

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, September 20, 2010 at 2:00 p.m.** at the Palmetto Club, located at 17004 Dorman Road Lithia, Florida 33547.

Present and constituting a quorum:

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

Also present were:

Jonathan Miller	District Manager, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer, Smolker & Bolves, P.A.
Holly Quigley	Community Director
Erin Olson	Aquatic Program Coordinator
Lucielle Hanson	Palmetto Club Coordinator
Audience	

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 the Board of Supervisors Meeting held on August 16, 2010

On a Motion by Ms. Turner, seconded by Mr. Barbosa, with all in favor, the Board approved the Minutes of the Board of Supervisors Meeting held on August 16, 2010 for Fishhawk Community Development District II.

THIRD ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for September 2010

On a Motion by Ms. Turner, seconded by Ms. Brown, with all in favor, the Board approved the Operation and Maintenance Expenditures for September 2010 (\$149,190.01) for Fishhawk Community Development District II.

FOURTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for September
2010 – Palmetto Club**

On a Motion by Ms. Turner, seconded by Ms. Brown, with all in favor, the Board approved the Operation and Maintenance Expenditures for September 2010 – Palmetto Club (\$29,193.06) 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. Mr. Miller asked if there were any questions or concerns regarding the information contained in the spreadsheet. There was none.

SIXTH ORDER OF BUSINESS

**Ratification of Series 2007AB
Construction Requisitions #249, #257,
#258, #260, #263-#270 and #281-292**

Mr. Miller started to present the Series 2007AB Construction Requisitions #249, #257, #258, #260, #263-#270 and #281-292 for Board ratification. Mr. Barbosa indicated that his agenda packet did not contain the detailed backup to the listed requisitions. The other Board Members indicated the same. Mr. Miller apologized for this oversight and recommended the Board table this business matter until the appropriate detail was provided in the agenda packages.

On a Motion by Ms. Brown, seconded by Mr. Shimberg, with all in favor, the Board tabled the Series 2007AB Construction Requisitions #249, #257, #258, #260, #263-#270 and #281-292 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. Mr. Miller asked if there was any specific staff directives, questions, and concerns regarding the information presented. No Board action was taken or given to staff.

EIGHTH ORDER OF BUSINESS

Presentation of Monthly Landscape

Status Report

Mr. Miller presented the landscape maintenance inspection report to the Board. Mr. Miller asked if there was any specific staff directives, questions, and concerns regarding the information presented. No Board action was taken or given to staff.

NINTH ORDER OF BUSINESS

Discussion on Beazer Townhomes at Fishhawk Ridge

Mr. Panaseny addressed the Board regarding a land swap that was needed as a result of modifications to the footprints of the townhomes being built in Fishhawk Ridge. Mr. Panaseny stated that the amount of area being swapped was roughly equal. The District would not really be gaining or losing any land as a result of this transaction. Mr. Craine explained that he had reviewed the legal documents that would memorialize this transaction and confirmed Mr. Panaseny's comment regarding land gain/loss. Board discussion ensued.

On a Motion by Mr. Shimberg, seconded by Ms. Brown, with all in favor, the Board approved the land swap for the Beazer Townhomes at Fishhawk Ridge as described by Mr. Panaseny and supported by the corresponding legal documents for the Fishhawk Community Development District II.

TENTH ORDER OF BUSINESS

Discussion on Aquatic Club Usage

Mr. Miller presented correspondence that the District Management Office received from a resident concerning the amenity center usage by non-resident programs (YMCA, schools, etc), primarily focusing on the Aquatic Club. The resident who wrote the correspondence was present and addressed the Board concerning his position and opinion on such usage. Board discussion ensued. It was the Board's position that should a resident have a conflict with their personal usage of the facilities with non-resident programming, that resident should speak to the Aquatic Club Coordinator, Community Director, or District Manager for resolution. Staff would do their best to try and accommodate residents whenever possible to minimize interruption between resident and non-resident program usage.

ELEVENTH ORDER OF BUSINESS

Acceptance of Series 2003A&B Arbitrage Rebate Report

Mr. Miller presented the Series 2003A&B Arbitrage Rebate Report. Mr. Miller indicated that this report is a requirement under Florida Law. Mr. Miller stated that the findings of this report indicated that the District did not have a rebate liability as of July 27, 2010.

On a Motion by Mr. Shimberg, seconded by Mr. Barbosa, with all in favor, the Board acknowledged and accepted the Series 2003A&B Arbitrage Rebate Report dated July 27, 2010 as prepared by Deloitte Tax, LLP for the Fishhawk Community Development District II.

TWELFTH ORDER OF BUSINESS

**Consideration of Fishhawk CDD I & Fishhawk
CDD II Public Workshop**

Mr. Miller said that he had received a request from the CDD I Board for more operational oversight over the Palmetto Club facility expenditures. Board discussion ensued. Mr. Panaseny made the recommendation that both Boards conduct a joint public workshop to discuss this matter as well as the operational marketing strategies of the facility.

Through general Board consensus, the Board authorized District Staff to work with the CDD I and CDD II Board Chairs to determine a date to hold a public workshop to discuss marketing strategies and the operational processes of the Palmetto Club facility.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

- A. Community Director – Holly Quigley
No report.
- B. District Counsel

Mr. Craine discussed two matters with the Board of Supervisors

1) Mr. Craine discussed a matter concerning the QGS Development Construction Agreement for Chapman Crossing – Phase 1 Dorman Roadway Improvements. Mr. Craine stated that asphalt densities put down by the subcontractor of QGS Development failed testing requirements. As a result the substrate would not pass inspection standards. Board discussion ensued. As a result of these findings and following the governing language contained in the agreement, Mr. Craine recommended the District send a “cure notice” to the contractor, QGS Development, to trigger the 30 day cure timeframe. Failure to cure said defect before such time lapses is a material breach of the agreement. Further Board discussion ensued resulting in the following board action.

<p>On a Motion by Mr. Panaseny, seconded by Mr. Barbosa, with all in favor, the Board the Board directed the District Engineer & District Counsel to send a “Cure Notice” to the contractor, QGS Development, triggering the 30 day cure timeframe for material defects in accordance with the provisions of the Chapman Crossing – Phase 1 Dorman Roadway Improvements construction agreement for the Fishhawk Community Development District II.</p>
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2) Mr. Craine stated that at the last Board meeting a request was made by Finest Foods, Inc., the concessions vendor at the Aquatic Club, for a 6% rent reduction based off of slow sales and the ending of the summer months. Mr. Craine explained that he reviewed the vendor’s existing contracts and did not see any reason not to agree to the request. Mr. Craine went on to explain the services being provided by this vendor should be viewed as an amenity service to the residents. Furthermore, Mr. Craine clarified that should the Board agree to this request, that Board action in a public meeting was sufficient enough to memorialize and modify the agreement. The cost to amend

and modify the agreement for such a request would outweigh the achieved results. Board discussion ensued.

On a Motion by Mr. Panaseny, seconded by Mr. Shimberg, with all in favor, the Board the Board agreed to the 6% rent reduction request made by Finest Foods, Inc. and would be retroactive from August 01, 2010 and would end April 01, 2011 for the Fishhawk Community Development District II.

C. District Engineer

Mr. Plate updated the Board of Supervisors on the status of two matters.

1) Dorman Road Sidewalk - Mr. Plate stated that at the last Board Meeting he was asked what the cost would be to design, permit and construct a sidewalk that ran along the north side of Dorman Road between Wrenwater Drive and Phoebenest Drive. Mr. Plate estimated this cost to be around the \$60,000 range. Board discussion ensued. The Board inquired whether this project was eligible for construction funding from bond proceeds. Mr. Plate responded that this project would be eligible for such funding.

On a Motion by Mr. Panaseny, seconded by Mr. Shimberg, with all in favor, the Board authorized the District Engineer to proceed with designing and permitting a sidewalk for the north side of Dorman Road as discussed. Additionally, Mr. Plate was asked to solicit proposals from contractors based off of the assembled construction plans and bring those proposals back before the Board for final review and approval prior to the commencement of construction activities for the Fishhawk Community Development District II.

2) Trail Markers Proposal – Mr. Plate reviewed two proposals for trail markers with the Board. One proposal was for pressure treated wood and the other for PVC/Vinyl. Board discussion ensued.

On a Motion by Ms. Brown, seconded by Mr. Shimberg, with all in favor, the Board approved the proposal from Crawford Signs for pressure treated wooden trail markers with a not-to-exceed amount of \$2,200 (50/50 cost share with CDDI) for the Fishhawk Community Development District II.

D. District Manager

Mr. Miller stated that he received a phone call from a resident off of Ternglade Drive. The resident had concern regarding erosion that was taking place along the stormwater pond bank behind his home. Mr. Miller explained that both he and Holly Quigley had reviewed the erosion concern and had already requested

proposals from qualified contractors for repair. Mr. Miller said he would have those for the Board's review at the October meeting.

Mr. Miller went on to say he had received another residential request and concern regarding the traffic along Fishhawk Crossing Boulevard. The resident with the request was present and addressed the Board concerning his position. The resident made a specific request for the District to pick up the landscape maintenance obligation from the backside of curb to face of sidewalk all the way from Dorman Road northward to the curve. Board discussion ensued. The Board directed District Staff to secure a cost estimate for such maintenance from the District's landscape contractor for the Board's review at the next meeting.

The resident additionally requested the Board to allow the District Engineer to meet with him and other concerned residents to work with them on putting together alternative traffic calming initiative ideas to aid them in their approach with Hillsborough County. As part of this request, all costs associated with the District Engineer's time and effort would be covered by the District. Board discussion ensued. No Board action was taken on this matter.

Mr. Miller stated that the next meeting was October 18, 2010.

FOURTEENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Dawn Turner – No Requests

Scott Schimberg – No Requests

Victor Barbosa – No Requests

Tom Panaseny – Mr. Panaseny made a request to allow for public comment prior to the onset of District's business at all future Board meetings. The Board agreed, but wanted to limit the initial public comment period to thirty minutes to maintain sufficient time for the Board to conduct its regular business.

Ruth Brown – Ms. Brown inquired about the brick areas at the Westfield models. Board discussion ensued.

The Board of Supervisors entertained various public comments. The following Board action was taken:

On a Motion by Ms. Brown, seconded by Mr. Panaseny, with all in favor, the Board approved to extend the off-duty officer hours for the parking lot an additional two hours on Fridays and Saturdays and on one weekday for the next thirty days for Fishhawk Community Development District II.

FIFTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Panaseny, seconded by Ms. Brown, with all in favor, the Board adjourned the meeting at 4:39 p.m. for Fishhawk Community Development District II.

Secretary/Assistant Secretary

(signature pending)
Chairman/Vice Chairman