

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, August 17, 2009 at 2:10 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
Scott Shimberg	Board Supervisor, Vice 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.
Theron Miller	Community Assoc. Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker & Bolves, P.A.
Justin Rowan	Investment Banker, Prager Sealy & Co., LLC
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 July 20, 2009**

On a Motion by Ms. King, seconded by Ms. Brown, with all in favor, the Board of Supervisors approved the Minutes of the Board of Supervisor's meeting on July 20, 2009 for Fishhawk Community Development District II.
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THIRD ORDER OF BUSINESS

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

Ms. King stated that the Ballenger & Company invoices #8574 and #8576 will be reimbursed to the District as damage was caused by the vendor when doing the repairs.

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 August 2009 totaling \$86,026.46 as discussed for Fishhawk Community Development District II.

FOURTH ORDER OF BUSINESS

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

On a Motion by Mr. Shimberg, seconded by Mr. Barbosa, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for August 2009 – Palmetto Club totaling \$52,851.17 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 2007AB
Construction Requisitions #150, #152,
#154, #155 and #156**

On a Motion by Ms. King, seconded by Mr. Shimberg, with all in favor, the Board of Supervisors ratified the Series 2007AB Construction Requisitions #150, #152, #154, #155 and #156 for Fishhawk Community Development District II.

SEVENTH ORDER OF BUSINESS

**Consideration of Series 2004B Bond
Maturity Extension**

Mr. Rowan explained to the Board that he had received a request by the Developer of the District regarding the extension of the due date for the Series 2004B Bonds. He stated that there may be an opportunity to extend the maturity date that is currently November 1, 2009. Mr. Rowan explained the difference between the assessments and the bonds stating that the principal is paid down over time. He stated that the interest rates could be paid down; the principal rates would stay the same and be solely paid by the Developer. Mr. Rowan stated that the Developer would also be responsible for any fees/costs incurred by the Investment Banker as it was the Developers request to extend the maturity date.

Mr. Rowan explained that there are no disadvantages to the District by extending the date and that he would obtain the bondholders consent. It was explained that this is for the Series 2004B Bonds only which are all empty lots; and the Series 2004A Bonds are the lots owned by the residents.

On a Motion by Ms. Brown, seconded by Ms. King, with all in favor, the Board of Supervisors authorized the Investment Banker to seek permission from the Bondholders of the District to extend the maturity date of the Series 2004B Bonds; and authorized the Investment Banker to proceed with the assessment process as necessary on the outstanding property for Fishhawk Community Development District II.

EIGHTH ORDER OF BUSINESS

Consideration of TECO Street Lighting Agreement

Mr. Craine brought to the Board's attention a clause within the TECO Agreement that would require the CDD to pay for corrective action should an affected party find the amount of spill-over light from the installation objectionable. The clause contains no stands as to who may be an affected party nor how much spill-over lighting could be deemed objectionable. Ms. King requested TECO to amend the clause several times; however they would not. Further discussion ensued regarding the concerns and potential liabilities raised by this contract provision. Ms. King clarified that the agreement was for the lights that will be installed along Dorman Road and Dunlin Road to Turnwood along Fishhawk Crossing Blvd.; and to remove and replace lighting on Churchside Road following the traffic calming project. The Board discussed the option of placing shielding on the lights to be installed versus retrofitting the lights should there be complaints that the amount of spill-over lighting was objectionable. The Board determined these to be retrofitted as necessary.

On a Motion by Mr. Panaseney, seconded by Mr. Shimberg, with all in favor, the Board of Supervisors authorized the Chairman to execute the form of the agreements for TECO for Fishhawk Community Development District II.

NINTH ORDER OF BUSINESS

Presentation of Monthly Pond Maintenance Inspection Report

Mr. Dailey presented the pond maintenance inspection report to the Board. A brief discussion ensued. It was stated that the pond that had the fish kill the previous month was doing well. No Board action was taken.

TENTH ORDER OF BUSINESS

Presentation of Monthly Landscape Status Report

Mr. Dailey presented the landscape status report to the Board. No Board action was taken.

ELEVENTH ORDER OF BUSINESS

Consideration of Proposals for 'No Parking' Signs

On a Motion by Mr. Panaseny, seconded by Ms. King, with all in favor, the Board of Supervisors approved the proposal from Creative Mailbox & Sign Designs for Fishhawk Community Development District II.

TWELFTH ORDER OF BUSINESS

Consideration of Proposals from Commercial Pool Services

On a Motion by Ms. King, seconded by Mr. Shimberg, with all in favor, the Board of Supervisors approved the proposal from Commercial Pool Services of FL for the replacement of filters on the lap pool and the lagoon pool for Fishhawk Community Development District II.

On a Motion by Mr. Shimberg, seconded by Mr. Barbosa, with all in favor, the Board of Supervisors approved the proposal from Commercial Pool Services of FL for the Park Square fountain repairs for Fishhawk Community Development District II.

THIRTEENTH ORDER OF BUSINESS

Consideration of Recycling Program Proposal

On a Motion by Ms. King, seconded by Mr. Shimberg, with all in favor, the Board of Supervisors approved the proposal for the purchase of recycling receptacles for Fishhawk Community Development District II.

FOURTEENTH ORDER OF BUSINESS

Update on Fitness Equipment

Mr. Dailey explained to the Board that a discussion was held at the budget workshop in regards to converting the multipurpose room into an additional fitness room. He explained that it was a possibility for the District Engineer to change the Engineers Report in order to use bond funds for the conversion project. Mr. Dailey explained that the current events being held in the multipurpose room will be held at the Osprey Club instead. It was stated that this will be an agenda item for the September meeting.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Arbitrage Rebate Calculation Report dated April 30, 2009

Mr. Dailey presented the Arbitrage Rebate Calculation Report to the Board stating that there is no rebate liability for the District.

On a Motion by Mr. Barbosa, seconded by Ms. King, with all in favor, the Board of Supervisors accepted the Arbitrage Rebate Calculation Report dated April 30, 2009 for Fishhawk Community Development District II.

SIXTEENTH ORDER OF BUSINESS

**Public Hearing on Fiscal Year 2009/2010
Final Budget**

Mr. Dailey stated that the hearing was duly advertised in the local newspaper and that there were audience members present. Mr. Dailey explained to the audience that currently the facility staffing is covered by the HOA; however the CDD will assume the contract at the September meeting and that it was included in the budget for fiscal year 2009/2010. Mr. Dailey reviewed the additions to the budget for the audience and asked for a motion to open the public hearing.

On a Motion by Mr. Panaseny, seconded by Mr. Shimberg, with all in favor, the Board of Supervisors opened the Public Hearing on the Fiscal Year 2009/2010 Final Budget for Fishhawk Community Development District II.

Mr. Dailey asked if there were any Supervisor questions or comments. Mr. Panaseny noted that the security was increased at Park Square for Friday and Saturday nights. It was stated that 62 lots were added to the District. Mr. Dailey explained that the budget increase this year was \$50 per household or 6.6%.

Mr. Dailey asked if there were any audience comments. A resident had a question in regards to a foreclosed home and who to contact for purchasing. The resident was directed by the Board to the HOA since these was not a CDD issue.

On a Motion by Ms. King, seconded by Mr. Shimberg, with all in favor, the Board of Supervisors closed the Public Hearing on the Fiscal Year 2009/2010 Final Budget for Fishhawk Community Development District II.

SEVENTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2009-08,
Adopting Fiscal Year 2009/2010 Final
Budget**

On a Motion by Mr. Shimberg, seconded by Ms. King, with all in favor, the Board of Supervisors approved Resolution 2009-08, Adopting Fiscal Year 2009/2010 Final Budget totaling \$10,140,285 with collection costs for Fishhawk Community Development District II.

EIGHTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2009-09,
Imposing Assessments**

On a Motion by Mr. Barbosa, seconded by Ms. King, with all in favor, the Board of Supervisors approved Resolution 2009-09, Imposing Assessments as presented for Fishhawk Community Development District II.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. Community Director

A request was made from the café manager to hold a BBQ event at the Aquatic Club for Labor Day which would include food and non-alcoholic beverages.

On a Motion by Mr. Panaseny, seconded by Ms. King, with all in favor, the Board of Supervisors authorized the café to hold a BBQ event at the Aquatic Club for Labor Day for Fishhawk Community Development District II.

A request was made by the HOA to hold the Pumpkin festival at the Park Square in October.

On a Motion by Mr. Barbosa, seconded by Ms. Brown, with all in favor, the Board of Supervisors authorized the HOA to hold the Pumpkin Festival at the Park Square in October for Fishhawk Community Development District II.

B. Palmetto Club Director

A vendor requested to use Coleman grills for an upcoming event in the ballroom. The Board stated that only sternos and hot plates were allowed due to potential safety hazards.

C. District Counsel

Mr. Craine explained that at the last meeting, a discussion was held regarding the seats that will be up at the November Landowner's election. He stated that in order to properly realign the seats to coincide with the 2010 General Election, Mr. Panaseny and Ms. Brown would need to switch seats.

On a Motion by Mr. Shimberg, seconded by Ms. King, with all in favor, the Board of Supervisors accepted Ruth Brown's resignation for Fishhawk Community Development District II.

On a Motion by Ms. King, seconded by Mr. Shimberg, with all in favor, the Board of Supervisors accepted Tom Panaseny's resignation for Fishhawk Community Development District II.

On a Motion by Mr. Barbosa, seconded by Ms. King, with all in favor, the Board of Supervisors appointed Tom Panaseny to Seat #1 resignation for Fishhawk Community Development District II.

On a Motion by Mr. Shimberg, seconded by Mr. Barbosa, with all in favor, the Board of Supervisors appointed Ruth Brown to Seat #5 for Fishhawk Community Development District II.

On a Motion by Mr. Barbosa, seconded by Ms. King, with all in favor, the Board of Supervisors appointed Tom Panaseny as Chairman for Fishhawk Community Development District II.

Mr. Dailey administered the Oath of Office to Mr. Panaseny and Ms. Brown.

Mr. Craine stated that the District had previously entered into a contract with Kearney Construction Company, LLC for the Churchside traffic calming project; however Kearney would not execute the contract nor respond to several attempts made by District Staff. Mr. Craine explained that he sent Kearney a termination notice which then allows the second place bidder, Wal-Den Greene Construction, to negotiate a contract with the District.

D. District Engineer

1. Mr. Plate notified the Board that he had performed routine inspections as requested by the Southwest Florida Water Management Department ("SWFWMD") and found that a skimmer needed to be replaced and that clean-up work needs to be done in within the drains in various areas.

On a Motion by Mr. Shimberg, seconded by Mr. Barbosa, with all in favor, the Board of Supervisors authorized the District Engineer to perform the necessary work as discussed in the amount of \$2,375 for Fishhawk Community Development District II.

2. Mr. Plate stated that he was requested by District Staff to visit a property within the District to determine if an area that a resident had cleared out for playground equipment was on District property or not. He stated that the equipment was sitting on approximately 2 ½ feet worth of District property. The Board requested that Mr. Dailey notify the resident of the issue and request that the equipment be moved off of District property.
3. Mr. Plate stated that he received approval for the wooden slates versus the chain link fence as discussed at the last meeting.
4. Mr. Plate presented a map of the District in draft form and stated that there were three areas that needed to be corrected as they were listed as being privately owned but should be publicly owned. He stated that a final version of the map will be available soon and given to the Board.

E. District Manager

1. Mr. Dailey presented an action items list to the Board that contained all of the current items up for consideration by the Board, etc. No Board action was taken.
2. Mr. Dailey stated that revised pond planting proposals would be an agenda item for the September meeting.

TWENTIETH ORDER OF BUSINESS

**Audience Comments and Supervisor
Requests**

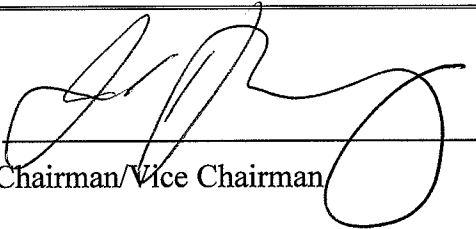
There were no Supervisor requests or audience comments.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

On a Motion by Ms. King, seconded by Mr. Shimberg, with all in favor, the Board adjourned the meeting at 4:10 p.m. for Fishhawk Community Development District II.


Secretary/Assistant Secretary


Chairman/Vice Chairman