

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, December 21, 2009 at 2:00 p.m.** at the Fishhawk Palmetto Club, located at 17004 Dorman Road, Lithia, Florida 33547.

Present and constituting a quorum:

Tom Panaseny	Board Supervisor, Chairman
Ruth Brown	Board Supervisor, Assistant Secretary
Dawn Turner	Board Supervisor, Assistant Secretary
Victor Barbosa	Board Supervisor, Vice Chairman

Also present were:

Jonathan Miller	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker & Bolves, P.A.
Holly Quigley	Community Director

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

**Consideration of Minutes of Board of
Supervisors Meetings held on November
16, 2009 and December 7, 2009**

On a Motion by Ms. Turner, seconded by Ms. Brown, with all in favor, the Board approved the minutes of the Board of Supervisors meetings on November 16, 2009 and December 7, 2009 for Fishhawk Community Development District II.
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THIRD ORDER OF BUSINESS

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

On a Motion by Mr. Barbosa, seconded by Ms. Turner, with all in favor, the Board approved the Operation and Maintenance Expenditures for December 2009 totaling \$120,447.47 for Fishhawk Community Development District II.

FOURTH ORDER OF BUSINESS

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

On a Motion by Mr. Barbosa, seconded by Ms. Turner, with all in favor, the Board approved the Operation and Maintenance Expenditures for December 2009 – Palmetto Club totaling \$31,568.55 for Fishhawk Community Development District II.

FIFTH ORDER OF BUSINESS

**Presentation of Shared Costs and
Reimbursements Spreadsheet**

Mr. Miller 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 #163-#173**

On a Motion by Mr. Barbosa, seconded by Ms. Brown, with all in favor, the Board approved the Series 2007AB Construction Requisitions #163-173 for Fishhawk Community Development District II.

SEVENTH ORDER OF BUSINESS

**Presentation of Monthly Pond
Maintenance Inspection Report**

Mr. Miller presented the pond maintenance inspection report to the Board. No action was taken.

EIGHTH ORDER OF BUSINESS

**Presentation of Monthly Landscape
Status Report**

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

NINTH ORDER OF BUSINESS

**Consideration of Proposals from
Commercial Fire & Communications, Inc**

On a Motion by Ms. Brown, seconded by Mr. Barbosa, with all in favor, the Board authorized the District Manager to execute the lower of the two agreements, either Commercial Fire & Communications, Inc. or the Districts existing vendor, Simplex Grimmell for Fishhawk Community Development District II.

TENTH ORDER OF BUSINESS

**Consideration of Proposal from Specialty
Pressure Washing Services**

On a Motion by Mr. Barbosa, seconded by Ms. Brown, with all in favor, the Board approved the proposal from Specialty Pressure Washing Services to clean the gutters along Fishhawk Crossing Boulevard subject to Chairmans approval for Fishhawk Community Development District II.

ELEVENTH ORDER OF BUSINESS

**Discussion on Construction for Starling
Hardscapes and Landscaping
Improvements**

Mr. Barbosa explained the various improvements and enhancements regarding the Starling entrance. Mr. Craine asked if each of the multiple contracts were under the statutory bid threshold. It was stated that all construction amounts were under the bid threshold thus not requiring the formal RFQ process.

On a Motion by Mr. Barbosa, seconded by Ms. Brown, with all in favor, the Board authorized District Staff to enter into the discussed agreements as necessary subject to Chairmans approval to complete the Starling entrance hardscape improvements for Fishhawk Community Development District II.

TWELFTH ORDER OF BUSINESS

Staff Reports

- A. Community Director
Ms. Quigley addressed the Board with a request from the US Census Bureau to utilize the Palmetto Club for a job fair. Further discussion ensued.

On a Motion by Ms. Turner, seconded by Ms. Brown, with all in favor, the Board authorized the use of the Palmetto Club by the US Census Bureau on the condition that the date does not conflict with the current or future rental schedule and granting Ms. Postiglione the discretion to determine the fee amount for Fishhawk Community Development District II.

- B. Palmetto Club Director

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- No report.
- C. District Counsel
Mr. Craine stated that the bond restructuring fees will exceed the estimated \$45,000 as previously reported to the Board.
- D. District Manager
Mr. Miller stated that the next meeting was scheduled for January 18, 2010 at 2:00 p.m.

The following items were discussed:

1. Change Order #1 from QGS in the amount of \$8,226.81 was presented. Discussion ensued.

On a Motion by Mr. Barbosa, seconded by Ms. Turner, with all in favor, the Board approved Change Order #1 from QGS as presented subject to the Chairman and District Counsel's final approval for Fishhawk Community Development District II.

2. Mr. Miller presented the Advanced Fencing proposal for the TECO Trail in the amount of \$14,109. The general consensus was to present the proposal to Fishhawk CDD Board Supervisors for cost sharing approval, and then bring back to Fishhawk CDD Board for final approval.

(Mr. Panaseny joined the meeting.)

3. Mr. Miller stated that the rent payments from Finest Foods Inc. were delinquent. Mr. Scigliano explained that his business account was frozen by the bank; however the matter would be taken care of and payment would then be made. Further discussion ensued.

On a Motion by Ms. Brown, seconded by Mr. Barbosa, with all in favor, the Board approved the payment extension from Finest Foods, Inc. to be paid before the January 18, 2010 meeting; hence this motion does not constitute any waiver of the provisions in the lease as discussed for Fishhawk Community Development District II.

Mr. Scigliano addressed the Board regarding changing the operating schedule for the facility.

On a Motion by Ms. Turner, seconded by Mr. Barbosa, with all in favor, the Board authorized the Chairman to execute an amended operating schedule outside of a regular Board of Supervisors meeting as discussed for Fishhawk Community Development District II.

Mr. Scigliano requested to install vending machines at both facilities. The Board requested that he send a formal request to the District Manager as it would be a modification to his current lease agreement and it would be on the agenda for the next meeting.

Mr. Miller stated that another request was made by Mr. Mathis, a resident, to address the Board about his son's trespassing issue from Park Square. A brief discussion ensued. It was the Board's direction to keep the trespass as it currently stood.

(Mr. Plate joined the meeting.)

E. District Engineer

Mr. Plate reviewed the QGS proposal as previously discussed and approved by the Board. Further discussion ensued on the matter.

On a Motion by Mr. Barbosa, seconded by Ms. Turner, with three in favor and Ms. Brown against, the Board amended the original motion but to have the District Engineer investigate the potential credit for pavement markings versus pavers and bring back to the Board for final approval for Fishhawk Community Development District II.

THIRTEENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Ms. Turner presented the marketing strategies and research report for the Palmetto Club. It was stated that the research on the report was funded by Newland Communities. Mr. Panaseney requested all Board members review the report for discussion at the January meeting.

Mr. Panaseney stated that the security guards need to report all unusual incidents to the District Management office.

A resident expressed concern to the Board regarding the noise coming from Park Square. (Exhibit A to these minutes).

A request was made to post the pond maintenance and the landscape maintenance reports on the District website.


It was stated that the hogs were destroying the grass at pond #36. It was stated that District Staff would place another call into the governing agencies for their involvement.

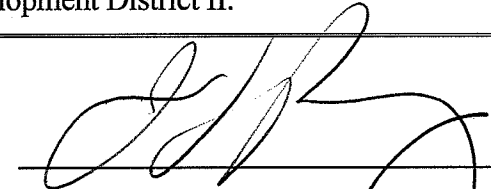
Further audience comments were made; however no Board action was taken.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Ms. Brown, seconded by Mr. Barbosa, with all in favor, the Board adjourned the meeting at 4:24 p.m. for Fishhawk Community Development District II.


Secretary/Assistant Secretary


Chairman/Vice Chairman

Good Afternoon. I am here today to ask your help as an entity and as individuals. I am certain that you are aware that the city homes at Park Square are now mostly occupied after a long period of little or no occupancy. Several of the homeowners have children.

Since moving in, we have observed activities that interfere with the quiet enjoyment of our home to which we are entitled. Those activities include trespassing, specifically young people jumping over the fences in front and in back of the property; littering, specifically discarding cans, papers, and bottles in the yard; teenagers apparently under the influence of an intoxicating beverage or substance loitering on the sidewalks and on the parking lot; boom boxes rattling the windows; questionable transactions being conducted in the parking area and on the sidewalks; speeding through the parking lot with little regard for pedestrians, especially children; and loud, obscene language.

Additionally Hillsborough County noise ordinance Section 26-4.1 specifically prohibits (http://library8.municode.com/default-test/home.htm?infobase=11544&doc_action=whatsnew) "Operating or permitting the operation upon commercial property of loudspeakers or any other device which electronically augments or amplifies sound in such a manner or with such volume as to annoy or disturb the quiet, comfort and repose of a reasonable person in any dwelling, hotel or other type of residence between the hours of 10:00 p.m. and 8:00 a.m."

Despite several requests to Park Square Cellar, it is not unusual, especially on weekends, for the doors to be left open and the noise from music and television being played to carry across the street. I personally have called as late as 2 AM to request that the situation be controlled. The lattice work in front of the outside tables does not limit the noise.

I regret that it has been necessary to contact various agencies to bring these problems to their attention. However, the situation demands it.

I request that as an entity and as individuals you assist in helping to restore the good name of FishHawk and making the community a safer environment for families. Thank you for allowing me to speak, and thank you for any assistance you provide.