

**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, May 27, 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 ( <i>via telephone</i> )  | Assistant Secretary |
| Charles Turner ( <i>via telephone</i> ) | 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 |
| Tony DiNardo                             | Developer                               |
| Ron Albeit                               | The Foundation                          |
| Mike Charbonneau                         | The Foundation                          |
| Rick Herndon                             | TruGreen Landcare                       |
| 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 Supervisors Brougham, Bergmoser and Peterson were present, in person. Supervisor Slater was attending via telephone. Supervisor Turner was not present, at roll call.

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

Mr. Brougham indicated that the proposed Term Sheet for a line of credit loan with Iberia Bank will be discussed during the Seventh Order of Business.

**SECOND ORDER OF BUSINESS**

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

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Developer's Report/Update**

Mr. DiNardo indicated that the second phase of Marsh Cove is underway and will include 105 units. The fountain entry feature to Marsh Cove should be completed in June.

Mr. DiNardo stated that the camera system is being installed. He hoped to hold a demonstration at a joint meeting in June. Mr. Brougham asked if the camera system will be linked to the new website. Mr. DiNardo advised that the website will be first and the online gate access system will be implemented, once the website is operational.

▪ **Special Counsel Update**

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

Ms. Robinson indicated that a Motion to Amend the Counterclaim was filed on behalf of CDD #1 and is set for hearing on June 11, 2015 at 1:30 p.m., for 2.5 hours. CDD #2's Motion to Amend and two competing motions related to the amendment of the pleading filed by the bondholder, CDD Investor, LLC, will be heard at the same time.

Mr. Brougham suggested holding an executive session during the week of June 15 for the purpose of disseminating information related to the hearing, as well as further discussion of topics discussed during the last Executive Session. Ms. Robinson will discuss with Mr. Reyes whether an executive session would be necessary. Mr. Brougham felt that the Board could receive an update on the hearing and next steps and continue discussion of and the requests made of staff during the prior Executive Session. Mr. Pires stated that the request for an executive session must be made during a public meeting. Mr. Adams advised that today's meeting could be continued. Mr. Pires interjected that a separately noticed meeting could be scheduled. Mr. Adams agreed to advertise a separate meeting for Wednesday, June 17, 2015, pending confirmation from Special Counsel and location availability.

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

**FOURTH ORDER OF BUSINESS**

**Engineer's Report**

Mr. Cole presented Draw #94 for approximately \$10,000, for the Series 2005 A/B bonds, for work related to the traffic signal; work has commenced.

Mr. Brougham referred to the traffic signal plan, inclusive of the control box placement, and asked if landscaping could be installed around the control box. Mr. Cole must verify what would be allowed, as the control box is within the state's right-of-way. Mr. Brougham felt that landscaping would improve the appearance.

Mr. Cole presented the contract for the lake bank erosion repair project. Upon receipt of the executed contract, the contractor will commence work.

**FIFTH ORDER OF BUSINESS**

**Update: SR 951 Traffic Signal Installation**

Mr. Cole reported that the mast arms were delivered and work will continue; the signal should be operational by the end of July. In response to Mr. Brougham's question, Mr. Cole indicated that the mast arms were stored in the open area for future commercial development.

Mr. Brougham voiced his opinion that the county requires the mast arms to be painted green. Mr. Cole believed that the county changed the mast arms to galvanized; he will review the information. Mr. Slater stated that the permit specified green. It was confirmed that the mast arms are green.

*\*\*\*Supervisor Turner joined the meeting, via telephone, at approximately 8:13 a.m.\*\*\**

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

**SIXTH ORDER OF BUSINESS**

**Discussion: Condition of District Roads**

Mr. Cole indicated that, at today's CDD #2 meeting, he will recommend that the contract be awarded to the lowest, responsive and responsible bidder, Preferred Materials. 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. He estimated \$90,000 for the CDD #1 restriping project, including limited pavement repairs to areas with potholes and where roots have damaged

the roadway. Mr. Cole will coordinate with Ms. Crismond for installation of a root barrier. Mr. Cole confirmed that the restriping project includes crosswalks and lane dividers on all CDD #1 roadways, along with replacement of reflectors. The \$90,000 estimate did not include installation of a root barrier. Mr. Cole anticipated presenting the contractor's estimate at the next meeting.

In response to Mr. Brougham's question, Ms. Crismond indicated that the District is over budget for roadway repairs. Mr. Brougham suggested that Mr. Cole have the bid segmented, should the Board choose to complete the project in phases. Mr. Cole will inquire but noted that the price would probably be better if the contractor completes the project while paving in CDD #2. Mr. Cole will obtain a bid to complete the work now and another to complete it during Fiscal Year 2016.

Mr. Brougham asked Mr. Cole if he was aware of an email issue. Mr. Cole replied affirmatively and will have it checked by his IT staff. Mr. Brougham stated that his emails are going to Mr. Cole's trash folder; he spoke to the IT person, who indicated that the issue must be on Mr. Brougham's part. Mr. Cole will consult with the IT person.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-5, Approving the District's Proposed Budgets for Fiscal Year 2015/2016 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing An Effective Date**

Mr. Brougham presented Resolution 2015-5 for the Board's consideration. He advised that the final budget will be adopted at the August meeting.

Mr. Adams indicated that this commences the budget deliberation process; the District is required to approve a proposed budget prior to June 15 and transmit it to the local governments, post it on the District's website and set a public hearing to consider final adoption of the budget. He stated that approval of the proposed budget does not bind the District to any of the service appropriation levels within the proposed budget; the Board may adjust the budget until final adoption. Mr. Adams noted that a few items should be addressed prior to the June meeting to facilitate discussions at that meeting.

Mr. DiNardo advised that the equivalent residential unit (ERU) figures must be adjusted, as the developer has no on-roll units in CDD #1. Mr. Adams stated that the appropriation levels were fairly accurate but a Fiscal Year 2015 revenue shortage and an ERU adjustment must be addressed. Mr. Adams indicated that AJC Associates, Inc. (AJC), was working with the developer on the ERU figure but did not provide an update, which is why the Fiscal Year 2015 figures appeared on the proposed budget.

Mr. Brougham noted that the June meeting could be extensive, which could necessitate a continuation or scheduling a special meeting in June or July.

In response to Mr. Brougham's question, Mr. Adams stated that he is discussing with TEM Systems, Inc. (TEM), whether the District's service agreement must be revised, due to the new security equipment. He suspected that an adjustment to the budget line item will be necessary.

Mr. Brougham asked if Mr. Albeit about an estimate for the street cleaning machine and the cost for service. Mr. Albeit indicated that the previous contracts were received from Ms. Crismond and Mr. Cole is assisting him with determining the square footage. The sidewalk areas were known but Mr. Albeit needed the curb, monument, guardhouse, etc., information. Mr. Albeit stated that, based on the preliminary figures, both CDDs should save money. Mr. Brougham stressed that Mr. Albeit should provide a draft agreement to Mr. Adams and Mr. Pires as soon as possible.

Mr. DiNardo noted that the machine cleans streets and curbs and questioned if the Districts would consider hiring a different contractor for the guardhouse, monuments, etc. Mr. Adams indicated that a different contractor could be hired. Mr. Brougham felt that the scope of work should only include streets, curbs and gutters. Mr. Brougham asked Mr. DiNardo and Mr. Albeit to provide the information so that it can be discussed during the June meeting.

Mr. Brougham recalled discussion about increasing the "Irrigation supply" budget items, due to the number of significant irrigation breaks. Mr. Adams confirmed that the budget category was increased.

Regarding the \$210,000 figure, in "Miscellaneous\*\*", under "REVENUES", on Page 1, Mr. Adams confirmed that \$200,000 is revenue from CDD #2 for its portion of the traffic signal costs; the expense is reflected on the "Engineering – FC parkway traffic signal" line item, on Page 1, and the "Capital outlay – traffic signal" line item, on Page 2. In response to Mr.

Brougham’s inquiry, Mr. Cole confirmed his confidence that the funds would be expended during Fiscal Year 2015.

Mr. Bergmoser noted that, on Page 2, \$75,000 is forecast for “Roadway maintenance”; however, the line item was reduced to \$50,000 for Fiscal Year 2016. Mr. Adams explained that he anticipated savings from the street cleaning contract with The Foundation. Mr. DiNardo estimated that the Districts would save about 10% on street cleaning services. Mr. Bergmoser and Ms. Crismond agreed that \$50,000 was not sufficient for this line item. Mr. Adams conceded that \$50,000 would not be sufficient, if only a 10% savings in street cleaning services is realized. In response to a question, Mr. Adams and Ms. Crismond confirmed that the restriping and the pothole and asphalt repairs fall within the “Roadway maintenance” line item. Mr. Adams stated that the current year “Roadway maintenance” figures are strictly for pressure washing and repairs.

**On MOTION by Mr. Bergmoser and seconded by Mr. Turner, with all in favor, Resolution 2015-5, Approving the District’s Proposed Budgets for Fiscal Year 2015/2016 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 26, 2015 at 8:00 a.m., at this location, was adopted.**

▪ **Discussion: Iberia Bank Term Sheet for Line of Credit**

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

Mr. Brougham directed Mr. Pires to consolidate all comments and proposed revisions and forward them to the appropriate parties.

Mr. Brougham presented the Term Sheet, from Iberia Bank, for a \$500,000 line of credit. He felt that the renewal process must be further defined in the final loan documents. Mr. Brougham noted that, in an email, Mr. Chris Davies, counsel for Iberia Bank, utilized the term “disaster” but the loan documents state “emergency”. He suggested that the term “emergency” must be defined and it must be specified who has authority to declare an emergency. Mr. Brougham believed that the Board should have authority.

Mr. Pires agreed that the Board should have authority and noted that the determination would be made by the borrower. Furthermore, Mr. Pires felt that the determination could also include unexpected or unplanned circumstances that require a draw on the loan. Mr. Brougham recommended a process where the Board, by unanimous vote, declares a financial emergency

and chooses to draw against the line of credit. Mr. Pires advised against including the term "unanimously".

Mr. Brougham believed that who can request the draw must be further defined and suggested designating the District Manager and preferred not to require two signatures. Mr. Pires agreed.

Mr. Brougham advised that the fees will include a flat fee legal fee of \$9,500 for Mr. Davies, a loan fee of \$1,250 and miscellaneous fees to the county, etc.

In response to a question, Mr. Brougham confirmed that these costs were related to establishing the line of credit. Mr. Pires stated that there is an administrative fee to renew the line of credit, which must be clarified. Mr. Brougham indicated that the legal fee is a one-time fee and he will inquire about whether the loan fee is an annual expense. Mr. Pires recalled discussion of no mandatory drawdown, which must be added to the terms, along with the renewal cost language.

Mr. Pires referred to a provision, under "Collateral", requiring a Uniform Commercial Code-1 (UCC-1) security interest in the assignments; however, local governments do not have UCC-1 financial statements. He further noted the requirement to provide financial returns but the CDD does not file taxes.

Mr. Bergmoser referred to Note 3 and asked if the District must represent how it will be funded, when a loan is drawn on the line of credit. Mr. Pires indicated that he discussed with Mr. Davies that, if the District draws down the principal, it is interest-only until maturity and, generally, the District has sufficient budgeted funds to pay the interest for that year. Mr. Pires explained that the District can impose a special assessment during the following budget cycle to repay the principal or impose a special assessment, at any time prior to the budget cycle, and collect it off-roll. Mr. Bergmoser stated that he was concerned that, during an emergency situation, the Board might be required to hold a meeting to determine how the repayment funds would be collected. Mr. Brougham agreed that Note 3 should be revised. Mr. Pires will have Note 3 clarified. Mr. Slater recommended stating that the District would collect the funds as a one-time assessment, if funds from the operating account are not available. Mr. Brougham preferred not to commit to the method of repayment, in advance; the District should retain flexibility to determine how to repay it.

In response to Mr. Slater's question, Mr. Pires confirmed that the term on the line of credit is a one-year period; it does not necessarily coincide with the fiscal year. He noted that the

repayment terms must be addressed to ensure that the repayment period is 12 months from the time of the drawdown.

Mr. Turner questioned if 12 months is a reasonable amount of time to repay the principal. Mr. Brougham indicated that the repayment terms must be spelled out more clearly to clarify the “term” for repayment. Mr. Adams felt that an 18-month term was more reasonable.

Should an event cause the District to access a portion of the line of credit, Mr. Bergmoser asked if the District’s obligation is to repay the interest for one year and, at the end of the one-year term, the entire principal amount must be paid. Mr. Bergmoser questioned whether a new 12-month cycle begins if the District makes a second draw. Mr. Adams voiced his understanding that a second draw would result in a second 12-month cycle; however, that matter should be clarified. Mr. Adams recommended seeking an 18-month term, as well.

**On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, authorization for Staff to negotiate with Iberia Bank and its representatives leading to a proposed loan document to be considered at the June, 2015 meeting, was approved.**

Mr. Pires indicated that he will revise the Term Sheet and loan documents, circulate a red-line version to Mr. Brougham and Mr. Adams and resubmit it to Mr. Davies, once Staff and Mr. Brougham are comfortable with the revisions.

**On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, authorization of expenditures for legal fees, loan fees and miscellaneous fees associated with the finalized loan agreement, in a not-to-exceed amount of \$13,000, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. April 22, 2015 Regular Meeting**

Mr. Brougham presented the April 22, 2015 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 92: Change “Vaccaro” to “Fritz”

Line 96: Change “Creek,” to “Creek.”



Line 96: Insert “Greater Naples Fire Rescue District will assume responsibility” before “effective”

Line 224: Change “A Board Member” to “Mr. Slater”

**On MOTION by Mr. Peterson and seconded by Mr. Bergmoser, with all in favor, the April 22, 2015 Regular Meeting Minutes, as amended, were approved.**

o **Action Items**

This item was addressed following Item 8.B.

**B. May 5, 2015 Continued Meeting**

Mr. Brougham presented the May 5, 2015 Continued Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Bergmoser and seconded by Mr. Peterson, with all in favor, the May 5, 2015 Continued Meeting Minutes, as presented, were approved.**

▪ **Action Items**

*\*\*\*This item, previously part of Item 8.A., was presented out of order.*

Items 6, 8, 9, 11, 14, were completed.

Mr. Brougham questioned if the Mulberry monument was pressure washed and the sprinkler head redirected. Ms. Crismond replied affirmatively.

**NINTH ORDER OF BUSINESS**

**Other Business**

Mr. DiNardo inquired about the status of landscaping on the median between Fiddler’s Creek and Hammock Bay. Mr. Brougham indicated that, as of two weeks ago, the county was working with the state and county to resolve issues related to the state grant.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

**i. Leasing/Owning/Roads/Streets Currently “Private”**

Mr. Pires presented a memorandum regarding the leasing or owning of roads and streets currently "private", along with a map, prepared by Mr. Cole, reflecting the non-CDD roads, highlighted in yellow, which were designed to meet Collier County design standards for streets and roads. In response to a comment by Mr. Brougham, Mr. Pires advised that not all of the "private" roads meet the Collier County standards; only those highlighted in yellow, on the map. Mr. Cole indicated that certain "private" roads were not highlighted because they are gated. In response to discussion, Mr. DiNardo confirmed that Runaway Bay will not be gated. Discussion ensued regarding private and/or non-CDD roads.

Mr. Brougham questioned if any roadways in CDD #1 were not built to Collier County standards. Mr. Cole stated that, typically, the roads were built to Collier County standards; however, some roads are considered private because they are gated and, in other cases, they are not a platted right-of-way (ROW). Mr. Pires asked if the roads are equal to or exceed the specifications of Collier County for a typical public road, regardless of whether the roads are gated or platted with a specific easement. Mr. Cole replied "yes, they typically do". Mr. Cole noted areas that are driveways and not considered a road because they are not platted but the pavement section meets the Collier County standards. Mr. Brougham asked if this matter only concerns roadways. Mr. Pires stated that it involves roadways and, depending on circumstances in each community, how landscaping, sidewalks and streetlighting, within the ROW, would also be involved. Mr. Brougham felt that the matter concerns roadways in the villages in CDD #1, which are non-CDD roadways.

Mr. DiNardo indicated that there was a major design difference between CDD #1 and CDD #2. He noted that the CDD #2 roads are predominately CDD-owned, with the exception of a few cul-de-sacs, which is why CDD #2 decided to acquire the cul-de-sacs. Mr. DiNardo advised that the CDD #1 roads are the reverse; most of the CDD #1 roads access private communities and there are very few roads that are totally CDD-owned.

Mr. Brougham preferred to focus only on the roadways and not discuss other items. Mr. Peterson recalled that this topic arose because certain villages had not developed reserves for road maintenance, which is why it was proposed that the CDDs acquire maintenance responsibility.

Mr. Joe Vaccaro, a resident, indicated that the villages are currently putting money into their reserves for roadway maintenance. He explained that uniformity would be achieved by the CDD leasing the roads; however, prior to assuming maintenance responsibility, the District

Engineer should evaluate the roadways to ensure that they comply with Collier County standards. If a roadway was not up to Collier County standards, the villages could use reserve funds to bring the roadway into compliance before the CDD assumed maintenance responsibility. Mr. Brougham voiced his opinion that most, if not all, villages have a paving reserve, along with other reserve funds.

Mr. Brougham questioned whether the District should commence the process to “take over” ongoing maintenance of private village roadways.

Mr. Slater referred to the pros and cons list provided by Mr. Pires and found no benefit to the CDD becoming involved; he was against it. He noted that this would require each association to relinquish the roadways.

Mr. Peterson discussed the roadways in his village and reserve funds. He questioned why the CDD would interject itself to take over a vast roadway system.

From a village perspective, Mr. Bergmoser expressed concern that the CDD might be unable to perform necessary maintenance, such as paving. He preferred that the villages retain maintenance responsibility and pointed out that the CDD would acquire more liability, expenses, etc., if it acquired maintenance responsibility.

Mr. Brougham wondered if this matter is a Board or a village decision. He was unsure that the CDD has authority to take a village's common property for maintenance purposes.

Mr. Pires advised that participation would be voluntary and mutual. Mr. Brougham reiterated his opinion that the District does not have authority to take over a village's roadway if the village refused to relinquish control. Mr. Pires stated that, in certain circumstances, the District has eminent domain. Mr. Brougham pointed out that, to his knowledge, no village has asked the CDD to assume maintenance of its roadways; furthermore, most villages are about 16 years old, have paving reserves and should be nearly “fully funded”. Mr. Brougham explained that, if the CDD assumed maintenance, the villages' reserve funds would be returned to the village residents; the CDD would have to obtain a loan or increase assessments to complete maintenance and all CDD property owners would bear the costs, not just those within the particular villages.

Mr. Brougham noted that many village roadways were seal coated numerous times and questioned if the CDD would be obligated to continue seal coating. He continued discussion of the cons and saw no benefit in the CDD assuming maintenance responsibilities.

A Board Member suggested that, when the CDD paves, it allow the villages to piggyback on the contract. Mr. Brougham agreed with that approach. Mr. Adams felt that this approach could be successful, provided the villages were given sufficient advance notice.

In response to Mr. Brougham's question, Mr. Cole estimated that the CDD roads would need to be repaved within the next three to five years.

**On MOTION by Mr. Brougham and seconded by Mr. Peterson, with all in favor, taking no further action with respect to leasing roadways, was approved.**

Regarding the Petition for Rule Amendment to Correct Legal Description, due to a scrivener's error, Mr. Pires reported that Mr. Kenza van Assenderp provided a check for the filing fee, which was submitted to Collier County.

For informational purposes, Mr. Pires advised that the City of Marco Island is accepting bids for a 43-acre site that is utilized in conjunction with a three-acre site, in Marco Shores, for a wastewater plant. Mr. Cole indicated that an effluent line extends through the swamp. Mr. Pires added that the city is also accepting bids for a three-acre site on Mainsail Drive.

Mr. Brougham asked if the access to the parcel is through the CDD's land bridge and whether the CDD is obligated to continue providing access. Mr. Cole and Mr. Pires replied affirmatively. Mr. Brougham questioned if the CDD must provide access to "any and all", as allowing access to the city would be different than an individual accessing the area to ride an ATV. Mr. Pires indicated that, generally, a parcel property should not be landlocked; there are various methods to establish legal access if it cannot be provided. Mr. Pires voiced his understanding that that the specified parcel has access, by virtue of access easements. Mr. Brougham directed Mr. Pires or Mr. Cole to obtain more specific information, as issues could arise depending on who purchases the parcel and for what purpose it is used. In response to Mr. Brougham's suggestion to modify the PUD, Mr. Pires advised that the District cannot deny access. Discussion ensued regarding the location of the 43-acre parcel.

**B. District Manager**

Mr. Brougham expressed disappointment that the audit was not completed and asked Mr. Adams to explain why it was delayed, again, this year. Mr. Adams stated that the CDD #1 and CDD #2 audits are being completed in parallel to each other to ensure that none of the footnotes

conflict, especially with regard to the subsequent events related to litigation. Mr. Adams expected to present the audit at the June meeting. Mr. Brougham questioned why the CDD #1 audit was tied to CDD #2's audit.

**i. Approval of Unaudited Financial Statements as of April 30, 2015**

Mr. Brougham presented the Unaudited Financial Statements as of April 30, 2015.

Regarding the "BB&T - Savings" line item, on Page 1, Mr. Adams assured the Board that the BB&T account was closed yesterday, May 26, 2015; the line item will appear, again, on the Unaudited Financial Statements as of May 31, 2015 but will not appear on the Unaudited Financial Statements as of June 30, 2015.

Mr. Bergmoser referred to the \$492,000 in one account and asked if all of the funds were FDIC insured. Mr. Adams replied no, the FDIC coverage limit is \$250,000. Mr. Pires noted that the accounts are in qualified public depositories (QPDs), which provide an extra level of protection. Mr. Adams indicated that the District is protected; however, Management's policy is to keep accounts under the FDIC limits. Mr. Adams added that the funds are in a QPD and are backed by a collateral requirement.

Mr. Brougham noted that a definition of the "Operating accounts" must be provided to Iberia Bank, as the bank must know which account is the District's primary operating account. Mr. Adams presumed that the SunTrust account would be the primary operating account.

Mr. Brougham referred to the "Other contractual" line item, under "Water management maintenance", on Page 2, and questioned why expenses are extremely below budget. Mr. Adams indicated that \$200,000 of the budgeted amount will be for lake bank erosion repairs; however, the line item appears to be "lagging", from a billing perspective.

Mr. Brougham asked where the expenditure of approximately \$20,000 for the irrigation break repairs was located. Ms. Crismond advised that the expense was under "Irrigation supply". Mr. Brougham pointed out that "Supply system" shows \$10,409 and questioned if some of the \$20,000 was previously charged. Mr. Adams felt that the expenses were billed over two months.

**ii. 925 Registered Voters in District as of April 15, 2015**

There were 925 registered voters residing within the boundaries of the District as of April 15, 2015.

**iii. NEXT MEETING DATE: June 24, 2015 at 8:00 A.M.**

The next meeting will be held on June 24, 2015 at 8:00 a.m.

**C. Operations Manager**

Ms. Crismond presented the Operations Report. She advised that the plans for the Mulberry renovation project were submitted to Ms. Eileen Robertson, a resident, for distribution to the Mulberry Association. Ms. Crismond indicated that Ms. Robertson received positive feedback from the Mulberry Association Board; therefore, the plans can be submitted to the horticulturalist, Ms. Cathy Feser, for approval. She reported that Mr. Dale Slabaugh, the Design Architect, estimated a cost of \$20,000 to \$30,000 to complete the Mulberry project.

Mr. Slater asked why the District is seeking approval of the design from the Mulberry Association. Ms. Crismond stated that, as a courtesy, input from the Mulberry Association was sought. Mr. Slater questioned if the District extends the same courtesy to other villages. Ms. Crismond replied no. Mr. Slater asked why input was sought in this instance. Mr. Brougham indicated that, previously, the District did not have a major landscape renovation project. Mr. Slater felt that the District has now set a precedent to seek input from everyone, when other projects arise. Mr. Brougham disagreed.

Mr. Turner recalled that trees in Mulberry were replaced at the landscaper's expense and asked if the current project is because plants were dying. He wondered if the landscape contract defines when replacement is the responsibility of the CDD or the contractor.

Ms. Crismond clarified that the Mulberry project is not for landscape replacement; it is an overhaul of the old landscape to rejuvenate, change and upgrade the old landscaping, to improve the appearance. She stressed that it is not a landscape maintenance project.

Mr. Brougham stated that the landscape contractor is responsible for replacement of any plant or trees that die due to lack of irrigation, maintenance or fertilization. He explained that the Mulberry project is a landscape renovation project.

Mr. Turner noted the appearance that the landscape renovation project is focused on Mulberry; however, other areas require renovation, including Fiddler's Creek Parkway, between Club Center Drive and Championship Drive, and between Championship Drive and Sandpiper Drive. He questioned why the focus is only on one area.

Ms. Crismond and Mr. Brougham expressed disagreement. Mr. Brougham indicated that the length of Fiddler's Creek Parkway was renovated two or three years ago, in three phases, and the same was completed on Championship Drive. Mr. Brougham stressed that the District has not focused solely on Mulberry.

Mr. Turner asked to tour the area with Ms. Crismond.

**ELEVENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There being no Supervisors' requests, the next item followed.

▪ **Audience Comments**

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

Ms. Shannon Benedetti, Landscape Liaison, asked if, during its budget discussions, the Board will consider changes on Fiddler's Creek Parkway, to replace aging vegetation.

Mr. Brougham questioned how long the hard-cutting "experiment" would continue before Ms. Crismond determines that it did not work. Ms. Crismond recommended giving the trees until the end of summer for the bougainvillea bushes to recover. Mr. Brougham voiced his opinion that, if hard-cutting did not work, new bougainvillea bushes should be installed during the summer, when they have a chance to grow. Mr. Rick Herndon, of TruGreen Landcare (TruGreen), indicated that a selective hard prune was performed yesterday and the bougainvillea bushes will be fertilized soon.

Mr. Brougham stated that Mr. Albeit assured him that The Foundation is close to removing and replacing the vegetation along the sales center.

Ms. Benedetti recalled discussion about hiring a landscape architect to redesign and refresh landscaping at the front entrance. Mr. Brougham did not recall that discussion; the Board discussed the area along Fiddler's Creek Parkway, the sales center, the triangles, the entry features at the bogeys. Ms. Crismond advised that the landscape architect was hired for the Mulberry project.

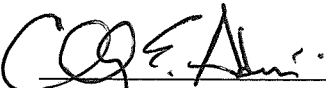
Ms. Benedetti asked if the Design Review Committee (DRC) should outline its suggestions so that the Board could obtain quotes for the work. Mr. Brougham replied affirmatively.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

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

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair