

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

A Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held on **Wednesday, November 16, 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 ( <i>via telephone</i> )	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Tony Pires ( <i>via telephone</i> )	District Counsel
Terry Cole	District Engineer
Carrie Robinson ( <i>via telephone</i> )	Special Counsel
Ron Albeit	The Foundation
Mike Charbonneau	The Foundation
Shannon Benedetti	Landscape Advisory Committee
Frank Weinberg	Resident
Joe Schmitt	Resident, Supervisor-Elect
Michael Buck	Resident, CDD#2

**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, Peterson, Slater and Bergmoser were present, in person. Supervisor Turner was attending via telephone.

**On MOTION by Mr. Slater 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.**

Mr. Brougham stated that the General Election was held and he and Mr. Slater were re-elected and Mr. Joe Schmitt, a resident, was elected to fill Mr. Peterson's seat. Mr. Brougham thanked Mr. Peterson his service on the Board.

**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**

**Special Counsel Update**

Ms. Robinson did not hear from U.S. Bank's counsel regarding the settlement. In response to Mr. Brougham's question, Ms. Robinson believed that Mr. Reyes contacted U.S. Bank's counsel immediately after the November 2 Executive Meeting, or the next day.

Regarding discovery, Ms. Robinson stated that depositions were attempted but unsuccessful. The efforts to reschedule them would be in January or February, due to the availability of witnesses and counsel.

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

**FOURTH ORDER OF BUSINESS**

**Developer's Report**

Mr. Brougham received a call from Mr. Dennis Albaugh, developer of Antilles, who wanted to discuss new plans. Mr. Brougham informed Mr. Albaugh that he did not represent Fiddler's Creek but would meet with him this afternoon. Based on County regulations, Mr. Albaugh's application for Antilles lapsed. Mr. Albaugh told Mr. Brougham that he was seeking an amendment to the application. Mr. Brougham would suggest that Mr. Albaugh meet the County regulations and schedule a neighborhood information meeting, so Fiddler's Creek residents could hear about the new plans.

**FIFTH ORDER OF BUSINESS**

**Engineer's Report**

Mr. Cole stated that the lake erosion contractor was supposed to complete the Phase 5 work this week, since water levels dropped. As water levels continue receding, Mr. Cole would inspect and prioritize work to be included in Phase 6. The high and medium priorities were

completed and the lower priorities were underway. Since the original review was six or seven years ago, there could be additional areas.

Mr. Cole stated that the sidewalk repairs for CDD #1 were underway; however, two areas that were noted by residents and on the list to be completed were not repaired. In response to Mr. Brougham’s question, Mr. Cole did not know if the sidewalks were marked but would mark them today.

Discussion ensued regarding various sidewalks with lifts and the repairs and inspections.

Mr. Pires stated that the easement documents for the Runaway Lane boat ramp were signed. GradyMinor Engineering (GradyMinor) obtained additional topographic data necessary for the review of the boat ramp. The accurate map and legal description should be provided soon and, once received, Mr. Cole would provide comments. Mr. Brougham asked if construction was underway. Mr. Albeit stated that permits were being obtained. Mr. Pires stated that the easement was recorded on November 1.

Mr. Cole met with Mr. Ken van Assenderp and State agency staff, two weeks ago, to review the draft documents for the petition to amend the CDD #1 boundaries. Revised language was provided to Mr. van Assenderp. It was anticipated that the petition would be formally submitted to the State within a few weeks. In response to Mr. Brougham’s question, the boundary changed by 50 to 60 acres in the southeast corner.

Mr. Slater stated that, in CDD #2, the pavers around the Veneta fountain, at the end of Fiddler’s Creek Parkway were sinking into the ground. Mr. Cole stated that the repair work was awarded and the area would be added to the list. Mr. Bergmoser recalled that the Board agreed not to spend more than \$15,000 on the sidewalk repairs. Mr. Cole stated that the bid was \$600 to \$700.

**SIXTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of October 31, 2016**

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

**SEVENTH ORDER OF BUSINESS**

**Consideration of Minutes**

**A. October 17, 2016 Continued Meeting**

Mr. Bergmoser presented the October 17, 2016 Continued Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Peterson and seconded by Mr. Slater, with all in favor, the October 17, 2016 Continued Meeting Minutes, as presented, were approved.**

**B. October 26, 2016 Regular Meeting**

Mr. Brougham presented the October 26, 2016 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 87: Insert "start to" before "complete"

Line 97: Change "Curb Systems" to "SSS"

Line 132: Change "breech" to "breach"

Line 158: Insert "in substantially final form" after "execution"

**On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, the October 26, 2016 Regular Meeting Minutes, as amended, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Action Items**

Mr. Brougham stated that all Action Items were included in the agenda.

**NINTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Pires briefly discussed the financial disclosure forms and Sunshine Law. Mr. Brougham stated that Supervisors would be sworn in on December 7.

Mr. Pires stated that, under the statute, Supervisors take office on November 22.

**B. District Manager**

**i. NEXT MEETING DATE: December 7, 2016 at 8:00 A.M.**

The next meeting will be held on December 7, 2016 at 8:00 a.m., at this location.

**C. Operations Manager**

Ms. Crismond distributed the Operations Report. The landscape bids would be presented at the December meeting. Palm pruning and pine straw installation commenced.

Discussion ensued regarding the fall flower rotation, shrubs, tiering, color and irrigation of the flowers.

Mr. Brougham asked about the shrubbery around the backflow at the end of Cherry Oaks Lane. Mr. Albeit stated that there were concerns about who owned the property. In response to Mr. Brougham's question, Mr. Pires stated that the spreadsheet detailing property conveyed to the CDD was prepared but it must be sent to Mr. Cole and Mr. Adams for review. It would be provided to the Board in advance of the next Board meeting. Mr. Brougham asked if the spreadsheet included areas within CDD property that were not conveyed. Mr. Pires would prepare a separate spreadsheet.

Mr. Slater asked if cameras were installed at the Mulberry gate and, if not, requested the timeline for the cameras to become operational. Mr. Adams stated that the cameras were installed and had power but did not know when they would be connected. At Mr. Brougham's request, Ms. Crismond would contact LandCare about restoration of a trenched area.

Mr. Brougham stated that LandCare and Girard submitted landscaping proposals and asked about LandCare's performance. Ms. Crismond stated that, overall LandCare was doing a good job, since Mr. Molina was onsite, full-time.

**ELEVENTH ORDER OF BUSINESS****Supervisors' Requests**

Mr. Slater asked Mr. Albeit if the problems with the non-potable water were due to the satellite control area, as Bent Creek and Pepper Tree do not receive non-potable water, even though they were connected; residents must manually water their lawns. In response to Mr. Albeit's question, Mr. Slater confirmed that the areas were not on the non-potable water list. Mr. Crismond stated that Bent Creek and Peppertree were on the non-potable water list. Mr. Albeit advised Mr. Slater to contact Mr. Jim Vajen to test the line. Mr. Brougham recalled that, last year, Peppertree had a malfunctioning board in a control box. Mr. Albeit stated that, last week the golf course had the same problem. Mr. Brougham stated that, last year, when his community had a problem getting water, the central site sent a signal which was received by the remote box; however, the remote box did not receive the signal correctly.

**TWELFTH ORDER OF BUSINESS**

**Public Comments**

Mr. Schmitt asked if the retaining wall with large bricks that hold fill at the Marsh Cove entrance belonged to the CDD or Marsh Cove; some bricks were displaced or fell down. Mr. Albeit believed that it was owned by the golf course. Mr. Cole would take pictures. Mr. Peterson voiced concern that the retaining wall could fall.

Mr. Michael Buck, a CDD #2 resident, stated that, at the main entrance to Fiddler's Creek, off of Collier Boulevard, there was debris in the road. Mr. Brougham stated that it was not the District's responsibility to maintain the roadway and advised Mr. Buck, as a citizen of Collier County, to call the County Transportation Department, who maintained the roadway.

**THIRTEENTH 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 8:41 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair