

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

The regular meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held on Wednesday, June 27, 2007 at 10:35 am., at the Fiddler's Creek Club and Spa, 3470 Club Center Drive, Naples, FL 34114.

Present and constituting a quorum were:

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

Also present were:

Corinne Norton	Assistant Regional Manager
Chuck Adams	District Manager
Anthony Pires	District Counsel
Terry Cole	District Engineer
Ron Albeit	Foundation Manager
Greg Urbancic	Goodlette, Coleman & Johnson, PA
Jay Gaines	Berger, Toombs, Elam, Gaines & Frank
Residents	

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. Cole introduced Ms. Heidi Van Korff, a new employee with Hole, Montes & Associates, to the Board members.

Mr. Cole stated I have several items of information which I have distributed; as requested last month, I have provided an updated development map showing all the plats and various projects within Fiddler's Creek. This is updated once or twice a year to indicate the various projects.

Mr. Brougham questioned, once a plat is recorded, can it be un-platted?

Mr. Pires stated the Developer can apply to amend a plat, re-plat it or vacate it, which requires going back to the Board of County Commissioners. It does not affect the District's ability to impose assessments on the property. The purpose of platting is to have a discreet, graphic description of the property that will be conveyed as opposed to conveying by metes and bounds, which is difficult to track.

Mr. Brougham expressed that platted/planned permitted units it seems that it has been or can be changed at will and that makes me uncomfortable.

Mr. Pires explained the developer's basis for platted/planned units and the ERU allocation for commercial units.

Mr. Brougham requested that Mr. Pires, Mr. Cole and Mr. Adams research the methodology utilized for developer units.

Mr. Cole distributed and reviewed additional maps regarding water use permitting and irrigation needs for the District; as well as future pump house facilities.

Mr. Cole distributed pay draw #14; 2005 Series Bond; approximately \$100,000.00 for off-site work, developer's management fees and work related to the South Commercial Center for turn lane improvements.

Mr. Cole stated we are working on developing the report for Bond 3 with the developer. On previous questions; for the park benches we have submitted invoices for about \$3,500.00, there is still about 90% of the completed work that has not been invoiced. The balance for Bond 3, as of April 1, 2007, is approximately \$320,000.00; and I have identified some items that will go against that and will try to close that up next month.

Mr. Brougham requested that the balance of Bond #1/1996 be clarified.

Mr. Adams responded the balance of the 1996 Bond is approximately \$92,000.00.

Mr. Brougham requested that the District Manager, District Engineer, District Counsel and the Developer agree on a number that the Board can consider spending on a Capital Project and report at the next meeting.

Mr. Brougham questioned the plastic mats in the sidewalks.

Mr. Cole responded we are following up on making sure they are all installed.

THIRD ORDER OF BUSINESS:

**Consideration & Acceptance of
Audited Financial Report for
Fiscal Year 2006.**

Mr. Gaines, Auditor with Berger, Toombs, Elam, Gaines & Frank, provided a brief synopsis of the audit report. He stated that the auditor gave an unqualified opinion, meaning the financial statements are materially correct as of September 30, 2006.

Mr. Gaines reviewed the Audited Financial Report as prepared by Berger, Toombs, Elam, Gaines & Frank, as provided within the Agenda Package.

Mr. Gaines suggested consulting Bond Counsel regarding arbitrage pertaining to the 1996 Bond funds and IRS requirements.

FOURTH ORDER OF BUSINESS:

Consideration of Resolution 2007-10.

Mr. Adams explained that Resolution 2007-10 is for the purpose of accepting the Audited Financial Report for Fiscal Year ended September 30, 2006 as prepared by Berger, Toombs, Elam, Gaines & Frank.

On MOTION by Mr. Brougham and seconded by Mr. Love with all in favor of acceptance of the Auditor Report for Fiscal Year 2006 ending September 30, 2006 as presented.

FIFTH ORDER OF BUSINESS:

Continued Discussion of Proposed Budget for Fiscal Year 2008.

Mr. Adams asked if the Board would prefer a line-by-line discussion or a question and answer format.

Mr. Brougham suggested that a question and answer format be followed.

Mr. Curland commented on the security issues; the decrease per unit; the cost sharing program with District #2 and the unmanned gate versus a security guard.

Mr. Brougham stated the current budget provides for an unmanned Championship gate and includes the monies to make it so. Is that correct Chuck?

Mr. Adams reviewed the planned unmanned security gate and the financing options for the District.

Mr. Adams continued by discussing the optional credentials to be considered for gaining access into the community as residents; one a bar code or a Transcor Tag, which is highly recommended by TEM.

The Board was in agreement with moving forward with the unmanned security gate project.

Mr. Adams discussed the exchange of the current security remotes (clickers) with the new Transcor Tag program and the estimated cost of \$108,000.00, for the windshield tag system.

Ms. Schmitt questioned the additional costs for the tag system as opposed to the affordable bar code system.

Mr. Adams stated the tag system is much more reliable; feedback is that the bar code is unsightly, but ultimately it is your decision as a Board.

Mr. Albeit questioned do we keep the other credentials active, like employees?

Mr. Adams stated the recommendation is to change the entire system to reduce the potential of malfunction.

On MOTION by Mr. Brougham and seconded by Mr. Love with all in favor of approving the exchange of one remote at no cost to the resident if the remote is not compatible with the new system; in the event that an additional remote is requested, due to loss, etc., the resident will be responsible for the cost.

Mr. Brougham clarified the cost sharing benefit to the District as indicated in the Proposed Budget.

Mr. Adams stated if the cost sharing program of the unmanned gate is utilized, the cumulative savings for Fiddler's Creek #1 would be approximately \$75,000.

Mr. Brougham questioned the decrease in ERU's for Fiscal Year 2008.

Mr. Adams stated last year the units were linked to the Supplemental Assessment Methodology Report for the "on roll or platted units". Mr. Adams explained the developer's plan and the process of "truing up" for units that are un-platted.

Discussion followed regarding the deadline date for noticing of assessments by the end of July; TRIM noticing or a separate mail notice to be sent 20 days in advance of the Public Hearing; insurance costs and separating tree trimming from landscaping.

SIXTH ORDER OF BUSINESS:

**Discussion of the Boardwalk
& Gazebo.**

Mr. Brougham shared comments from a resident regarding improvements to the Boardwalk and Gazebo located in the park; and the fact that it was not District responsibility per Mr. Pires.

A license agreement from 1996 was reviewed recently that indicates that the Board could amend the agreement and specify the boardwalk as a District responsibility.

Mr. Adams discussed the advantages of the District managing the facility due to financing options; long term borrowing and sovereign immunity rights.

On MOTION by Mr. Brougham and seconded by Mr. Love with all in favor of authorizing Staff to prepare an amendment to the license agreement pertaining to the Boardwalk & Gazebo near the entrance for maintenance by the District; and authorizing the Chairman to execute this agreement.

Mr. Adams discussed budgeting for the repair of the facility; not including structural improvements that are required.

Mr. Albeit will obtain an estimate for repairs that was previously submitted to the Fiddler's Creek Foundation Club & Spa.

SEVENTH ORDER OF BUSINESS:

Discussion of Ficus Tree Trimming Bid.

Mr. Adams discussed the tree management guidelines that were previously adopted and implementation of the first step done in the past following a Hurricane. The amount of the current bid is \$225,000.00 from A & D; Anchor Tree Service's bid is \$202,500.00.

Discussion of the costs of the three annual steps recommended to control the ficus growth and trimming; as well as liability issues followed.

On MOTION by Mr. Love and seconded by Mr. Curland with Mr. Brougham dissenting, the motion carried accepting the Bid from Anchor Tree Service in the amount of \$202,500.00; utilizing the existing Budget funds and surplus funds.

EIGHTH ORDER OF BUSINESS:

Discussion/Consideration of Surge Protection Proposals.

This item is deferred to the July meeting.

Ms. Schmitt requested that Mr. Adams prepare a summary of the proposals for comparison.

NINTH ORDER OF BUSINESS:

Discussion of HB1491.

This item was deferred at this time.

TENTH ORDER OF BUSINESS:

Approval of May 23, 2007 Meeting Minutes.

On MOTION by Mr. Love and seconded by Ms. Schmitt with all in favor of approving the May 23, 2007 Meeting Minutes as amended.

ELEVENTH ORDER OF BUSINESS:

Other Business.

There being no Other Business, the next item followed.

TWELFTH ORDER OF BUSINESS:

Staff Reports.

A. Attorney

Mr. Pires stated I will prepare a memo regarding the concept of various types of interest in Real Estate, for the next Board meeting

Mr. Pires responded to Mr. Brougham's question regarding the Severn Trent complaint, stating I have heard nothing more from them. I will keep you posted if I hear anything positive.

B. Manager

1. Unaudited financials as of May 31, 2007.

Mr. Brougham questioned, are those investments in a Money Market Account or a CD?

Mr. Adams answered they are in a Money Market Account.

Mr. Adams will follow up on additional questions by email to the Board members as requested by Mr. Brougham.

Mr. Adams explained a bank error and subsequent transfer to correct the transaction/discrepancy.

Mr. Brougham questioned Mr. Adams; did you bring an estimate of the portion of your fees charged for transcription services?

Mr. Adams replied, on average, because it is an hourly charge, the cost is up to \$250.00 per month, included in our fees.

Mr. Brougham stated so that if this Board decided to go with outside services, you would reduce your fees by \$250.00 a month?

Mr. Adams stated it would be something that I would have to have the Partners agree on.

Mr. Brougham requested a summary of transcription charges be prepared.

2. Proposed Fiscal Year 2008 Meeting Schedule.

Ms. Norton stated I would ask you to consider changing the December meeting from 26th to the 19th.

On MOTION by Mr. Brougham and seconded by Ms. Schmitt with all in favor of approving the proposed Meeting Schedule for Fiscal Year 2008 as amended.

THIRTEENTH ORDER OF BUSINESS:

Supervisors Request & Audience Comments.

Mr. Brougham stated I have one item I would like to bring up; and we can go with it or dump it. One of the items that we have been concerned about over the months is not only the timing but the verbatim accuracy of our minutes. Right now, we are close to getting verbatim, but there is still a lot of summary. We have had some issues where the minutes did not show up; we will always have corrections made to the minutes. I took it upon myself to contact two firms here in Naples to understand if they sent a court reporter person here, to sit through the Board meeting, with their machine; took court reporter minutes; transcribed them and then transmitted them to Wrathell, Hart, Hunt & Associates., what would the costs be? I contacted Gregory Court

meeting, with their machine; took court reporter minutes; transcribed them and then transmitted them to Wrathell, Hart, Hunt & Associates., what would the costs be? I contacted Gregory Court Reporting Services and they do the County Commission, and the planning Commission, etc. I also contacted Donovan, if we assume we will have 40 to 50 pages of minutes and a two hour session, their approximate cost would be about \$500.00 per that session, that includes their time @ \$85.00 per hour; per page transcription and one copy. Gregory Court Reporting Service is significantly less, they charge far less per page on transcription, roughly half. Their cost would be \$332.00 based on a two hour meeting and 40 to 50 pages of transcribed minutes. If you broke them down, we are talking about \$1.00 per homeowner/month to have a resident Court Reporter sitting here taking verbatim minutes; transcribing the same, sending them to Wrathell, Hart, Hunt & Associates for inclusion in our Agenda Packages. The cost to me does not seem significant; somewhere between \$5,000.00 to \$7,500.00 a year for this service, net the offset of expense from Wrathell. If we want to go that way, we can proceed, if we don't, its information to be digested. Comments?

Mr. Curland stated I don't feel the additional accuracy of the minutes is worth spending that much more money at all.

Mr. Love stated I feel WHHA is accountable to us as part of their contract as part of their services and we should hold them to it rather than go to outside services for something they owe us to me is not the answer. We are just avoiding the issue.

Mr. Robertson stated with these minutes this month, I didn't hear any major complaints with how they were prepared. There is verbatim transcription in there.

Mr. Brougham stated there are when we specifically request verbatim, word for word, then as per that letter I wrote, they are in there. We are close to verbatim, but we don't get verbatim in all cases. We get "a discussion ensued.....". So it is totally up to us which way we want to go. We can continue to put pressure on Wrathell that we want verbatim, that's why they are recorded and as long as it is legible on the recording device, I don't know why they can't transcribe it that way. If Mr. Robertson makes this comment, Ms. Schmitt makes that comment, I feel that we want to see our comments included not just a "discussion ensued". I think it's important that people understand the different view points of all of us. If it's just "a discussion ensued", you know the result but you don't know the input.

if it ever came down to the point that we needed to bring some information out, who said or what was said, they do keep the tapes, right?

Ms. Norton answered, yes.

Ms. Schmitt stated I think that we should hold Wrathell, Hart, Hunt & Associates as part of their contract, and they should be providing us with that service.

Mr. Brougham asked Jim, (Mr. Curland), had any comment?

Mr. Curland responded I don't feel there is a need for a change.

Ms. Norton stated I just wanted to mention that at some of the other Board meetings, what we have heard from the transcriptionists', is that they cannot always identify who is speaking; they hear the conversation and that is why in many instances you will see "a discussion was held....." when people are speaking, unless you identify yourselves specifically before you speak, the transcriptionist cannot pick it up. Also, sometimes we need to speak louder and clearer, otherwise when the tape is heard, it is jumbled. They don't really know what is said, so if they make an attempt to transcribe verbatim, it is very difficult, so there are some things that we can try to do also from our end.

Mr. Brougham questioned, is there a better quality recorder?

Ms. Norton answered I would say most of the time there is not a problem in that if we speak loudly and we identify ourselves, it is a very strong mic and when we play it back we can hear it loudly.

Mr. Brougham stated we can certainly make an effort. To the extent possible off the recording, then the transcriptionist attempts to provide verbatim? Mr. and Mrs. said "....."

Mr. Norton stated generally, it is my understanding, that the Board meetings are not required to be verbatim, it is a preference. I am not aware that this instruction has been given to this transcriber, I will pass it along.

Mr. Brougham stated I think our preference would be to go that way, am I correct?

Mr. Curland stated within reason. There are a lot of little discussion items that we have here that aren't really relevant to any decisions that we make here.

Mr. Brougham stated that is a valid point, Jim, but then who do we want to make the decision whether it is relevant or not? That is the issue. I don't want the transcriptionist making the decision that this discussion was relevant.

Mr. Curland replied, if I see a point, when I read the minutes, that I attempted to make, that wasn't included in there, then I say "hey, I did say this.....".

Further discussion ensued on this item, and generally, the Board Supervisors decided not to pursue an outside transcriptionist at this time.

Ms. Schmitt stated in reference to street lights, if we could please talk to our safety and security department, I believe this falls under their responsibilities. When they are out on their patrol, to jot down what street lights are out, maybe at night? I am more concerned with the ones that stay on all day, besides them being on all day, we have broken panes of glass on these street lamps that Bentley Electric should be fixing when they come out here. That is something I would like them to do a better job of making up their list of street light issues and turning it in every month to Bentley Electric and getting it taken care of.

Mr. Brougham asked, any other Supervisor Comments?

There were none.

Mr. Brougham asked, Audience Comments?

A resident stated I have one, and Chuck's not here. Since our patrol people now have the duty of patrolling C.D.D. #2, it seems like they should be spending a lot more time away from the front gate than they currently are. Every time I go past the front gate, our security car is sitting by the front gate and it seems like who ever that person is, that the car is spending a lot of time by the front gate and since the area is so much bigger than before, they should be spending more time out. They shouldn't have enough time to be sitting at the front gate. Can you guys get a fix on how many miles they drive? If I go out the gate five times and come in the gate five times, almost every time that car is sitting by the front gate.

Mr. Love stated there are two cars, but Michael drives the second one quite often.

Ms. Schmitt stated I would like to follow-up on that, because the majority of the time, our Director of Safety is out driving around in that car, talking on the phone, that's what he does. But I would like to know why we would have a security car parked, with the engine running, tucked away in the little park, other there at Vista del Sol, I don't understand? I don't know what is going on there.

Comment was made by a resident, another question is, I thought the second car was to be driven when the first car was out getting repairs and why is the second car, I mean, is it part of our contract to provide a vehicle for Mr. (inaudible) to drive?

Mr. Brougham stated, not to my knowledge.


Ms. Norton stated, I will pass that question onto Chuck.

Mr. Greg Urbancic, a representative of Gulf Bay, introduced himself to the Board.

FOURTEENTH ORDER OF BUSINESS: Adjournment.

There being no further business, the meeting was adjourned.

**On MOTION by Mr. Brougham and seconded by Mr. Curland
with all in favor, the meeting adjourned at 12:45 p.m.**


Secretary/Assistant Secretary


Chairman/Vice Chairman