

**MINUTES OF MEETING**

**FISHHAWK  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Fishhawk Community Development District was held on **Monday, October 20, 2003 at 1:05 p.m.** at the Fishhawk Ranch Clubhouse, located at 5721 Osprey Ridge Drive, Lithia, Florida 33547.

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Williams called the meeting to order. Present and constituting a quorum were:

Don Whyte	<b>Board Supervisor, Chairman</b>
Doug Gilmore	<b>Board Supervisor, Vice Chairman</b>
Rhonda Brewer	<b>Board Supervisor, Assistant Secretary</b>
Kerri McDougald	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Pete Williams	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Bricklemyer, Smolker &amp; Bolves</b>
Strickland Smith	<b>District Engineer, Heidt &amp; Associates, Inc.</b>

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes of the  
Board of Supervisors' Meeting  
on September 15, 2003**

Mr. Williams stated that the Board will hold the public hearing on the budget at the end of the meeting. He stated that the first item on the agenda is to consider the minutes of the Board of Supervisors' meeting on September 15, 2003 (behind tab 1). He asked if there were any additions, deletions or corrections to the minutes. There were none, so he asked for a motion to approve.

On a Motion by Mr. Whyte, seconded by Ms. McDougald, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisors' meeting on September 15, 2003 for Fishhawk Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of Authorization to  
Disburse District Funds 2004-01**

Mr. Williams stated that the next item of business is the consideration of the Authorization to Disburse District Funds 2004-01 (located behind tab 2). The disbursement consists of invoices for standard contractual commitments and utilities. Mr. Williams asked if there were any questions. There were none, so Mr. Williams asked for a motion to approve.

On a Motion by Mr. Gilmore, seconded by Mr. Whyte, with all in favor, the Board of Supervisors approved the Authorization to Disburse District Funds 2004-01 for Fishhawk Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Fitness  
Training Proposal**

Mr. Williams stated that the next item of business is the consideration of a fitness training proposal (located behind tab 3). He explained that the proposal includes a list of associated fees and proposed fitness activities. Ms. McDougald stated that the trainer would need to provide verification of insurance coverage. Mr. Williams recommended that the Board consider whether the trainer should be charged a user fee for utilizing District facilities. He explained that the current tennis professional that currently utilizes District tennis courts is assessed a user fee for utilizing District property. It was agreed that the trainer is approved to offer services on District property provided she provide verification of insurance coverage and pay a user fee for the use of District facilities. Mr. Williams recommended that the trainer be charged the standard 10% user fee payable to the Fishhawk Ranch HOA. He asked for a motion to approve.

On a Motion by Mr. Gilmore, seconded by Ms. McDougald, with all in favor, the Board of Supervisors approved the Fitness Training Proposal by Ms. Olson contingent upon proof of insurance coverage and payment of a 10% user fee for Fishhawk Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of TECO Easement  
Revisions, Phase I**

Mr. Williams stated that the next order of business is the consideration of the TECO easement revisions for Phase I. He explained that the revisions are still in process. Mr. Williams recommended to the Board that the agenda item be tabled until the next meeting.

Mr. Whyte stated that TECO has proposed to construct a substation located off of Fishhawk Boulevard and is proposing to install an additional power line from the substation thru the right-of way located in Phase I. He explained that TECO has proposed to trade an access way which could be utilized to connect both Phases I and II. There was a discussion regarding whether the proposed power lines would obstruct the view from the homes located in that area. Mr. Whyte stated that this issue will be further discussed at a future meeting.

**SIXTH ORDER OF BUSINESS**

**Consideration of Drainage Easement**

Mr. Williams stated that the next order of business is the consideration of a drainage easement. He explained that the District received a violation letter from Hillsborough County regarding the overgrown conditions of the easement (which is located in the Kiteglen section). The District authorized the landscaper to proceed with mowing the area for the time being. Mr. Williams explained that District Counsel is currently working on the issue; however, it is not clear whether the District will be required to maintain this area. He explained that along with District Counsel, the District Engineer is also evaluating this area. Mr. Whyte explained that the parcels have been deeded to the District, and an easement was granted to the county. Therefore, the District owns these parcels; however, the county has a drainage easement on the same parcel. He explained that in his opinion if the residents of that area near the easement want the area maintained, the expense of the maintenance should not be passed on to all of the residents in the District but only to the residents in that immediate area. Mr. Williams explained that initially a complaint was received to mow the easement area. When the complaint was received, the maintenance policy was explained to the resident; however, the resident proceeded on behalf of his employer (Hillsborough County) to cite the District for overgrown conditions. Mr. Williams explained that the code enforcement does not pertain to this particular area as it does not fit the county code standards; however, it was decided to proceed and cut the overgrown area so to avoid any violation fees. Mr. Whyte recommended to the Board that a notice be sent to the residents located near the easement to explain that if they desire the easement area to be mowed, it will be at their expense. Mr. Williams recommended to the Board that this issue be further discussed pending the findings from District Counsel and the District Engineer.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Fiscal Year**  
**2001/2002 Annual Audit**

Mr. Williams stated that the next order of business is the consideration of the Fiscal Year 2001/2002 Annual Audit. He explained that any questions can be directed to Stacey Thomas at the District Office.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
No report.
  
- B. District Engineer  
Not present.
  
- C. District Manager  
Mr. Williams stated that the current financial statements are located behind tab 5. He stated that the Quarterly Investment Management Report is located behind tab 6. Mr. Williams explained that the District received a request via email from a resident requesting that the District install stop signs at the Osprey Park/Eagle Ridge main entry road intersection and at the Heron Glen/Jaeger Glen section near the newly installed crosswalks. He explained that the decision to install stop signs is not under the jurisdiction of the District due to the fact that the roadway is a county roadway.

**NINTH ORDER OF BUSINESS**

**Audience Comments and Questions**

Mr. Williams stated that the next order of business is the audience comments and questions. He stated that there are several members of the audience present. Mr. Williams asked if there were any audience comments.

Mr. Jacobsen, a resident, described his view regarding his request for a stop sign to be installed at the Heron Glen/Jaeger Glen and the Osprey Park/Eagle Ridge intersections of the District. Mr. Whyte explained that there are considerations one should be aware of when making a request to the county to install a stop sign. He further explained that in order for a stop sign to be installed, the need for it should be warranted and not impose a higher potential hazard with its installation. In the case of an accident occurring due to the placement of a stop sign being seen as a hazard, all parties involved could be potentially sued.

Mr. Trent Boisen stated that there is a proposal to donate a sand volleyball court to the District with supervision by Ms. Brewer as to the best location. Mr. Whyte recommended to the Board for a motion to accept the donation.

On a Motion by Mr. Whyte, seconded by Mr. Gilmore, with all in favor, the Board of Supervisors accepted the donation of a sand volleyball court with oversight of the installation by Ms. Brewer for Fishhawk Community Development District.
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**TENTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

Mr. Williams stated that the next order of business is Supervisor requests and comments. He asked if there were any Supervisor requests or comments. There was a discussion regarding the relocation of a crosswalk. Mr. Whyte explained that the initial site for the crosswalk was determined by the Hillsborough County traffic engineer; however, due to resident lobbying, the crosswalk was relocated by the County. The Sheriff's department increased staff to assist the children at the crosswalk. Ms. Brewer stated that she will forward a request to the County to make the crosswalks accessible to the handicapped. A discussion ensued regarding the changing of the location of the crosswalk.

There was a discussion concerning the maintenance of the pond banks being the resident's responsibility.

Ms. Brewer described to the Board an incident involving a new resident that had contacted her in regards to a tree in their yard that appeared to be dead. The District arborist was consulted and determined that the tree was not dead and should not be removed. The resident proceeded to have the tree removed. Mr. Whyte suggested that this type of issue be discussed at the next HOA meeting.

Ms. Brewer explained that she was contacted by SwimKids USA who utilize the District pools to request that the temperature in the pool be raised to 86 degrees. There was a discussion regarding the request. It was determined that the request could not be honored as raising the temperature of the pool would involve increased maintenance funds. Mr. Whyte stated that if this procedure is not acceptable to the organization, he recommended terminating their services in the District.

Mr. Gilmore asked a question regarding the procedure to report street light outages to TECO. He explained that there appears to be an area located on Block 6, lot 25 & 16 that is in need of street lighting. There was a discussion pertaining to the street lighting and it was agreed that research needs to be conducted to determine if the installation of street lighting was overlooked by TECO.

Ms. McDougald stated that there will be a blood drive on November 10, 2003 to benefit a resident who is stricken with cancer. Mr. Williams stated that he will be coordinating with the HOA for any needed support for this event.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

Mr. Williams stated that there were no other items on the agenda and asked for a motion to adjourn the meeting.

On MOTION by Mr. Whyte, seconded by Mr. Gilmore, with all in favor, the Board adjourned the meeting for Fishhawk Community Development District.

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Pete Williams  
Secretary

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W. Don Whyte  
Chairman