
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 II**

The regular meeting of the Board of Supervisors' of Fishhawk Community Development District II was held on **Monday, July 20, 2009 at 2:05 p.m.** at the Fishhawk Palmetto Club, located at 17004 Dorman Road, Lithia, Florida 33547.

Present and constituting a quorum:

Tom Panaseney	Board Supervisor, Chairman
Ruth Brown	Board Supervisor, Assistant Secretary
Amanda King	Board Supervisor, Assistant Secretary
Victor Barbosa	Board Supervisor, Assistant Secretary

Also present were:

Eric Dailey	District Manager, Rizzetta & Company, Inc.
Samantha Carlson	Representative, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker & Bolves, P.A.
Holly Quigley	Community Director
Rachel Welborn	Resident Services Coordinator
Tracy Postiglione	Director of Palmetto Club
Tim Plate	District Engineer, Heidt & Associates
Audience	

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

**Consideration of Minutes of the Board of
Supervisor meeting on June 15, 2009**

An error was noted on page 5.

<p>On a Motion by Mr. Panaseney, seconded by Ms. Brown, with all in favor, the Board of Supervisors approved the Minutes of the Board of Supervisor's meeting on June 15, 2009 as amended for Fishhawk Community Development District II.</p>

THIRD ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for July 2009**

On a Motion by Mr. Barbosa, seconded by Ms. King, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for July 2009 totaling \$144,063.67 as discussed for Fishhawk Community Development District II.

FOURTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for
July 2009 – Palmetto Club**

On a Motion by Ms. King, seconded by Mr. Barbosa, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for July 2009 – Palmetto Club totaling \$18,747.50 for Fishhawk Community Development District II.

FIFTH ORDER OF BUSINESS

**Presentation of Shared Costs and
Reimbursements Spreadsheet**

Mr. Dailey presented the CDD I and CDD II shared costs and reimbursements spreadsheet for informational purposes.

SIXTH ORDER OF BUSINESS

**Consideration of Series 2004
Construction Requisitions #510**

On a Motion by Ms. King, seconded by Ms. Brown, with all in favor, the Board of Supervisors ratified the Series 2004 Construction Requisitions #510 for Fishhawk Community Development District II.

SEVENTH ORDER OF BUSINESS

**Consideration of Series 2007AB
Construction Requisitions #141, and
#144-#149**

On a Motion by Ms. King, seconded by Ms. Brown, with all in favor, the Board of Supervisors ratified the Series 2007AB Construction Requisitions #141 and #144-#149 for Fishhawk Community Development District II.

EIGHTH ORDER OF BUSINESS

**Consideration of Proposals Received for
2C Irrigation System and 2C Landscape
Installation**

Mr. Dailey presented the bid review recommendations from Mr. Griggs, with Newland Communities, and Mr. Plate for the Boards review.

A brief discussion ensued regarding the recommendation for the landscape installation.

On a Motion by Mr. Panaseny, seconded by Ms. King, with all in favor, the Board of Supervisors authorized the Chairman to enter into an agreement with Tsubaki Irrigation for the 2C Irrigation; and Sunrise Landscape for the 2C Landscape Installation for Fishhawk Community Development District II.

NINTH ORDER OF BUSINESS

**Consideration of Proposal/Work
Authorization from Heidt & Associates**

On a Motion by Ms. King, seconded by Mr. Barbosa, with all in favor, the Board of Supervisors approved the work authorization from Heidt & Associates for performing the required SWFWMD inspections for Fishhawk Community Development District II.

TENTH ORDER OF BUSINESS

District Engineer Staff Report

Mr. Plate reported on the following items:

1. A pre-construction meeting was held regarding the Boardwalk. Mr. Barbosa stated that there were a few minor changes to the products within the scope which caused an increase in the contract amount by an additional \$7,000. Mr. Plate and Mr. Barbosa both agreed that Nature Bridges was still the lowest bidder.

On a Motion by Ms. Brown, seconded by Ms. King, with all in favor, the Board of Supervisors approved changes to the products within the scope for the Boardwalk project which caused an increase in the contract amount by an additional \$7,000 for Fishhawk Community Development District II.

2. Mr. Plate explained that there is a section of the Boardwalk that requires the use of three feet of a chain link fence because of safety issues; however for a better appearance, he will be using wooden slats. He stated that an alternative bid was requested within the bid documents and was included in the price previously mentioned for the Boardwalk. Mr. Dailey stated that Mr. Panaseny signed the contract on June 23rd and was authorized to do so via a resolution previously adopted by the District.
3. A discussion was held regarding the potential of the Fishhawk Boulevard street lighting District. It was stated that the Fishhawk CDD had previously signed a contract agreeing to fund the operation and maintenance expenditures of the street lighting; however the District no longer wants to fund the expense as there are various landowners present who could now fund it. Mr. Plate stated that per the County, there was not a technical code that required that portion of Fishhawk Boulevard to be lighted. Mr. Plate discussed various options with the Board.

The Board inquired on splitting of the expense among District I and II. Mr. Plate explained that the expense actually affects District I, II and III and that he would inquire on the options of splitting the cost and follow up with the Board.

ELEVENTH ORDER OF BUSINESS

**Presentation of Pond Maintenance
Inspection Report**

Mr. Dailey presented the pond maintenance inspection report for the Board. It was stated that there was an incident with overuse of chemicals in pond #84 that resulted in a fish kill; however Aquatic Systems removed the dead fish and cleaned the pond at no charge. No further Board action was taken.

TWELFTH ORDER OF BUSINESS

**Presentation of Landscape Monthly
Status Report from Sunrise Landcare**

Mr. Dailey presented the landscape monthly status report for the Board stating that a portion of the permanent plants had already been installed. No further Board action was taken.

THIRTEENTH ORDER OF BUSINESS

**Presentation of Letter to Finest Foods,
Inc. Regarding Deposit Fulfillment**

Mr. Dailey informed the Board that the deposit required based on the lease addendum payment schedule had been fulfilled.

FOURTEENTH ORDER OF BUSINESS

**Ratification of Invoice from Green
Corner for Umbrellas**

(Mr. Plate left the meeting in progress.)

On a Motion by Ms. King, seconded by Ms. Brown, with all in favor, the Board of Supervisors ratified the invoice from Green Corner for the umbrellas in the amount of \$2,126.84 for Fishhawk Community Development District II.
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FIFTEENTH ORDER OF BUSINESS

**Ratification of Proposal from Danielle
Fence**

On a Motion by Ms. King, seconded by Ms. Brown, with all in favor, the Board of Supervisors ratified the proposal from Danielle Fence to fence the pool areas as discussed for Fishhawk Community Development District II.
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SIXTEENTH ORDER OF BUSINESS

**Consideration of Assessing Cleaning
Cost Associated with Pool Contamination**

A discussion ensued regarding assessing the cleaning costs associated with the pool contamination. The Board recommended the following:

1. Staff to enforce bathroom breaks every two hours having guests exit the pool allowing Staff to examine pools
2. Staff to pass on cleaning costs to offenders that are caught
3. Staff to enforce the use of swim diapers and rubber liners

SEVENTEENTH ORDER OF BUSINESS

**Consideration of Proposal from Admiral
for Furniture**

Mr. Dailey presented the proposal from Admiral for various furniture items. The Board approved the proposal with the funding to come out of the reserve account.

On a Motion by Ms. King, seconded by Ms. Brown, with all in favor, the Board of Supervisors approved the proposal from Admiral in the amount of \$5,838.40 for furniture for Fishhawk Community Development District II.

EIGHTEENTH ORDER OF BUSINESS

**Consideration of Proposals for Avocet
Fountain Repairs**

Mr. Dailey presented various proposals for the Avocet fountain repairs. The Board agreed to table the proposals received pending the costs associated with the replacement of the pump being included in the proposals. Upon completion of revised proposals, the Board authorized the Chairman to approve a proposal with a not-to-exceed amount of \$10,000.

On a Motion by Ms. King, seconded by Ms. Brown, with all in favor, the Board of Supervisors authorized the Chairman to approve a proposal for the Avocet fountain repairs with a not-to-exceed amount of \$10,000 pending the receipt of revised proposals for Fishhawk Community Development District II.

NINETEENTH ORDER OF BUSINESS

**Consideration of Proposal for Pond
Planting**

The following was stated:

- The proposal from Arnone Environmental was missing pond #37 and #59.
- The proposal from Aquatic Systems was a lump sum amount; the Board requested more detail in pricing.
- The Board requested that both proposals be revised to be three foot on center rather than two in order to determine if there was a significant cost savings.

- Mr. Panaseny requested that a third proposal be obtained in order to do a more accurate cost comparison.
- Mr. Dailey stated that he would work with Ms. King on obtaining the revised proposals, etc. and will bring this item back to the August meeting.

TWENTIETH ORDER OF BUSINESS

Consideration of Proposals from Sunrise

On a Motion by Ms. King, seconded by Ms. Brown, with all in favor, the Board of Supervisors approved the proposal from Sunrise Landcare for the installation of the remaining annuals in the District and for the Palmetto Club for Fishhawk Community Development District II.

TWENTY-FIRST ORDER OF BUSINESS

**Discussion Regarding Park Square
Trespassing Issue**

Mr. Craine provided the Board with all of the correspondence that he received and prepared regarding the issue. Following the Board Supervisors reading the material, Mr. Craine explained that the offender was requesting the District to reverse the trespassing charges. Mr. Craine offered suggested findings upon which the Board could act on the request. The Board studied the request and accompanying documentation regarding the incident and agreed to leave the trespass in place and adopted District Counsel's suggested findings.

On a Motion by Ms. King, seconded by Ms. Brown, with all in favor, the Board of Supervisors approved to leaving the trespass in place and adopted District Counsel's suggested findings provided during the meeting for Fishhawk Community Development District II.

TWENTY-SECOND ORDER OF BUSINESS

Staff Reports

- A. Community Director
No report.
- B. Palmetto Club Director
No report.
- C. District Counsel
No report.
- D. District Manager
 - 1. Mr. Dailey notified the Board that there have been various complaints from the residents regarding the fitness equipment and the lack of space available. A lengthy discussion ensued regarding potential possibilities to remedy the issue. Mr. Dailey stated that he would discuss the item with the Supervisors for District I and III to try and find a solution.

2. Mr. Dailey announced the upcoming Landowner election that will be held on November 16, 2009 at 1:00 p.m. He explained that seat numbers 1, 2 and 3 will be up for election and that if anyone was interested, the proxies and ballots will be posted on the District website for residents to fill out.

On a Motion by Ms. King, seconded by Mr. Barbosa, with all in favor, the Board of Supervisors authorized District Staff to run the necessary advertising to hold the Landowner election on November 16, 2009 at 1:00 p.m. as discussed for Fishhawk Community Development District II.

TWENTY-THIRD ORDER OF BUSINESS

Audience Comments and Supervisor Requests

There were no Supervisor requests.

Mr. Rich Crate, from Backyard Birds and also a resident of Fishhawk, requested the District's permission to install fishing line a recycling bin that he received from the Florida Fish and Wildlife Department. He explained the importance of it and the concern that he has been hearing from other residents the need for this service. Mr. Crate stated that he would install and maintain the recycling bin and could obtain more of them.

On a Motion by Ms. King, seconded by Mr. Panaseny, with all in favor, the Board of Supervisors authorized Ms. Quigley to work with Mr. Crate to determine a location in Fishhawk CDD for the installation of the recycling bin for Fishhawk Community Development District II.

(Ms. King left the meeting in progress.)

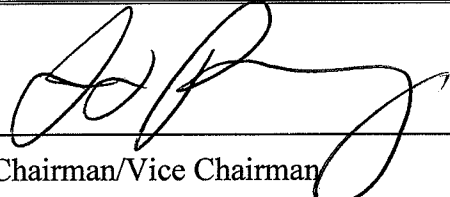
Residents from the Starling subdivision voiced their concerns with the homes currently being built in their neighborhood. Mr. Panaseny, as a representative of Newland Communities, informed the residents that he would speak with them after the meeting. The residents addressed an issue with the lack of security at the model homes. The Board authorized additional security for the Starling subdivision for thirty days with a not-to-exceed amount of \$5,000.

On a Motion by Mr. Panaseny, seconded by Ms. Brown, with all in favor, the Board of Supervisors authorized additional security for the Starling subdivision for thirty days with a not-to-exceed amount of \$5,000 for Fishhawk Community Development District II.

TWENTY-FOURTH ORDER OF BUSINESS Adjournment

On a Motion by Mr. Barbosa, seconded by Ms. Brown, with all in favor, the Board adjourned the meeting at 4:05 p.m. for Fishhawk Community Development District II.


Secretary/Assistant Secretary


Chairman/Vice Chairman