

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

The Board of Supervisors of the Fiddler’s Creek Community Development District #1 held a Regular Meeting on Wednesday, January 24, 2018 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
Valerie Lord	Counsel - The Foundation
Ron Albeit	General Manager - The Foundation
Robert Dieckmann	Interim Project Manager – The Foundation
Kenny Flage	LandCare
Marshall Sutker	Resident
Joe Vaccaro	Resident
Torben Christensen	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 8:00 a.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

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

Mr. Torben Christensen, a resident, recalled that the CDD owned part of Runaway Lane and the _____ has been shut down for a long time. Fiddler’s Creek Parkway was cleaned up but not that area. It is a hybrid street and perhaps someone has forgotten. Mr. Albeit replied that it and others were not cleaned up yet but they would get to it.

Mr. Joe Vaccaro, a resident, stated that the dented gate arm at the Championship entrance looks terrible and asked if another arm was ordered. Mr. Albeit would inspect the gate.

Mr. Marshall Sutker, a resident, stated that there will be assessments but it has not been determined yet by The Foundation. He was told that the assessments can be submitted to his insurance company and likely reimbursed and asked where that information came from. Mr. Brougham replied that he could not answer that; Mr. Sutker should review his loss damage assessment provision in his insurance policy, on the Declaration Page. This is not a District issue. Mr. Brougham stated that, on his own insurance policy, this would only apply to assessments imposed by a Homeowners' Association (HOA); it cannot be assessed or imposed by a public entity, such as a CDD. His HOA imposed a loss damage assessment, which he submitted to his insurance company and was paid by his homeowner's insurance company within a week.

******Ms. Robinson arrived at the meeting, via telephone, at 8:06 a.m.******

THIRD ORDER OF BUSINESS**Special Counsel Update**

Ms. Robinson stated that, since the last meeting, everything was put on the trial calendar, with pretrial deadlines and Counsel in both the CDD #1 and CDD #2 consolidated cases have been working together to create a Discovery Schedule and the taking of depositions. The first depositions will be the continuation and conclusion, of Ms. Kathy Broecker, of U.S. Bank; the remaining depositions will continue until all depositions have been taken. Mr. Slater asked who was paying for Mr. Harvey Pitt. Ms. Robinson did not know; it was discussed during the Executive Session. Mr. Brougham suggested that Ms. Robinson consult with Mr. Reyes and email Mr. Adams, if it can be disclosed; if it was discussed outside the Executive Session, it should be public record but, if discussed in the Executive Session, he agrees with Ms. Robinson. Mr. Slater stated that the information was public record, as it was on Page 2 of the November 15, 2017 minutes. Mr. Brougham stated that, since it was public record, he wanted the information from Ms. Robinson. Ms. Robinson would provide the information.

FOURTH ORDER OF BUSINESS**Developer's Report**

There being no report, the next item followed.

******Ms. Robinson left the meeting at 8:09 a.m.******

FIFTH ORDER OF BUSINESS

Engineer's Report

Mr. Cole stated that the catch basin by Club Center was completed and looks good. Last week there was streetlight work at Fiddler's Creek Parkway and Majorca. A patch in the middle, between the medians, was repaired. The proposal was approved yesterday for the asphalt repair for a 6'x6' area. This is the area that caused the outage on Fiddler's Creek Parkway. Mr. Brougham stated that the contractor was never identified. A Board Member replied heard it was Comcast who was drilling under the street that day. Mr. Brougham suggested contacting Comcast about the damages.

Mr. Cole reported the following:

- Lake erosion repairs continued; Lake 50, by Hole 9, was near completion.
- Golf holes would be finished in the next month or so.

Mr. Cole stated that he prepared a report, in conjunction with Mr. Albeit, regarding Hurricane Irma damages. He reported the following:

- During January, BrightView Landscapes, LLC (BrightView) continued cutting and removing trees and was reaching 90% completion, which included stump grinding and flush cutting stumps at ground level.
- Ficus stumps will be pulled out or ground down.
- About \$609,000 has been identified for CDD #1 tree removal work.
- About \$162,000 has been identified for CDD #2 tree removal work.
- He would be tracking and double checking the final number.

SIXTH ORDER OF BUSINESS

Continued Discussion/Update: Hurricane Irma Recovery

Mr. Cole reported the following:

- The County is continuing to pick up and haul debris off site, which is nearing the end. There is no cost to the District as long as it is piled up.
- A log through January 2, 2018 was kept for all the debris picked up. Those quantities would be backed out of BrightView. He asked the County's documentation team for the logs from January 2 through the present so that he would have an accurate accounting.
- The County has been picking up large tree stumps; some large equipment was necessary.
- Bentley Electric (Bentley) began repairing street lights where they have the parts; parts were ordered and about \$170,000 of work is related to CDD #1.

- He is developing a contract with Lykins-Signtek (Lykins) for \$20,000 to \$25,000 of work for the CDD #1 portion.
- Lykins did initial work setting up temporary stop signs.
- Wall and fence repairs – Mr. Michael Herrera, of Q. Grady Minor (GradyMinor) and is obtaining the permits, along with the fence company; materials are arriving and work will commence in the last half of February.

Mr. Brougham stated that he spoke with Mr. Slater. As the District prepares to proceed with the fencing demolition and installation, in CDD #1, they must have some agreement and communicate fully with the residents adjacent to the perimeter fencing. He did not want to take an approach of removing all the fencing and leaving Fiddler's Creek exposed; it would be done in phases. The contract includes removing the old fence and debris. There is a potential issue with the landscaping in front of the fencing, regarding removal and disposal. The installation contractor needs to cut down within 2' of the ground and so many feet of clearance above. He thought that he had an agreement with Mr. DiNardo that any trees that have fallen on the fence will be removed and disposed of, under the The Foundation's Restoration Plan. He thinks the fence installer committed to removing the landscaping in front of the fencing, as there was an email to that effect. He did not want to start this project until the Board discussed the schedule and process, even if a Special Meeting must be called; he will ask for the sequencing and phasing. This will be brand new fence and he suggests taking out the 8' ficus along Pepper Tree and considering other options to plant in its place.

In response to Mr. Schmitt's inquiry, Mr. Brougham replied that CDD #1 has a mutual cross access easement with Antilles. CDD #1 has 20' on the north side of the fence line for the easement for Fiddler's Creek.

In response to Mr. Schmitt's question regarding clean up and the damaged and broken areas of various sidewalks, due to heavy equipment, Mr. Cole stated that he had not quantified the damage yet but spoke to a contractor about pricing. The sidewalks will be repaired along with the restoration. Mr. Schmitt found it disturbing that the landscapers are not cleaning up the sidewalks, which they could at least sweep. Power washing will be necessary since the sidewalks are dirty. Mr. Slater stated that, in addition to broken sidewalks broken, catch basins were broken too; Mr. Cole needed to inspect a couple on Fiddler's Creek Parkway. If BrightView is not done cleaning up, it appears that there is not a plan and Mr. Schmitt wanted to know if there was a plan stating it will be done. Mr. Dieckmann replied that he originally had

BrightView working in that manner, going down Fiddler's Creek Parkway, Sandpiper and the roads but, BrightView had to wait for utility locates, which delayed them and then they went to another area; BrightView will cycle back to tend to the stumps.

Mr. Brougham stated that the Board would like a more objective plan, wherein a section of work be completed, cleaned up and readied for planting, as quickly as possible. He asked Mr. Cole to produce something that will address the request as to how CDD #1 will be completed, on a section-by-section basis, so it can be communicated to residents and put on the CDD website.

Mr. Schmitt stated that the other area of Championship, the ROW on Championship, is relatively low and there has not been rain in awhile; it must all be re-sodded, at a high cost.

Mr. Brougham stated to Mr. Cole that there was a mistake or misinterpretation in Deer Crossing. Mr. Slater will speak to that in a minute. A load of ficus trees not marked for removal were removed. A lot of residents were upset. He wanted to know how to prevent that.

Mr. Cole replied that he typically has someone out to the District every other week and Doug is typically here every day, multiple times a day, to follow up on tree removal. He was aware of the issue but does not know if there is more information.

Mr. Dieckmann stated that it was a mistake; he understands why it happened since they were giving them directions and pulling out the ficus along Sandpiper, Fiddler's Creek Parkway and Championship. When they went back to start at the entry and work towards Fiddler's Creek Parkway to pull out the ficus, they came to Deer Crossing where there was the change; they were told to only take out the large trees with the orange paint. Those trees were marked on the inside, against the buildings, so when the operator came down the street and saw ficus, it was never communicated down the line to him that it was only supposed to be the larger trees; therefore, he started pulling them out about halfway across Deer Crossing before residents started to figure out what was going on. Going into the HOA, he instructed BrightView to contact a Board Member each morning before they go in, initially and, if there are multiple days, each time that they go in; it was a bit more of an interface with them and it seemed to be working. He spoke with BrightView about the trees taken out by mistake; ficus will not be planted. He also spoke with Scott about it and had him look at the area.

Mr. Brougham stated that there was a Landscaping Plan and the appropriate and approved trees and shrubs would be planted in that section; BrightView removed them in error so they should pay for replacements.

Mr. Cole stated that he is following up on other miscellaneous items that the CDD is paying for directly, such as:

- Lake erosion repairs, restoration and catch basin cleaning
- Road repairs coming into the gate on both lanes
- Other areas requiring minor repairs, if necessary
- The paving project was supposed to be done and he will keep an eye on those areas that appear to be unraveling but he was not aware of any.

In response to Mr. Bergmoser’s question, Mr. Dieckmann replied that the new completion deadline for BrightView is the end of February.

Mr. Bergmoser asked if it makes sense to start constructing the wall before BrightView left. Mr. Cole replied that they were not starting the wall until the end of February and BrightView would be done by then.

Mr. Turner stated that, on Fiddler’s Creek Parkway and Club Center, on the southbound lanes coming down the hill, patchwork that is coming up near the three-way stop. Also, the sidewalk is closed on 7608 and there is a sign stating, “sidewalk closed.” Mr. Cole would check on both of those. He thought that a contract would be necessary when sidewalk repairs start.

SEVENTH ORDER OF BUSINESS

Discussion/Cost Related to Preparation of Material Staging License Agreement with Cherry Oaks

Mr. Brougham stated that he requested this item, due to the cost related to the Staging License Agreement with Cherry Oaks. He thought everyone was aware that the Board agreed with Cherry Oaks and provided a license to them to stage their roofing materials. He knew there would be some legal fees and felt that the District should bill Cherry Oaks. Mr. Pires stated that not a great deal of time was spent on this; the bill will be under \$500.

On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, authorizing CDD #1 to pay Mr. Pires’ bill in a amount not-to-exceed amount of \$500, as related to the Licensing Agreement Between CDD #1 and Cherry Oaks, was approved.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2017

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2017. On-roll assessment revenue collections were at 61%, which is typical for the District this time of the year. The cumulative expenses were at 23%, despite there being about \$400,000 in unbudgeted hurricane clean up expenses, along with the budgeted insurance premiums, assessment roll preparation. In response to Mr. Brougham's question, Mr. Adams stated that the interest rate on the three money market accounts is about 0.15%. The District is confined to investing public funds in secured, collateralized investment vehicles. In response to Mr. Brougham's prior request, Mr. Adams prepared an analysis of the Safety Department Operating and Supplies account, which he will review with Mr. Brougham after the meeting.

Mr. Brougham asked Mr. Adams if he had any updates from the Federal Emergency Management Agency (FEMA). Mr. Adams replied that, because the District is in a flood plain, it is required to obtain an after-the-fact, temporary Debris Staging Permit, which Mr. Cole is pursuing. Just under \$600,000 has been submitted to FEMA, on behalf of the District.

NINTH ORDER OF BUSINESS**Consideration Minutes****A. November 15, 2017 Regular Meeting Minutes**

The following changes were made:

Line 28 and throughout: Change "Sector" to "Sutker"

Line 90: Insert "no" after "have"

Line 116: Change "Last year, Bent Creek installed, as directed by the CDD, 18 very nice, tall, blush" to "Last year, as directed by the CDD, 18 very nice, tall, lush"

Line 124: Change "Bent Creek Water" to "Bent Creek Irrigation"

Line 127: Change "Krebs" to "Tibbs"

Line 135: Change "Mr. Slater's" to "Bent Creek"

Lines 159 through 162: Delete

Line 163: Change "changes on" to "changes to"

Line 163: Change "text to" to "text for"

Line 163: Change "numbering" to "numbering on the map"

Line 166: Change "contractors" to "contracts"

Line 202: Change "to be too" to "to be"

Line 205: Change "Walter" to "Mr. Waldrop"

Line 206: Change "declaring" to "describing"

- Line 222: Change “were part” to “were not part”
- Line 233: Change “aide” to “aid”
- Line 264: Change “\$4 million” to “a quarter million”
- Line 437: Change “the two” to “the District two”
- Line 470: Change “Advisor” to “Administrator”

On MOTION by Mr. Slater and seconded by Mr. Bergmoser, with all in favor, the November 15, 2017 Regular Meeting Minutes, as amended, were approved.

B. December 6, 2017 Regular Meeting

The following changes were made:

- Line 135: Change “Rocky” to “BrightView”
- Line 146: Change “Mr. Slater” to “Mr. Dieckmann”
- Line 210: Change “Mr. Cole’s” to “Mr. Dieckmann’s”
- Line 213: Change “Mr. Cole” to “Mr. Dieckmann”
- Line 219: Delete “was”
- Line 220: Change “Mr. Cole” to “Mr. Dieckmann”
- Line 263: Change “rung” to “wrung”
- Line 267: Change “have had” to “have been”
- Line 363: Change “Perisi” to “Parisi”
- Line 401: Change “Sales at” to “Sales Center”
- Line 535: Change “BrightView” to “LandCare”
- Line 545: Change “Court’s” to “Clerk’s”

On MOTION by Mr. Bergmoser and seconded by Mr. Turner, with all in favor, the December 6, 2017 Regular Meeting Minutes, as amended, were approved.

C. December 14, 2017 Public Meeting

The following change was made:

Remove the 12 page list of words and word locations following Page 33

On MOTION by Mr. Slater and seconded by Mr. Turner, with all in favor, the December 14, 2017 Public Meeting Minutes, as amended to remove the 12 page list of words and word locations following Page 33, were approved.

TENTH ORDER OF BUSINESS

Action Items

Mr. Brougham stated that the following Action Items can be deleted, or added to the next agenda:

Remove: Items 1, 2, 4, 6, 12, 13, 14, 15, 16, 17, 19, 23, 24, 25, 26 and 27.

Add to next agenda: Item 8 - Mr. Adams to present a proposal for web-based GIS map and give presentation at a future meeting.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Pires stated that, other than finalizing the contract for the _____ fence and also the fence installation contract, he has nothing further to report.

B. District Manager

There being no report, the next item followed.

i. NEXT MEETING DATE: January 24, 2018 at 8:00 A.M.

The next meeting will be held on February 28, 2018 at 8:00 a.m., at this location.

C. Operations Manager

Mrs. Adams stated that she brought LandCare representatives to her meeting this morning and they discussed their last meeting. Alfredo had resigned and Kenny, the new replacement, was in attendance.

Mr. Kenny Flage discussed his experience and background.

Mrs. Adams stated that she will be going out to bid on the Lake and Wetland Contract; it expired at the end of December so they are currently working month-to-month. She replaced the District's pool contractor, Vista, with a new contractor, Sweetwater Pool Services, because, in the last couple of years, they were having huge issues with Vista; more so in CDD #2, than CDD #1. CDD #2 has multiple large fountain systems, wherein CDD #1 has a front decorative one. Vista's response time was awful.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Brougham stated that the Annual Pruning Program goes back to Hurricane Wilma. Pruning, on an annual rotation for years and in accordance with County Ordinance, restricts how much of the crown can be removed but, during the course of multiple meetings since Hurricane Irma, he heard comments by many people because they lost so many trees due to an inadequate pruning program. He stated, if Waldrop Engineering is of the opinion that the District's past pruning program is not adequate, according to the Landscape Architects and Arborists, he would like more specifics before next year's budget, as to what must change. Mrs. Adams stated that, in the CDD #1 bid specs, she had January hardwood pruning with the contractor, without getting into the massive pruning and crown reduction; that is what Davey Tree has been used for, which was put on hold for this year.

Mr. Schmitt stated that LandCare should work with Mrs. Adams during the restoration plan; that the in ground junction boxes for the irrigation system were broken from the landscapers cutting the grass and lawnmowers breaking the tops and boxes. Those should be identified and the boxes replaced, as part of the restoration.

Mr. Slater noted, when entering Veranda's gate, they give a pass, take your driver's license, take a picture and give directions to where you are going. He thought it was just a software change and that the Board might want to consider doing the same in this District. It was noted that The Foundation was looking at other software providers; the guards give directions but do not have the capability of giving pictures. A lot of places are asking for driver's licenses now.

A Board Member recalled a new cruiser car was budgeted and asked for the status. Mr. Albeit was getting the miles on the older unit. Mr. Adams stated that he would order it.

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 at 9:21 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair