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**MINUTES OF MEETING  
FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1**

10 The regular business meeting of the Board of Supervisors of the Fiddler's Creek  
11 Community Development District #1 was held on **Wednesday, January 24, 2007 at 10:22 a.m.**,  
12 at the Fiddler's Creek Club and Spa, 3470 Club Center Drive, Naples, Florida 34114.

13 Present and constituting a quorum were:

14 Phillip Brougham Chairman  
15 Peggy Schmitt Assistant Secretary  
16 James Robertson Assistant Secretary  
17 James Curland Assistant Secretary

18 Also present were:

19 Chuck Adams District Manager  
20 Bob Casey Assistant Regional Manager  
21 Terry Cole District Engineer  
22 Anthony Pires, Esq. District Counsel  
23 Corinne Norton Assistant Regional Manager

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25  
26  
27 **CALL TO ORDER**

28 Mr. Casey called to order the meeting of the Fiddler's Creek Community Development  
29 District #1 at 10:22 a.m.

30 Mr. Casey advised that all Supervisors were present with the exception of Supervisor  
31 Love.

32  
33  
34 **APPROVAL OF MINUTES FOR DECEMBER 27, 2006 MEETING**

35 The Board provided corrections to the December 27, 2006 minutes as follows: page 2,  
36 third paragraph, change the second word to "was"; page 4, second paragraph, change the word  
37 "took" to "would look at"; page 4, change the word "for" to "by"; page 5, third paragraph,  
38 change the name "Turner" to "Hugh"; page 7, paragraph 5, change the word "staff" to "Ron  
39

40 Albeit" in the sentence concerning clickers; page 7, last line, change the word "information" to  
41 "equipment": page 8, first paragraph, change the word "residents" to "the public"; page 9, final  
42 paragraph, change "STP" to "SDP" and change "Coles" to "Cole"; page 12, fourth paragraph,  
43 change "Strahan" to "Strain"; and fifth paragraph, insert the word "the" before developer.

44 Chairman Brougham commented on the difficulties of the security gate software which  
45 he felt was not providing full benefit to residents.

46  
47 **On MOTION by Mr. Brougham and seconded by Mr.**  
48 **Curland, all were in favor of approving the December 27, 2006**  
49 **minutes as amended.**

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51

52 **OTHER BUSINESS**

53

54 **Championship Sidewalk Ramps – estimate of sidewalk ramp construction, sidewalk**  
55 **construction and signage for pedestrian crossings**

56

57 Chairman Brougham asked Mr. Cole whether he was prepared to address this issue. Mr.  
58 Cole responded that he was not yet ready to address this topic. He agreed to do so at the next  
59 meeting.

60 Chairman Brougham asked if the District was in any jeopardy regarding unspent bond  
61 funds. Mr. Adams stated that bond counsel felt the funds needed to be spent already. He stated  
62 that as long as the District showed it was moving rapidly toward spending these funds, it would  
63 be fine. Chairman Brougham asked Mr. Cole to factor in appropriate pedestrian crossing signage  
64 not only along Championship but along other crosswalks in the District.

65 A Board member stated that a resident had asked whether the District was in compliance  
66 with the ADA with the new ramps from the sidewalk. Mr. Cole stated he would have to defer to  
67 the developer on this question regarding communities that did not have sidewalks.

68

69 **Park Bench Project – status of project to install park benches adjacent to District roadways**

70

71 Mr. Cole advised that minor revisions had been made and that construction would begin  
72 the following week. He stated that the mid-March completion date seemed reasonable.

73 Chairman Brougham recalled an earlier discussion about ensuring that proper anchoring  
74 bolts were ordered for the benches, He asked whether this hardware was in place. Mr. Cole  
75 stated he would follow up on this with the individual in charge of the project.

76  
77 **Access Control Hardware/Software – estimate of cost to retain independent consultant to**  
78 **evaluate hardware and software and make recommendations for improvements**

79  
80 Chairman Brougham recalled his previous request that Mr. Adams or Mr. Cole obtain  
81 quotes from consultants to assess the access control equipment and how it compared to  
82 competitive equipment.

83 Mr. Adams stated this had been done in terms of reviewing the existing equipment; he  
84 added that a competitive analysis had been done. He stated that staff had also discussed  
85 protecting the equipment and gathering proposals with regard to reviewing the surge suppression  
86 systems on the gate and pump houses.

87 Mr. Brougham voiced his concern that the District might not have the best equipment. He  
88 stated that he wanted to locate an independent consultant to provide the District with a quote. Mr.  
89 Adams stated he could have a third party review the possibility of improving the system with  
90 new equipment.

91 Mr. Robertson commented that this topic was being “beaten to death” and stated that the  
92 objective was never to make the community like Fort Knox.

93 Ms. Schmitt disagreed and stated the Board’s objective was to locate reliable equipment  
94 to avoid continuous high repair costs.

95 Chairman Brougham stated that the goal was not to create a Fort Knox community. He  
96 stated that he was concerned about installed equipment that was costing too much to maintain.  
97 He reiterated that the Board simply wanted a qualified consultant in the area to provide an  
98 estimate on this kind of assessment. He also stressed that he wanted not only the software but the  
99 hardware and physical mechanics of the system to be assessed.

100  
101 **Surge suppression analysis and recommendations for gatehouses (2) and irrigation pump**  
102 **stations (2)**

103  
104 Mr. Casey advised he had received a proposal from Lightning Protection Systems which  
105 had two components: lightning protection and surge suppression. He stated that for surge  
106 suppression and lightning protection at the four main areas of concern, the quote was \$16,600.

107 However, he felt the proposals were incomplete due to lack of backup documentation. He stated  
108 he preferred to review other proposals. Chairman Brougham agreed and recommended that staff  
109 gather more proposals.

110  
111 **Discussion regarding current and additional signage for the Cherry Oaks/Cranberry**  
112 **Crossing roadways**

113  
114 Chairman Brougham voiced his concern about people using the Cherry Oaks/Cranberry  
115 Crossing as a cut-through.

116 Mr. Adams explained that the plans and permits had been based upon certain signage  
117 being placed per Collier County's development code. He stated that the District could add  
118 additional signage beyond the code requirements. Mr. Adams added that signage was only as  
119 good as enforcement of them.

120  
121 **Consideration of proposal for boundary surveillance system along Mulberry**  
122

123 Mr. Adams spoke of a breach of the security wall on November 27, 2006, involving an  
124 individual who had torn through the wall and the landscaping. He wanted the Board to consider  
125 options to remedy this for the future. He spoke of a system provided by TEM that would place an  
126 infrared beam along the wall. He explained that if this beam were broken, a signal would go to  
127 the main gatehouse indicating activity in the particular zone. Mr. Adams felt there was some  
128 value in considering this, since an outside party had chosen to disregard the privacy wall and  
129 physically break through it. He felt this was a public safety concern. He stated that Fiddler's  
130 Creek CDD #2 was considering additional layers of security along their perimeter.

131 Ms. Schmitt asked whether the police were contacted at the time of the incident. Mr.  
132 Adams responded affirmatively. Ms. Schmitt felt the Sheriff's office should conduct more  
133 surveillance on the other side of the wall. Mr. Adams concurred.

134 Mr. Pires stated he would double check what establishment would go on the adjacent  
135 property.

136 Mr. Robertson commented that the discussion was "overkill" on this issue; he added that  
137 he lived on the street and did not worry about security.

138 Mr. Curland commented that this was a single breach and felt it might be premature to  
139 proceed with the additional system.

140 Ms. Schmitt agreed and stated that she lived on Mulberry and had never felt threatened.

141 Chairman Brougham felt that this community would always have to live with the  
142 perception of security rather than the reality of total security. He pointed out that individuals  
143 could always enter the property by boat, bike or on foot. He felt the Board should be reasonable  
144 in the amount of investments it made into access control. He was not in favor of proceeding with  
145 the beam system at this time.

146  
147 **STAFF REPORTS**

148  
149 **a) Attorney**

150 Mr. Pires stated that as a follow up to an earlier discussion, the Sheriff's secretary would  
151 get back to him regarding meeting with the Board on Wednesday, February 28. He stated that the  
152 two items for the Sheriff to address were emergency response times and traffic enforcement.

153 Chairman Brougham requested that Mr. Pires contact Mr. Adams and/or Mr. Casey when  
154 he received confirmation on this meeting, so the Boards of CDD 1 and 2 could advertise a  
155 combined meeting. He also requested that the Sheriff be placed up front on the agenda.

156 Conversation ensued on this topic.

157 Regarding the District's ability to regulate fishing, Mr. Pires concurred with Mr. Adams  
158 and other counsel that the Fish and Freshwater Game Commission had exclusive jurisdiction  
159 regarding fishing and freshwater aquatic life in the state. He stated that the District could post  
160 "No Trespassing" signs if it wished to do so.

161 Mr. Adams stated that per the opinion of other counsel, trespassing was difficult to  
162 defend to the extent that the lake or property an individual was standing on was owned by the  
163 District.

164 Chairman Brougham asked whether Mr. Pires for an update on discussions with Severn  
165 Trent. Mr. Pires stated he could provide an update soon. Chairman Brougham stated he did not  
166 want the longstanding letter requesting a refund to die. Mr. Pires stated that Gateway had also  
167 filed a lawsuit against Severn Trent and that other districts were contemplating the same action.

168 Conversation ensued on this topic.

169 **b) Engineer**

170 Mr. Cole indicated that he had distributed an invoice from the 2005 Series Bond for  
171 approximately \$93,000 for lake excavation. He stated that most of these lakes had been

172 completed and that staff was in the process of checking slopes to certify them to the county. He  
173 stated that the figure included professional fees.

174

175 (End of Side A; Start of Side B)

176

177 Chairman Brougham asked whether construction funds for CDD 1 were nearing the end.  
178 Mr. Cole stated there were other roadways and features to be constructed. He explained that after  
179 finalizing Bonds 1, 2, and 3, leftover funds would go toward miscellaneous items such as  
180 benches and sidewalk connections, or would be transferred over to other CDD 1 bonds.

181 Mr. Cole advised that he had received the DOT permit for the US-41 east entrance  
182 located at Sandpiper Drive. He stated that this would become the construction entrance. He  
183 added that staff anticipated construction of the turn lane improvements to be completed in June.  
184 He also explained that the majority of the construction traffic would be rerouted.

185 Chairman Brougham felt Mr. Adams should have some discussions with the security  
186 department in anticipation of the June opening of the construction entrance.

187 Mr. Adams stated that the intent was to funnel construction traffic to the new entrance.

188

189 **c) Manager – Unaudited Financials as of December 31, 2006**

190 Mr. Adams stated he would investigate certain items listed under General Fund. He  
191 referred to page 2, Office Supplies, under Administrative Expenses, and indicated a figure which  
192 appeared to break the budget. He suspected that this concerned website expenses but stated he  
193 would double check this further.

194 Mr. Adams referred to page 3, and indicated a figure for Landscape Services  
195 Improvements and Renovations. He suspected that this related to late invoices for hurricane  
196 cleanup. He stated that if this was the case, it needed to be segregated under Hurricane Cleanup.

197 Mr. Adams referred to page 4, and indicated a figure for Access Control Services and  
198 Insurance. He explained that the District had paid the premium for the entire year based on two  
199 vehicles; however as there were three vehicles, the District was over budget. He stated that once  
200 the 1999 vehicle was surplus, staff would get a credit from the insurance company.

201 Chairman Brougham referred to page 1 and asked why Fiddler's Creek 2 was a slow pay  
202 regarding their contribution to security. Mr. Adams stated this was due to a monthly transfer  
203 timing issue.

204 Chairman Brougham commented that developer assessments continued to lag behind. Mr.  
205 Adams felt this might also be a timing issue. He added that the developer had until April 1 to  
206 pay.

207 Chairman Brougham referred to page 4, under Access Control Services, Repair and  
208 Maintenance of Parts. He referred to a \$938 figure for parts. Mr. Adams stated he did not know  
209 in detail what this concerned. He spoke of expenses for tires and air conditioning that had to be  
210 addressed on the vehicle.

211 Mr. Robertson referred to the same issue and asked whether the service provider was  
212 within his annual budget. Mr. Adams confirmed that this was the case.

213 Mr. Casey indicated documents he had provided concerning add-ons for the CDD 1  
214 landscape contract.

215 Chairman Brougham asked whether these add-ons had not been anticipated when the  
216 contract was bid. Mr. Adams explained that at that time, these areas were still undeveloped. He  
217 stated that the budget had contained dollars in anticipation of these additional areas.

218 Chairman Brougham referred to page 3, regarding Cherry Oaks and Cranberry Crossing  
219 signs. Mr. Adams explained that this concerned landscaping around the community signage.

220  
221 **On MOTION by Mr. Brougham and seconded by Mr.**  
222 **Curland\*, all were in favor of approving the change order to**  
223 **the One Source contract in the amount of \$37,860.**  
224

225 **SUPERVISORS' REQUESTS AND AUDIENCE COMMENTS**

226  
227 Chairman Brougham stated he had spoken with Mr. Casey about trimming down the  
228 height of the median shrubbery on Fiddler's Creek Parkway. He also requested that Mr. Casey  
229 investigate the exits from Whisper Trace, Bent Creek, Peppertree and Mulberry to improve  
230 visibility.

231 Ms. Schmitt spoke of high shrubbery that caused visibility problems at the Championship  
232 gate exit.

233 Chairman Brougham asked whether Mr. Casey and One Source had toured the berm  
234 abutting Mulberry and Peppertree for adjustments. Mr. Casey responded affirmatively.

235 Mr. Casey stated that he had looked at removal of tree bracing throughout CDD 1 along  
236 with a representative from Doria's and individuals from One Source. He stated that about 70% of  
237 tree bracing would come down soon; however, bracing would be left on some of the larger trees.

238 Chairman Brougham asked Mr. Pires about the Supplemental Maintenance Agreement  
239 which had received no feedback thus far. Mr. Pires stated that the design standards had changed  
240 and should be incorporated into the agreement. Chairman Brougham felt any agreement in place  
241 should be viable and enforceable by both parties. He asked what the Board's position was from a  
242 legal standpoint. Mr. Pires stated that the agreement was still valid. Chairman Brougham stated  
243 that the current agreement was unenforceable because it documented a palate that no longer  
244 existed in the community. Mr. Pires agreed there was no enforceability. Chairman Brougham  
245 requested that Mr. Pires have a discussion with the Foundation's attorney. Mr. Pires agreed.  
246 Chairman Brougham requested a report the following month. Mr. Pires agreed to provide this.

247 Ms. Schmitt spoke of cracked sidewalks on Club Center Drive, past the golf course  
248 parking lot. She stated that she had counted 27 cracked sidewalks on one side and 9 on the other.  
249 She also spoke of signposts without signs.

250 Mr. Casey stated he had looked at them and did not view them as a trip hazard. He stated  
251 he had made some calls and spoken with Steve Turner. He added that it would be difficult to  
252 determine how they got damaged. He stated he was willing to address repairing these if the  
253 Board wished.

254 Mr. Curland stated that in the same area, the turn lane into Marsh Cove looked as if  
255 someone spray painted the turn arrows rather than painting them with a stencil. He felt this work  
256 was not done to the quality standards elsewhere in the community.

257 It was asked whether irrigation pumps and wells were still functional. Mr. Adams stated  
258 he would check with Mr. Cole and find out what the future supply plans were for the pond.

259 Chairman Brougham stated that per Mark Strain's comments, the pumps had been shut  
260 down; also, per Mark's comments, the interconnects between Fiddler's Creek and the county had  
261 been changed so that in an emergency, they could accept potable water from the county into the  
262 lake. Mr. Cole agreed that due to interconnects between lakes, there was a much larger supply of  
263 water. He further indicated where additional residential pump stations would be placed.



264 Chairman Brougham asked about the timeframe for the next pump station at CDD 2. Mr.  
265 Cole stated he was anticipating submitting this to the county in a few months.

266 Mr. Robertson questioned whether it was premature to take the tree bracing down on  
267 newer landscaping. Mr. Casey agreed and stated this was why he met with representatives from  
268 One Source and Doria's to review this. He stated he was comfortable with the decisions made.

269 Mrs. Brougham commented that One Source did not pick up sidewalk trimmings. Mr.  
270 Casey stated he would address this.

271 Ms. Schmitt spoke of one open, round metal cover on the sidewalk in the Majorca area  
272 that had been open for one year. She stated that people were placing garbage in this. Mr. Casey  
273 stated he would address this also.

274

275 **ADJOURNMENT**

276

277 **On MOTION by Mr. Brougham and seconded by Mr.**  
278 **Curland, all were in favor of adjourning at 11:40 a.m.**

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283

  
Secretary/Assistant Secretary

  
Chairman/Assistant Chairman