
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, October 18, 2010 at 4:30 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
Terrie Morrison	Board Supervisor, Assistant Secretary
Cliff Roberts	Board Supervisor, Assistant Secretary
Patricia Roberts	Board Supervisor, Assistant Secretary

Also present were:

Jonathan Miller	District Manager, Rizzetta & Company, Inc.
Keith Bricklemyer	District Counsel, Bricklemyer, Smolker & Bolves, P.A.
Biff Craine	District Counsel, Pettitt Wolfe Craine Worrell Porter, P.A.
Holly Quigley	Community Director
Erin Olson	Aquatic/Program Coordinator
Audience Members	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Miller called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

Audience Comments

General audience members were present; however no comments were made at this time.

THIRD ORDER OF BUSINESS

District Engineer Staff Report

Mr. Miller noted that the District Engineer, Tim Plate, was not present at the meeting; however, he provided an update for the Board on the District Engineer's behalf relating to the Merlingen sidewalk and the trail markers. General discussion ensued. No formal Board action was taken.

FOURTH ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors Meeting held on
September 20, 2010**

On a Motion by Ms. McDougald, seconded by Mr. Roberts, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on September 20, 2010 for Fishhawk Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for
October 2010**

Mr. Miller briefly reviewed the Operation and Maintenance Expenditures for the Board. General discussion ensued. Mr. Miller stated that he had made changes to both the Verizon & Brighthouse utility accounts. Mr. Miller removed the long distance package on the Hawk Park Clubhouse alarm/fax line. This change would reduce the cost approximately \$30 a month (\$83.66 to \$53.66). Mr. Miller also removed the Osprey Club music channels from the cable television account. This change would realize another \$30 savings per month.

At this time, Terrie Morrison handed out to the Board information she had prepared regarding the District's cable and telecommunications accounts. She reviewed this information in-depth with the Board and concluded that her findings indicated that the District was receiving appropriate rates for such services.

Willard McKeith raised a concern regarding an August 27, 2010 debit card expenditure totaling \$453.29 for a repair on the GEM car. Mr. Miller confirmed Mr. McKeith's inquiry regarding this expenditure and said that this cost needed to be shared between both CDDI & CDDII. Mr. Miller stated he would notify accounting of the change and bill CDDII for their portion of the expenditure.

It was also noted by the Board that the O&M expenditure pages did not have page numbers in the lower right hand corner. Mr. Miller said he would make sure to include them on next month's agenda.

On a Motion by Mr. Roberts, seconded by Ms. McDougald, with all in favor, the Board approved the Operation and Maintenance Expenditures for September 2010 (\$134,551.49) as amended for Fishhawk Community Development District.

SIXTH ORDER OF BUSINESS

**Presentation of Operation and
Maintenance Expenditures for October
2010 – Palmetto Club**

Mr. Miller briefly reviewed the Operation and Maintenance Expenditures for Palmetto Club, which was presented for informational purposes only. General discussion ensued. No formal Board action was taken.

SEVENTH ORDER OF BUSINESS

**Presentation of Shared Costs and
Reimbursements Spreadsheet**

Mr. Miller briefly reviewed the Shared Costs and Reimbursements Spreadsheet for the Board. General discussion ensued. No formal Board action was taken.

EIGHTH ORDER OF BUSINESS

**Presentation of Series 2004 Construction
Requisitions #57, #59 and #61 - #64
(see recap)**

Mr. Miller briefly reviewed Series 2004 Construction Requisitions #57, #59, and #61 through #64 for the Board. General discussion ensued.

On a Motion by Ms. McDougald, seconded by Mr. Roberts, with all in favor, the Board ratified Series 2004 Construction Requisitions #57, #59 and #61 through #64 for Fishhawk Community Development District.

NINTH ORDER OF BUSINESS

**Discussion regarding Proposals for Legal
Services**

Mr. Miller stated that in between the time of the September 2010 meeting and this meeting, the District's usual attending general counsel, Biff Craine, had left Bricklemyer, Smolker & Bolves to start his own law firm. As a result of this news, Mr. Miller said he tried to anticipate what the Board would ask him to do, which would be to solicit proposals from other qualified law firms that perform this kind of service. Mr. Miller solicited proposals from the following firms:

Bricklemyer, Smolker & Bolves
Fowler White & Boggs
Hopping Green & Sams
Petit, Wolfe, Craine, Worrell, Porter
Straley & Robin

Mr. Miller advised the Board that the District's legal representation agreement is with the firm and not with a specific attorney. With that said, Mr. Miller stated the District currently has legal counsel and representation with the firm, Bricklemyer, Smolker & Bolves. As a result, the Board was advised they did not need to make a decision on this matter unless they elected to do so.

Mr. Miller also informed the Board that a couple of the firms that submitted interest letters to the District had representatives that were in attendance. Mr. Miller recommended the Board allow those individuals the time to speak and introduce themselves. The Board agreed. Representatives present were Biff Craine of the law firm; Petit Wolfe Craine Worrell Porter and Jonathan Johnson of the law firm Hopping Green & Sams. Both individuals addressed the Board and offered to answer any questions they might have.

Board discussion ensued. Some of the Board Members indicated they would like to table this business matter until the next meeting; however, the following motion was made.

On a Motion by Ms. McDougald, seconded by Ms. Roberts, with three in favor (Ms. McDougald, Mr. Roberts and Ms. Roberts) and two against (Ms. Morrison and Mr. McKeith), the Board approved the engagement of Petitt Wolfe Craine Worrell Porter, LLC as District Counsel for Fishhawk Community Development District.

Upon the Board's decision to engage Petit Wolfe Craine Worrell Porter, LLC. Mr. Bricklemyer asked if they would like for that decision to be effective immediately.

On a Motion by Ms. Roberts, seconded by Ms. McDougald, with all in favor, the Board approved the change in District Counsel to be effective immediately for Fishhawk Community Development District.

Mr. Bricklemyer said farewell to the Board and left the meeting in progress.

Upon being seated, Mr. Craine circulated a copy of his firm's contractual engagement letter for Board review. Mr. Craine stated that this agreement could be cancelled at any time. Board discussion ensued.

On a Motion by Ms. Roberts, seconded by Ms. McDougald, with all in favor, the Board approved the contract engagement letter with Petitt Wolfe Craine Worrell Porter, LLC for Fishhawk Community Development District.

TENTH ORDER OF BUSINESS

**Review of District Financials,
August 2010**

Mr. Miller stated that due to the timing of this month's District meeting and the fiscal year end close, the September 2010 Financials had not been completed. Mr. Miller asked the Board if they would like for him to review the August 2010 unaudited financial statements again. The Board indicated that it would not be necessary.

ELEVENTH ORDER OF BUSINESS

**Presentation of Pond Maintenance
Inspection Report**

Mr. Miller briefly reviewed the Monthly Pond Maintenance Inspection Report for the Board. A brief discussion ensued. The Board requested that in the future all reports contain the listing of all of the ponds and the status of their condition. No formal Board action was taken.

TWELFTH ORDER OF BUSINESS

**Presentation of Monthly Landscape
Status Report**

Mr. Miller reviewed the Monthly Landscape Status Report for the Board. A brief discussion ensued. No formal Board action was taken.

THIRTEENTH ORDER OF BUSINESS

**Discussion regarding HOA Amenity
Management Services Agreement**

1. Cost Reconciliation

Mr. Miller informed the Board that the Cost Reconciliation would be presented at the next meeting at which time representatives from the HOA and senior management from Rizzetta would be present. General discussion ensued.

**2. First Addendum to the HOA Amenity
Management Services Agreement**

Mr. Miller reviewed the First Addendum to the Amenity Management Services Agreement. Mr. Miller stated this addendum merely extended the term of the original agreement until such time a new agreement could be drafted, presented and approved or until the end of November 2010, whichever came sooner. General discussion ensued.

Ms. Morrison publicly declared a conflict of interest on this business matter as she is employed as HOA Staff Member. Ms. Morrison filled out the appropriate conflict of interest forms (**Exhibit A**) and presented them to District Staff.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with four in favor (Ms. McDougald, Mr. McKeith, Ms. Roberts and Mr. Roberts) and one abstaining (Ms. Morrison), the Board approved the First Addendum to the Amenity Management Services Agreement subject to the following changes: 1) the November 2010 funding payment would be held until final reconciliation could be determined and 2) District Counsel confirms that the HOA meetings are being held in accordance with Chapter 720 of the Florida Statutes for Fishhawk Community Development District.

3. Amenity Management Services Agreement

Mr. Miller stated the copy of the Amenity Management Services Agreement contained within the agenda was for informational and reference purposes only.

FOURTEENTH ORDER OF BUSINESS

Discussion regarding District Cable and Phone Services

This agenda item was previously discussed under the Fifth Order of Business.

FIFTEENTH ORDER OF BUSINESS

Consideration of Pool Pump Fencing Enclosure Proposals

Mr. Miller and Ms. Quigley presented two fencing proposals for pool pump enclosures at Osprey Ridge and Hawk Park for the Board's consideration. Ms Quigley stated that fencing of the pool pump enclosures was a new safety requirement of Florida Administrative Code. The primary difference between both proposals was the gauge of fencing specified. Mr. Miller said that a lower gauge fence would be fine for this application as this fencing was not going to be subject to the heavy access and usage loads. General discussion ensued.

On a Motion by Ms. McDougald, seconded by Ms. Roberts, with all in favor, the Board approved the proposals from Arrow Fencing for Pool Pump Fencing Enclosures at a cost not-to-exceed \$1,500.00 for Hawk Park Clubhouse and \$3,000.00 for the Osprey Ridge Clubhouse for Fishhawk Community Development District.

SIXTEENTH ORDER OF BUSINESS

**Update on Osprey Club
Renovation/Remodel**

Ms. Morrison provided the Board with an update with regard to the Osprey Club renovation project. At the request of the Board from the last meeting, she stated that she and Holly Quigley had met with an interior designer to obtain professional recommendations for the renovation/remodel. Ms. Morrison discussed and explained the various options and recommendations of the interior designer. Ms. Morrison also reviewed each of the renovation proposals and recommended Suncoast General Contracting and Renovation, Inc. be chosen as the contractor for project. General discussion ensued.

On a Motion by Mr. Roberts, seconded by Mr. McKeith, with all in favor, the Board approved engaging Suncoast General Contracting and Renovation, Inc. for the Osprey Club renovation in an amount not-to-exceed \$43,500.00, with funds to come out of the District's reserve account for Fishhawk Community Development District.

SEVENTEENTH ORDER OF BUSINESS

**Discussion regarding Series 2001A Bond
Refinancing Capital Project Costs**

Mr. Miller briefly reviewed the Engineer's Report regarding the 2004 Bond Refinancing which provided a description of the proposed improvements that may be financed with the funds available from the District's refinancing of the Special Assessment Revenue Bonds, Series 1996. He noted that the improvements are generally related to parks and recreation and sidewalks/accessory amenities categories. General discussion ensued. No formal Board action was taken.

EIGHTEENTH ORDER OF BUSINESS

Staff Reports

- A. Community Director – Holly Quigley
Ms. Quigley presented a proposal from Creative Signs & Designs for \$7,082.50 for replacement street sign panels. General discussion ensued. The Board requested that Ms. Quigley obtain an additional proposal and increase the quantities to see if that might result in a discount.
- B. District Counsel – Biff Craine
No report.
- C. District Manager
Mr. Miller noted that the next regular Board of Supervisors' Meeting is scheduled to be held on November 15, 2010 at 4:30 p.m. at the Fishhawk Palmetto Club, located at 17004 Dorman Road, Lithia, Florida 33547.

NINETEENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Ms. McDougald – Ms. McDougald asked that the District Manager prepare a brief synopsis of the Fishhawk Workshop held on October 11, 2010 and send it to her.

Mr. McKeith – No Comments or Requests

Mr. Roberts – No Comments or Requests

Ms. Roberts – No Comments or Requests

Ms. Morrison – Ms Morrison asked that a representative from the Fishhawk Community Development District III be available to speak at the next District meeting regarding the new amenities that will be coming online and address how the funding and sharing of costs will work between all three of the Districts.

Ms. Morrison also asked that the District Management Office review if there is any IRS tax liability on revenues received from facility rentals.

Audience comments were entertained; however no formal Board action was taken.

TWENTIETH ORDER OF BUSINESS

Adjournment

On a Motion by Ms. McDougald, seconded by Ms. Roberts, with all in favor, the Board adjourned the meeting at 6:50 p.m. for Fishhawk Community Development District.


Secretary/Assistant Secretary


Chairman/Vice Chairman