

**MINUTES OF MEETING  
FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICTS #1 & #2**

The Joint Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District's #1 and #2 was held on **Wednesday, June 25, 2008 at 9:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

**Present for CDD #1 were:**

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

**Present for CDD #2 were:**

James Robertson	Chairman
Gretchen Scott	Assistant Secretary
Victoria DiNardo	Assistant Secretary
Diane Matire	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Terry Cole	District Engineer
Anthony Pires	District Counsel
Matt Morris	Client Services Manager

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 9:05 a.m. and announced that all Supervisors were present for CDD #1 and all Supervisors were present for CDD #2, with the exception of the vacant seat.

**SECOND ORDER OF BUSINESS**

**Engineer's Report**

Mr. Cole advised of the following pay draws:

Pay Draw 24 for the 2003 Bond, for approximately \$60,000; this was primarily for clearing work that has been continuing in the mitigation area as indicated. Mr. Cole said this work is almost complete but the rains are hindering further work being done at this area.

Pay Draw 29 for the 2005 Bond, for approximately \$210,000; this consists of road work, signage and the fountain in CDD #2.

Mr. Adams requested that the Board move up discussion on Item 4.

**THIRD ORDER OF BUSINESS**

**Irrigation Study Scope**

*[This item was discussed out of sequence.]*

Mr. Morris advised that Mr. Cole has a few contractors he has worked with in the past on similar studies. He explained that after the Board approves the scope, staff will move forward with soliciting proposals. Mr. Morris said this work involves taking samples from water coming directly out of the lake, before it goes through filters, after it goes through filters, and at various locations within the District. The scope also includes mitigation for any water quality issues that may be identified.

A request was made to add another bullet point to the scope of work document to include, "Water Volume and Pressure at the Following Locations."

A question was raised as to whether the results would be truly representative of the year round environment. Mr. Morris said they may not be; however, staff may have to have the contractors come back out and sample again.

A concern was raised as to whether it is reasonable to have a sampling period during the worst environmental conditions.

It was suggested that staff ask the contractors to present bids that would include sampling during the current time period and the next dry season, and perhaps stipulate that they will respond to a call to come out to the community if a water quality issue is identified.

It was suggested the contractor provide an assessment of the filters that are installed in most of the intakes to the Villages, as there may not be uniform styles and models. Mr. Morris stated when samples are taken from the main line and throughout the community; they will be able to determine the quality of the filters.

**FOURTH ORDER OF BUSINESS**

**Continued Discussion of Proposed Fiscal Year 2009 Budget**

*[This item was discussed out of sequence.]*

**Fiddler's Creek CDD #1 Comments:**

Mr. Adams summarized adjustments to various line items in the budget. He referred to page 1 and advised that he will change the title of FEMA Reimbursement to Interfund Transfer.

Mr. Brougham suggested that Mr. Adams reduce the \$25,000 Potable Water contingency line item to \$10,000. Discussion ensued on this suggestion. Ms. Matire said she preferred to be cautious on this item rather than expose the Districts to risk. Mr. Robertson agreed and felt the Boards should err on the side of caution as this is a high risk item.

Mr. Brougham commented that CDD #1 has a healthy reserve fund balance. Mr. Adams suggested zeroing out this item as CDD #1 has funds to fall back on; then program in a contingency line item for CDD #2. The Board members agreed with this suggestion.

Mr. Adams advised that the Access Control line item will be adjusted to reflect a reduction from \$22.32 to a \$22.05 hourly rate.

Mr. Brougham suggested that the Boards move away from a large vehicle for patrolling the community and get input from Mr. Charbonneau and Mr. Albeit about alternative vehicles, in light of high fuel costs.

Discussion ensued briefly on this topic.

Mr. Brougham suggested that the District save some money and leave the back gate unmanned as all the hardware is in place for remote control operations. He commented that the savings could approach \$75,000 per year. Mr. Adams advised that there is an easement agreement in favor of The Rookery over Championship Drive that provides for unimpeded access, which could affect the decision to man or unman the Championship Gate.

A Board member said he thought the investment in the intercom and camera would make it easier to go unmanned at this gate, since those using it would be pre-authorized to enter. Mr. Adams said the original intent was to make this entrance convenient for residents coming in after hours. He suggested that the Board take the easement agreement into consideration. A Board member suggested it would be far cheaper to have an assistant sitting at the gate for \$12-\$15 per hour to operate the computer. Mr. Pires advised that a good security concept that does not interfere with ingress/egress should be considered and said he would speak further with the developer on this.

Lengthy discussion ensued on the use of Championship as a residents-only gate.

Mr. Brougham stressed the need to be more cost conscious across the board. He said he would push very heavily to reduce next year's budget and challenged all Board members to do the same.

A Board member commented that these access control concerns would be better addressed with hard statistics gathered about deliveries made over a specific period of time; this would allow for a better decision on whether an intercom system or personnel staff is necessary.

Mr. Brougham pointed out that both CDD Boards do not know the plans of Gulf Bay. He voiced concern that the Board makes plans and designs programs in a vacuum without a clear idea of what Gulf Bay is doing. Mr. Brougham requested that Mr. Albeit and Mr. Charbonneau provide any suggestions on how to reduce access control costs. He asked the Boards to consider whether these expenses are moving toward an agreed upon objective between both Boards and the developer. He felt there would not be so much discussion and dissension among residents if all parties agreed upon a plan.

A Board member voiced frustration about one gate that was still not functioning as expected. Mr. Adams advised that there is a delay because the contractor is working on getting a camera with infrared technology. Mr. Brougham requested Mr. Adams' suggestions to reduce next year's budget by two (2) percent from the current budget item of \$45,000.

Mr. Brougham also suggested reducing the hours of operation of the front fountains. He suggested much money could be saved if the fountains were not running all day and all night.

Mr. Brougham suggested doing street sweeping every two weeks instead of every week.

A Board member asked if there is any possibility of outsourcing fuel or receiving fuel in another manner. Mr. Adams said staff talked about the potential to purchase bulk fuel by buying fuel from the golf courses at a wholesale cost.

Discussion continued as various adjustments were made to the budget.

Ms. Scott suggested aiming for a ten (10) percent instead of a two (2) percent reduction to the budget. She suggested going to the landscape contractor to discuss what can be done to cut costs. Mr. Adams said the realistic thing would be to keep the budget the same or slightly reduce it. He felt a ten (10) percent cut would affect significant items and levels of service which may not sit well with the vast populace.

Mr. Robertson suggested going through the budget and identifying the least mandatory items instead of taking two (2) percent out of more critical items in the budget. He added that as the community matures, preventive maintenance will be a good approach to saving money.

It was stated that the Boards need to demonstrate fiscal responsibility in today's market. It was also commented that the management firm was hired to manage the community and provide suggestions to reduce costs.

**Fiddler's Creek CDD #2 Comments:**

Mr. Adams said weekly street sweeping is a requirement at this stage because of the amount of construction activity in CDD #2. He said staff will look at ways to address fountains, electricity and fuel costs. Mr. Adams summarized various corrections and adjustments made to the budget. He added that more aggressive tree trimming is needed in this District; therefore this item was adjusted up to \$60,000. He stated that adjustments outlined in the joint discussion will be incorporated within this budget.

A Board member commented that actual costs for improvements and renovations this year were already over \$60,000. Mr. Adams explained that staff anticipates fewer improvements and renovations next year. He stated that some improvements were made to water and irrigation systems. Now that these systems are operating well, this line item was reduced and will simply cover replacement of material as needed.

A Board member pointed out a discrepancy between Access Control numbers on page two (2) that did not tie in with related items on page six (6). Mr. Adams acknowledged this discrepancy.

Mr. Adams said staff will endeavor to make all the adjustments discussed by both Boards within one (1) week to 10 days. Following this, the Boards can make additional comments to the budget in July.

**FIDDLER'S CREEK CDD #2 ITEMS**

**FIFTH ORDER OF BUSINESS**

**Discussion of Possible Candidates to Replace Seat 2, Due to Resignation of Supervisor Clifford (Chip) Olson; term Expires in November, 2009**

This item was deferred.

A request was made that the Board appoint someone who is a property owner in CDD #2.

**SIXTH ORDER OF BUSINESS**

**Approval of Minutes of May 28, 2008  
Regular Meeting**

Corrections were provided to the minutes as follows:

Page 1: Insert pay draw number.

**On MOTION by Mr. Robertson and seconded by Ms. Scott, all voted in favor of approving the May 28, 2008 minutes as corrected.**

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**a. Attorney**

Mr. Pires said the District Manager has advertised that the Rules and Procedures will be considered at the July 23 meeting.

Mr. Pires advised that one change to the Rules that created better flexibility was the limit to the types of services the CDD has to solicit via a bidding process. Another change in the Rules allowed for an easier bid protest hearing process. Mr. Pires said at the next meeting, the Boards may wish to discuss Section A-1.07, Procedure for Contracting for Other Services. Mr. Pires apologized for the delay in providing this document to the Board members.

**b. Manager**

**i. Unaudited Financials as of May 31, 2008**

Mr. Adams presented the financial statements as of May 31, 2008.

**c. Operations Manager**

**Vandalism.** Ms. Crismond reported that there was more damage at the outer wall buffer the previous week. She advised that Mr. Charbonneau is speaking with the Sheriff's department. Ms. Crismond said she is awaiting some information on who oversees this site.

**Lake Maintenance.** Ms. Crismond announced that the next scheduled tour of the lakes will be on July 1.

**Landscaping.** Ms. Crismond reported tree replacements are complete, with the exception of Campanella Circle. However this area will be complete within the next few weeks along with plant installation. Pine straw mulching of the landscape beds throughout community is scheduled for July.

**Tree Trimming.** Ms. Crismond reported that A&D Landscape submitted the lowest bid for trimming the ficus; this is scheduled to take place this month.

**Sheriff Patrol:** Ms. Crismond advised that Lieutenant Jones misplaced his calendar with his scheduled patrol for the month. However, one detail will be provided before the end of the month.

**EIGHTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

It was commented that many homes are under construction or vacant in the neighborhood. It was asked whether there is any increase in theft or other such activities in light of the wall breaking incident.

**NINTH ORDER OF BUSINESS**

**Adjournment – Fiddler’s Creek #2**

**On MOTION by Ms. DiNardo and seconded by Mr. Robertson, all voted in favor of adjourning.**

With no further business to be discussed, the meeting was adjourned at 10:55 a.m.

**FIDDLER'S CREEK CDD # 1 ITEMS**

**TENTH ORDER OF BUSINESS**

**Approval of Minutes of May 28, 2008  
Regular Meeting**

Corrections were provided to the minutes as follows:

Line 52: Change “Champion” to “Campanile”.

Line 222: Insert “monument fountains after “entry”.

Line 240: Delete “that” before “Thursday”.

Line 254: Change "Villagio" to "Bellagio".

Line 273: Change "Albeit" to "Fulker".

Line 275: Insert "remote" between "of" and "access".

Line 276: Change "George" to "Mr. Ohye".

Line 276: Strike "vacant" and insert "Supervisor up for election".

**On MOTION by Mr. Brougham and seconded by Mr. Love, all voted in favor of approving the May 28, 2008 minutes as corrected.**

## ELEVENTH ORDER OF BUSINESS

## Staff Reports

### a. Attorney

Mr. Pires stated that the District Manager has advertised that the Rules and Procedures will be considered at the July meeting.

### b. Manager

#### i. Unaudited Financials as of May 31, 2008

Mr. Adams presented the financial statements for May 31, 2008.

Mr. Brougham said he continued to voice his ongoing concern about the developer assessment revenues entry. Mr. Adams said he prepared reconciliation with regard to the two operating funds: the 001 is the true operating fund while 002 is the repayment of the SunTrust loan for Hurricane Wilma recovery. Mr. Adams stated that future balance sheets will include a Due from Developer line item.

Mr. Brougham asked if the District sends a hard copy invoice to the developer. Mr. Adams said this is done on the first of the month when payment is due. Mr. Brougham asked why this is done. Mr. Adams said this is done for tracking purposes. Mr. Brougham asked why the developers cannot pay these bills on time. Mr. Adams replied that to his understanding, the bill is sent the first of the month in which it is due; then the developer pays bills the first week of each month; this appears to be missing the payment cycle and falling into the next month. Mr. Adams stated that staff has now stipulated that payment is due by the 25<sup>th</sup> of each month.



Mr. Brougham complained that with late payments, the District does not get the benefit of these funds. He commented that the District has the option of putting assessments on roll. Mr. Brougham suggested that invoices could be sent two weeks earlier than when they are due.

Discussion ensued briefly on the financial statements.

**c. Operations Manager**

**Lake Maintenance.** Ms. Crismond reported that the lake fountains are complete other than replacement of the bulbs. As soon as water levels are back to the required height, the bulbs will be installed.

**Tree Trimming.** Ms. Crismond reported that Anchor Tree Service had submitted a bid for \$30,000. Mr. Brougham advised that Anchor Tree Service has different principles involved as they were bought by another company.

**Paver Replacement.** Ms. Crismond reported that two contractors had gone out to Mulberry to view the broken pavers and another contractor would be on site today. The Board members voiced concern about the price estimates for replacement work. Mr. Adams advised that due to their shape and exposure to sun, work like this usually requires complete replacement of pavers. He offered the alternative of flipping the pavers over, if their design allows for this. Ms. Crismond said she will look into this. Mr. Adams said staff will look at some other options that are more feasible.

A Board member voiced concern about the cost of repair and pointed out that he had brought up this topic a few years ago because of their poor condition.

**Roadway Striping.** Ms. Crismond recalled that the contractor was asked to come back and provide crossbars for all the intersections. She referred to a price estimate she received yesterday for this work.

Mr. Brougham pointed out that half of Fiddler's Creek Parkway was striped a few years ago. He did not feel work that was recently completed should be redone. Ms. Crismond pointed out that the contractor had provided a priority order of work to be done, along with goal dates. Mr. Adams felt a few more proposals were needed to compare with these prices.

**TWELFTH ORDER OF BUSINESS**

**Audience Comments/Supervisor's Requests**

Ms. Schmitt suggested that staff ensure that gutters and storm drains are clear of debris.

Mr. Brougham asked if there is a program in place to clean out storm sewers. Mr. Adams said this program has not begun yet. Mr. Brougham commented that this may be required in order for re-certification of the District's stormwater management system.

Mr. Pires advised having the developer's engineers and the District Engineer review the system to ensure it is clear.

Mr. Brougham commented that the backup vehicle's miles for May are 3,057. It was explained that the other vehicle was out with transmission problems so this vehicle was used more heavily.

Mr. Brougham asked for an update on the ADT alarm system out at the Championship Gate. Mr. Adams stated that Alltel, the phone contractor, is installing the phone line.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment – Fiddler's Creek #1**

**On MOTION by Mr. Brougham and seconded by Mr. Love, all voted in favor of adjourning.**


There being no further business to discuss, the meeting was adjourned at 11:30 a.m.

**For Fiddler's Creek CDD #1:**

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman

**For Fiddler's Creek CDD #2:**

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman