

MINUTES OF MEETING

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

**FISHHAWK
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors' of Fishhawk Community Development District was held on **Monday, December 15, 2008 at 4:37 p.m.** at the Fishhawk Palmetto Club, located at 17004 Dorman Road, Lithia, Florida 33547.

Present and constituting a quorum:

Kerri McDougald	Board Supervisor, Chairman
Willard McKeith	Board Supervisor, Vice Chairman
Cliff Roberts	Board Supervisor, Assistant Secretary
Terri Morrison	Board Supervisor, Assistant Secretary
Patricia Roberts	Board Supervisor, Assistant Secretary

Also present were:

Debby Bayne	District Manager, Rizzetta & Company, Inc.
Eric Dailey	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker & Bolves, P.A.
Holly Quigley	Community Director
Erin Olson	
Audience	

FIRST ORDER OF BUSINESS

Call to Order

Ms. Bayne called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

**Administer Oath of Office to Newly
Elected Supervisors**

Mr. Dailey, a notary public in the State of Florida, administered the oath of office to the newly elected Supervisors, Mr. Roberts and Ms. Morrison, prior to the onset of the meeting to establish a quorum.

Ms. Bayne explained that there was still a vacant seat following the general election. Mr. McKeith made a motion to appoint Kerri McDougald as a Board Supervisor.

On a Motion by Mr. McKeith, seconded by Mr. Roberts, with four in favor and one against (Terri Morrison), the Board of Supervisors appointed Kerri McDougald as a Board Supervisor for Fishhawk Community Development District.

Mr. Dailey, a notary public in the State of Florida, administered the oath of office to Ms. McDougald.

On a Motion by Ms. McDougald, seconded by Ms. Roberts, with all in favor, the Board of Supervisors authorized Ms. McDougald, Mr. Roberts and Ms. Morrison to accept Board Supervisor compensation for Fishhawk Community Development District.

THIRD ORDER OF BUSINESS

**Consideration of Resolution 2009-02,
Designating Officers**

On a Motion by Mr. McKeith, seconded by Ms. McDougald, with all in favor, the Board of Supervisors approved Resolution 2009-02, Designating Officers as follows: Kerri McDougald to serve as Chairman, William McKeith to serve as Vice Chairman, Cliff Roberts, Patricia Roberts, Terri Morrison, Eric Dailey and Tina Wells to all serve as Assistant Secretaries for Fishhawk Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Minutes of the Board of
Supervisors meeting on November 17,
2008**

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board of Supervisors approved the Minutes of the Board of Supervisors meeting on November 17, 2008 for Fishhawk Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Minutes of the
Combined Board of Supervisors meeting
with Fishhawk CDD II on November 17,
2008**

This item was tabled until the next meeting.

SIXTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for December**

On a Motion by Ms. McDougald, seconded by Mr. Roberts, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for December totaling \$103,714.487 for Fishhawk Community Development District.

SEVENTH ORDER OF BUSINESS

Consideration of Sunrise Landscape Agreement

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board of Supervisors approved the Sunrise Landscape Agreement subject to the exclusion of the cost of annuals; and approved the cost split ratio of 58% for CDD II and 42% for CDD I for Fishhawk Community Development District.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board of Supervisors approved the Sunrise Landscape proposal in the amount of \$15,000 to replace the annuals; and approved the cost split ratio of 58% for CDD II and 42% for CDD I for Fishhawk Community Development District.

EIGHTH ORDER OF BUSINESS

Consideration of Revised Amenity Policies

The Board of Supervisors requested that a combined special meeting be held in March for both Districts to allow discussion on the amenity policies.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board of Supervisors approved changing the Fitness Center Policy to allow one guest per resident and authorized closing the facility at 10:00 p.m. for Fishhawk Community Development District.

On a Motion by Mr. Roberts, seconded by Ms. Roberts, with all in favor, the Board of Supervisors approved Resolution 2009-03, Setting a Public Hearing on Adopting User Rules and Rates for Amenities on March 16, 2009 at 4:00 p.m. at the Palmetto Club located at 17004 Dorman Road, Lithia, FL 33547 for Fishhawk Community Development District.

NINTH ORDER OF BUSINESS

Consideration of Operation and Maintenance Agreements

On a Motion by Mr. McKeith, seconded by Mr. Roberts, with all in favor, the Board of Supervisors approved the Aquatic Systems Agreement in substantial form for pond maintenance for one year beginning January 1, 2009 in the amount of \$3,900 per month subject to District Counsel's final approval for Fishhawk Community Development District.

On a Motion by Mr. Roberts, seconded by Mr. McKeith, with all in favor, the Board of Supervisors approved the Ballenger & Company, Inc. Agreement for irrigation maintenance in substantial form for one year beginning January 1, 2009 in the amount of \$2,680 per month subject to District Counsel's final approval for Fishhawk Community Development District.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board of Supervisors approved the Terminix Proposals for pest control at the Osprey Clubhouse and Hawk Park in substantial form for one year beginning January 1, 2009 subject to District Counsel's final approval for Fishhawk Community Development District.

On a Motion by Mr. McKeith, seconded by Mr. Roberts, with all in favor, the Board of Supervisors approved the Waste Management proposals in substantial form for the Osprey Clubhouse and Hawk Park for one year beginning January 1, 2009 subject to District Counsel's final approval for Fishhawk Community Development District.

TENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
A discussion ensued regarding the creation of the Fishhawk CDD III and the expansion of Fishhawk CDD II.
- B. District Engineer
Not present.
- C. District Manager
Ms. Bayne stated that a letter of default was sent to Finest Foods/Café on the Green on behalf of CDD II and CDD I as it has not opened yet. She stated that to date she has not received the deposits from Finest Foods as promised at the last meeting.

On a Motion by Mr. McKeith, seconded by Ms. McDougald, with all in favor, the Board of Supervisors authorized District Staff to change the locks on the building; and authorized District Staff to send a letter of cancellation of the agreement with Finest Foods due to non-performance for Fishhawk Community Development District.

The Board authorized Ms. Quigley to do a walk through with the representative from Finest Foods to allow him to obtain his belongings from the facility.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board of Supervisors approved the Sunrise Landscape proposal in the amount of \$1,686 for the installation of plants and pine bark mulch on the island within the Shear Water community for Fishhawk Community Development District.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board of Supervisors approved the proposal from Sunrise Landscape in the amount of \$860 for the removal of the current trees and the installation of two Sago trees at the entrance of the Osprey Club for Fishhawk Community Development District.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board of Supervisors approved the proposal from Apollo Pool for resurfacing the Hawk Park pool in the amount of \$13,750 in substantial form; subject to a reference check and subject to District Counsel's approval for Fishhawk Community Development District.

ELEVENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

A discussion ensued regarding fishing policies.

Ms. Morrison requested a copy of the TECO Trail plan of completion from the District Engineer.

On a Motion by Ms. McDougald, seconded by Ms. Roberts, with all in favor, the Board of Supervisors authorized the Lacrosse League to use the field during the week of January 19-29, 2009, if necessary, for Fishhawk Community Development District.

TWELFTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. McKeith, seconded by Ms. McDougald, with all in favor, the Board of Supervisors adjourned the meeting at 6:10 p.m. for Fishhawk Community Development District.

Secretary/Assistant Secretary

Chairman/Vice Chairman