

**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, June 28, 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 (<i>via telephone</i>)	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
Tom Guzzo	TEM Systems
Ian Fairbanks	TEM Systems
Torben Christensen	Resident
Frank Weinberg	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 8:00 a.m. Supervisors Brougham, Bergmoser, Slater and Schmitt were present, in person. Supervisor Turner was attending via telephone.

On MOTION by Mr. Brougham 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.

SECOND ORDER OF BUSINESS

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

Mr. Frank Weinberg, a resident, provided a status report on landscaping. It was four months since the Board approved the landscaping project, behind Mahogany Bend and County approval was pending. Mr. Brougham asked why the permit was delayed. Mr. Cole stated that there were some minor issues that required responses and the application was resubmitted. The permit should arrive shortly and the project could commence immediately, thereafter. Mr. Brougham directed Staff to follow up on the permit and convey the District's displeasure with the delay.

▪ **Discussion/Consideration: Mosquito Spraying Program**

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

Mr. Brougham stated that the Board of County Commissioners recently granted the District "special powers" to spray, by vehicle, for mosquitoes. Spraying could commence as soon as contracts could be secured for the roadway fogging program. Power Exterminators Inc., (Power-Ex) a contractor under LandCare, submitted separate bids to CDD #1 and CDD #2 for each spray event, at a cost of \$1,379.70, per event, covering 7.3 miles in CDD#1. An e-blast yesterday announced that the villages would not be included in the spraying but village residents could make arrangements, via their landscaper. Mr. Adams stated that Power-Ex was Miami-based and contracted by Miami-Dade County to spray the Zika-infested areas, last year. The District must ensure that spraying was in coordination with the Collier County Mosquito Control District, to avoid overlap. Mr. Torben Christensen, a resident, expressed concern about the spraying schedule and impact on villagers. Mr. Adams stated Mosquito Control would provide a forecasted schedule and the District was not offsetting but was supplementing Collier County's efforts because the mosquito population called for aggressive action. Mr. Brougham stated that the professionals would make sure there was no overlap and Collier County would notify the District of previously sprayed areas; there would be very close communication between the parties. Mr. Bergmoser stated that District taxpayers, in the villages, would be charged twice for mosquito control, by the CDD and Collier County, and asked District Counsel if villagers should allow the CDD to spray. Mr. Pires stated that, if the spraying was an official function being performed to benefit properties, the District had the right of entry into those roadways. Mr. Adams asked if the right of entry would require an agreement with every village. Mr. Brougham did not object to the District funding spraying of the villages but it was becoming more complicated. Some form of agreement was needed, from every village, to spray outside of Fiddler's Creek CDD roadways. Mr. Adams stated that the Board could grant immediate

approval to spray CDD roads, which was why the mosquito issue was added to the agenda, and suggested that District Counsel draft a letter or consent form. Mr. Brougham stated that it should be communicated that, if those residing in the villages wished to have their village sprayed, in conjunction with the District, they should send a request to the District Manager. Mr. Albeit asked for the consent form to be included in an e-blast. In response to a question, Mr. Brougham stated that there was currently no plan to notify homeowners of when fogging would occur, as it was not known. Mr. Adams stated that fogging information would be posted on the CDD website, as the plan developed, and the District would be given a few days advance notice. Mr. Brougham stated that the Board of County Commissioners scheduled a Public Hearing to grant the special powers, permanently, for July 11 and the District would be represented by District Counsel, if necessary.

THIRD ORDER OF BUSINESS

Special Counsel Update

Ms. Robinson requested that an Executive Session be held on July 17, 2017 at 9:00 a.m. The location would be announced, at a later date. In response to Mr. Brougham’s question, there were no new developments, since the previous session.

*****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 stated that the lake erosion contractor was repairing the lake, south of the Clubhouse, and a work crew would soon commence Phase 6. A contractor was being sought to install raised pavement markers (RPMs) along Championship Drive and a few other areas. The water management system was working as designed and the waterways were flowing, despite accelerated rain events. Mr. Brougham asked if the 20’ section in Pepper Tree Lake was being addressed. Mr. Cole replied affirmatively. He met with the contractor to request that the lake be added to the Phase 6 work. Mr. Brougham stated that, previously, the District did not expend all of the funds budgeted for the lakes and another \$200,000 was budgeted the current fiscal year. He asked if the full amount budgeted would be expended, to have a buffer, in case of

emergencies. Mr. Cole stated that it would be close. Discussion ensued regarding the erosion program, funding and prioritizing projects. Mr. Pires stated that, whatever the priority, the District should not embark on a program unless it was not in compliance, to avoid a liability issue with the South Florida Water Management District (SFWMD). Mr. Cole would review the status of the erosion projects and issue a report.

SIXTH ORDER OF BUSINESS

Consideration of Landscape Design Proposal from Dale A. Slabaugh and Associates, Inc.

Mrs. Adams stated that several areas in and around the District needed maintenance and presented a \$6,900.50 proposal listing those areas and the scope of work. Mr. Brougham asked if Championship was included in prior renovations. Mrs. Adams replied affirmatively and stated that Mulberry and Championship were renovated in 2015. Mr. Brougham did not want to focus solely on Fiddler’s Creek Parkway, to the detriment of the other areas along the roadways, in terms of failing vegetation and stated that the proposed plan was very detailed and involved the participation of Ms. Cathy Feser, as a requirement. Mrs. Adams could not confirm Ms. Feser’s participation, as she was unavailable. In response to a question, Mr. Brougham stated that Ms. Feser was not the Horticulturalist for the District and all that could be done was to request her participation. In response to Mr. Bergmoser’s question regarding Area 5, Mrs. Adams stated that the contractor was directed to review all of the philodendron and bougainvillea on Fiddler’s Creek Parkway, in CDD #1, and submit ideas, which would be given to Ms. Feser and the Design Review Committee (DRC) for approval.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with Mr. Brougham, Mr. Slater, Mr. Turner and Mr. Schmitt in favor and Mr. Bergmoser dissenting, the Landscape Design Proposal from Dale A. Slabaugh and Associates, Inc., in the amount of \$6,900.50, was approved. (Motion passed 4-1)

SEVENTH ORDER OF BUSINESS

Consideration of PCA with TEM

Mr. Tom Guzzo, of TEM Systems, Inc. (TEM), presented a 5-year Preferred Client Agreement (PCA). Mr. Guzzo stated that, since the District was a valued customer, TEM would like to continue to provide quality service at the discounted price of \$20,000, instead of \$23,500,

including a \$950 per year hosting fee for the web module, which reduced the cost further to \$19,050, covering all equipment and software, including maintenance. Although a 5-year term was proposed, the District would have a 90-day termination. The Agreement covered the Gate House software modules, web-hosting, remote support and preventative maintenance. TEM would continue to store parts and equipment on site. Discussion ensued regarding the barcodes, scanners, clickers and software upgrades for the Gate House. In response to Mr. Bergmoser's question regarding maintenance costs, Mr. Brougham stated that the current PCA was over \$8,000, annually. Mr. Bergmoser wanted to know how much over. Mr. Guzzo clarified that the annual maintenance cost was \$13,800, which covered less than half of the equipment, versus the current proposal for \$20,000. Mr. Brougham stated that, before execution, Page 1 should be amended, as the District was exempt from Florida sales tax. Other items to be adjusted or removed from the Agreement included the initial programming fees, additional training fee, gatehouse equipment coverage, preventative maintenance inspections and Item #5, on Page 2 of the PCA. A Board Member pointed out that, on Page 1, Fiddlers Creek CDD #1 should be named as the "Client" instead of Fiddlers Creek CDD.

On MOTION by Mr. Slater and seconded by Mr. Bergmoser, with all in favor, the Preferred Client Agreement (PCA) with TEM Systems Inc., in the amount of \$20,000, as amended, was approved.

EIGHTH ORDER OF BUSINESS

Consideration/Discussion: Replacement of Concrete Fence with Stone Look Vinyl Fence

Mr. Brougham stated that the District had been repairing and replacing sections of its concrete fencing along Mulberry and Pepper Tree and Bent Creek, since 1996, and presented a proposal from Carter Fence. The current concrete fence and posts continued to fail and it would cost \$300,000 to replace the posts alone and approximately \$600,000 to replace the fencing along the entire perimeter. The Board must decide whether to replace the aging concrete fence or continue with repairs. Discussion ensued regarding the condition of the posts in certain areas and the costs of replacing the fence versus continuing to make repairs.

On MOTION by Mr. Slater and seconded by Mr. Schmitt, with Mr. Slater, Mr. Schmitt and Mr. Turner in favor and Mr. Brougham and Mr. Bergmoser dissenting, continuing to repair and replace portions of the concrete fence, on an as-needed basis, annually, was approved. (Motion passed 3-2)

NINTH ORDER OF BUSINESS

Continued Discussion: Additional Access Control and Roving Patrol Coverage Analysis

Mr. Turner presented the Access Control Additional Services Analysis for Fiddler's Creek CDD #1 and #2. To simplify the voting process, Mr. Brougham suggested voting on the individual gates first and then the rover. Mr. Adams clarified that the "Sub-total Current 2018" figure should be \$647,394 instead of \$779,994.

On MOTION by Mr. Turner and seconded by Mr. Slater, with Mr. Turner, Mr. Slater and Schmitt in favor and Mr. Bergmoser and Mr. Brougham dissenting, adding an extra guard at the Main Gate, for the remainder of the year, at an incremental cost of \$26,520, was approved. (Motion passed 3-2)

Mr. Turner motioned to extend access control at the Championship Gate for two hours until 8:00 p.m., at an incremental cost of \$15,912.

There being no second, the motion failed.

Mr. Turner motioned to extend access control at the Sandpiper Gate for two hours until 8:00 p.m., at an incremental cost of \$15,912.

There being no second, the motion failed.

Regarding the rover, Mr. Turner stated that the community was experiencing significant growth and an additional rover was needed, for the middle or second shift, to patrol the entire community, answer calls and/or activities and ensure that all contractors have left the area. The proposed cost was \$74,256 and the patrol unit would utilize the same vehicle that Mr. Charbonneau used during the day. An additional vehicle would be ordered in the fall. Mr. Christensen asked if there were statistics on the rover's activity. Mr. Brougham replied affirmatively. The key statistic was that the average response time to an incident, in 2016, was 5 minutes, 7 seconds, whereas, in 2017, it was 6 minutes, 35 seconds, which was less than that of the ambulance and fire department. Mr. Brougham felt that it was unnecessary to spend over

\$74,000 on an additional rover, as the incidents were mostly innocuous. Discussion ensued regarding the necessity of the additional rover.

On MOTION by Mr. Turner and seconded by Mr. Slater, with Mr. Turner and Mr. Slater in favor and Mr. Brougham, Mr. Bergmoser and Mr. Schmitt dissenting, adding an extra rover for the second shift, at an incremental cost of \$74,256, was not approved. (Motion failed 3-2)

TENTH ORDER OF BUSINESS

Continued Discussion: Proposed Fiscal Year 2018 Budget

Mr. Brougham stated that there was still room to modify the Proposed Fiscal Year 2018 budget and took questions and comments from the Board. Mr. Bergmoser asked if the additional guard would be included in the budget and if a contingency should be added for fence replacement. Mr. Brougham requested a written statement from Mr. Adams on the impact of imposing an assessment to fund the fence, to be discussed at the next meeting. Mr. Adams would include the additional guard and the contract with TEM for the July meeting. In response to Mr. Brougham’s question regarding the “Office supplies and expenses” line item, Mr. Adams stated that the \$750 was a flat cost covering office costs. Mr. Slater questioned the number of homes sold in Fiddler’s Creek, in relation to the proposed clicker budget revenue of \$6,000. Mr. Brougham stated that the District had 1,910 units. In response to Mr. Turner’s question about road paving projects, Mr. Brougham stated that the Board had not established a budgeted reserve for paving. In response to a question, Mr. Adams stated that the District would obtain a private placement loan to fund a potential repaving project. Discussion ensued regarding which areas would be repaved, the cost and when the project would commence. Under “Landscaping,” Mr. Brougham stated the Board might consider increasing the projected amount for “Other contractual – Flowers”. Under “Improvements and renovations,” Mr. Brougham suggested budgeting more than the projected \$145,000, if old plants would be replaced. Mrs. Adams stated that there were four rotations in the current landscaping contract and \$42,000 was sufficient to cover the beds. In response to Mr. Brougham’s question regarding tree trimming, Mrs. Adams stated that the proposed amount was sufficient.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2017

Mr. Adams presented the Unaudited Financial Statements as of May 31, 2017. Under “Operating supplies,” Mr. Brougham questioned the cost of clickers, at \$3,043. Mr. Adams stated that was the cost for ordering inventory.

TWELFTH ORDER OF BUSINESS

Consideration of May 24, 2017 Regular Meeting Minutes

Mr. Adams presented the May 24, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

- Line 27: Add “Weinberger” after Frank
- Lines 64 and 65: Change “Pepper Tree Lane” to “Pepper Tree Way”
- Line 92: Change “retained” to “received”
- Line 102: Change “Architect” to “Consultant”
- Line 111: Change “Temporary Utility Easement to “Temporary Filling Easement”
- Line 125: Change “RMD” to “JMD”
- Line 177: Change “two rovers” to “one rover”
- Line 224: Add “cost” after replacement
- Line 282: Change “Mark” to “Marc”
- Line 309: Change “sub-pump” to “sump pump”

On MOTION by Mr. Schmitt and seconded by Mr. Bergmoser, with all in favor, the May 24, 2017 Regular Meeting Minutes, as amended, were approved.

THIRTEENTH ORDER OF BUSINESS

Action Items

This item was deferred.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Pires stated that various deed tracts were recorded, the Antilles Access Easement Agreement was signed by both parties and the Rule Amendment to change the boundaries of the District would occur in August or September.

B. District Manager

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

The next meeting will be held on July 26, 2017 at 8:00 a.m., at this location. Mr. Brougham would not be available for the August meeting. Mr. Bergmoser agreed to Chair the meeting in Mr. Brougham's place.

C. Operations Manager

Mrs. Adams stated that the floating fountain at the North entry was inoperable due to a possible power surge. The motor was replaced in 2016 and a technician was en route to repair it. In response to a question, Mrs. Adams stated that the golf course was last reviewed in March, in CDD#1, and CDD #2 would be reviewed in May. Two proposals were submitted to repair the decorative fountain that flooded. The cost for the motor ranged between \$3,000 and \$4,000 and the cost to replace the electrical panel, which was completely destroyed, ranged from \$13,000, to replace and keep in the vault, and \$15,000 to replace and hoist above the vault. The cost to install LED lights to illuminate two flower beds at the entrance marquees, behind the decorative bubblers, was \$1,840 per light, and would require DRC approval. Mrs. Adams would email the plans to everyone.

On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, to install LED lighting to illuminate two flower beds at the marquee Entrance, in the amount of \$1,840 per light, was approved.

Mrs. Adams spoke to Mr. Kevin Powers, of Wesco, regarding the irrigation, communication and inspection. Mr. Powers received the FCC license, was awaiting equipment, which was shipped, and, the frequencies were in. He would like to train Ms. Martel in the next few days. On July 5 and 6, Wesco would install three antennas, the repeater and change the frequencies. In addition, each box that was not communicating would be identified, reprogrammed, and a detailed inspection report would be produced for each village. Mr. Brougham stated if there was a cost for repair and replacement, it would be communicated to each village.

Mrs. Adams stated that proposals for annual pressure cleaning were submitted by Florida Painters and the price was unchanged, from previous years. In response to a question, pressure cleaning would commence in September.

In response to Mr. Schmitt's question regarding whether Board approval was needed to repair a portion of the monument sign, Mrs. Adams sent an email to Mr. Schmitt stating that Lykins-Signtek was contacted and a proposal was pending.

Mr. Albeit asked if Mr. Adams received a letter regarding hurricane preparation. Mr. Adams had not and would follow up.

Mr. Pires stated that there will be a neighborhood information meeting, on June 29 at 5:30 p.m., regarding a parcel of land on US 41, adjacent to Creative Lane, and distributed a map with additional information.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

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

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 9:54 a.m.</p>
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Secretary/Assistant Secretary


Chair/Vice Chair