

**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, March 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

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Cheryl O’Donnell Guth (<i>via telephone</i>)	Bond Counsel, McGuireWoods LLP
Bill Reagan	FMSbonds, Inc.
Ron Albeit	The Foundation
Tony DiNardo	Developer
Mike Radford	M.R.I .Underwater Specialists, Inc.
Shannon Benedetti	Landscape Advisory Committee
Torben Christensen	Resident
Frank Weinberg	Resident
Allen Kassman	Resident

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 Supervisors Brougham, Bergmoser, Slater and Turner were present, in person. Supervisor Schmitt was not present.

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

Mr. Adams stated there were no updates; mediation would be held on May 10 and 11.

FOURTH ORDER OF BUSINESS

Developer's Report

There being no report, the next item followed.

FIFTH ORDER OF BUSINESS

Engineer's Report

Mr. Cole stated that the CDD #1 sidewalk repairs were completed. A repair at the south end of Cherry Oaks Trail, added in the last 10 days, was not completed yet. Discussion ensued regarding repairs and settling issues. The pavers along Cherry Oaks Trail were repaired.

Mr. Cole distributed a proposal from Landshore Enterprises, LLC (Landshore), for the Phase 6 lake bank repairs, which was the only bid received. It was determined that Item 3 of the bid schedule was a golf course related repair and it was removed, making the bid total \$167,046. Unit costs increased, slightly. Mr. Cole considered Landshore the lowest responsible, responsive bidder and recommended approval.

Mr. Brougham inquired about ownership of Fiddler's Creek, with regard to erosion control. Mr. Cole stated that the part of Fiddler's Creek, west of Runaway Bay, was deeded to CDD #1 and the part south of Runaway Bay, to the East, was owned by FCC Marsh. The maintenance responsibility for the drainage easement was dedicated to the CDD. Mr. Brougham asked if the bank area along Mallards Landing was included in the previous erosion surveys. Mr. Cole indicated that it was being monitored and nothing of significance was identified. Mr. Cole would follow up with the homeowner who was concerned about lake bank erosion. The homeowner would email photos to Mr. Brougham.

Mr. Torben Christensen, a resident, stated that ownership and maintenance of the creek was discussed, at the last meeting. After the meeting, someone reviewed his and several other properties and found no erosion issues.

On MOTION by Mr. Bergmoser and seconded by Mr. Slater, with all in favor, the Landshore Enterprises, LLC proposal for the Phase 6 lake bank repairs, in a not-to-exceed amount of \$167,046, was approved.

With regard to the Championship Drive gatehouse, Mr. Cole stated that the cost would be \$200,000 to \$250,000 for two lanes, with entry and exit. The estimate did not include a new gatehouse. \$15,000 to \$20,000 was added for new gate arms, etc., for the two new lanes. The proposal would be retained for future reference.

Mr. Cole distributed updated Mahogany Bend buffer improvements, revised by Mr. Slabaugh. The estimate for the proposed landscaping was approximately \$10,000, primarily north of Lots 1 and 2, which was approved by the Design Review Committee (DRC). Mr. Frank Weinberg, a resident, stated that the design was not reviewed by the HOA. Mr. Cole stated that, upon approval, the next step would be to submit an insubstantial change to Collier County for the plan. Mr. Brougham recommended a review by the homeowners, as a courtesy. Mr. Weinberg would discuss the buffer improvements at the HOA meeting, this afternoon.

On MOTION by Mr. Bergmoser and seconded by Mr. Turner, with all in favor, the updated Mahogany Bend buffer improvement proposal, subject to approval of the insubstantial change by Collier County, was approved.

Discussion ensued regarding removal of the land bridge over the creek. Mr. DiNardo stated that, once Marco Island Utilities abandoned the easement, The Foundation would install another boat ramp, which would open up the creek, and the land bridge would be removed.

With regard to the Waste Management (WM) oil spill, Mr. Cole stated that a meeting would be held on Wednesday, March 29, with Mr. Brougham, Mr. Pires, himself, Mr. Elliot Miller, of Fiddler's Creek CDD #2, Mr. Dan Rodriguez, Collier County and WM representatives. Waste Management provided a draft response to the County, which outlined procedures for checking the trucks before, during, and after operation, specifically at Fiddler's Creek, as well as County-wide. Inspectors viewed the hydraulic spill areas and indicated that WM cleaned them well. Next month, Mr. Cole would report on the results of the meeting.

Mr. Weinberg stated that the oil spill, on Mahogany Bend, was still not cleaned and Stock Development's (Stock) work was completed. Mr. Allen Kassman, a resident, stated that a crew worked on the spill and reduced the amount of oil on the road but a distinct amount remained. Mr. Cole would follow up.

SIXTH ORDER OF BUSINESS

Discussion: Letter from Fiddler's CDD Investor, LLC Regarding Series 2014-2 Bonds

Mr. Bill Reagan, of FMSbonds, Inc., (FMS), stated that the letter from Fiddler's CDD Investor, LLC was part of the bond sale program of the current bondholders of the bonds purchased after the bankruptcy. The Series 2014-2 bonds were better known as Phase 2 of Marsh Cove. Approximately \$10 million was allocated to that property and the bondholder would like to market the bonds in a secondary market. FMS would like to add a Debt Service Reserve Fund, which would enhance the bonds, keep the District more liquid and provide security. If the development of the net allocation area has a build out level, the bonds would be more attractive in the secondary market. In this case, the bonds were separated between two areas; the area where the marsh is located and the temporary driving range. There were no immediate plans to begin construction on the temporary driving range. Each bond receives a single CUSIP; FMS wanted to separate the CUSIP into two bifurcations, one for the buildout area and the other for the driving range. The numbers would not change. Mr. Brougham stated that, by separating them into two bonds, one bond would have a buildout date and would be more attractive to invest in, as opposed to bare land. There were no associated costs to be paid by the CDD.

Ms. O'Donnell Guth, Bond Counsel, stated that the modifications were permissible under the document. The bondholder would approve the changes. She and Mr. Reagan would work with Wilmington Trust, Bond Trustee, to affect the changes. Once the new tax rolls were received, the necessary supplements to the existing bond documents would be prepared to affect the transaction.

With regard to costs paid by the CDD, Mr. Slater noted that Mr. DiNardo's letter stated costs of \$7,500, not-to-exceed \$8,500. Mr. Reagan stated that the bondholder would pay those fees, as reflected in Paragraph 3.

On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, authorization for District Counsel, in coordination with Ms. O'Donnell Guth and Mr. Reagan, to prepare a resolution incorporating the amendments, including that the costs would be paid by the bondholder, and for the Chair to execute, were approved.

SEVENTH ORDER OF BUSINESS**Update/Discussion: Tracts and Parcels Owned and to Be Deeded**

Mr. Pires presented a list of tracts to be deeded to the District. Mr. Woodward advised that he and Ms. Valerie Lord would effectuate the transactions. Mr. DiNardo stated that CDD bonds paid for the landscaping on the parcels and this was a formality to give the land back to the District. Mr. Pires pointed out a note on some parcels, indicating "subject to sign easement", which was because of entrance features and entrance signs to the various villages and/or communities. Mr. Pires suggested placing the item on the Action Items List to track conveyed parcels. Mr. Brougham suggested preserving an electronic version of the conveyed tracts. Mr. Adams would provide a proposal for a web based GIS map and give a presentation on GIS mapping, at a future meeting. Mr. Cole stated that, in the future, lakes in the Marsh Cove area would be deeded but they were currently being held back. The information would be forwarded to Mr. Pires.

EIGHTH ORDER OF BUSINESS**Continued Discussion: Irrigation Pumphouse Chemical Injection System**

- **Irrigation Water Quality Maintenance Costs Analysis**

Mr. Adams distributed an updated maintenance cost analysis of M.R.I. Underwater Specialists, Inc.'s (M.R.I.) total cost for chemical injection annual maintenance was \$7,680. "Dive/Inspect/Clean Wet Well", for each pump station, would be performed once per year. With regard to "Mthy shut down/start up of Pumps", the current contractor, EarthGuard, would inspect the pumps and motors, monthly. The current annual maintenance program, under EarthGuard, was more expensive. "Flush Filters/Super Chlorinate Wetwell" was for maintenance of the Creative Lane stations, twice per month, six months per year, and once per month, six months per year. "Dive/Inspect/Clean Wet Well" was for the Creative Lane and Aviamar stations. The difference in the quantity of events was due to water quality and the cleanout requirements for the Creative Lane stations were more intense than for Aviamar. In the future, the majority of irrigation water would be pulled from the Aviamar station, due to water quality. Mr. Adams noted a savings for annual maintenance of approximately \$41,000; when deducted from the capital investment, the return on investment would be 1.5 years and, going forward, irrigation maintenance would be reduced, significantly.

Mr. DiNardo was concerned about the effect of irrigation water removal from the Aviamar pump station, on Oyster Harbor and Aviamar, and requested a presentation. Mr. Adams stated that the change would have no effect on water pressure. The purpose was to balance withdrawals between the two pump stations and was reviewed and recommended by a hydrologist.

Mr. Brougham asked about the warranties on the new equipment. Mr. Mike Radford, of MRI, stated that the entire system would have a one year parts and labor warranty. Monthly maintenance would include chemicals, an inspection of the system and a full report, showing the run hours, the amount of chemicals used and a synopsis of the well. Mr. Brougham preferred a longer warranty on the pumps. Mr. Radford would present options at the next meeting.

NINTH ORDER OF BUSINESS

Update: Mulberry Camera Electric Meter Box Installation

Mr. Adams stated that the County inspection was completed. The box was lowered below the hedge height. Florida Power & Light (FPL) would run wire to the box and make connections within the next week. Neighbors were pleased with the outcome.

TENTH ORDER OF BUSINESS

Consideration of District Manager’s Revised Operating Procedure

A. Resolution 2017-4, Electing Officers of the District

Mr. Adams presented Resolution 2017-4 for the Board’s consideration. Having more than one person responsible for bank activities would ensure continued timely coordination with banks and paying bills. The WHA Controller, Mr. Jeff Pinder, would become Assistant Treasurer and the Treasurer, Mr. Wrathell, would be required to counter-sign checks and warrants, strengthening internal controls. The slate of officers would remain the same, adding Mr. Pinder as Assistant Treasurer.

On MOTION by Mr. Bergmoser and seconded by Mr. Brougham, with all in favor, Resolution 2017-4, Electing Officers of the District, adding Mr. Pinder as Assistant Treasurer, was adopted.

B. Resolution 2017-5, Designating the Authorized Signatories for the District's Operating Bank Accounts

Mr. Adams presented Resolution 2017-5 for the Board's consideration. The Resolution would add Mr. Pinder as an authorized signer on the District's operating bank accounts.

On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, Resolution 2017-5, Designating the Authorized Signatories for the District's Operating Bank Account(s), was adopted.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2017

Mr. Adams presented the Unaudited Financial Statements as of February 28, 2017. Overall, assessment revenue collections were at 76%. On-roll collections were at 86%. Developer assessment collections were at 34% but should be 42%, due to undeposited General Fund money. Expenses were at 34%.

Discussion ensued regarding engineering fees.

Mr. Turner inquired about landscaping fees. Mr. Adams stated that the current month's expenditures were due to a timing issue with billing.

TWELFTH ORDER OF BUSINESS

Consideration of February 22, 2017 Regular Meeting Minutes

Mr. Adams presented the February 22, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 130: Change "Mr. Cole" to "a resident"

Line 137: Change "Mr. Cole" to "a resident"

Line 119: Change "retain" to "retrieve"

On MOTION by Mr. Slater and seconded by Mr. Turner, with all in favor, the February 22, 2017 Regular Meeting Minutes, as amended, were approved.

THIRTEENTH ORDER OF BUSINESS

Action Items

Mr. Brougham asked for the status of Item 12. Mr. Adams stated that the information would be provided at the next meeting.

Mr. Slater stated that, almost every other day, the bar at the front gate was inoperable. Mr. Adams stated that a new wire was installed and the technician would make the connections, inside the controller, on Thursday. Mr. Slater inquired about other systems that would be more aesthetically pleasing. Mr. Adams stated that swings were more aesthetically pleasing but not as efficient because of the time needed to open and close.

Items 8, 9, 10, 11, 15, 19, 20, 21, 23, 25 and 27 were completed.

Items 1, 2, 3, 4, 5, 6, 7, 12, 13, 14, 16, 17, 18, 22, 24, 26 and 28 remained.

FOURTEENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel**

Mr. Pires stated that Mr. Cole was coordinating with WM. With regard to Antilles, Mr. Pires spoke with Mr. Richard Yovanovich, Mr. Albaugh's attorney, and agreed on the nature and type of document; a form of the proposed agreement would be provided at the April meeting, and be sent to Mr. Yovanovich, before then. Mr. Slater asked if Mr. Dennis Albaugh, the developer of Antilles, went back to Collier County and updated the Planned Unit Development (PUD). Mr. Brougham stated that the revised PUD may be accessed through the County. It was submitted and updated with the changes, such as building height, setback, triple landscape buffer, and Fiddler's Creek must approve any landscaping plan on the 15' buffer.

Copies of the transmittal letters and CDD #1's petition to amend the District boundaries, sent to Collier County on March 3, 2017, were distributed. The petition was filed with the State because CDD #1 must go through the rulemaking process with the Governor and Cabinet of the Florida Land and Water Adjudicatory Commission (FLWAC). After the petition was filed with FLWAC, a number of items were noted as needing correction; therefore, an amended petition was prepared and filed with the State, on March 17, 2017, and also submitted to the County. In between the time of filing the original petition with the State and submitting it to Collier County and filing of the amended petition with the State and Collier County, Collier County staff began processing the application. Originally, County staff indicated an April 25 County Commission consideration of the CDD #1 Ordinance Amendment, CDD #2 Ordinance Amendment and the CDD #1 request to waive the local public hearing and have the CDD Board schedule it. Because of the timing of transmitting the amended petition for CDD #1 to the County, the public hearing

would be held on May 9. It would not adversely affect the State processing because they are working on a parallel path and the County ordinance to adopt the amendment for CDD #2 would have an effective date upon adoption of the amendment to CDD #1. During a conference call with Mr. Cole and Mr. Pires, Mr. van Assenderp discussed having CDD #1 hold a public hearing at the April 26, 2017 Board Meeting. The notice for that local public hearing must be advertised four weeks in advance. Mr. Pires asked about the lead time for a large ad. Mr. Adams stated for a March 30 run date, the ad must be received by Friday, March 25, for transmittal to the newspaper. The Board was asked to hold the public hearing at the April 26 Board Meeting.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, holding the local Public Hearing to amend the District's boundaries on April 26, 2017, was approved.

B. District Manager

i. NEXT MEETING DATE: April 26, 2017 at 8:00 A.M.

The next meeting will be held on April 26, 2017 at 8:00 a.m., at this location.

▪ Irrigation Water Quality Maintenance Costs Analysis

Discussion resumed. Mr. Radford stated that M.R.I. would provide an extended warranty of two years, for the pumps and motors, for an additional \$500.

On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, the M.R.I. amended proposal for an irrigation pump house chemical injection system, with a two-year extended warranty for pumps and motors, at \$500 per, for a revised proposal total of \$65,436, was approved.

C. Operations Manager

Mrs. Adams stated that the jasmine in the Club Center Drive center median would be replaced.

Ms. Shannon Benedetti, of the Landscape Advisory Committee, stated that, sometimes, plants get diseases and contaminate the soil; therefore, they cannot be replaced with the same plants. Soil samples were sent for analysis and Dr. Doug Caldwell, of Collier County, pointed out that the problem was not in one area. Sprinkler heads cannot be changed because of the turf so, in some areas, plants may be eliminated and more turf added.

Mr. Brougham stated that there must be a plan to address dead plants. Mr. Bergmoser inquired about issues with bougainvillea. Mrs. Adams stated that bougainvillea should only be watered during the day because night watering was causing a fungus. Mr. Bergmoser asked if the bougainvillea should be replaced with something that could be watered at night. Mr. DiNardo stated that Fiddler's Creek's signature was the bougainvillea and the Developer would not approve anything else. Mr. Christensen suggested replacing the irrigation system for the bougainvillea.

Mr. Turner stated that, about 200 yards north of the Cascada entrance, bougainvillea and ficus bushes, along the sidewalks, were previously dying but were coming back; however, those in the center, on the north side, were not, and asked if this was due to an inconsistency in treatment. Mrs. Adams would review the area with the contractor next week. Mr. Turner stated that some of the bushes replaced, along the walkway, were much smaller. Mr. Brougham felt that there was a lack of an overall, coordinated effort.

Mrs. Adams received a check from the insurance company for full reimbursement of the property damage in the median on the parkway. Installation of the street light would occur in mid-April.

FIFTEENTH ORDER OF BUSINESS**Supervisors' Requests**

Mr. Turner requested an update regarding roadway repairs on Fiddler's Creek Parkway and Championship Drive. Mr. Cole recalled that Mr. Adams would make a presentation about repairing all or a portion of the roadways. In response to a question Mr. Turner asked at the last meeting, about a punch list, Mr. Cole stated that the repairs along Runaway and Club Center Drive were related to subdivision final acceptance. He would follow up with the developer's representative.

Mr. Slater spoke to Mr. Charbonneau about bikers who ride tandem, four abreast, in the right-hand lane of Fiddler's Creek Parkway so vehicles must drive in the left lane and Mr. Charbonneau indicated that this was legal. One biker rides his bike the entire length of the Parkway in the left-hand speed lane, which was illegal. Mr. Slater asked if it could be conveyed to residents that bicyclists should ride in the right-hand lane. Mr. Albeit indicated that the roads were public roads and bicyclists were probably aware of their rights. Mr. Pires suggested contacting the Sheriff's Department because law enforcement advised another municipality that, due to a change in State law, bicyclists may ride in any lane in which they feel safest.

SIXTEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

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

<p>On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, the meeting adjourned at 9:45 a.m.</p>
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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair