

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

A Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held on **Wednesday, January 27, 2010 at 8:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

Present at the meeting and constituting a quorum were:

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

Also present were:

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| Chuck Adams | District Manager |
| Cleo Crismond | Operations Manager |
| Terry Cole | District Engineer |
| Terry Pires | District Counsel |
| Mike Charbonneau | Director Safety, Fiddler's Creek Foundation |
| Ron Albeit | GM, Fiddler's Creek Foundation |
| Jim Vajen | Golf Superintendent |
| Carla Barrow | Special Counsel |
| Manny Correia | Supervisor, FCCDD #2 |
| Gretchen Scott | Supervisor, FCCDD #2 |
| Victoria DiNardo | Supervisor, FCCDD #2 |
| Peggy Schmitt | Supervisor, FCCDD #2 |
| Phil Lasky | Resident |
| Marvin Adler | Resident |
| Betty Leary | Resident |
| Bob Highfield | Resident |
| Mr. Eskew | Resident |
| Al Love | Resident |
| Peggy Carswell | Resident |
| Mike Belesandro | Resident |
| Joe Riccio | Resident |
| Charles Turner | Resident |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 8:00 a.m., and announced, for the record, that all Supervisors were present at Roll Call.

Mr. Brougham announced changes in the order in which the Agenda items will be addressed.

SECOND ORDER OF BUSINESS

Update/Discussion: Foreclosure Claim

******This item, previously the Fourth Order of Business, was discussed out of order.******

Ms. Carla Barrow, Counsel from Weiss, Serota, discussed the draft Complaint anticipated to be filed. She stated she is waiting on information from the title insurer regarding possible third party interest that may appear on the title. She received a report last night stating that they have one (1) examiner dedicated to this file and they anticipate to start providing information as early as next week. She estimated that it will take at least a few weeks to incorporate the information and was optimistic that everything will be ready to go by the next Board meeting. She stated her report is the same for Fiddler's Creek CDD #2.

******Ms. Barrow left the meeting.******

THIRD ORDER OF BUSINESS

Continued Discussion/Consideration of TEM Systems, Inc., Proposal to Modify Gate Access Software to Allow for Controlled Exit Program to be Implemented

******This item, previously the Sixth Order of Business, was discussed out of order.******

Mr. Brougham read an email, received from Ms. Schiavo, into the record:

"I have reviewed the agenda for the January 27th CDD meeting. It is my understanding that the TEM proposal indicates that the software exists to restrict exit via each respective gate by class. My proposal is that there be five (5) classes:

-residents & Rookery members with clickers to enter and exit via Championship or Main gate or Sandpiper;

-bar code passes issued to heavy vehicles be restricted to enter/exit via Sandpiper only; No Exceptions.

-Bar Code passes issued to occasional vendors with small vans be restricted to enter/exist via Main gate or Sandpiper;

-employees with vehicle attached bar codes be coded to enter and exit via all three (3) gates.

-Rookery members and house guests issued bar code passes be allowed to exit and enter via all three (3) gates.

The preceding proposal is simple for guards to understand and is in conformity with Alternative Option #4. Also, the aforementioned proposal with no exceptions would be less confusing for vendors who will adapt.

Despite the solid lines and no passing, Championship continues to pose a danger to bicyclists and pedestrians. Given its two (2) lanes only, Championship poses an increased risk of a head on collision. These dangers are exacerbated by commercial/service vendors in their rush to exit at the end of their jobs. Directing as much commercial/service traffic as possible to exit via the Fiddler's Creek Parkway and Sandpiper where faster vehicles can pass slow vehicles will mitigate these dangers.

Residents' safety and convenience is more important than vendors' convenience.

I respectfully request that you read this email at the CDD 1 meeting."

Mr. Brougham read Ms. Schiavo's second email into the record:

"Thanks for your follow-up.

Thus far, there has been good improvement on Championship. Our observations have been that rarely are the heavy commercial vehicles/delivery trucks now exiting via Championship. Hence, I am guessing that either they are being told to exit via Sandpiper or that is their understanding, given that they have to enter via Sandpiper. If it is working, doesn't it make sense to vote it in?"

Mr. Brougham presented a petition signed by residents and read it into the record:

"We the undersigned urge the CDDs to reject the proposal to authorize an additional \$7,000 plus to fund the reprogramming of our gates to restrict egress of specified vehicles to their ingress gate. We wish to be equally considered in this decision rather than only a limited number of residents who live on

Championship Drive. All vehicles should be allowed to exit by the closest gate. Forcing traffic to travel through our community is a bad plan, which increases pollution and causes inconvenience and additional costs to the majority of residents in our community. Large, noisy vehicles have already been redirected. Please leave things as they are now and conduct a comprehensive study after season. Thank you."

Mr. Brougham stated Mr. Curland will present information regarding the current status of the program and audience questions will be answered after Board discussion.

Mr. Curland provided a handout to the Board summarizing the issues related to Championship Gate Access (Ingress/Egress). He stated, at their October 27, 2009 meetings, Fiddler's Creek CDD #1 and #2 adopted, by motion, the following, known as Option #4 and read it into the record:

"Unman the Championship Drive Gate, man the Sandpiper Gate and limit the access thru the Main Entrance to resident occasional vendors (e.g. cleaning personnel, plumbers, electricians, window washers etc.) Continue to direct all commercial/construction vehicles to Sandpiper. Redirect all large daily service vehicles (i.e. landscapers, pool servicers) as well as large delivery vehicles (i.e. box trucks, tractor-trailers, food/beverage delivery trucks, car carriers, furniture delivery trucks etc.) to the Sandpiper Gate. Allow remote access at Championship drive for all credentialed users (i.e. residents, Rookery members/golfers, houseguests and employees who possess clickers and/or bar code passes)."

Mr. Curland stated discussion on that resolution included:

"The above-adopted text specifies that only vehicles having ingress or egress access to Championship Drive Gate will be credentialed users (i.e. residents, Rookery members/golfers, houseguests and employees who possess clickers and/or bar code passes). No commercial/construction or service vehicles would be allowed to ingress or egress through the Championship Drive Gate."

Mr. Brougham noted that Mr. Curland's interpretation of access includes ingress and egress. He said the Post Orders, in their current form, need to be more specific. Mr. Curland continued:

"The Board of Directors (BOD) requested input on whether the gate ingress/egress technology can support restricting the exiting of vehicles to specific gates. The TEM proposal contained in the BOD January 2010 Agenda package states that such capability exists."

Mr. Brougham interjected that the current software is not capable of distinguishing between different gate/guest passes; however, the proposal before the Board includes software to distinguish different gate passes and determine the ingress/egress gates.

Mr. Curland continued:

"The existing Main Gate video monitoring system for the Championship Gate consists of eight (8) different camera positions. This system is more than adequate to monitor ingress and egress at the Championship Gate. Unfortunately, if the Main Gate guard observes an ingress or egress problem at the Championship Gate, he or she is unable to open either gate to alleviate the problem until contacted via the call box. The call boxes for both ingress and egress are located behind the problem vehicle once they pull up to the gate."

Mr. Curland stated, to minimize construction/commercial/service vehicle exposure within the community, the following exit strategy for these vehicles is proposed:

- "1. All large daily service vehicles (all landscapers and pool servicers) as well as large delivery vehicles (i.e. box trucks, tractor-trailers, food/beverage delivery trucks, car carriers, furniture delivery trucks etc.) are required to exit via the Sandpiper Gate. The Fiddlers Creek CDD Landscaping contractor working adjacent to the Championship Drive Gate will have egress privileges at the Championship Gate.*
- 2. All resident service vehicles (Panel*/Pickup Truck or smaller) exit at either the Main or Sandpiper gates. Small service vehicles (Panel*/Pickup Truck or smaller) who's last stop or only stop within the community is at a residence within a village having street access along Championship Drive will be issued a pass allowing egress at the Championship Gate in addition to The Main and Sandpiper Gates.*

Mr. Brougham clarified that item #2 would require a security system software change.

Mr. Curland continued:

3. *Multiple day passes issued to construction vehicles will be limited to ingress and egress via the Sandpiper gate."*

"In addition to the exit bar-coding restrictions, all paper barcode passes will state on the face of the pass, the exit gates at which the pass is valid.

Multiple day passes will not be issued to commercial or service vehicles.

Consider revising the existing "Access only with valid Credentials" sign at the entrance to the Championship Gate. Recommend the following:

"~~Private~~ Restricted Entrance – No Service or Commercial Vehicles."

Consider relocating the ingress and egress Championship Gate call boxes adjacent to positions accessible to vehicles immediately behind the gates. If this is not possible consider giving the Main Gate guard the capability to remotely open these gates.

**A panel truck is a windowless cargo van built on a truck chassis with no side windows aft or the front doors. This type of vehicle is frequently used by the trades, maintenance contractors, or delivery of retail products and consumer conveniences."*

Discussion took place regarding the location of the call boxes and the benefit of moving them so the gate guard can speak to the person, prior to allowing entrance. Mr. Slater suggested installing voice-activated microphones, rather than relocating the call boxes.

Mr. Slater asked where FedEx and UPS trucks enter. Mr. Charbonneau indicated it is through Sandpiper. Mr. Slater asked if all of the "permanent" passes were collected. Mr. Charbonneau replied no. Mr. Brougham directed that the FedEx and UPS local offices in Naples and Fort Myers be contacted.

It was noted that cement trucks were seen leaving through Championship Gate. It was indicated the truck was not a developer construction vehicle. It was there doing repair work related to a water main; the vehicle entered through Sandpiper and left through the quickest gate.

Mr. Correia, CDD #2 Supervisor, referred to paragraph 2 of Mr. Curland's recommendations and was bothered that limiting Championship Drive creates a "private community" within the private community. He wondered why Championship Drive should be treated differently than other areas. Mr. Brougham clarified that paragraph 2 is dependent upon both Boards passing the proposal to change the software.

A Board Member felt there are a few multiple stop vehicles, such as FedEx, UPS and pool cleaners, but probably not many other multiple stop vendors, on a daily basis.

Mr. Brougham recommended consideration of Mr. Curland's suggested modification to the Championship gate entrance sign. It was suggested that the word "Restricted" be used instead of "Private".

On MOTION by Mr. Brougham and seconded by Mr. Schutt, with all in favor, changing the verbiage of the sign at the Championship gate entrance to read "Restricted Entrance – No Service or Commercial Vehicles", was approved.

Mr. Brougham polled the CDD #2 Board for its opinion on this matter and all were in agreement with the suggested change.

Mr. Brougham felt occasional vendors may not see the sign regarding ingress and it might be helpful to have a similar sign posted east of the driving range, prior to approaching the pump house, to inform the vendors before they are caught in the entrance lane. He indicated, according to the county, the right-of-way, from 951 to the Fiddler's Creek entrance, is owned by Pelican Lakes Property Owners Association, Inc. He suggested approaching them for approval to place a sign in that location. The Board agreed to authorize Mr. Pires to research this issue.

Mr. Brougham recommended doing something at the main gate so they can either address the stopped vehicle through a loud speaker or change how the gates can be opened. He wants someone to research what can be done, with respect to the remote technology, to give the main gate guard proactive capability to see a problem and take actions to initiate a loudspeaker call to the driver and then have the capability to respond to the driver. The Board agreed to authorize security staff to research this.

Mr. Phil Lasky, a resident, asked how much it would cost to move the call boxes and voiced his concern about raising the gate when contact cannot be made with the person. He felt communication is important.

Mr. Correia, of CDD #2, spoke of technologies such as MapQuest and GPS systems that, through his personal experiences with visiting family members, tend to direct people to the Championship entrance; for this reason, signage is important.

Mr. Brougham asked Mr. Charbonneau that, to the extent there are exceptions and interaction, there be procedures so it can be recorded in a log for follow up.

Mr. Brougham reminded the Board that the TEM Systems, Inc., proposal was discussed at the last meeting. He said the proposal was to modify the gate software to permit up to eight (8) different classes of guest passes, at a cost of \$5,400. He noted the Board had questions, with the significant issue being nothing in writing of what can be done. He indicated the current proposal has no changes in the specifications, but the cost increased to \$6,700.

Mr. Brougham voiced his opinion that the entrance issue is under control and in exiting, most of the large vehicles are exiting where they are supposed to exit. He felt implementing this type of software change "squeezes-down" who can exit, where they can exit and further complicates getting in an out without a clicker. Mr. Brougham gave a sample scenario and concluded that, according to reports he heard, the current system is already working.

Mr. Brougham summarized the new TEM Systems, Inc., proposal increased to \$6,700, will take 30-45 days to implement and provides the capability of eight (8) different classes of vehicles.

Discussion ensued and Mr. Schutt voiced his opinion that the Boards set out to decrease commercial traffic on Championship Drive and voted on items to accomplish it, but now, the Boards are making decisions that are subverting what they originally planned to do. He said the Board does not really know what the majority of the residents want; they only know what the activists want and what each Board Member wants, individually. He suggested returning to what they planned to do and suggested delaying a decision on the TEM Systems, Inc., proposal.

Mr. Curland referred to the Visitor Counts, located behind tab 7 and analyzed the information, noting those entering through Sandpiper gate tend to exit there, but approximately 500 vehicles who entered through the main gate, are exiting at Championship, instead of returning to the main gate or Sandpiper. Mr. Curland felt the Visitor Counts gives the Boards initial data and data should continue to be collected. He agreed something must be done regarding communication at the back gate and he agreed with Mr. Schutt in leaving this item open so if there are problems with excessive amounts of traffic on Championship Drive, it can be readdressed, at an appropriate time.

Mr. Brougham opened the floor for questions or comments from the CDD #2 Board Members.

Mr. Correia, of CDD #2, reminded the Boards of the need to treat those that service the community with respect. He noted, to these small businesses, time is money and needless time spent driving around is not productive. He spoke of those coming from Marco Island entering through the main gate, because it is the only way they can get in from that direction, and then exiting through Championship because they are on their way to Naples for their next stop. He felt there is no need to rush to judgment; see how this plan goes.

Mr. Brougham asked Mr. Charbonneau if he could provide the statistics on a month-to-month basis. Mr. Charbonneau replied affirmatively.

Ms. Victoria DiNardo, of CDD #2, indicated she did not feel the Boards should go forward with spending the money right now.

Ms. Gretchen Scott, of CDD #2, agreed.

Ms. Peggy Schmitt, of CDD #2, agreed that they are trying to micromanage this and said her vote would be to delay acting on the proposal.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, consideration of the TEM Systems, Inc., Proposal to Modify Gate Access Software to Allow for Controlled Exit Program to be Implemented, was deferred.

Mr. Brougham apologized for skipping audience comments on this subject and opened the floor to comments.

Mr. Marvin Adler, a resident, said he was not clear and asked if the CDD is essentially a county entity. He noted that he is not allowed to vote for the Board Members and wondered why he is not considered a resident and asked who the 111 residents (on the petition) are. Mr. Brougham indicated residents are those that are owners of the property, that are registered voters in the State of Florida, can vote for the Board. If they are not registered Florida voters, they cannot vote for the Board. Mr. Adler suggested that those people should then not be allowed to sign the petition. Mr. Brougham stated they are still the people who use the entrances and exits.

Ms. Betty Leary, a resident, agreed with the Board Members' comments, thus far, but no one raised the issue of speeders on Championship. She said more patrols and community service vehicles are needed on the road, especially during the season. She spoke of slower cars being passed. She felt there should not be a lot of restrictions on exiting; they should be able to leave

through the closest gate. Mr. Brougham indicated there is only one (1) patrol vehicle and it is on a continuous rotation. He indicated the CDD authorized, for at least two (2) to three (3) years, for the county sheriff to come in once per week for four (4) hours, which has been somewhat successful and unsuccessful. Ms. Leary stated she felt that gate access, whether in or out, is going to stop that. Mr. Brougham indicated he understands that and the CDD is in favor of catching speeders. Mr. Robertson spoke of the monthly safety statistics list and noted that at least 2/3 of the speeders are residents, not vendors or visitors.

Mr. Bob Highfield, a resident living beside the gatehouse, agreed that the District does not need the software and also agreed that it should not be dismissed, forever; rather, wait and see what happens. He commented on a problem, occurring primarily on the weekends, where people get stuck by the guardhouse and back out and exit through the entry lane. He felt they should look at the entry area letting guards use their discretion in opening the gate, so people do not attempt to back out. He felt improving the signage and possibly moving signs will help. Mr. Highfield was against use of a loudspeaker at the entrance.

Mr. Eskew, a resident, indicated he felt it was inappropriate to vote before hearing the public's comments. Mr. Brougham apologized.

Mr. Al Love, a resident, asked if the software could be moved to the first gate on Championship, making that the egress gate. Mr. Brougham acknowledged the suggestion.

Ms. Peggy Carswell, a resident, commented about Sandpiper gate, noting she had a furniture delivery and, as she does not use that gate, she was not able to give the driver directions. She noted, the signage for Fiddler's Creek on US 41 is very small and suggested the signage could be improved. Mr. Brougham indicated that is CDD #2 business and asked that a note be made of the issue.

Mr. Mike Belesandro, a resident, asked if the Sandpiper gate was originally intended to be manned. Mr. Brougham felt it was supposed to be manned, but added it is an evolving situation; it was originally a construction entrance. Mr. Belesandro stated, by not manning Championship, there is a cost savings. Mr. Brougham indicated, unmanning the gate at Championship resulted in operational savings, any capital construction or capital improvement comes out of the CDD bond funds and not operating funds. Mr. Brougham added, given the fact that the bondholders are foreclosing against the developers, the bondholders are reluctant to, if not definitely not, approving any more capital construction in either District. Additional

discussion took place regarding where the funds would come from, should this eventually be done. Mr. Belesandro agreed that more time is needed and felt, when a decision is made for Championship, moving the call box back and only having one (1) exit gate would probably be a better solution. Mr. Brougham indicated the Boards would look at the recommendations and associated costs. Mr. Brougham said he does not want to make a change when there is no problem.

- **Irrigation Quality Update – Jim Vajen**

****This item was an addition to the Agenda.****

Mr. Vajen gave an update on the snail problem, noting he received a report from Dr. Fred Thompson, at the University of Florida. He said a suggestion was made to install a chlorine injection system, but that is not going to happen. He said they need to increase flushing and cleaning of the heads, valves and complete system inspections/testing. He indicated they should increase the cleaning from monthly to weekly.

Mr. Vajen said he had been testing, in the afternoons, for the last three (3) weeks, trying to resolve pressure issues. He said they ran them last week on Wednesday and Thursday and there was a big difference from each day; so, he does not think it is a supply issue. He referred to a call from Cardinal Management, who had a problem in Whisper Trace. In researching the problem, he found that one (1) of their supply/main valves was off and when they opened it up, the pressure problem was resolved. Mr. Vajen noted they are running the same sequences, an exact run, just at a different time of the day.

Mr. Joe Riccio, a resident, asked for an explanation of the snail problem. Mr. Brougham asked that he get a separate update from Mr. Vajen. Mr. Brougham summarized the issue, stating snails get into the pop-up heads and clog, so the head does not work and the grass dies.

Regarding frost damage, Mr. Vajen asked that things be given another month to see what new growth regenerates and then cut as needed.

▪ **Modifications to the Post Orders**

*****This item was an Addition to the Agenda.*****

Mr. Brougham indicated the Post Orders are the procedures for the gate personnel, so all procedures need to be in the Post Orders. He reminded the Board that amended Post Orders, with a lot of corrections, were adopted last month. He presented a copy containing those changes. He noted that this Board has not voted to restrict exiting or egress by large commercial vehicles; they talked about it and read Ms. Schiavo's Option #4 into the Post Orders, but the Board never voted specifically to restrict the exiting of the large commercial vehicles. He felt a vote is necessary. Mr. Brougham indicated the amended Post Orders reflect the fact that they did restrict them, but that was simply Management's proactive language on the matter.

Mr. Brougham noted the following items he wished to change:

Page 7: Change "Construction Vehicles and Equipment" heading to "Construction and Large Commercial Vehicles and Equipment"

Page 7, 4th line from the bottom: Strike "Main" and insert "Fiddler's Creek Parkway"

The following change was also made:

Page 8: Strike page, in its entirety

Brief discussion ensued to confirm the interpretation of various vehicles and sizes.

Mr. Highfield asked about Waste Management bringing in dumpsters, recycling and garbage trucks all leaving at the same time. Mr. Adams indicated they are a utility provider, so they are treated like the cable and telephone companies; they have no restrictions.

On MOTION by Mr. Brougham and seconded by Mr. Schutt, with all in favor, the additional amendments to the Post Orders, as stated, were approved and Staff as directed to modify the Post Orders and prepare a resolution for adoption at the next meeting.

A Board Member said he witnessed someone physically lifting a gate up to enter and asked if anything can be done. It was indicated, in a similar instance where there was damage, the Sheriff was called and they were made to pay for it.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2010-2, Confirming the District's Position that it will not Modify any of its Gate Entry Hardware or Software Programs to Accommodate Vehicle Manufacturer Installed Access Systems

******This item, previously the Second Order of Business, was discussed out of order.******

Mr. Brougham presented Resolution 2010-2; explaining it is to confirm the Board's position that it will not modify any of its gate entry hardware or software to accommodate vehicle manufacturer installed access systems.

On MOTION by Mr. Curland and seconded by Mr. Slater, with all in favor, Resolution 2010-2, Confirming the District's Position that it will not Modify any of its Gate Entry Hardware or Software Programs to Accommodate Vehicle Manufacturer Installed Access Systems, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2010-3, Authorizing the District Manager to Open a Public Funds NOW Checking Account with Community Bank of Broward

******This item, previously the Third Order of Business, was discussed out of order.******

Mr. Brougham introduced Resolution 2010-3 and asked Mr. Adams for an explanation of this item.

Mr. Adams reminded the Board it previously approved investment of its surplus funds in CDARS, term-specific CDs, which are restricted in terms of being able to liquidate, until such time as the term has expired. He indicated, as a result of those restrictions, Management had to be conservative in how much of the District's surplus was put into the CDARS Program, recognizing the District could have a cash flow need that was unexpected. Mr. Adams indicated the opportunity, through the NOW Checking Account, is that Community Bank of Broward has a relatively appealing interest rate, given the current market. He explained, if the remaining surplus dollars are placed into this NOW Checking Account, it gives the CDD immediate liquidity and gives a greater return. He confirmed the investment would be limited to no more than \$250,000, to ensure FDIC coverage. Mr. Adams indicated the District's operating account

is with SunTrust and their interest rate is down around .1% or .2%. A Board Member asked about the risk of Community Bank of Broward. Mr. Adams indicated it is a four (4) star bank. In response to a question, Mr. Adams indicated there is no minimum balance required for the NOW account and reiterated that the maximum amount Management would allow in the account at any given time is \$250,000, so as to remain FDIC insured. Mr. Adams further added that Community Bank of Broward is a Qualified Public Depository.

Mr. Pires suggested, if this is approved, it should include language stating, "consistent with requirements of Chapter 218.415 in the Board's investment policy".

Mr. Adams confirmed the following additional language to be added:

Section 2: After the word "funds", insert "consistent with the investment guidelines as adopted by the District in its Rules of Procedures".

On MOTION by Mr. Schutt and seconded by Mr. Curland, with all in favor, Resolution 2010-3, Authorizing the District Manager to Open a Public Funds NOW Checking Account with Community Bank of Broward, as amended, was adopted.

SIXTH ORDER OF BUSINESS

Continued Discussion: Championship Crosswalks

******This item, previously the Fifth Order of Business, was discussed out of order.******

Mr. Cole summarized that previously, there were 16 decorative sign posts, at \$1,090 each. He indicated, in an effort to save money, he revisited the issue of whether the number of sign posts can be reduced. Mr. Cole found, in reviewing the state requirements for signage and talking with the county, he determined the number of signs can be reduced to six (6). He indicated the Design Committee was in agreement and the Sign Placement Plan was sent to them and the county. The county will allow it to be an as-built revision to what was previously approved. Mr. Cole explained, at each end of Championship and exiting Mulberry, Isla-Del Sol and Mahogany Bend, there will be advance warnings of the crosswalks ahead.

Mr. Brougham confirmed the signage has gone from 16 down to six (6). The estimated construction cost has gone from \$65,000 to \$31,825.75. Mr. Cole explained that the original proposal was for 16 sign locations, plus survey, layout and construction inspection costs. He indicated the revised estimate still includes those costs, but is for only six (6) locations. Mr. Cole

indicated the \$31,825.75 construction cost does not include the actual signs, which will add an additional \$6,540. Mr. Cole confirmed the District is saving at least \$13,000 with the reduction in the number of signs. Mr. Brougham explained that this cost is to install pedestrian access sidewalks, crosswalks, curb cuts and ramps from the Villages along the south side of Championship and access to sidewalks along the north side of Championship. Mr. Brougham indicated the bondholders already approved the work when the proposal was \$65,000 and called for a vote.

Mr. Cole further explained the locations of the signage.

On MOTION by Mr. Curland and seconded by Mr. Slater, with all in favor, the revised crosswalk construction and signage proposals for the installation of crosswalks and six (6) crosswalk notification signs, as presented, for the proposed costs of \$31,825.75 and \$6,540, respectively, were approved.

▪ **Staff Reports – Engineer**

******This item, previously the Tenth Order of Business, Item b., was presented out of order.******

Mr. Cole presented Pay Draw Requisition #42, for the Fiddler's Creek CDD #1 Capital Improvement Revenue Bonds, Series 2005 A/B, in the amount of \$6,578.74. He indicated the work was for the Belle Meade grade clearing, fees related to the relocation of the backflow assembly. He noted all of the work was approved by the bondholders. Professional fees related to bondholder approved items were also included.

Mr. Brougham asked if the backflow protection device was ever going to be moved back by the entrance to the Rookery. Mr. Cole indicated that is the one.

Mr. Cole said, at the last meeting, he was asked to investigate the cost of adding additional entrance lighting at the main entrance at Fiddler's Creek Parkway and 951. He indicated, two (2) small decorative post double lamps are in the median, set 30 – 50 feet back. He noted they are not very bright lights. He verified the electrical requirements with an electrical engineer; going out the Fiddlers Creek Parkway entrance, a light would need to be put on each side of the road, not in the median, in order to comply with the new county standards. He obtained estimates from Bentley Electric for their design to install two (2) lights. He noted

they must go through an insubstantial change and the estimated cost is about \$12,500, allowing for a small cushion.

Discussion ensued regarding the lighting and timing and Mr. Brougham stated, to his knowledge, it stays on all night. A Board Member questioned the lighting issue, since the lights stay on all night. Mr. Cole indicated they are very low intensity lights and a Board Member added that the monument lights are much further away from the road. Mr. Brougham asked if this could be a capital improvement. Mr. Cole replied affirmatively, adding it would need approval from the bondholders. Mr. Brougham stated, if it is approved, it would be capital money out of bonds. It was indicated that, until the project is designed, they will not know exactly what to tell the contractor. Mr. Cole suggested he approach the bondholders, giving them an estimate of \$15,000, indicating the Board would like to approach this as a capital improvement expense. Mr. Brougham agreed. Mr. Cole confirmed this is just the lights. Mr. Brougham added they might also want to consider moving the divided highway sign further up towards 951. The Board agreed to Mr. Cole speaking with the bondholders and reporting back.

Mr. Slater asked where the lights would be. Mr. Cole indicated the lights would be where the bullnose is, to the right and left as you come out and the light in the center would remain. Mr. Schutt asked why this is being done. Mr. Brougham indicated it is to further illuminate the entranceway. It was reiterated that, when leaving at night, it is difficult to see the roadway and several people have turned out into the north on 951, instead of going around the island. Also, when entering coming south on 951, there is not enough light at the entrance.

Once he speaks to the bondholders and gets more specifics, Mr. Brougham asked Mr. Cole to turn the information over to Mr. Albeit for the Design Committee's review.

Mr. Slater noted a large truck attempting to make a u-turn to go north from the turn lane into Fiddler's Creek, which he found to be very hazardous, and asked if Mr. Cole if he could investigate having a "No U-turn" sign installed. Mr. Cole said he will check on it. Brief discussion ensued. Mr. Brougham noted the concern, but indicated this is outside of the Fiddler's Creek development and it is ultimately up to the state, as to whether they chose to do it.

A resident indicated, coming out Championship, there are backups to make a left turn, which she finds more dangerous than the u-turn problem, because the vehicles go in the median and there is no space for them. Mr. Brougham reiterated the CDD can make observations about the safety on the state road, but have no jurisdiction over what is done on the state road.

Mr. Brougham asked Mr. Cole for an update on his request for information on repainting around Cherry Oaks Pool Circle. Mr. Cole indicated he checked on this and they can repaint; however, the paint only lasts about a year. Mr. Cole indicated another alternative is to water-blast or mill it. He obtained an estimate of \$4,000 for the water-blast removal and to black sealcoat only the area that is water-blasted. The Board agreed not to pursue this.

SEVENTH ORDER OF BUSINESS

Visitor Counts *(for informational purposes only)*

This item was discussed during the Third Order of Business.

EIGHTH ORDER OF BUSINESS

Approval of December 16, 2009 Regular Meeting Minutes

Mr. Brougham presented the December 16, 2009 Regular Meeting Minutes and asked if there were any additions, corrections or deletions. The following changes were made:

- Line 35: Insert "LaGrega" after "Don"
- Line 117: Change "Champion" to "Championship"
- Line 331: Change "in" to "from"
- Lines 612 and 618: Change "Krisonowsky" to "Chrzanowski"
- Line 673: Change "of" to "and"
- Line 677: Change "bud" to "button"
- Line 696: Change "Curland" to "Slater"

On MOTION by Mr. Brougham and seconded by Mr. Schutt, with all in favor, the December 16, 2009 Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS

Other Business

There being no Other Business, the next item followed.

TENTH ORDER OF BUSINESS

Staff Reports

- a. **Attorney**

Mr. Pires indicated there have been no further developments in the OneSource litigation.

In response to previous discussion, Mr. Pires reported a quick review of documents revealed that Championship Drive, outside the Fiddler's Creek gate, was dedicated to the public and the county has no maintenance responsibilities. Brief discussion ensued regarding what this means, who is responsible for repairs and how to go about getting repairs done. There being nothing additional to report, the next item followed.

b. Engineer

This item was addressed during the Sixth Order of Business.

c. Manager

i. Unaudited Financial Statements as of December 31, 2009

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2009. In response to a question, Mr. Adams clarified money is transferred in from the remedial account for legal fees and other costs associated with the foreclosure action, and they strike the checks out of the operating fund.

Mr. Correia, a CDD #2 Supervisor, indicated it is obvious, because the two (2) CDDs have an overlapping function, there would be value to having both CDDs meet in a joint meeting. Mr. Adams indicated there has been resistance, in the past, to holding joint meetings. Mr. Brougham voiced his support of holding joint meetings when there are agenda items related to safety and irrigation. Mr. Adams asked if the Board is receptive to joint meetings; adding it is easy for Management to advertise for joint meetings and lay out the agenda so that joint items are first and the District specific business items follow. Brief discussion took place regarding ways to order the agenda of a joint meeting. Mr. Adams reiterated, generally, it is best to cover the joint items first, then the CDD with the least business to cover its specific items and then they adjourn and the meeting will wrap up with the other CDD's business. Mr. Brougham proposed that the topic of joint meetings be discussed at the next meeting.

ii. NEXT MEETING DATE: February 24, 2010 at 8:00 A.M.

The next meeting is February 24, 2010 at 8:00 a.m., at this location.

d. Operations Manager

Ms. Crismond reported that the lake tour was completed on January 12th and there was some frost damage to the yellow cana and spike rush, both of which should recover. She continues to review landscaping on a weekly basis and tour on a monthly basis. She noted a lot

of frost damage, with \$1,425 worth of bougainvillea that needs replacing. She will continue to monitor the other plant material and trim as needed and required.

Ms. Crismond indicated the tree trimming was completed and Management was asked to obtain additional costs for continued trimming this year, as opposed to waiting until the fall. The total cost for the additional trimming is \$144,540.

Mr. Brougham informed the Board that, two (2) or three (3) years ago, Fiddler's Creek CDD #1 had a budget of about \$200,000 to institute a canopy tree trimming program to go on a rotational basis and be established as a program that, year-to-year, rotates to different sections. He indicated several things happened, such as Hurricane Wilma, and they eventually reconstituted the tree trimming program two (2) years ago. He indicated last year, they budgeted \$50,000 for the pruning program. He said they started meeting with the county and code enforcement in April and May and the actual program did not commence until October, which was the new fiscal year. Mr. Brougham explained some minor pruning, costing about \$25,000, was done in Fiscal Year 2009 and the remainder was not spent. He noted the landscaping line item was under-budget last year by about \$80,000, partially because they did not execute all of the pruning activities and other mulching activities. Mr. Brougham summarized, last year, the CDD did not spend all of the landscaping money that was budgeted, so now, they have spent \$50,000 budgeted for this year, but have not put a dent in many of the priorities. He indicated the money saved on landscaping last year rolled into reserves. He voiced his opinion that the CDD should continue, to some extent, with the priority tree pruning in CDD #1. Mr. Brougham indicated he would like to proceed, at least, with the cassia trees. He indicated, while this will potentially put the CDD over budget, it is really money they did not spend last fiscal year. Discussion continued and Ms. Crismond confirmed the list in her Field Operations Report is the priority list, according to the landscaper. In response to a question, Mr. Adams indicated the \$50,000 budgeted for this year has been spent, but there is a carryover, of sorts, on that line item, of about \$25,000 that was not spent during the prior year. Mr. Adams stated, with that, the CDD is essentially staying within the amount budgeted for the past two (2) years. Discussion ensued regarding the necessity and benefits to trimming the cassia trees.

On MOTION by Mr. Brougham and seconded by Mr. Curland, with all in favor, except Mr. Schutt, trimming of the cassia trees, for a cost of \$20,160, was authorized. (Motion passed 4-1)

Ms. Crismond reviewed the January patrol services stats as of Monday, January 25th, indicating there were 18 total stops; 15 residents, one (1) Staff and two (2) vendors, with six (6) citations and 14 warnings issued.

Mr. Adler, a resident, asked Ms. Crismond if she is in charge of trimming of the trees along Championship and the roots. Mr. Brougham indicated there is a root barrier along there. Mr. Adler asked that Ms. Crismond take a second look at the root issue. Ms. Crismond confirmed she will do so.

Mr. Charles Turner, a resident, indicated, while he is jogging, he has encountered a problem with the Collier County Sheriff's patrols along Championship and Fiddler's Creek Parkway and cars sailing through the stop signs. He said the danger is that he cannot see oncoming traffic and sometimes cannot hear it. Mr. Turner spoke of options for having patrols present. Mr. Brougham informed Mr. Turner that the CDD cannot tell the sheriff where or when to patrol; the CDD asked them to come once per week, but cannot tell them where to go.

Mr. Turner noted that the sidewalk cleaning project stopped at Championship and Fiddler's Creek Parkway. He indicated a location where the mold buildup has become a hazard. Mr. Brougham indicated the program was to address the obvious slip hazards around the community, which have all been addressed. Mr. Brougham acknowledged that there will continue to be new areas and informed Mr. Turner that, once they know about a problem area, it will be addressed. He indicated the CDD did not undertake a program to power wash every sidewalk in Fiddler's Creek.

A resident identified a trip hazard on Championship, on the sidewalk, near Fiddler's Creek Boulevard. She indicated, going west, the sidewalk is very uneven with a two (2)-inch difference between sidewalks. Mr. Brougham asked Ms. Crismond to look into this. Mr. Pires suggested installing a sign or some notification of this, as there is pending litigation in another CDD where a person tripped and broke her wrist. Mr. Brougham asked Ms. Crismond to place a cone in the area of the trip hazard.

Regarding patrols in the community, Mrs. Schutt asked the Board to consider having the patrol in every other week during the off season and doubling the patrol during the busy season. Mr. Brougham stated the CDD is subject to the availability of the officers.

ELEVENTH ORDER OF BUSINESS

**Audience
Requests**

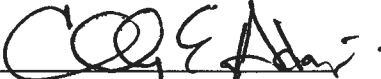
Comments/Supervisors'

There being no Audience Comments or Supervisors' Requests, the next item followed.

TWELFTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 10:30 a.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman