

**MINUTES OF JOINT MEETING
FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICTS #1 & #2**

The Joint Meeting of the Boards of Supervisors of the Fiddler's Creek Community Development Districts #1 & #2 was held on **Wednesday, April 23, 2008 at 9:05 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Blvd., Naples, Florida 34114.**

Present for Fiddler's Creek #1:

Phillip Brougham	Chairman
Peggy Schmitt	Assistant Secretary
James Curland (via telephone)	Assistant Secretary
James Robertson	Assistant Secretary

Present for Fiddler's Creek #2:

James Robertson	Chairman
Victoria DiNardo	Assistant Secretary
Gretchen Scott	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Matt Morris	Client Services Manager
Terry Cole	District Engineer
Anthony Pires	District Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:05 a.m.

Mr. Adams announced that all Supervisors were present for CDD #1, except Supervisor Love and that all Supervisors were present for CDD #2, except Supervisor Matire.

It was requested that Mr. Cole provide the Engineer's Report first.

SECOND ORDER OF BUSINESS

Staff Report: Engineer

Mr. Cole presented the following pay draw for District #1:

For the 2005 Series Bond, Draw #22 for approximately \$127,000. This consisted of paying for retainage held for road work related to the south commercial center and clearing work of the southern portion of the property. Mr. Cole said staff is trying to complete this work before the rainy season begins in June.

Mr. Brougham commented that several people driving southbound at night use the cut-through by the commercial entry, mistaking this for the entrance to Fiddler's Creek. He asked whether barricades could be used in the median to curtail this. Mr. Cole responded no, and said that the cut-through could be used for U-turns.

Mr. Cole presented the following pay draw for District #2:

For the 2003 Series Bond, Draw #54 for approximately \$100,000. Mr. Cole stated that \$99,000 was for road work related to the Aviamar area, and the remainder was for minor landscaping items.

For the 2005 Series Bond, Draw #27 for approximately \$244,000. Mr. Cole stated that this was primarily for work involving landscape plantings in Aviamar, Sandpiper Drive Extension, US-41, and other areas. Also some items were retainage held from previous work.

THIRD ORDER OF BUSINESS

A. Consideration of Resolution 2008-1 (FCCDD #1) and Resolution 2008-3 (FCCDD #2) Regarding Public Roads Acknowledgement and Affirmative Testing of Access Procedures

Mr. Pires stated that this resolution concerns testing of the compliance with access procedures in the adopted Post Orders. He recalled that previously, discussion was held regarding giving the District Management greater latitude to exercise discretion in determining the appropriate compliance testing process. Mr. Pires indicated that the last paragraph reflects this operative change as requested by the Board. He referred to versions of the resolution provided and presented these for consideration and approval.

On MOTION for Fiddler's Creek #1 by Mr. Brougham and seconded by Ms. Schmitt, all voted in favor of adopting Resolution 2008-1 as drafted with respect to testing of compliance with access control procedures.

On MOTION for Fiddler's Creek #2 by Mr. Robertson and seconded by Ms. Scott, all voted in favor of adopting Resolution 2008-3.

B. Consideration of Resolution 2008-2 (FCCDD #1) and Resolution 2008-4 (FCCDD #2) Amending Post Orders

Mr. Adams recommended approval of Resolution 2008-2 by CDD #1. He advised that Mr. Pires will prepare an identical resolution for CDD #2. He explained that this resolution will adopt the amended Post Orders, with changes primarily reflected on page 8, regarding construction traffic.

Mr. Brougham referred to Section 5, under "Construction Vehicles and Equipment", the next to last line, and recommended deleting the word "or", adding a comma, then inserting "furniture, other household items or construction materials delivered to residences" with the remainder of the sentence as is. Mr. Brougham explained that this would allow vehicles with deliveries of construction materials for interior home renovations to enter via Championship Drive. The Board members agreed with this modification.

On MOTION for Fiddler's Creek #1 by Mr. Brougham and seconded by Ms. Schmitt, all voted in favor of adopting Resolution 2008-2 with modifications as noted.

On MOTION for Fiddler's Creek #2 by Mr. Robertson and seconded by Ms. Scott, all voted in favor of adopting Resolution 2008-4 and authorizing the Chairman to execute this resolution.

Discussion followed regarding an additional motion, after which all agreed to the remainder of the sentence after "new construction."

On MOTION for Fiddler's Creek #1 by Mr. Brougham and seconded by Ms. Schmitt, all voted in favor of accepting the deletion of the words "or renovation activities" from the second sentence under Construction Vehicles and Equipment.

FOURTH ORDER OF BUSINESS

**Approval of Minutes of March 26, 2008
Joint Board Meeting**

Corrections were provided to the minutes as follows:

Correct spelling of Ms. Schmitt's name where referred to by Mr. Adams.

Correct references to Fiddler's Creek to reflect numerals 1 and 2.

Line 359: Correct spelling of "Montre".

Line 394: Correct wording as follows: "Mr. Brougham inquired as to the status of landscaping the area discussed previously on Club Center Drive by Marsh Cove."

Line 255: Correct wording as follows: "work on the entry monument by Veneta"

Line 316: Capitalize Deer Crossing.

Line 323: Correct spelling of "Montre"

On MOTION for Fiddler's Creek #1 by Mr. Brougham and seconded by Ms. Schmitt, all voted in favor of approving the March 26, 2008 minutes as corrected.

On MOTION for Fiddler's Creek #2 by Mr. Robertson and seconded by Ms. DiNardo, all voted in favor of approving the March 26, 2008 minutes as corrected.

FIDDLER'S CREEK CDD #2 ITEMS

FIFTH ORDER OF BUSINESS

Discussion and Consideration of Quote from Teleco for Hosted E-Mail Addresses for 12 Months in Regards to Board Members' Email Maintenance and Retention

Mr. Morris referred to the proposal from Teleco, offering five (5) email addresses that will appear on the CDD web page, allowing constituents to email Supervisors. He stated that the \$174 charge is a recurring yearly cost, while the \$85 charge is a one-time setup fee.

Mr. Adams commented that this is a reasonable price for a convenient service provided to the Board.

On MOTION for Fiddler's Creek #2 by Mr. Robertson and seconded by Ms. DiNardo, all voted in favor of accepting the Teleco proposal.

SIXTH ORDER OF BUSINESS

Staff Reports

a) Attorney

Mr. Pires advised that he is still working on the disclosure document.

Mr. Pires advised that with regard to the landscape contract, it was recently discovered that the District had not adopted a set of rules and procedures. He referred to a Rules and Procedures document distributed for the Board to review by the next meeting. Mr. Pires stated that at the next meeting, staff will ask the Board to authorize and advertise a Notice of Intent to Adopt a Rule and Notice of Hearing on Adopted Rules and Procedures.

Mr. Pires said he had attended a meeting regarding which lakes might be ready for conveyance and anticipated providing this at the next meeting.

b) Manager – Unaudited Financials as of March 31, 2008

Mr. Adams presented the financial statements for March 31, 2008.

c) Operations Manager

Ms. Crismond said she is continuing to work with Lake Masters and Supervisor DiNardo and will schedule the next tour in a couple of weeks.

Ms. Crismond said management is securing pricing for work on the overgrown ficus trees along Fiddler's Creek Parkway.

Ms. Crismond said management is continuing to meet with the Landscape Foreman to review the property. She indicated she is submitting a report to Supervisor DiNardo on recent findings.

Ms. Crismond said that regarding irrigation pump stations, on April 3, 2008, management met with Aquatic Systems, Earth Guard, and One Source to review and discuss the filtration system. She advised that the contractors for CDD 1 and 2 are flushing out the system twice weekly with minimum debris reported; however, Extreme Divers

was retained to inspect and clean both the wet wells. Ms. Crismond said she will provide an update on this work at the next meeting.

Ms. Crismond said that on March 28, 2008, there were four (4) citations and one (1) warning given by the Sheriff's Patrol; on April 11, 2008, there were nine (9) citations and six (6) warnings given. Ms. Crismond advised that she had spoken with Mr. Charbonneau, who is still working on the GPS reporting.

SEVENTH ORDER OF BUSINESS

Audience Comments/Supervisors' Requests

A resident commented that lights "at the area where names were redone" have been malfunctioning. He also stated that lights on the left side of the entrance into Fiddler's Creek #1 have been out for some time. He commented that the web pages are helpful but commented that the Agenda package for this meeting was missing.

Mr. Adams stated these items will be addressed in the future.

Ms. Scott stated that lighting at the end of the boardwalk is also malfunctioning.

Mr. Robertson said that questions keep coming up from the Montreaux neighborhood regarding ownership of certain areas of property. Mr. Brougham advised that he and Ms. Crismond went onto the Property Appraiser's site weeks earlier and validated that the area in question belongs to the Rookery and not to Montreaux Village Association, nor to the CDD. He advised that anyone with property ownership questions can visit the Collier County home page, go to the Property Appraiser's website and identify parcels in Collier County.

Ms. Scott suggested advising residents of this information on the website.

It was commented that Ms. Carlson's website is also a very informative source for residents with questions about taxes.

Mr. Adams indicated he had provided a brief summary from the security patrol showing mileage on vehicles over the month of March.

FIDDLER'S CREEK CDD # 1 ITEMS

EIGHTH ORDER OF BUSINESS

Consideration of Financing Proposal for the Fountains from Municipal Capital Corporation

Mr. Adams recalled that previously, Ms. Crismond had provided a proposal to look at replacing the existing fountains and changing the mechanics of the system on shore instead of in the brackish water. He indicated that a follow up opinion on this proposal was provided for review. Mr. Adams said that based on recent discussions, it was felt that there was no significant benefit to moving the equipment out of the brackish water as it still runs internally into the mechanical items. Mr. Adams said the only remaining positive approach is using a floating ring versus a floating submersible pump.

Mr. Adams advised that Mr. Love had provided a statement to be read into the record in his absence, regarding his views on the signature lake fountains at the 951 entry. Mr. Adams read the statement as follows:

[VERBATIM REPORT FOLLOWS]

“I have stated frequently that my observation as a full time resident for seven years is that the fountains are not operating or have ever operated on a daily basis. This includes the years before this one, when low lake levels were not an issue. Talking to people in the community, it would appear to me there is about equal sentiment to retain the fountains as there is to close them down. I read the information that Cleo sent out from Hall Fountains and it is obvious that no matter what system we would install carries high maintenance costs. In my opinion the serenity of the lakes, currently, is acceptable, with the actual entry to Fiddlers being attractive with the current water effect and the landscaping. My recommendation is to pull the fountains and save the District and our constituents’ money over the long haul.”

[END VERBATIM]

Mr. Adams said this statement was signed “Al Love, Vice Chairman.”

Mr. Robertson disagreed with Mr. Love’s position. He commented that he has found almost no residents in favor of getting rid of the fountains.

Ms. Schmitt said that when she asks an individual for an opinion on this, it is usually fifty-fifty. Ms. Schmitt said the bottom line is that everyone in the community benefits from the fountains when they are running. She felt that if the fountains are kept, the cost should be shared across both CDD #1 and #2. She pointed out that everyone comes through the front gate.

Mr. Curland said that if the fountains at the monuments are continuously working, he would support this program; however, he would not be in support of continuing with the lake fountains.

Mr. Brougham said that to his understanding, the bubblers at the ornamental fountains on each side of the entry have never been in question and run all year long, except when they are down for maintenance issues. With regard to Ms. Schmitt's comment, Mr. Brougham agreed that everyone benefited from the fountains; however, he felt that if the costs are shared, the Board might face the possibility of residents wanting to make joint decisions on other fountains. He felt this would result in cumbersome, tiresome decisions and discussions going forward. Mr. Brougham said he was not in favor of cost sharing with CDD #2 on this matter. He added that he also received mixed reports from residents about the fountains. Mr. Brougham commented that the only significant savings would come from reducing the number of fountains. He added that the maintenance costs would be a wash whether the current equipment or new equipment is used. Mr. Brougham asked whether someone could estimate the useful remaining life of the current equipment which CDD #1 would own in December. He suggested that when the water levels rise, the CDD bring this equipment out of storage, paint them and put them back into service as before. He felt this would prevent spending extensive amounts of money on technology for the fountains.

Mr. Curland asked whether any overhaul or preventive maintenance could be done on these pumps before placing them back into service. Mr. Adams responded affirmatively and added that these could be painted to prevent corrosion.

Discussion ensued on this topic.

On MOTION for Fiddler's Creek #1 by Mr. Brougham and seconded by Mr. Robertson, all were in favor of retaining the current equipment and not investing new capital dollars in new equipment; and if and when the pumps fail and become unusable, address this topic for further decisions.

NINTH ORDER OF BUSINESS

Discussion and Consideration of Quote from Teleco for Hosted E-Mail Addresses for 12 Months in Regards to Board Members' Email Maintenance and Retention

Mr. Morris explained the terms of the proposal. Mr. Brougham asked whether a Supervisor would have the ability to delete on the server. Mr. Adams responded affirmatively. Mr. Brougham said the email should have a Read Only or Reply Only function. Mr. Brougham

commented that an address book will be necessary. Mr. Morris advised that the \$174 is a yearly cost and the \$85 is a one-time set up fee.

On MOTION for Fiddler's Creek #1 by Mr. Brougham and seconded by Ms. Schmitt, all were in favor of accepting the Teleco proposal.

TENTH ORDER OF BUSINESS

Staff Reports

a) Attorney

Mr. Pires advised that he had distributed a draft of the Rules and Procedures for District #2. He said that this Board can determine at the next meeting whether it wished to authorize staff to advertise the Intent to Adopt Rules and Procedure in the future.

Mr. Pires advised that regarding lake conveyance, he had attended a meeting with all the engineers and consultants who will prepare a report by the next meeting.

b) Manager - Unaudited Financials as of March 31, 2008

Mr. Adams presented the financial statements as of March 31, 2008. He advised that the audit was completed the previous week. He advised of an adjustment made to the Developer Assessment line that went from \$225,805 down to \$167,040, resulting from a \$58,765 posting from the developer. Mr. Adams explained that this was actually revenue received for fiscal year 2007. This item was posted to 2007.

Mr. Adams indicated that under Administrative Expenses, there is a new line item called Collection Fees which is new to the financials. He explained that these reflect the Property Appraiser and Tax Collector fees and are now shown as an expense going forward, to keep in line with the preferences of governmental accounting. Mr. Brougham commented that the software program "should not allow a prior year to date figure plus a current month of the same number with a new year to date total." He stated that this is unprofessional and requested that these adjustments be made going forward.

Mr. Brougham asked for debits and credits to show on the "Recon" item. Mr. Adams said he has requested that the new controller reflect these in the month when they occur.

c) Operations Manager

Ms. Crismond advised that regarding the entry fountains, the pump house had flooded due to a cracked PVC pipe which caused the sump pump to malfunction, with damage to the electrical components, circuit board, motor and breakers. She advised that this will be repaired in a couple of weeks. Mr. Brougham suggested placing a note in *The Boardwalk* advising residents of this situation. Mr. Brougham asked when the lake fountains can be reinstalled. Ms. Crismond said she will work on this right away.

Ms. Crismond reported that management and Ms. DiNardo continue to tour with Lake Masters.

Ms. Crismond reported that the lift station at Mulberry has not yet been completed; however, landscaping has been installed. The gate installation was delayed because of a change in contractor.

Ms. Crismond advised that the irrigation pump stations report has an error showing Aquatic Systems instead of Aquamatic. She advised that currently there are no issues and that divers will come in to check the wet wells. Ms. Crismond reported that she had met with Mr. Morris and Miller Lehman. Mr. Morris explained that this is a filter company that specializes in disk filtration. Mr. Morris said that this firm had investigated the current system and recommended installing additional filters and a disk filtration system. The proposal submitted for one pump station is for \$114,000. He stated that the cost would be about \$250,000 to \$300,000 to add this filtration system to both pump stations.

Ms. Crismond commented that the current filtration system is state of the art and said she is unsure how much more this new filtration system will benefit the CDD.

Discussion ensued on this topic.

D. Additional Item – Manager's Report

Mr. Adams advised that seats 3, 4 and 5 are up for general election in June. He explained that due to changes in legislation, there is a requirement to advertise that these seats are up for election. He added that a resolution will need to be adopted at the next meeting identifying the fact that these seats are up and that the qualifying period is between noon, June 16, 2008 and noon, June 20, 2008.

ELEVENTH ORDER OF BUSINESS**Audience Comments/Supervisors' Requests**

Mrs. Brougham raised a question about the fountain in CDD #2 and whether this area was all CDD #2 property. She commented that there are other fountains in CDD #1 and asked who pays for these. Mr. Brougham advised that the Association pays for these.

Mr. Robertson commented that there was an item addressed during yesterday's Security Committee meeting, concerning the resolution presented by Mr. Pires. He said this was not really an external audit but an extension of management control and an internal review process.

Mr. Brougham recalled previous discussion about verbatim versus non-verbatim minutes and whether to use a court reporting service. He referred to examples of minutes taken from the County Clerk's website. He commented that this information was provided for consideration and added that the price tag would be about \$1,200 yearly.

Mr. Brougham commented that there is a need to give direction to staff on upcoming budget items. Mr. Adams said a draft will be prepared for informational purposes, then a public hearing will be set for late August.

Mr. Brougham asked about the status of installation of remote hardware on Championship Drive. Mr. Adams said this contract was signed and received by TEM on April 2, 2008. He added that TEM will order the equipment immediately and will begin the prep work the following day. Mr. Adams said that per an email he received from the president of TEM, the system will be operational by April 30, 2008.

TWELFTH ORDER OF BUSINESS**Adjournment**

On MOTION for Fiddler's Creek #1 by Mr. Brougham and seconded by Mr. Robertson, all were in favor of adjourning.

On MOTION for Fiddler's Creek #2 by Mr. Robertson and seconded by Ms. Scott, all were in favor of adjourning.

There being no further business to discuss, the meeting was adjourned at 10:35 a.m.

For Fiddler's Creek #1:


Secretary/Assistant Secretary


Chairman/Vice Chairman

For Fiddler's Creek #2:


Assistant Secretary/Secretary


Chairman/Vice Chairman