

**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, May 24, 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
Carrie Robinson (<i>via telephone</i>)	Special Counsel
Ron Albeit	General Manager - The Foundation
Tim Denton	Wesco
Kevin Powers	Wesco
Torben Christensen	Resident
Frank Weinberg	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 8:01 a.m. All Supervisors were present, in person.

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 stated that it was necessary to hold an Executive Session, prior to the upcoming June 6 and 7 mediation. The Executive Session was scheduled for Monday, June 5 at

9:00 a.m., at this location. Since the mediation would commence on June 6, Mr. Brougham would appreciate advice from District Counsel prior to the proceeding. Mr. Pires would be available. Mr. Brougham would notify everyone once a location was determined.

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

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 #102, for \$835.90, for the Series 2005A/B bonds. The Draw was for the renewal of the Phase 3, Unit 1 subdivision bond. The Draw would be funded through the General fund and placed in the ledger for the monies due from the Construction fund. Substantial changes were submitted for review of the supplemental landscaping for the Mahogany Bend site development plan and approval was pending. In response to a question regarding County approval, Mrs. Adams confirmed that the contract was previously executed and a permit was pending. Mr. Cole attended a pre-construction meeting and the Phase 6 lake erosion repairs would commence in three weeks. Since most of the repairs were on the west side of the Clubhouse, Mr. Cole requested permission from Mr. Albeit to access through the main gates. In response to Mr. Brougham's question, Mr. Cole stated that the 20' section of Pepper Tree Way would be added, along with another location that Mr. Slater observed. Mr. Slater stated that the area in need of repair was on the corner of Pepper Tree Way, alongside Fiddler's Creek Parkway. Mr. Cole would inspect the location.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2017-8, Accepting Conveyance by Warranty Deed of Various Tracts and Parcels (tabled at April 26, 2017 Regular Meeting)

Mr. Brougham presented Resolution 2017-8 for the Board's consideration. Mr. Brougham asked if the conveyance encompassed all of the tracts. Mr. Pires stated that there were remaining tracts which were not included, as indicated on the cover sheet. The main reason for the continuation of this item was to revise some of the special warranty deeds and provide The Foundation the right to place directional signage or monument signage in particular

locations, such as intersections, roadways and other tracts. This was consistent with the Planned Unit Development (PUD). In response to Mr. Brougham's question, Mr. Pires stated that a directional sign was a sign announcing a location. The cover sheet included a list of the tracts to be conveyed.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, Resolution 2017-8, Accepting Conveyance by Warranty Deed of Various Tracts and Parcels, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Cross Easement Agreement with Antilles and Landscape Buffer Renderings

Mr. Brougham stated that the District received a draft of the Cross Access Easement with Antilles Development. There would be no plantings on CDD property by the Antilles' Developer or the District. The Easement allows both entities occasional access across the other's property and protects one or the other from crossing into the boundary, for maintenance purposes. If Antilles' engineers and the South Florida Water Management District (SFWMD) approve, the Cross Easement Agreement would enable Antilles to deposit fill dirt on 3' or 4' of CDD property, leading up to the CDD's highest point of the berm. The placement would level out that area for access by vehicles to traverse, back and forth, and raise the height of the trees, on the Antilles side, which would provide a better line of sight. The landscape rendering was consistent with the last agreement reached with Antilles, in an informal session with Ms. Cathy Fesser, the Landscape Consultant, regarding the type of plantings to be installed. Discussion ensued regarding the landscaping plan, plant and tree types and improving the line-of-sight. Mr. Schmitt asked if the project allowed sufficient room for the oak trees to mature. Mr. Pires stated that the architects took into account the oak trees and the trunk diameters. In response to a question, Mr. Brougham stated that the CDD would request that Antilles place mulch around their trees. Mr. Bergmoser asked which regulatory agency would ensure that the fill dirt application would not cause drainage issues on the CDD side. Mr. Cole stated that the SFWMD, the County and the CDD were the enforcers. In response to a question regarding insurance and negligence, Mr. Pires stated that indemnity would be to the extent permitted by law. In response to a question about the date for termination of the Temporary Filling Easement, Mr. Pires that two years was a reasonable length of time. Mr. Adams asked if the suggested termination date

was June 1, 2019. Mr. Pires replied affirmatively. Discussion ensued regarding protocols for traversing from one property to the other, the landscape buffer and the plantings.

On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, granting the Chair authority to authorize the Cross Easement Agreement, was approved.

Mr. Brougham asked Mr. Pires to send a letter to Antilles' attorney, Mr. Yovanovich, regarding the approved plantings, as depicted in the attached landscape rendering, and stipulating that the plantings must be surrounded by the appropriate mulch in the landscape contract. Discussion ensued regarding the letter, enhanced buffer materials, the PUD and the NIM. Mr. Brougham stated that JMD Development should be reminded of a prior commitment to plant enhanced buffer materials, prior to the initiation of any vertical construction in Antilles, which was a public record.

On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, authorizing District Counsel to draft a letter advising Antilles to provide the District with copies of PUD submittals, including planting and mulching schedules, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2017-9, Approving the District's Proposed Budgets for Fiscal Year 2017/2018 and Setting a Public Hearing Thereon Pursuant to Florida Law and Providing An Effective Date

Mr. Brougham presented Resolution 2017-9 for the Board's consideration. In response to a question regarding whether residents could vote on the budget, Mr. Adams stated that voting, on the proposed budget was strictly for the Board.

A Board Member asked if items approved, during the meeting, were readily available, Mr. Adams stated that drafts of all items in the agenda packet were posted on the CDD website and final copies or fully executed documents could be requested by calling Management's office. Agreements and Resolutions were not posted on the website.

On MOTION by Mr. Slater and seconded by Mr. Turner, with all in favor, Resolution 2017-9, Approving the District's Proposed Budgets for Fiscal Year 2017/2018 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 23, 2017 at 8:00 a.m., at this location, and Providing An Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Presentation: Additional Security Coverage Review

Mr. Turner stated that the purpose for this overview was to consider the community's growth and examine areas of weakness related to the gates and roving patrols. In 2000, there were 125 homes in the District and only six employees in the Safety Department and, currently there were 3,400 homes and 12 employees. The increase in workflow needed to be addressed, as well as servicing the gates and determining the cost of manning all of the gates 24/7. It was important to contemplate the activity at Sandpiper and Championship. The Board weighed extending the manned gate hours of 6:00 a.m., to 6:00 p.m., to 7:00 a.m., to 7:00 or 8:00 p.m., versus 24 hours. The Foundation billed the District \$25.50 per hour, per person, and manning the gates 24/7 would cost an additional \$255,000 per year, for both gates. The annual increase per unit would be \$75.24. Discussion ensued regarding the hourly fee, issues with the current system, gate congestion and extending the hours. Mr. Turner recommended increasing gate staff from one attendant to two and implementing a 10:00 a.m., to 2:00 p.m., shift at the main gate, 12 months of the year, five days per week. Gate activity would be tested on the weekends, as activities were increasing with golfers etc. Mr. Torben Christensen, a resident, suggested providing and posting more effective exit instructions, instead of hiring additional staff. Mr. Turner stated that instructions were already well-communicated.

Regarding the rovers, Mr. Turner stated that the District had one rover, which operated 24/7, and asked the Board to consider acquiring an additional rover and adding a shift. It took 2.5 hours to make one loop around the community and, if there was an incident, patrol time would be usurped to handle incidents. Mr. Turner stated that an additional rover would cost an additional \$21.84 per unit, per year. Discussion ensued regarding the number of rover vehicles, vehicle mileage and the backup vehicle. Mr. Adams would prepare a spreadsheet that included a vehicle analysis, for consideration at the next meeting.

TENTH ORDER OF BUSINESS

Discussion: Additional Parkway Replanting Phases

Mr. Brougham recalled that, in the past, renovations were made along Fiddlers' Creek Parkway, including new plantings on Championship Drive. The philodendron have aged and fallen over and dead stalks lined the Parkway. A landscape architect should be hired to conduct a survey and make recommendations of which areas required replanting. Mrs. Adams would secure a proposal by the next meeting. Mr. Turner questioned the need for a landscape architect when the District had a landscape contractor. Mrs. Adams stated that LandCare previously presented replanting ideas; however, the Design Review Committee (DRC) rejected them. Mr. Brougham stated that part of the architect's assessment should be for bougainvillea alternatives and finding a heartier plant to replace it. He suggested involving Ms. Cathy Fesser and felt that it would be helpful to have a joint recommendation from Ms. Fesser and the landscape architect.

ELEVENTH ORDER OF BUSINESS

Presentation/Discussion: Proposal from Wesco Turf Regarding troubleshooting and Final Resolve of Master Irrigation Controller to Community Satellite Communication Issues

Mr. Brougham stated that a communication issue, caused by faulty power supply in the satellite receiver, was diagnosed by Mr. Tim Denton and Mr. Kevin Powers, of WescoTurf Inc., (Wesco), who submitted a \$10,098.44 proposal. The work should include moving the base station from the maintenance shed to the Clubhouse, installing an antenna on top of the Clubhouse, along with all the necessary components, examining the satellite controller in each village and making the necessary repairs. In response to a question regarding the cost, Mr. Brougham stated that the cost would be shared with CDD #2. Mr. Denton stated that both he and Mr. Powers had over 20 years of experience. The unit failed and was subsequently replaced. All of the growth in the community put pressure on the signal and a repeater was added to the hand-held radios, which immediately improved the issue. In addition to the repeater, moving everything to a central location would help, tremendously, because the District would be upgraded from a 2-watt signal to a 50-watt signal. In response to Mr. Slater's question regarding the necessity for another license, Mr. Denton stated that it would be on a different frequency and the power would be greatly increased; the license was tied to the power. The old system components would be used but new components would be added to change the power.

Discussion ensued regarding technical support in relation to landscaping, troubleshooting and maintenance of the master station. Mr. Adams stated that it would be necessary to hire a full-time on-site landscaper, who was trained and knew how to operate the system, from a technical perspective. In response to a question regarding funding, Mr. Brougham stated that the ultimate replacement cost for the parts was on the Villages but the District would receive the report and ask each Village to follow through on the corrections. Discussion ensued regarding the proposal, technical training, landscape irrigation and operating the system. The consensus was to train an employee to be the on-site technician. Mr. Powers would provide the training.

On MOTION by Mr. Schmitt and seconded by Mr. Brougham, with Mr. Schmitt, Mr. Brougham, Mr. Bergmoser and Mr. Turner in favor and Mr. Slater dissenting, the T&M proposal from Wesco Turf Regarding Troubleshooting and Final Resolve of Master Irrigation Controller to Community Satellite Communication Issues, and provide training, was approved. (Motion passed 4-1)

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2017

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2017. A Board Member asked why the “Engineering” line item was at 83%. Mr. Cole stated that lake bank erosion-related inspection work was the reason and it included his time. The lake erosion amount was, historically, much less at the end of the fiscal year, and balanced out in the current statement. Mr. Brougham asked why the “Trustee” line item was at 13%. Mr. Adams stated that it was a once-per-year expense and did not have anything to do with bond bifurcation.

THIRTEENTH ORDER OF BUSINESS

Consideration of April 26, 2017 Regular Meeting Minutes

Mr. Adams presented the April 26, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

- Line 21: Change “Woodward, Pires & Lombardo” to “Developer’ Counsel”
- Line 130: Change “defeased” to “addressed”
- Lines 177: Change “eight to 15 oil spills” “several oil spills”
- Line 198: Change “Counsel” to “council”

Lines 219 through 220: Delete “There would be no fiscal or regulatory impact.”

Lines 221 through 377: Delete entire section and replace with the verbatim transcript prepared by the Court Reporter

Line 415: Change “ass” to “asks”

Line 419: Change “Direct” to “Correct” and “and” to “over”

Line 447: Change “County Commissioners to “County Planning Commissioners”

Line 500: Change “federally” to “globally”

Line 915: Change “Mr. Slater” to “Mr. Bergmoser”

On MOTION by Mr. Brougham and seconded by Mr. Turner, with all in favor, the April 26, 2017 Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Action Items

This item was deferred.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Pires stated that, on May 9, 2017, the Board of County Commissioners waived holding the local public hearing for the Boundary Amendment rule change and, thereafter, a report and recommendation were prepared by District Staff, Mr. Ken van Assenderp, Ms. Valerie Lord and Mr. Cole and provided to Mr. van Assenderp, executed by the Chair, and filed with the State agencies. The Marc Encroachment Easement was executed by both parties and sent for recording.

B. District Manager

i. 1,098 Registered Voters in District as of April 15, 2017

There were 1,098 registered voters residing within the boundaries of the District as of April 15, 2017.

ii. NEXT MEETING DATE: June 28, 2017 at 8:00 A.M.

The next meeting will be held on June 28, 2017 at 8:00 a.m., at this location.

C. Operations Manager

Mrs. Adams distributed the Trimmers Holiday Décor Inc., (Trimmers) handout, along with photos of the Gatehouse trees that were not currently lit. The proposal was to add seasonal lights in four center medians and on the coconut palms and hardwood trees, at the main Gatehouse. In response to Mr. Brougham's question, Mrs. Adams stated that the proposal was \$3,000 higher; however, the contractor decorated the Championship entrance for two years, at no additional cost.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, Trimmers Holiday Décor Inc., contract for the 2017 and 2018 holiday seasons, in the amount of \$14,900, per year, was approved.

Mrs. Adams stated that there was an incident on the black chain link fence in Mulberry. The bottom of one section was lifted, by a critter but the breach was extremely small and was repaired. Mrs. Adams obtained a proposal for approximately \$780 to repair the entire length of the chain link fence, at the bottom. Mr. Schmitt received an email from a resident who observed outsiders jumping the fence and felt that the tension wire was sufficient.

Mrs. Adams sent an email, including photos of a sump pump that flooded and must be repaired. A \$5,60 proposal for a rebuilt pump was obtained; a proposal for a new pump, to make a price comparison, was pending. The circulation pump motor, for \$425, was approved to determine what damage the electrical components sustained.

In response to Mrs. Adams' request for flower changeouts at the front entrances, Mr. Brougham asked for a preview of the planting plan and pictures of the flowers, prior to installation, as he felt that the Board should have more involvement in the color selection.

SIXTEENTH ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisor's requests, the next item followed.

SEVENTEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.


EIGHTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting recessed and was continued to Monday, June 5, 2017 at 9:00 a.m., at this location.

On MOTION by Mr. Bergmoser and seconded by Mr. Slater, with all in favor, the meeting recessed and was continued to Monday, June 5, 2017 at 9:00 a.m., at this location.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair