Statutes require the facilities to be made public to keep it within the parameters of a public facility under the Internal Revenue Service regulations. He explained that when the bonds were issued, the Bond Counsel decided that the facility is public, and if a change is made to this regulation, a new opinion must be issued and the Board must allocate for a letter of opinion stating these changes. Further discussion ensued regarding resident concerns regarding the non-resident rentals, numerous police visits, and the presumed dangerous people who frequently visit the basketball courts.

(Megan Jones joined the meeting in progress.)

A discussion ensued regarding the age specifications for the rental of the facilities, and the need for additional security for certain age groups. Deputy Pulido agreed that this is necessary. Deputy Pulido recommended installing more "No Trespassing" signs in Phase 1 of the community. He stated authorization for "No Trespassing" signs is needed for Phase 2.

Ms. Jones stated the rules of procedure were not correctly carried out for a particular rental of the facilities regarding reserving the clubhouse two weeks in advance, as well as a patrol officer on duty during the event. Mr. Altman explained the procedures that may be taken by the residents should they not agree with the Board members decision regarding the rules of procedures and the clubhouse rules. Mr. Altman suggested that due to the amount of residents who are concerned with the rules of procedure and the clubhouse rules, that the Board open the scheduled public hearing regarding the rules of procedure. The Board agreed to adjust the agenda to open the public hearing regarding the rules of procedures.

4. BUSINESS ITEMS

- A. Continued Public Hearing on Rule Amendment for Recreation, Clubhouse Adjustment to Fees, and Key Card Agreement (Tab 8)

MOTION TO:	Open the Continued Public Hearing on Rule Amendment for Recreation, Clubhouse Adjustment to Fees, and Key Card Agreement
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Roberts
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

Ms. Burke expressed concern regarding the current rules of procedure presented to the Board being inaccurate. She stated further rules have been adopted which should be presented to the Board during this public hearing if further changes are to be made. Ms. Burke stated the following updated policies are not included in the presented rules: clubhouse policies, policies concerning no fishing, swimming or boating, pool rules regarding inflatable toys, court fees, and playground rules. She stated the updated rules of procedure must be a top priority for all staff involved.

Mr. Altman presented the incident regarding the rental of the clubhouse on May 3, 2009. He stated the corrected procedures currently presented to the Board reflect that "any person who wishes to rent the recreational center will contact District Staff no later than 2 weeks preceding the date of the intended reservation request." The Board expressed concern regarding the payment not received 2 weeks in advance of the intended reservation date, as well as the execution of an agreement that was not current. Mr. Altman stated that the District Management's records do not reflect a past decision made regarding a 2 week notice and payment preceding the intended reservation date. He stated that this similar situation will not happen again, and a decision will not be made regarding the rules until the District Staff and District Management has discussed the circumstances in a conference setting.

Mr. Altman presented the revised rules of procedures regarding the recreation, clubhouse and multipurpose fields. He suggested charging a higher fee for non-residents' use of the clubhouse (\$500.00 for 6 hours) and cabana (\$500.00 for 4 hours), and require a \$750.00 deposit. Mr. Canorro stated that the presence of a Deputy to supervise the parties with guests of previously discussed age specifications would cost \$152.00, which would be covered by the rental fees. Mr. Vericker stated that should the Board take reasonable steps in showing results of past episodes, this fee should be approved to cover the cost of a Deputy. A resident suggested including a mandatory procedure of providing a guest list for a party when renting the facilities.

Mr. Altman presented a rental fee for the basketball courts and other facility usage (\$3.00 per hour) to prevent non-residents from disturbing others. Discussion ensued regarding fencing in and locking the basketball courts to prevent non-residents from entering. No further action was taken on this discussion. A resident suggested instead of individual rental fees, implementing a system with bracelets for guests who pay the annual non-resident membership fee and are able to use the facilities. It was stated that trespassing authority has already been granted, and signs need to be posted.

MOTION TO:	Revise the non-resident private use Clubhouse fee (140 person maximum) to \$500.00 for 6 hours, with a \$750.00 deposit, as well as revise the non-resident private use of the pool cabana fee to \$500.00 for 4 hours with a \$750.00 deposit.
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Stevens
DISCUSSION:	It was suggested to require the deposit be made in certified cashier's check or money order. The Board agreed to require this type of deposit. It was also suggested to include in the rental agreement that a security officer will be hired for the event, in the hopes of discouraging undesired behavior.
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

MOTION TO:	Approve a non-resident facility day pass for the basketball courts and multi-purpose field, issuing a \$30.00 fee with \$100.00 deposit only if unaccompanied by a resident.
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

MOTION TO:	Continue the Public Hearing on the Rule Amendment for Recreation and Clubhouse Adjustment to Fees, (to June 23, 2009 at 6:30 p.m. at the Panther Trace Clubhouse located at 12515 Bramfield Avenue, Riverview, FL 33569) and direct District Staff to obtain a new legal opinion from Bond Counsel regarding the Community's obligation of renting the facilities to non-residents.
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Stevens
DISCUSSION:	A discussion ensued by the residents regarding closing the clubhouse or tearing it down if necessary to prevent further episodes.
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

Ms. Vitale stated in order for someone to prove they are a resident; they must provide picture identification as well as a current utility bill or lease agreement.

MOTION TO:	Approve a 5 minute recess
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Staubitz
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

Mr. Altman reconvened the Panther Trace CDD Board of Supervisors meeting.

5. PRESENTATION BY RAYMOW ENTERPRISES, INC.

The Board agreed to entertain the proposals from Grant Christie with Raymow Enterprises, Inc. regarding the short to mid range landscaping improvements. Mr. Christie stated he has been working on a map which reflects the empty places in the plant materials. He stated this will be complete for presentation within a few days. Mr. Christie stated that there are a lot of empty spaces in the landscape, and he feels the community needs to address this issue soon. He stated a recent inspection was failed due to turf color; however, the landscape has progressed well. Mr. Christie stated many proposals have been prepared and presented to the Board including sand for the volleyball court, insertion of lava rock, repair of the fence, improve the playground, replace the damaged turf, etc; however, no action has been taken regarding these proposals. Mr. Christie explained the high expenditure regarding the proposal for replacement sod. He stated the majority of the damaged sod was not St. Augustine grass, which is currently included in the proposal. Mr. Christie stated it is necessary to replace this sod to prevent further bare grounds in the Community. The Board requested a complete proposal regarding the total necessary sod for the Community. Mr. Christie stated that Raymow applied for a variance for the Community, and there is an opportunity to water the community on Friday from 12:00 a.m. until 8:00 a.m. and Friday from 6:00 p.m. until 12:00 a.m. No further action was taken at this time.

6. BUSINESS ADMINISTRATION

A. Presentation of Minutes of the Audit Committee Meeting on March 24, 2009 (Tab 1)

MOTION TO:	Approve the Minutes of the Audit Committee Meeting on March 24, 2009.
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Staubitz
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

B. Consideration of Minutes of the Board of Supervisors Meetings on March 24, 2009 (Tab 2)

Mr. Altman stated corrections had been made to two motion boxes to correctly reflect who seconded the motion.

MOTION TO:	Approve the Minutes of the Board of Supervisors Meeting on March 24, 2009 (as amended).
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Roberts
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

C. Consideration of Operations and Maintenance Expenditures April 2009 (Tab 3)

Items of discussion were:

- Ms. Burke stated a credit will be issued for the invoice from Straley & Robin, P.A. regarding the incorrect billing of \$323.00 for 2.2 hours as well as photo copies and Federal Express charges. Ms. Burke suggested paying this invoice excluding the appropriate amount, and then a credit will be issued.
- Clarification of bench charges regarding the pool invoices.
- The second page of the Verizon invoice was not provided, yet there was an estimated \$16.00 charge for long distance services.

MOTION TO:	Approve the Operations and Maintenance Expenditures – April 2009 (with exception as noted).
MADE BY:	Supervisor Stevens
SECONDED BY:	Supervisor Jones
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

7. AUDIENCE COMMENTS AND SUPERVISOR REQUESTS

A. Supervisor Roberts – Equalizing Operation and Maintenance Assessments (Tab 4)

Mr. Roberts stated he has been working toward a fair assessment per household regarding the use of the facilities. Mr. Roberts stated the Board requested DMS to consider the budget numbers from the previous Fiscal Year divided evenly between the 751 homes within the Panther Trace CDD. Mr. Roberts stated he believes this division allows a fair assessment of the use of the facilities for each home in the community. Ms. Jones expressed concern regarding increasing the assessment for some of the homes by 20 %, which have a higher short sale and foreclosure rate. Ms. Burke stated she is unsure if there is a completely fair way to instill the O&M assessments. She stated that each person when purchasing their home made a contract with the CDD, which agreed to the terms that were set in place when the bonds were first issued in 2003. She stated she believes Mr. Roberts is asking the Board to revise a contract that was formed between the CDD and the individual home buyer, which she does not believe is fair. Discussion ensued between Mr. Roberts and Ms. Burke regarding the adjustment of the Operation and Maintenance expenditures versus the fundamentals of the contracts and the contribution towards the CDD.

Mr. Altman clarified the term contract and the obligations the Board of Supervisors have towards the community. He stated that the Board must adhere to the bond issuance, the methods of collecting assessments that were agreed to within the contracts, and the attached property owner's responsibilities for bond debt. Mr. Altman also explained the assessment of the Operation and Maintenance expenditures. He stated the O&M expenditures usually follow the same procedure as the debt service and are for the benefit of the community facilities. Mr. Altman stated it is not uncommon for the Board to evaluate the O&M expenditures on a periodic basis. He stated from the legal perspective, it is often recommended for the O&M expenditures to stay consistent with the bond indentures.

Mr. Altman stated that Legal Counsel has recommended that in order to make a change to the expenditures, it is required that the Board identifies a modified circumstance. He stated that these circumstances previously identified include the separation between the assets in the capital improvement plan and the actual assets held by the District. Mr. Altman concluded that an argument to raise the assessments can be made, but it will require legal guidance to ensure that the rationale is based on a change of circumstances. He stated an opinion based argument regarding what is fair is not a sufficient reason to change these assessments. Mr. Altman stated to make any necessary changes the Board will need to work closely with District Counsel, carry out a public hearing process, notification to all residents, and it is necessary to complete this process very soon so that it may be implemented into next year's budget. A resident expressed concern regarding the evenly divided charges compared to each homeowner's federal income taxes. Mr. Roberts explained that the evenly divided assessments are in regards to the upkeep of the community and the facilities, and is not in relation to the original cost of construction. He stated each house has the same abilities to use the facilities regardless of the lot size; therefore, the assessments for the upkeep of these facilities should be equally divided. Mr. Roberts suggested addressing this item to the residents so that an equal division can eventually be accomplished. No further action was taken on this item at this time.

7. BUSINESS ITEMS

A. Presentation of Fiscal Year 2010 Proposed Budget (Tab 9)

Mr. Altman presented the proposed operation budget for the Fiscal Year 2010. He reviewed each line item for the Board. Mr. Altman stated the proposed interest in earnings is \$2,500.00; special assessments will remain flat with the current year; miscellaneous revenues has been increased to \$4,000.00; legislative and Supervisory fees have increased (to allow for the provision for multiple meetings if needed, as well as to allow Supervisors to change their minds regarding compensation for attendance); utility fees are expecting an increase; garbage services have increased by \$75.00; water/sewer services expected to increase \$52.00; and public physical environment expected to increase by \$30,000.00. Mr. Altman stated the proposed budget reflects an increase of \$5,400.00. He stated should the Board determine that they would like to provide an opportunity to increase the assessments; the District Management must be made aware of this before June 15th, 2009 so that this decision may be submitted to Hillsborough County, and a notification sent to each resident advising them of the budget public hearing and the proposed increase.

Mr. Altman stated that a consensus was reached regarding the pressing security issues during the Panther Trace II CDD BOS meeting. He stated the District needs security and the Developer has agreed to fund this need immediately. Mr. Altman stated that Deputy Pulido has strongly advised that the Board refer to the current agreement regarding the basis of substantial administrative charges between Panther Trace I and Panther Trace II CDD's. Mr. Altman advised the Board to include additional revenue and expenses without affecting the tax roll. He inquired if the Board would also be willing to enter into another mutual agreement to accept some funds from Panther Trace II CDD in exchange for their ability to extend patrol back into their community. Mr. Canorro stated that the community will save a \$4.00 per hour fee for administrative charges, and he has been authorized by the Panther Trace II CDD BOS to contract the Sheriff's Department for an agreement of 2 shifts that are 4 hours long, randomly scheduled on a weekly basis. He stated the cost of these services is \$28.00 per hour plus mileage. The Board agreed to schedule a public workshop in order to discuss this matter further.

MOTION TO:	Accept the Fiscal Year 2010 Proposed Budget.
MADE BY:	Supervisor Roberts
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

B. Consideration of Resolution 2009-06, Approving Proposed Fiscal Year 2010 Budget and Setting a Public Hearing (Tab 10)

MOTION TO:	Approve Resolution 2009-06, Approving Fiscal Year 2010 Proposed Budget and Setting the Public Hearing (July 28, 2009 at 6:30 p.m. at the Panther Trace Clubhouse located at 12515 Bramfield Avenue, Riverview, FL 33569).
MADE BY:	Supervisor Stevens
SECONDED BY:	Supervisor Jones
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion passed unanimously

8. STAFF REPORTS

A. District Counsel

Not present.

District Engineer

Not present.

B. District Manager

1. Financial Statements, Month Ended February 28, 2009 (Tab 4)

Mr. Altman provided an update on the outstanding checks and vouchers.

2. Managers Report (Tab 5i)

This item was tabled.

3. Recreation Facility Managers Report (Tab 5ii)

This item was tabled.

9. BUSINESS ITEMS

A. Consideration of Proposals for Entry Monument Repair (Tab 6)

This item was continued until the next regularly scheduled meeting.

B. Consideration of Proposals for Payroll Services (Tab 7)

This item was continued until the next regularly scheduled meeting.

C. General Matters of the District
No further matters were discussed.

10. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS

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

11. ADJOURNMENT

MOTION TO:	Adjourn the regular Panther Trace Community Development District meeting.
MADE BY:	Supervisor Jones
SECONDED BY:	Supervisor Stevens
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - 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 June 23, 2009.



Signature

Donnahee Adams Burke

Printed Name



Signature

Brian Lamb

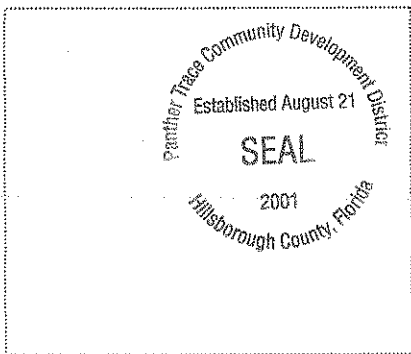
Printed Name

Title:

- Chairman
 Vice Chairman

Title:

- Secretary
 Assistant Secretary



Recorded by Records Administrator

Kristen Brunelle
Signature

7/29/09
Date