

**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, February 27, 2008 at 10:45 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Blvd., Naples, Florida 34114.**

Present at the meeting 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
Cleo Crismond	Assistant Regional Manager
Matt Morris	Client Services Manager
Terry Cole	District Engineer
Anthony Pires	District Counsel

FIRST ORDER OF BUSINESS

Call to Order

Mr. Adams called the meeting to order at 10:45 a.m. and announced that all Supervisors were present.

SECOND ORDER OF BUSINESS

**Consideration of Engineer's Report for
2002 Bond Series**

Mr. Cole presented the following pay draw: For the 2005 Series Bond, Draw # 20 for approximately \$250,000. This consisted of clearing and excavation work for Phase 6 units.

Mr. Cole advised he had the final Engineer's Report for the Phase 3 Bond. He referred to page 17, which listed a summary of final costs. He pointed out that "Phase 2" is a typo that should be corrected to state "Phase 3". Mr. Cole explained that the \$13,840,581 represents final

costs through the last draw. He added that, as with previous bonds, any remainder rolls forward. He also stated that for this bond, a 15% technical services amount was applied across the board.

Mr. Brougham recalled that the benches and Deer Crossing root barrier were put in via an amendment. He asked whether items that were not anticipated in the original Engineer's Report were reflected. Mr. Cole stated he will go back and verify whether these items were reflected in the summary.

Mr. Brougham requested another month to review the report and make any necessary corrections. Mr. Brougham asked whether the corrected version could be provided before the next Agenda packet is prepared. Mr. Cole responded affirmatively.

Mr. Cole advised that work covered within the bond funds has been completed. He also advised that striping of roadway along Championship Drive was completed. Mr. Cole stated he would look into the budget for Phase 4 bond work. Currently, some clearing and excavation within this area is being done. Mr. Cole said that staff is trying to get relevant permits. Also, there may be extensive restoration plantings required.

Mr. Brougham asked whether any unallocated interest is left, so the Board might consider doing sidewalk cuts and ramps. Mr. Cole said staff is still trying to get a handle on the final costs for work that still remains.

Mr. Brougham asked Mr. Adams to consider an earlier time or another day for the CDD #1 meeting. He commented that more frequently, CDD #1 meetings are starting late. Mr. Adams said he would review his meeting calendar and advise the Board the following month.

Ms. Schmitt asked about the purpose of the Security Committee. In response, Mr. Adams explained that the Security Committee was established 6-8 months ago, to review the post orders. He added that this Committee has been stagnant for a while; however, there are some new subjects for the Committee to address.

Mr. Brougham advised the audience members that they are free to raise their hands and offer input while discussion is being held.

THIRD ORDER OF BUSINESS

**Consideration of Resolution 2008-1
Regarding Testing of Compliance with
Access Control Procedures in Adopted
Post Orders**

Mr. Brougham stated the CDD #2 Board feels that even though the resolution was not on their agenda, it should have been, and they should have been involved in its preparation. They asked that it go to the Security Subcommittee for review and possible modification and then come back to both Boards for consideration of adoption.

Mr. Brougham stated his opinion is that there are shared security responsibilities between both Boards and they do have a committee that decides and advises on security issues, but there are two districts which are legal entities. He stated his concern is that CDD #1 should be proactive in putting on public record that they do recognize that the roadways in Dist. #1 are public and that they affirm that they will do all they can to maintain that they are open to the public. If the resolution is not adopted by both Boards, he will bring it up in the future because he feels it is very important.

Mr. Curland moved to adopt this resolution now. Mr. Love stated that he dissented. Mr. Brougham seconded the motion for the purposes of discussion.

Mr. Adams then called for discussion.

Ms. Schmitt stated she was not present for CDD #2's discussion; however, they do share responsibility in making decisions on their security. She asked if they should discuss this issue together or if CDD #2 had made a decision not to go forward with this resolution?

Mr. Adams responded that this District met after Fiddler's Creek CDD #2. They did discuss it and felt it was important to memorialize the discussion that had taken place over several meetings into a resolution and the Board directed Mr. Pires to prepare that resolution for your consideration. Mr. Adams explained that he knew that FCCDD #2 would be resistant to adopting the resolution and therefore, it was not placed on their agenda. They were concerned about the resolution itself and felt there was a need for it to be a joint resolution as well. They did have concerns about wording as it is currently being presented to you today. With that in mind, they requested that this Board defer consideration of this resolution for approx. 30 days, have the Security Committee review the wording to address their concerns, bring it back for a recommendation potentially for joint adoption or joint refusal not to adopt. You do have separate and distinct legal entities. At this point, I think it is appropriate to defer it for 30 days to allow the Security Committee to review it and bring it back as a joint resolution or consider it individually.

Mr. Brougham stated on the basis of Mr. Adams' recommendation, he is withdrawing his second and will make a new motion to defer it to the Security Committee for their review and possible modification and then take independent action at a future meeting as District #1 if they do not like the revised resolution. Mr. Brougham explained this does not obligate District 1 to change its Post Orders or to change its procedures in any way. We are not asking for any money. All this resolution does is reaffirm that these roads are public and we are going to be proactive to keep them public.

Mr. Curland stated there is an authorization here to conduct random testing.

Mr. Brougham stated it does authorize District Staff to conduct random testing, but that does not mean they have to spend any money on it. That is what seemed to be the issue for FCCDD #2 – that they had quotes for \$900.00.

Mr. Curland stated if we spend those funds, they will come out of the security funds that are a joint fund .

Mr. Brougham stated they could also come out of the CDD's funds.

Mr. Curland asked why he would want to spend CDD funds for this?

Mr. Brougham responded I am not saying you would. At this point, I have made a motion to defer this item to the Security Committee.

On MOTION by Mr. Brougham and seconded by Mr. Curland, all voted in favor of deferring the resolution and referring it to the Security Committee for review and modifications, except Mr. Love. (Motion passed 4-1)

Mr. Love stated I oppose the motion on principal.

Mr. Brougham stated we will address it next month.

FOURTH ORDER OF BUSINESS

Consideration of Proposal from Marcone Investigations, Inc., for Fiscal Year 2008 Assessment Roll Preparation

Mr. Brougham stated this item would not be considered but thanked staff for the research.

FIFTH ORDER OF BUSINESS

Consideration of Invoice from AJC Associates, Inc., for Fiscal Year 2008 Assessment Roll Preparation

Mr. Adams explained that the term of the original agreement has expired; however the vendor has continued to provide services. Mr. Adams said the Board is within budget and within the previously approved fee schedule. He explained that action is needed because the vendor is not under a current contract. Staff anticipates bringing back a contract in the near future to be used on a go-forward basis.

Mr. Brougham asked if this is the only firm providing this service. Mr. Adams replied that WHHA and other firms provide this service as well. Mr. Adams stated this invoice is for services already rendered.

Mr. Brougham voiced interest in reviewing other proposals for this service for future reference.

On MOTION by Mr. Brougham and seconded by Mr. Love, all voted in favor of approving the Invoice from AJC Associates.

SIXTH ORDER OF BUSINESS

Continued Discussion Regarding Front Entrance Lake Fountain Program

Mr. Brougham recalled a previous request for research on alternate fountain designs. He explained that one option to consider is avoiding a lease payment by keeping the current fountains and just paying for electricity, maintenance and the pro rata portion of the insurance. The second option is to use a new design for another \$218,000, which could be financed over a 5-year period. The third option is to do nothing and leave the fountains as they are without water spray into the area and without incurring electricity and maintenance charges.

Mr. Brougham stated the new design still involves some maintenance costs. He asked Ms. Crismond to gather information about potential costs to maintain current or new fountains. Mr. Brougham advised that he had taken an informal survey of 150 residents and had received about 50 answers. The responses were basically 50/50 for or against the water spray feature.

Mr. Adams said there are more reliable alternatives for new fountain designs.

Mr. Brougham asked Ms. Crismond to determine what the lead time is to order and install new designs. Ms. Crismond said she had called one contractor to request information on costs.

Mr. Brougham advised that this item will be discussed further at the next meeting.

SEVENTH ORDER OF BUSINESS

**Approval of Minutes of January
23, 2008 Regular Board Meeting**

Corrections were provided as follows:

Ms. Schmitt advised that her name should be reflected on the minutes and that Mr. Curland's name should be stricken.

Page 2, Line 43: Correct name spelling to "Strain".

Page 3, Line 87: Change "the Board" to "he".

Page 3, Line 89: Mr. Adams suggested correcting the text to reflect the final comments as follows: "If trucks are registered for street usage, they will be allowed on the streets; if they are not registered, they will not be allowed on the streets."

Corrections continued as follows:

Ms. Schmitt commented that she had observed the trucks crossing the golf cart path between 14 and 15 and that this is extremely dangerous.

It was stated that this issue was discussed at the previous meeting and has been addressed.

Page 5, Line 146: Correct name spelling to "Schmitt".

Page 5, Line 140: Change "posts" to "planking".

Page 5, Line 141: Change "2x6 to "6x6".

Page 6, Line 169: Insert a period after Orders. Begin with capital H.

Page 6, Line 175: Change "rotary" to "rookery".

Page 6, Line 191: Change "he" to "we".

Page 6, Line 196: Change "following" to "previous".

Page 7, Line 204: Correct name spelling to "Piers" to "Pires".

Page 7, Line 205: Change "malicious" to "nasty".

Page 7, Line 220: Change "Offers" to "Orders".

Page 7, Line 227: Delete "have a resident".

Page 8, Line 232: Insert "not" after "was".

Page 9, Lines 269-273: Delete the entire paragraph.

Page 9, Line 288: Add the word "non" before public.

Page 10, Line 308: Correct name spelling to "Carlo".

Page 11, Line 351: Change "Crismond" to "Schmitt".

Page 13, Line 393: Delete "for penalties".

Page 16, Line 509: Change "Road" to "Drive".

Mr. Brougham asked if the Exception Report was ready. Mr. Adams said staff does not yet have this; however, he advised that Summary Reports were provided to the Board.

Corrections continued as follows:

Page 17, Line 527: Delete sentence on lines 527-528.

Page 17, Line 527: Change "Ms." to "Mr."

Page 19, Line 587: Change "Peppertree" to "Pepper Tree".

<p>On MOTION by Mr. Love and seconded by Mr. Brougham, all were in favor of approving the January 23, 2008 minutes as corrected.</p>

EIGHTH ORDER OF BUSINESS

Other Business

Mr. Brougham spoke of residents who regularly claim to enter via Sandpiper during the day when the gate is open. He commented that this is a county permitted, construction only gate. He voiced concern about a possible accident between a construction vehicle and a resident. He asked if there are risks and liabilities to CDD #2 or Gulf Bay if this were to occur. Mr. Adams stated that Gulf Bay controls this access point, which is not paid for with CDD funds. Additionally, this has been signed off as a construction entrance only.

Ms. Schmitt asked when this gate will be ready for use by residents. It was stated that the District is looking at prices to install computers to better control usage of this gate.

Mr. Brougham commented that CDD #1 has approximately \$900,000 in developer assessments that are not on the tax roll. He asked about potential options, risks or exposures in the event that Gulf Bay did not pay its off roll assessments. He stressed that he is not suggesting

this will happen, but pointed out that the District has an obligation to the bond holders to pay principal and interest.

Mr. Pires said there is some confusion in the statute requiring a one-year wait to initiate foreclosure action. He commented that it is good to be proactive and notify the developer in advance to ensure that all payments are received in a timely fashion. Mr. Adams advised that these invoices go out at least thirty days in advance of the actual payment date.

It was stated that other developers in the county have gone out of business and walked away from CDDs. Mr. Pires stated there is always risk regardless of whether assessments are on roll or off roll. Mr. Love commented that this is a good point to bring up because of the issues with other Districts.

NINTH ORDER OF BUSINESS

Staff Reports

Attorney

(This item was discussed out of sequence)

Mr. Pires advised that Chapter 190 was changed last year to beef up requirements for Districts to file disclosure documents for public record. Mr. Pires advised he will have a draft for discussion at the next Board meeting.

Mr. Pires advised that Severn Trent had sent a check in the amount of \$4,000.

Manager

1. Unaudited Financials as of January 31, 2008

Operations Manager

(This item was discussed out of sequence)

Ms. Crismond advised she had secured pricing for the lift station at Mulberry. She advised that for a 12' double wide gate, one option is to use PVC, which costs \$1,550; the other option is to use a galvanized chain link fence, which costs \$1,100. The PVC comes in white and tan and the chain link comes in black or green. Ms. Crismond suggested green. Additionally, the cost to do the hedge and other landscaping materials is \$1,760. Ms. Crismond advised that for

the chain link and landscaping, the total is \$2860; PVC and landscape is \$3,319. She recommended the chain link option.

On MOTION by Mr. Brougham and seconded by Mr. Love, Schmitt, all were in favor of approving the chain link fencing as recommended.

Ms. Crismond asked Mr. Pires to address the ficus hedge issue on Montreau. Mr. Pires stated the buffer around this area is not part of the District's roadway or landscaping.

TENTH ORDER OF BUSINESS

Supervisors' Requests and Audience Comments

A comment was raised about the berm behind Deer Crossing. It was stated that a proposal was submitted. It was stated that work was done to resolve the homeowner's issues with the people who face the berm.

The issue now concerns what the Foundation required and the original palate for the berm.

Mr. Adams advised that Ron, Jim Bajan (phonetic) and Ms. Crismond, did a walk through of the berm the previous week. He advised that their response can be forwarded to the Board in writing.

It was stated that the entire length was walked and no issues regarding the design raised any flags. Mr. Adams explained that the maintenance in this area is less intensive because of the shade tolerant materials planted there.

It was stated that the District is meeting the requirement based on the palate designed.

It was commented that a number of resolutions were recently received via email. Mr. Brougham recalled that he had asked Mr. Adams to provide Board members copies of remaining resolutions from 2007.

It was commented that some resolutions were not signed off. Mr. Adams advised he would request clerical staff to forward the fully executed versions.

Ms. Schmitt commented that the first street sign upon entering Championship Drive gate should read "Hawk's Nest" and not "Hawk Nest". Ms. Schmitt also commented that there are three dead palms on Mulberry Lane.

Ms. Schmitt commented that the sidewalk is broken at the corner of Bellagio and Fiddler's Creek Parkway.

Mr. Brougham recalled that Mr. Adams was going to bring back the cost of setting up email accounts for Board members. Mr. Adams stated that staff is working on this.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Love and seconded by Ms. Schmitt, all were in favor of adjourning.

There being no further business to discuss, the meeting was adjourned at 12:05 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman