

Summary of September 24, 2008 Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1

The Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was called to order at 10:30 am on Wednesday, September 24, 2008. Board Members present at the meeting included Chairman Phillip Brougham, Vice Chairman Alexander Love, Assistant Secretary James Robertson and Assistant Secretary James Curland.

Engineer's Report:

Mr. Terry Cole, District Engineer, presented the Board with information for Pay Draw Number 27 for the 2005 Series Bond Issue. The Pay Draw was in the amount of approximately \$30,000 and was funding the clearing operations in the Belle-Meade Grade area as well as sod installation along District lake banks.

Ownership and Maintenance Responsibilities within Road Right-of-Ways:

Chairman Brougham made a brief statement regarding past discussions and decisions of the Board as it relates to maintenance responsibilities of improvements within road right-of-ways, specifically on Cherry Oaks Trail, Mahogany Bend and Mulberry Lane. Mr. Brougham summarized the past decisions made by the Board and informed the Board that he has had recent discussions with District Counsel regarding this issue in an effort to clear up potential confusion on maintenance responsibilities, and deferred to Mr. Pires, District Attorney, to present his findings to the Board.

Mr. Pires informed the Board that after review of plats, deeds, easements, Homeowner's Covenants and other legal documents he was able to ascertain the following:

- The entire right-of-way for Cherry Oaks Trail was dedicated to the District via Plat
- Sidewalks running along Mahogany Bend were within sidewalk easements that have been dedicated to the District
- Sidewalks along Mulberry Lane were within a sidewalk easement; however, this easement has not been dedicated to the District.

After additional discussion the Board reached consensus and understanding that sidewalks within District owned right-of-ways and/or easements would be maintained by the District on a go-forward basis. Clarification was provided that driveways that intersect sidewalks as well as landscaping between the sidewalk and roadway curb would be the responsibility of each individual homeowner, as per the Covenants and Restrictions of the Fiddler's Creek Master HOA. Additionally, a motion was passed to draft a resolution memorializing this policy for consideration at the October Board Meeting (the motion passed 3-1 with M. Robertson dissenting).

Approval of Minutes:

The minutes from the August 27th Regular Meeting and Public Hearing were unanimously approved with minor corrections.

Staff Reports:

The District Manager presented Unaudited Financial Statements as of August 31, 2008 and answered questions from Board Members.

The District Manager informed the Board that due to recent developments in the overall economy relating to the failure and potential failure of investment firms and banking institutions, Management took emergency action last week to move any district funds out of their current investments that exceeded the \$100,000 FDIC limit and move them into Treasury Backed Money Market Accounts as a precaution. Furthermore, Management informed the Board that after review of the Trust Indenture, it was noted that the Debt Service Reserve Fund had been invested in a similar government backed account. Mr. Brougham noted for the record that Mr. Craig Wrathell, District Treasurer, had consulted with him prior to the movement of the funds. Finally, Mr. Adams, District Manager, informed the Board that they have the option to re-invest these funds in any allowable investment vehicle; however, the Board elected to keep the funds as they are currently distributed to take advantage of the safety of the government backed funds.

The Operations Manager provided her report to the Board. The report detailed the following:

- Lake Fountains – Currently the 7HP Pump is inoperable. A proposal was presented to the Board to have a new pump and motor installed for a fee of \$11,300. A Motion in favor of moving forward with the installation was made and seconded; however, with a vote of 2-2, the motion was not upheld. The matter will be brought back to the Board for consideration at the October meeting.
- Lake Maintenance – Review of littoral plantings throughout the District was made and lakes requiring plantings were noted. The plantings are scheduled to be installed within 3 weeks.
- Irrigation Pump – Irrigation Pump #5 is inoperable due to a damaged shaft. A rebuild of the pump was proposed for a total amount of \$8800, and was approved.
- Tropical Storm Cleanup – The final amount for the clean-up was presented as \$24,586. A tally of trees that were to be replaced was presented. All trees, with the exception of Royal Palms, will be replaced with Live Oaks.
- Patrol Services – It was noted that no patrol services were being provided by the Sheriff's office for a number of months. Calls have been made to the local department chief, who is looking into the issue to ensure that patrols will be provided in the future.
- Access Control Testing – The results from the September Access Control Test were presented. It appears that the Post Orders were adhered to during the test. The test noted that a pass for 48, rather than 24 hours was issued. This situation was the result of a computer error and has been remedied. No instructions were

given to the investigator on how to use the barcode to exit the Community. This will be addressed at the staff level to ensure that proper direction is provided to guests.

- Landscape Maintenance – Lengthy discussion was held regarding the current landscape maintenance contractor, and the dissatisfaction of the Board, Staff and Residents of the vendor’s performance under the existing contract. A defective work order was issued to OneSource after the August meeting, which detailed items that were not being addressed per the contract. OneSource provided staff with feedback and reassurances that the situation will be remedied; however, it is apparent that OneSource has continued to underperform. Although the Board is very dissatisfied, it was noted that the first year of the existing contract was complete on December 1, so, rather than terminating the existing contract with OneSource and attempting to put the maintenance contract out to bid in short order which would be very difficult as the project is very involved, the Board directed Management to proceed with procuring bids for the maintenance contract in an effort to have a new contractor selected and in place to assume responsibility immediately upon completion of the existing contract.

Adjournment:

The meeting was adjourned at approximately 12:00.