

**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 20, 2010 at 4:35 p.m.** at the Fishhawk Palmetto Club, located at 17004 Dorman Road, Lithia, Florida 33547.

Present and constituting a quorum:

Kerri McDougald	<b>Board Supervisor, Chairman</b>
Willard McKeith	<b>Board Supervisor, Vice Chairman</b>
Terrie Morrison	<b>Board Supervisor, Assistant Secretary</b>
Cliff Roberts	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Pete Williams	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Pettitt Wolfe Craine Worrell Porter, P.A.</b>
Tim Plate	<b>District Engineer, Heidt Design, LLC</b>
Holly Quigley	<b>Community Director</b>
Erin Olson	<b>Aquatic/Program Coordinator</b>

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**

**Staff Reports**

- A. District Engineer – Tim Plate  
Mr. Plate briefly reviewed a preliminary community map that will be mounted for use at future meetings. He stated that the designated pond numbers will be added to the map. Mr. Plate stated that he would also email a pdf version of the map to the Board and Staff.

Mr. Plate stated that the construction plans for the Merlin Glen sidewalk have been completed and will be submitted to the County next week. He noted that there is a small fee for County Staff to review the plans and issue the approval and permits. Mr. Plate stated that this project should be under the threshold that would require a public bid and he recommended that the Board authorize Staff to solicit three competitive bids for this project. A brief discussion ensued.

On a Motion by Ms. McDougald, seconded by Mr. Roberts, with all in favor, the Board authorized District Staff to solicit three competitive bids for the Merlin Glen sidewalk construction to be reviewed at the next Board Meeting for Fishhawk Community Development District.

Mr. Plate stated that he had received the samples of the trail markers and he would be meeting with Ms. Morrison and a representative from the CDD II Board to make sure that they are acceptable to both Boards.

*(Mr. Plate left the meeting.)*

**FOURTH ORDER OF BUSINESS**

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

Mr. Williams reminded the newly elected Board Supervisors of the requirement to file their formal Oath affidavit with the Secretary of State. He stated that a Notary Public has previously administered the Oath of Office to Board Supervisor Amanda King, who was not present at the meeting.

Mr. Williams administered the Oath of Office to Mr. McKeith, who swore to and affirmed to the oath and executed it.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2011-01, Designating Officers**

Mr. Williams asked for nominations for the position of Chairman. Ms. Morrison nominated Cliff Roberts to serve as Chairman; Mr. Roberts seconded the motion. Ms. McDougald nominated Willard McKeith to serve as Chairman; Mr. McKeith declined the nomination. Mr. McKeith nominated Kerri McDougald to serve as Chairman; Ms. McDougald seconded the motion. Mr. Williams asked for a vote on the motion to designate Cliff Roberts as Chairman.

On a Motion by Ms. Morrison to nominate Cliff Roberts to serve as Chairman, seconded by Mr. Roberts, with Ms. Morrison and Mr. Roberts in favor and Ms. McDougald and Mr. McKeith against, the vote ended in a tie for Fishhawk Community Development District.

On a Motion by Mr. McKeith to nominate Kerri McDougald to serve as Chairman, seconded by Ms. McDougald, with Mr. McKeith and Ms. McDougald in favor and Ms. Morrison and Mr. Roberts against, the vote ended in a tie for Fishhawk Community Development District.

Mr. Williams recommended that the designation of officers be tabled until the January meeting for review by the full Board.

**SIXTH ORDER OF BUSINESS**

**Consideration of Minutes of the  
Board of Supervisors' Meeting  
held on November 15, 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 November 15, 2010 for Fishhawk Community Development District.

**SEVENTH ORDER OF BUSINESS**

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

Mr. Williams stated that the Board had previously approved proposals to replace the GEM car. He stated that subsequently Ms. Quigley had discussions with the repair shop and the Maintenance Staff and it was determined that making repairs would increase the longevity of the GEM car from three to five years, which is in keeping with the warranty on a new GEM car. Mr. Williams stated that the feeling was that rather than expending the funds on a brand new GEM car it would be more cost effective to repair the old GEM car. He expressed appreciation to Ms. Quigley and the Maintenance Staff for doing that research. Mr. Williams stated that a bill will be forthcoming for the District's percentage of that repair.

Mr. Williams requested that as part of approving the expenditures the Board also ratify the actions of District Staff in repairing rather than replacing the GEM car. He asked if there were any comments or questions regarding the expenditures. General discussion ensued.

Mr. Williams stated that he has already supplied cut-out requests to the County to try to eliminate some of the District's real estate taxes on several of its pieces of property such as the Palmetto Club. He noted that there has been a recent ruling in Manatee County that found that governmental entities do not have to pay real estate taxes on facilities even if they are rented out and providing revenue. Mr. Williams stated that Hillsborough County may not agree with that finding.

General discussion ensued.

On a Motion by Mr. Roberts, seconded by Mr. McKeith, with all in favor, the Board approved the Operation and Maintenance Expenditures for December 2010 (\$54,976.64) and ratified the actions of District Staff in repairing rather than replacing the GEM car for Fishhawk Community Development District.

**EIGHTH ORDER OF BUSINESS**

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

Mr. Williams stated that in the future a rolling thirteen-month scenario will be presented.

Ms. McDougald expressed an ongoing concern that this Board has no oversight as to Palmetto Club expenses.

Mr. Williams stated that there had previously been some discussion about the possibility of establishing a Palmetto Club review panel. He stated that the CDD II Board suggested that they would prefer to have workshops combining both Boards to help establish the level of expectation, expenditures and the budget for the next fiscal year. Mr. Williams stated that in addition they would like to schedule another workshop in the near future for a combination of whichever Board Members would like to attend to review the current budget and level of expenditures for the Palmetto Club. He stated that District Staff would coordinate with both Boards to select convenient dates. General discussion ensued.

**NINTH ORDER OF BUSINESS**

**Presentation of Shared Costs and Reimbursements Spreadsheet**

Mr. Williams presented the Shared Costs and Reimbursements Spreadsheet for the Board's review. No formal Board action was taken.

**TENTH ORDER OF BUSINESS**

**Consideration of Series 2004 Construction Requisitions #69-#71**

On a Motion by Ms. McDougald, seconded by Mr. Roberts, with all in favor, the Board ratified Series 2004 Construction Requisitions #69-#71 for Fishhawk Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Presentation of Monthly Maintenance Inspection Reports**

Mr. Williams presented the various monthly maintenance inspection reports for the Board's review. A brief discussion ensued. No formal Board action was taken.

---

---

**TWELFTH ORDER OF BUSINESS**

**Consideration of HOA Amenity Services Agreement**

Mr. Williams stated that he had distributed an updated agreement which includes some changes to the Scope of Services. He stated that several items in the Scope were revised to clarify and confirm that the Palmetto Club Coordinator is a salaried position, not an hourly position. Mr. Williams stated that there was also an addition, on page 11 of the Scope of Services, which deals with possible future modifications to the Scope of Services. Resident Steve Riser asked a question as to whether there was enough revenue to justify the salary of a full time coordinator. Mr. Williams stated there is a tremendous amount of work involved.

Mr. Williams stated that the terms of the agreement were reviewed at a meeting which was attended by Terrie Morrison, Ruth Brown, Biff Craine, Holly Quigley and himself. He stated that the major changes compared to the previous contract relate to setting a base amount for compensation and evaluating the actual costs and adjusting the contractor price thereafter at the end of each calendar quarter. General discussion ensued.

Mr. Williams stated that the Personnel Roster now assigns an employee number to a specific position rather than referring to a specific individual and deals with a minimum number of employees as well as a maximum number. He stated that a determination was made that the best figure with which to start the contract was the amount that will be paid this calendar year, \$498,564.00, which will hold for the first quarter and then be revised based on the quarterly evaluation.

Mr. Williams noted that because of the efforts of Holly Quigley, Lucille Hanson and other staff members that salary expenses have been reduced from previous years. He stated that in the future no employee that is assigned to perform District duties on a particular day would also perform tasks that would be beneficial to the HOA or some other outside vendor. Mr. Williams stated that the fee allocation indicates based on current estimates that this District's monthly contribution to the agreement during the first quarter will be \$10,600.00, which will be adjusted in the second quarter.

Mr. Williams briefly reviewed the fourth "whereas" clause, which was added to this agreement but was not in the current year's agreement. He stated that this clause was added at the request of the HOA attorney because it denotes in his legal opinion that the HOA does have the ability to not only enter into the contract but to provide that service because it is in keeping with the general overall welfare of the community.

Ms. Morrison noted that at the Palmetto Club workshop it was identified that the average gap between revenue and expense for the past twelve months was approximately \$12,000.00 per month. She stated that it was concluded at the workshop that if that gap could be narrowed by 10% to 20% during the next year that we would feel that we were moving in the right direction. Ms. Morrison noted that the Palmetto Club's expected monthly payment for the first quarter is approximately \$6,000.00 less than last year, which is a significant reduction. General discussion ensued.

Mr. Williams stated that as of January 1, 2011, the Districts will owe the HOA approximately \$56,960.00. He stated that the Board's direction had been to hold the November and December payments pending resolution of various issues including the credit from the previous year, the cell phone issue and remaining payroll.

Mr. Williams reviewed the original contract amount and noted that because of various reductions and reconfigurations the total paid will be approximately \$28,000.00 less than the original lump sum contract amount. He requested that the Board approve the agreement and authorize the Chairman to execute the agreement effective January 1, 2011.

Ms. Morrison noted that she has a conflict of interest since she also serves on the HOA Board. Mr. Williams stated that he would provide Form 8B for Ms. Morrison to fill out which would be attached to these minutes as **Exhibit A**.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with three in favor and Ms. Morrison abstaining (**Exhibit A**), the Board approved the HOA Amenity Services Agreement and authorized execution by the Chairman for Fishhawk Community Development District.

Mr. Craine asked whether Ms. McDougald would execute the contract as the current Chairman or whether the contract would be executed after the Board designates a Chairman at the next meeting. Mr. Williams recommended that since the Board has approved the contract it could be held for execution by the Chairman after the next meeting.

#### **THIRTEENTH ORDER OF BUSINESS**

#### **Consideration of Sunrise Landscape Proposal for Kestrel Ridge Sod Work**

Ms. Quigley noted that this proposal relates to the Kestrel Ridge entrance. A brief discussion ensued.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board approved the Sunrise Landscape Proposal for Kestrel Ridge Sod Work (\$3,588.00) for Fishhawk Community Development District.

#### **FOURTEENTH ORDER OF BUSINESS**

#### **Consideration of Proposals for Aquatic Maintenance Services**

Mr. Williams stated that Ms. Quigley has provided a recap of the three proposals that were submitted by Lakemasters, Inc., Aquatic Systems, Inc. and Aquagenix. He noted that the CDD II Board determined to table the appointment of a pond contractor to allow further time to check references; he stated that Aquatic Systems agreed to provide a one-month extension of their service.

Ms. Quigley briefly reviewed the proposals for the Board. The proposers each made brief presentations to the Board and answered questions.

General discussion ensued.

On a Motion by Mr. McKeith, seconded by Mr. Roberts, with all in favor, the Board approved a one-month extension of the Aquatic Systems, Inc. contract through January 2011 for Fishhawk Community Development District.

Mr. Williams noted that the proposals will be brought back before the Board at the January meeting along with the reference checks for a final decision.

**FIFTEENTH ORDER OF BUSINESS**

**Consideration of Sign Proposals**

Ms. Quigley briefly reviewed proposals from Signature Signs for \$8,606.00 and Creative Sign Designs for \$13,999.40 for replacement of street name signs. A brief discussion ensued.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board approved the Signature Signs proposal for replacement of street name signs (\$8,606.00) for Fishhawk Community Development District.

**SIXTEENTH ORDER OF BUSINESS**

**Consideration of Suncoast General Contracting and Remediation Quote for Hawk Park Remodeling**

Ms. Morrison gave a brief update regarding the Osprey Club renovation. She reviewed the Hawk Park renovation proposals. Ms. Morrison noted that the Hawk Park Clubhouse does not generate much in the way of revenue. General discussion ensued. Ms. McDougald requested further information regarding the bathroom renovations. Ms. Morrison recommended that the Board approve the renovation of the lobby in the amount of \$2,000.00.

On a Motion by Mr. McKeith, seconded by Mr. Roberts, with all in favor, the Board approved the Suncoast General Contracting proposal for renovation of the Hawk Park lobby (\$2,000.00) for Fishhawk Community Development District.

**SEVENTEENTH ORDER OF BUSINESS**

**Consideration of Electric Today's Proposal for Palmetto Club**

Mr. Williams stated that Ms. Hanson had previously presented a different proposal for electrical work for the Palmetto Club which was considerably lower than Electric Today's proposal. He stated that the CDD II Board approved the lower proposal pending clarification of the difference between an "occupancy" monitoring switch and a "motion detection" switch. He stated that Ms. Hanson was going to contact the electrical contractor to clarify the difference between the two types of switches. Mr. Williams stated that the information will be sent back to the CDD II Chairman and the lower proposal will be accepted as long as the switches that he is going to provide will fit the District's needs. No formal Board action was required.

**EIGHTEENTH ORDER OF BUSINESS**

**Consideration of Renewal of Ballenger & Company, Inc. Irrigation Maintenance Contract**

Mr. Williams noted that at the Board's request District Staff contacted Ballenger to determine whether they would hold last year's price. He stated that Ballenger did agree to that condition.

On a Motion by Ms. McDougald, seconded by Mr. Roberts, with all in favor, the Board approved the Ballenger & Company, Inc. Irrigation Maintenance Contract Commencing January 1, 2011 for a twelve month period (\$2,680.00 per month) for Fishhawk Community Development District.

**NINETEENTH ORDER OF BUSINESS**

**Staff Reports**

- B. Community Director – Holly Quigley  
Ms. Quigley reviewed the need for a new computer for the DSX system at Osprey. She presented a proposal from Atlas. A brief discussion ensued.

On a Motion by Ms. McDougald, seconded by Mr. McKeith, with all in favor, the Board approved the Atlas proposal for a new computer for Osprey Club (\$877.00) for Fishhawk Community Development District.

- 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 January 17, 2010 at 4:30 p.m. at the Fishhawk Palmetto Club, located at 17004 Dorman Road, Lithia, Florida 33547.

Mr. Williams stated that he believed that most of the Board was aware of the County park proposal meeting that was held and the related issues. He stated that there was no consensus; they are going to come back in the spring with a proposal. Mr. Williams stated that the County stated that they had sent out budgetary information for maintenance; however, they had only sent a two sentence email that stated the estimated cost for County-level maintenance. He stated that Newland gave the land to the County as part of the Development Order; however, the County does not have money in the budget to maintain a park once it is constructed.

Mr. Williams stated that the feedback that he has received has been less about the District's actual maintenance cost and more about the possibility that more facilities would invite more people in and increase the potential for crime.

Mr. Williams stated that Ms. McDougald had requested information on the Fishhawk III project. He stated that their current Engineer's cost is included in Tab 17. Mr. Williams stated that Tom Panaseney from Newland would attend the January meeting to provide an update.

**TWENTIETH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

**Audience Comments:**

Audience comments were entertained regarding the Osprey Club Fitness Center; however no formal Board action was taken.

**Supervisor Requests:**

Ms. McDougald asked for clarification regarding the sign damage and entry lighting. Ms. Quigley reviewed these issues for the Board.

**TWENTY-FIRST ORDER OF BUSINESS**

**Adjournment**

On a Motion by Ms. McDougald, seconded by Mr. Roberts, with all in favor, the Board adjourned the meeting at 6:20 p.m. for Fishhawk Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman

# **Exhibit A**

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>MORRISON—TERRIE—LYNN</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>FISHHAWK CDD</b>
MAILING ADDRESS <b>6024 Sandhill Ridge Dr</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <b>LITHIA      Millsborough</b>	NAME OF POLITICAL SUBDIVISION: <b>FISHHAWK RANCH</b>
DATE ON WHICH VOTE OCCURRED <b>12/29/2010</b>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Jennie Morrison, hereby disclose that on 12/20, 20 10:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Fishhawk Ranch HOA Amenity Contract -  
I am a part-time employee  
of the Fishhawk Ranch HOA

12/20/10

Date Filed

Jennie Morrison

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.