

**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, May 23, 2007 at 10:10 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 Curland	Assistant Secretary
Peggy Schmitt	Assistant Secretary
James Robertson	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Corinne Norton	Assistant Regional Manager
Terry Cole	District Engineer
Anthony Pires	District Counsel
Ron Albeit	Developer

**FIRST ORDER OF BUSINESS:**

**Roll Call.**

Ms. Norton called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS:**

**Engineer's Report.**

Mr. Brougham stated I would request that we move Terry's portion of the meeting to the first item on the Agenda, since he often has to sit through a lot of meeting that he does not necessarily need to. I discussed this with Terry this morning and he would appreciate it at least for today, if we would move him up on the Agenda.

It was stated that it was useful to have Mr. Cole's feedback, opinions, etc. during the course of the meetings.

Mr. Brougham stated we can keep it flexible if we see we will need his opinion. For now I think that we could move it up to the first item of business at every meeting and if a question

comes up later in the meeting, then I would be comfortable with the Manager checking with Terry. Let's do that for today and if you could note the Engineer's report as the first item on the Agenda at each meeting and we'll go from there.

**Engineer's Report:**

**Pay Draws.**

Mr. Cole distributed Draw #13 for 2005 Series Bond for approximately \$166,000.00 consisting of work related to roadways in the Phase 3, Unit 3 area. In addition, there was work related the South Commercial Center turn lanes and clearing work related to Phase 6, Unit 1, and lake and bank sodding.

Mr. Cole stated at the next meeting I will bring everyone copies of an updated site map with all the development names, plats, etc.

Mr. Cole explained the various references on the site map.

Ms. Schmitt questioned Mr. Cole regarding a pathway/roadway going off of Mahogany Bend into Via Vinetta; is this a new road or a shortcut so they don't have to go around the fountain?

Mr. Cole stated I know that they were using that as a temporary construction entrance, during construction of the fountain, but I will have to check with the Developer to see what they are using it for now.

**On MOTION by Mr. Brougham and seconded by Mr. Love, with all in favor of approving the Engineer's Pay Draws as submitted.**

**Discussion Items:**

Mr. Brougham stated in follow-up items: the proposal for Cherry Oaks Lykins Signtek *no-thru* traffic signs, totaling \$1,808.68, is that installed?

Mr. Adams clarified that proposal was secured by Bob, and it is actually \$1,708.00 and is for two signs installed on either end.

A discussion followed regarding the placement of the *no-thru* signs.

**On MOTION by Mr. Brougham and seconded by Mr. Love, with all in favor of approving the new signage as discussed.**

Mr. Brougham asked Mr. Cole, have we reached a final cost on the Park Benches to make sure how much balance is available on the 96 Bond?

Mr. Cole stated I am still working on that; the Phase I Bonds; I should be able to answer that very quickly; as far as the remaining balances in Phase 3 and 4 Bonds, we are still working on those with the Developer.

Mr. Brougham stated we need to move toward some conclusion, we need to know if there is money left over and what it is; we need to discuss potential uses for it and make it happen. I would ask our District Manager, Terry and Mark Strain to look into this and give us a final accounting at the next meeting.

Mr. Adams stated we will pull this all together within the next thirty days.

Mr. Brougham discussed the irrigation supply for the future of Fiddler's Creek C.D.D. Are the irrigation supply facilities that are currently in place adequate to irrigate all of this development and if not, whose problem is that and what plans should be put place?

Mr. Cole answered the irrigation facilities for the areas on line so far have been designed to provide adequate coverage based upon irrigating twice a week for the areas developed to date.

Mr. Cole reviewed the pump houses that are in operation and a third and fourth pump house that are planned.

Mr. Brougham questioned is there an overall DRI plan for Fiddler's Creek #1 and #2 C.D.D.?

Mr. Cole stated yes, there is.

Mr. Brougham requested that Mr. Cole prepare a brief presentation for the Board and the residents to explain the irrigation plan.

**THIRD ORDER OF BUSINESS:**

**Consideration of Resolution 2007-6.**

Ms. Norton explained that Resolution 2007-6 is amending the General Fund Budget for Fiscal Year 2006.

Mr. Adams stated this is the true-up of the budget.

Mr. Brougham asked did we over spend or under-spend?

Mr. Adams stated in total, you under spent.



Mr. Adams stated District #2 did appoint Mr. Robertson to serve on a Security Cost Sharing Committee and I would look for a representative from this Board to serve with myself, District #2, and a representative of the Foundation.

Discussion was held regarding the estimated costs for the security system and other projects.

Mr. Brougham stated I would like to see us agree to make the gate at Championship unmanned and save approximately \$75,000.00 and operate it remotely.

Additional discussion followed regarding this suggestion.

Mr. Adams stated you may want to consider a short-term lease purchase for the equipment.

Mr. Brougham asked for a volunteer for the Security Cost Sharing Committee.

Mr. Curland volunteered to serve on the Security Cost Sharing Committee.

**On MOTION by Mr. Brougham and seconded by Mr. Robertson, with all in favor of Mr. Curland serving as representative for Fiddler's Creek C.D.D. #1 on the Security Committee.**

Mr. Brougham requested that the Committee draw up an inter-local agreement with C.D.D. #2 on an annual basis.

Mr. Pires stated the agreement should be recorded.

**On MOTION by Mr. Love and seconded by Mr. Brougham, with all in favor of approving Resolution 2007-7; adopting the Proposed Budget for Fiscal Year 2008 and setting the Public Hearing for Wednesday, August 22, 2007 at 10:00 a.m. at this location.**

**FIFTH ORDER OF BUSINESS:**

**Consideration of Resolution 2007-8.**

Ms. Norton stated Resolution 2007-8 is for the purpose of approving the Access Control Post Orders for the Fiddler's Creek C.D.D. #1.

Mr. Pires reviewed the Post Orders dated April 25, 2007 with the Board members. Mr. Pires will proof the Post Orders and provide the final document to the Manager.

**On MOTION by Mr. Brougham and seconded by Mr. Love, with all in favor of adopting Resolution 2007-8; approving the Access Control Post Orders for The Fiddler's Creek C.D.D. #1 as discussed.**

**SIXTH ORDER OF BUSINESS:**

**Consideration of Access Control Equipment Service Agreement.**

Mr. Adams stated there is a preferred client agreement contained within your Agenda Package, with TEM Systems, Inc. We have requested TEM to design a process to further reduce costs, and they have provided a preferred client agreement which removes certain routine service calls to deal with the gate program, reducing parts and labor expenses. I asked them to provide an outline of the last year, with service dates, and the charges; in order to provide a cost comparison of being a preferred client versus a non-preferred client. As you can see, there is a significant reduction, and you receive first priority in call response.

A discussion of the "normal wear and tear" clause of the contract followed.

Mr. Adams clarified the equipment and coverage of the PCA agreement.

Ms. Schmitt questioned when is a decision required for older equipment and at what point do we say enough is enough and install a new system?

Mr. Adams stated we need to keep a close eye on it and monitor how the equipment functions.

**On MOTION by Mr. Love and seconded by Mr. Brougham, with all in favor of approving the three year service agreement with TEM Systems, Inc. for Access Control Equipment.**

Mr. Brougham asked Mr. Adams, do you have an explanation for the \$35,000.00 item?

Mr. Adams stated the best we can determine, this goes back to 2003 and 2004; there are two separate entries that appear to be from the re-calculation of Developer off-roll assessable units that as we have previously discussed, has traditionally happened after budget adoption. For whatever reason, Severn Trent posted a shortage of the "off roll" assessment revenue without realizing the offsetting revenue was collected in on-roll assessments. As you will recall, we

recently went through an exercise that demonstrated there is no shortage from the Developer. It was an erroneous posting for two particular years. We will make a change to it in the upcoming audit.

Mr. Brougham clarified it was not for two years.

**SEVENTH ORDER OF BUSINESS: Letter from Collier County Supervisor of Elections.**

The annual informational letter from Collier County Supervisor of Elections indicates that there are 750 registered voters in Fiddler's Creek C.D.D. #1 as of April 15, 2007.

**EIGHTH ORDER OF BUSINESS: Approval of minutes for the March 28, 2007 and April 25, 2007 meetings.**

**On MOTION by Mr. Brougham and seconded by Ms. Schmitt, with all in favor of approving the minutes of the March 28, 2007 meeting as amended.**

**On MOTION by Mr. Love and seconded by Mr. Brougham, with all in favor of approving the minutes of the April 25, 2007 meeting as amended.**

**NINTH ORDER OF BUSINESS: Other Business.**

Ms. Norton stated earlier I distributed a proposal for Lightning protection systems that Bob Casey had received. I thought there would be a second proposal which you requested at the last Board meeting, so I will defer this item to the next meeting when Bob returns.

**TENTH ORDER OF BUSINESS: Staff Reports.**

**A. Attorney**

Mr. Pires stated I would ask the Board to adopt Resolution 2007-9; confirming and memorializing the adoption by the Board the *Protocol and Meeting Procedures* of the District that were adopted by the Board on March 16, 2005.

**On MOTION by Mr. Brougham and seconded by Mr. Love with all in favor of adopting Resolution 2007-9; confirming and memorializing the Protocol and Meeting Procedures.**

Mr. Pires stated Resolution 2007-10 is regarding the amended *Rules for Procedure* for the District adopted on June 28, 2006.

**On MOTION by Mr. Love and seconded by Mr. Curland with all in favor of adopting Resolution 2007-10; confirming and memorializing the amended *Rules for Procedure*.**

Mr. Pires provided a conveyance book for each Board member which contains conveyance maps and plats, and temporary easements of the District.

Mr. Brougham requested that at a future meeting, Mr. Pires or Mr. Zampogna explain to the Board in “lay-man’s terms” what the different types of conveyances mean i.e., an easement, a dedication or a deed.

**B. Engineer**

*Report moved to Second Order of Business.*

**C. Manager**

There being no report, the next item followed.

Mr. Brougham stated I have been concerned over the last two or three months about what I would term a lack of adequate performance on the part of Wrathell, Hart, Hunt and Associates concerning the absence of minutes, the incompleteness of minutes, the late-ness of minutes, the late-ness of financial reports, etc. I think it is wise to advise the Managing Partner of my concern and I sent him an email yesterday. This was addressed to Craig Wrathell:

*I need to advise you of my personal dissatisfaction and I am sure the Board's, over the performance of your firm as District Manager over the past three months. I intend to put it into the minutes of tomorrow's meeting and ask that the Board Attorney follow-up with a letter to you expressing our concern. I believe that it is vital that the Supervisors be provided with accurate and timely*



*meeting minutes and financial reports, in advance, of each Board meeting. This provides the Board with adequate time to review the minutes and financial reports and hopefully pose questions back to District Management so that they are prepared with answers at the meeting. The responsibility to provide the information is clearly a major facet of your management responsibility and I know that you agree.*

*Chuck has stated to me in response to my question as to why the financial report for April was not included in the packet, that the work load of preparing the preliminary budget and the departure of Madonna had caused a delay. I agree that those events would have had an impact, but do not agree that they should have impacted delivery of expected documents. I view the reasons more as excuses because there should have been adequate time to "staff-up" or work longer to meet your monthly obligation. In my opinion, additional personnel or both should have been employed.*

*Further more, there was no advance communication to the Board or any mention in the Agenda Packet letter that financials were not included.*

*Craig, please understand that my objective here is to keep you candidly informed as to the state of affairs and to also be clear on record, if future performance continues to deteriorate. I am speaking as one Supervisor and not for the Board at this time, but I wanted you to be informed. Specifically, our February minutes were not complete when presented in March and then the February minutes were still not complete when presented in April. The March minutes were not available to us at our April meeting. The "true-up" budget was incorrect as presented at our last meeting and the financial reports for the month of April were not included in our May packet..... and in fact put on the table here this morning, giving us no opportunity to review them.*

Mr. Brougham continued I will open this up for comment; my recommendation would be to go on record with a letter from our attorney to the managing partners to be on record. We had another one about six months ago, with the financials, that there was inadequate performance on their part. Should we encounter problems in the future, then we are in position to have adequate cause for action.

Mr. Robertson expressed that he felt this action was "over-kill"; the problem was relayed to Chuck and he stated he would correct that.

Ms. Schmitt stated my comment pertains to the Website and I think it is critical that it is kept up to date; I looked yesterday and there is still at least two months of minutes missing and this is how our residents who aren't here year 'round can access information on what happens at this meeting.

Mr. Brougham stated the minutes are posted after they are approved.

Mr. Love concurred that he felt the level of service was inadequate. He stated I would go even further and consider looking at another source, if necessary.

Mr. Curland questioned the contractual obligation with WHHA.

Mr. Pires stated there is a provision in the contract that talks for termination, basis for cause and there is a termination provision for without cause, and I think it is a 60 day written notice and I believe that with cause it is shorter notice.

Mr. Brougham stated I am not suggesting at this point that there is a serious enough problem to have other people come in to bid. I don't view it as Chuck's or Bob's fault that the back office has problems, but I think it is important that the District go on record in case we have to go out to bid for another management company.

Mr. Love stated I feel they should be aware that in my opinion they haven't met the provisions of their contract.

Mr. Brougham requested the Attorney to draft a letter to WHHA noting that the office support to Chuck Adams and Bob Casey is inadequate.

**On MOTION by Mr. Brougham and seconded by Mr. Love, and Mr. Robertson dissenting for authorizing District Counsel to draft a letter to WHHA detailing inadequate service in providing timely meeting minutes and financial reports; authorizing the Chairman to sign and recognizing satisfaction with the level of service from Mr. Adams and Mr. Casey.**

**ELEVENTH ORDER OF BUSINESS:                   Supervisors' Request and Audience Comments.**

Mr. Curland requested clarification from the Board regarding his serving as representative on the Security Cost Sharing Committee.

Mr. Brougham explained that the committee will consist of Mr. Robertson, who will represent District #2, District Manager, Chuck, a Developer representative and you, representing C.D.D. #1. The purpose will be to discuss the security contracts, whether there should be one or two bids for next year; which District shall be the administrator of the contract; agreement on the best estimate of costs for both Districts and come forth with a recommendation of a structure, a formula for cost sharing on an equitable basis between the two Districts. That could be in the form of ERU percentages or an inter-local agreement and then brought back to both Boards for consideration. An inter-local agreement is preferable to bind both Districts.

Mr. Pires commented that you can communicate with each other only in Public forum.

Mr. Brougham requested that Ms. Norton relay to Mr. Casey that the monument lighting at Championship has not been repaired as yet, now all the lights are burned out. Please ask Bob to get another contractor to take care of that.

Mr. Brougham mentioned I also discussed with Mr. Casey about certain median shrubbery height on making left turns throughout the roadways. The bougainvillea impedes the visibility, so we need to get them trimmed down four or five inches to conform with land development code and safety purposes.

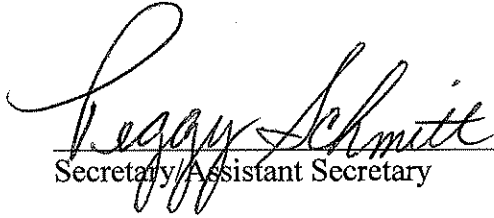
Mr. Brougham stated also for Mr. Casey, that he had previously asked for Emergency Preparedness Plan Updates, I have yet to receive those updates.

Mr. Brougham requested that each Board member review the financials that were received this morning and contact Chuck by email with any questions.

**TWELFTH ORDER OF BUSINESS:                   Adjournment.**

There being no further business, the meeting was adjourned.

On MOTION by Mr. Brougham and seconded by Mr. Love,  
with all in favor, the meeting was adjourned.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairperson