

**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, July 26, 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 ( <i>via telephone</i> )	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
Valerie Lord	Developer Counsel
Carrie Robinson ( <i>via telephone</i> )	Special Counsel
Shannon Benedetti	Landscape Committee
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, Slater, Turner and Schmitt were present, in person. Supervisor Bergmoser was not present at roll call.

**SECOND ORDER OF BUSINESS**

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

Mr. Torben Christensen, a resident, questioned the logic of utilizing the irrigation system during the rainy season. He was opposed to activating the sprinklers three times per week, given the frequent rainfall, and stated that the bougainvillea did not grow, as a result. Recently, a sprinkler valve was stuck, and water ran for hours before it was turned off. Mr. Christensen inquired about response time to malfunctioning sprinkler valves. In response to Mr. Brougham's question, Mr. Christensen stated that he did not report the malfunctioning sprinkler because he

felt that security should report and handle irrigation issues. Mr. Brougham stated that the roving patrol should report irrigation issues to the gatehouse. Previously, staff could disable the irrigation systems, in times of continued heavy rain, and certain villages installed rain sensors to disable irrigation. Mr. Brougham asked Staff to verify whether staff could still control the irrigation systems, through the main computer, and if Wesco installed rain sensors on local controllers; if not, villages should invest in sensors. Mr. Schmitt stated that the sprinkler valve issue occurred on a Sunday morning and asked if that was a factor for the delayed response. Mrs. Adams stated that the District had 24/7 coverage for those types of issues. Mr. Brougham wanted security to be reminded of their responsibility to report irrigation issues to the gatehouse, which contained an emergency number for LandCare or another party that handled stuck valves. Mr. Schmitt stated that the County required automatic shut off valves on all sprinkler systems. Mr. Slater felt that the sprinkler issue was insignificant and doubted that contractors would respond, in a timely manner, on a Sunday morning; each village could allow residents to control irrigation systems. Mr. Christensen stated that Runaway Bay residents did not have that option, as the water was controlled by the community system. Ms. Shannon Benedetti, a resident and Landscape Committee member, would ask Mr. Albeit to include this issue in the newsletter because residents did not know to contact security regarding irrigation issues. Mr. Brougham would request that an e-blast be sent to remind residents to call the gate to report sprinkler issues.

**THIRD ORDER OF BUSINESS****Special Counsel Update**

This item was presented following the Sixth Order of Business.

**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 Phase 6 lake erosion repairs were in progress and he was still working on an update of the overall budget. Mr. Brougham stated that the report should include where the District stood with the projects and with the expenditures, versus the estimate. Mr. Cole stated that work was currently underway, on Lake #7, in Pepper Tree, which was identified seven years ago. Over the years, certain lakes were prioritized and engineering monitored those,

annually. An updated spreadsheet of the lakes that required re-examination would be presented. Mr. Brougham stated that erosion would continue until preventative measures were applied to the perimeters of all of the District's lakes and asked Mr. Cole if there were any expenditures that would impact the proposed Fiscal Year 2018 budget. Mr. Cole stated that \$200,000 was budgeted and he would work within that limit.

Mr. Cole stated that the County approved all of the punch list items related to development of Phase 3, Unit 1, including the final acceptance inspection. This went back 10 to 12 years ago but, because of the economy and other factors, final acceptance was delayed until now. During the inspection, last week, the County identified other work that required maintenance, such as rattling asphalt on Club Center Drive and three or four cracked sidewalks. A proposal for the necessary repairs would be obtained from Collier Paving. Mr. Brougham stated that paving would be discussed later in the meeting and the District should not repair sections when the entire community required repaving. Mr. Turner noted that improvements were made in some areas, while other areas were ignored, and asked if the CDD was responsible when another entity funded repairs. Mr. Cole confirmed that the Developers would repair pavement that was blatantly damaged by construction equipment and presented photographs of an area, as an example. Discussion ensued regarding the Developer, construction damage in specific areas and temporary spot repairs. Mr. Brougham felt that temporary repairs should be completed before the full paving project. In response to a question, Mr. Cole stated that paving was not based on the cost per lane mile; rather, it was based on square footage, overlay and milling, and engineering prepared a paving budget a few years ago.

**SIXTH ORDER OF BUSINESS****Discussion: Recent Staffing in the Safety Department and Effects on Service Levels/Budget**

Mr. Brougham stated that Mr. Charbonneau, the former Safety Director, left two or three weeks ago. This matter was previously discussed with Mr. Albeit, who was unavailable for today's meeting but would attend the next meeting, along with Ms. Marie Puckett, the new Safety Director to address gatehouse staffing. In response to Mr. Brougham's question, Mr. Adams stated that Mr. Albeit submitted a revised staffing budget. Mr. Brougham stated that the Board approved adding a guard at the Main Gate but CDD #2 did not and requested additional statistics because, based on CDD #2's analysis of gate activity, the CDD #2 Board believed that

an additional full-time guard at the Main Gate was not necessary. Mr. Pires noted that two people joined the meeting, via telephone. Mr. Brougham deferred announcement of those until after this item. Mr. Brougham wanted The Foundation to give a presentation of the Safety Department's plans and directed Staff to include it on the next agenda. Discussion ensued regarding Mr. Charbonneau's departure, the Safety Department and the new Safety Director. Mr. Brougham stated that the District's contract was with The Foundation. Mr. Brougham listed conditions in the existing contract, inclusive of the bid specifications, which were no longer valid, such as:

- Six or more years of experience in a management role at an exclusive private gated community
- Ten or more years with a national security corporation
- Personal security/protection experience
- Demonstration of progressive responsibilities throughout career
- Continuing accredited education in law enforcement
- Valid State of Florida D & G license, meaning a security officer and firearms
- K-9 trained and certified

Mr. Brougham stated that the Districts were required to modify the contracts, by a vote of both Boards. Mr. Slater stated that the Boards should go through the documents with Mr. Albeit. Mr. Adams would provide copies of the documents to the Board. Mr. Brougham stated that, per the District's by-laws, the CDD was not required to bid for non maintenance-related items and had the option to bid for security services. Mr. Brougham felt that this matter should be discussed at the next meeting; the Board should understand the current security supervision, if the contract must be modified. Mr. Turner asked about utilization of the second vehicle. Mr. Adams stated that Ms. Puckett assumed custody of the second vehicle, which could be addressed, at the next meeting. In response to a question, Mr. Adams stated that Ms. Puckett was the point of contact for all Fiddler's Creek residents with questions that previously went to Mr. Charbonneau. Mr. Slater felt that Mr. Albeit should have posted Ms. Puckett's contact information, by now, and asked why an announcement was not made to inform residents of who to call in case of emergencies. Mr. Brougham stated that Mr. Charbonneau was employed by The Foundation and personnel announcements were The Foundation's decision.

***\*\*\*Mr. Bergmoser joined the meeting, via telephone, earlier, during this discussion.\*\*\****

*\*\*\*Ms. Carrie Robinson joined the meeting, via telephone, earlier, during this discussion.\*\*\**

**On MOTION by Mr. Brougham and seconded by Mr. Turner, with all in favor, authorizing Mr. Bergmoser's attendance and full participation, via telephone, due to exceptional circumstances, was approved.**

▪ **Special Counsel Update**

*\*\*\*This item, previously the Third Order of Business, was presented out of order.\*\*\**

Ms. Robinson had nothing to report and welcomed questions. In response to Mr. Brougham's question, Ms. Robinson stated that the previously approved actions commenced.

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

**SEVENTH ORDER OF BUSINESS**

**Continued Discussion: Proposed Fiscal Year 2018 Budget**

Mr. Adams stated that adjustments following the previous meeting included adding the upgraded maintenance contract, with TEM Systems Inc., (TEM), for \$20,000. Mr. Albeit's revised budget for personnel services reflected a decrease of \$400 and included additional staffing, four hours per day, five days per week, from October 1 through May 31. In response to a question, Mr. Brougham stated that CDD #2 did not approve Mr. Albeit's budget at their last meeting but requested additional justification and analysis. In response to a question regarding the time frame, Mr. Adams stated that the previous time frame was December 15 through April 30; the current time frame was extended to October 1 through May 31.

Mr. Adams stated that, as reflected in the revised proposed budget, assessments would increase \$11, per unit, due to the additional \$21,000 expenditure. If assessments remained unchanged, year-over-year, a \$21,000 reduction from another area would be necessary. In response to Mr. Slater's question, Mr. Adams stated that \$20,000 was included in "Operating supplies", as part of "Access control." "Operating supplies" was projected to be over budget for Fiscal Year, 2018 because of the classification of the newly purchased security vehicle being classified to that line item, instead of the "Rentals and leases." Mr. Brougham questioned why the new security vehicle was classified under "Operating supplies", instead of under "Rentals and leases", which was off schedule. Mr. Adams would re-classify the line item. In response to

a question regarding the front gate entrances, Mr. Adams stated that the front gates were an ongoing project; there were different issues with each one, in terms of placement and calibration. Mr. Turner asked if the \$21,975 under "Rentals and leases", was for the purchase of the vehicle and would be increased an additional \$11,000. Mr. Adams stated that it was for 50% of the cost, plus the rental and lease maintenance agreement, which amounted to \$11,000. Mr. Brougham stated that the rental included the temporary gatehouse, at Sandpiper, which was \$2,500. Mr. Turner asked if another vehicle would be purchased in the fall. Mr. Adams replied affirmatively. In response to a question regarding construction of the Sandpiper Gate, Mr. Adams stated the Developer had not requested funding for the gate; that expense would apply to CDD #2 and the last report was that there were no plans to commence the project. Mr. Bergmoser asked if the previously-approved additional guard hours were in the budget. Mr. Brougham replied affirmatively. Mr. Bergmoser wanted to know what would happen if CCD #2 opted not to approve the additional guard expense and not share the cost. Mr. Brougham stated that the Board would discuss it and decide whether the District would absorb all of the costs. Mr. Pires stated that the District would need a supplemental agreement with The Foundation because the original agreement was a three-party agreement between both Districts and The Foundation. Mr. Brougham expected that CDD #2 would approve Mr. Albeit's recommendations. Mr. Adams stated that, if CDD #2 did not approve the revised security personnel budget, the District would be responsible for 44% of the \$18,200.

Mr. Brougham compared funds on certain year-to-date, through June 30 expenditures for certain line items, with the proposed Fiscal Year 2018 budget amounts. The District spent \$40,537, through June, for "Legal" but and was budgeting only \$25,000 for Fiscal Year 2018, which reflected no increase over the current year. Mr. Adams stated that a large portion of those expenses would be reimbursed. The increased "Legal" expenses were related to the boundary amendments, which the Developer committed to reimburse. In response to Mr. Brougham's question, Mr. Adams would review the billing with Management's Controller and apprise the Board of the total reimbursement amount. In response to a question, Mr. Adams stated that Management was waiting for the matter to settle, prior to billing the Developer. Mr. Brougham wanted to know why "Legal – litigation" was budgeted at \$22,197, when expended, through June, was \$35,000. Mr. Adams stated legal staff was paid an hourly rate and the amount depended on how often they were engaged and for unforeseen legal activities. Mr. Brougham was fine with decreasing "Engineering" from \$47,000 to \$30,000. Mr. Adams stated the District

Engineer was engaged for the boundary amendment process and oversight of the lake bank erosion repairs. Mr. Cole agreed to supply the same number on the boundary expenses to Mr. Adams to reconcile. Mr. Brougham asked if the \$4,902 "Legal advertising" expense was related to the boundary amendment changes. Mr. Adams stated that boundary amendment changes required costly advertising, involving map exhibits and multiple runs; it was an out-of-the-ordinary expenditure. Mr. Brougham stated that \$34,688 was spent on "Fountains", through June, and asked why \$5,200 more was budgeted for Fiscal Year 2018. Mr. Adams stated that the fountains were aging so the number of repairs would increase; however, no adjustments were made on the maintenance contracts. Mr. Brougham asked if the \$125,000 was allocated for tree trimming, under "Other contractual", for Fiscal Year 2018 was sufficient. Mrs. Adams stated the District could safely project that budget amount. Mr. Brougham stated that the District invested in a landscape architect because of the aging and deteriorating landscaping and anticipated that old plants would be replaced. Staff should determine if the project would be completed in phases and, if so, \$50,000 should be budgeted but, if not, \$100,000 should be added, which would increase the overall budgeted amount to \$245,000. Mrs. Adams would request a more accurate projected quote for the renovation project from the landscaper. In response to a question, Mrs. Adams stated that the \$110,000 budgeted line item for the fence repairs was under "Roadway maintenance." Mr. Brougham asked if \$42,000, under "Other contractual – flowers", was sufficient, in light of the planned front entrance changes. Mrs. Adams responded affirmatively. In response to Mr. Brougham's question regarding "Supply system", under "Irrigation", Mr. Adams stated \$125,400 was budgeted because the chemical injection systems were \$60,000.

Regarding paving, Mr. Cole previously advised that, in Fiscal Year 2018, the paving would require an upgrade and it would be necessary to mill and repave Fiddler's Creek Parkway, from the entry to Championship Drive, at a cost of \$400,320. Championship Drive would cost \$115,200 and Isla Del Sol, north and south, and Club Center Boulevard would cost \$609,743, plus 15% for contingencies and tech services, at \$91,000, for a total cost of \$701,000. Mr. Adams previously recommended obtaining a short-term loan to fund the paving project. The Board should come to an agreement on whether to proceed with the entire paving project, complete it in phases or opt to do nothing except repair it, as the pavement deteriorated. In response to a question regarding repaving Mulberry, Mr. Cole stated that Mulberry was slated for repaving in 2025. Discussion ensued regarding traffic, repaving, milling and a funding source.

Mr. Bergmoser asked if CDD #2 would share the costs to repave Fiddler's Creek Parkway. Mr. Brougham stated that it would be at the District's expense and CDD #2 would not be obligated to incur costs. Mr. Schmitt recommended deferring Mulberry and was in favor of imposing an assessment, as the bond assessment would be paid off in one more year. Mr. Brougham felt that the consensus was to consider the bonds being paid off. Mr. Christensen stated that construction on Fiddler's Creek Parkway was not completed, another project was underway, involving the driving range, and Fiddler's Creek Parkway had additional traffic since there was no other entrance. Mr. Brougham felt that the reconfiguration of Fiddler's Creek Parkway would affect the District's repaving plans; the Board should use its best judgment, based upon information provided.

Mr. Adams stated that, from a timing perspective, the public hearing to adopt the Fiscal Year 2018 budget would occur at the August meeting and, if there was a desire to add additional appropriations and assessment increases, it was necessary to decide on the \$200,000 reserve amount. \$100,000 could be allotted for landscape renovations and the other \$100,000 could go toward the first year of repayment of a loan to repave Fiddler's Creek Parkway. This would increase assessments by \$104 per unit. Mr. Brougham instructed Mr. Adams to include this in the projected budget.

Mr. Frank Weinberg, a resident, voiced his opinion that it was unwise to take out a loan and involve attorneys, as the overall cost would increase, significantly; therefore, he felt that an assessment should be levied because the paving were 20 years old and needed to be repaired. Mr. Brougham suggested budgeting \$500,000 for paving and, if, during the budget discussion at the next meeting, the Board decided to forego the paving and landscape renovations, a short-term loan could be obtained. Mr. Adams stated that budgeting the \$500,000 would result in an assessment increase of \$261 to \$262 per unit. Mr. Bergmoser agreed that the District should impose a special assessment rather than securing a bank loan. Mr. Adams stated that the total assessment amount, for noticing purposes, would be \$1,850.

**EIGHTH ORDER OF BUSINESS****Acceptance of Unaudited Financial Statements as of June 30, 2017**

Mr. Brougham presented the Unaudited Financial Statements as of June 30, 2017. Mr. Slater asked if taxes were included in the "Supervisor" compensation line item. Mr. Adams stated that Supervisors earned \$200 per meeting, plus taxes, so the amounts would not be even.



In response to Mr. Slater’s question regarding the “Trustee” line item, Mr. Adams stated that the Trustee did not always bill at the same time, each year. Fiscal Year 2017 was \$2,000 over budget but \$15,500 would be budgeted again, for Fiscal Year 2018.

**NINTH ORDER OF BUSINESS**

**Consideration of Minutes**

**A. June 5, 2017 Continued Meeting Minutes**

Mr. Brougham presented the June 5, 2017 Continued Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Slater and seconded by Mr. Turner, with all in favor, the June 5, 2017 Continued Meeting Minutes, as presented, were approved.**

**B. June 28, 2017 Regular Meeting Minutes**

Mr. Brougham presented the June 28, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 101: Change “maintaining the lake” to “repairing the lake”

Line 102: Change “Phase 6-1” to “Phase 6”

Line 107: Change “Phase 6 Draw” to “Phase 6 work”

Line 111: Change “Mr. Cole” to “Mr. Pires”

Line 112: Insert “not” after “was”

Line 148: Change “the District would not be locked in for 90 days” to “the District would have a 90-day termination clause”

Line 239: Insert “clicker” after “proposed”

Line 303: Change “flower beds at the entrance marquis” to “pergolas at the entrance Marquees”

Line 309: Change “Marquis” to “marquees”

**On MOTION by Mr. Slater and seconded by Mr. Turner, with all in favor, the June 28, 2017 Regular Meeting Minutes, as amended, were approved.**

**TENTH ORDER OF BUSINESS**

**Action Items**

Items 1, 2, 3, 4, 5, 6, 13, 14 and 18 were ongoing.

Items 7, 8, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21 and 22 were completed.

Regarding Item 19, the County Transportation Engineer approved the future striping of Fiddler’s Creek Parkway to create a bicycle lane.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Pires stated that the reciprocal easement with Antilles was recorded and additional documents were submitted to the County. The documents, including the revised landscape buffer plan, could be accessed via the Collier County Cityview Portal. Mr. Brougham stated that the actual approval letter was missing from the County’s portal.

The County Commission adopted Resolution 2017-137, approving the District’s optional power for mosquito control.

**B. District Manager**

**i. NEXT MEETING DATE: August 23, 2017 at 8:00 A.M.**

Mr. Brougham and Mr. Turner would not be available for the meeting scheduled for August 23, 2017. The consensus was to reschedule the meeting to August 30. Mr. Pires suggested allowing members of the public to comment, prior to adopting the new date.

Mr. Adams requested public comments.

No members of the public spoke.

**On MOTION by Mr. Brougham and seconded by Mr. Turner, with all in favor, amending Resolution 2017-9, to change the budget Public Hearing and Regular Meeting for August 23, 2017 at 8:00 a.m., at this location, to August 30, 2017 at 8:00 a.m., at this location, was approved.**

**C. Operations Manager**

Mrs. Adams presented the Field Operations Monthly Status Report:

- The control panel for the North Entry decorative fountain was ordered and would arrive in six weeks. The 15 horse-power motor was purchased for \$2,900, which was a substantial cost saving.

- Regarding the landscape renovation project, Mr. Dale Slabaugh, Landscape Architect, submitted the plans for discussion, consideration and approval. Mrs. Adams highlighted the areas slated for renovation and asked for approval to forward the plans to the Design Review Committee (DRC). Mr. Brougham stated that the firebush, on Fiddler's Creek Parkway, approaching Championship Drive, was doing well. In response to Mr. Brougham's question, Mrs. Adams stated that Ms. Feser participated in the project and focused mainly on the CDD entrances.
- A proposal from SunnyGrove to install additional oak trees in previously approved locations, was pending.
- The Mahogany Bend project would be completed in a few days. Five trees would be relocated, along with grass.
- The perimeter fence damage, near Bent Creek, and a section on Mulberry were being repaired, at a cost of \$8,075 for 17 posts, panels and tops. Mr. Brougham objected to the constant repairs of the poorly-designed and installed fencing.
- There was no update on the Wesco Turf project, as the computer was not relocated and the training session was still pending.

**TWELFTH ORDER OF BUSINESS**

**Supervisors' Requests**

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

**THIRTEENTH ORDER OF BUSINESS**

**Public Comments**

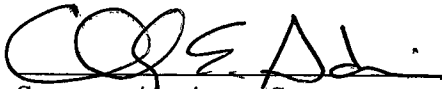
There being no public comments, the next item followed.

**FOURTEENTH 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 9:43 a.m.**



Secretary/Assistant Secretary



Chair/Vice Chair