

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, November 15, 2010 at 4:45 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
Patricia Roberts	Board Supervisor, Assistant Secretary

Also present were:

Pete Williams	District Manager, Rizzetta & Company, Inc.
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. Williams 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

**Consideration of Minutes of the
Board of Supervisors' Meeting
held on October 18, 2010**

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on October 18, 2010 for Fishhawk Community Development District.

FOURTH ORDER OF BUSINESS

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

Mr. McKeith stated that on Page 12 there was a \$75.00 travel charge fee from Atlas. He further stated that this was charged to the Board three times and all on the same day. Discussion ensued over the price and description (computer work). Mr. Williams stated that he will bring this up to Atlas and further stated that in the future, the Board can verify what they will be charged before any work is started.

Ms. McDougald stated that there were plenty of companies that would not charge trip charges. She stated that on Page 168, Verizon's bill still showed long-distance charges, which should be credited. Mr. McKeith stated that Jonathan had sent a notice that the long distance had been removed for future bills.

On a Motion by Ms. Roberts, seconded by Mr. McKeith, with all in favor, the Board approved the Operation and Maintenance Expenditures for November 2010 (\$98,297.32) for Fishhawk Community Development District.

FIFTH ORDER OF BUSINESS

**Presentation of Operation and
Maintenance Expenditures for November
2010 – Palmetto Club (*for informational
purposes only*)**

Ms. McDougald stated that she had been unable to attend the previous workshop meeting, held to discuss the Palmetto Club expenditures but wished to express her displeasure at the fact that this Board has no direct input on the expenditures, yet the District still has need to pay for them. A lengthy discussion ensued.

Mr. Williams stated that it might be possible to have an agreement whereby a Board Member from each District was assigned to a committee to hold meetings to discuss the spending. The committee would need to advertize the meetings, in accordance with the States, Sunshine Law.

Mr. Williams stated that he will bring this issue up before the CDD II Board. He further stated that that the Palmetto Club is a major facility not only from a monetary aspect, but in physical structure and capability. He felt that there should be a level of understanding between the two groups. Clearly it is owned by CDD II and they are responsible for its operation, but the source of their revenue is derived in part from CDD I per the Interlocal Agreements.

Mr. McKeith stated that in the past the Board was provide a revenue tracking chart and that he would like for that to continue for each month's meeting.

On a Motion by Ms. McDougald, seconded by Ms. Roberts, with all in favor, the Board accepted the Operation and Maintenance Expenditures for November 2010 – Palmetto Club (\$31,746.97) for Fishhawk Community Development District.

SIXTH ORDER OF BUSINESS

Presentation of Shared Costs and Reimbursements Spreadsheet

Mr. Williams provided a general over-view of the Shared Costs and Reimbursements Spreadsheet, which will be finalized by the auditors; the invoicing and billing has been reviewed.

SEVENTH ORDER OF BUSINESS

Consideration of Series 2004 Construction Requisitions #65-#68

Mr. Williams reviewed the requisitions and stated that they have been certified by the engineer. A Board Member pointed out that there was a typo on #67, which should be \$425.50, not \$435.50.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board ratified Series 2004 Construction Requisitions #65-#68 for Fishhawk Community Development District.

EIGHTH ORDER OF BUSINESS

Presentation of Monthly Maintenance Inspection Reports

Mr. Williams presented the various monthly maintenance inspection reports and asked for questions from the Board. It was stated that the Board would like to have a large map for the benefit of the audience to review, when the inspection reports are discussed. Mr. Williams confirmed that maps would be mounted and then kept on location for the use of the Board during meetings.

Mr. Williams pointed out that on the Horticultural Report there had been discussion with the Fishhawk CDD II Board over the issues with root rot on certain palm trees. Additionally, the CDD II Board would be looking into not only replacement of these trees, but the possibility of replacing them with other plants in order to avoid future issues.

NINTH ORDER OF BUSINESS

**Consideration of Renewal of Sunrise
Landscape Maintenance Agreement for
FY 2010-2011**

Mr. Williams stated that the Sunrise Landscape Maintenance Agreement was for the same price as last year's agreement. He recommended that the Board approve this Agreement.

On a Motion by Ms. McDougald, seconded by Ms. Roberts, with all in favor, the Board approved the Renewal of Sunrise Landscape Maintenance Agreement for FY 2010-2011 for Fishhawk Community Development District.

TENTH ORDER OF BUSINESS

**Consideration of Sunrise Proposal for
Flowering Annuals**

Mr. Williams stated that the Sunrise Proposal for Flowering Annuals was a separate bid, which would need to be added on to the contract.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board approved the Sunrise Proposal for Flowering Annuals (\$1,500.00) for Fishhawk Community Development District.

ELEVENTH ORDER OF BUSINESS

**Consideration of Proposals for Pool
Maintenance Services**

Mr. Williams stated that Holly Quigley had been instrumental in reviewing this information for the CDD II Board.

Ms. Quigley stated that Commercial Pool's performance had decreased over the year; when contacted they would provide the service, but then let it slide. She stated that she recommended Hawkins, as they had the electricians, and the pool repairmen; currently, the CDD had to contract with outside vendors to have separate items provided. Ms. Quigley stated that there was a 20% discount on parts. She also stated that CDD II had decided to go with Hawkins.

On a Motion by Mr. McKeith, seconded by Ms. McDougald, with all in favor, the Board approved the engagement of Hawkins Service Company for the Pool Maintenance Services for Fishhawk Community Development District.

TWELFTH ORDER OF BUSINESS

**Consideration of Ballenger Irrigation
Maintenance Agreement for FY 2010-
2011**

Mr. Williams stated that the Ballenger proposal was for \$2,700.00 per month and did not include return labor, etc. Mr. McKeith asked if they could ask Ballenger if he would stay with last year's price. Mr. Williams stated that they could ask Ballenger if he would remain at last year's price or they could see about hiring him on a month-by-month basis and have a bid process.

On a Motion by Ms. McDougald, seconded by Ms. Roberts, with all in favor, the Board authorized District Staff to request Ballenger to remain at last year's price, and if not, to solicit bids for irrigation maintenance services for Fishhawk Community Development District.

THIRTEENTH ORDER OF BUSINESS

**Consideration of Proposals for
SWFWMD Inspection Report Repairs**

Mr. Williams stated that there had been inspection notes from SWFWMD that repairs under Phase 2 in Parcels D-H were required. He presented the various bids that had been received to provide the repairs in order for the work to be certified. General discussion ensued.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board approved the Central Concrete Proposal for SWFWMD repairs (\$3,375.00) for Fishhawk Community Development District.

FOURTEENTH ORDER OF BUSINESS

**Consideration of Proposals to Repair &
Replace GEM Car**

Ms. Quigley stated that the two GEM cars in the shop would basically need to be rebuilt and would only be covered at a 90-day warranty for parts. Ms. Quigley also explained the cost of a new car. Discussion ensued concerning the age and maintenance of the current cars versus the purchase of a new car.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board approved the purchase of a new GEM car for Fishhawk Community Development District.

FIFTEENTH ORDER OF BUSINESS

**Presentation and Discussion Regarding
HOA Amenity Management Services
Agreement**

Mr. Williams passed out copies of the HOA Amenity Management Services Agreement for the Board to review. Ms. Morrison stated that before they start she wanted to let everyone know that she is a part-time HOA person and would have a conflict on this issue. Mr. Williams stated that Ms. Morrison would be given the appropriate Form 8B to declare her conflict. Mr. Williams stated that there were issues relating to the Amenity Services Agreement between the CDD I, II and the HOA, to which the HOA provided the man-power to operate the district facilities for both districts. Concerns included the reduction of staffing levels, reduction of the contract, etc. generally dealing with levels of service. Mr. Williams explained that the District needed to review the contract and clarify the duties and service, with add-ons and subtractions of employees and costs addressed. Questions and discussion ensued concerning excess money, cost and the possibility of extending the current contract until the end of the year.

Ms. McDougald stated that in her opinion the payroll was excessive, especially since the contract placed the liability and insurance on the CDD. She had concerns over the hiring and firing of employees. Ms. Turner, present in the audience, being a Board Member of CDD II and the HOA, stated that since 2007 the payroll had decreased, from over 600,000 while the community has grown with residents and the amenities have increased.

Mr. Williams reviewed information on the current payroll expenses of the HOA and made to suggestion to continue through December 31, 2010 but not pay anything until a final payroll is established. Then he stated that CDD II had already voted to extend the contract until December 31, 2010.

Further discussion ensued relating to the blurring of job duties between the CDD and HOA functions. Mr. Williams stated the CDD II had appointed Ms. Ruth Brown to review changes in the contract language for a new contract to be considered beginning January 1, 2011 and asked the Board if there was a member they wished to appoint to be involved in the contract language review. Ms. McDougald volunteered.

Mr. Craine stated that he had had several discussions with the HOA Board attorney, about the applicability of Florida Statute 720, which provides for meeting notices of the HOA Board and he had received assurances that they would comply with that. The FS 720 provides for the notice requirement and provides the necessary steps needed, such as posting the meeting dates, but the requirements are different from the CDD requirements. The HOA meetings are open to the members, not the general public. It was stated that the HOA had been holding phone meetings. Mr. Williams stated that the HOA should hold regular meetings that are posted so any resident may attend.

General discussion ensued, with several residents expressing their displeasure with the HOA, lack of meetings and responsiveness, etc.

Mr. Williams stated that the new HOA contract, will better define what will be managed by the HOA and/or the CDD. General discussion ensued, with discussion revolving around Ms. Quigley's resignation from the HOA's Architectural Review Committee.

Ms. McDougald mentioned that much of these issues would be resolved if the Districts were merged. Mr. Williams noted that there were changes in the law recently that made it easier for the merger of districts. Originally it was required for the districts to be dissolved and then a new entity be created. Unfortunately, that would mean that they would go completely back to the landowner phase for the first six years. The law changed in July 2009, so it now allows for two entities to merge into one. It is expensive to get legal descriptions redone, because it is required to that an all new legal boundary survey describing the boundaries of the merged Districts be done. In addition the two merged Districts would be over 1,000 acres, which would mean the merger needs to go through state rule-making and not county ordinance. This is time consuming due to the extra hearings, governor and cabinet approval, etc. Now that several districts have been merged, it should be easier and more cost-effective; however, it still would take 12 to 15 months to accomplish the objective.

Ms McDougald stated that it would probably be more cost-effective to wait until Fishhawk III, to do this once and not twice.

SIXTEENTH ORDER OF BUSINESS

Update Regarding Entrix Pond Planting

Mr. Williams stated that the work on the pond planting had previously been approved a year ago, but Entrix had put the work on hold. Mr. Williams stated that Entrix had not performed the planting in the past year due to water issues and that Entrix was now willing to perform the work. It was stated that the Board has been getting the pond reports and that the ponds were looking better, even without the planting being done. Ms. McDougald stated that they should save the money and cancel the agreement due to the work not being performed in a timely manner.

<p>On a Motion by Ms. Roberts, seconded by Ms. McDougald, with all in favor, the Board approved the cancellation of the Entrix Pond Planting Agreement due to the work not being performed in a timely manner for Fishhawk Community Development District.</p>
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SEVENTEENTH ORDER OF BUSINESS

Consideration of Suncoast Proposal for Hawk Park Clubhouse Renovations

Mr. Williams requested that Holly Quigley explain this proposal. Ms. Quigley passed out handouts and explained that at this point the carpets had been installed, the walls had been painted and the lobby area was complete, with the exception of the location of an additional bookcase. She also stated that if the Board approved then they would reupholster the eight chairs that were currently in the lobby. Additional input on this was supplied by Ms. Morrison as it

related to some of the decorative interior issues. Holly reported that the demolition in the bathrooms had begun and should be finished by Thanksgiving.

Ms. Quigley stated that the Osprey renovations were within the budget, and it had been decided to wait until next month after the Osprey renovations were complete and acceptable prior to presenting the proposal for approval for the Hawk Park renovations. The Hawk Park party room would consist of minor changes, but the bathrooms needed to be completely redone and may get costly.

On a Motion by Mr. McKeith, seconded by Ms. McDougald, with all in favor, the Board approved the reupholstering of the eight chairs for Hawk Park Clubhouse for Fishhawk Community Development District.
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EIGHTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Engineer – Tim Plate
Mr. Plate stated that two meetings ago, he was requested to get samples of material for approval for trails. He presented the contracts to Mr. Williams to have them executed. Mr. Plate stated that it would take approximately two weeks to obtain the material and then approximately one week to install it.

He stated that the design of the missing sidewalk piece has been completed and he will be summarizing the permit requirements for the Board. He suggested that the Board obtain a few competitive bids to complete the project.
- B. Community Director – Holly Quigley
No further report.
- C. District Counsel – Biff Craine
No further report.
- D. District Manager
Mr. Williams noted that the next regular Board of Supervisors' Meeting is scheduled to be held on December 20, 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**

Supervisor Requests:

Ms. Morrison stated that at the last meeting, she had asked for two things. She wanted to know if the Board should be collecting sales tax on party room rentals. Mr. Williams stated that sales tax is included in the price and for clarification we should probably state something to that effect in our price listing.

Ms. McDougal, stated that there should be some understanding of the CDD III time frame, how many residents, etc. She stated that she liked to look ahead and felt that they should know how many residents will be using the fitness center or the pool or if they will have their own fitness center or pool.

Audience Comments:

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 6:35 p.m. for Fishhawk Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman