

**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, February 22, 2017 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
Robert Slater	Assistant Secretary
Charles Turner	Assistant Secretary
Joseph Schmitt	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Ron Albeit	The Foundation
Denise Faucett	Representative of a Resident
Torben Christensen	Resident
Monique Irmen	Resident
Joe Vaccaro	Resident
Harry Bennett	Resident
Allen Kassman	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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

▪ **Execution of Notice of Commencement for Runaway Bay Boat Ramp**

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

Mr. Pires requested authorization for the Chair and/or District Manager to execute the Notice of Commencement (NOC), if necessary, for construction of the boat ramp at the entry to Runaway Bay. Last year, at the request of The Foundation, the District granted an easement. Collier County, requested a signed and recorded NOC for the portion of land owned by the

District. Mr. Brougham asked if there were any liability issues. Mr. Pires replied no; the County had a NOC with the other lake tract owned by a private entity.

**On MOTION by Mr. Turner and seconded by Mr. Bergmoser, with all in favor, authorization for the Chair and/or District Manager to execute the Notice of Commencement, if necessary, for construction of the boat ramp at the entry to Runaway Bay, was approved.**

**SECOND ORDER OF BUSINESS**

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

Mr. Torben Christensen, a resident, asked about maintenance of the creek and erosion. Mr. Adams stated that the CDD maintained the creek, as part of the lake maintenance contract. Mr. Cole stated that the CDD was responsible for erosion. Mr. Brougham asked if the creek was ever surveyed. Mr. Cole stated that a cursory review was performed. Mr. Christensen stated that the creek was a spreader canal, authorized under the United States Army Corps of Engineers (USACE), and voiced his opinion that any work along the creek may require a permit modification. Mr. Cole stated that the southern end required permitting; however, the CDD could maintain the development side. Mr. Brougham asked Mr. Cole to verify if USACE permitting was necessary and have the lake bank inspected for erosion.

Ms. Denise Faucett, a representative of the homeowners at 7734 Mulberry Lane, stated that electrical damage occurred when a meter was installed by AV Tech, a subsidiary of Florida Power & Light (FPL). The homeowners requested that the meter be reduced from 5' to 3'11". Mr. Brougham stated that there were no reservations about lowering the meter; however, Mr. Adams was informed that the height was according to the current National Electric Code. Mr. Schmitt stated that the flood elevation changed and, because of the change in the base flood elevation requirements, it was possible that the meter was set at a higher level and the County could have a minimum height requirement. Mr. Brougham asked Mr. Cole or Mr. Adams to research height options, whether the meter was installed according to new regulations, if it could be lowered or relocated and the associated cost. Mr. Adams stated that the cost would be \$3,000 to \$4,000 to relocate the meter; however, the location was identified by FPL. Mr. Brougham stated that public money could not be used to benefit one owner and asked Staff to provide an update at the next meeting. Mr. Schmitt stated that FPL had the right to install the meter in a

public utility easement. Discussion ensued regarding who would be responsible, if the meter was lowered or moved.

Ms. Monique Irmen, a resident, discussed construction traffic issues on Cherry Oaks Trail, which were exacerbated by traffic on Sandpiper Drive using Cherry Oaks Trail as a major thoroughfare to The Clubhouse. Mr. Brougham stated that it was a public road. Barriers or gates could not be placed across a public road. Collier County was responsible for speed enforcement. Security could direct vendors, construction vehicles and staff to a construction roadway. Ms. Irmen suggested a Traffic Study. Mr. Brougham did not object if Cherry Oaks residents funded an independent Traffic Study and developed alternatives for consideration; however, the District would not fund it. Mr. Bergmoser suggested Sheriff patrols several times per week, during rush hour, and issuing citations.

**THIRD ORDER OF BUSINESS**

**Special Counsel Update**

There being no report, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Developer's Report**

There being no report, the next item followed.

Mr. Bergmoser requested an Executive Session to discuss strategy. Mr. Pires stated that only Counsel could request an Executive Session.

**FIFTH ORDER OF BUSINESS**

**Engineer's Report**

Mr. Cole stated that the CDD #1 sidewalk repairs were substantially completed. Discussion ensued regarding repairs and settling issues. Mr. Cole would have the repairs taken care of, as soon as possible. Mr. Pires asked if there was a trip hazard. Mr. Cole would ask Mr. Charbonneau to place a cone over the area.

Mr. Cole was in the process of sending out the Request for Proposals (RFP) for the Phase 6 lake repairs. Approximately \$150,000 worth of repairs were identified. Plus, another lake would add \$10,000. Mr. Brougham stated that \$200,000 was budgeted for Fiscal Year 2017.

Mr. Cole stated that Waste Management (WM) had an oil spill, two days ago, which affected seven streets. WM provided restoration plans and clean-up commenced but Mr. Cole had not observed it. The following roads were affected:

- Museo Circle – CDD #2
- Campanile Circle – CDD #2
- Corfu Court – CDD #2
- Deer Crossing Court – CDD #1
- Mahogany Bend Drive – CDD #1
- Isla Del Sol Way – CDD #1
- Cotton Green Path Drive – CDD #1

Mr. Brougham asked Mr. Cole to inform Mr. Dan Rodriguez, of WM, that the oil spills were caused by negligence and were unacceptable. If the matter was not resolved, the District would consider legal options. Mr. Pires would retrieve records of all WM incidents and send a formal letter to Mr. Rodriguez, signed by the Chair, addressing the Board's concerns, with copies to the County Manager and County Commissioners. Mr. Pires stated that the Florida Department of Transportation (FDOT) was involved with enforcing safety laws for commercial vehicles and would include FDOT in the letter. Mr. Adams would present the letter to CDD #2 for the Chair's signature.

Mr. Turner discussed the conditions of several pads. Mr. Cole would follow up with Collier Concrete (Collier).

Mr. Cole stated that, at the last meeting, he was asked to provide an opinion about adding a lane at the Championship Drive Gate. Mr. Cole estimated \$85,000 to add a turn lane, median, landscaping, security arms and for permitting. Mr. Brougham asked if the lane would resolve the backup issues. A resident stated that the issues were due to the bar code reader; with an additional lane, there would be a clicker lane and a bar code lane. For \$200,000, a lane could be added on the south side, in an existing ROW.

Mr. Allen Kassman, a resident, stated that Global Positioning System (GPS) directs drivers onto Championship Drive to enter and exit the community. Until Sandpiper Drive had a traffic signal, Championship Drive was the safest route. Mr. Brougham stated that the CDD could not direct traffic. Before widening the Championship Drive Gate, Mr. Brougham wanted a complete solution, including building a larger gatehouse. A resident suggested reviewing the statistics for the Championship Drive gate, such as the type of traffic during peak hours. Ms. Irmen suggested removing the bar code readers and posting a "Do Not Enter" sign. Mr. Brougham stated that signage was not a solution and requested an estimate to reconfigure the Championship Drive gate, similar to the main gate. Mr. Pires voiced concern that obtaining trip

data would open up the opportunity for the RV Parks to ask the County to force the CDD to repave Championship Drive. Mr. Cole stated that 50 raised pavement markers (RPMs), on Championship Drive, were being replaced.

Mr. Cole stated that Mr. Turner identified several areas on Fiddler’s Creek Parkway that needed repairs; those areas would be prioritized. Due to aging roads, Mr. Brougham requested estimates to consider during budget deliberations. Mr. Cole advised that repairs, on Fiddler’s Creek Parkway, were imminent but new roads that were in better condition could be delayed. Mr. Brougham stated that it was time to seriously consider repairing Fiddler’s Creek Parkway.

Mr. Harry Bennett, a resident, noticed deterioration on Club Center Boulevard. Mr. Cole stated that there were painted areas on Runaway Lane and Club Center Boulevard, which were punch list items from the Phase 3, Unit 1 subdivision final acceptance improvements. The developer was responsible for those areas.

**SIXTH ORDER OF BUSINESS**

**Consideration of Hole Montes Revised Professional Fee Schedule**

Mr. Cole presented the Hole Montes revised Professional Fee Schedule. The last rate increase was in 2006. The proposed rates were the same as the Collier County professional services contract, approved in 2014, and used with other municipalities. His hourly rate would increase by 11%, from \$155 to \$172.

Mr. Schmitt asked what effect this would have on the budget. Mr. Adams stated that, since Mr. Cole was an hourly employee, effectiveness would be based on frequency of engagement. Mr. Schmitt suggested an effective date of April 1.

**On MOTION by Mr. Schmitt and seconded by Mr. Bergmoser, with all in favor, the Hole Montes Revised Professional Fee Schedule, effective April 1, was approved.**

**SEVENTH ORDER OF BUSINESS**

**Update: Irrigation Pumphouse Chemical Injection System**

Mrs. Adams recalled that, last month, M.R.I. UnderWater Specialists, Inc., (MRI) presented a proposal for an automatic chemical injector feeder; however, the cost would not be

\$16,000; it was \$16,000 times four, for each of the four wells. A cost analysis was being performed, which would be provided next month.

In response to Mr. Schmitt's question, Mrs. Adams stated that flush outs and the challenges with the snails would still occur. Mr. Brougham stated that the problem was when neighborhoods had to pay their irrigation contractors to clean snails from filters.

Mr. Brougham voiced concern that the District would pay \$64,000, with no assurance that the automatic injection system would work. Mr. Adams stated that Staff was researching the use of the water between the two pump houses. The District pulls 85% to 90% of its water from Creative Lane and drawing the water from the Aviamar pump station or balancing it out better, was under consideration. The treatment program that MRI introduced was successful in other communities and worked well in Pelican Landing. With the automated chemical injection system, the cleaning and inspection frequency should decrease. Mr. Brougham stated that both Districts must approve the system, in order for it to be installed; CDD #1's share would be 62%.

**EIGHTH ORDER OF BUSINESS****Discussion: Drainage Tract Planting Behind Mahogany Bend**

Mr. Cole coordinated with Mrs. Adams and Mr. Dale A. Slabaugh, a Landscape Architect, regarding the landscape design proposal for Mahogany Bend. Mr. Cole provided comments on the preliminary landscape plan and revised plan that Mr. Slabaugh submitted this morning. A cost estimate for irrigation and sodding was requested. The plan must be approved by the Design Review Committee (DRC). The preliminary estimate was \$50,000; \$25,000 was for the sod.

Discussion ensued regarding why sod was necessary, the pond certification, Mr. Slabaugh's plan and providing Mr. Slabaugh with specific direction. Mr. Cole requested an estimate from Mr. Slabaugh for sod and a limited landscaping plan.

Discussion ensued regarding alternatives to sod including landscaping with native plants, a different type of grass and planting shrubs and trees.

Mr. Kassman recalled that, at the last meeting, Staff was directed to send the Applebaums a letter committing to install landscaping. Mr. Brougham stated that the District committed to landscape and to maintain, with no specific commitment to the type of landscaping or the cost, for Mr. Cole and Mr. Slabaugh to spend \$3,000 to file an insubstantial change to the permit for Mahogany Bend, including County fees, and \$1,850 for Mr. Slabaugh's landscape design plan.

Mr. Brougham stated that there was not enough information to proceed and requested minimal options to correct what the CDD committed to behind buffer tracts B-1 and B-2.

Mr. Bergmoser proposed using the settlement with U.S. Bank to replenish the operating account, if significant funds were spent. Mr. Adams stated that the construction funds were closed and refunding the District \$130,000 for permits during the bankruptcy and legal fees, was the first step. Mr. Brougham recalled discussion about using the funds for cameras.

**NINTH ORDER OF BUSINESS**

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

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2016. On Page 2, “Developer assessment” was short of the budget, due to the re-allocation of 72 units in Marsh Cove, from off-roll to on-roll. Mr. Bergmoser requested a cash flow analysis in April.

**TENTH ORDER OF BUSINESS**

**Consideration of January 25, 2017 Regular Meeting**

Mr. Adams presented the January 25, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Lines 92 and 93: Delete “Mr. Brougham stated that off-duty Sheriffs could be hired for enforcement on Mahogany Bend and all Fiddler’s Creek roads.”

**On MOTION by Mr. Bergmoser and seconded by Mr. Turner, with all in favor, the January 25, 2017 Regular Meeting Minutes, as amended, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Action Items**

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

Items 9, 10, 11, 18 and 20 were completed.

Items 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 19, 21 and 22 remained.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Brougham stated that Mr. Dennis Albaugh, the developer of Antilles, revised the plan for Antilles, held a neighborhood information meeting and submitted a revised application to the County. The number of proposed units decreased by approximately 60. The height of the two-story homes would not exceed 35' and there would be a significantly enhanced buffer around the perimeter. Plantings, within the CDD maintenance buffer of 16' on the opposite side of the fence were proposed; however, the CDD and the DRC must give approval. Mr. Richard Yovanovich, Mr. Albaugh's attorney, would meet with Mr. Pires to address any legal documents. Mr. Brougham stated that plants would be at the Developer's expense but maintained by the District.

Mr. Pires stated that, in order for him and his firm to participate, the District must waive any conflict of interest and he would ask Mr. Yovanovich to do the same. Mr. Pires requested authorization for the Chair to execute the waiver. A call with Mr. Yovanovich was scheduled for tomorrow to discuss preparation of a License Agreement between the District and the Developer of Antilles, to allow the Developer to install landscaping approved by the District and the DRC. The Agreement would be for six months, to provide a warranty period for the vegetation in the CDD maintenance buffer on the opposite side of the fence; thereafter, the District would maintain the landscaping. The Agreement was subject to approval of the plans.

**On MOTION by Mr. Schmitt and seconded by Mr. Bergmoser, with all in favor, authorizing the Chair to execute a waiver for conflict of interest related to Mr. Pires and his firm, and preparation of a License Agreement between the District and the Developer of Antilles, to allow the Developer to install landscaping approved by the District and the DRC, was approved.**

Mr. Pires presented a list of properties conveyed to the District. Aerial photos would be provided at the next meeting. Regarding the boundary change, obtaining consent from the two property owners was unsuccessful and the petition would be revised to exclude the two tracts.

**On MOTION by Mr. Schmitt and seconded by Mr. Turner, with all in favor, amending the CDD Boundary change to exclude two tracts, was approved.**



**B. District Manager**

**i. NEXT MEETING DATE: March 22, 2017 at 8:00 A.M.**

The next meeting will be held on March 22, 2017 at 8:00 a.m., at this location.

**C. Operations Manager**

Mrs. Adams presented the Operations Report. Proposals to plant shrubs, on three sides of the Club Center backflow structure, were obtained. LandCare USA, LLC (LandCare) was the lowest bidder, at \$1,862.

**On MOTION by Mr. Bergmoser and seconded by Mr. Turner, with all in favor, the LandCare USA, LLC proposal for the installation of shrubs, at the Club Center backflow structure, in a not-to-exceed amount of \$1,862, was approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Turner received positive comments from residents about the front entrance plantings; however, there were issues with the plantings in the medians, especially with the bougainvilleas. Mrs. Adams would meet with LandCare tomorrow. Mr. Turner stated that there was property damage in the median on the parkway and asked how long it would take to get a traffic signal. Mrs. Adams was waiting for a cost estimate; she spoke with the insurance company and a claim was submitted. Once the work was performed, the insurance company would provide reimbursement. Mr. Turner asked about the roadway hydraulic stain that was addressed in Mrs. Adams' report. Mrs. Adams stated that the stain was caused by a resident. The contractor did not recommend sandblasting the road. It would oxidize, over time.

**FOURTEENTH ORDER OF BUSINESS**

**Public Comments**

Ms. Faucett thanked the Board for directing Mr. Cole to handle the water meter issue and requested that the work not commence until the options were addressed.

▪ **Supervisors' Requests**

Discussion resumed.

Mr. Schmitt stated that a fence was down, by the lift station, and encouraged Staff to investigate the fence line on Championship Drive, as poles were starting to crack.

Mr. Brougham voiced his opinion that that the concrete fence was a financial disaster and it could be replaced for less the cost of constant repairs. Mr. Brougham requested a cost estimate.

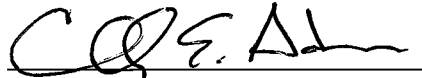
**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

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

**On MOTION by Mr. Brougham and seconded by Mr. Slater,  
with all in favor, the meeting adjourned at 10:01 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair