

**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 27, 2016 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
Rick Reyes (<i>via telephone</i>)	Special Counsel
Ron Albeit	The Foundation
Mike Charbonneau	The Foundation, Security Director
Ray Doria	Doria's Landscaping, Inc.
Jim Vajen	Golf Superintendent
Alan Kassman	Resident
Eileen Robertson	Resident
Elysee Marshall	Resident
David Campbell	Resident, Whisper Trace
Bob Valdocchi	Resident
Shannon Benedetti	Resident, Landscape Committee

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 8:02 a.m., and noted, for the record, that all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

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

Regarding Championship Gate security and inconveniences, Mr. Alan Kassman, a resident, stated the District invests a lot of money and effort into security but experiences inconveniences, periodically, with backups. Many times one of the gates is on the ground. Many times, it takes days before the gate is repaired and replaced so the security system is, basically, out of order.

Mr. Brougham replied, with the cameras, if a car goes through the gate and is captured on video, the District could go after the driver and their insurance company for compensation. Mr. Charbonneau asked when the last time this happened was. In response to a question, Mr. Kassman stated it happened this weekend.

Mr. Charbonneau responded, since it malfunctioned, we took it off. The Foundation has a preferred client agreement with TEM Systems (TEM), but its business hours are Monday through Friday. If something happens on a weekend, there is an additional fee to have it replaced. If it is knocked off, staff is at the main gate, and if they see it, someone will assess it and try to put the arm back on. We can review the video, pull the plates and call the Sheriff's office; if it was damaged, The Foundation contacts the responsible party. Last time, it was an equipment malfunction and the decision was made not to incur the additional costs because it would have been holiday service. TEM repaired it on Monday.

Mr. Brougham asked for the cost of a weekend call.

Mr. Charbonneau responded it is \$100 per hour, with additional costs for parts.

Mr. Brougham stated you made the right call.

Mr. Kassman stated there is a built in means of breaching security. They go through the first exit gate, turn left, go around the gatehouse on the entrance side, and simply drive out.

Mr. Brougham stated it is a known problem and nothing much can be done; that turnaround cannot be closed. You can put a gate across but, if someone comes in there that the guard would not allow inside, or someone came in by mistake, there would be no place for them to go except into the community.

THIRD ORDER OF BUSINESS

Special Counsel Update

Mr. Reyes stated, regarding the Antilles litigation, Judge Shenko ruled in favor of the CDDs and denied Antilles Motion to Dismiss the Districts' claims for breach of fiduciary duty, conversion and disruptive fraud, with respect to the trust funds taken by Antilles to pay their

legal fees. This is a very significant ruling. Judge Shenko started rethinking whether the District was limited in suing only for breach of the trust but determined the District can sue for, not only breach of the trust but for all other claims. The claims are significant because they allow the District to seek punitive damages against Antilles. Not just for the missing money but punitive damages as well. The court previously allowed CDD #2 to sue, before he asked to revisit these issues. Mr. Reyes anticipated going back to the bondholders who are also suing Antilles on the question of punitive damages. Discovery commenced and there is no hold with respect to the case and on its merits. Mr. Reyes was pleased that the court ruled for the District in all respects, other than whether there was a right to recover attorney's fees under trust statutes. Mr. Brougham asked if Mr. Reyes expected or if Antilles was entitled to appeal the decision.

Mr. Reyes responded there is no right to appeal a denial of a motion. Delay or procedural tactics can be anticipated but right now, Antilles is obligated to answer and then file further motions, which is supposed to be May 5. Deposition schedules are being coordinated with Antilles's lawyers.

Mr. Reyes stated as far as discussing strategies, an executive session would be best, if the Board thinks it is necessary. Without stating specifics of what the District is willing to do, by way of resolving the matter. Mr. Reyes indicated that he was in contact with Antilles's Counsel, with respect to damages the District is seeking and Antilles would like to resolve the matter. There were prior positions put forth by Antilles' former lawyer, where they denied all responsibility and made a token offer; however, now Antilles wants to meet to discuss the matter.

Mr. Brougham, with respect to the dispute with Diamond Shores/Antilles, voiced his opinion that until and unless the developer puts a specific offer of settlement, no matter the monetary value, meeting to discuss a settlement, would be a waste of time. It is not productive to have a meeting where there is no offer on the table.

Mr. Reyes responded this is for the Board to debate. There is a "quasi-offer" to reimburse the District for the damaged wall and a willingness to discuss an amount on the trees. Antilles offered to pay for the cost of the wall. There is not a dollar figure, per se, but discussion was put forth.

Mr. Brougham asked if Mr. Reyes was aware of the dollar amount that the District initially claimed to replace the trees back when Antilles still employed Craig Woodward. In

February, the District had put forth a dollar figure for fence repair and removal and tree replacement.

Mr. Adams responded the whole package was estimated \$70,000.

Mr. Reyes asked if the amount increased.

Mr. Brougham responded no, the number has not increased but the Board will make decisions, this morning, with respect to replacing the trees that were removed.

Mr. Adams stated the District had spent approximately \$35,000 to date.

Mr. Brougham stated up to this point, in tree and stump removal and repair of the fence, we have spent around \$35,000.

Regarding the Antilles issue and with the latest ruling, Mr. Bergmoser asked if the other side might be motivated to discuss the settlement.

Mr. Reyes did not know, but if there were any indication of that, it would be discussed in an executive session. There was no response since Antilles lost, other than to coordinate depositions. Mr. Reyes was coordinating depositions to move the case forward and U.S Bank responded, in kind, agreeing to discuss scheduling depositions. There has not been an overture, to settlement but if there is, it will be brought up in an executive session.

Mr. Pires stated closed-door sessions are only available when there is pending litigation.

Mr. Reyes asked if the Board designated Mr. Brougham to represent the Board in the negotiations with the Diamond Shores/Antilles developer, subject to Board approval, afterward.

Mr. Brougham responded I am authorized.

As he negotiates, Mr. Reyes will discuss it with Mr. Brougham in a public session. If there is something to vote on, it will come to the Board.

Mr. Reyes asked if, given what Antilles offered, thus far, he and Mr. Brougham would meet with them.

Mr. Bergmoser thought the Board should agree to that, not Mr. Brougham. The Board already told Mr. Brougham to meet with Antilles

Mr. Brougham voiced his opinion that Antilles needs to put something in writing, and then a meeting can be scheduled. Mr. Brougham was willing to talk but wants Antilles to give a number.

Mr. Cole stated, on March 25, two days after the last CDD meeting, he responded to an email from RWA, the engineer representing the developer. He advised RWA that the Board

discussed the requested easement and voted they are not interested in granting it. Furthermore, the Pepper Tree Village Association Board (PTVA) has discussed the request, and they will not approve it. Mr. Brougham's email was attached, as he represented the PTVA Board. About ten days later, the developer called and asked what he could do to help things. Mr. Cole expressed the Board's concern about making things right, with regard to the damages, as well as with the proposed building height and landscaping. The developer took it under advisement and will be back in touch.

Mr. Brougham stated, as it stands, the developer has two rejections to his requests to run a potable water connection across the CDD easement with Fiddlers Creek, LLC, as well as with the Pepper Tree property. The developer may want to consider those when he puts something on the table.

*****Mr. Reyes left the meeting at 8:20 a.m.*****

▪ **Public Comments Continued**

Mrs. Eileen Robertson, a resident, stated Mulberry set up a sub-committee and asked the CDD to oppose the multi-family dwellings.

Mr. Brougham stated there is a neighborhood information meeting, sponsored by this developer for that proposed development at the East Naples Library on May 10 at 5:30 p.m. He requested Mr. Albeit to send an e-blast about the meeting. Mr. Brougham planned to attend, as a resident, and to represent the PTVA, and asked the Board for authorization to the CDD.

Mr. Slater planned to attend as a representative of Bent Creek.

In response to Mr. Brougham's question, Mr. Pires stated two members of the Board could attend a neighborhood information meeting as long as the Board Members do not have an exchange with each other and Mr. Slater does not attend in his capacity of a Board Member but rather as a representative of his Association. Mr. Brougham can attend on behalf of the CDD and the PTVA.

Mr. Brougham asked if he could represent the views of the CDD Board.

Mr. Pires responded yes.

Mr. Brougham planned to express that PTVA does not want a three-story building, on top of a 10' high perimeter fence.

Regarding the easement, Mr. Cole recalled that the buffer is 25' wide. Not the setback, the CDD's buffer is 25', on the north side of Bent Creek and Pepper Tree.

Mr. Pires suggested adding a link to the Collier County CityView Portal website <http://cvportal.colliergov.net/cityviewweb> to the flyer.

Mr. Cole stated the width of the proposed easement for the water line was 15' wide crossing the buffer.

Mr. Peterson asked how far from the fence line the buildings would be built.

Mr. Cole did not know.

The only site plan Mr. Brougham saw was filed with the County. It was from Mr. Mark Strain. It shows the area, in general, a perimeter of what the zoning is but does not include planning.

Mr. Peterson asked if the neighborhood information meeting would have visuals of what the community will look like or where it will be located.

Mr. Cole replied that type of information is generally presented at a neighborhood information meeting, so it should be available at that point.

Mr. Pires stated the neighborhood information meeting is audio and video-recorded copies can be obtained.

Mr. Peterson stated in order to understand whether to object to it, as a Board, we must know what it will look like to help us make a decision. The existence of the building next to Mulberry is not the issue. It is how far the set back is in a visual sight line.

Mr. Brougham stated that is a good point. In view of Mr. Peterson's point, I prefer not to represent the CDD at the meeting.

Mr. Bergmoser stated this is not the last opportunity.

Mr. Brougham agreed the developer must go through many approvals after the neighborhood information meeting.

Mr. Slater asked if the multi-family unit the developer is proposing is two or three-stories as he heard there would be a garage underneath the building, meaning it would really be a three or four-story building.

Mr. Pires stated the purpose of the information meeting is for the applicant to present what they proposed and get questions and feedback from the audience. The information available online will give the setback standards and reference the height, not in the story perspective, but in feet. The maximum height is proposed to be 35' and maximum building height is proposed to be 40'.

Mr. Brougham stated when Mr. Strain and Commissioner Fiala presented to the annual meeting, Mr. Strain said, referencing the Antilles plans, on the height there was an asterisk on one of the maximum heights and it referred to something that increased it up, considerably.

Mr. Pires replied maybe it was something about flood regulations.

Mr. Brougham thought the overall concern would be maximum height no matter whether it is garage or something else.

Mrs. Robertson stated the Public Notice allows people to write, call in and email, ahead of the meeting, if they cannot attend. We were hoping, since we oppose the multi-family, because it is 280 versus 138, to steer them in the direction of 138. She wanted the Board to send a letter, as the CDD, stating that its preference is single-family units. Mrs. Robertson wrote but received no response, asking for the price points of the proposed units, as that is a big issue. The neighborhood is close to the mobile park with their loud music and bottle throwing at the walls so a high-end or medium priced community was preferred. Mrs. Robertson hoped getting in front of the situation, and let them know that our thoughts, as a community were leaning toward single-family units, would tailor the developers plans. That is, she wants the CDD to would send the letter stating that our community is leaning towards single-family homes.

Mr. David Campbell, a resident, asked if the Board had a feel, at this point, for what percentage the developer is speaking of removing.

Mr. Brougham responded there are two parcels. The first homes as you drive in Port-Au-Prince Drive, on the right, are not involved with this. The 40 acres in the back corner, bordered by Mulberry, Pepper Tree, Bent Creek and Whisper Trace. Mr. Brougham did get the sense that the Board wanted to take a position. He was willing to sign a letter, or Mr. Adams can write a letter stating the District prefers single-families.

Mr. Bergmoser stated, at the last meeting, the Board took a position that we would not allow the developer to use CDD property, easements to run water in, no one wants a four or five-story high rise, multi-family buildings looking over. He would not be averse to writing such a letter; it is a recommendation and may not carry any weight in their decision but did not think it puts the District in a position where it cannot continue to negotiate on the trees and everything else.

Mr. Peterson agreed but did not like wording stating the District wants single-family homes for "economic reasons". The reason would be for aesthetics, lower traffic, etc., but

cannot say you do not want low income housing there. Mr. Peterson wondered if, when Fiddlers Creek was established, if it had a codicil stating that the areas around it could not contain low rent housing.

Mr. Brougham asked Mr. Adams to draft a letter citing traffic concerns and multi-story, multi-family units are the District's concerns.

Mr. Pires stated, regarding zoning issues, if or when this goes before the County Commission, all rezoning in Collier County require a supermajority vote; four votes from the County Commission. Many times there were zoning applications where the vote was 3 to 2 but it failed because it was not 4 to 1.

FOURTH ORDER OF BUSINESS

Developer's Report

There being no report, the next item followed.

FIFTH ORDER OF BUSINESS

Engineer's Report

Mr. Cole presented Draw #100, for approximately \$37,000, for the Series 2005 A/B bonds, for the retainage payment for OnPower for completion of the traffic signal work. Also attached to that summary are the acceptance letters from Collier County and from the Florida Department of Transportation (FDOT). That documentation was provided to Mr. Pires and Mr. Adams for payment. A summary of all of the invoices was provided for all of the work completed, related to the signal. The total amount was \$466,188.18, of which half is \$233,094.09. The Draw request will be presented to CDD #2 for payment of their half of the signal cost.

Mr. Brougham asked what the turnaround cycle was.

Mr. Adams replied very quickly.

Mr. Cole stated that Draw #101 was for approximately \$800, for the subdivision bond renewal for Phase 3, Unit 1. This should be the last bond renewal work to be completed next month. That project area is near the intersection of Marsh Drive and Club Center Boulevard.

Mr. Cole stated the Phase 4 lake erosion work was finally completed, with the dropping of the water levels. One area was added as a Change Order. It is a little repair, in the Whisper

Trace area; and the contractor must finish a punch list item, which should be completed next week. That would complete the Phase 4 work.

▪ **Consideration of Bids for Phase 5 Lake Erosion Repair and Recommendation of Award (to be provided under separate cover)**

***** This item previously the Eighth Order of Business was presented out of order*****

An inventory of certain lakes was completed. Repairs were identified and prioritized; approximately \$80,000 of repairs were identified. Other areas need repair, meaning geotube repairs. The other areas needing repairs were prioritized for the future. The work was put out the bid and the results were due yesterday. Mr. Cole distributed the summary. Landshore Enterprises Erosion Restoration (LEER) has a contractor that just completed Phase 4, and did good work. The \$79,455 bid from LEER was the only bid received. A proposal was received from Anchor Marine, who previously completed work but it was non-responsive. Anchor Marine emailed a bid form, not a hard bid, as requested, and used last year's bid form. American Shoreline Restoration (ASR) declined to bid because of their workload and erosion barrier installation. The project estimate was about \$79,000, which was close to the bids. The full packages were given to Mr. Adams and Mr. Pires. Mr. Cole recommended that the work be awarded to LEER.

Mr. Peterson stated the District is spending \$79,000 and asked if there any other contractors who do this type of work that the District should be reaching out to. He asked if everyone is too busy.

Mr. Cole responded Anchor Marine desired to bid, but messed it up. Last year, only two bids were received; LEER and Anchor Marine; that time, ASR declined to bid due to their workload. Some potential bidders did not respond.

Mr. Slater asked how much Anchor Marine's bid was.

Mr. Cole responded the quantities were not correct. Last year, Anchor Marine bid about 10% higher than LEER.

Mr. Bergmoser asked if the \$79,000 bid was based on linear foot.

Mr. Cole replied there were different types of repairs, depending on the severity. Some required one permanent bag and some, two. There was an extension of yard drains and addition of pinning the UV screen from a few years ago; that was the basis.

On MOTION by Mr. Bergmoser and seconded by Mr. Turner, with all in favor, Landshore Enterprises Erosion Restoration's bid to repair lake erosion for the not-to-exceed amount of \$79,455, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Request from Dorias Landscaping, Inc., for Tree Removal/Replacement

Mr. Ray Doria, of Doria's Landscaping, Inc. (Doria's) stated a client wanted a tree for a resident. The Client is willing to pay to remove the tree and installing the new one.

Mr. Brougham stated this came to his attention last month, but asked for it to be brought back to the Board. He agreed with removing the tree, and replacing it with no cost to the District, provided the District is protected from an insurance and liability perspective.

Mr. Doria stated there are two trees, side-by-side, seemingly growing together. Mr. Doria wants to remove one tree, leave one and plant a smaller tree that will not grow as large.

Mr. Albeit stated that the Horticulturalist weighed in on the replacement recommendations; everything is good.

Mr. Doria stated the one being removed is a Rusty Fig 16' to 18'. The new tree would be a Queens Crepe; it has a purple bloom.

Mr. Pires recommended having a license agreement, with a hold-harmless, etc., to protect the District.

Mr. Adams stated we will want a standard warranty on the new tree.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with Mr. Brougham, Mr. Slater and Mr. Turner in favor, and Mr. Bergmoser and Mr. Peterson dissenting, removal of the Rusty Fig tree and replacement with a Queens Crepe tree and requiring a license agreement and warranty on the replacement tree, were approved. (Motion passed 3-2)

Mr. Pires advised Mr. Doria not to proceed until the license agreement is executed.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2016-5, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2014 and Ending September 30, 2015; and Providing for an Effective Date

Mr. Brougham presented Resolution 2016-5 for the Board’s consideration.

Mr. Adams stated the Resolution is to avoid a finding in the audit. If the District cumulatively, exceeds the budgeted appropriations, in a fiscal year, the budget must be modified or amended, accordingly. Under Revenues was due to modification to the ERU assigned to the two commercial properties. Under “Expenditures”, “Legal – litigation” was budgeted at \$100,000 and \$28,818 was spent, so there was a \$71,182 savings. Under “Water management maintenance”, “Other contractual” was increased \$100,000 more, so that, the fieldwork would be finalized, to make sure there is enough additional money to cover any increases and avoid another budget amendment. Under “Street lighting”, “Capital outlay – traffic signal” was added, as it was an unbudgeted item. “Landscaping” had a large deduction under “Other contractual”, as a large amount of money related to plant replacement was not spent due to the traffic signal issue, and because of the anticipated significant deduction in the revenue stream. Overall, Total expenditures increased \$353,892, related primarily the \$100,000 contingency in the “Water management” line item and the \$263,695 for the traffic signal. \$299,478 is the write-off, which the Board approved that were monies due to the General fund, from the Construction fund, which were related to the foreclosure activities. Special Counsel advised the Board that it would not be appropriate to continue to hold that because the District would not be pursuing them, due to the arguments made in the case.

On MOTION by Mr. Slater and seconded by Mr. Turner, with all in favor, Resolution 2016-5, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2014 and Ending September 30, 2015; and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Bids for Phase 5 Lake Erosion Repair and Recommendation of Award (to be provided under separate cover)

***** This item presented during the Fifth Order of Business.*****

Mr. Brougham stated the Board budgeted \$200,000 for this fiscal year and just approved spending \$80,000, which gives wiggle room, with respect to trees and flowers.

Mr. Adams concurred.

Mr. Brougham wanted to understand where this year's budget stands for expenditures, considering the traffic signal.

Mr. Adams responded there is wiggle room, in that line item, and only spent $\frac{1}{3}$ to $\frac{1}{4}$ of the plant replacement dollars were spent, so far. Recovery of the expenses related to the traffic signal are forthcoming.

Mr. Brougham surmised that, even if the District wins the litigation case, funds would not be received for at least one year.

NINTH ORDER OF BUSINESS

Discussion/Consideration of Decorative Flowers for Parkway Entry

Mr. Brougham stated that the flowers would not only be for the Parkway Entry, as in the title but also in the whole area. The first page is a brief spreadsheet. The current contract has 2,500 flowers.

Ms. Crismond stated in the current contract, yes.

Mr. Brougham stated that is \$7,500 per rotation and asked where the District is in the rotation cycle. Ms. Crismond replied in rotation two. Mr. Brougham stated if rotations remained on plan, there would be four rotations. Ms. Crismond replied correct. Mr. Brougham stated that would be \$30,000. Ms. Crismond replied correct. Mr. Brougham stated the new price, at the current flower count, including the old count of 2,500 flowers, would be 7,150 flowers. That is what is planted now. Ms. Crismond replied correct. Mr. Brougham stated the number of flowers increased from 2,500 to 7,150. Ms. Crismond replied correct. Mr. Brougham stated if it goes to the third rotation, the District would spend \$64,350, this year, versus \$22,500, formerly. Ms. Crismond stated the flowers had to come out of a plant replacement line item. It is not in the current contract. Mr. Adams clarified that the difference would come out, because there were already three rotations, at 2,500 plants, per rotation, as part of the landscape maintenance contract. Ms. Crismond replied that \$22,500 is already in the actual maintenance contract. Mr.

Adams stated the difference of \$22,500 is what you are looking at. Mr. Brougham stated \$42,000 more, which is three rotations.

Mr. Brougham stated, last year, the number of rotations increased because observations were made, by the Landscape Committee, on the condition of the flowers; whereas, The Foundation rotated four times. At the time, the extra cost was \$3,000.

Mr. Adams responded, with three rotations and not a fourth, the difference, for this year, will be \$14,000, which is the difference between \$21,000 and \$7,500, going from 2,500 to 7,150 plants. That is one rotation of impact, notwithstanding the changes made to number two. Thousands of dollars of change occurred, in rotation two, with the expanded areas.

Mr. Brougham replied since the Board made the decision to increase the rotations, the beds were also expanded, which, with the additional flowers, made a big difference.

Mr. Albeit stated the flowers are not maintained; therefore, the flowers start to look lousy.

Mr. Brougham stated the expanded beds are fine, notwithstanding Mr. Albeit's comment. It would probably be better staying with three rotations, rather than four, which gives the planted flowers a longer time to mature and spread. It seems like one issue was, as soon as some of the flowers began to bloom and spread out, it was time to rotate them out.

Mr. Albeit stated the further question we have three rotations, including those proposed, for further expansion.

Mr. Brougham responded yes, can I reserve that for separate discussion? It is a separate issue, I think.

Ms. Shannon Benedetti, of the Landscaping Committee, stated, at one of the previous meetings, there was an agreement that the Board would align with The Club, at four but are now saying to stay with three

Mr. Brougham stated the question is whether to stay with three to allow the plants to get larger or not.

Ms. Benedetti stated the beds were expanded but it is very flat and it really did not do anything. She previously asked about adding shrubbery or something, which would be a one-time spend, for a length of time, rather than a continuously adding more flowers, four-times-per-year; she questioned if the District could obtain a landscape architect plan, because it is our front entrance.

Mr. Brougham wanted to discuss the front entrance separately from the flowerbeds along Fiddler's Creek Parkway.

Discussion ensued regarding the appearance and condition of the flowers at the front entrance.

Mr. Brougham questioned the wisdom of going to four rotations, versus letting the flowers mature. There should be another discussion about what to plant. We have material in the ground. Maintenance of the plants is what must be discussed. There is no sense in spending money to plant flowers, only to watch them die. With respect to the number of beds, should the District proceed with four rotations or stay with three. We can see what the costs would be.

Mr. Peterson asked if the materials will hold and survive, if three rotations are planted. He questioned why four are needed, as three, properly maintained, should last all year.

Mr. Brougham asked if the current plants would continue to thrive, given adequate maintenance, for three rotations.

Ms. Crismond was not sure if a geranium would last all summer. When we last planted, spring plant material was chosen because it was spring planting.

Mr. Brougham stated it is the second rotation.

Discussion ensued regarding the May flower rotation, what the CDD planned to plant, versus what The Club would plant, and whether the CDD should plant the same flowers as The Club.

Mr. Brougham voiced his opinion that consistency with the plantings of The Club would mitigate the "you should have done this versus that" opinions and asked if the District should change the May planting to pentas, to coordinate with The Club.

Ms. Crismond confirmed that the May flowers were already purchased, as flowers must be purchased 90 days in advance.

Mr. Brougham directed Staff to cancel the order and order the pentas, or whatever is around the The Club. Leave the current flowers in until the new ones arrive.

Regarding maintenance, Mr. Brougham asked what options are available, other than LandCare, as they are not doing the job.

Ms. Crismond replied the only other option is to have someone supply and install but the issue is retaining maintenance. She understood LandCare is not "deadheading" often enough but, on Friday, the flowers looked fine. Ms. Crismond will advise LandCare that they must

increase the maintenance, with their detail crew working on the flower beds because the crew should be taking more care.

Mr. Brougham stated LandCare is being paid extra to come in on Saturday to pick up debris; make it part of their duties.

Mr. Albeit recommended that Ms. Crismond work with Ms. Fesser, The Foundation's horticulturalist, using our landscaping advisors to help make the plant selections.

Mr. Brougham stated that the District should rely on the opinions of Ms. Benedetti and Ms. Fesser.

Someone stated, as soon as possible, flower planting for the CDD property should come out of LandCare's contract and be given to GulfScapes, or another company. This way, the planting maintenance, and everything they are doing.

Mr. Brougham asked if separating the flower maintenance, purchase, installation and maintenance away from LandCare was possible.

Ms. Crismond replied a contractor can be hired to supply and install, like Club Care. The District should be cautious because, if a supplier installs the flowers and the flowers come in with a fungus, everyone is pointing fingers at each other and all of the flowers must be replaced, which raises the question of who is going to pay for that.

Mr. Brougham asked who maintains The Foundation's flowers.

Mr. Albeit responded Doria's Landscaping.

Mr. Doria stated Club Care installs, but does not maintain.

Mr. Brougham asked if Mr. Doria was interested in supplying, planting and maintaining our flowers.

Mr. Doria responded no, he is too busy.

Mr. Brougham stated we are going forward with three rotations, to get in-sync with Ms. Benedetti and Ms. Fesser so the District has the same consistency and saves money. The final issue is the front monument. The expanded beds look good but are flat. From the road, color is visible but no pop. The proposal is \$6,000 to put dirt sloping up to the big monuments and planting flowers. Mr. Brougham asked if it was an option to plant flowers that grow taller, in the back, towards the monument, and "stair step" down, giving the same appearance as adding \$6,000 worth of dirt would. Rather than spend \$6,000 on dirt, different species', with taller plants in the back, coming down to the roadway display of the smallest flowers could be

considered. Mr. Brougham was not willing to spend a significant amount of money on the front entrances, until the ugly white signs are removed, and would vote against spending any additional money on the front entry.

Mr. Bergmoser questioned if raising those beds would obscure the view of the bubblers from the road; hiding them, to some extent.

Ms. Crismond responded it is only the beds in front of the monument that are flat and will be raised.

Mr. Peterson stated what Mr. Vajen said, if you look to the right of the picture, that is where the bubblers are, and you would not see them.

In response to a question about removing the marketing sign, Mr. Albeit was not aware of when it would be removed.

Mr. Brougham asked Mr. Albeit to make an official request.

Ms. Crismond asked what to do about the entry.

Mr. Brougham stated do nothing. Further discussion ensued with agreement to install May flowers utilizing Pentas consistent with Club & Spa.

TENTH ORDER OF BUSINESS

Consideration of Proposals for Tree Replacement on Mulberry

Mr. Brougham stated 50 ficus trees, on the other side of the fence, on Mulberry, were removed. One month ago, the recommendation from Ms. Fesser was to replace the removed trees with Weeping podocarpus trees. The Board asked for alternatives. Three other alternatives were received, including mahogany, live oak and southern magnolia. Ms. Crismond obtained prices for all of the trees, at different sizes and gallonage, from different vendors, including LandCare, which had the highest prices, Girard, GulfScapes and Sunny Grove. Once the species of tree is decided, the Board can determine which supplier to hire and get prices and choose the gallonage. It was Ms. Crismond's opinion that, despite removing 50 trees only 22 to 23 trees should be planted because the root systems on the removed ficus' remain. With a weeping podocarpus, with a 25' to 35' spread, the roots will rarely cause problems. Mahogany's, with 30' to 40' spread, develop large seed pods and pushes out old leaves in the spring, has root problems. Southern Magnolia drop fruit, leaves and twigs continually subject to scale and mealy bugs. Southern Live Oaks have surface roots and replace their leaves in the spring. Of the

options, weeping podocarpus seems to be the best; it is the cleanest tree, has a good spread, is not dirty nor does it have a root problem.

Mr. Brougham recommended selecting the weeping podocarpus; it is in line with Ms. Fesser's recommendation and has fewer downsides and negative aspects.

The Board concurred.

Mr. Brougham asked what size of tree to select. Girard, prior to Sunny Grove's proposal, had the best prices; Sunny Grove is proposing \$625 per tree. Ms. Crismond stated Girard's trees are responded 12', guaranteed overall height, compared to Girard, which is a 9' to 10' tree.

Ms. Crismond stated Girard's 9' to 10' tree is 30-gallon size. Sunny Grove guarantees 12' height, ball and burlap. In response to Mr. Brougham's question, Ms. Crismond stated SunnyGrove has the best price for the largest podocarpus.

Mr. Doria stated the reason for the lower pricing is Sunny Grove is a nursery, there is no middleman.

Mr. Brougham surmised that the Board would vote to get the largest species of tree recommended by Ms. Fesser.

Regarding warranty, Mr. Adams stated 180 days is an industry standard.

Ms. Crismond confirmed that the trees were already removed and the stumps were ground. Irrigation must be installed, prior to planting; the cost would be an additional \$1,800 for the drip lines, which will tie in the irrigation.

Ms. Crismond stated the proposal is \$13,760 for 22 trees.

On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, the Sunny Grove proposal for 22 of the largest weeping podocarpus trees, was approved.

Mr. Adams stated, as a reminder, the District's demand, based upon prior counsels, recommendation was to pursue the replacement of what was damaged, so that was inclusive of replacing the ficus with the same, which is where the \$70,000 came from.

Ms. Crismond confirmed that the trees were available; Sunny Grove will not submit a proposal until they know they have the trees.

A Board Member asked of an email with the details of the approvals. Ms. Crismond will send the email.

▪ **Discussion/Consideration of Decorative Flowers for Parkway Entry – Continued**

Discussion of this item resumed.

Mr. Brougham directed Ms. Crismond to locate a vendor that will source, acquire, plant and maintain seasonal flowers. The Board will discuss it at the next meeting

Mrs. Robertson asked if the trees on Mulberry were still pending approval from the Design Review Committee (DRC).

Mr. Brougham assumed approval would be granted.

Mr. Albeit stated that Mr. Vajen will seek larger trees.

Mr. Brougham replied it is fine, as long as it does not cause significant delays; however, from the Board’s perspective, the delay is on The Foundation, as the DRC wanted it done quickly.

ELEVENTH ORDER OF BUSINESS

Approval of February 23, 2016 Regular Meeting Minutes

Mr. Brougham presented the February 23, 2016 Regular 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 February 23, 2016 Regular Meeting Minutes, were approved.

TWELFTH ORDER OF BUSINESS

Action Items

This item was not discussed.

THIRTEENTH ORDER OF BUSINESS

Other Business

Mr. Adams stated the 2004 Crown Victoria is continuing to deteriorate, rapidly. It is the backup car that we kept, versus the last Taurus, which was surplused out, because the Crown Victoria is heavier duty and was holding up well, at the time. It is continuing to deteriorate and costing us a lot to maintain. He recommended purchasing a new Ford Explorer, identical to the one acquired 18 months ago, which would replace the current Explorer, as the front line vehicle. The current Explorer would become the backup vehicle and the District would surplus out the

Crown Victoria. Each year, the District budgets \$22,000, under rentals and leases, for that purpose.

On MOTION by Mr. Brougham and seconded by Mr. Turner, with all in favor, authorizing Staff to purchase a Ford Explorer to replace the 2004 Crown Victoria, was approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

i. Title Documents

Mr. Pires stated Special Warranty Deeds were prepared for a number of tracts to be conveyed to the District and were provided to the developer for review. At present time, the tracts along Antilles, will be excluded from the conveyance.

Mr. Brougham stated there may be an advantage to Fiddler's Creek, LLC retaining title to the Mulberry tract, for awhile.

Mr. Pires stated, regarding the Scrivener's error, Mr. Ken van Assenderp will deal with the boundary correction; so there will be a conference call in two to three weeks.

B. District Manager

i. Approval of Unaudited Financial Statements as of March 31, 2016

Mr. Brougham asked Mr. Adams if he had the alternative financing for the capital improvement project yet. Mr. Adams will present them, along with the draft budget.

Mr. Brougham asked if Mr. Adams had a list of capital infrastructure that has potential to be replaced for gatehouses, pump stations and roadway. Mr. Adams responded yes.

Mr. Brougham asked if there would be options for bonding and borrowing.

Mr. Adams recently engaged in conversations with Florida Community Bank (FCB), which has a very aggressive government lending division. Great terms were found another client, which are a lot better than the District's current rates but the District has a termination clause. Once that deal is completed, Mr. Adams will present it. The District would not be required to keep anything on deposit, for the line of credit, which is a plus. The interest rate is the London Interbank Offered Rate (LIBOR) + 1.8%; the District's current rate on its loan is about 4½%. This is a line of credit, drawn upon, as needed; it is not a term loan. It is emergency

driven. Mr. Brougham was concerned that, currently, the District has a line of credit, with Iberia, which he would prefer to have in force until a new one is negotiated. Mr. Adams confirmed that nothing would be done now, with the Iberia line of credit.

Mr. Brougham presented the Unaudited Financial Statements as of March 31, 2016.

Mr. Adams stated there are no red flags.

Mr. Brougham asked if the \$260,000 would be reflected on the next unaudited financials. Mr. Adams responded it would not be reflected, as the Unaudited Financial Statements as of April 30, 2016 would be on the next agenda.

ii. 1,004 Registered Voters in District as of April 15, 2016

There were 1,004 registered voters residing within the boundaries of the District as of April 15, 2016.

Mr. Brougham stated three Board seats will be up for election.

Mr. Adams stated this is a General Election year and Seat's 3, 4, and 5 will be up for election; Mr. Peterson, Mr. Slater and Mr. Brougham, respectively. The qualifying period is the third week in June.

Mr. Pires stated the qualifying period begins at noon on June 20 and expires at noon on June 24. The District would place a notice in the newspaper two weeks in advance of June 20, following the May meeting.

Mr. Brougham stated candidates can pre-qualify at any point.

iii. NEXT MEETING DATE: May 25, 2016 at 8:00 A.M.

The next meeting will be held on May 25, 2016 at 8:00 a.m.

C. Operations Manager

There being no report, the next item followed.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

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

▪ **Public Comments - Continued**

Public comments resumed.

Ms. Elysee Marshall, a resident, discussed an issue exiting Championship gate. The sensors are either dirty, or the equipment is nonfunctional. Going forward or backing up, she observed cars lining up. When this was brought to the attention of security, more than once, it

was suggested that she keep a clicker in the car. Her clickers cannot be programmed. Ms. Marshal asked the District to provide clickers or consider using a barcode system. This occurs 90% of the time, as she exits out of Championship but everything is fine at the front gate; there is something going on at Championship.

Mr. Brougham asked if Ms. Marshall wanted the District to provide clickers.

Ms. Marshall was asking that the District come to a satisfactory resolution about the issue exiting Championship gate.

Mr. Brougham stated the sensors on the gate work for the majority of people.

Discussion ensued about Ms. Marshall's problems exiting Championship gate, potential reasons for the issues and possible solutions.

Mr. Brougham directed Mr. Charbonneau, to work with Ms. Marshall, check her clicker, the home link and have TEM check the receiver, etc. at Championship gate.

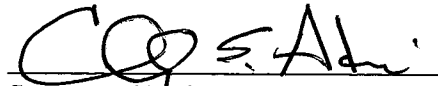
SIXTEENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, the meeting adjourned at approximately 9:56 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair