

**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, March 28, 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 |

**Also present were:**

|  |  |
|--|--|
| Chuck Adams                              | District Manager                         |
| Cleo Adams                               | Assistant Regional Manager               |
| Tony Pires                               | District Counsel                         |
| Terry Cole                               | District Engineer                        |
| Robert Dieckmann                         | Interim Project Manager – The Foundation |
| Tony DiNardo                             | Developer                                |
| Valerie Lord                             | Counsel - The Foundation                 |
| Chuck Salvaggione                        | Hawks Nest Association President         |
| Norm Trebilcock ( <i>via telephone</i> ) | Trebilcock Solutions                     |
| Jeff Fitzgibbons                         | Resident                                 |
| Monique Irmen                            | Resident                                 |
| Frank Lowery                             | Resident                                 |
| Jay Easling                              | Resident                                 |
| Judy Tibbs                               | Resident                                 |

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 8:02 a.m. Supervisors Brougham, Bergmoser, Slater and Turner were present, in person. Supervisor Schmitt was not present.

**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 was unable to call in but forwarded an email to the District Manager with the following update:

- The hearing would be held on April 27.
- Depositions were still being scheduled.
- Mr. Pitt's deposition is scheduled to start today.

**FOURTH ORDER OF BUSINESS**

**Presentation: Cherry Oaks Traffic Study**

Mr. Jeff Fitzgibbons, a resident, thanked the Board Members and fellow residents for participating in the meeting, shared that this morning's meeting was very important to those who reside along Cherry Oaks Trail and presented a slide show/traffic study reflecting the growing concerns and fears about the volume and speed of traffic on Cherry Oaks Trail. There are 119 single-family and multi-family residential units along Cherry Oaks Trail and, while Fiddler's Creek is an exceptionally-planned community, with collector streets that move community traffic between its neighborhoods, lately, the streets have become less quiet and less safe. Many are driving faster than the posted of 25 miles per hour (mph) speed limit and cutting through on Cherry Oaks Trail going to and from the Club, pool, tennis courts, gym or the two golf courses. With the new proposed Publix Development Project, it is reasonable to anticipate the cut-through traffic and speeds would worsen, as an attractor business and as lots south of the community are developed. The County Neighborhood Traffic Management Program (CNTMP) recommended installing speed tables to mitigate for these issues, which would help adherence to the posted speed limit and possibly lower the volume of cut-through traffic on Cherry Oaks Trail.

The traffic study yielded the following data:

- 85% of all traffic exceeded the 25 mph speed limit.
- A radar gun clocked local traffic exceeding 40 mph.
- Two types of speed tables could be implemented; one would have a 4" rise and both would be 6' wide, going into the major hump, by 10' across.
- The first one, with the greater rise, would contain two; one south of the circle and one north of the circle.
- The second would have a lower rise, with two on either side of the circle.

Mr. Fitzgibbons stated that a petition conveys the groundswell of support, from residents in both villages, for speed tables; an overwhelming majority of signatures were collected and Mr. DiNardo agreed to pay the \$15,000 cost for the speed tables. Mr. Fitzgibbons stated that, recently, four residents reported witnessing a near collision, while walking their pets on the street, and he was injured while bicycling in the community, due to vehicles speeding. He asked the Board to consider allowing his group to approach the necessary agency about reducing the speed limit from 25 mph to 20 mph.

Mr. DiNardo confirmed that The Foundation would pay for the speed tables and that he supported reducing the speed limit but understood that the Board must make the decision as the District controlled signage. He informed Mr. Fitzgibbons of the Fining Committee and invited him to participate in it to satisfy the Cranberry and Cherry Oaks Associations that the program would be effective.

Ms. Monique Irmen, a resident, stated that Mr. Trebilcock, a Traffic Engineer and Consultant with Trebilcock Solutions, initiated discussions with the Fire District.

Mr. Trebilcock referenced Fire District Resolution 2015-09 and stated that the Fire Department was not opposed to traffic calming but want to make sure that any traffic calming devices did not impede response time, which is why he is proposing speed tables, as they do not impede lawful speed use of the roads, which is a key issue. Mr. Brougham stated that the Resolution specifically opposes speed bumps or humps and read the following sections into the record:

*“Now therefore, be it resolved that the Commissioners of the District, in a meeting assembled on June 9, 2015 in Collier County, Florida hereby adopt the following resolution opposing traffic calming devices, such as speed bumps or humps that impede emergency response vehicles, subjects apparatus in responding to personnel or potential damage. Be it further resolved the District approves traffic calming solutions.”*

Mr. Slater asked Mr. Fitzgibbons to clarify exactly what he was asking of the Board. Mr. Fitzgibbons stated that he wanted a motion to allow him to approach the Fire Department to gain their support. In the event the Fire Department said no, the Developer stated that he would support the group in trying to get the speed reduced 25 mph to 20 mph and the installation of the “Traffic Hawk” radar system, which he wanted implemented immediately. Discussion ensued

regarding reducing the speed limit, law enforcement, citations and traffic calming methods in other communities. Mr. DiNardo stated that The Foundation would pay for the speed tables and ongoing maintenance; however, if, after the speed tables are installed, residents cannot sell their homes because of them, he did not want them complaining to The Foundation. Mr. Brougham stated that the traffic circle is a very recognized traffic calming device that slows traffic and are being implemented more throughout Naples. He asked how cut-through traffic was identified versus people that live on Cherry Oaks Trail or Lane. He was in support of Mr. Fitzgibbons and his neighbors approaching the Fire District and referencing Resolution of 2015-09 with their specific circumstance, and asked them to obtain a written opinion for, against or neutral, on the potential installation of speed tables and apprise the Board at a future meeting.

**On MOTION by Mr. Brougham and seconded by Mr. Bergmoser, with all in favor, authorizing Mr. Fitzgibbons to approach the Fire District, regarding the Fire District's Resolution 2015-09, and providing specific reasons for installing speed tables on Cherry Oaks Trail, and obtaining a written statement with their verdict, for presentation to the CDD #1 Board, were approved.**

Mr. Brougham stated that he would support reducing the speed limit, if permissible to 20 mph but did not think it would make a difference. Further discussion ensued.

**FIFTH ORDER OF BUSINESS**

**Developer's Report**

There being no report, the next item followed.

**SIXTH ORDER OF BUSINESS**

**Engineer's Report: *Hole Montes, Inc.***

Mr. Cole presented the Monthly Engineer's Report. He highlighted the following:

- The lake repairs are essentially completed, except for the plantings and sod.
- The concrete on the bottom of the lip of the basin has fallen off due to age; some were patched many years back. They will be repaired or replaced.
- A catch basin in the open area near Mulberry was damaged by the hurricane, not by BrightView. It will be repaired and he will follow up.

- Paver blocks east of Bellagio need repair. Mr. Cole will follow up.

Mr. Brougham stated that a park bench on Championship Drive was damaged. Mrs. Adams stated that a tree fell on it and that a few others required replacement. Mr. Dieckmann stated that the benches were ordered and they were waiting for the plantings to be installed.

- Engineering staff will soon commence sidewalk inspections identifying sidewalks that need to be ground down and replaced.

- The broken sidewalk on Mulberry will be repaired; a contract would be awarded soon.

Mr. Brougham asked about the bad sidewalks on Sandpiper Drive. Mr. Cole stated that those repairs would occur after the landscape installation.

Regarding Hurricane Irma recovery status, Mr. Cole stated that tree removal, with BrightView, was essentially completed. They are working through punch list items that Mr. Dieckmann identified and a final inspection will be performed once completed. Mr. Brougham stated that the ficus stump, near the irrigation control on Mahogany, must be removed. Mr. Cole stated that the Villages were nearing completion, as far as removal and trimming.

Regarding landscape restoration, Mr. Cole stated that the Juniper Landscaping (Juniper) contract was executed and a meeting will be scheduled next week with Waldrop Engineering (Waldrop), Mrs. Adams, Ms. Puckett, Engineering and BrightView. They will start CDD #1 next week, with completion in mid-August. CDD #2 would start one month later and is slated for completion in mid-September and the Villages would be started and have a mid-October completion date. Mr. Brougham wanted to be certain that Juniper would remove the split leaf philodendrons in the buffer areas, which were overgrown and had fallen over. Mr. Cole stated that the procedure for the landscape restoration includes a month of grading and prepping the areas and then they will spend a month working on irrigation and lighting pre-work; the work would be performed by different crews, in phases, with staggered starts. The street lighting repairs were ongoing; materials were on order. The Lykins-Signtek (Lykins) signage contract was executed and completion was estimated for the end of May. The fence work commenced and is completed, up to Mulberry. The District has an access easement but not maintenance responsibility. Mr. Brougham commented that the fence looked good and the contractors were conserving the shrubbery on Championship Drive and the same technique will be applied on Mulberry. Mr. Cole stated that the sidewalk repairs will be done at the appropriate time, relative to the landscape work, so that new sidewalks are not damaged by the work. To his knowledge,

all paving repairs were made; some areas are being deferred to the repaving project, because of the hurricane. No hurricane-related lake repairs were necessary in CDD #1. He met with some residents, along Fiddler’s Creek Parkway, on the south side of Mallards, and advised them that the area would be kept under advisement and would be considered on a priority basis, moving forward with future phases of lake repairs.

Regarding the Hawk’s Nest fence, Mr. Cole presented a report and cost estimate with two options. Option #1 was \$115,000 for fencing north of the ROW line and Option #2 was \$102,500 for fencing south of the ROW line. Mr. DiNardo stated that funding for the fence could be drawn from the construction account, as the project was actually District construction. Mr. Cole stated that the fence cost is \$40,000, in both options. In response to Mr. Brougham’s question, Mr. Salvaggione stated that he preferred Option #1, in terms of aesthetics and location. Discussion ensued regarding the options, vegetation, easements and permitting.

**On MOTION by Mr. Brougham and seconded by Mr. Turner, with all in favor, proceeding with Option #1, of the Hawk’s Nest fence project, subject to further refinement of the replanting amount of \$40,000, was approved.**

Mr. Cole would coordinate with Waldrop and Mr. Dieckmann regarding the location of the Option #1 fence and the revisions to the Landscape Restoration Plan and present his findings at the next meeting. Mr. Brougham asked Mr. Cole to work with Mr. Pires to obtain a change order on the fencing contract or a new contract, before C&C vacated the area.

**SEVENTH ORDER OF BUSINESS**

**Continued Discussion/Update: Hurricane Irma Recovery**

**A. FEMA Reimbursement**

Mr. Adams stated that there were no more requests for additional information and Management was awaiting a funding decision. In response to Mr. Brougham’s question regarding a reimbursement amount, Mr. Adams stated it should be \$550,000 to \$600,000.

**B. Wall Install Schedule and Plant Removal/Replacement Adjacent to the Walls**

Mr. Brougham stated that the Board needed to close an open issue concerning the landscaping ficus hedge approximately 8’ tall that exists within the fence line on Pepper Tree,

Bent Creek and Whisper Trace. At the previous meeting, there was discussion regarding trimming the ficus hedge down to 2' and an informal estimate was obtained from LandCare to remove the ficus hedge from the intersection of Mulberry to Whisper Trace, for under \$15,000.

**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, removal and disposal of the ficus hedge from Mulberry to Whisper Trace, in a not-to-exceed amount of \$15,000, was approved.**

**C. Update: Phase 2 and 3**

This item was presented during the Sixth Order of Business.

**EIGHTH ORDER OF BUSINESS**

**Discussion: Possible Expansion of Manager's Spending Threshold for Routine Maintenance or Contracting Services**

In response to Mr. Brougham's question, Mr. Adams stated that the current \$25,000 threshold was approved in 2005. Mr. Brougham recalled that, prior to 2005, the threshold was up to \$200,000 and was subsequently reduced to \$25,000. Mr. Adams stated that the current threshold amount was sufficient; he did not feel constrained by it in making practical maintenance and contracting decisions and there was no need to increase the spending threshold.

**NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of February 28, 2018**

Mr. Adams presented the Unaudited Financial Statements as of February 28, 2018. On-roll assessment revenue collections were at 72%. Mr. Brougham asked for an update on the "Operating supplies" account. Mr. Adams stated that he reviewed all the expenses on the account and reclassified a number of them. The moved funds would not be huge but there was an opportunity to create sub-accounts, particularly utilities, electric, communications and clickers.

**TENTH ORDER OF BUSINESS**

**Consideration of February 28, 2018 Regular Meeting Minutes**

Mr. Brougham presented the February 28, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Bergmoser and seconded by Mr. Turner with all in favor, the February 28, 2018 Regular Meeting Minutes, as presented, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Action Items**

Ms. Judy Tibbs, a resident, inquired about trimming the big ficus trees, along her neighborhood. Mr. Brougham stated that it should be minimal and a few overhanging branches on the fence line must be pruned but should not be damaged. In response to a question about the Antilles Development, Mr. Brougham stated that it was approved by the County Commissioners; he was unsure of the construction time frame.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Brougham inquired about the legal fees for the boundary work. Mr. Adams stated that they were submitted and Management was awaiting feedback. Mr. Brougham asked Ms. Lord to request that the District receive a status report on its boundary legal bills.

**B. District Manager**

**i. NEXT MEETING DATE: April 25, 2018 at 8:00 A.M.**

The next meeting will be held on April 25, 2018 at 8:00 a.m., at this location.

**C. Operations Manager**

Mrs. Adams presented the Monthly Status Report dated March 28, 2018. The District would receive reimbursement of \$8,200, for the landscape damage caused by the vehicle accident on February 14, Annese Telecom agreed to reimburse the District \$4980 for streetlight road damages and patrols were cancelled through May because of the Parkland school shooting.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Brougham reported the Chairmen of CDD #1 and #2, with the support of Mr. Albeit and Mr. DiNardo, invited each of the Commissioners to hear how Fiddler's Creek residents felt



about them potentially giving away 60 acres of park land and potentially building 712 affordable housing units on that tract, just off Manatee and Roost Road. The meeting would take place in April and an e-blast would be sent to all residents. In response to Mr. Brougham's inquiry, Ms. Puckett stated that the Post Orders were being processed. Mr. Brougham asked Ms. Puckett to submit them as soon as possible, for adoption by the Board.

A Board Member reported that the outbound gate, on Championship Drive, was ripped off and inquired about the repair time frame. Ms. Puckett stated that the contractor usually responded the next business day and additional gate arms were kept on reserve; otherwise, the arms must be ordered, which would take longer. Discussion ensued regarding the cause of the damaged gate, cameras and reimbursement. A follow up on this item was requested.

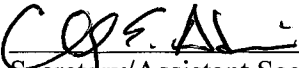
**FOURTEENTH ORDER OF BUSINESS                      Public Comments**

There being no public comments, the next item followed.

**FIFTEENTH ORDER OF BUSINESS      Adjournment**

There being no further business to discuss, the meeting adjourned at 9:51 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair