

**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, February 22, 2012, at 8:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

**Present at the meeting were:**

Phil Brougham	Chair
James Curland	Vice Chair
Gerald Bergmoser	Assistant Secretary
Jim Schutt	Assistant Secretary
Robert Slater	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Andrew Sanford (via telephone)	ITG Holdings
Amanda Barton	ITG Holdings
Mark Strain	Gulf Bay Consultant
Aleida Martinez Molina (via telephone)	Weiss Serota, Special Counsel CDD #1
Mike Charbonneau	Foundation-Director of Safety
Ron Albeit	Foundation

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 8:00 a.m., and noted, for the record, that all Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

**Special Counsel Update: Bankruptcy Proceedings - Aleida Martinez Molina**

Ms. Martinez Molina reported that, since the last CDD meeting, there have been rumors of significant developments, such as Mount Kellett's purchase of certain bond issues. She stated, that, more than likely, the pending appeal will be dismissed and there should be less litigation. Ms. Martinez Molina clarified that nothing official was presented to the courts and no actions

were dismissed or withdrawn. In addition, US National Bank, through Greenberg Traurig, has moved forward with a broad public records request for CDD #1 and its attorneys. Ms. Martinez Molina indicated she is in the process of complying with that request. She advised that nothing has occurred, in the last month, regarding the appeal itself. The motion to dismiss the case has been fully briefed but it has not been decided. With regard to the reorganization, dozens of objections to claims and orders on these objections to claims have been entered by the court, so that is moving along.

Mr. Schutt asked how Mount Kellett’s purchase of bond issues would impact the claim challenge of the withdrawal or early retirement of the \$5.2 million that the developer is attempting to have returned into the account. Ms. Martinez Molina responded that, to the extent the bond issues are now owned or controlled by an entity more closely united with Fiddler’s Creek, as opposed to third party independent agencies, the interests are more aligned.

Mr. Brougham asked if it is possible that they may see a change in indenture trustee. Ms. Martinez Molina advised it is a possibility but she assumed not.

**\*\*\*Ms. Martinez Molina left the meeting.\*\*\***

**THIRD ORDER OF BUSINESS**

**Developer’s Report/Update**

There being no developer’s report or update, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Engineer’s Report**

Mr. Cole presented Draw #66, related to the Series 2005 A/B Bond, in the amount of approximately \$7,300, for Hole, Montes & Associates, Inc., to update and complete the final report for the 2005 Series Bond Engineer’s Report. He noted that corrections were made, per Mr. Schutt’s review, and the PowerPoint was sent to Mr. Adams.

Mr. Brougham asked if all work is ceased, with respect to the “approved list of projects” that were to come from the bond construction account. Mr. Cole responded affirmatively, with the exception of the water management certifications and lake conveyance items.

Mr. Brougham reported that the escrow funds were released to the District on February 14 and went into SunTrust. He asked if any payments were made to the bond accounts. Mr. Adams stated the dollars that were to be distributed to the various debt service funds have been

scheduled for transfer; the remaining \$315,000 or \$316,000 will remain in the O&M account. Mr. Brougham discussed moving the District's money out of those funds prior to transferring them into the bond accounts. He suggested looking into the conditions that can be attached to the release and where the District has legal rights to a claim. Mr. Brougham expressed that the funds should not be released unless it is absolutely necessary. Mr. Adams advised he will inquire with bankruptcy and/or bond counsel.

Mr. Cole reported that the erosion control contractor commenced irrigation work on Lake #88, in CDD #2. A construction notice was transmitted advising they will be working in this area for approximately two (2) weeks. Another notice was transmitted notifying that work will begin in about two (2) weeks on Lakes #5 and #6, in CDD #1. Mr. Cole will provide photographs at the next meeting.

Mr. Slater inquired about the entry points on Lakes #5 and #6. Mr. Cole indicated they will be accessed from the right-of-way.

Mr. Curland reported that over 60 reflectors on Championship Drive are missing. He asked Mr. Cole if there is any reason to replace them. Mr. Cole stated he will look at them but recommended that they not be replaced.

**FIFTH ORDER OF BUSINESS**

**Consideration of Revised Access Control and Security Services Specifications**

Mr. Pires referred to Page 5, Section 2.20, and indicated that the definition in the District's rules of the lowest responsive and responsible bidder must be used. On Page 11, Section 3.14. Award of Contract, c.1., Mr. Pires suggested that Mr. Adams reference the District rules. Mr. Adams clarified that Sections 3.14 and 2.14 should contain the same language as Section 2.15.

***\*\*\*Mr. Andrew Sanford joined the meeting via telephone.\*\*\****

**On MOTION by Mr. Slater and seconded by Mr. Bergmoser, with all in favor, the Revised Access Control and Security Services Specifications, as amended, were approved.**

**SIXTH ORDER OF BUSINESS**

**Approval of Minutes**

- **January 25, 2012 Joint Access Control Specifications Workshop**

Mr. Brougham presented the January 25, 2012 Joint Access Control Specifications Workshop Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Brougham and seconded by Mr. Schutt, with all in favor, the January 25, 2012 Joint Access Control Specifications Workshop Minutes, as presented, were approved.**

- **January 25, 2012 Regular Meeting**

Mr. Brougham presented the January 25, 2012 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 267: Strike "Mr. Pires felt the District is current."

Line 303: Change "Gage" to "Gate"

Line 293: Change "Cole" to "Pires"

Line 377: Insert "pump" after (2); change "drivers" to "drives"

Line 265: Insert "not" after "are"

**On MOTION by Mr. Slater and seconded by Mr. Brougham, with all in favor, the January 25, 2012 Regular Meeting Minutes, as amended, were approved.**

**SEVENTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**a. Attorney**

There being no report, the next item followed.

**b. Manager**

**i. Unaudited Financial Statements as of January 31, 2012**

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2012. He indicated that on Page 2, there is an entry that should have shown that the developer assessment

was received during the current month. That did not occur because the receivable was not booked on the balance sheet; otherwise, it would have been flagged. He indicated that they were billed and received during January, so they are current. This correction will be made on the next Unaudited Financial Statements.

Mr. Brougham asked how the receipt of the escrow monies will be shown as revenue on the financial statements. Mr. Adams explained that the deferred revenue will be removed on the balance sheet and there will be a fund balance increase in the operating account. He indicated that it should not be shown in the current year because it is actually related to the prior years.

Mr. Slater commented that the assessment levy appears to be much lower than in previous years. Mr. Adams explained that the developer assessment is the off-roll direct bill; however, there are also a number of units that are platted on-roll units. Mr. Adams will verify that the payments were made in the earlier part of February, along with the arrears payments, and report back.

**ii. NEXT MEETING DATE: March 28, 2012 at 8:00 A.M.**

Mr. Adams noted the next meeting is scheduled for March 28, 2012.

**c. Operations Manager**

Ms. Crismond presented the Monthly Field Operations Status Report. She reported that a contract was executed to install surge protection at the Aviamar irrigation pump house. Ms. Crismond indicated that for two (2) surge protection devices, three (3) electrical rods and a lightning protection system, which includes roof and skid installs, the total cost of the project is \$10,525. She advised this is a shared cost.

With regard to pressure cleaning, the lowest quote received is .0475 cents per square foot. The total cost for cleaning the sidewalks and curbing, for CDD #1, is approximately \$50,000. The budget is \$40,000, which includes roadway and sidewalk repairs, sign replacements, etc. In response to a question regarding the current standard, Ms. Crismond advised the current cleaning standard is slip and fall. She clarified that does not include an entire sidewalk; it is for all sections, which is what has been done, on a yearly basis. It was noted that certain areas require cleaning twice per year.

Mr. Brougham asked if the quote for the curbing includes both sides of the street. Ms. Crismond responded affirmatively. Mr. Brougham preferred that Ms. Crismond obtain square footage for the "shaded side" of the gutter, on the Parkway, prior to moving forward with the

pressure cleaning. He expressed that he does not want to pay to pressure wash curbing or gutters that do not need it. In response to a question from Mr. Bergmoser, Mr. Brougham clarified the quote is for the full length of sidewalks and the full length of curbing on both sides of all of the roadways, which has never been done. Mr. Brougham asked Ms. Crismond to provide a breakdown.

Mr. Schutt expressed his opinion that street sweeping is a waste of money because of the mowing that is performed by the landscape maintenance crew each week. He felt it would be less expensive to adopt Fiddler's Creek Parkway to pick up litter. Mr. Brougham advised this will be discussed next month. Ms. Crismond will provide a breakdown of these costs at next month's meeting.

Mr. Slater reported a line-of-sight issue at both exits coming out of Bent Creek onto Fiddler's Creek Parkway due to the height of the bushes on both sides of the road. He requested that they be cut lower. Mr. Brougham asked Ms. Crismond to look at all of the exits onto Fiddler's Creek Parkway, for the same issue.

Mr. Schutt discussed a concern from a realtor living in Fiddler's Creek who had a prospective client turned away at the gatehouse. He inquired about providing further instruction to the gate guards to make more of an effort to accommodate potential buyers. Mr. Brougham advised there is a well-defined process for homeowners and gate personnel to follow when homes are listed. Mr. Pires expressed concern over the client being denied access. He stated if they do not meet the criteria for a specific location, the public can proceed onto District roadways and obtain a map or a brochure. If that protocol was not followed, discussion should take place with the access controller. It was determined that the gate guard was in error and should have fallen back on public access.

Mr. Schutt discussed a comment from a constituent regarding the quality of water in the lake behind Bellagio. He stated the concern is lack of aquatic life. Discussion ensued regarding water sampling. Mr. Brougham noted that the lake maintenance crew sprays for weeds. He did not wish to pursue water sampling.

Mr. Slater discussed the issue of cars making u-turns in front of Bent Creek when exiting the conservancy and blocking the entrance coming into Fiddler's Creek Parkway or the exit, onto Highway 951. He suggested having the cars go up one (1) more u-turn. Mr. Brougham advised that most of the boats are fish and wildlife boats. Mr. Pires was asked to contact the appropriate

Fish and Wildlife Supervisor and ask him to direct the rangers to the Hammock Bay light or to the next cut-through, to avoid the congestion.

**NINTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

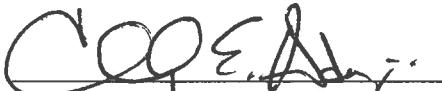
There being no audience comments or Supervisors' requests, the next item followed.

**TENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing additional to discuss, the meeting adjourned.

**On MOTION by Mr. Brougham seconded by Mr. Slater, with all in favor, the meeting adjourned at 9:42 a.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair