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**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 **Tuesday, October 21, 2014 at 6:30 p.m.** at the Palmetto Club, located at 17004 Dorman Road, Lithia, Florida 33547.

Present and constituting a quorum:

Ruth Brown	<b>Board Supervisor, Chairman</b>
Tom Panaseny	<b>Board Supervisor, Vice Chairman</b>
Patrick Reilly	<b>Board Supervisor, Assistant Secretary</b>
Mark Karet	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Greg Cox	<b>District Manager; Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel; Pettitt Worrell Craine Wolfe</b>
Holly Quigley	<b>Community Director</b>
Pat Rynkowski	<b>Aquatic Program Director</b>

Audience Members

**FIRST ORDER OF BUSINESS**

**Call to Order**

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

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Kody Kirchoff asked for clarification on the policy of organizations not being allowed to use certain park facilities in the Fishhawk community.

**THIRD ORDER OF BUSINESS**

**Staff Reports**

**A. Community Director**

José Sanchez was asked to step forward and was presented with a signed framed gift from the Board along with thanks for his service, as he is retiring from his maintenance

position with the Fishhawk community.

Ms. Quigley provided an update to the Board. She advised that Honey Bordeaux will be filling in for Pat Rynkowski when Ms. Rynkowski takes a leave of absence in November.

**B. District Counsel**

Mr. Craine advised that a request was made for the District to participate in a mediation session regarding a resident's claim that landscaping had been placed on District property without authorization. Mr. Craine explained that the legal mediation process does not apply to the District; there has been no evidence produced to show there has been any encroachment; there are no rights to a guaranteed view of the water adjacent to that property; and he advised also that he has been unable to make contact with the HOA attorney handling the matter.

On a Motion by Mr. Panaseney, seconded by Mr. Karet, with all in favor, the Board designated the Chairman to serve as the Board's lead for response to a mediation request in coordination with District counsel for the Fishhawk Community Development District II.

**C. District Engineer**

Not present; no information to report.

**D. District Manager**

Mr. Cox stated the next regular meeting of the Board of Supervisors will be held on Tuesday, November 18, 2014 at 6:30 p.m. at the Fishhawk Palmetto Club located at 17004 Dorman Road, Lithia, Florida 33547.

He also noted that with the near completion of the District Engineer's Supplemental Engineer's Report, it appears that all the expenses related to the Tract "L" acquisition which were billed to the capital reserves account can be reimbursed from the construction fund account and therefore a budget amendment for the fiscal year will not be required.

**FOURTH ORDER OF BUSINESS**

**Presentation of Monthly Maintenance Inspection Reports**

Mr. Cox presented the monthly maintenance inspection reports to the Board for review.

With regard to the landscape and irrigation report, account manager Ed Sleyzak of ValleyCrest informed the Board that installation work for the new well would begin the next day. Mr. Cox explained that the decision to install a new well rather than converting to utilization of reclaimed water was due to issues with reclaimed water being sprayed on the aquatic center pool deck.

Ms. Brown led a discussion regarding the recent meeting held at Heidt Design to update the landscape map She explained the various changes made to add and remove specific areas highlighted on the map and explained the reasoning. Mr. Cox asked the Board for a motion to approve the proposed changes to the map.

On a Motion by Mr. Reilly, seconded by Mr. Karet, with all in favor, the Board approved the changes to the District’s landscape map for the Fishhawk Community Development District II.

Ms. Brown explained that at one point the District possessed an atlas-type book which identified all the various features of the District, and indicated she wants to pursue having one re-created.

**FIFTH ORDER OF BUSINESS**

**Consideration of ValleyCrest Landscape Proposals**

Mr. Cox presented four proposals from ValleyCrest to the Board for consideration: pine bark mulch top dressing, \$8,400.00; pine bark mulch at the Palmetto Club, \$756.00; oak tree pruning at the Palmetto Club, \$3,200.00; and installation of holly trees and mulch at the Palmetto Club for \$16,978.00.

On a Motion by Mr. Karet, seconded by Mr. Reilly, with all in favor, the Board approved four proposals from ValleyCrest for pine bark mulch top dressing, \$8,400.00; pine bark mulch at the Palmetto Club, \$756.00; oak tree pruning at the Palmetto Club, \$3,200.00; and holly trees and mulch at the Palmetto Club, \$16,978.00 for the Fishhawk Community Development District II.

Mr. Reilly asked that ValleyCrest take a good look at the height of the landscaping in the median areas to ensure the plants are not so high as to block the views of vehicle operators driving through the intersections.

**SIXTH ORDER OF BUSINESS**

**Consent Agenda Items / Business Administration**

- A. Consideration of Minutes of the Board of Supervisors’ Meeting held on September 16, 2014 .....Tab 3
- B. Consideration of Operation and Maintenance Expenditures for September 2014.....Tab 4
- C. Consideration of Operation and Maintenance Expenditures for September 2014 - Palmetto Club .....Tab 5
- D. Consideration of Series 2007AB Construction Requisitions #640 – #643.....Tab 6
- E. Presentation of Shared Costs and Reimbursements.....Tab 7
- F. Presentation of Palmetto Club Revenue & Expense Summary ...Tab 8

On a Motion by Ms. Brown, seconded by Mr. Karet, with all in favor, the Board approved the consent agenda items A–D as amended for the Fishhawk Community Development District II.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Park Square Use Requests**

Mr. Cox presented two requests for Park Square use to the Board for consideration.

**i. Christmas Concert**

Culture Church submitted a request to reserve the amphitheater at Park Square on December 13, 2014 from 4:00 p.m. – 8:30 p.m. to hold a Christmas concert. Pat Pastorius of Culture Church advised there would be approximately twenty individuals from the church who would be singing. At the Chairman's request Mr. Craine indicated he sees no legal issue with permitting an event of that nature to take place. Mr. Pastorius indicated that his organization would be happy to pay for any staffing costs should it be required.

On a Motion by Mr. Karet, seconded by Ms. Brown, with all in favor, the Board approved the request from Culture Church to use Park Square for a Christmas concert on December 13, 2014 from 4:00 p.m. – 8:30 p.m. for the Fishhawk Community Development District II.

**ii. Religious Services**

2:42 On the Move submitted a request to use the Park Square facilities to hold religious services from 8:15 a.m. – 11:00 a.m. on the following dates: 11/19/14, 11/23/14, 12/14/14, 01/11/15, and 01/25/15. Kody Kirchoff addressed the Board and indicated that there would be no amplification equipment used and that they would ensure any necessary cleanup of the area. Ms. Brown noted that the HOA use dates have not yet been submitted and that the HOA's request would take priority in the January time frame should there be a schedule conflict. Comments from the public were received by the Board.

Marisa Radley shared her opinion that religious services should not be permitted to be held on public property; that 2:42 On the Move should not be given multiple dates to use the facilities; and that if the request is approved, the services should be conducted in such a manner so as not to interfere with others desiring to use the park facilities at the same time.

Sharon Herman expressed that the Board should consider charging fees for the use of Park Square by organizations to help defray maintenance costs and that it is not fair to hold Fishhawk CDD II responsible for those costs.

On a Motion by Mr. Karet, seconded by Mr. Reilly, with all in favor, the Board approved the request from 2:42 On the Move to use Park Square to hold religious services on 11/19/14, 11/23/14, 12/14/14, 01/11/15, and 01/25/15 from 8:15 a.m. – 11:00 a.m. with the understanding that priority for any January date reservation requests would be given to the FishHawk HOA for the Fishhawk Community Development District II.

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The Board then discussed the idea of revising the amenity rules to consider adding fees for the use of Park Square and to update the rules on other matters. The Board asked that the topic be placed on the November meeting agenda for further discussion and authorized staff to proceed with the necessary steps to hold a public hearing for consideration of rule amendment adoption at the January 2015 Board of Supervisors' meeting.

On a Motion by Mr. Reilly, seconded by Ms. Brown, with all in favor, the Board authorized staff to proceed with publishing notification of a public hearing on rule amendment adoption to be held at the January 2015 Board of Supervisors' meeting for the Fishhawk Community Development District II.

**EIGHTH ORDER OF BUSINESS**

**Discussion of Park Square Loitering Issue**

Mr. Cox introduced for discussion the topic of recent complaints of juveniles loitering in the Park Square area without parental supervision, the perception being that some parents are letting their kids be in the area to meet with other teens and pre-teens because it is a secure, public environment. The Board discussed an email that is to be released to the community ambassadors which explains the age and hour limits for unsupervised minors in Park Square and reiterates the fact that there is no full-time security staff in the area; the email will be the first attempt to communicate a concern to the residents to determine if that will help alleviate the problem. The Board also requested that staff communicate with Park Square management regarding the issue to see if they would be interested in working with the community to curb the problem via whatever means they may have.

**NINTH ORDER OF BUSINESS**

**Consideration of Fence Installation Request**

Mr. Cox presented a request from the Chapman Crossing HOA for the authorization to install fencing at locations between District-owned ponds to help prevent access to Chapman Crossing through those areas. He shared an email from the District Engineer expressing concerns regarding placement of the fencing on drainage easements as well as concerns with maintenance access issues. After discussion the Board chose to deny the request.

On a Motion by Mr. Karet, seconded by Ms. Brown, with three in favor and one (Mr. Panaseny) opposed, the Board disapproved the request from the Chapman Crossing HOA to install sections of fencing for the Fishhawk Community Development District II.

**TENTH ORDER OF BUSINESS**

**Consideration of Fitness Equipment Maintenance Agreement**

Mr. Cox presented an agreement from FITREV for fitness equipment maintenance to the Board for consideration. The agreement suggested quarterly preventive maintenance service visits at \$125 per visit per year. Ms. Quigley described her experiences with FITREV and with the current maintenance provider, Fitness Logic, to the Board and explained her recommendation to switch to FITREV.

On a Motion by Ms. Brown, seconded by Mr. Panaseny, with all in favor, the Board accepted the preventive maintenance service agreement proposed by FITREV and authorized staff to send a thirty-day notice of termination to current service provider Fitness Logic for the Fishhawk Community Development District II.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Amenity Contract True-Up Summary**

Mr. Cox presented the 2014 Fishhawk CDD and Fishhawk CDD II amenity contract fee analysis for the period dated January 1, 2014 to September 30, 2014 to the Board for consideration. He explained that the report ended on September 30<sup>th</sup> so the contract could start being maintained on a fiscal year basis to coincide with the budget cycle of the Districts. Mr. Cox explained that the result of the true-up calculations reflect that \$7,697.58 was owed to Fishhawk CDD with 1,810 units and \$10,848.91 owed to Fishhawk CDD II with 2,551 units.

On a Motion by Mr. Reilly, seconded by Mr. Karet, with all in favor, the Board approved the acceptance and filing of the amenity contract fee analysis report and true-up calculations for Fiscal Year 2013-2014 for the Fishhawk Community Development District II.

**TWELFTH ORDER OF BUSINESS**

**Presentation of Arbitrage Rebate Calculation Report**

Mr. Cox presented the arbitrage rebate calculation report produced for the Series 2007A and 2007B Special Assessment Revenue Bonds for the period ended April 30, 2014 to the Board for consideration. He explained the purpose of the calculations and indicated that the report concludes there was a negative cumulative rebate requirement and therefore no amount is required to be on deposit in the rebate fund.

On a Motion by Mr. Karet, seconded by Ms. Brown, with all in favor, the Board approved the acceptance and filing of the Series 2007A and 2007B arbitrage rebate calculation report for the period ended April 30, 2014 for the Fishhawk Community Development District II.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisor Requests**

Mr. Panaseny discussed the access, utility, drainage and signage easement agreement which was drafted for execution by the Fishhawk CDD II and Fishhawk Communities, LLC.

On a Motion by Mr. Panaseny, seconded by Mr. Karet, with all in favor, the Board approved the access, utility, drainage, and signage easement agreement between Fishhawk CDD II and Fishhawk Communities, LLC in substantial form and authorized the Chairman to execute the document after review by District Counsel for the Fishhawk Community Development District II.

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As Mr. Panaseny's term of office is coming to an end, Ms. Brown presented him with a framed and signed gift from the rest of the Board in appreciation for his service as a District supervisor. Mr. Panaseny provided parting comments to the Board and members of the audience.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Reilly, seconded by Mr. Karet, with all in favor, the Board adjourned the meeting at 8:09 p.m. for the Fishhawk Community Development District II.



Secretary/Assistant Secretary



Chairman/Vice Chairman