

**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, December 17, 2008 at 9:30 a.m.**, immediately following the Fiddlers Creek Community Development District #2 meeting, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

**Present at the meeting were:**

|                  |                     |
|------------------|---------------------|
| Phillip Brougham | Chairman            |
| James Curland    | Vice Chairman       |
| Jim Schutt       | Assistant Secretary |
| James Robertson  | Assistant Secretary |
| Robert Slater    | Assistant Secretary |

**Also present were:**

|                  |                                   |
|------------------|-----------------------------------|
| Chuck Adams      | District Manager                  |
| Cleo Crismond    | Assistant Client Services Manager |
| Terry Cole       | District Engineer                 |
| Carlo Zampogna   | District Counsel                  |
| Ron Albeit       | Fiddler's Creek Foundation        |
| Mike Charbonneau | Security                          |
| Mike Sidovsky    | Aquamatic                         |
| Al Love          | Former Supervisor                 |
| Glen Fulker      | Cardinal Management               |

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

The meeting was called to order at 10:48 a.m. Mr. Adams announced that all Supervisors were present at Roll Call except Supervisor Robertson, who would be arriving shortly.

Mr. Brougham indicated he invited Mr. Al Love and Mrs. Schmitt to attend. The Board presented Mr. Love with an award in recognition of his service on the Board for four (4) years.

**SECOND ORDER OF BUSINESS**

**Staff Report: Engineer**

***\*\*\*Mr. Robertson arrived at the meeting.\*\*\****

Mr. Cole stated he did not have any pay draws to present. He stated he was following up with the developer to complete striping at the Cherry Oaks pool. Also, staff received the survey data needed to design the crosswalk connections at four (4) locations along Championship Drive.

▪ **Irrigation: Water Quality Study**

Mr. Adams requested the Board's permission to address the Water Quality Report at this time. There were no objections. Mr. Brougham opened this item for questions.

Mr. Schutt asked for background information on this item. Mr. Brougham explained that both CDDs authorized this work the previous spring in response to several problems and complaints throughout the development. He said the Districts are the suppliers of water from the lakes to The Villages. He stated the water study was authorized to ascertain adequate pressure was being delivered throughout the system. He added that Mike's job was to examine The Villages and report on any problems. Mike advised that all the roadways and access areas were in good shape.

Mr. Schutt asked who controls the computer system. It was stated that Jim Vajen does.

Mr. Brougham asked if Mike found many problems with pressure. Mike responded no. Mr. Brougham asked what the pressure regulator did. Mike explained that it reduces the pressure because if the pressure is too high, a mist will be created at around 40-45 PSI. Mr. Brougham said this report verified that the CDD is delivering sufficient quality and quantity of water to The Villages. Beyond this, the CDD has no responsibility or control over what happens internally to The Villages. He commented that, in his view, the District has the responsibility to provide guidance to each Village about how the system is engineered. He requested that Glen Fulker specifically deliver a copy of the irrigation specifications to each Village and re-emphasize that they need to enter into a contract with their own maintenance contractors and adhere to these original specifications. Mr. Robertson agreed with Mr. Brougham's comments.

Mr. Schutt said he wanted to know how much responsibility the Board has to ensure that communities are using the appropriate amount of water instead of wasting it. Mr. Brougham said the Board is responsible for making sure the computer is correctly dispensing the water flow and turning on the valves within The Villages, in conformance with South Florida Water Management District (SFWMD) regulations.

Mr. Brougham asked if Glen Fulker would agree to work with Ron Albeit's representatives to get copies of the plans. Glen responded affirmatively.

Glen stated the problems in Mallard's Landing last spring was not the pressure supply, rather problems with snails clogging the irrigation lines.

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2009-4,  
Amending the General Fund Budget for  
Fiscal Year 2008**

Mr. Adams presented Resolution 2009-4 for consideration. He explained that this resolution concerned an amendment to the General Fund Budget for Fiscal Year 2008, that would address expenditures exceeding revenues on a line-by-line and fund-by-fund basis. He stated that the major amendment concerned the transfer of surplus dollars from GF 002 into GF 001 to address additional clean up work after Hurricane Wilma. Mr. Adams said this resolution and budget amendment will avoid having a technical finding in the District's audit for Fiscal Year 2008.

**On MOTION by Mr. Slater and seconded by Mr. Schutt, with  
all in favor of adopting Resolution 2009-4.**

**FOURTH ORDER OF BUSINESS**

**Discussion: Analysis on Potential  
Security/Patrol Vehicles**

Mr. Brougham opened this topic for questions.

Mr. Robertson reported that the CDD #2 Board agreed to continue using the two (2) existing vehicles for six (6) more months or until a major maintenance event should arise.

Mr. Schutt asked why the CDDs were considering buying vehicles. Mr. Adams explained, originally, the Districts leased these vehicles for three (3) or four (4)-year terms; however, the Boards decided to use a two (2)-year term because of rising maintenance costs in the third and fourth years. Mr. Adams said that the lease/purchase agreement is currently expiring on the 2007 vehicle. He stated that this is a municipal/lease program where the District owns the vehicle at the end of the term.

Mr. Schutt commented that just because maintenance costs are rising, it is not necessarily time to buy a new vehicle. He said that, in his experience, it is cheaper to repair a vehicle than to buy a new one.

**On MOTION by Mr. Curland and seconded by Mr. Robertson, with all in favor of adopting the same position as CDD #2 and continue using the existing vehicles for a minimum of six (6) more months.**

**FIFTH ORDER OF BUSINESS**

**Report: Quarterly Testing at Gatehouse - Quarter 3 Test (December 08)**

Mr. Robertson reported that in CDD #2, the Board voted not to employ this investigative service. He commented that this opinion is justified based on the quality of this report.

Mr. Slater commented that at the CDD #2 meeting, the contractor simply quoted what he saw verbatim, but did not make any recommendations.

Mr. Curland said this issue has been on-going for some time. He stated that if the average citizen requested access through the gate, the guard is legally obliged to let them in. He voiced concern that the guards still did not understand their responsibilities. Mr. Brougham said all the guards have been instructed as to how they should handle different situations; this is a quarterly test to ensure their instructions are being followed.

Mr. Brougham said in view of the number of foreclosures within Fiddler's Creek, that may not be public knowledge, the Boards may wish to fine tune the Post Orders to facilitate entry of those coming into the community to buy the properties. Mr. Adams indicated that he drafted an amendment to the Post Orders that the CDD #2 Board approved. These would be added to the Post Orders and brought back in January for approval by resolution.

**On MOTION by Mr. Curland and seconded by Mr. Slater, with all in favor of directing staff to modify the Post Orders, as amended.**

**SIXTH ORDER OF BUSINESS**

**Approval of November 19, 2008 Regular Meeting Minutes**

Corrections were provided to the minutes as follows:

Lines 12 and 13: Note James Curland as "Vice Chairman" and Jim Schutt as "Assistant Secretary".

Line 20: Insert "(via telephone)" next to Jeff Pinder.

- Line 21: Change "HOA Manager" to "Foundation General Manager"
- Line 29: Insert "Love" after "Al".
- Line 189: Strike "do they".
- Line 191: Replace "inaudible" with "#1".
- Line 313: Change "feeding" to "lake".
- Line 384: Change "is they've" to "has".
- Line 388: Change "inaudible" to "aerators".
- Line 394: Strike "had".
- Line 402: Replace "X" with "be X".
- Line 409: Strike "them" and "unintelligible". Replace with "the community standards."
- Line 410-411: Strike "inaudible" through the end of sentence. Revise sentence as follows: "The fountains are part of the community standard."
- Line 416: Insert "and" after "money".
- Line 426: Insert "if" after "that".
- Line 430: Delete "inaudible".
- Line 431: Delete "unintelligible".
- Line 439: Insert "if" after options.
- Line 444: Change "unintelligible" to "spending".
- Line 458: Insert "to" after "deemed".
- Line 459: Strike "to be lake quality -- they".
- Line 467: Replace "Unidentified Speaker" with "Mr. Schutt".
- Line 484: Change "we" to "they".
- Line 492: change "unintelligible" to "is a fountain in"; Strike "so [unintelligible]".
- Line 635: Insert "Love" after "Al".
- Line 660: Change "A Board member" to "Mr. Schutt".

**On MOTION by Mr. Schutt and seconded by Mr. Brougham, with all in favor of approving the November 19, 2008 Regular Meeting Minutes, as amended.**

**SEVENTH ORDER OF BUSINESS**

**Other Business**

There being no Other Business, the next item followed.

**EIGHTH ORDER OF BUSINESS****Staff Reports****a. Attorney**

Mr. Zampogna recalled that the Board previously asked whether the CDD can enforce traffic laws. He advised that the District can take down license plate numbers and refer vehicles to police officials; however, it is not allowed to pull over drivers or enforce any traffic laws.

Mr. Brougham said that, in his view, the Board needs to reinforce that the District will not authorize a contractor to exceed the authority specified in the Post Orders; and, if anything, they should be instructed to err on the side of extreme caution.

**b. Manager****i. Unaudited Financial Statements as of November 30, 2008**

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2008. He indicated that the Balance Sheet reflects monies Due from Developer for General Fund 001 and 002 and advised that these monies were received on November 26<sup>th</sup>, but were not posted until December 1<sup>st</sup>.

A question was raised as to whether CDD #2 started paying back monies owed to CDD #1. Mr. Adams explained that assessment revenues are starting to come in now and, as a result, he expected that CDD #2 would be in a position to make repayment within the coming weeks.

**ii. NEXT MEETING DATE: January 28, 2009, 9:30 A.M., or immediately following the Fiddler's Creek Community Development District #2 meeting**

Mr. Brougham asked whether there is a better telephone speaker or microphone system that can be used during meetings.

Mr. Brougham requested that the next item be concise as another meeting was scheduled immediately following this one.

**c. Operations Manager**

**New Fountains:** Ms. Crismond distributed handouts and advised that staff interviewed five (5) contractors and arrived at three (3) possibilities. Mr. Curland explained that Architectural and Crystal Clear offered the largest fountain systems. He said that during discussions held with Ron Albeit, the group looked at replacing the existing three (3) fountain systems identically or replacing it with a Tiara System, which provides more height and volume than any other system.

He stated that, from his and the developer's standpoint, it appears the best option is to use a single fountain, such as the Tiara system, which gives a 70-foot spray upward from the center of the fountain with a 150-foot diameter spread. He added that the Tiara Fountain will save the District a lot of money compared to the others proposed.

Mr. Curland stated that the price listed for Crystal Clear should be changed from \$45,000 to \$64,150. Also, the price proposed by Architectural should be changed from \$49,000 to \$57,500. He said these changes were made to accommodate the following added features: 1) a system that knocks down or shuts down the fountain in two (2) stages during high winds and 2) a low water measuring device. Mr. Curland advised that Crystal Clear offers a maintenance contract at \$1,500 per year. This includes a monthly site visit. Architectural offers a maintenance contract for \$12,000 per year to include semi-monthly inspection, cleaning, and repainting as needed. He pointed out that while this sounds like a high figure, the CDD recently spent significant money on fountain maintenance.

It was stated that Bentley Electric's maximum charge would be an estimated \$10,320 in costs; however, it is more likely to be \$5,000 or \$6,000. Mr. Adams clarified that, under these proposals, Bentley Electric's work will simply involve making connections to the brand new panels.

Mr. Brougham requested that Ms. Crismond and Mr. Curland solidify a proposal from the recommended vendor and that Mr. Adams provide funding strategies for this project.

Mr. Schutt commented that, in a period of widespread concern about global warming, energy crisis, water management and the current economic hardship, the Board is discussing "spending thousands of dollars on a project to spray water in the air, which is the direct antithesis of all of that." He stated that fountains increase the evaporation rate of the pond, which contradicts water management practices. He felt the Board should "seriously consider energy conservation and not look to poor people to make sacrifices so that we can indulge ourselves in frivolity that sets us up for parasitic costs of thousands of dollars a year in energy and maintenance costs." He said if this project goes forward, he would recommend either 1) having CDD #2 agree to share the cost, or 2) having the developer install these fountains and assess the entire community.

**NINTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

There being no comments or requests, the next item followed.

**TENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Slater and seconded by Mr. Curland,  
with all in favor of adjourning.**

The meeting was adjourned at 12:20 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman