

**MINUTES OF MEETING**

**FISHHAWK  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Fishhawk Community Development District was held on **Monday, March 15, 2004 at 1:08 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>
Kary McDonald	<b>Board Supervisor, Assistant Secretary</b>
Kerri McDougald	<b>Board Supervisor, Assistant Secretary</b> ( <i>joined the meeting in progress</i> )

Also present were:

Pete Williams	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Bricklemyer, Smolker &amp; Bolves, P.A.</b>
Tim Plate	<b>District Engineer, Heidt &amp; Associates, Inc.</b>
Amanda King	<b>District Facilities Director</b>

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes of the  
Board of Supervisors' Meeting  
on February 16, 2004**

Mr. Williams stated that the first item on the agenda is to consider the minutes of the Board of Supervisors' meeting on February 16, 2004 (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. Gilmore, seconded by Ms. McDougald, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisors' meeting on February 16, 2004 for Fishhawk Community Development District.

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**THIRD ORDER OF BUSINESS**

**Consideration of Authorization to  
Disburse District Funds 2004-06**

Mr. Williams stated that the next item of business is the consideration of the Authorization to Disburse District Funds 2004-06 (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 he asked for a motion to approve.

On a Motion by Mr. Whyte, seconded by Mr. Gilmore, with all in favor, the Board of Supervisors approved the Authorization to Disburse District Funds 2004-06 for Fishhawk Community Development District.

**FOURTH ORDER OF BUSINESS**

**Business Items Related to Bond  
Refinancing**

Mr. Williams stated that the next item on the agenda is business items related to the bond refinancing. (*Ms. McDougald joined the meeting in progress*). He stated that there are several documents from MBIA Insurance Corporation pertaining to the bond refinancing that have been distributed to the Chairman. Mr. Williams explained that copies of the documents will be distributed to the Board at a later date. The bond refinancing documents include the following: Debt Service Reserve Surety Bond and the Financial Guaranty Insurance Policy. Mr. Williams explained that the assessment methodology and any changes pertaining to the bond refinancing will be presented to the Board at the April meeting. A public hearing will subsequently be set and notification will be sent to all Landowners involved. Mr. Williams explained as per prior discussions, there will be no change in the debt service portion of the annual assessment rate. The term of the bond will also remain the same, the only change that the bond refinancing will affect is a lower interest rate. This will allow additional funds to be available for capital improvements within the District.

Mr. Williams stated that there have been several proposals pertaining for proposed capital improvement projects which can be funded by the additional funds received from the bond refinancing. He distributed a list of proposed capital improvement projects to the Board. Mr. Williams stated the proposals are as follows: enlargement of the workout room located at the welcome center; creation of a childcare area with glass walls and a television; lighted marquis signs to display community events; donation of an office space at the welcome center for a community resource deputy; additional tennis courts or softball fields adjacent to the skate park with paved parking and covered bleachers; expansion of the skate park to include features for older children along with a covered picnic area, a drinking fountain and a parking area for pickup and drop-offs; lighting for the far parking area of the welcome center; additional bike racks within the community and located at bus stops, along with covered pavilions at the bus stops;

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street parking at Ibis Park; updating of signage and placing plants around the signs for the butterfly park; addition of a sidewalk to the right-handed side of the road leading to Tanager. The proposals pertaining to Phase I include: a new workout facility; a skate park; addition of heating to the pool; a privacy fence that would be located along Lithia Pinecrest that borders Phase I and the addition of a playground. Mr. Williams explained that the proposal for additional street parking in Ibis Park cannot be considered as it is located in District II. Mr. Whyte explained that the proposal pertaining to the allocation of office space for a community resource officer does not require additional funds. Mr. Williams stated that he has spoken to the commander of the county Sheriff's department who explained that a resource officer will be provided by the department when the population of the community is within a range that is set by the county. Mr. Whyte explained that the proposal for additional lighting for the welcome center parking lot would not require capital improvement funds as the installation of additional lighting can be added to the TECO agreement and could be applied to the existing monthly billing. Mr. Williams stated that he will have the Facilities Director have additional lighting installed at the welcome center. Mr. Whyte explained that some of the proposals may encompass additional costs due to the fact that they will require ongoing operation and maintenance costs. These proposals may initially involve a low amount in relation to the initial installation, but funds needed for operation and maintenance would be derived from the District budget and would affect the maintenance and operation portion of the annual assessments. Mr. Williams stated that he has received a proposal pertaining to resurfacing the trails from asphalt to concrete. This would require a complete removal and reconstruction of the trails. A proposal was received regarding the upgrade of equipment at the tot lot, including the installation of restrooms for an estimated cost of \$92,000.00. Additional proposals were received such as a proposal pertaining the upgrade of the roller hockey area for the reconstruction of the fencing to include a barrier along the bottom portion of the fence. There was a proposal pertaining to the addition of bleachers at the Hawkpark ball field for an anticipated total of \$32,500.00. Mr. Williams explained that the construction of the tennis courts may require more additional funds than originally estimated as soil testing indicates the potential need for fill needed for the construction of the courts. The estimated construction cost of the tennis courts is anticipated to be \$150,000 for four courts. Mr. Williams explained that an additional 10% has been added to the proposed projects to allow for costs pertaining to engineering fees and permitting costs. The total estimated cost for the project proposals is \$908,105.00. There was a discussion concerning the reconstruction of the trails and what would involve the least amount of maintenance funds. A discussion ensued regarding the amount of operation and maintenance funds that would potentially be required for each proposal. Mr. Whyte stated that he has received several proposals and they are as follows: the connection of the trail between Phase I and Phase II; addition of a storage area for boats and additional vehicles; creation of a dog park; a baseball diamond in Phase II; cameras for community entryways and fountains for the ponds.

Mr. Whyte explained that he has been informed of an issue pertaining to the need for a sidewalk in the location of Dorman Road. He explained that Dorman Road is the roadway that goes through a wetland area; therefore the construction of a sidewalk in that area would require adherence to mitigation requirements set by State. Construction of a sidewalk may require additional funds for monitoring and permit fees related to the wetland area. Mr. Whyte stated that a possible solution may be to create a boardwalk instead of a sidewalk. A suggestion was received pertaining to closing of the roadway and designating it as a bike trail. Mr. Whyte explained that there is a specific process relating to the closing of any roadway which must be followed including a public hearing process. He expressed his concern that not all of the residents may desire the roadway to be closed and may thwart any measure to do so.

Mr. Whyte stated that there are other proposals such as the creation of camp sites and the addition of an athletic trainer. He asked for verification whether the list of project estimates that are submitted to the bond underwriter could be changed in relation to the allocation of the amount of funds for each projects. Mr. Williams explained that the amounts allocated for the projects can be changed. He further explained that there is the option of reallocating the amount of funds between the projects; however, the projects themselves cannot be removed without the formal process of requesting permission from the bond holders. Mr. Whyte stated that the proposal pertaining to a storage area for boats and other vehicles should be disregarded as there is a business that will offer this service that is anticipated to be located nearby on Boyette Road. Mr. Williams explained that the proposal pertaining to the creation of a dog park may not be available for consideration as a location for this does not appear to be available. Mr. Whyte explained that the proposal pertaining to fountains in the ponds may not solve water quality issues, and there is substantial costs involved relating to an easement for the placement of the electrical connection. Mr. Williams further explained that there is substantial cost associated with the operation and maintenance of the fountains. He stated that the estimated electrical cost alone is \$250-\$300 per month. Mr. Whyte stated that the addition of cameras at the entryways is cost intensive in relation to the maintenance and operation of the cameras and has not been perceived very favorable by all residents, especially by the pool area. Mr. Williams explained that in addition to the installation of the cameras, the storage of the recording equipment must also be considered as it needs to be in a humidity-free area. Mr. Whyte recommended that the following proposals be further researched: concreting of the trails in Phase I; the walkway connection between Phase I & II; upgrade of the roller hockey area; lighted informational signs; creation of a playing field by the skatepark; construction of a parking area located at the skate park and proposed playing field; a walkway along Dorman Road; campsites; tennis courts and bike racks throughout the community. In regards to the workout room, Mr. Whyte explained that there is currently a workout room, and it is anticipated that there will be several businesses offering fitness services in the vicinity. A discussion ensued regarding a proposed workout room. Mr. Whyte explained that the proposals for the bond refinance funds have been considered by the Board in regards to cost and overall benefit for the entire community. Since there is a limited amount of funds, some of the proposals will need to be eliminated.

Mr. Williams explained that the approximate cost of the improvements has been estimated in order to have an idea of what projects could be accommodated by the amount of funds available. He reminded the Board that the lists of proposals are potential improvements, and actual improvements have not been chosen yet. There was a discussion regarding shifting office space in the Fishhawk Ranch Clubhouse to create an electronic library area at the Fishhawk Ranch Clubhouse for residents to access local libraries via a PC to request items that could be delivered to them. Mr. Williams explained that further details regarding this proposal are being reviewed and will be brought to the Board at a future date. Mr. Whyte recommended that an official list of improvements be chosen at this meeting. He proposed that the list be adopted by the Board by the end of the meeting. A discussion ensued regarding any changes that may possibly occur to the list submitted to the bond underwriter. Mr. Williams explained that an item can be added by amending the list by motion of the Board, if there is funding available to provide the item without bond holder consent. He reminded the Board that the spending of funds related to a bond refinance is different from an initial bond issue in which a developer acquisition agreement is approved, and the developer agrees to fund any shortfalls in funds related to that project. It was agreed that a final list will be approved by the Board later in the meeting.

#### **FIFTH ORDER OF BUSINESS**

#### **Staff Reports**

A. District Counsel

Mr. Craine stated that in regards to the issue pertaining to the Nellis easement is currently on hold. Ms. McDonald stated that the TECO easement is currently on hold pending the receipt of the exact location of the connection between Phase I and Phase II from TECO. Mr. Craine stated that he has not received any further paperwork from TECO concerning the easement.

Mr. Craine stated that there is an issue pertaining to Courtside Cabanas regarding turnover documentation. He explained that the District is prepared to accept the building.

Mr. Craine stated that he has received information regarding a lawsuit between the District and Swimkids USA pertaining to a breach of contract. Mr. Williams reminded the Board that payments on behalf of SwimKids USA were not paid in a timely manner and there was a dispute regarding SwimKids USA requesting that the temperature of the pool be raised during the swim lessons. He explained that raising the temperature of the pool would require substantial funds to cover electrical costs and would ultimately be passed on to the residents as a higher operation and maintenance portion of the assessments. There was a discussion concerning whether the SwimKids USA contract was between the HOA or the District.

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Mr. Craine explained that due to the fact that the contract was initiated on behalf of the HOA, the suit against the District has the potential of being dismissed. Mr. Williams recommended that the Board approve (by way of motion) District Counsel to file for a motion to dismiss the case.

On a Motion by Ms. McDougald, seconded by Mr. Gilmore, with all in favor, the Board of Supervisors approved District Counsel to File for a Dismissal of the suit between SwimKids USA and the District for Fishhawk Community Development District.

B. District Engineer  
No report.

C. District Manager

Mr. Williams stated that the current Financials (November and December) are located behind tab 3. Mr. Williams explained to the Board that he has received correspondence from Courtside Cabana in regards to several issues. Mr. Whyte requested that Mr. Boisen review the items in further detail for the Board.

Mr. Boisen reviewed some of the items in detail to the Board. He suggested that the Board consider changing the current signage at the pool to specify that food and beverages are allowed at the tables near the pool. There was a discussion concerning why food is usually prohibited in pool areas. Mr. Williams explained that often food is found in pools and can seriously damage pool filtration systems. A discussion ensued regarding whether a specific area needs to be designated for the consumption of food. Mr. Boisen asked for permission to place signage in the community advertising the Courtside Cabana. Mr. Craine reminded the Board that per the initial planning of the community, the issue is that signage may conflict with the existing zoning set by the Planning and Growth Management Committee. Mr. Whyte reminded the Board that the signage would be temporary signage viewable by the residents and not by the direct public. Mr. Craine stated that he will review the zoning constraints set by the Planning and Growth Management Committee.

## SIXTH 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. He explained to the audience the guidelines pertaining to resident participation.

A resident expressed his opinion that the Board should consider expanding the District without additional construction. Mr. Williams asked if there were any further audience comments. There were none.

**SEVENTH 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.

Ms. McDougald asked for verification whether the YMCA would be offering programs in the Aquatic Center. She stated that she was under the impression that an infant swimming program would be offered. Mr. Gilmore explained that there was a proposal to offer infant swimming lessons; however, the firm was provided with incorrect information that the YMCA has exclusive rights to the pools at Fishhawk. Mr. Whyte reiterated that that information was incorrectly told to that firm.

Mr. Gilmore asked for verification whether the newspaper boxes were picked up by The Tampa Tribune. Mr. Williams confirmed that the boxes were picked up. Mr. Williams explained that The Tampa Tribune was informed that they may adopt the standard paper box design approved by Fishhawk as the St. Petersburg Times has; however, they did not appear to be interested in adapting their paper boxes.

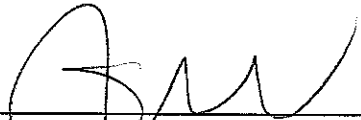
Mr. Whyte asked for verification of the current list that has been the proposed items for capital improvements related to the bond refinancing. Mr. Williams stated that the items were as follows: concreting of the trail; connection to the TECO easement; pickup and drop-off at the skate park; a play field located near the skate park; lighted information signs; play field by the skate park; campsites; tennis courts by the skate park; construction of a trail at Dorman Road; roller hockey upgrade; creation of a fitness center; concrete the seating area located near the Courtside Cabana; creation of a walking path to the Cabana; additional bike racks and additional garbage receptacles. Estimates for the areas will be obtained. Mr. Williams reminded the Board that information concerning the TECO lighting will be obtained and presented to the Board at the next meeting.

**EIGHTH 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. Shimberg, 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