

**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, March 28, 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 (via telephone)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Aleida Martinez Molina (via telephone)	Weiss Serota, Special Counsel CDD #1

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 Supervisors Brougham, Curland, Bergmoser and Schutt were present, in person. Supervisor Slater was attending via telephone.

On MOTION by Mr. Brougham and seconded by Mr. Curland, with all in favor, authorizing Mr. Slater's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS

Special Counsel Update: Bankruptcy Proceedings [Aleida Martinez Molina]

Ms. Martinez Molina reported that the appeal of the bankruptcy matter was heard yesterday and is moot. Additionally, the appeal was withdrawn, as to CDD #1's Series, which

were still pending. The sale of 48 lots was approved and the order was entered. The last pending item is a public records request from U.S. Bank regarding any lawsuit contemplated by CDD #1 against them.

In response to Mr. Brougham's question, Mr. Adams indicated Management is working on providing the requested information to fulfill the public records request. He confirmed Management and the District's other professionals are charging for their time. Mr. Pires added they are charging at the rate determined to be appropriate by the court, not necessarily the full rate charged to the District.

******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 #67, in the amount of \$728.75, to finalize the Engineer's Report for the 2005 A/B Series bond. The final report was submitted to Mr. Adams in early February. Mr. Brougham asked if permit work with South Florida Water Management District (SFWMD) is proceeding or finalized. Mr. Cole advised that those matters, along with lake conveyance items, are still underway.

Mr. Cole indicated he met with Florida Power & Light (FP&L) regarding installation of an underground feeder to replace the overhead lines into the sales facility. Mr. Cole detailed the location and extent of the overhead lines.

Regarding the lake bank erosion, Mr. Cole reported that repairs are substantially complete in CDD #2 and on Lake #6 in CDD #1. The contractor is currently working on Lakes #5 and #7A, in CDD #1, and will begin working on Lake #4, within the next few weeks. He recalled planning on Cases 1A or 1B with the depth being the difference in the type of repairs; Lake #6 turned out to be a deeper repair than anticipated and, due to the budget limitations, the decision was made to repair the lake adjacent to the homes and work adjacent to Fiddler's Creek Parkway will be deferred to another year. Mr. Cole estimated completing 800 feet of Case 1B and 280 feet of Case 1A. Lake #5 required an additional length of repairs, beyond the original

estimate; however, a less expensive repair was possible. He will analyze and measure parts of Lake #7A to determine if additional footage is necessary. It appears that a medium priority section can be added on Lake #4, as budget remains to complete it. A few minor punch list items remain on Lake #6. Mr. Cole presented pictures illustrating the types of repairs and described the repair process. In response to Mr. Brougham's question, Mr. Cole confirmed some of the bagged material will be visible during the dry season, when the lakes are lowest. Mr. Brougham recommended informing residents. Mr. Slater questioned why the one portion was deferred and where the money will come from to complete it. Mr. Brougham explained that area will be completed next year. Mr. Slater referred to the sod dying when the water level goes down and asked if this will be a constant problem. Mr. Cole indicated no more work will be done on the geotubes and they will not go back and replace sod. Mr. Cole advised that, as this phase ends, he will review the lakes intended for next year, to further refine the suggested budget.

FIFTH ORDER OF BUSINESS

Approval of February 22, 2012 Regular Meeting Minutes

Mr. Brougham presented the February 22, 2012 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 180: Change "Ms." to "Mr."

On MOTION by Mr. Brougham and seconded by Mr. Curland, with all in favor, the February 22, 2012 Regular Meeting Minutes, as amended, were approved.

SIXTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

SEVENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Mr. Pires indicated he spoke to someone regarding the U-turn issue and a meeting will be held. Mr. Brougham noted the issue is on a state road; therefore, U-turns cannot be prohibited.

b. Manager

i. Unaudited Financial Statements as of February 29, 2012

Mr. Brougham presented the Unaudited Financial Statements as of February 29, 2012.

Mr. Curland referred to the bond amortization schedules and asked if they reflect the revised payment schedules. Mr. Adams replied no, they are reflective of the District's current bonds, supplemental trust indentures and the schedule, and will remain in place until the bondholders direct the District to do a replacement bond that recognizes the changes, per the reorganized plans. Mr. Adams explained the District took the steps it could on the items it has control over, such as the assessment methodology and revised engineer's report; the next step is the bondholders.

Mr. Slater referred to the insurance expenditure line item, on Page 2, and questioned the disparity in the amount. Mr. Adams indicated there was a change in the carrier and the increased premium cost; the former carrier was no longer willing to underwrite the District's insurance, due to the bankruptcy risk. In response to Mr. Brougham's question, Mr. Adams confirmed the District cannot commingle its and the developer's or The Foundation's insurable assets. Mr. Adams was hopeful that the rate will go down, now that the bankruptcy issue is over.

Mr. Curland questioned if the fund balance is closer to normal. Mr. Adams replied affirmatively, noting seven (7) more months of operating expenses comes from it; the actual surplus range will be approximately \$500,000 to \$600,000. Mr. Adams stated he anticipates closing out General Fund 002 this month; monies are in hand, he will reconcile and process the credits by issuing rebate checks. Mr. Adams confirmed the rebate will be issued only to those that prepaid the amount. A Board Member noted the District should expect to receive phone calls from those that prepaid.

ii. NEXT MEETING DATE: April 25, 2012 at 8:00 A.M.

The next meeting is scheduled for April 25, 2012.

c. Operations Manager

Ms. Crismond presented the Monthly Field Operations Status Report. She reported that the littoral plantings project, on Lake #37, will be completed next week. Hard pruning of landscape material has been scheduled to commence the week following Easter. Regarding park benches, Management is reviewing all benches to determine if they require repairs, replacement and/or cleaning.

Ms. Crismond presented a quote of \$18,000 to pressure clean the curbs and recalled that the sidewalks were \$14,897.52. She stated the quote presented last month to complete all the curbs and sidewalks was \$46,000 or \$48,000. The budgeted amount is \$40,000 for all road items, including sidewalk repairs, signage and replacements, streetlight painting, roadway repairs, etc. Mr. Adams indicated expenditures of approximately \$2,700, to date. Mr. Schutt noted how quickly the curbs become dirty and questioned the standard and expense to clean them. Mr. Bergmoser pointed out that sitting water in curb gutter areas causes them to become dirty right away; therefore, cleaning the sidewalks for slip and fall hazards makes sense but doing the gutters and curbs seems to be a waste of money. Mr. Slater agreed with the previous comments and questioned if the curbs could be painted black. Mr. Brougham replied the District does not do anything related to the roadways, other than repairs. Mr. Curland was in favor of what is currently being done, which is addressing slip and fall hazards on the sidewalks and agreed it is a waste of money to pressure clean curbs. Mr. Brougham concurred. Discussion ensued regarding the best time to schedule the annual pressure cleaning of the sidewalks. Mr. Adams recommended October, the end of the rainy season.

On MOTION by Mr. Brougham seconded by Mr. Bergmoser, with Mr. Curland and Mr. Slater in favor and Mr. Schutt opposed, pressure cleaning all sidewalks, once per year, in October, and slip and fall hazard areas, on an as needed basis, was approved. (Motion passed 4-1)

Ms. Crismond presented the patrol stats for February. After Easter, the number of patrols will be reduced to once per week. Mr. Brougham noted 26 warnings were given but no tickets were issued and asked Ms. Crismond to find out how many repeat warnings are issued, as he believes the first warnings are documented and a second stop is to result in a ticket.

A Board Member asked if the District was responsible for removal of weeds from between the #7 tee and the #17 green, as the result is an unsightly muddy area. Ms. Crismond replied replanting is planned for next week.

Mr. Curland noted the governor recently established an oversight board for special districts and asked Mr. Adams to comment on the impact to the District. Mr. Adams felt it is too early to tell; however, he believes the focus is on special districts established by municipalities

and the need for those versus them being part of the general government, including mosquito, school and other types of boards. Mr. Pires agreed.

Mr. Brougham advised Mr. Curland, of Deer Crossing, to inform his association of the District's intention to install additional root barriers between some buildings and the berm on Championship.

EIGHTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

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

NINTH ORDER OF BUSINESS

Adjournment

There being nothing additional to discuss, the meeting adjourned.

**On MOTION by Mr. Curland seconded by Mr. Bergmoser,
with all in favor, the meeting adjourned at 8:38 a.m.**


Secretary/Assistant Secretary


Chair/Vice Chair