

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

The Public Hearing and Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District was held on Wednesday, September 26, 2007 at 10:00 a.m., at the Fiddler's Creek Club and Spa, 3470 Club Center Drive, Naples, Florida 34114.

Present and constituting a quorum were:

Philip Brougham	Chairman
Alexander Love	Vice Chairman
James Robertson	Assistant Secretary
James Curland (via telephone)	Assistant Secretary

Also present were:

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

FIRST ORDER OF BUSINESS:

Roll Call.

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

SECOND ORDER OF BUSINESS:

**Approval of August 22, 2007
Meeting Minutes.**

On MOTION by Mr. Brougham and seconded by Mr. Love with all in favor of approving the August 22, 2007 Meeting Minutes as amended.

THIRD ORDER OF BUSINESS:

Other Business.

Mr. Adams stated your Auditor, Berger, Toombs, Elam, Gaines & Frank, have resigned due to a lack of qualified manpower to provide your audit in a timely manner, which is why you were late this year. We are in the process of requesting qualifications from Auditors at this point and we will provide each of you with the submittals as we receive them along with a ranking form and instructions on how to go through the submittals and rankings accordingly. We will

bring that back at your October meeting and the Board will convene as the Auditor Selection Committee as a part of that Agenda, so that Staff can proceed with negotiating the contract in order to move forward with the Audit for 2007.

Mr. Love questioned what the time frame is for conducting the Audit?

Mr. Adams replied normally it would start in mid to late October, but because we are having to go through the RFQ process, I would expect it would be mid-November, providing you could make the selection at your October meeting.

Mr. Brougham stated, you made a comment at the C.D.D. #2 meeting Chuck, that the increase in fees that we approved last month were more expensive than other Auditing firms, is that correct?

Mr. Adams I believe that increase was more in line with them attempting to raise salaries and entice qualified Auditors, after losing four to six experienced Auditors.

Mr. Adams introduced Ms. Cleo Crismond to the members of the Board, the newest Staff member for WHHA.

FOURTH ORDER OF BUSINESS:**Staff Reports.****A. Engineer**

Mr. Cole distributed two pay draws; the first one was for District #1/Bond 3, 2002 Series Bond for approximately \$31,000.00; consisting mostly of retainage items. Mark Strain is putting items together to close out the Bond; the work included landscape planting, sidewalks, signage and roadwork. The second draw is the 2005 Series Bond, for approximately \$19,000.00, consisting of roadwork, work that was done at the 951 entrance and excavation work.

Mr. Cole stated regarding the paving problems on Championship Drive; the proposal from Griffith Paving was for the whole road. Mr. Cole stated we did an inspection and came up with 813 square yards; they came up with 15,581 square yards. We have identified a 300 foot section that needs to be milled and repaved and two other areas. In my opinion, we do not need to mill and repave the entire road. Mr. Cole discussed the problem with the new paving methods that the State is using, which does not adhere correctly. Mr. Cole stated, we think the cost will be approximately \$20,000.00; Mark Strain and I talked about it and out of the

\$179,000.00 left in Bond 3; we believe between the retainages and the \$20,000.00, there is still sufficient funds to cover the costs within the construction funds of Bond 3.

Mr. Brougham questioned, who approves the "project" that says we are going to build this infrastructure thing?

Mr. Pires stated when the District issues the Bonds and it is included in the Engineer's Report.

Mr. Brougham questioned, can we issue new Bonds?

Mr. Adams stated, yes.

Discussion followed regarding the Trust Indenture which allows for refurbishment or reconstruction of the assets of the District that were paid for by the Bond proceeds.

The Board is in agreement that the roadway sections should be milled and repaved as recommended by Mr. Cole.

On MOTION by Mr. Brougham and seconded by Mr. Love with all in favor of approving the roadway milling, repaving & striping of Championship Drive in an amount not to exceed \$25,000.00.

B. Attorney

Discussion of Bond Draw for Additional Landscape Material Restoration:

Mr. Pires stated there was a request for funding for a particular draw and that there was a draw made for additional landscaping as part of the restoration program for Hurricane Wilma. Typically when a draw request comes in, it is put into the package; Mark Strain will look at it and allocate the costs between the Developer and the District; verify the costs, the quantities, that the work was performed and Terry will verify that and then I will look at the requisition that Terry certifies is completed. The requisition did not seem to have the typical characteristics of a payment/requisition process, so I began to ask questions. The payment was for approximately \$130,000.00 for additional landscaping as part of the restoration process. This issue is still being researched and almost resolved, so we will report back to the Board at the next meeting.

Mr. Adams stated I reviewed my files and have found an invoice for palm handling in the amount of \$10,500.00 and I think it fills the gap. We still need to get together and make sure the numbers add up.

Mr. Brougham requested resolution of the issue by the next meeting.

Interlocal Agreement:

Mr. Pires stated I have some changes to make and will distribute to all Board members by the end of this week and we will add it to the October Agenda.

C. Manager

Mr. Adams provided the unaudited financial statements as of August 31, 2007 within the Agenda Packages.

Mr. Brougham referred to correction of the expenses charged to Access Control, services, repairs and maintenance parts that should go to the gate.

Mr. Adams stated you will see that adjustment in your new version.

Mr. Brougham requested the "True Up" financial report.

Mr. Adams stated, yes, you will get two reports at that time.

Sample GPS Report:

Mr. Adams provided a copy of the GPS report, stating that the GPS units were installed in both of the cars about ten days ago. They are working, however, there is some customizing that needs to be done i.e. the addresses, etc., so that we can see more of where they are actually traveling.

Mr. Brougham asked, may I go back to you Tony, regarding the follow-up with the Severn Trent attorneys?

Mr. Pires answered I haven't sent that out, but I will, but I can tell you in my experience with other Districts on that aspect, they are very resistant to even addressing that.

Mr. Brougham stated in reminding the Board, this is pertaining to the \$20,000.00+ that we paid Severn Trent for services that were not rendered on Field Management which leads to a discussion with you Chuck and Cleo and get some input from the Board.

Mr. Brougham continued, as you recall, we have budgeted and pay fees in the amount of \$24,000.00 for Field Management services which is someone that is

on-site here in Fiddler's Creek that interacts with the landscapers, follows up on all the contractors, walks the lakes, makes sure we are getting performance from our contractors and interacts with the Developer and that has been performed at various times by Chuck and then by Bob Casey and then he pointed to Cleo. I have some concerns regarding some problems, the dead palms, pruning of the Sea Grapes, pruning of the native grasses, etc. that indicate to me that there has not been enough boots on ground in Fiddler's Creek in the past five to six months. That got me to look at our contract with you, and we don't have a contract for Field Management Service, we have a line item in the budget, but does not have a specification or agreement as to what that constitutes i.e. how many hours, days per week, per month that a Field Manager should be on-site here and it leaves me with a little bit of a discomfort level and I know that you have recently moved, and are quite a distance from here and it leaves me with a nervous feeling that we are not getting the on-site attention by qualified people that we should have and furthermore, it leaves me a little bit nervous that we are paying \$24,000.00 and we don't have a contract that specifies what we should get from that.

Mr. Adams stated I have not looked at your contract recently; however, we don't go to that detail as far as days and hours, etc. I will tell you that over the last few months, you have gotten more boots on ground here than you have ever received, between Corinne, Bob and myself. I am down here, even though I live in Marion County, and these guys will tell you that in the last four months, there has only been one week I have not been down to S.W. Florida. I personally have been doing landscape tours with the contractor for the last two months every two weeks. I am on the horn with your lake maintenance company, with Jim Jegan pertaining to the Golf Course, the irrigation contractors, and Corinne has been handling all your contract bidding as a component of Field Management.

Mr. Brougham stated I wanted to express my observations and I am a bit nervous, but this is a lot of acreage and the District is all about keeping it neat and trim. It would be great if Staff were pestering the Board about things that needed to be attended to instead of us calling you, such as with landscaping. .

Mr. Adams stated I am managing the landscaping side of it right now.

FIFTH ORDER OF BUSINESS:

**Supervisors Requests & Audience
Comments.**

Mr. Brougham asked Mr. Adams, you had the pre-bid meeting for landscaping?

Mr. Adams answered yes, we had seven or eight firms attend the pre-bid, we are excited about that and we will see how the bids come in. Your security bid is scheduled to be opened on the 15th of October and we attached a copy of the Post Orders.

Mr. Robertson stated I think we should thank Mr. Adams for his personal response to the resident at last month's meeting.

Mr. Adams stated when we were finished with the walk around the District, he was happy.

Mr. Love discussed the root problem in his area and that the roots are very invasive in the pool deck areas. Mr. Love requested that the contractor address the problem.

Mr. Adams stated, I will have Anchor Tree look at the area.

Mr. Adams stated I have one item to discuss with you, the Foundation brought it to our attention; a number of the street signs are faded and are not legible. We need to consider having those redone in the Phase I section.

Mr. Brougham requested that a bid be obtained that would include rotating the signs so that they point into the parkway instead of into the villages for better visibility.

Mr. Adams stated we will include that with the bid process. Also as a part of the budget process next year, we may want to consider repainting the poles.

Ms. Norton commented we have a new Street Sweeping contractor that replaced the previous company, which had received several speeding complaints.

Mr. Brougham questioned the status of the remote control installation, camera and intercom installation at Championship?

Mr. Adams stated we are down to the printer and we are in agreement that TEM take a look at it hopefully within the next week so that it is in place by November.

Mr. Brougham questioned the fountains at the Main gate?

Mr. Adams stated we are going to terminate the agreement with the existing vendor, he has become non-responsive; we have a proposal from Wesco to get them cleaned up and running within a week to ten days.

Mr. Brougham asked Mr. Adams to look into what the costs would be to replace the fountains; and asked about the dead palms replacement schedule.

Mr. Adams stated I have a proposal coming from another contractor to replace those. I had a final discussion with the original installer regarding those being under warranty and if he doesn't, I will deduct the amount from the remaining invoices.

Mr. Brougham asked Cleo to make a note to look at the palm at the right of the monument on the District berm, which is dead; I need to know if it is a District or a village tree.

Mr. Adams stated it is the C.D.D.'s.

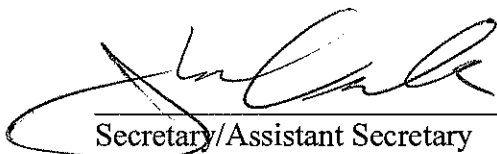
Mr. Brougham asked Tony, are you cleaned up with respect to all the deed conveyances from the Developer to the District.

Mr. Pires stated we are having a meeting when Mark Strain returns; Terry, Mark and I, to discuss the conveyances.

SEVENTH ORDER OF BUSINESS:

Adjournment.

**On MOTION by Mr. Brougham and seconded by Mr. Love
with all in favor, the meeting adjourned at 11:00 a.m.**


Secretary/Assistant Secretary


Chairman/Vice Chairman