

**MINUTES OF MEETING
FIDDLER'S CREEK COMMUNITY DEVELOPMENT DISTRICT #1**

Public Hearings and a Regular Meeting and of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held on **Wednesday, August 30, 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	The Foundation
Valerie Lord	Developer Counsel
Marie Puckett	The Foundation - Safety Director
Weldon Birdwell	Resident
Myron Bechtel	Resident
Bob Rendine	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 8:01 a.m. Supervisors Brougham, Bergmoser, Slater and Schmitt were present, in person. Supervisor Turner was attending via telephone.

On MOTION by Mr. Slater 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)

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Special Counsel Update

Ms. Robinson stated that litigation was proceeding. There were five motions filed, some time ago, such as Motions to Strike, along with replies and affirmative defenses. U.S. Bank moved to strike. One-hour hearings were set for October 25, 2017, which was the first available date. In the interim, Ms. Robinson moved to have a case management conference set for both CDD #1 and CDD #2. The Court requires a hearing to set the case management conferences so a five-minute hearing was set for September 11, 2017. The purpose of the hearing will be to set a case management conference in October. Certain pre-trial deadlines will be set during that hearing, along with an actual schedule as the case gets ready for trial, if it goes to trial. Mr. Brougham inquired if the presiding Judge was still Judge Shenko and if the 30-day clock on the last action had expired. Ms. Robinson replied affirmatively to both.

*****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 water levels went up. The lake repair, near The Club, along the left side of the back entrance to the pool, would be completed next week; the geotube would be cut and sod would be installed. The overall repairs, budgeted by Mr. Cole in 2011 were \$1.64 million, based upon his review at that time; to date, for the six phases of work, approximately \$936,000 had been paid to contractor. The related engineering fees were built into the engineering items, along with being part of the \$200,000 annual, budget. In Phase V, \$91,000 of work was completed due to budget concerns. The priority and residential repair phases were completed first but at least two phases remained. The entry lakes, by the sales center, required repairs but were on hold because the area was not residential. There would be a delay in the area of the future development tract, since it would be dealt with during new construction. Mr.

Brougham asked for confirmation that the District was not in jeopardy, with regard to the water management permits, until a lake's slope exceeded or reached a certain degree. Mr. Cole stated that, if the lake bank had a drop of more than 9", it should be repaired; there were still areas in need of repair but the concentration was completing repairs in areas with 1' to 2' drops. Mr. Cole suggested budgeting \$50,000, per year, for the on-going lake bank repairs. Mr. Pires asked if the sections with greater than a 9" drop were in residential or commercial areas. Mr. Cole stated that repairs were being completed in residential areas but the majority of the areas exceeding a 9" drop were at the entry lakes. Mr. Pires asked if people were trying to access those lakes. Mr. Cole was not aware of anyone trying to access those lakes. Discussion ensued regarding what constituted a 9" drop, whether geotubes would eliminate the slope drop issue, compliance with the South Florida Water Management District (SFWMD) permit specifications, etc. Mr. Cole stated that, next week, maintenance would be completed on Club Center Boulevard; isolated patching and sidewalk grinding would be completed. Mr. Cole gave Mr. Adams an updated paving summary; he believed the paving budget was originally \$460,000 but the estimate was approximately \$420,000, based on mill and repave from the gatehouse to Championship Drive; the main entry, up to the gatehouse be deferred a few more years. Per Mrs. Adams' request, Mr. Cole spoke with a contractor regarding repairs needed to the catch basin, at the entrance of the clubhouse on Fiddler's Creek Parkway; a proposal was forthcoming. Mr. Brougham inquired if a proposal was necessary every time work must be completed, since the proposal process elongates the process. Mr. Adams replied that a proposal should be obtained, with a contract to follow; in emergencies, contractors could be engaged without following the process. Mr. Brougham suggested that the District adopt a policy regarding the proposal process. Mr. Pires suggested expanding the Manager's spending threshold for routine maintenance or solicit proposals annually from contractors to perform on-call services, rather than amending the Rules of Procedure, Mr. Schmitt asked about creating a Task Order Contract with a guaranteed minimum and a threshold maximum, for specific tasks, repairs, etc. Mr. Brougham asked for this topic to be included on the next agenda, for discussion.

Mr. Cole had a conference call with Waste Management in Collier County. An inspector inspected the roads every day, in advance of trash pick-up. Since then, Mr. Cole was notified 40 to 50 times, advising him of spills that were not related to Waste Management (WM); there were a few spills each week. The procedure for Waste Management was to increase their maintenance and the number of times that vehicles were checked for spillage and to put procedures in place

for quality control, which was successful, so far. Moving forward, WM would discontinue this process because the spills reported were not WM's spills. Security should report spills to Mr. Cole and Mrs. Adams; however, 90% of the time, they would not know who caused the spills. Mrs. Adams should send the clean-up bills to the party who caused the damage.

▪ **Discussion: Isla Del Sol Entry Paver Brice Replacement**

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

Mr. Cole stated that the Isla Del Sol Homeowner's Association requested that the District pay to replace 40' of brick pavers, up to their southern gate entry, which are within the CDD's boundaries. The pavers appeared to be in good shape; however, there were some chips and subsidence near the valley gutter. Mr. Cole advised Mr. Mark Minor, the HOA Engineer, that, in the District's opinion, the brick pavers did not warrant replacement. Mr. Minor sent a letter requesting the CDD's permission to replace the pavers in the District's right-of-way (ROW). The CDD's area used to be asphalt and no one recalled the Isla Del Sol HOA obtaining permission from the Board to install pavers. Mr. Coles recommended that the Board allow replacement of the pavers and striping, at the HOA's expense. Mr. Pires stated the HOA would probably need to provide the County with an authorization letter from the CDD, authorizing the work. Discussion ensued regarding the pavers, maintenance, etc.

On MOTION by Mr. Brougham and seconded by Mr. Turner, with all in favor, authorizing Staff to prepare necessary authorizations to allow the Isla Del Sol Homeowners' Association to proceed with the paver work, at the HOA's expense, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2017-10, Amending Resolution 2017-9, Rescheduling the Date, Time and Place of the Public Hearing for Consideration of the Budget and Non-Ad Valorem Assessments for Fiscal Year 2018

Mr. Brougham presented Resolution 2017-10. Mr. Adams distributed a revised Resolution 2017-10, containing minor edits.

On MOTION by Mr. Schmitt and seconded by Mr. Bergmoser, with all in favor, the revised Resolution 2017-10, Amending Resolution 2017-9, Rescheduling the Date, Time and Place of the Public Hearing for Consideration of the Budget and Non-Ad Valorem Assessments for Fiscal Year 2018, was adopted.

SEVENTH ORDER OF BUSINESS

Affidavit(s) Proof of Publication

The affidavits of publication for today's Public Hearings and Regular Meeting were included for informational purposes.

EIGHTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Adoption of the District's Final Budget for Fiscal Year 2017/2018, Pursuant to Florida Law

A. Consideration of Resolution 2017-11, Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018

Mr. Brougham presented Resolution 2017-11.

*****Mr. Brougham opened the Public Hearing*****

Mr. Weldon Birdwell, a resident, inquired about the repaving and milling on Fiddler's Creek Parkway. Mr. Brougham stated that the repaving and milling work would be from the front entry gatehouse and down Fiddler's Creek Parkway to Championship Drive, on both sides. That would be the first phase of a multi-phase project. Mr. Birdwell inquired if there was a road study, since the roads looked good to him. Mr. Cole stated that, typically, roadways last 20 to 30 years and require repairs, depending on the level of traffic and usage. The traffic between Club Center Drive and Championship Drive and over the bridge had a lot of construction traffic over the years, which caused damage, as opposed to Mulberry Lane, which was in place for a number of years but was in better shape since it did not have as much traffic. Mr. Brougham stated that Fiddler's Creek Parkway had multiple occasions wherein the District had repair sections that slipped, the pavement failed and the underlayment shifted. Based upon the Engineer's findings, the District could continue to make repairs or, as Fiddler's Creek Parkway approaches the end of its normal useful life, the project could commence.

Mr. Myron Bechtel, a resident, inquired if the District had a reserve built up for those road repairs. Mr. Brougham replied no. Mr. Bechtel asked why. Mr. Brougham replied that the District never had a policy of building a reserve. The Board decided that, when the time came, the Board would consider a short-term loan, raise assessments or impose a special one-time assessment to pay for the project.

Mr. Schmitt discussed the condition of Fiddler’s Creek Parkway and stated that, based on his engineering background, it would be best to complete the road project now, before it worsens.

Mr. Bob Rendine, a resident, inquired which roads were owned by CDD #1. Mr. Brougham stated Fiddler’s Creek Parkway, Championship Drive, Mahogany Drive, Mulberry Road, Club Center Drive and Cherry Oaks Trail.

******Mr. Brougham closed the Public Hearing******

<p>On MOTION by Mr. Brougham and seconded by Mr. Slater, with in favor, Resolution 2017-11, Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018, was adopted.</p>

NINTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2017/2018, Pursuant to Florida Law

A. Mailed Notice(s) to Property Owner(s)

The Mailed Notices to Property Owners were included for informational purposes.

B. Written Objection(s) to Assessments

The written objection from Mr. David A. Culton was included for informational purposes.

C. Consideration of/Decision on: Resolution 2017-12, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Brougham presented Resolution 2017-12.

*****Mr. Brougham opened the Public Hearing*****

No members of the public spoke.

*****Mr. Brougham closed the Public Hearing*****

In response to Mr. Schmitt's question, Mr. Adams confirmed that the objection letter included in the agenda package was the only one received. He spoke to one person, via telephone, who asked if CDD #2 would pay for any of the road resurfacing in CDD #1.

On MOTION by Mr. Bergmoser and seconded by Mr. Schmitt, with all in favor, Resolution 2017-12, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2017-13, Adopting the Annual Meeting Schedule for Fiscal Year 2017/2018

Mr. Brougham presented Resolution 2017-13.

On MOTION by Mr. Slater and seconded by Mr. Bergmoser, with all in favor, Resolution 2017-13, Adopting the Annual Meeting Schedule for Fiscal Year 2017/2018, was adopted.

ELEVENTH ORDER OF BUSINESS

Consideration: Iberia Bank Line of Credit Renewal

Mr. Brougham stated that the District had a \$500,000 line of credit. Mr. Adams reiterated the terms of the 364-day, revolving line of credit, bearing interest at the rate of 4.25%. Mr. Adams contacted other banks; however, due to the current litigation involving the District, no other lenders would issue a line of credit to the District.

On MOTION by Mr. Schmitt and seconded by Mr. Turner, with all in favor, approve Iberia Bank Line of Credit Renewal, was approved.

On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, authorizing the Chair to execute Iberia Bank Line of Credit Renewal documents, was approved.

TWELFTH ORDER OF BUSINESS

Consideration of Proposals to Provide Pressure Washing Services to CDD

Mr. Brougham presented two proposals for pressure washing services. Florida Painters, the District's current contractor, submitted a revised proposal for \$33,000. Mr. Brougham noted that this was a reduction from the \$45,000 previously charged by Florida Painters. The Board was not in favor of Items 4 and 5, on Page 2, whereby the price was contingent upon the purchase of new equipment and a three-year contract, assuming Florida Painters' purchase of the "One Pass Mold Blaster." Mrs. Adams confirmed that Florida Painters' had not yet purchased the equipment; it would take five weeks to receive the equipment. Mrs. Adams stated that The Foundation already purchased the equipment. Mr. Bergmoser asked if The Foundation already purchased and took physical delivery of the equipment. Mr. Albeit stated "We will be." Mrs. Adams confirmed that Florida Painters' proposal specified completion by October 6, while The Foundation's proposal specified completion by November 15.

The Foundation proposal was \$36,000. Regarding the one-year contract term, Mr. Pires stated that a revised contract was sent last Friday and Mr. Albeit confirmed that The Foundation would hold the price for three years. Mr. Pires noted various changes to the contract. In response to Mr. Brougham's question, Mr. Albeit stated that The Foundation would have a contact person for pressure washing; the equipment would be utilized solely within the community. Mr. Brougham asked if work could be performed in the individual Villages. Mr. Albeit replied affirmatively but the Villages would pay a fee. Mr. Pires noted that the District's prior contracts with Florida Painters contained a penalty clause for not completing work by the specified deadlines; however, The Foundation's contract did not contain the same type of provision. Mr. Albeit was against adding a penalty clause to The Foundation's contract. Mr. Brougham was agreeable to not including a penalty clause. Discussion ensued regarding the

capabilities of the equipment, beyond pressure washing. Page 5 of the Service Agreement, "Exhibit A-Scope of Work Included" would be revised to include the District's entrance.

On MOTION by Mr. Schmitt and seconded by Mr. Bergmoser, with all in favor, the proposed Service Agreement from Fiddler's Creek Foundation, Inc., to provide Pressure Washing Services to Fiddler's Creek Community Development in an amount not-to-exceed \$36,000, as amended to include the District's entrance on "Exhibit A – Scope of Work Included" and edits, as discussed and contained in the newest version, was approved.

THIRTEENTH ORDER OF BUSINESS

Consideration: Renovation Area Rendering Proposal [Dale A. Slabaugh and Associates, Inc.]

Mrs. Adams stated that this proposal was for the renderings and elevation sketches the Design Review Committee (DRC) requested. Mr. Brougham questioned why a rendering and the expense associated with it, was needed; requiring elevation sketches for planting flowers was a concern and costly to residents. Ms. Valerie Lord, Developer Counsel, stated that the DRC requested it to obtain a better understanding of the appearance. A Board Member stated that a Master Plan for Landscaping Design was prepared and questioned why the DRC could not use it. Mr. Albeit stated that the DRC would revisit the requirement.

On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, the Dale A. Slabaugh and Associates, Inc., Renovation Area Rendering Proposal was not approved.

FOURTEENTH ORDER OF BUSINESS

Consideration: Philodendron Renovation Design Proposal [Dale A. Slabaugh and Associates, Inc.]

Mr. Brougham stated that this was for removal of Philodendron and replacement with new plantings.

On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, the Dale A. Slabaugh and Associates, Inc., Philodendron Renovation Design Proposal, in a not-to-exceed amount of \$1,250, exclusive of elevations, was approved.

FIFTEENTH ORDER OF BUSINESS**Introduction of New Safety Director, Ms. Marie Puckett, and Discussion Regarding Safety Department**

Ms. Puckett gave an overview of her background and credentials. Regarding security, her position as Safety Director is an “umbrella” role because she oversees all other safety matters, as well. Mr. Doug Duprey, the Security Supervisor, would be available 24/7, which did not change; he will oversee all security functions, on a day-to-day level. Since Ms. Puckett’s arrival, the following items were completed or were underway:

- All supervisors and managers have the new code red emergency alert system on their phones
 - In September, Ms. Puckett would meet with other security professionals
 - Updating all of the security, the gatehouse and improving security reporting with the goal to automate everything.
 - Established a parking variance request process for street parking including a form on the website.
 - Implemented stricter control over open houses and realtor access
- Residents presented general questions to Ms. Puckett concerning her role.

Mr. Brougham asked for an update on front gate. Ms. Puckett stated that, ever since there were two lightning strikes, one in July and the other in August, electronics were having issues. TEM Systems, Inc., cannot resolve them. As soon as TEM repaired one component, another issue occurred. Mr. Brougham inquired about what would happen if the gate failed in the middle of the night. Ms. Puckett stated that TEM would be called and would come first thing in the morning. TEM responded quickly but they could not always troubleshoot the problems. Mr. Brougham suggested that Ms. Puckett obtain a copy of the Service Agreement with TEM and enforce the contract terms, as a better, faster response was needed, since the District spent a lot on security and had many service contracts related to security, gates, etc.

Discussion ensued regarding security, procedures, parking on the streets, etc. Mr. Brougham stated to Staff, in particular, Mr. Pires and Mr. Adams that the Access Control

Services within the District, needed to be updated. There were no revisions since 2009; the contract was renewable every year. Staff must ensure that the security documents and the Post Orders were up-to-date and the guards had a clear understanding.

Discussion ensued regarding Mr. Duprey's replacement and if the budget could be reduced.

SIXTEENTH ORDER OF BUSINESS

**Discussion: Isla Del Sol Entry Paver
Brick Replacement**

This item was presented after the Fifth Order of Business.

SEVENTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of July 31, 2017**

Mr. Brougham presented the Unaudited Financial Statements as of May 31, 2017. He believed that the off-roll assessments, at 67%, were less than the 83% budgeted, due to last-minute shifts from off-roll to on-roll. Mr. Adams affirmed Mr. Brougham's belief. Mr. Adams stated that some Marsh Cove units shifted from off-roll to on-roll. On-roll assessment revenue collections were at 106% and overall revenues were at 99%. Expenditures were at 76%. Mr. Brougham asked about "Repairs and maintenance", at 616%, and recalled that there were main line breaks. Mr. Adams would obtain the detail on that item for him. Another Board Member questioned the expenses for clickers. Mr. Adams would obtain the detail. Mr. Brougham wanted to know the number of clickers disbursed.

EIGHTTEENTH ORDER OF BUSINESS

Consideration of Minutes

A. July 17, 2017 Special Meeting

Mr. Brougham presented the July 17, 2017 Special Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Bergmoser and seconded by Mr. Bergmoser, with all in favor, the July 17, 2017 Special Meeting Minutes, as presented, were approved.

B. July 26, 2017 Regular Meeting

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

- Line 24: Change "Benedetti" to "Benedetti"
- Line 231: Change "pavers" to "paving"
- Line 232: Change "remill" to "mill"
- Line 260: Change "pavers were" to "paving was"

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

NINETEENTH ORDER OF BUSINESS

Action Items

This item was not discussed.

TWENTIETH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Pires discussed his attendance at a Cabinet Meeting, including the Governor, related to the Fiddler's Creek CDD #1 Rule Amendment to change the boundaries of CDD #1, which was unanimously approved. The site planning for Antilles Regional, was on hold.

B. District Manager

i. NEXT MEETING DATE: September 27, 2017 at 8:00 A.M.

The next meeting will be held on September 27, 2017 at 8:00 a.m., at this location.

C. Operations Manager

Mrs. Adams asked Ms. Puckett to give the update on the irrigation.

Ms. Puckett stated that everything contracted with Wesco Turf was for making improvements on all of the irrigation communications, immediately. A few controllers were stand-alone, which was a violation. Mulberry and Mahogany Bay was controlled by satellite. Mr. Brougham inquired if the Village enforced getting the stand-alone. Ms. Puckett replied affirmatively.

A Board Member inquired why watering was being done after so much rain. Ms. Puckett replied that the system was recently adjusted and it now had a rain hold sensor. If that issue occurred again, residents should report it. Discussion ensued.

Mrs. Adams received an update from Bentley Electric (Bentley) yesterday, regarding the decorative fountain at the entry. The vault was flooded and she would inspect it, after the meeting. Mr. Brougham stated that there was no sump pump; Mrs. Adams should find the source of the leak but a sump pump should be installed. The Mulberry wall repairs were delayed. The contractors have not rescheduled due to the rains. As of yesterday, the contractor would not commit to a date.

A Board Member stated that boxes were damaged, possibly by landscape crews running them over, and inquired if anyone complained about them. Mrs. Adams had not received any complaints. Mr. Brougham stated that, the boxes should be repaired. Mr. Brougham inquired about the palms and fallen fronds. Mrs. Adams stated that picking up fallen palm fronds was in the contract specifications and should be done on an ongoing basis; she was advised that they are picked up two times each day and hanging fronds were done once each week. Mr. Brougham suggested that Mrs. Adams file a complaint. Seed pods were not part of the contract but Mrs. Adams executed a Work Order, yesterday, since The Foundation requested that the District remove all of the seed pods. This will be added to the contract specifications, going forward.

TWENTY-FIRST ORDER OF BUSINESS Supervisors' Requests

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

TWENTY-SECOND ORDER OF BUSINESS Public Comments

There being no public comments, the next item followed.

TWENTY-THIRD ORDER OF BUSINESS Adjournment

There being no further business to discuss, the meeting adjourned at 9:58 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair