

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT
DISTRICT #1**

**REGULAR MEETING
AGENDA**

November 16, 2016

Fiddler's Creek Community Development District #1

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone: (561) 571-0010 • Fax: (561) 571-0013 • Toll-free: (877) 276-0889

November 9, 2016

ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors

Fiddler's Creek Community Development District #1

Dear Board Members:

The Board of Supervisors of the Fiddler's Creek Community Development District #1 will hold a Regular Meeting on **Wednesday, November 16, 2016 at 8:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114**. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments: Non-Agenda Items (*3 minutes per speaker*)
3. Special Counsel Update
4. Developer's Report
5. Engineer's Report
6. Acceptance of Unaudited Financial Statements as of October 31, 2016
7. Consideration of Minutes
 - A. **October 17, 2016** Continued Meeting
 - B. **October 26, 2016** Regular Meeting
8. Action Items
9. Other Business
10. Staff Reports
 - A. District Counsel
 - B. District Manager
 - i. **NEXT MEETING DATE: December 7, 2016 at 8:00 A.M.**
 - C. Operations Manager

11. Supervisors' Requests
12. Public Comments
13. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,

A handwritten signature in black ink that reads "C.E. Adams, Jr." with a stylized, cursive script.

Chesley E. Adams, Jr.
District Manager

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
FINANCIAL STATEMENTS
UNAUDITED
OCTOBER 31, 2016**

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
BALANCE SHEET
GOVERNMENTAL FUNDS
OCTOBER 31, 2016**

	General 001	Debt Service Series 2013 Refunded 1999	Debt Service Series 2013 Refunded 2006	Debt Service Series 2014-1 Refunded 2002B	Debt Service Series 2014-2 Refunded 2002A	Debt Service Series 2014-3 Refunded 2005	Debt Service Series 2014-4 Refunded 2005	Capital Projects Series 2005	Total Governmental Funds
ASSETS									
Operating accounts									
SunTrust	\$ 8,639	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,639
Assessment account-Iberia	300,094	-	-	-	-	-	-	-	300,094
Centennial Bank - MMA *	76,137	-	-	-	-	-	-	-	76,137
Finemark - MMA *	68,536	-	-	-	-	-	-	-	68,536
Investments									
Revenue	-	205,407	86,261	227,106	377,609	214,800	226,950	-	1,338,133
Reserve - series A	-	433,571	25,008	-	-	-	-	-	458,579
Prepayment	-	50,386	1,119	-	363,693	-	-	-	415,198
Prepayment - 2002B exchange	-	-	-	392	-	-	-	-	392
Undeposited funds	94,304	-	-	-	-	-	-	-	94,304
Due from general fund	-	-	-	-	2,793	-	-	-	2,793
Due from other funds	132,060	-	-	-	-	-	-	-	132,060
Due from Fiddler's Creek CDD #2	27,302	-	-	-	-	-	-	-	27,302
Deposits	5,125	-	-	-	-	-	-	-	5,125
Total Assets	\$ 712,197	\$ 689,364	\$ 112,388	\$ 227,498	\$ 744,095	\$ 214,800	\$ 226,950	\$ -	\$ 2,927,292
LIABILITIES & FUND BALANCES									
Liabilities:									
Accounts payable	\$ 43,802	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 43,802
Due to other funds									
General fund 001	-	557	279	274	-	-	-	130,950	132,060
Debt service 2014-2	2,793	-	-	-	-	-	-	-	2,793
Landshore Enterprises retainage	4,688	-	-	-	-	-	-	-	4,688
Total liabilities	51,283	557	279	274	-	-	-	130,950	183,343
Fund balances:									
Assigned:									
Debt service	-	688,807	112,109	227,224	744,095	214,800	226,950	-	2,213,985
Capital projects	-	-	-	-	-	-	-	(130,950)	(130,950)
Unassigned	660,914	-	-	-	-	-	-	-	660,914
Total fund balances	660,914	688,807	112,109	227,224	744,095	214,800	226,950	(130,950)	2,743,949
Total liabilities and fund balance	\$ 712,197	\$ 689,364	\$ 112,388	\$ 227,498	\$ 744,095	\$ 214,800	\$ 226,950	\$ -	\$ 2,927,292

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND 001
FOR THE PERIOD ENDED OCTOBER 31, 2016**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 12,662	\$ 12,662	\$ 2,335,284	1%
Developer assessment	35,995	35,995	536,999	7%
Interest	310	310	2,200	14%
Miscellaneous	-	-	15,000	0%
Total revenues	<u>48,967</u>	<u>48,967</u>	<u>2,889,483</u>	2%
EXPENDITURES				
Administrative				
Supervisors	646	646	12,918	5%
Management	5,043	5,043	60,525	8%
Assessment roll preparation	-	-	25,490	0%
Accounting services	1,647	1,647	19,764	8%
Audit	-	-	15,400	0%
Legal	-	-	25,000	0%
Legal - litigation	-	-	35,000	0%
Engineering	-	-	20,000	0%
Telephone	57	57	682	8%
Postage	64	64	2,000	3%
Insurance	16,677	16,677	21,540	77%
Printing and binding	55	55	659	8%
Legal advertising	379	379	1,000	38%
Office supplies	56	56	750	7%
Annual district filing fee	175	175	175	100%
Trustee	-	-	15,500	0%
Arbitrage rebate calculation	-	-	4,000	0%
Contingencies	99	99	22,000	0%
Dissemination agent	966	966	11,596	8%
Total administrative	<u>25,864</u>	<u>25,864</u>	<u>293,999</u>	9%
Field management				
Field management services	2,186	2,186	26,237	8%
Total field management	<u>2,186</u>	<u>2,186</u>	<u>26,237</u>	8%
Water management maintenance				
Other contractual	-	-	378,355	0%
Fountains	1,936	1,936	60,000	3%
Total water management maintenance	<u>1,936</u>	<u>1,936</u>	<u>438,355</u>	0%
Street lighting				
Contractual services	-	-	17,500	0%
Electricity	-	-	38,000	0%
Holiday lighting program	-	-	12,000	0%
Miscellaneous	-	-	1,500	0%
Total street lighting	<u>-</u>	<u>-</u>	<u>69,000</u>	0%

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND 001
FOR THE PERIOD ENDED OCTOBER 31, 2016**

	Current Month	Year To Date	Budget	% of Budget
Landscaping				
Other contractual - landscape maintenance	42,415	42,415	1,060,000	4%
Other contractual - flowers			42,000	0%
Improvements and renovations	-	-	145,000	0%
Contingencies	-	-	35,600	0%
Total landscaping	<u>42,415</u>	<u>42,415</u>	<u>1,282,600</u>	3%
Access control				
Contractual services	13,632	13,632	361,757	4%
Rentals and leases	-	-	21,975	0%
Fuel	17	17	7,372	0%
Repairs and maintenance - parts	-	-	4,253	0%
Repairs and maintenance - gatehouse	-	-	14,178	0%
Insurance	4,255	4,255	5,104	83%
Operating supplies	2,336	2,336	25,520	9%
Capital outlay	-	-	11,342	0%
Total access control	<u>20,240</u>	<u>20,240</u>	<u>451,501</u>	4%
Roadway				
Contractual services	-	-	5,000	0%
Roadway maintenance	-	-	110,000	0%
Total roadway	<u>-</u>	<u>-</u>	<u>115,000</u>	0%
Irrigation supply				
Electricity	-	-	750	0%
Repairs and maintenance	134	134	1,500	9%
Supply system	2,492	2,492	125,400	2%
Total irrigation supply	<u>2,626</u>	<u>2,626</u>	<u>127,650</u>	2%
Other fees & charges				
Property appraiser	35,528	35,528	36,489	97%
Tax collector	253	253	48,652	1%
Total other fees & charges	<u>35,781</u>	<u>35,781</u>	<u>85,141</u>	42%
Total expenditures	<u>131,048</u>	<u>131,048</u>	<u>2,889,483</u>	5%
Excess/(deficiency) of revenues over/(under) expenditures	(82,081)	(82,081)	-	
Fund balances - beginning	742,995	742,995	674,452	
Fund balances - ending	<u>\$ 660,914</u>	<u>\$ 660,914</u>	<u>\$ 674,452</u>	

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2013 (REFUNDED SERIES 1999)
FOR THE PERIOD ENDED OCTOBER 31, 2016**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 4,584	\$ 4,584	\$ 902,504	1%
Interest	8	8	-	N/A
Total revenues	<u>4,592</u>	<u>4,592</u>	<u>902,504</u>	1%
EXPENDITURES				
Debt service				
Principal	-	-	715,000	0%
Interest	-	-	154,600	0%
Total debt service	<u>-</u>	<u>-</u>	<u>869,600</u>	0%
Other fees & charges				
Property appraiser	13,730	13,730	14,102	97%
Tax collector	92	92	18,802	0%
Total other fees & charges	<u>13,822</u>	<u>13,822</u>	<u>32,904</u>	42%
Total expenditures	<u>13,822</u>	<u>13,822</u>	<u>902,504</u>	2%
Excess/(deficiency) of revenues over/(under) expenditures	(9,230)	(9,230)	-	
Fund balances - beginning	698,037	698,037	634,215	
Fund balances - ending	<u>\$ 688,807</u>	<u>\$ 688,807</u>	<u>\$ 634,215</u>	

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2013 (REFUNDED SERIES 2006)
FOR THE PERIOD ENDED OCTOBER 31, 2016**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 2,834	\$ 2,834	\$ 551,539	1%
Interest	1	1	-	N/A
Total revenues	<u>2,835</u>	<u>2,835</u>	<u>551,539</u>	1%
EXPENDITURES				
Debt service				
Principal	-	-	495,000	0%
Interest	-	-	36,431	0%
Total debt service	<u>-</u>	<u>-</u>	<u>531,431</u>	0%
Other fees & charges				
Property appraiser	8,391	8,391	8,618	97%
Tax collector	57	57	11,490	0%
Total other fees & charges	<u>8,448</u>	<u>8,448</u>	<u>20,108</u>	42%
Total expenditures	<u>8,448</u>	<u>8,448</u>	<u>551,539</u>	2%
Excess/(deficiency) of revenues over/(under) expenditures	(5,613)	(5,613)	-	
Fund balances - beginning	117,722	117,722	109,531	
Fund balances - ending	<u>\$ 112,109</u>	<u>\$ 112,109</u>	<u>\$ 109,531</u>	

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2014-1 (REFUNDED SERIES 2002B)
FOR THE PERIOD ENDED OCTOBER 31, 2016**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Assessment levy: on-roll - net	\$ 2,835	\$ 2,835	\$ 548,352	1%
Interest	3	3	-	N/A
Total revenues	<u>2,838</u>	<u>2,838</u>	<u>548,352</u>	1%
EXPENDITURES				
Debt service				
Principal	-	-	180,000	0%
Interest	-	-	352,450	0%
Total debt service	<u>-</u>	<u>-</u>	<u>532,450</u>	0%
Other fees & charges				
Property appraiser	8,342	8,342	8,568	97%
Tax collector	57	57	11,424	0%
Total other fees & charges	<u>8,399</u>	<u>8,399</u>	<u>19,992</u>	42%
Total expenditures	<u>8,399</u>	<u>8,399</u>	<u>552,442</u>	2%
Excess/(deficiency) of revenues over/(under) expenditures	(5,561)	(5,561)	(4,090)	
Fund balances - beginning	<u>232,785</u>	<u>232,785</u>	<u>224,607</u>	
Fund balances - ending	<u>\$ 227,224</u>	<u>\$ 227,224</u>	<u>\$ 220,517</u>	

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2014-2 (REFUNDED SERIES 2002A)
FOR THE PERIOD ENDED OCTOBER 31, 2016**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Assessment levy	\$ 336,407	\$ 336,407	\$ 1,110,219	30%
Interest	1	1	-	N/A
Total revenues	<u>336,408</u>	<u>336,408</u>	<u>1,110,219</u>	30%
EXPENDITURES				
Debt service				
Principal	-	-	355,000	0%
Interest	-	-	755,219	0%
Total debt service	<u>-</u>	<u>-</u>	<u>1,110,219</u>	0%
Other fees & charges				
Tax collector	57	57	-	N/A
Total other fees & charges	<u>57</u>	<u>57</u>	<u>-</u>	N/A
Total expenditures	<u>57</u>	<u>57</u>	<u>1,110,219</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	336,351	336,351	-	
Fund balances - beginning	407,744	407,744	8,914	
Fund balances - ending	<u>\$ 744,095</u>	<u>\$ 744,095</u>	<u>\$ 8,914</u>	

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2014-3 (REFUNDED SERIES 2005)
FOR THE PERIOD ENDED OCTOBER 31, 2016**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Assessment levy	\$ 214,799	\$ 214,799	\$ 589,600	36%
Total revenues	<u>214,799</u>	<u>214,799</u>	<u>589,600</u>	36%
EXPENDITURES				
Debt service				
Principal	-	-	160,000	0%
Interest	-	-	429,600	0%
Total debt service	<u>-</u>	<u>-</u>	<u>589,600</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	214,799	214,799	-	
Fund balances - beginning	1	1	-	
Fund balances - ending	<u>\$ 214,800</u>	<u>\$ 214,800</u>	<u>\$ -</u>	

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2014-4 (REFUNDED SERIES 2005)
FOR THE PERIOD ENDED OCTOBER 31, 2016**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Assessment levy	<u>\$ 226,949</u>	<u>\$ 226,949</u>	<u>\$ 623,900</u>	36%
Total revenues	<u>226,949</u>	<u>226,949</u>	<u>623,900</u>	36%
EXPENDITURES				
Debt service				
Principal	-	-	170,000	0%
Interest	-	-	453,900	0%
Total debt service	<u>-</u>	<u>-</u>	<u>623,900</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	226,949	226,949	-	
Fund balances - beginning	1	1	2,367	
Fund balances - ending	<u>\$ 226,950</u>	<u>\$ 226,950</u>	<u>\$ 2,367</u>	

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND SERIES 2005
FOR THE PERIOD ENDED OCTOBER 31, 2016**

	<u>Current Month</u>	<u>Year To Date</u>
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 EXPENDITURES		
Capital outlay	<u>-</u>	<u>-</u>
Total expenditures	<u>-</u>	<u>-</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 - -	 - -
 Fund balances - beginning	 <u>(130,950)</u>	 <u>(130,950)</u>
Fund balances - ending	<u><u>\$ (130,950)</u></u>	<u><u>\$ (130,950)</u></u>

1 **MINUTES OF MEETING**
2 **FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #1**
3

4 A Continued Meeting of the Board of Supervisors of the Fiddler’s Creek Community
5 Development District #1 was held on **Monday, October 17, 2016 at 10:00 a.m.**, at the **19th Hole**
6 **at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**
7

8 **Present at the meeting were:**
9

10 Gerald Bergmoser	Vice Chair
11 Richard Peterson	Assistant Secretary
12 Robert Slater	Assistant Secretary
13 Charles Turner	Assistant Secretary

14
15 **Also present were:**
16

17 Chuck Adams	District Manager
18 Rick Reyes	Special Counsel
19 Court Reporter	

20
21
22 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

23
24 Mr. Adams called the meeting to order at 10:26 a.m., and noted, for the record, that
25 Supervisors Bergmoser, Peterson, Slater and Turner were present, in person. Supervisor
26 Brougham was not present. Mr. Adams, Mr. Reyes and a court reporter were also present.

27 Mr. Adams indicated that the primary purpose of the Continued Meeting was to hold the
28 Executive Session.
29

30 **SECOND ORDER OF BUSINESS**

Executive Session

31
32 Mr. Adams stated that Special Counsel requested the Executive Session at the last
33 meeting.

34 Mr. Adams recessed the public session at approximately 10:27 a.m.

35 The Executive Session convened at approximately 10:28 a.m.
36

37 **THIRD ORDER OF BUSINESS**

Reconvene Public Session

39 Mr. Adams reconvened the Continued Meeting at 11:05 a.m., and noted that Supervisors
40 Bergmoser, Peterson, Slater and Turner were present, in person, along with himself and Mr.
41 Reyes.

42

43 **FOURTH ORDER OF BUSINESS**

**Consideration of Any Actions Resulting
from Executive Session**

44

45

46 As a result of the Executive Session, the Board was in favor of designating Mr. Adams to
47 serve and the District's Corporate Representative in the lawsuit against U.S. Bank.

48

**On MOTION by Mr. Slater and seconded by Mr. Bergmoser,
with all in favor, designating Mr. Adams as the District's
Corporate Representative in the lawsuit against U.S. Bank,
was approved.**

49

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55 **FIFTH ORDER OF BUSINESS**

Other Business

56

57 There being no other business, the next item followed.

58

59 **SIXTH ORDER OF BUSINESS**

Adjournment

60

61 There being nothing additional to discuss, the meeting adjourned.

62

**On MOTION by Mr. Bergmoser and seconded by Mr. Turner,
with all in favor, the meeting adjourned at 11:06 a.m.**

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

DRAFT

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

3
4 A Regular Meeting of the Board of Supervisors of the Fiddler’s Creek Community
5 Development District #1 was held on **Wednesday, October 26, 2016 at 8:00 a.m.**, at the
6 **Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

7
8 **Present at the meeting were:**

9
10 Phil Brougham Chair
11 Richard Peterson Vice Chair
12 Robert Slater Assistant Secretary
13 Charles Turner Assistant Secretary
14 Gerald Bergmoser Assistant Secretary

15
16 **Also present were:**

17
18 Chuck Adams District Manager
19 Cleo Crismond Assistant Regional Manager
20 Tony Pires District Counsel
21 Terry Cole District Engineer
22 Carrie Robinson (*via telephone*) Special Counsel
23 Tony DiNardo Developer
24 Ron Albeit The Foundation
25 Shannon Benedetti Landscape Advisory Committee
26 Mike Charbonneau The Foundation

27
28
29 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

30
31 Mr. Adams called the meeting to order at 8:00 a.m., and noted, for the record, that all
32 Supervisors were present, in person.

33
34 **SECOND ORDER OF BUSINESS**

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

35
36
37 There being no public comments, the next item followed.

38
39 **THIRD ORDER OF BUSINESS**

Special Counsel Update

40
41 Ms. Robinson stated that, for the past several months, Special Counsel worked with
42 opposing counsel to establish a deposition schedule for the District’s case, along with CDD #2’s

43 underlying case. The first person on the schedule was Ms. Kathy Broecker, U.S. Bank
44 Representative; the deposition commenced, several years ago, and would continue on November
45 9 and would be for both cases. The deposition of Mr. Elliot Miller, Corporate Representative of
46 CDD #2, should occur prior to the end of the year but may not occur due to the deposition of
47 another U.S. Bank Representative, Mr. Scott Strodhoff. Depositions would occur in the order
48 established.

49 Mr. Brougham referred to developments, two or three weeks ago and discussed in the
50 Executive Session, and asked how the depositions run in opposition to that discussion, with
51 respect to U.S. Bank. Ms. Robinson stated that depositions were being scheduled but it still
52 leaves room for other things to happen in the case and would not preclude those; it would be
53 foolhardy, given the numerous schedules involved, to not proceed with the established deposition
54 schedule. Mr. Brougham asked if depositions were proceeding as if the other matter did not
55 occur and, if something developed with the other matter, the District would proceed with it. Ms.
56 Robinson replied affirmatively.

57 Mr. Slater asked how many depositions were scheduled. Ms. Robinson stated that,
58 currently, eight depositions were scheduled but a number were being sought. Neither CDD #1
59 nor #2 had a large list of deponents, as the issues were believed to be narrow and of which the
60 witnesses' knowledge would be minimal; however, U.S. Bank and ITG did not agree and had a
61 large list of additional deponents. Both sides agreed to alternate. Mr. Slater asked if there would
62 be 20 to 25 depositions. Ms. Robinson replied affirmatively; however, ITG's depositions would
63 not affect CDD #1 nor be part of the CDD #1 case. As information is obtained and the more
64 important depositions are taken, other depositions might not be taken.

65 Mr. Slater wanted this item included on the Action Items List, as he had personal
66 misgivings, and asked that it also be included as an Agenda Item. Mr. Slater wanted to discuss
67 the cost and impact to the District. Mr. Brougham believed that the District did not have a
68 choice. Mr. Pires suggested holding a closed-door session to discuss these matters, as they are
69 related to legal and case management strategies, rather than discussing it in an open meeting.
70 Ms. Robinson agreed that the discussions would be litigation strategy and suggested scheduling
71 the Executive Session for November 2. Mr. Bergmoser wanted to delay the Executive Session
72 until Mr. Reyes advised whether the other effort was successful. Ms. Robinson stated that an
73 Executive Session must be requested during a Regular Meeting; therefore, if not scheduled
74 today, the Executive Session could not be scheduled until the November meeting. Ms.

75 Robinson requested that today's meeting be continued to Wednesday, November 2, 2016 at 3:00
76 p.m., at this location, for the purpose of holding the Executive Session

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

78

79 **FOURTH ORDER OF BUSINESS** **Developer's Report**

80

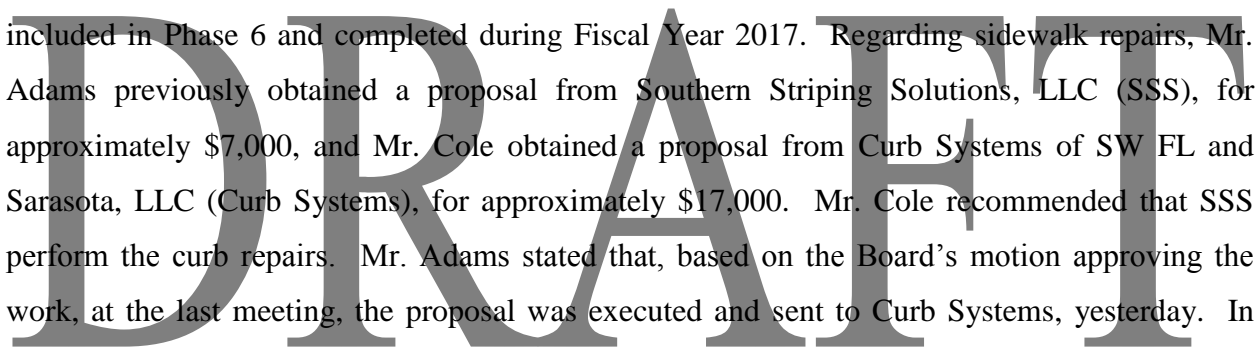
81 There being no report, the next item followed.

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83 **FIFTH ORDER OF BUSINESS** **Engineer's Report**

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85 Mr. Cole stated that, with the end of the wet season, lake levels were receding but
86 remained slightly high. Lake 7 receded below the level of the geotube bag so the contractor
87 should be able to cut the bags and sod the bank to complete Phase 5 work within the next two
88 weeks. As water levels continue receding, Mr. Cole would inspect and prioritize work to be
89 included in Phase 6 and completed during Fiscal Year 2017. Regarding sidewalk repairs, Mr.
90 Adams previously obtained a proposal from Southern Striping Solutions, LLC (SSS), for
91 approximately \$7,000, and Mr. Cole obtained a proposal from Curb Systems of SW FL and
92 Sarasota, LLC (Curb Systems), for approximately \$17,000. Mr. Cole recommended that SSS
93 perform the curb repairs. Mr. Adams stated that, based on the Board's motion approving the
94 work, at the last meeting, the proposal was executed and sent to Curb Systems, yesterday. In
95 response to Mr. Bergmoser's question, Mr. Cole confirmed that the scope of work included the
96 135 previously identified areas. Ms. Crismond advised Mr. Cole, earlier today, that the sidewalk
97 repair, across from Cascada, was failing; he would inspect the area today and likely have SSS
98 repair it. Ms. Crismond clarified that the sidewalk was not failing; the issue was sediment
99 washing out from under the sidewalk.



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101 **SIXTH ORDER OF BUSINESS** **Consideration of Fiddler's Creek**
102 **Foundation d/b/a FC Safety Renewal to**
103 **Contract (Access Control Services)**

104

105 Mr. Adams stated that the contract included the additional guard, at the main gate, from
106 December 19, 2016 through April, 2017. The contract was in a not-to-exceed amount of
107 \$622,905.

108 Mr. Pires distributed an Addendum to the contract regarding public records law, which
109 clarified the public records obligations of contractors entering into contracts with public entities,

110 which requires specified language to be in all contracts entered into or amended, after July 1,
111 2016.

112 Mr. Peterson asked if Mr. Charbonneau was the Project Manager reflected in Item 3, on
113 Page 2. Mr. Adams replied affirmatively. In response to Mr. Slater’s question, Mr. Adams
114 indicated that the \$622,905 amount was what was approved, as part of the budget adoption
115 process; the Ninth Order of Business was related to increasing the guard hours, at certain
116 locations, from the hours specified in this contract.

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On MOTION by Mr. Bergmoser and seconded by Mr. Peterson, with all in favor, the Access Control Services Renewal to Contract and Addendum, was approved.

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SEVENTH ORDER OF BUSINESS

Consideration of Easement Documents in Favor of The Foundation for the Construction of Boat Launch into Fiddler’s Creek from Runaway Lane

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Mr. Pires indicated that the Easement was reviewed and approved by himself, Mr. Cole, Mr. Adams and Ms. Valerie Lord. The only clarification was that the attachment must be replaced with a more accurate easement map and description. Bond Counsel confirmed, via email, that the easement and related use would not affect the tax-exempt status of interest on the Series 1999 bonds and would not breach any covenants in the Master Indenture; furthermore, the easement was permitted by Paragraph 2, of Section 7.5 of the Master Indenture.

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134

Mr. Cole received and briefly reviewed construction plans for the boat ramp and recommended that approval be subject to review by Staff. Elevations must be reviewed to ensure that the filling of the lake to build the boat ramp does not interfere with existing lake bank maintenance and a nearby outfall pipe. Discussion ensued regarding when the accurate map and legal description would be provided, etc. Mr. Brougham did not want to delay the project pending receipt of those documents and asked why the Easement could not be executed today and the project commence today. Mr. Pires stated that the correct Exhibit A must be attached. All parties could execute the Easement today, the new Exhibit A could be attached and Mr. Pires should be able to record the Easement tomorrow. Mr. Brougham advised Mr. DiNardo to proceed with the boat launch project unless advised to stop work.

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On MOTION by Mr. Turner and seconded by Mr. Slater, with all in favor, the Easement documents in favor of The Foundation for the construction of a boat launch into Fiddler's Creek from Runaway Lane, subject to the District Engineer's review of elevations and attachment of the corrected Exhibit A, and authorizing the Chair to execute, were approved.

EIGHTH ORDER OF BUSINESS

Discussion: Rule for Ordinance Amendment to Expand/Contract Legal Description of Fiddler's Creek Community Development District #1

Mr. Pires stated that the Petition and related documents were ready for execution.

On MOTION by Mr. Brougham and seconded by Mr. Turner, with all in favor, the Petition for Rule Amendment to Expand/Contract Legal Description of Fiddler's Creek Community Development District #1 and authorizing the Chair to execute, were approved.

NINTH ORDER OF BUSINESS

Presentation/Discussion: Potential Additional Security Coverage Needs

Mr. Turner stated that this item was to ascertain whether the District had an Access Control Services strategy for adding 24-hour coverage at the Championship and Sandpiper Gates, along with additional rover coverage. Mr. Adams stated that the additional costs were included in the email in the agenda but did not include the additional electrical, vehicle and fuel costs related to 24-hour gate coverage and an additional roving patrol. Mr. Turner believed that, at first, an additional vehicle would not be necessary. Regarding the overall cost for additional security services, Mr. Turner believed that the cost could amount to \$6 to \$8 more, per month, per unit and questioned who would object to the cost, given the benefit. The community was growing but Mr. Turner was not aware of new fire or police stations being built; the current response time was four to 10 minutes to reach the community.

Mr. Turner asked for a per unit breakdown of the quoted costs and whether those costs were for additional coverage in both CDDs. Mr. Albeit stated that the amounts in the email were the additional annual costs for 24-hour coverage at the Championship and Sandpiper Gates and for an additional rover for 8 hours per day.

184 Mr. Peterson felt that it must first be determined whether additional coverage, as
185 described, was necessary. An elaborate security system, with cameras, was installed by The
186 Foundation. Mr. Charbonneau confirmed that the new cameras were operational. Mr. Peterson
187 wanted actual information of the need for additional security coverage. Mr. Turner agreed that
188 the security cameras were helpful but additional coverage would improve the level of security, as
189 the cameras cannot react to something, as it occurs. Mr. Bergmoser stated that the only hard data
190 available would be Mr. Charbonneau’s monthly security statistics. Through the first nine months
191 of 2016, there were no arrests, assaults, burglaries, assaults, home invasions or suspicious
192 persons and there was one grand theft, which did not evidence the need for additional security, at
193 this time. Mr. Turner stressed that the District should plan ahead. Mr. Brougham surmised that
194 parameters should be set and, if those parameters were reached, then additional security staffing
195 could be considered. Mr. Slater felt that cost for the proposed additional coverage would be
196 minimal and the question was when to implement it. Mr. Turner wanted Mr. Charbonneau’s
197 opinion of what additional coverage would be the most beneficial. Mr. Brougham wanted Mr.
198 Turner to coordinate with Mr. Charbonneau to determine the parameters by which, once met, the
199 District should consider additional security coverage, as it may not be necessary to have an
200 additional guard, at each gate, for a full 24 hours per day. The issue of an additional roving
201 patrol unit, if deemed necessary, should be considered separate and sooner than additional
202 guards. Mr. Peterson asked if data regarding incidents reported since installation of the current
203 camera security system, such as log sheets, was available. Mr. Charbonneau had data reflecting
204 the number of alerts and responses were received from the thermal cameras. Mr. Turner agreed
205 to coordinate with Mr. Charbonneau to establish parameters, benchmarks or criteria that, once
206 met, would prompt consideration of additional security coverage. Mr. Brougham wanted the
207 parameters established and ready for inclusion on agendas, beginning in late spring or early
208 summer, 2017, when Fiscal Year 2018 budget discussions commence.

TENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of September 30, 2016**

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213 Mr. Brougham presented the Unaudited Financial Statements as of September 30, 2016.
214 Mr. Turner asked if the funds allocated from the traffic signal were in one of the District’s
215 accounts. Mr. Adams replied affirmatively. In response to Mr. Bergmoser’s question, Mr.
216 Adams confirmed that the “Settlements” line item, on Page 2, was for funds received related to

217 trees that were cut down by a developer. Mr. Brougham stated that, per the County, the
 218 developer was reevaluating his options; the developer would have six months since the “last
 219 official act”, which was a neighborhood information meeting, to move forward in their formal
 220 application; otherwise, it would be considered withdrawn. Mr. Cole believed that an extension
 221 could be granted. Mr. Brougham questioned if the act of requesting an extension constituted an
 222 official act. Mr. Cole replied affirmatively; however, the party could not request extensions,
 223 indefinitely. Mr. Bergmoser stated that “Operating supplies”, on Page 3, was approximately
 224 \$27,000 over budget. Mr. Adams stated that the line item included clickers, additional cameras,
 225 camera repairs and replacement, maglocks and gates. In response to a question, Mr. Cole stated
 226 that “Total water management maintenance”, on Page 2, was under budget because high water
 227 levels delayed lake bank erosion repairs; “Engineering”, on Page 2, was over budget, as part of
 228 the expenses were for work related to the lake bank erosion repair project. Mr. Adams stated
 229 that the work was budgeted for Fiscal Year 2016 but unspent funds would fall into the surplus
 230 fund balance and the invoices would be paid, once received, which could necessitate a Fiscal
 231 Year 2017 budget amendment.

232
233 **ELEVENTH ORDER OF BUSINESS**

Approval of October 5, 2016 Regular Meeting Minutes

236 Mr. Adams presented the October 5, 2016 Regular Meeting Minutes and asked for any
237 additions, deletions or corrections. The following changes were made:

238 Line 10: Change “Vice Chair” to “Assistant Secretary”

239 Line 12: Change “Assistant Secretary” to “Vice Chair”

240 Line 110: Insert “improvements acquired with” after “of”

241 Line 114: Insert “and” after “harmless”

242 Line 116: Change “\$1.2 million, \$1.3 million” to “to \$2 million, to \$3 million”

243 Lines 148 through 149: Change “back out of the approval, if the Board changed its
244 mind” to “prepare agreement to allow approval after receiving all appropriate documents”

245 Line 255: Change “Schmitt” to “Turner”

<p>247 On MOTION by Mr. Bergmoser and seconded by Mr. Turner, 248 with all in favor, the October 5, 2016 Regular Meeting 249 Minutes, as amended, were approved.</p>

251 **TWELFTH ORDER OF BUSINESS** **Action Items**

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253 Items 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29 and
254 30 were completed.
255 Items 1, 2, 3, 4, 14, 27 and 31 remained.

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257 **THIRTEENTH ORDER OF BUSINESS** **Other Business**

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259 There being no other business, the next item followed.

260
261 **FOURTEENTH ORDER OF BUSINESS** **Staff Reports**

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263 **A. District Counsel**

264 There being nothing additional to report, the next item followed.

265 **B. District Manager**

266 **i. NEXT MEETING DATE: November 16, 2016 at 8:00 A.M.**

267 The next meeting will be held on November 16, 2016 at 8:00 a.m., at this location.

268 **C. Operations Manager**

269 Ms. Crismond presented the Operations Report. The landscape contract, due to expire
270 January 31, 2017, would go out to bid; the bids would be presented, for consideration, at the
271 December meeting. Mr. Brougham asked if there were plans to modify the flowers in front the
272 bubblers, on each side of the front entrance. Ms. Crismond stated that the flower rotation was
273 scheduled for November. Mr. Brougham asked if the flowers would be lower. Ms. Crismond
274 stated that the flowers would not be lowered but the spray height would be raised. Discussion
275 ensued regarding the number of flower rotations, flower types, planting schemes, planting
276 shorter flowers and raising the spray height. The Board directed Ms. Crismond to raise the spray
277 height. At the next meeting, Ms. Crismond would provide details of the number of flower
278 rotations previously approved.

279 Regarding the Mulberry gate, Ms. Crismond stated that the landscaper must correct the
280 angle of the hedges. The dropdown rods and posts would be replaced because the current posts
281 were damaged; the cost was deducted from the prior contractor's invoicing.

282 Discussion ensued regarding whether to increase to daily patrols, in January and
283 February, at a total cost of approximately \$10,000. Mr. Brougham was concerned about the low

284 ratio of citations issued, compared to the high number of warnings issued and directed Ms.
285 Crismond to emphasize this to the Sheriff's Department.

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287 **FIFTEENTH ORDER OF BUSINESS** **Supervisors' Requests**

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

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291 **SIXTEENTH ORDER OF BUSINESS** **Public Comments**

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293 There being no public comments, the next item followed.

294

295 **SEVENTEENTH ORDER OF BUSINESS** **Adjournment**

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297 There being no further business to discuss, the meeting recessed and was continued to
298 Wednesday, November 2, 2016 at 3:00 p.m., for the purpose of holding an Executive Session.

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On MOTION by Mr. Bergmoser and seconded by Mr. Slater, with all in favor, the meeting recessed at approximately 9:04 a.m., and was continued to Wednesday, November 2, 2016 at 3:00 p.m., for the purpose of holding an Executive Session.

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

DRAFT