

1 **MINUTES OF MEETING**  
2 **FIDDLER'S CREEK COMMUNITY DEVELOPMENT DISTRICT #1**  
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4 A Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community  
5 Development District #1 was held on **Wednesday, December 11, 2013, at 8:00 a.m.**, at the  
6 **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**  
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8 **Present at the meeting were:**  
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10 Phil Brougham	Chair
11 Gerald Bergmoser	Vice Chair
12 James Curland	Assistant Secretary
13 Richard Peterson	Assistant Secretary
14 Robert Slater	Assistant Secretary

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16 **Also present were:**  
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18 Chuck Adams	District Manager
19 Cleo Crismond	Assistant Regional Manager
20 Terry Cole	District Engineer
21 Tony Pires	District Counsel
22 Rick Reyes	Tobin & Reyes, P.A., Litigation Counsel
23 Aleida Martinez Molina ( <i>via telephone</i> )	Weiss Serota, Special Counsel
24 Tony DiNardo	Developer
25 Peter Blitcher	Resident

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28 **FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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30 Mr. Adams called the meeting to order at 8:01 a.m., and noted, for the record, that all  
31 Supervisors were present, in person.  
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33 **SECOND ORDER OF BUSINESS**

**Public Comments: Non-Agenda Items (3  
minutes per speaker)**

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36 Mr. Brougham asked for public comments on non-agenda items.  
37 There being no public comments, the next item followed.  
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39 **THIRD ORDER OF BUSINESS**

**Developer's Report/Update**

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41 ***\*\*\*This item, previously the Fourth Order of Business, was presented out of order.\*\*\****

42 Mr. DiNardo referred to a map of Marsh Cove and stated that all of the property is under  
43 contract with Ashton Woods Homes. Building will be completed in sections, likely beginning in  
44 the spring. He indicated that the community will be gated and all construction will be paid for  
45 by the developer so that everything is private. Mr. DiNardo stated that the development will  
46 consist of a combination of 540 types of units. Mr. DiNardo discussed the probable locations of  
47 the construction entrances.

48 In response to a question regarding amenities in Marsh Cove, Mr. DiNardo indicated that  
49 Marsh Cove residents will be members of The Foundation.

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51 **FOURTH ORDER OF BUSINESS**

**Special Counsel Update: Litigation Proceedings**

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54 *\*\*\*This item, previously the Third Order of Business, was presented out of order.\*\*\**

55 Mr. Reyes indicated that, after the bondholders amended their lawsuit to include issues  
56 with respect to CDD #1, the District immediately joined in on a motion to intervene, as  
57 previously discussed. The matter is set for hearing and will be heard on January 29, 2014, unless  
58 U.S. Bank agrees to the District's motion.

59 Mr. Reyes advised that, for CDD #2, U.S. Bank agreed to resign and be replaced by  
60 Wilmington Trust; action will be taken to have U.S. Bank resign from CDD #1, as well.  
61 Regarding CDD #2, Mr. Reyes explained that a "Resignation and Removal Agreement" was  
62 involved, as U.S. Bank resigned from one (1) bond series and was removed from other bond  
63 series'. He anticipates that, with CDD#1, U.S. Bank will accept removal.

64 Mr. Brougham asked if U.S. Bank might be removed by the January meeting. Mr. Reyes  
65 stated that it is possible that it could be completed by then, in light of U.S. Bank's recent  
66 cooperation.

67 Mr. DiNardo voiced his belief that the transfer will happen "sooner rather than later" with  
68 CDD #2. He stated that the only thing holding up the transfer is the updated "medallion letters"  
69 from the bondholders; those will be updated immediately to complete the transfer. Mr. DiNardo  
70 indicated that he will work with the bondholders' attorney to expedite the transfer for CDD #1.  
71 He would like the public hearing for revenue assessment to be scheduled for January.

72 Mr. Brougham advised that he received a copy of Mr. Harvey Pitts' deposition from  
73 CDD #2 Board Member, Mr. Elliot Miller; he found the deposition compelling and asked that it

74 be forwarded to the other Board Members. Mr. DiNardo felt that the deposition shows the  
75 strength of the District's position. Mr. Reyes confirmed that, from the beginning, Mr. Pitts was  
76 in agreement with the claims asserted by the Districts and the bondholders. Mr. Reyes indicated  
77 that he filed a pleading to intervene in the other suit; therefore, the District can hold an executive  
78 session. Mr. Pires concurred that an executive session can be held, now that there is pending  
79 litigation. The Board agreed to continue the meeting to Monday, December 16, 2014 at 1:00  
80 p.m., at this location, in a room to be determined, to hold a closed door session related to the  
81 District's pending litigation involving U.S. Bank and various bondholders, with the parties in  
82 attendance being Mr. Reyes, Mr. Adams, Mr. Pires, the Board Members and a court reporter.

83 Mr. Reyes indicated that he will provide everyone with copies of the litigation that was  
84 filed, along with Mr. Pitts' opinion.

85 In response to a question, Mr. DiNardo stated that he does not know the number of acres  
86 of the Marsh Cove property and Mr. Cole estimated that it is 300 to 350 acres.

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88 **FIFTH ORDER OF BUSINESS**

**Engineer's Report**

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90 Mr. Cole presented Draw #83, for the 2005 Series bonds, for approximately \$700 for  
91 ongoing work related to the lake turnover exhibits.

92 Regarding the lake turnover, Mr. Pires advised that he has deeds and is awaiting reports  
93 and affidavits from Mr. Woodward. Mr. DiNardo stated that he will remind Mr. Woodward, as  
94 well.

95 Mr. Cole indicated that Phase 2 lake erosion work was completed; the sod is growing  
96 well. A few punch list items remain. He reported that an irrigation blowout, along Lake 6, has  
97 been repaired by TruGreen. Mr. Cole advised that he will begin looking at the scope for Phase 3.  
98 In response to Mr. Brougham's question regarding whether everything will start over, Mr. Cole  
99 replied no and stated that all of the lakes were inspected and prioritized, a few years ago. He  
100 explained that Phase 1 addressed the highest priority areas, Phase 2 focused on the high and  
101 medium priority areas and Phase 3 will complete the medium to low priority areas. Mr. Cole  
102 advised that the lakes will be evaluated again to ensure that none of the priorities changed and  
103 that there are no new areas of concern. Work will be within the confines of the budgeted  
104 amount, similar to Phases 1 and 2.

Mr. Cole indicated that the herbicide spill material was collected in drums and was picked up. He will follow up to obtain documentation of proper disposal.

Mr. Pires advised that his letter was finalized and will be forwarded to all contractors performing this type of work on the property.

Mr. Cole noted that herbicide spray material residue was observed on Fiddler's Creek Parkway, near Mallards; the area was pressure cleaned.

Mr. Cole reported that the underground utility locate information for the 951 traffic signal is expected today. The report will be forwarded to David Plummer and Associates to complete the design. Mr. Cole anticipates submitting the design to the DOT for permitting in January.

Mr. DiNardo reminded the Board that construction money is used for construction or to redeem bonds and, if the District recovers its construction funds, the bondholders will insist that the money be used to pay for the traffic signal, as the Engineer's Report allocated money for the signal.

**SIXTH ORDER OF BUSINESS**

**Consideration of Award of Contract:  
Lake and Wetland Maintenance**

Ms. Crismond indicated that three (3) proposals were received. The current contractor, LakeMasters, bid \$150,192, which reflects a 2.5% decrease from their current contract price. She advised that LakeMasters does a good job.

Mr. Brougham questioned why an existing vendor would decrease their price. He believes that it raises questions.

Ms. Crismond felt that it was a strategy and noted that contractors' bids often fluctuate, in order to keep a contract. Mr. Adams reminded the Board that the District's contracts are public record; therefore, bidders can find out the price of the current contract and use that information to bid lower, which can put the current contractor at a disadvantage, if they maintain the same pricing. Ms. Crismond stated that the reduction could also be related to LakeMasters also maintaining CDD #2 and The Rookery.

Mr. Brougham stated that, overall, he does not have major complaints about LakeMasters; however, from his personal point of view, the Board and Staff should not receive frequent complaints about algae build up or noxious weeds. In response to Mr. Brougham's question, Ms. Crismond confirmed that LakeMasters is under contract for every lake, at least

137 once per month. Mr. Brougham stated that there have been complaints, although not numerous.  
138 Mr. Brougham noted that one (1) lake is infamous for problems and questioned if LakeMasters  
139 should visit that lake more than once per month and, if so, if it would be an addition to the  
140 contract. Mr. Brougham believes that LakeMasters knows where the problems are and should be  
141 more proactive.

142 Mr. Brougham requested that work reports received from LakeMasters be provided to the  
143 Board Members, so that they are aware of complaints and what is done. He questioned if the  
144 reports could be posted on the website.

145 A Board Member recalled Ms. Crismond's comment that LakeMasters "does a good job"  
146 and asked her if she spends a lot of pushing them to do what they are supposed to do.

147 Ms. Crismond reiterated that LakeMasters "does a good job". The only frustrations have  
148 been dealing with the lilies and, this summer, the issue of the torpedo grass. Ms. Crismond  
149 advised that the "issues" with LakeMasters are "night and day" compared to problems she  
150 encountered with other contractors. Ms. Crismond concluded that she is very comfortable  
151 staying with LakeMasters.

152 Should LakeMasters be awarded the contract, Mr. Brougham directed Ms. Crismond to  
153 advise them that the District has repeatedly reminded them of the problems in the lakes and the  
154 District wants them to pay special attention to the timing and weather conditions. He believes  
155 that LakeMasters should anticipate the problems and work on them immediately, so that the  
156 District does not need to contact them.

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**On MOTION by Mr. Curland and seconded by Mr. Slater, with all in favor, Staff's recommendation to award the Lake and Wetland Maintenance Contract to LakeMasters, in the amount of \$150,192, was approved.**

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▪ **Special Counsel Update: Bankruptcy Proceedings**

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

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Ms. Martinez Molina reported that, this past week, the reorganized debtors filed a motion to finalize and close the bankruptcy estate. She stated that this means that the bankruptcy case will be closed and the reorganized debtors would no longer be required to provide periodic reports or pay the U.S. trustee fees, as well as stating that the plan was substantially

consummated. Ms. Martinez Molina was not sure of the status of the payments due to CDD #1 or with respect to the bonds for CDD #1 but wanted to bring it to the Board's attention because the motion does not state that payments were made or that the District was paid, although it leads the reader to believe that the payments were made. She proposed contacting counsel for the reorganized debtors to ensure that any final order does not misrepresent the status of the obligations with respect to CDD #1, as opposed to filing an objection or taking overt actions in response to the motion to finalize the bankruptcy case.

Mr. DiNardo stated that he represents the 2002 and 2005 bondholders. He indicated that consent agreements were sent to the Board to postpone the payments until November, 2014; they are in the process of restructuring the bonds. Mr. DiNardo voiced his opinion that Ms. Martinez Molina's concerns are moot and there are no issues. He advised that litigation is what caused the bankruptcy closing to take so long. The reorganized debtors are requesting that the bankruptcy court close the case with the two (2) pending litigations; the Fiddler's Creek Community is suing Naples Lending, LLC. Mr. DiNardo affirmed that there are no issues with the plan or payment of the bonds; the Board realizes that the bonds are being restructured.

Mr. Brougham recalled an email exchange between Ms. Martinez Molina and the bondholders' counsel regarding this situation. He feels that no Board action is necessary at this time.

Ms. Martinez Molina advised that, even if the case is finalized and technically closed, if there are issues in the future, CDD #1 could bring the matter to the bankruptcy court's attention. She indicated that it is important to know that the bankruptcy, as it is, will be winding down.

**SEVENTH ORDER OF BUSINESS****Approval of November 20, 2013 Regular Meeting Minutes**

Mr. Brougham presented the November 20, 2013 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 99: Change "increased" to "decreased"

Line 207: Change "an" to "and"

Line 362: Delete "sent" and change "contract" to "contacted"

200 Mr. Brougham referred to Line 368, where Mr. Adams previously indicated that a  
201 separate "legal" line item would be added related to the legal expenses and asked when it will be  
202 created, as it has not appeared on the report. Mr. Adams did not provide an answer.  
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204 **On MOTION by Mr. Bergmoser and seconded by Mr. Slater,**  
205 **with all in favor, the November 20, 2013 Regular Meeting**  
206 **Minutes, as amended, were approved.**  
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209 **EIGHTH ORDER OF BUSINESS**

**Other Business**

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211 There being no other business, the next item followed.  
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213 **NINTH ORDER OF BUSINESS**

**Staff Reports**

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215 **A. Attorney**

216 Mr. Pires reiterated that the letter regarding the herbicide spill was finalized and will be  
217 sent once he receives the list of all contractors. He anticipates receiving the information this  
218 week; letters will be sent to the two (2) known vendors today.

219 **B. Manager**

220 **i. Approval of Unaudited Financial Statements as of November 30, 2013**

221 Mr. Brougham asked when the tax collector rebates of approximately \$28,000 will be  
222 received. Mr. Adams indicated that the money is generally received within 30 days of being  
223 posted by the tax collector. Mr. Brougham felt that a check should be received soon. Mr.  
224 Adams advised that the money will be posted under "Miscellaneous" revenue.

225 Mr. Brougham asked what repairs were completed at the gatehouse, to amount to \$8,000.

226 Mr. Adams indicated that the costs are related to pressure washing and painting; cabinet  
227 replacement, wall repairs to abate mold and replacing floors remain pending. He noted that the  
228 exterior work was completed and the amount also reflects a front-end deposit for the cabinet  
229 work and floor interior work. Mr. Adams advised that, as work commenced, the mold issue was  
230 discovered. He confirmed that the mold issue is related to poor drainage outside of the southeast  
231 corner of the building; the external drainage problem was repaired during the summer and the  
232 interior mold was abated about a week ago. Mr. Adams reiterated that the mold abatement costs  
233 were unanticipated.

234 Mr. Curland questioned why the District is maintaining a BB&T savings account with  
235 only \$673. Mr. Adams indicated that there is no reason to maintain the account other than it sits  
236 as another preapproved depository location where cash can be moved, if necessary. Mr. Adams  
237 pointed out that the SunTrust account currently exceeds the FDIC limit and funds should be  
238 moved to the FineMark ICS account. Mr. Adams recommended closing the BB&T account. Mr.  
239 Brougham directed Mr. Adams to advise Staff to “pay attention” to the SunTrust account.

240 **ii. NEXT MEETING DATE: January 22, 2014 at 8:00 A.M.**

241 The next meeting is scheduled for January 22, 2014 at 8:00 a.m.

242 **C. Operations Manager**

243 Ms. Crismond indicated that pressure cleaning continues. The contractor promised to be  
244 finished on Saturday. Mr. Brougham stressed that, next year, the contractor must understand the  
245 sequence that the District wants the roads cleaned. Mr. Brougham believes that work should  
246 begin at the main entrance, on Fiddler’s Creek Parkway, and Championship Drive, on a  
247 secondary basis. Additionally, the contractor should start at one end and proceed along the entire  
248 width and length of the roadways and sidewalks; they should not bounce around to different  
249 roads.

250 Regarding sensors that were installed at the back gate, Mr. Curland reported that the  
251 sensor was located to be effective only if the person is at the call box; he noted several issues  
252 with the positioning and his opinion that nothing was gained from installing the sensor in that  
253 location. Mr. Curland asked why the community needs a pass to get out of the community. Mr.  
254 Adams indicated that the system was implemented with a purpose and in response to a concern.

255 Mr. DiNardo stated that it relates to construction taking place in the community and  
256 research shows that thievery occurs more from “within”, especially in a community such as  
257 Fiddler’s Creek. He advised of a robbery in Whisper Trace; it was concluded that construction  
258 people cased the community and were able to identify the “weak spots” because no one  
259 monitored the construction workers’ whereabouts while on property. Mr. DiNardo stated that  
260 the response was to institute a system where all builders meet with Mr. Charbonneau to provide  
261 information regarding their major vendors so that bar codes can be distributed. He indicated that  
262 the bar codes will not work after a certain time so, if a construction worker remains in the  
263 community, it is known. Additionally, cameras capture vehicles as they enter and exit the  
264 community.



265 Mr. Brougham advised that both Districts approved the “closed circuit” system which  
266 requires a clicker or code to exit the community. He discussed the benefits of the current system.

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268 **TENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

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270 Mr. Brougham asked that Management develop and maintain an “Action Item List” for  
271 the Board’s review every meeting. He recalled that, a few meetings ago, he reiterated his request  
272 that the Board be copied on all letters that go out and notified when phone calls are made, etc.  
273 Mr. Brougham believes that certain things “fall through the cracks” and, while he acknowledges  
274 that Fiddler’s Creek is not the Management team’s only client, “that is not his nor the Board’s  
275 issue”. Whether a letter is to be written, an action to be taken, and so on, Mr. Brougham wants  
276 more formal follow up, by way of documentation, and that the person responsible for the action  
277 give Mr. Adams an update so that the “Action Items List” can be updated each month and items  
278 can be closed out. Mr. Brougham noted that Mr. Pires was directed to prepare a letter but did  
279 not. He feels that the Board directs Staff to do things and they should be done.

280 Mr. Brougham directed Mr. Adams to institute an “Action Items List”. He advised that  
281 Mr. Cole, Mr. Pires and Ms. Crismond are responsible for providing Mr. Adams with a status  
282 update of their items.

283 Mr. Adams suggested adding the “Action Items List” at the end of the monthly meeting  
284 minutes. Mr. Brougham agreed to the suggested approach.

285 Mr. Brougham asked Mr. Adams or Mr. Pires to draft a letter to all contractors working  
286 within the District advising them that they are under obligation, under the terms of their  
287 contracts, to take direction from Staff members and, if they receive phone calls or on-site visits  
288 from residents, they are to be polite but that direction comes from District Staff. He noted  
289 incidents where residents and contractors have interacted, which “got out of hand”.

290 Mr. Slater questioned why a resident would directly approach a contractor working on  
291 site. Mr. Slater suggested that, instead of telling all of the contractors what to do, Mr. Brougham  
292 should have informed the resident that emailed him with her issue of the proper procedures. Mr.  
293 Brougham indicated that he did let her know; however, he feels that the contractors should know  
294 what to do if a resident contacts them directly, by telephone, email, etc. Mr. Brougham wants all  
295 contractors put on notice to be polite and inform the resident that they will discuss the matter  
296 with District Staff. Mr. Brougham discussed the recent instance where a resident contacted a

297 contractor's office directly and things escalated without the District being aware of what was  
298 occurring.

299 Mr. Pires' asked if this would be the third item on the "Action Items List" and if it would  
300 come to the District Manager for clarification. Mr. Adams advised that the District Manager will  
301 take care of that.

302 Mr. Curland indicated that he received an email late yesterday afternoon from Mr. Peter  
303 Blitcher, a resident, which he forwarded to Mr. Adams and Ms. Crismond, and asked them to  
304 notify the Board. He asked that Mr. Blitcher be allowed to speak on the matter today.

305 Mr. Blitcher indicated that his letter contains a few items that he previously brought to  
306 the Board's attention. He noted that Mahogany has an unusual amount of sand in the street due  
307 to construction; it was discussed with the builder but has not been cleaned up. Mr. Blitcher  
308 voiced his opinion that the street sweeper does not pick up the sand; it just makes more of a  
309 mess.

310 Mr. Brougham directed Ms. Crismond to contact the street sweeper and inform him that,  
311 when it is obvious that there is a load of materials on the roadway, he should drive around it and  
312 not try to sweep it up, as it causes dust and is not effective.

313 Mr. Blitcher clarified that there should be coordination with the construction; he  
314 suggested that the District contact the builders of these types of issues.

315 Discussion ensued regarding notifying contractors of the issue. Mr. Adams suggested  
316 that contractors are to keep debris on site and that the county might be the best party to enforce  
317 the erosion control issue.

318 Mr. Brougham indicated that the District will solve this problem by taking the matter to  
319 the county or whoever, as well as coordinating with the street sweepers to stop trying to clean the  
320 debris up. He stated that Ms. Crismond will address this matter with the pressure cleaning  
321 contractor, as well. Mr. Brougham directed Mr. Adams to take pictures of the area and notify the  
322 county.

323 Mr. Blitcher felt that the pressure washer is forced to do their job piecemeal due to the  
324 construction in the area; the pressure washer could do their job if the builders cleaned the sand  
325 up.

326 Mr. Blitcher noted dangerous conditions on some sidewalks, which he relayed to the  
327 builder.

328 Mr. Brougham pointed out to Mr. Blitcher that, while alerting the Board to these issues is  
329 helpful, he should bring them to the Board first and not contact the developer, builder,  
330 contractor, etc.

331 Mr. Blitcher discussed inspection of the CDD sidewalks and roads and noted cracks in a  
332 sidewalk. Mr. DiNardo strenuously debated the accuracy of Mr. Blitcher's observations and  
333 whether a builder caused the sidewalk breakage. Mr. DiNardo stated that the builders are under  
334 contract to fix all the sidewalks, when they are finished. Mr. Blitcher stressed that he is only  
335 trying to help the District. Mr. Brougham emphasized that he is trying to talk; he runs the  
336 meetings and is trying to help. Mr. Brougham asked Mr. Blitcher if he is able to provide  
337 addresses where home construction is complete, the builder is gone and the sidewalks are still  
338 cracked. Mr. Blitcher replied affirmatively. Mr. Brougham advised that, once the information is  
339 provided, the sidewalks will be fixed. Mr. DiNardo stated "Only with the present builders; if  
340 that sidewalk was built or was destroyed....". Mr. Brougham indicated that they will not know  
341 until the addresses are provided.

342 Mr. Blitcher discussed the lake behind Mahogany Bend and noted that it is an irrigation  
343 lake for The Rookery; the lake is not owned by the CDD. Mr. Blitcher asked if there is a  
344 solution to the problem, as The Rookery has done nothing, despite the residents' requests. Mr.  
345 DiNardo contended that the residents should pursue The Rookery, spend their own money to  
346 clean the lake, if it bothers them, or petition the Marriott, who owns The Rookery.

347 Mr. Curland recalled that the contractor put up a deposit, which was to be held until such  
348 time as any damages incurred by the contractor were repaired. Mr. Brougham confirmed that  
349 Mr. Curland's recollection was correct. Mr. Curland believed that throwing dirt into the road  
350 would also be included.

351 Mr. Brougham indicated that he asked Mr. Blitcher to provide the addresses with broken  
352 sidewalks to Mr. Albeit, who is responsible for the deposit being held by The Foundation, and  
353 Mr. Albeit will follow up.

354 Mr. Curland asked about the Holland and Knight invoice that the District received. Mr.  
355 Adams advised that Holland and Knight, working on behalf of U.S. Bank, submitted an invoice  
356 for their involvement in preparing instruments to have U.S. Bank resign from certain bond  
357 series'. Mr. DiNardo advised Mr. Adams to "hold off" on the bill, as the bonds will be  
358 restructured and the bondholders will pay the bill.

Mr. Pires stated that they will also provide this to Mr. Reyes because this involves reviewing the instrument for removal. Mr. Pires asked Mr. Adams to forward the bill to Mr. Reyes.

Mr. Bergmoser asked Ms. Crismond to confirm that the District is not performing any work on lakes or ponds belonging to The Rookery. Ms. Crismond confirmed that the District is not.

Mr. Slater observed that a lot of communication occurs between Mr. Brougham and others and pointed out that there are four (4) other Board Members who never see any of the information. Mr. Slater questioned why Management does not disseminate information to the entire Board. Mr. Adams indicated that it can be provided to the all Board Members, going forward. Mr. Pires stressed the need to preface confidential information so that it is not widely spread. Mr. Adams confirmed his understanding of the request and that information will be sent to the entire Board, going forward.

**ELEVENTH ORDER OF BUSINESS****Adjournment**

There being nothing further to discuss, the meeting recessed at approximately 9:18 a.m., and was continued to Monday, December 16, 2013 at 1:00 p.m., at this location but in a room to be determined, for the purpose of holding a closed door session with Mr. Reyes, Mr. Pires, Mr. Adams, a court reporter and the Board Members, followed by an open session to discuss and/or take action, as necessary, on what occurred during the closed door session.

**On MOTION by Mr. Peterson and seconded by Mr. Bergmoser, with all in favor, the meeting recessed at 9:18 a.m., and was continued to Monday, December 16, 2013 at 1:00 p.m., at this location but in a room to be determined, for the purpose of holding a closed door session with Mr. Reyes, Mr. Pires, Mr. Adams and the Board Members, followed by an open session to discuss and/or take action, as necessary, on what occurred during the closed door session.**


399 **ACTION ITEMS:**

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1. **ACTION ITEM:** Mr. DiNardo to work with the bondholders' attorney to expedite the trustee transfer for CDD #1.
2. **ACTION ITEM:** Mr. DiNardo requested that the public hearing for revenue assessment to be scheduled for January.
3. **ACTION ITEM:** At Mr. Brougham's direction, the deposition of Mr. Harvey Pitts, which he received from CDD #2 Board Member, Mr. Elliot Miller, is to be forwarded to the other Board Members.
4. **ACTION ITEM:** Regarding the recent herbicide spill, Mr. Pires is to forward his letter to all contractors performing this type of work on the property.
5. **ACTION ITEM:** Mr. Cole reported that the underground utility locate information for the 951 traffic signal is expected today. Mr. Cole to forward report to David Plumber and Associates to complete the design. Mr. Cole anticipates submitting the design to the DOT for permitting in January.
6. **ACTION ITEM:** Mr. Cole to follow up to obtain documentation of proper disposal of the herbicide spill material that was collected in drums and picked up.
7. **ACTION ITEM:** Per Mr. Brougham's request, Management to provide the work reports received from LakeMasters to the Board Members, so that they are aware of complaints and what is done.
8. **ACTION ITEM:** Ms. Crismond to advise LakeMasters that the District has repeatedly reminded them of the problems in the lakes and wants them to pay special attention to the timing and weather conditions.
9. **ACTION ITEM:** Mr. Adams to have separate "legal" line item added to unaudited financial statements related to the trust expenses.
10. **ACTION ITEM:** Per Mr. Brougham's direction, Mr. Adams to advise Staff to "pay attention" to the SunTrust account, as it currently exceeds the FDIC limit.
11. **ACTION ITEM:** Per Mr. Brougham's direction, Staff to ensure that, next year, the contractor utilized to pressure clean the sidewalks and curbs understands the sequence that the District wants the sidewalks and curbs cleaned, as he believes that work should begin at the main entrance, on Fiddler's Creek Parkway, and Championship Drive, on a secondary basis, and that the contractor should start at one (1) end and proceed the entire width and length of the roadways and sidewalks
12. **ACTION ITEM:** Per Mr. Brougham's direction, Management to develop and maintain an "Action Items List" for the Board's review at every meeting.

- 446 **13. ACTION ITEM:** Per Mr. Brougham's direction, Mr. Cole, Mr. Pires, Ms. Crismond are  
 447 responsible for providing Mr. Adams with a status update of their items, so Mr. Adams  
 448 can update the "Action Items" list.  
 449
- 450 **14. ACTION ITEM:** Per Mr. Brougham's direction, Mr. Adams and Mr. Pires to draft a  
 451 letter to all contractors working within the District advising them that they are under  
 452 obligation, under the terms of their contracts, to take direction from Staff members and, if  
 453 they receive phone calls or on-site visits from residents, they are to be polite but that  
 454 direction comes from District Staff.  
 455
- 456 **15. ACTION ITEM:** Per Mr. Brougham's direction, Ms. Crismond to contact the street  
 457 sweeper and inform him that, when it is obvious that a load of materials on the roadway  
 458 that he should drive around it and not try to sweep it up, as it causes dust and is not  
 459 effective.  
 460
- 461 **16. ACTION ITEM:** Regarding debris in the streets, Mr. Brougham indicated that the  
 462 District will solve this problem by taking the matter to the county or whoever, as well as  
 463 coordinating with the street sweepers to stop trying to clean the debris up. He directed  
 464 Ms. Crismond to address this matter with the pressure cleaning contractor and Mr.  
 465 Adams to take pictures of the area and notify the county.  
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- 467 **17. ACTION ITEM:** At Mr. Brougham's request, Mr. Blitcher to provide the addresses  
 468 with broken sidewalks to Mr. Albeit so that Mr. Albeit can follow up.  
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- 470 **18. ACTION ITEM:** Per Mr. DiNardo's instructions, Mr. Adams to "hold off" on paying  
 471 the bill from Holland and Knight, as the bondholders will pay the bill. Per Mr. Pires'  
 472 request, Mr. Adams to forward the bill to Mr. Reyes.  
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- 474 **19. ACTION ITEM:** Going forward, Mr. Adams to ensure that information is disseminated  
 475 to all Board Members, not just Mr. Brougham.

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Secretary/Assistant Secretary

  
Chair/Vice Chair