

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

The regular business meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held on **Wednesday, April 25, 2007 at 10:05 a.m.**, at the Fiddler's Creek Club and Spa, 3470 Club Center Drive, Naples, Florida 34114.

Present and constituting a quorum were:

Phillip Brougham	Chairman
Alexander Love	Vice Chairman
James Robertson	Assistant Secretary
James Curland	Assistant Secretary
Peggy Schmitt	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Bob Casey	Assistant Regional Manager
Corinne Norton	Assistant Regional Manager
Terry Coles	District Engineer
Anthony Pires, Esq.	District Counsel

CALL TO ORDER

Mr. Casey called the meeting to order at 10:05 a.m. and advised that all Supervisors were present.

Mr. Brougham requested discussing the Engineer's Report first in consideration of Mr. Coles who had an engagement to attend. There were no objections.

ENGINEER

Mr. Cole presented Pay Draw #50 from the 2002 Series Bond. He advised that this was for approximately \$10,000 and covered signage within Phase 3, Unit 2 at Cherry Oaks Lane. In addition there were some small credits on items transferred over to CDD 2 related to work on Sandpiper Drive.

Mr. Brougham asked about the status of the "No Through Traffic" request for Cherry Oaks Lane. Mr. Casey stated he did not yet have a proposal from the sign company. Mr. Brougham requested an update on this request at the next meeting.

Mr. Cole presented Pay Draw #12 from the 2005 Series Bond, for approximately \$15,000. He advised this included some credits for work within Phase 3, Unit 3. He stated that the majority of work was for the south commercial center which was substantially completed.

Mr. Cole reported that work on the turn lane from Sandpiper Drive onto US-41 was proceeding well. With regard to the construction entrance, it was stated that employees would be able to enter via Championship Drive. Mr. Pires recommended that the Board regulate usage of the construction entrance until work on the road was completed. Mr. Brougham stated that the Board had much work ahead in communicating with residents about the opening of the construction entrance.

Mr. Brougham advised there would be a presentation from the District's gate hardware/software vendor at 12:30 p.m. following the regular meeting. He invited all Board members to attend the presentation. He added that there might be a field trip to actually see the equipment hands on and advised he would be the only Board member able to participate, per Sunshine Law.

CONSIDERATION OF REVISED POST ORDERS

Mr. Adams requested discussion and feedback on the revised post orders.

Mr. Curland requested that a representative from the developer write a concise article for *The Boardwalk* that addressed access roads and public roads within the District, as residents appeared to be ignorant in this regard. Mr. Pires advised that residents would receive a map of the District which could be added to the article. Mr. Brougham suggested sending a concise, bundled communication piece to residents which advised of the upcoming road opening and related activities scheduled for June.

Mr. Brougham suggested going through the post orders in detail to make final revisions. Various grammatical revisions and corrections to typos were provided. Ms. Schmitt suggested incorporating Physician's Regional Hospital on the contact list as it was closer to the District.

Mr. Brougham asked about the purpose and procedure for using gate clickers. It was stated that this mechanism registered every time someone entered and exited the property and

would be helpful with identifying construction personnel on the property. It was also stated that this procedure was not meant to control District members. It was stated that every access control device had identification.

Ms. Schmitt commented that the District did not really have a good access control system such as properties where residents registered their vehicles and used decals or barcodes. She pointed out that residents were automatically issued two clickers but some might have only one car. She felt there were better access controls than what the District currently had.

Mr. Brougham opened the discussion for brief audience comments.

Tony Anderson, a resident of Mallards, asked how guests would go in and out. Mr. Brougham stated this was addressed in the draft. Mr. Anderson stated this procedure seemed like overkill and a "maintenance nightmare". It was explained that the visitors' pass would allow guests on to the property for the specified time period of their visit.

It was pointed out that the document had no stipulation that residents were not allowed to use the construction gate and that this had to be a gatehouse order. Mr. Adams stated this stipulation could be added.

Mr. Brougham suggested exploring software that could scan a small device in residents' cars, such as a Sunpass, instead of clickers. He also suggested modifying the stipulations concerning realtors showing open houses. Mr. Adams stated that residents should notify the gate in advance of open houses or showings.

Mr. Brougham recommended issuing Rookery members the same type of bar code it was issuing to Rookery staff and management to avoid taking up a lot of guard time with paperwork and passes. Mr. Adams indicated he would make this revision.

Mr. Brougham asked whether there was any follow up if a patrol officer observed a resident breaking traffic laws. It was stated that the safety department wished to do something about this and requested direction from the Board. Mr. Brougham suggested that the safety officer could make a note of the tag number. Mr. Pires stated it was appropriate to note the vehicle then notify law enforcement if it appeared a driver was committing a criminal violation or driving under the influence; however, the District was responsible for monitoring access control and security, not traffic enforcement.

Ms. Schmitt asked whether residents registered housesitters. Mr. Adams stated they should be registered and issued a gate pass along with other vendors.

On MOTION by Mr. Brougham and seconded by Mr. Love, all were in favor of approving the post orders as drafted and as amended.

Mr. Pires recommended preparing a resolution about the post orders and then attaching a copy of the approved post orders. Mr. Adams agreed with this. Mr. Brougham stated it was very important to communicate fully with residents on these orders.

APPROVAL OF MINUTES FOR THE FEBRUARY 28, 2007 MEETING

Mr. Brougham requested that Mr. Adams mail the March minutes to Board members. Mr. Love re-stated his previous comments that “when Championship Drive was shut down to construction traffic the District should approach a developer about putting Championship Boulevard back in shape.” He requested that this be included in the previous set of minutes under Supervisors Comments.

It was stated that Mr. Coles was asked at the March meeting about ramps on Championship Drive and the specifics of the residual interest money. Mr. Brougham recalled that the question still on the table was how much unallocated interest was available for this or any other project. Mr. Adams advised that Mr. Coles was coordinating with the developer to identify any outstanding retainages. Mr. Adams stated staff was waiting to see if anything else came in on retainages. Mr. Brougham asked for a progress update on this and for final billing on the park benches by the next meeting.

On MOTION by Mr. Brougham and seconded by Mr. Curland, all except Mr. Love were in favor of approving the February 28, 2007 minutes with the additions requested.

OTHER BUSINESS

Surge Suppression Proposal

Mr. Casey advised this was for the Championship gate, main gate and both irrigation pump stations. Mr. Brougham recalled that the Board had asked staff to obtain quotes to provide lightning and surge protection for hardware at the gate.

Mr. Casey advised he had met with Lightning Protection Systems to do an evaluation. He indicated that he had recommendations for improving surge suppression and lightning protection on the electronic security systems. He advised that this vendor was recommended by Bentley Electrical which did the street lighting in the area. He explained that these provided an added level of reliability and protection for the devices being used. Mr. Casey stated this proposal was for \$16,600 for the four areas indicated.

Mr. Brougham asked whether staff had obtained other bids. Mr. Casey stated this was the only proposal staff had at this point. Mr. Brougham felt this would be a prudent expense.

A Board member voiced concern was spending this money with no guarantee the product would work in the event of a major lightning hit. Mr. Adams stated there was a significant investment in the pump stations, more so than in the gate houses.

A Board member asked if there was a redundant backup power supply in light of the new computer system to be installed. Mr. Brougham stated this would be covered in the presentation by the vendor later that day.

Ms. Schmitt asked whether this expense would be shared between Districts 1 and 2. Mr. Brougham stated the only sharing was the current cost sharing arrangement which was the contribution of \$87,000. He added that he would be comfortable making a motion to protect the pump houses with lightning and surge protection and forego this expense for the gate houses.

Ms. Schmitt stated she would like to other proposals.

**On MOTION by Mr. Brougham and seconded by Mr. Robertson, all except Mr. Love, Ms. Schmitt and Mr. Curland, were in favor of approving the surge suppression proposal and directing staff to write a contract for installation with Lightning Protection Systems per this proposal.
(Motion failed.)**

Mr. Brougham asked Mr. Casey to bring additional proposals before the Board for further consideration.

STAFF REPORTS

Attorney - Supplemental Maintenance Agreement

Mr. Pires stated he had a conversation with Mr. Parici two days earlier regarding the pallet that formed the community rights standards. He advised that this was no longer applicable due to the changing nature of materials. He agreed it was a good idea to record and modify what the District currently had. He requested a specific written outline from the Board as to what it desired before further communicating with the Foundation.

Mr. Brougham stated the most recent addition to the District's covenant and restrictions essentially encompassed the supplemental maintenance agreement within its text. He asked Mr. Pires what gave the Foundation the right to unilaterally include their ability to go into non-foundation owned property and perform maintenance. Mr. Pires stated that the agreement addressed disputes that might arise from the interpretation and application of the agreement. He advised that the supplemental maintenance agreement was recorded in December, 2004 and the amended covenants were recorded in November, 2004. He explained that if the District was notified that the Foundation wished to perform upgrades or maintenance, the District had 30 days to 1) acknowledge that landscaping did not meet set standards, or 2) allow the Foundation to enter the property or 3) file a dispute within 10 days, after which each party would choose a landscape architect to determine whether landscaping met community wide standards.

Mr. Brougham stated he did not see the point of the supplemental maintenance agreement because 1) it was unenforceable as it referenced a pallet the Board no longer had, and 2) the covenants and restrictions legally gave the Foundation the ability to perform and fund maintenance on District property. He suggested dissolving the supplemental maintenance agreement as the covenants and restrictions took precedence.

Mr. Pires stated that on June 28, 2006, the District had adopted amended rules and procedures. He stated it was appropriate to have a resolution whereby the Board memorialized this adoption.

On MOTION by Mr. Brougham and seconded by Mr. Love, all were in favor of adopting the resolution regarding the amended District rules and procedures adopted on June 28, 2006.

Mr. Pires stated there was inappropriate language in one of the instruments from about 10 years ago that needed to be clarified regarding roadway status. He stated he would include an amendment reaffirming that all District roads and systems constructed or acquired with bond proceeds would be operated as public roads. He spoke of about 20 parcels in Pelican Marsh that were assigned for District usage. He suggested pursuing a fee simple quit claim deed to secure ownership of these tracts. He advised that this would be finalized by the next meeting. He stated he would also include language regarding temporary construction and access easements that allowed the District to perform work on property it did not own.

Mr. Adams asked for clarification on the supplemental maintenance agreement discussion. Mr. Brougham stated once again that the agreement did not give either party any rights beyond those covered in the Fiddler's Creek covenants and restrictions. Mr. Pires stated this was true with the exception that the dispute resolution process was not in the agreement. Mr. Brougham voiced his objection to "a document written by some organization not under the control or with the advice and consent of the Board that unilaterally said it had the right to do as it wished on property it did not own." He stated he did not understand what law or statute authorized a not-for-profit organization to be able to do this.

Mr. Pires stated he would look into the history of how this document was created and update the Board further.

Manager - Unaudited Financials as of March 31, 2007

Mr. Adams advised that a lead accountant had left his firm and that a new CPA had prepared this month's financials.. He explained that reclassification of expense details would be corrected on the next month's report. Additionally, he explained that the General Fund 002 debt service fund had not seen any transactions for several months, as it collected revenues and made two annual payments against the note secured last year with SunTrust. Mr. Brougham asked if the outstanding A/R item had been covered. Mr. Adams stated this still required further research.

Mr. Adams advised he would have outstanding transfers cleaned up by the next meeting.

Mr. Brougham indicated that Mr. Pires had an answer for the Board to an earlier question. Mr. Pires referred to the minutes of October 27, 2004 and advised that motions were on record indicating as follows: 1) the amended supplemental maintenance agreement was approved

and 2) the amended and restated declaration of covenants and restrictions was approved by the existing Board.

SUPERVISORS' REQUESTS AND AUDIENCE COMMENTS

Mr. Curland commented that the lake water levels were very low. He asked if there was a critical point where there would be inadequate water for irrigation. Mr. Casey advised there was an emergency potable feed for extreme emergencies supplied by Collier County Utilities.

Ms. Schmitt asked whether the District was under the recent water restriction guidelines. This was confirmed affirmatively. Mr. Brougham advised that county code enforcement was actively monitoring this. Ms. Schmitt commented that it would be helpful to get relevant information on water restrictions out to residents. Mr. Brougham stated that every homeowner was responsible for being informed and liable if they broke guidelines.

Further discussion ensued on this topic.

Mr. Brougham suggested that if Mr. Albiet wished, he could send out an email blast advising that all residents were subject to current county water restrictions.

Mr. Brougham raised the issue of the summer meeting schedule. Mr. Adams advised the regular meeting was scheduled for the fourth Wednesday of each month at 10 a.m. He added that the draft budget would be received the next month, to be followed by the public hearing scheduled for August. Mr. Brougham stated the June and July meetings were important and would require a quorum. Mr. Brougham stated the Board needed to start discussing the two upcoming contracts for landscaping and security.

Mr. Brougham asked Mr. Pires if he had received anything from Severn Trent's attorney. Mr. Pires stated he needed to provide Severn Trent's attorney with copies of minutes of various meetings.

Mr. Brougham recalled that Mr. Adams stated he would have the budget true-up ready for the Board the following month. Mr. Adams responded affirmatively.

Mr. Brougham recalled that he had spoken with Mr. Casey about the height of the median shrubs on Club Center Drive. He stated that these were getting high and needed to be reduced to land development code standards. He commented that One Source should be advised that landscaping should not be allowed to get this high prior to blooming.

It was stated that an individual in the audience had raised the issue of access to public information. It was stated that delivery of *The Citizen* was piggybacked with the *Naples Daily News* to subscribers. Also residents could call *The Citizen* to refuse delivery of this publication.

It was stated that residents paid a separate individual to deliver this paper. It was stated that this paper was delivered late and many residents had left for the summer; however this was being addressed by the delivery person.

CONTINUATION OF MEETING

Mr. Brougham advised that this meeting would be continued until 12:30 p.m. at which point it would reconvene at this location with TEM.

Mr. Pires stated the Board could listen and ask questions, but could not make any decisions at the presentation.

PRESENTATION BY TEM

Mr. Casey reconvened the meeting at 12:30 p.m. and introduced Lee Herman, with TEM. Mr. Herman spoke of the background of TEM and expressed appreciation for the District's business.

Chris Gwin summarized a flow chart that provided a general overview of these gatehouse software systems: 1) the visitor management system, which included the resident database and list of authorized visitors; 2) the access control system, which included the clickers and bar codes; and 3) the alarm monitoring for the south building. He stated that all these systems integrated with the gatehouse.

A concern was raised that there was no integration with the corporate program used in the administration building. It was stated that the administration building had its own database separate from the residents'. Mr. Gwin commented that the systems were logically partitioned even though they shared the same server, therefore it would not be difficult to make any desired transitions.

Mr. Gwin continued explaining the mechanism of the gatehouse visitor management system. Mr. Brougham asked if cameras would be repositioned on the exit side. Mr. Charbonneau stated there was currently no intention of doing this.

Mr. Brougham asked whether the current system was capable of operating with a potential future system similar to the SunPass. Mr. Gwin responded affirmatively.

Further discussion followed on this topic.

It was asked whether the clickers were identifiable individually. Mr. Gwin responded affirmatively.

Mr. Twin explained the functioning of the barcode passes. He stated this system would be installed in a few weeks and would be used to manage construction workers. Mr. Brougham asked what system was in place to report individuals who remained on the property after work hours. Mr. Gwin explained that any report could be generated through this system. Mr. Brougham asked whether the system provided online alerts to Mike Charbonneau or his staff regarding individuals who should not be on property. Mr. Gwin responded affirmatively.

The presentation continued with summaries of the guest access system.

Mr. Brougham requested that the TEM perform a functional analysis of the system and provide recommendations.

It was stated that staff was in the process of locking the District into a fixed amount for battery operators at a lower price. This information would be prepared at the end of the week.

With no further business to be discussed, the meeting was adjourned.


Secretary/Assistant Secretary


Chairman/Vice Chairman