

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

A Public Hearing and Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held on **Wednesday, March 26, 2014, 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
Gerald Bergmoser	Vice Chair
James Curland ( <i>via telephone</i> )	Assistant Secretary
Richard Peterson	Assistant Secretary
Robert Slater	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Craig Wrathell	Wrathell, Hunt and Associates, LLC
Cleo Crismond	Assistant Regional Manager
Terry Cole	District Engineer
Tony Pires	District Counsel
Carrie Robinson ( <i>via telephone</i> )	Tobin & Reyes, P.A., Litigation Counsel
Cheryl O'Donnell Guth ( <i>via telephone</i> )	McGuire Woods, LLP, Bond Counsel
Bill Reagan	FMSbonds
Tony DiNardo	Developer
Ron Albeit	The Foundation
Mike Charbonneau	The Foundation
Jim Schutt	Resident

**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, Bergmoser, Slater and Peterson were present, in person. Supervisor Curland was attending via telephone.

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

**SECOND ORDER OF BUSINESS**

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

Mr. Brougham asked for public comments on non-agenda items. He advised that the public may speak on specific agenda items as they arise.

Dr. Harvey Smith, a resident, asked if bicycle riders should be riding on the sidewalks or the roads and whether they must obey traffic signs.

Mr. Albeit stated that bicycle riders are governed by the County's rules, which require riders to use the road, not the sidewalks, and follow the "rules of the road". He noted that The Foundation promotes bicycle safety. The Foundation is willing to reiterate this information to the community.

Mr. Brougham asked if the security patrol can officially stop bicyclists who are not following the rules. Mr. Pires indicated that bicyclists can only be stopped to the extent that the traffic laws apply; the Sheriff has authority to enforce traffic laws. Regarding bicyclists on sidewalks, Mr. Pires felt that further research is necessary. Mr. Brougham suggested that more public awareness is the only thing that can be done and/or increasing Sheriff's patrols for bicycle infractions, along with the Sheriff issuing citations to bicyclists. Ms. Crismond will advise the Sheriff to monitor for bicycle infractions.

Mr. Jim Schutt, a resident, observed that most bicyclists use the sidewalks. He questioned if the roads are wide enough to accommodate bicycle lanes. Mr. Brougham and Mr. Albeit advised that the roads are not wide enough.

Dr. Harvey voiced his opinion that many of the bicyclists are renters. Regarding sidewalk usage, Dr. Harvey asked "what is the pecking order". Mr. Brougham directed Mr. Pires to prepare a report. Mr. Brougham voiced his opinion that bicyclists, using the sidewalk, should use their bell or pass on a certain side. Mr. Pires noted that there is a question of whether bicyclists, using sidewalks, are considered pedestrians or bicyclists. In response to Mr. Brougham's question, Mr. Pires confirmed that the District has no ability to enforce traffic laws.

**THIRD ORDER OF BUSINESS**

**Special Counsel Update: Litigation Proceedings**

Ms. Robinson announced that, in the underlying litigation case, all parties have answered the underlying complaint, which dealt primarily with CDD #2 issues. She noted that all

counterclaims were answered, as well, with no major surprises. Ms. Robinson advised that U.S. Bank filed a "huge" document request to CDD #1. The first deadline to produce the documents is March 31, 2014; however, counsel plans to "move for an enlargement", which means to extend the deadline. She confirmed that counsel will work with the District Manager to provide the requested information within an appropriate deadline. Ms. Robinson explained that, due to the breadth of the document request, 30 days is the minimum extension that can be requested; the extension could be greater. In response to Mr. Brougham's question, Ms. Robinson advised that it is best to request 30 days, initially, and, if necessary, an additional 30 days.

Mr. Brougham asked if this is a pro forma move on U.S. Bank's part or if they appear to be serious about continuing their defense of the lawsuit. Ms. Robinson indicated that the document request is very standard; it is as broad as is customary, at the beginning of litigation. Ms. Robinson stated that the request was not unexpected and follows a tactic that counsel would typically take, as well; the document request is not an indication of U.S. Bank's intentions. If further information on this request is necessary, Ms. Robinson suggested discussing it and a strategy, during an executive session; which might be necessary after the next meeting.

**\*\*\*Ms. Robinson left the meeting.\*\*\***

**FOURTH ORDER OF BUSINESS****Developer's Report/Update**

Mr. DiNardo stated that Phase 1, of Marsh Cove, should be completed by September, 2014. Mr. Brougham asked about the timing of Aston Woods. Mr. DiNardo indicated that Aston Woods is part of Marsh Cove. The first phase of Oyster Harbor should commence in July, 2014, and be completed during March, 2015.

**FIFTH ORDER OF BUSINESS****Engineer's Report**

Mr. Cole advised that lake bank erosion work commenced in the two lakes adjacent to Hawks Nest and Cardinal Cove, approximately three weeks ago; work will continue for about two more weeks, then proceed to several other lakes. He recalled that, at the last meeting, the Board approved approximately \$175,000 of lake bank work; the banks were prioritized, with work proceeding and continuing through June.

Regarding the U.S. 41 and S.R. 951 traffic signal, Mr. Cole recalled mentioning, at the last meeting, that installation would impact some wetland areas; however, the wetland falls within the right-of-way (ROW). He conferred with the traffic consultant, David Plummer and Associates (David Plummer), and the Department of Transportation (DOT), who confirmed that the impacts are covered by the County's current repair, restoration and rehabilitation project, which means that the District does not need to mitigate or obtain permitting for the minor impacts. Mr. Cole is working with the County and DOT on permitting the traffic signal; he anticipates the permitting process to last another six weeks.

Mr. Cole advised that the cost threshold is approximately \$338,000, under which the District is not required to obtain bids for the work. He stated that the cost estimate should fall close to that figure. Mr. Cole indicated that he is investigating whether the District can piggyback on the County's contract; however, it does not appear that this is the best approach. He is requesting a price from the traffic signal contractor, who is a subcontractor on the County's project, in the hope that the cost is below the bid threshold. If the estimate is higher, the District must proceed with the bid process.

Regarding the schedule, Mr. Cole explained that the County's contractor anticipates completion of the work in Fiddler's Creek and on Fiddler's Creek Parkway to be completed by the end of June; therefore, the District's work will not conflict with the County's project. Mr. Cole expects to be able to provide pricing at the next meeting.

In response to a question, Mr. Cole explained that the County is widening the road shoulders, installing a bicycle lane and along with traffic signal improvements. Mr. Brougham advised that S.R. 951 will be widened, from Fiddler's Creek Parkway to Manatee, along with installation of a bicycle lane and extending certain turn lanes.

Mr. Cole indicated that the time frame for installation of the traffic signal remains September or October. A question was raised regarding whether the plan approval and construction was dependent upon completion of the County's work. Mr. Cole stated that the permits are expected within six weeks; the work must be coordinated with the County contractor's present work, to avoid "redoing" anything that the County completed. Mr. Cole explained that, once the permits are received, the mast arms must be ordered, which takes a couple of months. Mr. Brougham pointed out that, once the permits are received, the contract might need to go through the bid process, before it can be awarded.

**SIXTH ORDER OF BUSINESS**

**Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements**

*\*\*\*Mr. Brougham reconvened the Continued Public Hearing, which was continued from February 26, 2014.\*\*\**

**A. Proofs of Publication**

This item was presented during Item 6.C.

**B. Mailed Notice to Property Owner**

This item was presented during Item 6.C.

**C. Hear Testimony from Affected Property Owners as to the Propriety and Advisability of Making the Improvements and Funding Improvements with Special Assessments on the Property**

- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*

Mr. Brougham asked for public comments.

Mr. Adams indicated that the only affected property owners are the the developer and its affiliates; he believes that there are three affiliated landowners associated with the transaction. He explained that the Series 2002 and 2005 bonds will be exchanged for Series 2014 bonds. Mr. Adams noted that “Series 2013” must be changed to “Series 2014”, throughout the Assessment Methodology Report.

Mr. Reagan had nothing additional to report.

Mr. Adams recalled that Mr. Fishkind provided his report and the Board approved it for a public hearing, in August, 2013; the public hearing was continued to September, 2013 but was not held due to issues with the trustee. Subsequently, a public hearing was advertised for February, 2014 and was continued to today’s meeting. The trust estate was successfully transferred from U.S. Bank to Wilmington Trust on March 18, 2014.

Mr. Pires stated, for the record, that the Assessment Methodology Report and subsequent resolutions have been approved and adopted, by the Board, to schedule the various public hearings and the February, 2014 public hearing was continued to today.

Mr. Brougham asked for public comments. No members of the public spoke.

Mr. Pires indicated that the affidavits of publication and copies of the mailed notices to property owners were included in the agenda, for the record and for informational purposes.

**D. Consideration of Resolution 2014-5, Authorizing District Projects for Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Special Assessments (*Bond Counsel to provide under separate cover*)**

Mr. Pires presented Resolution 2014-5 for the Board's consideration.

Ms. Guth indicated that Resolution 2014-5 adopts the Assessment Methodology Report dated July 25, 2013, along with the attached assessment roll. Resolution 2014-5 confirms how the assessments will be collected, in accordance with the District's customary practices.

**THE FOLLOWING SECTION WAS TRANSCRIBED VERBATIM**

**Mr. Peterson:** I have a question, I don't know...

**Mr. Brougham:** Just throw it out there.

**Mr. Peterson:** Yea, I've had many, many inquiries about this. One of the notices to the property owners went to FC Golf LTD, which I believe, the reason for that is because FC Golf LTD is the holder of the land of the driving range. Is that correct?

**Mr. Brougham:** The temporary driving range.

**Mr. Peterson:** Yea, well, driving range in fact, is that correct? I don't know.

**Mr. Brougham:** I believe it's correct, Tony, if you'd like to affirm that.

**Mr. DiNardo:** FC Golf LTD owns a piece of property that's called Parcel 6, which is the driving range and that is a temporary driving range....

**Mr. Peterson:** I understand.

**Mr. DiNardo:** .... and it can be converted into residential units.

**Mr. Peterson:** When is this intention? Is the intention to have the conversion in the near term?

**Mr. DiNardo:** I have no idea right now.

**Mr. Peterson:** Is that in the hands of...is that decision in your hands or is that in someone else's hands.

**Mr. DiNardo:** It's a...it's part of our planning process, right now, we don't have a date certain when we're gonna convert that to residential units".

**Mr. Peterson:** Is the intention, then, to replace that tract?

**Mr. DiNardo:** Excuse me.

**Mr. Peterson:** Is the intention to replace that driving range...

**Mr. DiNardo:** Yes.

**Mr. Peterson:** ....prior to the conversion.

**Mr. DiNardo:** Yes.

**SUMMARY TRANSCRIPTION RESUMED**

Mr. Pires indicated that Section 5 refers to the amortization schedule, with two different amortization schedules, depending upon the assessment areas. He advised that assessments for Areas 1 and 2 shall be payable in no more than 20 annual installments and the assessments for Areas 3 and 4 shall be payable in no more than 25 annual installments, in accordance with the Assessment Methodology Report.

Mr. Peterson stated that 2014-4 is the parcel out in front, where businesses were being constructed; however, the sign was removed. He voiced his opinion that, "if the property was sold, they should not be in here".

Mr. DiNardo advised that the property was not sold. Mr. Peterson voiced his understanding.

**\*\*\*Mr. Brougham closed the Public Hearing.\*\*\***

Mr. Brougham read the title of Resolution 2014-5 into the record:

*"A Resolution Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefitted By Certain Projects to Pay the Cost Thereof; Providing For the Payment and the Collection of Such Special Assessments By the Method Provided For By Chapters 170 and 197, Florida Statutes; Confirming the District's Intention To Issue Special Assessment Bonds; and Providing For Severability, Conflicts and an Effective Date."*

**On MOTION by Mr. Slater and seconded by Mr. Bergmoser, with all in favor, Resolution 2014-5, A Resolution Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefitted By Certain Projects to Pay the Cost Thereof; Providing For the Payment and the Collection of Such Special Assessments By the Method Provided For By Chapters 170 and 197, Florida Statutes; Confirming the District's Intention To Issue Special Assessment Bonds; and Providing For Severability, Conflicts and an Effective Date., was adopted.**

Mr. Reagan advised that the plan is to present the substantially final documents for the Board's approval, at the next meeting, with the bond exchange occurring a few weeks later. The documents will be distributed within the next ten to 14 days, giving Staff sufficient time to review them.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Revised Amendment to Traffic Signal Cost Sharing Interlocal Agreement**

Mr. Brougham summarized that CDDs #1 and #2 currently have an interlocal agreement stating that the Districts will split the costs equally for the S.R. 951 and U.S. 41 traffic signals. Subsequently, an amendment was proposed stating that CDD #1 is pursuing restoration of \$652,000 of construction funds from the trustee and any restored funds will be first utilized to pay for construction of the traffic signal on S.R. 951, upon the bondholders' approval. He explained that any recouped funds, received from the trustee, will be used to fund the traffic signal on S.R. 951; if the funds are sufficient to pay for the complete installation, CDD #2's obligation to fund any portion of the traffic signal are negated and, if CDD #2 already paid a portion of the costs, the money will be reimbursed.

Mr. Pires advised that, if the recouped funds are not sufficient to pay for the entire construction of the S.R. 951 traffic signal, CDD #2's contribution would be reduced to 50% of the remaining balance and CDD #1's future funding obligation towards the U.S. 41 traffic signal would be , accordingly.



Mr. Bergmoser questioned why CDD #1 would only reduce or reimburse CDD #2 for 50% of their contribution, if the recouped funds were not sufficient to fund the entire installation of the S.R. 951 traffic signal, instead of reimbursing them all that they paid.

Mr. Brougham stated that CDD #2 would only be reimbursed if it actually paid a portion of the costs. If the light is installed and CDD #2 pays 50%, prior to CDD #1 recouping any funds but CDD #1 subsequently recoups a portion of the costs, then CDD #1 will only reimburse CDD #2 for 50% of the costs that were recouped from the trustee.

Mr. Bergmoser voiced his understanding but questioned why CDD #1 would not reimburse CDD #2 up to what they contributed, which would lower CDD #1's future funding obligation for the U.S. 41 traffic signal. Mr. Brougham contended that the scenario calls for CDD #1 using the recouped funds to reimburse CDD #2 for 50% of what they paid; however, if CDD #1 recoups more than enough to fully fund the traffic signal, CDD #2 will be reimbursed the full amount of their contribution.

Mr. Brougham voiced his belief that the amendment captures the discussions and terms requested by CDD #1.

Mr. Bergmoser pointed out that, if CDD #1 recoups only \$100,000, after CDD #2 has paid its contribution of \$175,000 but CDD #1 only reimburses CDD #2 \$50,000, CDD #1 has, in effect, only "utilized" \$50,000 of the recouped funds to fund the traffic signal. Mr. Brougham concurred. Mr. Bergmoser questioned if that scenario is satisfactory to the bondholders, as the bondholders previously stated that they want all of the recouped funds to be first used to fund the full cost of the traffic signal. Mr. DiNardo recalled stating that the bondholders want any recouped funds to be used to pay for the traffic signal; he is fine with the scenario.

Mr. Slater asked for an explanation of Paragraph 4.A., and voiced his opinion that what is written does not coincide with Mr. Brougham's verbal summary. Mr. Brougham stated that his summarization encompassed Paragraphs 4. A., and 4.B.; it is not all covered in Paragraph 4.A. Mr. Brougham advised that each subsection addresses the different circumstances and time of receipt of the recouped funds.

Mr. Slater asked where it is stated that, if CDD #1 recoups less, CDD #2 will be reimbursed less.

Mr. Pires advised that Paragraph 4.A., relates to receipt of recouped funds sufficient to pay all costs of the S.R. 951 traffic signal. He indicated that Paragraph 4.B.(3.) relates to the scenario of there being insufficient restored funds.

**On MOTION by Mr. Peterson and seconded by Mr. Bergmoser, with all in favor, the Revised Amendment to Traffic Signal Cost Sharing Interlocal Agreement, as presented, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Revised Post Orders**

Mr. Brougham indicated that the intention of revising the Post Orders is to include manning Championship Gate.

Mr. Brougham referred to Section 3, on Page 6, regarding construction and maintenance work, and questioned why the previously used time was changed from 6:00 a.m., to 6:00 p.m., to 6:30 a.m., to 7:00 p.m. Mr. Adams advised that the time was changed, in accordance with county ordinance; when possible, other updates were included to bring the Post Orders up-to-date. Mr. Brougham questioned what the county's ordinances have to do with the District's Post Orders. Mr. Adams indicated that the District is subject to the county's work ordinance, in terms of the time of day when construction work and loud noise is allowed in neighborhoods. Mr. Brougham asked if the District has any "say" with respect to the times. Mr. Adams felt that the District could make the times more restrictive; however, it cannot make it less restrictive. Mr. Adams pointed out that the ordinance also refers to mowing noise. Mr. Albeit stated that the current Post Orders follow the 6:30 a.m., to 7:00 p.m., time frame. It was noted that each village can set its own restrictions for the hours that landscapers can mow or construction work can occur.

Mr. Peterson indicated that he spoke to Mr. Charbonneau regarding cars parked on lawns, which can potentially damage irrigation systems and asked if that was included in the Post Orders. He questioned if tagging or ticketing vehicles parked overnight, in the street, was included and if security could enforce the rules and ask people to move their vehicles. Mr. Albeit noted that these items are not included in the Post Orders; however, they are in The Foundation Declarations and Covenants (D&Cs). Mr. Peterson requested that these items be

included in the Post Orders, as well, to ensure that security has a direct statement indicating that this is action that must be taken.

Mr. Brougham supported inclusion of the items presented by Mr. Peterson, along with requiring a courtesy call to homes, if garage doors are left open. Mr. DiNardo stated that the District has no authority over garage doors. Mr. Pires concurred. Mr. Brougham clarified that he was not indicating that the District had authority over garage doors; he was speaking of a courtesy check and call when a garage door is left open, overnight.

Discussion ensued regarding the locations where vehicles are parking on the grass.

Mr. Brougham stated that the Post Orders are what obligates the District's contractor, The Foundation, to do what the CDD has enforcement powers over; however, The Foundation has a list of items that they routinely address, cite and check, per the Master Association's request, most of which are not included in the Post Orders. Mr. Brougham pointed out that the District hires the security contractor; therefore, security should not be spending the District's money and time enforcing Master Association rules and regulations. Mr. Pires concurred. Mr. Brougham reiterated that he is not opposed to including these items in the Post Orders, so that they are available to the patrol officers, in case The Foundation or Mr. DiNardo do not enforce them.

Mr. Pires advised that these items are not a District function; parking on the grass is an issue of the private property owners. Mr. Peterson pointed out that the parking might occur on District property and utilization of patrol officers seems appropriate. Mr. Pires stressed that these items cannot be "District regulations"; they fall under private covenants. Mr. Brougham asked if there is a legal reason that the District cannot include the items in the Post Orders. Mr. Pires stated that he prefers not including them in the Post Orders because those items are not under the District's control.

Mr. Brougham questioned why, if the District employs and pays a contractor to perform certain defined work, including items such as those discussed, it cannot include those items in the Post Orders. Mr. Pires advised that the District has no authority to enforce covenants; therefore, the contractor does not have the authority, under the guise of operating as the District's vendor. It was noted that each village does not maintain its own patrol; therefore, the villages rely on the District's patrol officers. Mr. Pires voiced his understanding and stated that the

contractor can act to the extent that they are not operating in their capacity as the District's contractor; rather, they are acting on behalf of The Foundation, to enforce the covenants.

Mr. Peterson felt that Mr. Pires' opinion is based on "I think", rather than on the will of the CDD. Mr. Brougham concurred. Mr. Peterson voiced his opinion that the items discussed should be added to the Post Orders.

Mr. Bergmoser referred to Page 13, which states that security should record damage to common area landscaping and suggested adding "and parking on lawns", to the end of the sentence. Mr. Charbonneau agreed to the change. Mr. Pires reiterated that this is not an appropriate issue. In response to Mr. Adams' question, Mr. Brougham confirmed that the matter of open garage doors should be added, as well.

**On MOTION by Mr. Slater and seconded by Mr. Bergmoser, with all in favor, the Revised Post Orders, as amended, were approved.**

Mr. Curland asked about the protocol when an oversized or other vehicle arrives at Championship Gate that should not use that entrance, as he did not find any reference to this in the Revised Post Orders. He questioned what the guards should tell the driver.

Mr. Charbonneau indicated that the vehicle will be stopped prior to entering the queue. The guard will give the vehicle driver a map with the physical address and directions to the Sandpiper Drive Entrance.

**NINTH ORDER OF BUSINESS**

**Consideration of Second Amendment to Access Control Services Contract with The Foundation**

Mr. Brougham indicated that the amendment memorializes the changes related to manning Championship Gate.

Mr. Adams advised that the cost for Championship Gate is prorated for the remainder of the contract term, which runs through November 30, 2014; the annual cost is approximately \$84,000.

**On MOTION by Mr. Brougham and seconded by Mr. Bergmoser with all in favor, the Second Amendment to Access Control Services Contract with The Foundation, was approved.**

**TENTH ORDER OF BUSINESS**

**Discussion: WHA Local Staffing Plans for the Near Future**

Mr. Wrathell indicated that he spoke with Mr. Brougham and Mr. Adams regarding Mr. Brougham's request and concerns voiced, at the last meeting, pertaining to Mr. Adams' future with Management and Management's "bench strength" or the firm's succession plan, should the District find itself with no District Manager or a District Manager that has no familiarity with the District.

Mr. Wrathell advised that Management recently entered "expansion mode", hiring new District Managers in the Jacksonville and Orlando areas. He indicated that Mr. Rick Woodville, located in Orlando, has worked for several competitors and with Mr. Adams on numerous Districts. Mr. Woodville will manage the Central Florida market, along with assisting Mr. Adams. Mr. Wrathell stated that the addition of the two new District Managers has freed him, as well. He acknowledged the Board's concerns and stressed that Management is working to build redundancy, to ensure backup. Mr. Wrathell pledged that, should something occur, in the interim, he would personally assume the District Manager responsibilities from Mr. Adams.

Mr. Wrathell noted that Management is preparing to issue bonds on two new CDDs in the Lee and Collier County areas; therefore, Management's plan is to hire an additional District Manager for the Southwest Florida region. He requested the Board's patience, as Management does not want to hire someone too quickly, only to have them fail. Management is securing resumes of potential District Managers.

Mr. Brougham stated that the Board is interested in a presentation and hearing about implementation of Management's backup plan and/or the infusion of additional resources, in Fiddler's Creek. He stated that the overall development is growing, meaning there will be a lot more activity and, if Management's resources cannot keep up with the pace, the residents will suffer; the Board must be prudent in working with Management to develop and increase resources.

Mr. Wrathell stressed that Fiddler’s Creek is one of Management’s original clients; therefore, the District is very important and Management wants to do everything possible to recognize issues and keep the Board happy. Mr. Wrathell confirmed that Management’s goals are the same as the Board’s.

**ELEVENTH ORDER OF BUSINESS**

**Approval of February 26, 2014 Regular Meeting Minutes**

Mr. Brougham presented the February 26, 2014 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

- Line 211: Change “depredation” to “degradation”
- Line 328: Change “deferred” to “continued”

**On MOTION by Mr. Bergmoser and seconded by Mr. Peterson, with all in favor, the February 26, 2014 Regular Meeting Minutes, as amended, were approved.**

- **Action Items**

It was noted that the new Action Items format is working as desired.

**TWELFTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being nothing additional to report, the next item followed.

**B. Manager**

**i. Approval of Unaudited Financial Statements as of February 28, 2014**

Mr. Brougham presented the Unaudited Financial Statements as of February 28, 2014. He noted that the large balance in the SunTrust account was moved.

Mr. Brougham noted that the “Balance Sheet” continues to carry \$409,000 representing construction money and asked if it will continue to be carried. Mr. Adams advised that it will

continue being carried until money is received to offset the amount; if it reaches the point that the money will not be received, the amount can be written off.

Mr. Brougham asked if the tax collector's rebate was received. Mr. Adams stated that CDD #1 received \$27,518.05, which was posted to "Assessment receivables", as of September 30, 2013, and resides in the District's cash balance. Mr. Brougham asked if the rebate was received last year. Mr. Adams clarified that the money was received in October but it was "accrued back" to the prior fiscal year. Mr. Brougham questioned why it took this long to appear on the Unaudited Financial Statements. Mr. Adams indicated that it was accrued back to September, 2013; the Board did not see it because they were not viewing the September, 2013 financials. Mr. Adams confirmed that this will appear within the final audit report. Mr. Brougham speculated that it should have appeared in the Unaudited Financial Statements for the month that the money was received. Mr. Adams replied no, stating that it did not appear because it was accrued back to September 30, 2013. Mr. Wrathell confirmed that the transaction will appear in the final audit report for Fiscal Year 2013. Mr. Wrathell explained that the transaction could have been booked and shown in October; however, as it was attributable to Fiscal Year 2013, Management accrued it back to Fiscal Year 2013, as required by the auditor. Mr. Brougham asked what month's Unaudited Financial Statements this transaction appeared on. Mr. Adams advised that it should appear on the Unaudited Financial Statements as of September 30, 2013. Mr. Wrathell confirmed that Management should have revised the Unaudited Financial Statements as of September 30, 2013. Mr. Brougham pointed out that it is now March and the Board has not seen the transaction. Mr. Adams explained that, from a timing perspective, the Board would not see it now but it would appear in the final audit report. Mr. Wrathell suggested that Revised Unaudited Financial Statements as of September 30, 2013 be included in the next Agenda. Mr. Adams offered to email the Unaudited Financial Statements as of September 30, 2013. Mr. Brougham felt that it is not necessary to provide those Unaudited Financial Statements but reiterated his question of when, exactly, the funds were received. Mr. Adams voiced his opinion that the funds were received in October.

In response to a question, Mr. Adams explained that the rebate is related to the tax collector's fees for Fiscal Year 2013. Mr. Adams stated that the tax collector bills a percentage of the gross assessment levy, "on the front end", reconciles at the end of the year and returns the prorated amount, if the District overpaid.

Brief discussion ensued regarding the District’s investments. - Mr. Wrathell stated that current conditions make the “risk-reward” factor exponential; however, if the Board wants to discuss options, in the future, Management is open to discussing the matter.

Mr. Pires explained that the overriding principles, in priority, are preservation of principal, liquidity and return on investment. He stressed that “return on investment” is last on the priority list.

Mr. Wrathell discussed the State Board of Administration (SBA) and the past events for those Districts that invested funds with the SBA.

Mr. Brougham referred to the \$9,151 “Tax collector” line item, on Page 3, and asked what it was for. Mr. Adams indicated that it is the expenditure to the tax collector.

Mr. Adams pointed out the \$560 “Transfers in” line item, on Page 3.

**ii. NEXT MEETING DATE: April 23, 2014 at 8:00 A.M.**

The next meeting is scheduled for April 23, 2014 at 8:00 a.m.

**C. Operations Manager**

Ms. Crismond presented her Operations Report. She indicated that hard pruning will commence during April.

Ms. Crismond advised that, due to the length, the treatment reports were sent electronically. Mr. Brougham stated that it is okay to send them electronically.

Mr. Peterson reported a hazard exiting the parking lot; turning left towards Fiddler’s Creek Parkway, there are bushes in the median, obscuring drivers’ vision. Ms. Crismond indicated that the bushes can be trimmed in advance of the planned hard pruning event.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

Mr. Brougham referred to the poor condition of the sea grapes, bordering Fiddler’s Creek Parkway and Majorca, and recommended that they be removed and replaced with clusia or viburnum hedges. Ms. Crismond advised that she must obtain permission for that type of change. Mr. Brougham asked Ms. Crismond to do what she believes is appropriate for the area, as the sea grapes are ineffective at shielding residents.

Mr. Slater requested discussion, at the next meeting, regarding increasing security patrols from one to two vehicles and from 12 hours to 24 hours per day, at both gates.



Mr. DiNardo stated that The Foundation is conducting a study, at the front gates, using analytical cameras. The new technology provides the gate with a photograph, if someone crosses a certain line, as opposed to simply making a noise. This would also include changing the cameras to "more intelligent" cameras. Mr. DiNardo indicated that the proposal for the new cameras will be presented to both Districts, as the cost is quite expensive; possibly in the \$100,000 range. The Foundation is hopeful that each District will agree to pay for the cameras.

Mr. DiNardo voiced his support for increasing the patrols; enhancing patrols and technology should be the next security step.

Mr. Brougham asked if the new cameras would be installed only at the gates. Mr. DiNardo indicated that the cameras would be installed at the gates and at other points, as well. Mr. Brougham suggested combining discussion of increasing the security patrols and the new cameras. Mr. Bergmoser and Mr. DiNardo were in agreement. Mr. DiNardo was unsure if the study will be ready by the next meeting. It was suggested that the camera demonstration be held at a joint meeting, when it is ready to be presented.

In the short term, Mr. DiNardo suggested planting additional trees at Championship Gate to prevent small vehicles from turning around. Ms. Crismond and Mr. Charbonneau will investigate the possibility of planting trees.

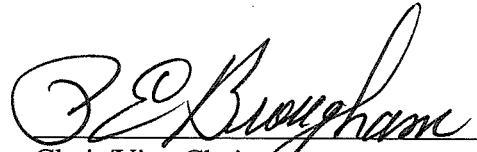
**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

<p><b>On MOTION by Mr. Bergmoser and seconded by Mr. Brougham, with all in favor, the meeting adjourned at 9:35 a.m.</b></p>
--

  
Secretary/Assistant Secretary

  
Chair/Vice Chair