

**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, April 22, 2015, at 8:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

Present at the meeting were:

Phil Brougham	Chair
Gerald Bergmoser	Vice Chair
Richard Peterson	Assistant Secretary
Robert Slater	Assistant Secretary
Charles Turner	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Terry Cole	District Engineer
Tony Pires	District Counsel
Carrie Robinson (<i>via telephone</i>)	Tobin & Reyes, P.A., Litigation Counsel
Ron Albeit	The Foundation
Mike Charbonneau	The Foundation
Rick Herndon	TruGreen Landcare
Mark Swanson	TruGreen Landcare
Jesse Fritz	Resident
Joe Vaccaro	Resident
Eileen Robertson	Fiddler's Creek CDD #1 Resident
Shannon Benedetti	Landscape Liaison

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 8:00 a.m., and noted, for the record, that all Supervisors were present, in person.

▪ **Special Counsel Update**

******This item was an addition to the agenda.******

Ms. Robinson indicated that a Motion for Leave, to amend the District's counterclaim against U.S. Bank, was filed on March 10, 2015 but was not set for hearing, pending the outcome of a hearing in the CDD #2 case on April 13, regarding U.S. Bank's Motion to Strike the Fourth

Amended Complaint. She requested an executive session to further discuss the outcome and recommended Tuesday, May 5, 2015.

Mr. Adams indicated that today's meeting will be continued to Tuesday, May 5, 2015 at 9:00 a.m., for the purpose of holding an executive session.

Mr. Brougham asked if the District "has momentum". Ms. Robinson believed so.

The location for the continued meeting will be confirmed.

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

SECOND ORDER OF BUSINESS

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

Mr. Joe Vaccaro, a resident, questioned if CDD #1 planned to follow the lead of CDD #2 to "lease back" the roads. He felt that it would be beneficial, since the roads are maintained the same and it would alleviate the villages from funding for road repairs; the CDD could collect funds much easier than the villages. If the CDD plans to "lease back" the roads, Mr. Vaccaro asked when it would occur and, if not, why CDD #1 would not do it.

Mr. Brougham noted that the CDD #1 Board has never discussed this item. Three Board Members confirmed that their respective villages maintain a paving reserve. Mr. Vaccaro contended that, eventually, repaving would not be sufficient and the roads must be resurfaced, along with possibly relocating utilities, which could impact the cost. Mr. Brougham stated that Peppertree Village has \$25,000 in reserves to mill and repave; relocating utilities was not mentioned as part of the project. Mr. Brougham reiterated that CDD #1 has not discussed the "lease back" of roads and questioned what the benefit to the District would be.

Mr. Pires discussed the circumstances of CDD #2 acquiring side streets and roads for maintenance purposes; CDD #2 felt that it was appropriate. He noted that some roads were conveyed and some were "leased" to CDD #2.

Mr. Brougham questioned why acquiring those roads was advantageous to CDD #2. Mr. Pires stated that the Board believed the advantage was that it allowed residents to not fund reserves for road maintenance capital improvements and eliminate the need to determine where CDD and private roads begin and end. The Board felt that the CDD's operation and maintenance (O&M) abilities were more cost-effective for the District. Mr. Adams added that continuity and consistency were considered a benefit. Mr. Brougham asked if the newness or age of the CDD

#2 roads was considered in the decision. Mr. Adams replied no but noted that, given the age of CDD #1’s roads, the District Engineer should complete a road evaluation to ensure that there are no issues, outside of normal wear and tear, should the District elect to acquire the roads.

Mr. Brougham asked that this item be included for discussion on the next agenda. He wanted to understand the pros and cons, from the points of view of the villages and CDD.

Mr. Bergmoser asked why CDD #1 was not included in the discussion when CDD #2 considered this matter. Mr. Adams thought that the primary reason was because, due to the age of CDD #1, many of the village associations were already turned over to resident control; whereas, some in CDD #2 were not.

In response to Mr. Brougham’s question, Mr. Cole confirmed that the District’s roads were installed and complies with the current road standards.

Mr. Jesse Fritz, a resident, noted the condition of the fire hydrants in Fiddler’s Creek. Mr. Brougham advised that fire hydrant maintenance is the responsibility of the local fire district. Mr. Fritz indicated that the hydrants are rusty and suggested that the District ask the fire district to maintain them. Ms. Crismond and Mr. Brougham confirmed that residents should contact the fire district, directly. Mr. Adams will contact the fire district regarding its fire hydrant maintenance schedule. It was noted that two fire districts are involved in the Fiddler’s Creek community. Ms. Crismond will contact the fire districts.

Mr. Fritz reported that the streetlight was out at Championship Drive and SR 951; he contacted Florida Power & Light (FPL) and the light was replaced.

Mr. Brougham advised that the legislative bill uniting the two fire districts was passed by the House and the bill is waiting to be heard in the Senate. If passed, the Greater Naples Fire Rescue District would assume responsibility for all of Fiddler’s Creek, effective October 1, 2015 through an interlocal agreement between the county and the Greater Naples Fire Rescue District. Mr. Brougham directed Ms. Crismond to contact “Tara”, Chief Schuldt’s assistant, at the Greater Naples Fire Rescue District.

THIRD ORDER OF BUSINESS

Developer’s Report/Update

Mr. Albeit reported that installation of cameras at the gates is on schedule. He indicated that he observed a demonstration of a newer model street cleaning machine and the performance

was outstanding; The Foundation is compiling the final cost for the machine and service and will provide the cost to the Districts.

In response to a question, Mr. Albeit and Mr. Adams indicated that a contract will be drafted, once The Foundation determines the cost. Mr. Brougham questioned whether the District and The Foundation should have an agreement to license The Foundation to clean the streets or as a contract.

Mr. Slater asked if the new equipment requires two people to operate it. Mr. Albeit stated that, due to the mess left behind, it makes sense to have two people working when the streets are cleaned.

Ms. Crismond explained that, currently, street cleaning occurs once per year, with spot cleaning performed, as necessary.

Regarding an agreement, Mr. Brougham felt that the District should maximize its flexibility, as he did not want the District to be “locked in”; the agreement should provide cost control provisions, etc. Mr. Pires confirmed that cost provision and the term could be included in the agreement.

FOURTH ORDER OF BUSINESS

Engineer’s Report

Mr. Cole presented Draw #93, for approximately \$1,395, for the Series 2005 A/B bonds, for work related to the transfer of the South Florida Water Management District (SFWMD) permits. He advised that the permit transfers were completed. Mr. Cole indicated that the lake bank erosion repairs should commence in May and the project will last approximately 90 days. He noted that bids for the CDD #2 paving project were obtained last week and, at today’s CDD #2 meeting, he will recommend that the contract be awarded to the lowest, responsive and responsible bidder. Once the contractor is selected, a proposal for striping and minor paving repairs, due to potholes, in CDD #1 will be requested from that contractor. Mr. Cole anticipated that he could present the proposal at the next meeting. In response to Mr. Brougham’s question, Mr. Cole confirmed that the missing reflectors would be included in the bid.

FIFTH ORDER OF BUSINESS

Update: SR 951 Traffic Signal Installation

Mr. Cole reported that the preconstruction meeting with the Department of Transportation (DOT), state and county representatives and the contractor was held last Wednesday. Work will commence in early May and the signal should be operational by the end of July.

SIXTH ORDER OF BUSINESS

Consideration of Amended/Restated Maintenance Agreement with The Foundation

Mr. Brougham recalled that CDD #2 signed a similar agreement. Mr. Adams and Mr. Pires confirmed that the CDD #1 and CDD #2 agreements contain the same language. In response to a question, Mr. Adams advised that the original agreement was for ten years; this is a 20-year agreement.

On MOTION by Mr. Bergmoser and seconded by Mr. Turner, with all in favor, Amended/Restated Maintenance Agreement with The Foundation, was approved.

SEVENTH ORDER OF BUSINESS

Continued Discussion: Establishment of Emergency Line of Credit

Mr. Brougham advised that Iberia Bank's counsel made progress and had discussions with Mr. Pires.

Mr. Pires indicated that he spoke with Mr. Chris Davies, counsel for Iberia Bank, who agreed that this could be a simple transaction. For reference purposes, Mr. Pires provided forms and documents to Mr. Davies, which were utilized by Pelican Marsh, when they established a line of credit with Fifth-Third Bank. He will follow up with Mr. Davies.

Discussion ensued regarding the difficulties encountered in establishing a line of credit. In response to Mr. Brougham's question, Mr. Pires confirmed that he did not hear from Fifth-Third Bank.

EIGHTH ORDER OF BUSINESS

Approval of March 25, 2015 Regular Meeting Minutes

Mr. Brougham presented the March 25, 2015 Regular Meeting Minutes and asked for any additions, deletions or corrections. Mr. Pires noted that his edits were provided to Management. Mr. Adams voiced his opinion that those edits were incorporated. The following changes were made:

Line 48: Change "Removal" to "Replacement"

Line 64: Delete "most of"

Line 65: Change "should not" to "must"

On MOTION by Mr. Bergmoser and seconded by Mr. Brougham, with all in favor, the March 25, 2015 Regular Meeting Minutes, as amended, were approved.

o **Action Items**

Item 21: Change "Ohy's" to "Ohey's"

Items 22 and 23 were duplicates of Items 20 and 21, respectively, and were deleted.

NINTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Regarding the Petition for Rule Amendment to Correct Legal Description, due to a scrivener error, Mr. Pires reported that Mr. Kenza van Assenderp spoke to the Governor's staff. He emailed county staff and requested that the filing fee and public hearing be waived but did not receive a response. Mr. Pires confirmed that, if the \$1,500 filing fee must be paid, Mr. van Assenderp will pay it.

B. Manager

i. Approval of Unaudited Financial Statements as of March 31, 2015

Mr. Brougham presented the Unaudited Financial Statements as of March 31 2015.

Mr. Brougham alluded to the \$560 "BB&T - Savings" line item, on Page 1, which continues to reappear on the "Balance Sheet". Mr. Adams assured Mr. Brougham that the account was closed.

Mr. Adams indicated that assessment collections were at 94% and expenses were at 41%. He noted that the principal and interest debt service payments are due May 1, 2015.

In response to a question, Mr. Adams advised that the costs related to the recent repair to the irrigation system would be booked under "Supply system", on Page 3. He confirmed that the costs related to the recent break were not reflected in the budget; those costs will be an unanticipated operating expense. Mr. Adams noted that the District was hit twice this year with irrigation repairs and recommended increasing the line item in anticipation of future issues.

ii. NEXT MEETING DATE: May 27, 2015 at 8:00 A.M.

The next meeting will be held on May 27, 2015 at 8:00 a.m.

C. Operations Manager

Ms. Crismond presented the Operations Report. She introduced Mr. Mark Swanson, of TruGreen Landcare, who is the new branch manager for the District.

Regarding landscape renovations, Ms. Crismond indicated that Ms. Cathy Feser, a horticulturalist, was unable to bid on the Mulberry project. A proposal was obtained from Mr. Dale Slabaugh, a Design Architect, and executed. Upon receipt of the design plans, Management will present them to the Board and a representative of Mulberry. Mr. Albeit noted that The Foundation will not approve the design plans without Ms. Feser's input.

Mr. Slater asked if the Design Review Committee (DRC) developed the forms and new procedure, which were promised at the last meeting. Mr. Albeit indicated that the forms did not change and the final step is updating the process on the website.

Mr. Brougham referred to the area near the Sales Center and which areas the CDD is responsible for maintaining. Ms. Shannon Benedetti, a resident, indicated that she spoke to Mr. DiNardo, who advised that The Foundation will address that area.

Ms. Crismond stated that a proposal for \$3,385 was received to paint the Sandpiper Bridge; Management is awaiting one additional proposal.

Mr. Brougham asked about the status of the Gatehouse roof repair or replacement. Ms. Crismond indicated that the roof was repaired last year, and is not necessary to replace it at this time. .

ELEVENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Slater asked Mr. Charbonneau to estimate the mileage put on the vehicle that The Foundation acquired from the CDD. Mr. Charbonneau estimated 2,000 miles. Mr. Slater commented that, when The Foundation asks the District to purchase new vehicles, the Board is told that the old vehicles are "kaput", yet The Foundation acquires those old vehicles and continues using them. Mr. Charbonneau stated that the backup 2004 vehicle is periodically driven to keep it functioning or when the main vehicle is in for maintenance. Mr. Slater restated his question and asked if the District might be retiring the vehicles too soon, given that The Foundation is able to continue using them after the District surpluses the vehicle. Mr. Charbonneau replied no; he felt that replacement is necessary, due to the number of miles put on the vehicles. Mr. Charbonneau clarified that the backup 2004 vehicle that The Foundation uses still belongs to the District; it is not the vehicle acquired by The Foundation.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting recessed.

On MOTION by Mr. Brougham and seconded by Mr. Peterson, with all in favor, the meeting recessed at 8:50 a.m., and was continued to Tuesday, May 5, 2015 at 9:00 a.m., at this location.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair