

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

A Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held on **Wednesday, November 18, 2009 at 8:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

**Present at the meeting and constituting a quorum were:**

Phillip Brougham (via telephone)	Chairman
James Curland	Vice Chairman
Jim Schutt	Assistant Secretary
James Robertson	Assistant Secretary
Robert Slater	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Operations Manager
Terry Cole	District Engineer
Carlo Zampogna	District Counsel
Carla Barrow	Weiss Serota, et al.
Mike Charbonneau	Director Safety, Fiddler's Creek Foundation
Ron Albeit	GM, Fiddler's Creek Foundation
Manuel Correia	Supervisor, Fiddler's Creek CDD #2
Gretchen Scott	Supervisor, Fiddler's Creek CDD #2
Peggy Schmitt	Supervisor, Fiddler's Creek CDD #2
Victoria DiNardo	Supervisor, Fiddler's Creek CDD #2
Jim Vajen	Golf Superintendent
Bruce Edwards	Resident
Linda Whitehead	Resident
Martin Arh	Resident
Fred Verinder	Resident
Bill Hayes	Resident
Dave Yates	Resident
Garrett Messmaker	Resident
Jesse Fritz	Resident
Jim Mayer	Resident
Mr. Ohye	Resident
Mr. Fulker	Cardinal Management
Bob Hype	Resident
Mike Joyce	Resident
Bob Highfield	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

The meeting was called to order at 8:00 a.m. Mr. Adams announced that all Supervisors were present at Roll Call.

Mr. Brougham informed the Board there would be a brief recess at 8:30 a.m., so Mr. Adams could attend the previously scheduled Fiddler's Creek CDD #2 Landowners' Meeting.

**SECOND ORDER OF BUSINESS**

**Update/Discussion: Title Work Related to Foreclosure Claim**

Ms. Carla Barrow, of Weiss Serota, introduced herself and reminded the Board that, at the last meeting, they had come to a fork in the road with regard to finding a title company that would issue a foreclosure commitment to ensure that, at the end of the foreclosure process, that at any foreclosure sale, that the District would be taking title to clear pieces of property and that all subordinate interests have been taken care of. She indicated because of the nature of CDDs, not every title company in Florida is familiar with the foreclosure process involving these types of entities. She stated it took some searching and, with the help of bondholders' counsel, they located Lawyer's Title, who is familiar with these types of foreclosures involving CDDs. Ms. Barrow indicated they contacted Lawyer's Title and gave them the paperwork to start proceeding. She stated she will have a more finite estimate of the amount of time this will take.

Mr. Schutt recalled one (1) of the items discussed at the last meeting was finding a company that would give a report versus something different. He felt the Board suggested Weiss Serota talk to the bondholders and get their concurrence on one (1) or the other. Ms. Barrow agreed, adding they have word from Mr. Aponte and he is directing them and helped them locate Lawyer's Title. She indicated Lawyer's Title is willing to give the District either of those. She confirmed they would work with bondholders' counsel to determine what is wanted.

Ms. Barrow noted they get calls from time to time from lenders with mortgages on the properties, who have been interested in discussing whether they will pay the assessments on behalf of the developer and then exempt their loss out from the foreclosure process; that might ease some cash flow issues. She indicated these were directed to bondholders' counsel who would have to approve that and there have been communications with at least one (1) local bank. She added there have been some phone calls from counsel that might be assisting the developer in trying to refinance. She stated the District has not taken "working with the developer" off the

table, but they have directed them to coordinate those discussions with bond counsel and, in the interim, Weiss Serota is moving ahead.

Mr. Brougham asked if there were any questions.

Mr. Adams noted Fiddler's Creek CDD #2 Board Members were also present at the meeting and asked them if they had any questions.

Mr. Brougham asked if, at any point, the developer should obtain whatever funds are necessary and makes the decision to pay past due assessments and principal and interest, the foreclosure process ceases at that point. Ms. Barrow replied affirmatively, stated they would make sure all the legalities and the protections are in place for the District to ensure that, if the developer were later to breach an agreement on an ongoing basis, the District could reinstate the foreclosure. She confirmed that, once the District files an action, there is nothing that precludes them from taking it off the table.

A Resident asked who the foreclosure is on. Ms. Barrow explained the foreclosure is on the assessments; basically, for the non-payment of the assessments and the District would foreclose out on the interest of the owner and any subordinate interest holders on the lots that are burdened by the assessment. She said it is essentially an action against the property to pay the assessment. She confirmed it is an action against the developer, the off-roll assessments, and there are about five (5) entities that are owners under the developer's umbrella.

***\*\*\*Ms. Barrow left the meeting.\*\*\****

**THIRD ORDER OF BUSINESS**

**Discussion: Certificate of Deposit Account Registry Service (CDARS) Interest Rate Comparison as of 11/10/09**

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

Mr. Adams asked the Board to recall, a year ago, the District's money was being moved into the most secure investment vehicles possible, at that point it was US backed treasury vehicles, to ensure preservation of the District's cash, versus any potential yield. He indicated times have changed a little bit and Management is feeling a bit more comfortable with the Certificate of Deposit Account Registry Service (CDARS) program as an investment option. He explained CDARS is like one (1)-stop shopping for a portfolio of investing monies into CDs. The District would invest a lump sum amount, in this case it could be \$1 million or \$500,000,

during the course of a year, and request that they invest it into CDs with various maturity dates. He indicated it could be four (4)-week, 13-week, 26-week or 52-week, depending on the District's projected cash flow needs. He stated, with the CDs, there is a tendency to get a little better yield than through a treasury backed money market, which is where the District's money is now, earning a .01% - .02% yield.

Mr. Adams directed the Board to the CDARS Interest Rate Comparison as of 11/10/09, behind Tab 6, noting First National Bank of Central Florida seems to be the one (1) that is most prominent with their yields with a four (4)-week being .5% and a 52-week being up to a 1.65% return. He indicated, in the District's case, he does not see anything going 52-week, but felt the District's investments could be split up between four (4) and 26 weeks so the money needs are spread out, especially since the District will receive a flush of cash in December, when it receives the first round of assessment payments. He stated the District will want to be able to move that money into a vehicle that is protected, with the investments in any one CD being under \$250,000, so they have the FDIC insurance protection. He indicated he is looking at amounts probably \$50,000 to \$250,000 in the cash flow strategy. Mr. Adams stated the fee for the service is minimal, although he does not have the exact amount with him; it is made as part of the interest earnings of the investment with the bank. He said the amount on the comparison is the amount the District will make as its earnings. He added, the bank's ability to sell that to another investor or through a portfolio, the differential becomes the bank's earnings.

Mr. Brougham asked why are there five (5) banks listed on the comparison. Mr. Adams indicated Management called around and wanted the Board to see that Management was shopping this around to get the best rate for the District. He stated there was one (1) other bank that had much better rates, but upon further research, it was a bank that was only established, by name, a year ago and the significantly higher rates caught Management's attention as a bank that may be headed towards failing. Mr. Brougham asked what can the bank do that the District, or Jesse Jackson, Management's Financial Analyst, cannot do. Mr. Adams indicated CDARS puts the District's point of contact to one (1) person; in this case, Management is recommending First National Bank of Central Florida. Mr. Adams stated, they will take the monies and do the investment for the District into the multiple vehicles; they will track it and provide one (1) statement, versus Management dividing it up amongst numerous lending institutions or

investment vehicles and having to track those multiple investments on a routine basis and ensure we continue to remain under the \$250,000 FDIC insurance level.

Mr. Adams assured the Board that there are several other Districts already in or moving into the CDARS program. He stated Management sees it as a positive for the District and for Management that the Board puts that burden on one (1) group to do the investment for the District. Mr. Adams added that Management is not a licensed investor. A Board Member noted the District started this about a year ago and the #1 concern was ensuring the District's safety, rather than trying to get ¼% more and asked if that is still the objective. Mr. Adams stated it will be. He assured the Board the rates are relatively low and the bank must take into consideration that the District is a governmental entity and that these are collateralized investments, which typically reduces the amount of return. A Board Member stated, as long as they remain within the FDIC \$250,000, it does not really make a difference. Mr. Adams answered yes, in theory, that is a nice safety net, but there were runs on FDIC over the last year which were starting to create nervousness. Mr. Adams indicated the District, as a governmental entity, is required to have qualified public depositories holding its money and part of that qualification is that the bank collateralizes against all of the investment. Mr. Adams stated the District has a twofold protection. Mr. Slater asked if this is a "net-out" on the rates that are offered. Mr. Adams replied affirmatively.

Mr. Bruce Edwards, a resident, stated he recently saw some advertisement of Capital One online banking for savings accounts and wondered if the CDD could open a savings account there. He indicated Capital One was paying 1.7% and at the end of each quarter, they were adding another 10% onto the interest and it is FDIC insured. Mr. Brougham spoke of his own experience at Wachovia where he was told if you move money into a money market fund, which will give you 1.2% for 90 days and, after 90 days, it could go up or down. Mr. Adams stated he would be a bit concerned about the longevity and security of it. Mr. Adams stated the District must play in a different arena because it is dealing with public funds.

**On MOTION by Mr. Curland and seconded by Mr. Brougham, with all in favor of authorizing Staff to invest the District's surplus funds with First National Bank of Central Florida for investment into the CDARS Program.**

Mr. Brougham asked Mr. Adams if he could give the Board periodic reports. Mr. Adams indicated it will be on the balance sheet each month.

**FOURTH ORDER OF BUSINESS**

**Discussion: Mallard's Landing Issues**

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

Mr. Brougham turned the discussion over to Mr. Curland.

Mr. Curland indicated the concern that was raised in the email Mr. Martin Arh, a resident, wrote to him and was sent to all of the Supervisors; Mr. Curland stated he thought the issue of irrigation within Mallard's had been solved as a result of the effort they had put in on their behalf, in their own community and spent their own money to correct the situation. Mr. Curland said, based on this and talking to the President of the Mallard's HOA, he has found it is not true and assumes there has been discussion since the letter was distributed. He indicated he asked Mr. Vajen to be there today to talk about the issue.

Ms. Linda Whitehead, a resident of Mallard's Landing, introduced herself.

Mr. Curland asked Ms. Whitehead if there is an issue between the District, as a provider of irrigation to Mallard's Landing, and what is actually happening in her community. Ms. Whitehead replied yes, there is an issue. She stated Mallard's Landing is working very hard to figure out exactly where the problem is. She indicated they were to get irrigation waters last night, but, once again, nothing happened. She said the Mallard's Landing landscaper met with Mr. Vajen yesterday. Brief discussion ensued regarding whether the two (2) met or not.

Mr. Arh indicated quite a bit went on yesterday and they are working to get this solved. He stated his understanding was that the system was reprogrammed last night, but it does not appear that anything ran last night, so there might still be something between the satellite and the computer.

Mr. Vajen indicated he was drafting an email, but did not send it. He indicated yesterday, they were having intermittent problems, so he feels there is a satellite issue.

Mr. Brougham summarized this issue has been around for a couple of years and the Board has acknowledged that. They had some assessments made by Aquamatics of all the pressures and flow rates about two (2) years ago. He concluded there is, evidently, still a problem in Mallard's Landing that everyone would like to facilitate getting solved. He stated it looks like there are some efforts going on in conjunction that perhaps the District can monitor

and bring this to a conclusion. He stated there is a problem somewhere and they need to collectively find out where it is and get it solved.

Mr. Arh asked if the District did a year-long engineering study of its systems last year. Mr. Arh asked if the answer to that process that water is going out of the District's supply system. Mr. Brougham replied affirmatively, adding Aquamatics did the audit of each village intake to check flow rate and pressure and found them to be adequate and satisfactory, but there is some persistent problem at Mallard's Landing, and, to the extent that the District can have its staff and Mr. Vajen work with Mallard's to find out what is going on.

Mr. Vajen stated he went through the zones and continued to explain the wiring of the zones, how the zones run and concluded there is great pressure in the zones and it seems to be an internal problem with the clock.

Mr. Arh stated this is precisely the problem, the District has had this problem now going on five (5) years and this type of discussion is the issue. The problem continues being pushed from day to day. He indicated the Association has spent over \$50,000 on irrigation problems. He said he spoke to Ron Albeit last night and was told there is no issue, no problem and Mr. Albeit' people are doing everything they are supposed to do and there is no issue. Mr. Arh stated, except they do not get any water, they have not had any water for three (3) weeks and his grass in the rear is dead. In response to an inquiry, Mr. Arh said his address is 8499. Mr. Arh indicated simply, all of the CDD land gets lots of water, but Mallard's Landing gets no water.

Mr. Brougham acknowledged there is a problem and said he would like to have an in-depth report composed for the next meeting, under Mr. Albeit's auspices, with Mr. Vajen as technical help and Glen Fulker and a representative from Mallard's Landing, to make a complete analysis and recommendation as to what needs to be done, from a supply point of view. He would like to get the Board's agreement, if needed, to bring Aquamatics in, or another expert, that can come in to the Village and audit it and get it resolved. He said all the audits done to this point have not indicated a problem with the supply or pressure; there is still a suspect, because there is a computer interface to local controllers, there may be a culprit there, such as miswiring or a problem in the computer program.

Mr. Slater wondered if the Villages would want to hire Aquamatics. Mr. Arh indicated they have already hired a lot of people, completed engineering studies and spent a lot of money and the problem continues. He indicated everyone takes the money but does not fix the problem.

Mr. Brougham said he is working to get a solution. Mr. Arh stressed he wanted to be clear on how serious and lengthy the problem is. Mr. Brougham assured Mr. Arh that he has been clear. Mr. Arh indicated he is looking for a timeframe. Mr. Brougham said he will not give a timeframe until he gets a report next month identifying the problem.

Mr. Slater asked if water can be obtained manually. Mr. Fulker said it can be run manually and it is run manually all the time and it works okay. The suggestion was made that it be run manually until the Board gets the report, noting Mr. Arh wants a result now, and, since the District can give him water manually, give it now and then get the report and go on. Mr. Slater surmised, Mr. Arh has a point and the District has a point; the District does not know what the problem is and cannot solve it, but he would like it solved, so turn the water on. Mr. Fulker said, if only it were that simple. Mr. Slater asked why it is not that simple to turn the water on. Mr. Fulker said then you have to pay someone to go and turn it on and he does not want to pay someone to run something manually that should be automatic. He said the issue they are finding is there is something with the computer. Another speaker indicated it is an internal component and/or satellite problem.

Mr. Brougham called the meeting back to order. He asked if he can have a report within one (1) week or ten (10) days. Mr. Albeit indicated he would do the best he can. Mr. Brougham said, once he gets the report, he would personally deliver it to Mr. Arh and the Board. He said he wants an action plan so the District can get this problem behind them.

Mr. Fred Verinder, a resident of Bellagio, indicated they have the same problem. He explained work that was done with Aquamatics and still, they had no water. He asked if Bellagio could be incorporated into the review. Mr. Brougham said he had no problem with that.

A resident of Mulberry indicated they have the same problem. Mr. Brougham said in Mulberry, they control their own timers; all the District does is push the water. Mr. Vajen said he went out and inspected a sprinkler at 7782 Mulberry and there is an internal restriction before the tie in to their unit. He asked whose responsibility is it to clean the line that supplies the water. Mr. Brougham said when the CDD began supplying water to Mulberry, it was responsible for the costs of putting the main down to the street and each homeowner was then responsible for the cost of hooking up to that main and, from there on, as long as there is pressure in that line, the resident has responsibility from the connection to the street, on in, it is not the CDD's responsibility. Mr. Vajen clarified the block is in the CDD pipe. Mr. Brougham

stated then the District needs to clean it. Mr. Adams indicated the CDD would retain someone like Aquamatics to make the repair.

**\*\*\*The meeting recessed at 8:30 a.m.\*\*\***

**\*\*\*The meeting reconvened at 8:46 a.m.\*\*\***

Mr. Adams noted, for the record, that all Supervisors were still present.

**FIFTH ORDER OF BUSINESS**

**Continued Discussion/Consideration:  
Award of Access Control Services  
Contract**

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

Mr. Brougham said he thinks all the Board Members and hopefully, some others, have received a lot of emails regarding this. He said Mr. Adams put "key points" of the issue in the Agenda packet. He said, in his opinion, what it boils down to is the bid packages were provided to seven (7) potential bidders. He continued stating two (2) of those submitted proposals, Fiddler's Creek Foundation and Allegiance Security and others chose not to bid. He said the issue at hand is the District basically has two (2) choices; award the contract to Fiddler's Creek Foundation, in concurrence with CDD #2 and, if that is not the case the Board must vote to reject all bids because the bid proposals were as one District and a split contract cannot be awarded. It was bid as one (1) bid, so it has to be awarded as one (1). He said unless CDD #1 votes to award the contract to Fiddler's Creek Foundation, as did CDD #2, the District has no choice but to reject all bids. With that in mind, Mr. Brougham stated his intent to make a motion to award the security contract to Fiddler's Creek Foundation and Mr. Robertson seconded the motion.

Mr. Brougham opened the floor to discussion.

Mr. Slater said last month, when he said he needed to see the bid package that was sent out and the responses that came in from both companies, he had not seen them. He said he received them and went through them and still had two (2) concerns that he sent out and wanted to hear from the lawyer: 1) did the District have a legal bid package sent out and 2) on the responses, were they in compliance. He indicated, no matter what was said last month, when he read them, he still thinks the District's bid package may have been flawed.

Mr. Zampogna said, pursuant to Florida statute, access control is not one of the things that needs to be bid out; however, the District's rules indicate otherwise. Per the rules, the bid

proposals that were sent out are in compliance with those rules. There were slight variations in the definitional area from the rules, in the bid package, but other than that, it is legally sufficient.

Mr. Zampogna confirmed the bid responses were also in compliance. He said you look at the most responsive responsible bidder and the responses that were received were in compliance.

Mr. Slater said over the period of the last month, he received 21 email messages that were 20-1 in favor of staying with Fiddler's Creek Foundation. He said he also received 76 individual signatures of people from Fiddler's Creek wanting to stay with Fiddler's Creek Foundation. He indicated, from his perspective, he is satisfied with what he saw and said he was sorry the Board had to postpone it for a month, but he wanted to read it and wanted to get a legal opinion before he voted.

Mr. Robertson said, as he sees it, they have two (2) choices; either go with the Foundation or not, which then requires the District to rebid the entire package at a considerable time delay and asked if that also had some cost to it. Mr. Brougham said there are some costs to re-advertise.

Mr. Brougham clarified, if it were the decision of the Board to reject all bids, then he would only propose, to the Board, the question of what substantial changes would be made in the bid proposal from what was sent out originally; if the District is going to rebid, potentially there will be the same bidders responding and it would be identical to what the Board saw the first time.

Mr. Schutt said he had a lot of comments. He said he would first like to clear up a point that arose as a result of his comments last month. He said, after that meeting, he was informed that at least one (1) member of the CDD #2 Board expressed his concern and raised the question to a resident or residents as to the legality of Mr. Schutt having contacted Wackenhut, who was a security service provider that chose not to bid to inquire why they had chosen not to bid. He said because in April of this year, he was a carbon copy holder of an email that was sent to Mr. Curland from a Wackenhut representative where they introduced themselves and expressed desire to partner with the development, find out its needs and help them develop a security program. Mr. Schutt said the District inherited the security program. He said he did not respond to the email in April because he did not know he had a CDD email address until September. He indicated he did not respond at that time either, but on October 26<sup>th</sup>, he found out they had two (2) bidders on the contract and that Wackenhut was not one (1) of them. He said he was curious

as to why, after taking the time to contact the Board, chose not to bid. Mr. Schutt said the response back was "Mr. Schutt, Thank you for taking time to respond. We decided against bidding on the opportunity based on our review of the Request for Bid. The decision was based on interpretation of the request, which appeared designed around specifications geared toward staying in-house. The request for a non-billable Patrol Supervisor, 45 hours per week, and the requirement to have the Supervisor meet the qualifications K-9 certified, although no canine services are provided, leads us to this interpretation. Although we were eager, with anticipation of the bid opening, we were disappointed, after reviewing the opportunity. We would welcome the opportunity to provide a proposal for services highlighting what we can do for Fiddler's Creek; however, the specifications contained in this RFP were extremely narrow and did not allow for recommendations on cost savings and improvements". Mr. Schutt surmised that at least one (1) member of the CDD #2 Board felt it was illegal of him to have talked to Wackenhut to find out why they did not bid. Mr. Schutt said he spoke to District Counsel, who said he had done nothing wrong, illegal, improper or at all wrong in doing this.

Mr. Schutt said he would like to see someone like Wackenhut, or some other professional, come in and tell the CDD what it needs. He said, personally, he does not think the CDD needs everything it has and is paying about ¼ of the District's budget, about \$500,000, for security.

Mr. Schutt indicated, since the last meeting, the Board received copies of the bid specs and he is convinced that the bid specs are biased toward the internal provider. He said included in the bid request is the requirement for K-9 training, which was discussed at the last meeting, and agreed that it was unnecessary. He said also included in the request was the requirement to include 45 hours of non-billable supervisory time. He wondered how the District can ask a contractor to give it thousands of dollars worth of supervisory time at no cost. He speculated the reason it is not in the Foundation's bid is because Mike Charbonneau's salary is paid by the Foundation, it is not in the bid proposal; however, it is still coming out of the same pockets, as the District pays the Foundation fees, so the total cost of the bid from the Foundation is not the bid, rather, it is the bid plus Mr. Charbonneau's salary plus, in addition, since the money that the CDD pays the Foundation for security goes into the general revenues of the Foundation, there is an additional 3½% tacked on as a Gulf Bay management fee on gross revenues, so the total

difference between the Foundation bid and the second bid is closer to \$200,000, as opposed to \$100,000.

Mr. Schutt spoke of Allegiance Security's qualifications and said the reason for Staff rejecting the Allegiance bid was "Allegiance Security submittal is deemed to be financially irresponsible due to being excessively low, 26% under the existing contract level". Mr. Schutt said calling it irresponsible because it was the low bid seems to be irresponsible. He said this Board is supposed to take the lowest responsive and responsible bid, so the minute Staff calls a bid irresponsible, it eliminates it from the competition and there were only two (2) bids. He said the Board did the same thing the last time, there were three (3) bids, Allegiance was one of them and another and both of those were rejected also. Mr. Schutt said their job, as a Board, is not to just continue to give contracts to the people they know; the reason they have responsive and responsible is to keep boards from having backyard deals, giving contracts to friends and etc. He said you can play that game when you are a private business, but when you are spending the public's money, there are certain rules saying you need a bid process, the bids have to be such and such and opened publically in order to keep boards from playing games with the bids.

Mr. Schutt indicated the bid specs said the minimum wage you pay people has to be \$10 per hour, if this bid was irresponsible and they bid \$15.60 and the District wanted to pay them \$15 or \$20, then that should have been in the specs, the package invited bidders to bid as low as \$10, plus whatever costs were in there. He said the Foundation bid \$20. He indicated the Bureau of Labor Statistics says, in Florida, the mean average hourly rate is \$10.86, so at \$20, the CDD is in about the 95<sup>th</sup> percentile. Mr. Schutt recommended rejecting both bids and clean up the bid spec and go back out for bids.

Mr. Brougham thanked Mr. Schutt.

Mr. Schutt indicated he was not finished.

Mr. Brougham said he would allow Mr. Schutt to speak, but asked if he could read faster.

Mr. Schutt asked if he had to put up with all of the harassment.

Mr. Schutt said he will end quickly, but found it interesting that the Board could not spend 20 minutes discussing a \$500,000 bid, stating it reminds him of the Peter Principal.

Mr. Schutt indicated the Board should reject both bids, level the playing field with an unbiased bid spec and go out for new bids. He concluded it would be irresponsible to do anything else, as far as he is concerned; however, if the Board awards the security contract to the

Foundation, based upon this bid spec, then forevermore, cut out the farce. He said the bid process for the security contract is a farce; it is dishonest to ask people to bid on a contract that they have absolutely no chance of getting. He said if the District wants to give Mr. Charbonneau life tenure here, that is fine; he has no grievance against the people doing the security, but the Board's job is to give the job to the lowest responsive and responsible firm and Allegiance is one that certainly fits those qualifications.

Mr. Schutt suggested, if the District is going to give the bid to the Foundation, cut the baloney and give them a lifetime contract; however, then have a referendum of all the taxpayers and get them to vote on whether they want to pay an extra \$200,000 for the security contract.

Mr. Curland said his biggest concern is not who gets the contract but it is the fact that the detailed bid specifications, in Section 6 of the bid package, which the attorney said meets the criteria, from a legality standpoint, but from a quality of content standpoint, it does not meet the test of quality. He identified a few items in the bid specs that are unreasonable, such as inspecting unoccupied structures, including homes, twice during each shift, for a total of about six (6) times per day. He also spoke of specifications for employee review with no criteria listed, uniform requirements, such as neckties and patent leather shoes. Mr. Curland concluded that there are numerous items in the bid specs that are either contradictory or absent from the Post Orders.

Mr. Brougham opened the floor to audience comments and asked the speakers to be brief.

Mr. Robertson indicated he is in favor of having the Foundation continue to be the contractor, citing the District's previous experience with OneSource and TruGreen, where the contracts were awarded to a bidder who bid an excessively low contract and the District then spent a year fighting the contractor.

Mr. Schutt interjected that is the same thing, let us give the contracts to someone we know. He surmised the District does not need a Board to do that, what is needed is five (5) rubber stamps.

Mr. Brougham reiterated the desire to open the floor to audience comments.

Mr. Bill Hays, a resident, asked if there was room for compromise or negotiation.

Mr. Albeit said these are pass-through expenses.

Mr. Brougham clarified that the bid cannot be altered and Mr. Albeit concurred.

Mr. Dave Yates, a resident, appealed to the Board to consider the Allegiance Security contract. He stated, as Vice President of the HOA of Mulberry Row, he felt it is his fiduciary responsibility to ask the Board to look strictly at the numbers, of all things being considered in the package, and concluded that \$100,000 is a lot of money. He noted, if it was not used, that \$100,000 could go into the District's reserves, which would be a good thing. Mr. Yates spoke of his own business experience and speculated that Allegiance may be low-balling it, just to get in, but they are a very well financed, very large corporation, much larger than the Foundation. He concluded restating his plea that the Board rebid the contract.

Mr. Bruce Edwards, a resident, likened the bid process to Chicago politics, noting when one (1) bidder has a 90% feeling they are going to be awarded the contract, they are not going to be competitive. He stated he felt it obscene that the District spends \$500,000 on security and yet, when Whisper Trace was built, it has no fence at all, and anyone could enter. The Board does not seem to be concerned about saving money. He stated sometimes bringing in someone new is a good idea because people that are too comfortable or familiar and know they are going to get the bid, are not going to give a competitive bid. He felt if the Foundation was not so sure they were not going to get the contract, they might have come down on their bid.

Mr. Garrett Messmaker, a resident and a community HOA President, spoke in favor of the current security company, stating he feels they have done an excellent job. He indicated they are a professional security organization. Given the economic times and unemployment, he felt the CDD would not want to go to minimum wage security officers who are going through a security corporation on a routine basis. He suggested that a company such as Allegiance would have much higher turnover than the Foundation.

Mr. Jesse Fritz, a resident and President of Montreauxx, commended the Board. He stated, as a homeowner, his first concern is security. He asked how many "break and entries" there have been during the last year. He spoke of a neighboring community that uses an outside security company and had 14 unsolved incidents. He indicated he feels the current company is family and the District shouldn't change it.

Mr. Jim Mayer, a resident, voiced his concurrence with previous speakers indicating his concern for security and his satisfaction with the current security.

Mr. Ohye, a resident, stated his support for high level security and not going with the low bidder. He indicated, given the economic times, there are a lot of renters, so the CDD needs visible security that know the place and know the people and will keep them safe.

Mr. Fulker, Cardinal Management, felt making a change would be a logistical nightmare. He noted loyalty and institutional knowledge with the current company. He stated the CDD's Post Orders are much more complicated than most communities. For this year, he suggested it might be best to award the contract to the current company, fix the bid package and then, for the next budget, get some competitive bids and do interviews. He offered that \$10 and \$15 per hour guards have high turnover.

Mr. Bob Hype, a resident, said his concern is that the District put together some kind of guideline as to what the expectation is for the security force. He said he never sees the roving patrols get out of their cars, he wondered what they do. He indicated without guidelines, it seems rather nebulous as to what the expectations are. Mr. Brougham said the District attempted that and maybe it falls short in the Post Orders and maybe those need to be expanded.

Mr. Mike Joyce, a resident, voiced his support for the roving patrols, stating he and his son have received notices, so he feels they are doing their job and doing an outstanding job. He said 90% of the people he talked to are satisfied with security and asked why go to the lowest bidder. He said he likes the familiarity of the current company. He stated he is here because he likes the foliage, likes the money being spent on the fountains that makes the community gorgeous and likes the security. He voiced his disbelief that there is discussion over \$100,000 when that amount divided between all the homeowners amounts to about \$50 per year. He said most people love it there and there are only a few who are causing a "ruckus".

Mr. Correia, a resident and CDD #2 Board Member, indicated he felt the need to address Mr. Schutt. He said he is the person who had a concern at the last meeting where Mr. Schutt said he called Wackenhut. Mr. Correia said he spoke to Mr. Adams, Mr. Pires, Mr. Albeit and Ms. Smith and used the word illegal. He spoke of his business experience and stated the requirements that are put in place to make sure that people do not inadvertently establish a relationship with a vendor is very strict. He indicated Mr. Schutt is from Chicago and stated he was sure the word "kickbacks" are part of the discussion all the time. He wondered can you imagine if all of the Board Members from both Boards were allowed, on their own, to have dialogue with a vendor or potential vendor. He said that sounded illegal. He suggested, in his

work experience, if that happened, you would be fired on the spot, just because it creates an impression. Mr. Correia spoke of the quality of the current security, versus other options, to save money. Mr. Correia stated that one (1) of the consequences is that while it is not illegal, it is improper and Mr. Pires will be creating a paragraph that is the guideline the Boards will use, indicating that if anyone has a concern, they will meet the vendor as a Board, not individually.

Mr. Schutt reiterated that, when he spoke to Mr. Pires, he was told his actions were not only not illegal, but also not improper.

**On MOTION by Mr. Brougham and seconded by Mr. Robertson, with Mr. Curland and Mr. Slater in favor of, and Mr. Schutt dissenting, awarding the Access Control Services Contract to Fiddler's Creek Foundation. (Motion passed 4-1)**

Mr. Brougham voiced his appreciation for the community input.

Mr. Brougham indicated, with the Board's consent, he would like Mr. Adams to set up a workshop, a few months out, between both CDD Boards so they can specifically go through their Rules and Procedures and make any modifications deemed appropriate in terms of how they conduct themselves as Districts and as Board Members. He said they also need to take the Post Orders, security bid package, landscape bid package and resolve the issues concerning leveling the playing field. Mr. Adams suggested including review of all bid packages into the workshop. There was a majority consensus.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2010-1, Adopting the Amended Post Orders of the District**

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

Mr. Brougham indicated there have been a lot of changes sent to Staff and there have been some additional changes since yesterday.

Mr. Brougham asked Mr. Adams to re-review them, take out anything that is specific to Fiddler's Creek Foundation Security and make it a generic set of Post Orders that could be followed by anyone.

Brief discussion ensued regarding implementation.

This item was deferred to the next meeting.

Mr. Curland read into the record a recommendation he received from Pat Schiavo, whose modified Option #4, is what the District based the whole gate issue on. He indicated the issue is which of the commercial vehicles are to be redirected from the Championship gate to the Sandpiper gate. He also noted that people were not told, if you come in the Sandpiper gate, go out the Sandpiper gate. Mr. Adams confirmed the need for additional direction from the Board regarding those items. Mr. Adams said the definition of a construction/commercial vehicle is on Page 8 and was modified to include landscape vehicles, pool and other large daily service vehicles. He said the part that was not discussed was what is being done with food and beverage deliveries to the Club and Spa and the Rookery. He said Mr. Albeit has no problem with those going to the Sandpiper gate. He stated that item will be struck and this will be included as a construction/commercial vehicle definition, as well. Mr. Adams indicated the other item that was suggested, but that has never been done, is to require a service/commercial/construction vehicle to exit the same gate in which it entered. Mr. Adams said Mr. Albeit is researching the technology and ability to do that. Mr. Adams felt, from a practical implementation perspective, there are some issues and gave an example of a landscaper coming in through Sandpiper as required and his last stop of the day is nearer to a different gate, then this would force him to backtrack all the way though the community just to exit at the same gate he entered, rather than quickly exit the community at the closest gate.

Mr. Brougham reminded the audience that the floor will be opened to questions by himself, as the Chair, and stated outbursts by everyone will not get the business done.

Mr. Adams stated he brought this matter up because during discussions at the last meeting, he felt there was interest in trying to keep the traffic flow in the community to a minimum.

Mr. Albeit briefly discussed the technology and ability to do this. Discussion ensued regarding the pros and cons of requiring those vehicles to exit the same gate they entered, or allowing them to exit from the nearest gate.

Mr. Brougham asked Mr. Albeit when he anticipates getting the specifics on restricting access. Mr. Albeit said he needed clarification on vehicles coming in Sandpiper and if all of those vehicles had to exit via Sandpiper or if it was just the trucks and etc. Mr. Albeit asked how they would differentiate the size of the vehicles. Mr. Brougham indicated before making a

decision, the Board needs to know if it is attainable to enforce. Mr. Brougham said he felt the intent was to limit activity at the gate at Championship to residents, guests and credentialed people.

Mr. Brougham asked if this item could be tabled.

Mr. Adams suggested doing this in two (2) phases; monitor the exiting traffic after implementing Option #4 and then see if there is a significant issue that needs to be addressed or is it only a minor issue.

Mr. Schutt said in the Post Orders and the changes received, it talks about construction vehicles and equipment and says all construction vehicles arriving at the Championship Drive gate or the Main gate shall be redirected to the Sandpiper Drive gate. He noted it does not talk about commercial vehicles. He continued stating according to the Post Orders, box trucks and tractor trailers delivering furniture, other household items and/or construction materials to be delivered to existing residents or food and beverage deliveries to The Club and Spa and The Rookery are not construction vehicles. He questioned, so these are not construction vehicles and the Board has only talked about directing construction vehicles to the Sandpiper gate. He noted Ms. Schiavo's proposed change labels them, instead of construction vehicles and equipment, as large commercial vehicles, construction vehicles and equipment. Mr. Schutt said, for purposes of the Post Orders, large commercial vehicles are defined as box trucks, tractor trailers delivering items to households. Construction vehicles are defined as any vehicle or motorized equipment normally associated with new construction and etc. All large commercial vehicles and construction vehicles arriving at the Championship Drive gate or Main gate should be redirected to enter and exit through the Sandpiper Drive gate. Mr. Schutt stated that is what the Board agreed to when it adopted Option #4. Mr. Schutt's point was to draw attention to the fact that the Post Orders do not address what was agreed to with Option #4, so the Post Orders need to be changed to read the same.

Mr. Brougham reminded the Board that, earlier in the meeting, they agreed to make the Post Orders inclusive of all changes and review it and adopt it at the next meeting.

Mr. Brougham asked Mr. Charbonneau, at the present time, where the delivery vehicles are being directed if they show up at the Main or Championship gates. Mr. Charbonneau said if they arrive at the Main gate, they are accessed accordingly. Mr. Brougham clarified he is asking about the food delivery, heavy construction vehicles, big landscape and box trucks and etc., are

going. Mr. Charbonneau responded they are going to Sandpiper. Mr. Brougham asked what if a plumber comes to Championship. Mr. Charbonneau said they are given a map and told the gate will be unmanned in the future, so they need to get into the habit of entering and exiting via Sandpiper. Mr. Brougham added "and the Main gate". Mr. Brougham summarized, as we speak, security is implementing the change that was voted on last month.

Mr. Brougham stated he felt the CDD needs to get the Post Orders "up to speed" as the Board has made a lot of changes and is still making changes; that is why he thinks they need to take some time and get all the changes in there and do it next month. He said he wants to be clear, as a Board, to the security forces as to what they should be doing, irrespective of whether it shows up in the Post Orders. He said the only change he heard today that the Board needs to discuss is will the District be able to restrict the exiting process of these vehicles to the same gate they came in or restrict them from leaving through Championship gate. He concluded they want to decide that on a basis when there is input on whether the technology can support that.

Mr. Brougham stated Mr. Schutt's concern is valid about Security operating on Post Orders that are out of date. He confirmed that is a problem and it is going to be fixed; rather than adopting them today and needing to change them again, he would prefer to get all the changes and adopt them next month.

- **Fiddler's Creek Traffic Implementation Action Plan**

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

Mr. Brougham asked if everyone had the transition plan.

Mr. Adams indicated the Fiddler's Creek Traffic Implementation Action Plan was prepared by Mr. Albeit and Mr. Charbonneau and asked Mr. Albeit to review the timeline for implementation.

Mr. Albeit indicated they started discussions rather quickly, after the decisions were made. He noted all of the CDD's vendors and all of The Rookery's vendors have been contacted and are already starting to direct their traffic to the Sandpiper gate. He said he is informing all of the residents' service vehicles that they need to start getting alerted to use the appropriate gate. He indicated the technology was requested and said there is a bid in the packet to review. He stated the technology to expand the services at the Sandpiper gate; however, right now they have passed inspection and the gate arms are up, so, effective today, they could open the gates for residents use only, in and out, through Sandpiper, through the one (1) lane, without any

additional purchase. He indicated there is a reader there and as soon as it is fixed, visitors can go in and out of Sandpiper gate without it being manned. Mr. Brougham stated, as of today, residents can come in and out, 24/7 and asked if Security needs approval of that. Mr. Albeit confirmed approval is needed because, right now, after 6:00 p.m., the outer gates have been locked. He needs approval to unlock those gates after 6:00 p.m., and on Sundays.

**On MOTION by Mr. Brougham and seconded by Mr. Slater, with Mr. Curland and Mr. Schutt in favor of, and Mr. Robertson dissenting, allowing 24/7 ingress and egress through Sandpiper gate to all residents with clickers. (Motion passed 4-1)**

Mr. Robertson said the issue is Sandpiper security and the Board is saying unman the gate, the gates being manned 6:00 a.m., to 6:00 p.m., six (6) days per week. He said the issue is not during the daytime hours when it is unmanned, but the nighttime, when the gate is unmanned, it needs to be locked for safety and security. Mr. Brougham said the Board just voted not to do that.

Mr. Albeit indicated the signage is in the packet for review. About signage, Mr. Brougham indicated some work needs to be done on Sign #1, regarding the wording as it is difficult to read. It was agreed that the signage needs to be out as soon as possible. It was suggested that Sign #1, to be located at Championship gate, just say "Access only with valid credentials". A Board Member suggested also including the sign in Spanish. That suggestion was not approved. Mr. Albeit asked if all of the other signs were okay. The Board replied affirmatively.

Mr. Albeit then spoke of upgrades at the Sandpiper gate as the entrance is expanded. It is currently one (1) lane in and one (1) lane out, but has the capability of being expanded to four (4) lanes, two (2) in and two (2) out. He indicated a lane would be for members only and the other would be for visitors and guests. He reviewed the TEM Systems, Inc., Proposal, noting it is for either one (1) 20' gate or two (2) 10' gates on each side. The pros and cons between a 20' on each side or two (2) 10' gates on each side were discussed. Mr. Brougham asked Mr. Adams who finances this, is it CDD #1 or CDD #2. Mr. Adams said it is a capital expense that can be run through Fiddler's Creek CDD #2 for the bond issue.

**On MOTION by Mr. Brougham and seconded by Mr. Curland, with all in favor of approving the TEM Systems, Inc., Proposal for installation of four (4) 10' gate arms, as proposed, at a cost not to exceed \$18,194.40.**

Mr. Albeit asked about approval of the signage. Brief discussion ensued regarding where the Championship sign would be located.

**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor of approving the Lykins Proposal for signage, as presented and with the revision to Sign #1, as previously stated, at a cost not to exceed \$7,000.**

Mr. Albeit indicated they would announce today that the gate is open on the outside 24/7 only to residents and once the readers come in, it will be open to visitors. He said, regarding unmanning Championship gate, the proposal has a target date of January 4<sup>th</sup> and that would give transition time to make sure everyone is aware. Mr. Brougham felt the sentiment is that everyone wants it done as quickly as possible.

Mr. Albeit presented the Bentley Electric Co., proposal for the electric work for the gate arms and asked for the Board's consideration of this expense.

**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor of approving the Bentley Electric Co., Proposal for electrical work related to the gate installations, as presented, at a cost not to exceed \$5,900.**

Mr. Adams asked for a motion to approve the Fiddler's Creek Traffic Implementation Action Plan, as discussed, including the dates in the Implementation Timeline.

**On MOTION by Mr. Curland and seconded by Mr. Schutt, with all in favor of approving the Fiddler's Creek Traffic Implementation Action Plan, as presented and discussed, including the dates in the Implementation Timeline.**

**SEVENTH ORDER OF BUSINESS**

**Discussion/Consideration: Replacement of Security Vehicle**

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

Mr. Brougham indicated this item relates to the replacement of the security vehicle, which is currently three (3) years old. He referred to the data located behind Tab 5, provided by Mr. Adams, noting no recommendation was provided by Staff.

Mr. Brougham stated there are three (3) vehicles quoted; a Crown Victoria at \$23,200, a Ford Taurus at \$21,700 and a Ford Fusion at \$17,400.

Mr. Brougham asked for comments from the Board.

Mr. Schutt indicated he feels the District does not need a police interceptor, a V-8 engine car that can go 150 miles per hour (mph) in a 35 mph speed limit area. He said he understands they have had police interceptors and it is an image thing, where people see it and feel secure. Mr. Brougham asked Mr. Schutt what his recommendation is. Mr. Schutt said to take the cheapest vehicle.

Mr. Curland said he found it difficult to decide, as he would like to see the cost to operate each. Mr. Adams indicated the Board went through that in great detail last year. A Fiddler's Creek CDD #2 Board Member recalled discussions last year about approving the Crown Victoria and then delaying the plan. Mr. Adams indicated, since that was over a year ago, he thought he would bring the whole issue up again. Mr. Brougham indicated Fiddler's Creek CDD #2 would need to concur with whatever CDD #1 decided.

Mr. Adams reflected on the comparison analysis from last year that included capital, fuel, repairs and maintenance and said the expense on the Crown Victoria ran about 17¢ per mile, annual cost in the \$18,000 to \$19,000 range; the midsize vehicle was running in the \$16,000 range and about 15¢ per mile and the small vehicle ran in the \$13,000 to 14,000 range and at about 12¢ per mile. He said, even with different gas prices, the cost is relative to the vehicles. He recalled the main thing the Board spoke about was the longevity of the vehicle and recognizing the mileage put on it and will it get the District the full two (2) years.

Discussion ensued regarding the mileage abilities and Mr. Adams asked Mr. Charbonneau how much mileage they incurred per year. Mr. Adams asked and Mr. Charbonneau confirmed 80,000 to 100,000, concluding the vehicle can be in the 150,000 to 175,000 range for the life expectancy.

Mr. Slater voiced his support for the Taurus on the theory of throwing out the high and low and going with the one in the middle.

Mr. Robertson said the real issue is not trying to scrimp, up front, on a smaller car; rather, what is the reliability and longevity of the vehicle. He noted, from the District's own experience, the Crown Victoria has proven to be a reliable vehicle; it has been driven for 208,000 miles.

Mr. Brougham asked Mr. Charbonneau what his recommendation is. Mr. Charbonneau voiced his support of the Crown Victoria.

Mr. Brougham agreed with Mr. Slater in trying to find middle ground and felt the CDD did not really need a police interceptor.

The Fiddler's Creek CDD #2 Board Members voiced their preferences.

**On MOTION by Mr. Schutt and seconded by Mr. Slater, with Mr. Brougham and Mr. Curland in favor of, and Mr. Robertson dissenting, approving the purchase of the Ford Taurus for a cost of \$21,700. (Motion passed 4-1)**

**EIGHTH ORDER OF BUSINESS**

**Approval of October 28, 2009 Regular Meeting Minutes**

Mr. Adams presented the October 28, 2009 Regular Meeting Minutes and asked if there were any additions, corrections or deletions. The following changes were requested:

Line 33: Change "Rhoda" to "Rhona"

**On MOTION by Mr. Slater and seconded by Mr. Brougham, with all in favor of approving the September 23, 2009 Regular Meeting Minutes, as amended.**

**NINTH ORDER OF BUSINESS**

**Other Business**

Mr. Adams referred to a sheet that Mr. Cole put together listing additional work remaining out of bond issues. He indicated this work was approved by the bondholders and the work is "good to go".

Mr. Vajen indicated Mr. Zachs called him and behind his house, the lake managers had eradicated beneficials by eliminating weeds and he would like to see that replanted. Mr. Brougham agreed and suggested some sort of censure.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**a. Attorney**

Mr. Brougham asked Mr. Zampogna to comment on the lawsuit. Mr. Zampogna indicated District Counsel filed a motion to dismiss, there has been a memo in opposition to that motion to dismiss, but the motion has not been set for hearing. Mr. Brougham summarized the matter is status quo.

**b. Engineer**

Mr. Cole passed out one (1) pay draw for the last month for approximately \$13,000, for work related to the Belle Meade grade clearing. He indicated they will be continuing that work; there has been a squelched amount of work done because of awaiting the bondholders' decision. He stated he was glad to hear they can move forward on that work.

Regarding the sidewalk connections on Championship Drive, Mr. Cole indicated there was discussion about what type of signs. He stated the cost of a decorative sign, as is prevalent in the community, is approximately \$1,100, with a sign base on each accounting for about \$500 of that \$1,100 cost. He estimated, in order to be up to code, the CDD will need about 12 -15 of these signs. Mr. Brougham asked about the possibility of eliminating the \$500 decorative base from the signposts. Discussion ensued and Mr. Brougham voiced his support for elimination of the decorative base. Upon request, Mr. Cole said he would try to get pictures of the sign with and without the decorative base, for presentation and review by the PRC.

It was asked and confirmed that the crosswalk cuts and the signage costs will come from the two (2) bond issues, not operation and maintenance. Mr. Cole mentioned that the \$65,000 is the conservative, worst-case cost, with the full signpost, so it could be less. Mr. Brougham asked if they have the permits and if construction can start. Mr. Cole said he would rather wait and have it all be decided because it will happen quickly, the signs need to be in place.

Mr. Cole recalled a question last month about reflectors being put at the end of Championship Drive where it intersects with Fiddler's Creek Parkway. He indicated they are not there, but they can be put there for a very inexpensive cost because it is behind a guard rail where

there is a hedge. He said there would be no purpose in putting a decorative sign and they could put the reflectors in with a regular sign post, so these signs would cost about \$110 each. He suggested including that with this project and put them in without decorative signs.

Mr. Slater said he noticed at night, when you come into Fiddler's Creek Parkway, coming south, there is very little light after 10:00 p.m.; the lights are turned off. He said the other night, he was going out and someone made a left-hand turn in front of an oncoming truck because he didn't see it. He feels a light needs to be installed. Mr. Brougham asked Mr. Cole if the county or state should be responsible for putting a divided highway sign on an egress to it. Mr. Brougham clarified when you leave that exit, there is nothing indicating that Highway 951 is a divided highway. Mr. Cole said he will check on it, but felt it is something the CDD would add because it is still on the median as the driver turns left. Mr. Slater reiterated his concern that there is no light at night at that intersection. Mr. Cole noted there are lighting standards required at project entrances; if possible, those lights should be left on when the others are turned off. Discussion continued regarding what lights and signs are illuminated at night. Mr. Brougham indicated Mr. Cole would give the Board options on the matter.

**c. Manager**

**i. Unaudited Financial Statements as of October 31, 2009**

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2009 and confirmed the September 30, 2009 financials will be included in the December Agenda package.

Mr. Brougham asked why, on the combined balance sheet, Management cannot net the due to and from. Mr. Adams indicated Management must show both. Mr. Brougham asked what deferred revenue is. Mr. Adams said in this case it is monies due from the developer.

**ii. NEXT MEETING DATE: December 16, 2009 at 8:00 A.M.**

The next meeting is December 16, 2009 at 8:00 a.m., at this location.

**d. Operations Manager**

Ms. Crismond reported that Management, along with LakeMasters and Supervisor DiNardo, of CDD #2, toured the lakes on November 10<sup>th</sup>. She noted there were some issues with water lily in an area that the county has failed to maintain. Management contacted Jeff Morrow, Supervisor of Vegetation Management and they have scheduled a treatment plan to commence this week.

Ms. Crismond indicated the canopy tree trimming continues; one (1) part was completed yesterday and the remainder should be completed before Thanksgiving. She reported that pressure cleaning continues. A Board Member asked how much the CDD is paying for pressure cleaning. Ms. Crismond said she believed the total project was \$11,000. She noted painting of the street lights continues. She referred the Board to the Patrol Services statistics on the Field Operations Monthly Report.

Mr. Brougham asked how the tree trimming is coming with regard to quality. Ms. Crismond indicated the quality is excellent, there have been no issues with the county, architects and everything is good.

On behalf of the residents of Deer Crossing, a speaker thanked Ms. Crismond and the Board for the tree trimming along Championship.

**ELEVENTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors’**

Mr. Bruce Edwards, a resident, spoke of security and noted there are no fences behind two (2) of the buildings at Whisper Trace or the Port of Prince community; meaning security is not as good at Port of Prince as it is Mahogany Bend and Bellagio. Mr. Brougham acknowledged Mr. Edwards’ concern and asked Mr. Cole why this is and what can be done about it. Mr. Cole said he will look into the site-plan done years ago; he said his first reaction is there is reserve area between Whisper Trace and Port of Prince and a fence could not be put there because it is a preserve. Again, Mr. Edwards asked about the area behind the two (2) buildings at Whisper Trace and Mr. Cole reiterated that he will need to look at the site plans, as it has been at least 12 years since the tract was designed. He confirmed if this is a preserve area, then a wall cannot be put up there. Mr. Brougham asked Mr. Cole, if, after his inspection, a wall can be put up, could he provide prices to the Board next month. Mr. Cole replied affirmatively.

Ms. Linda Whitehead, a resident, respectfully requested the Board to revisit the entrances to Mallard’s Landing. She indicated there are issues with safety when driving out onto Fiddler’s Creek Parkway because the macho ferns are so tall. She noted they were cut back, which helped, but wanted to request that the Board pay for removing part of the macho fern away from the street and installing sod. She concluded that would be a quick fix and take care of the safety issue. Mr. Brougham said he considered that reasonable and asked Ms. Crismond to work with

the landscaper and revisit this and work with Ms. Whitehead to see how far back to remove them. Mr. Brougham asked for the Boards concurrence to authorize him to approve this, if the expense is less than \$1,000. The Board replied affirmatively.

Ms. Whitehead mentioned an area around the other entrance where viburnum is blocking the view. She said they would like to remove the viburnum to increase the visibility and put sod in. Mr. Brougham suggested incorporating that with the other work, as it should not be major dollars.

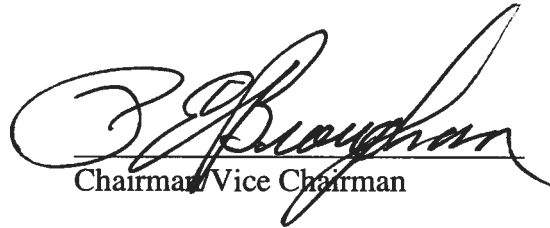
Mr. Bob Highfield, a resident, said his condominium is next to the guardhouse and the gates at Championship Drive. He mentioned that people coming in are being given bar codes, which also allow them to go out. He asked how long those barcodes will be valid because, once the transition is complete, what is to keep those with barcodes from entering and exiting from that gate. It was confirmed that the barcodes have a span of time on them. Mr. Albeit summarized the question being, technology-wise, will they be able to restrict those people with barcodes, such as vendors, to the gates they should be using.

**TWELFTH ORDER OF BUSINESS****Adjournment**

<b>On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor of adjournment.</b>
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The meeting adjourned at 10:50 a.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman