

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

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4 The Board of Supervisors of the Fiddler’s Creek Community Development District #1
5 held a Regular Meeting on Wednesday, May 23, 2018 at 8:00 a.m., at the Fiddler’s Creek Club
6 and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.
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8 **Present at the meeting were:**

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10 Phil Brougham Chair
11 Gerald Bergmoser Vice Chair
12 Robert Slater Assistant Secretary
13 Charles Turner Assistant Secretary
14 Joseph Schmitt Assistant Secretary
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16 **Also present were:**

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18 Chuck Adams District Manager
19 Cleo Adams Assistant Regional Manager
20 Jason Olson Wrathell, Hunt and Associates, LLC
21 Tony Pires District Counsel
22 Carrie Robinson *(via telephone)* Special Counsel
23 Terry Cole District Engineer
24 Ron Albeit General Manager – The Foundation
25 Robert Dieckmann Interim Project Manager – The Foundation
26 Marie Puckett Fiddler’s Creek Security
27 Jeremiah DeForge Q. Grady Minor & Associates P.A.
28 Shannon Benedetti Resident
29 Jerry Juggert Resident –Bent Creek HOA President
30 Jesse Fritz Resident
31 Mike Buck Resident
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34 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

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36 Mrs. Adams called the meeting to order at 8:00 a.m. All Supervisors were present, in
37 person.
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39 **SECOND ORDER OF BUSINESS**

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

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42 Ms. Shannon Benedetti, a resident, on behalf of the Landscape Advisory Board (LAB),
43 stated that the irrigation system’s low water pressure issue continues to worsen in spite of the

44 efforts of Mrs. Adams and Mr. Elliot Miller, a CDD #2 Supervisor, who is aware of the situation.
45 She and two other LAB Members tour the Juniper area in the evenings and report any issues to
46 security to pass on to Ms. Puckett and Mrs. Adams. She has also spoke with Mr. Michael Buck
47 who contacted Mr. Kenny Flag, of LandCare, directly to try to resolve the issue. Mrs. Adams
48 stated the water pressure issue was due to the system being shut down last week, when there was
49 a break in the Juniper main line; however, those repairs were completed and no other complaints
50 have been received about this matter.

51 Mr. Jerry Juggert, a resident and Bent Creek HOA President, speaking as President of the
52 Bent Creek HOA and not as a resident, stated that, this issue has been ongoing for over a year
53 and, because the water pressure is so low when his system is turned on at night, he switched his
54 system over to manual to run during the day. He believes there are too many communities
55 allocated to the zone and suggested readjusting the number of systems in a zone and/or
56 reallocating the zones. Mr. Adams stated the system cannot work as intended if residents
57 continued to switch their systems over to manual instead of remaining on the system so that the
58 correct adjustments could be made to the central line. Notices should be sent to residents of both
59 CDDs #1 and #2 informing them to return their systems to automatic, and notifying the HOA
60 and clubhouses to confirm their satellite systems are programmed properly and operating as
61 intended. Mr. Juggert did not agree with Mr. Adams' statement and stated the only time there is
62 significant water pressure is when the system is on manual; he reiterated his opinion that the only
63 way to correct the problem was to readjust the number of systems in the zones. Mr. Adams will
64 schedule a meeting with Wesco Turf, Inc. (Wesco) to include all parties and discuss
65 programming issues and resolve the problem. In response to a question, Mr. Adams stated the
66 central system is managed by The Foundation. In response to a question as to why the issue was
67 not being corrected by The Foundation, Mr. Albeit stated that The Foundation only monitors the
68 system; it is owned by the CDD and, when Wesco is contacted for programming, Maurice is
69 contacted to coordinate with their field tech. The Board Members of each Village are
70 responsible for making certain their Village is in compliance and, if a resident is not on the
71 system, they must find out why and also need to instruct their landscaping company to place the
72 system on the central line.

73 Mr. Adams stated that while Wesco is working on the satellite programming issues.
74 Watering during the day could continue because of the new landscaping but, once that is
75 completed, everyone would return to the central line; if there were still issues, Wesco could

76 perform nighttime field monitoring. If Wesco is not able to resolve the programming issue or do
 77 any field monitoring work, Mr. Adams will engage other contractors.

78 ******Mr. Brougham left the meeting at 8:19 a.m.******

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80 **THIRD ORDER OF BUSINESS**

Special Counsel Update

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82 Ms. Robinson stated that, on the eve of the scheduled hearing, Counsel was able to come
 83 to an agreement with U.S. Bank National Association (U.S. Bank). CCD #1’s operative pleading
 84 now includes their claim for punitive damages against U.S. Bank individually and as Trustee. A
 85 heavy deposition schedule from July through September is in place so that discovery is closed
 86 out and the case is ready for trial. Ms. Robinson formally requested an Executive Session to
 87 discuss procedural and trial-ready issues that are not appropriate to discuss in an open meeting.
 88 Mr. Rick Reyes, Special Counsel, will attend and the Executive Session is expected to conclude
 89 in under an hour. An Executive Session will be held on June 11, 2018 at 1:00 p.m., at this
 90 location.

91 ******Ms. Robinson left the meeting at 8:23 a.m.******

92 **▪ Presentation: Isla Del Sol Pavement Restoration Project**

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

94 Mr. Jeremiah DeForge, of Q. Grady Minor & Associates P.A. (GradyMinor), stated that
 95 the Isla Del Sol pavement restoration project was delayed due to Hurricane Irma. The project
 96 consists of changing the entranceway to increase the traffic flow by removing the two medians
 97 and replacing it with one larger median. The landscape would be replaced, the road would be
 98 milled and overlaid with new pavement and new pavers would be installed at the south and north
 99 entrance and around the larger circle in the middle of the property. Mr. Slater asked if Isla Del
 100 Sol owned the road. Mr. Adams stated yes but some of the work would occur within the
 101 District’s right-of-ways (ROWS). Mr. Cole stated that the crosswalk must be restriped when the
 102 pavers are replaced. Mr. DeForge confirmed that the second call box would not be replaced.
 103 Several Board Members expressed concerns about the color and appearance of the pavers
 104 installed on District property, whether the pavers were or would be approved by the Design
 105 Review Committee (DRC), etc. To protect the District’s interest from any incidents that may
 106 occur, Mr. Pires will prepare a Licensing Agreement for the ROW, with the project to commence
 107 sometime from the end of May to 120 days out, and will include language for storing the pavers
 108 in the park area. Mr. DeForge will provide Mr. Adams and Mr. Pires with an aerial graphic, the

109 description and scope of the project and the name of the entity completing the work. In response
110 to a Board Member’s question of whether the DRC approved the project, Mr. Pires stated that
111 DRC language would be included in the Agreement.

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113 **On MOTION by Mr. Bergmoser and seconded by Mr. Schmitt,**
114 **with all in favor, authorizing District Counsel to prepare a**
115 **Licensing Agreement between the District and Q. Grady**
116 **Minor & Associates P.A., authorizing GradyMinor to**
117 **commence work on the Pavement Restoration Project at Isla**
118 **Del Sol, and authorizing the Chair to execute the Agreement,**
119 **were approved.**

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122 **FOURTH ORDER OF BUSINESS**

Developer’s Report

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124 This item was presented following the Fifth Order of Business.

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126 **FIFTH ORDER OF BUSINESS**

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

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

- 129 ➤ Tree Removal: BrightView Landscapes, LLC (BrightView) is completing the last of the
130 punch list items.
- 131 ➤ Landscape Restoration: Juniper Landscaping continues the work along Fiddler’s Creek
132 Parkway and is expected to commence work on Championship Drive soon.
- 133 ➤ Street Light Repairs: Bentley Electric Company Inc. (Bentley) is nearing completion of
134 the repairs.
- 135 ➤ Signage: Lykins-Signtek is nearing completion of the repairs.
- 136 ➤ CDD #1 Wall/Fence Repairs: Work on the north side of Championship Drive was
137 completed.

138 Mr. Cole stated that the concrete fence along Pepper Tree and Bent Creek was being
139 removed, new installation is to follow next week, and, following that, working north on the west
140 side of Mulberry Lane would commence. In order to schedule inspections, Notice of
141 Commencements must be executed and, since the Chair is not present, he will coordinate
142 execution after the meeting. The County responded with some minor comments to the site
143 review submitted for the permit for the fence in the Championship Drive ROW, on the north side
144 of Hawk’s Nest. Those issues were being addressed and minor edits to the pricing were

145 necessary, which were already received from the fence supplier and the installer, C&C Fence
146 Builders LLC. Mr. Cole will coordinate with Mr. DiNardo and Mr. Adams to have them
147 approved and added to the scope of work.

148 ➤ Sidewalk Repairs: All planned sidewalk repairs on Sandpiper, Championship Drive and
149 Mulberry were completed. Mr. Schmitt asked about the broken sidewalks between Majorca and
150 Mulberry that remain damaged from the hurricane. Mr. Cole will visit the area.

151 Mr. Schmitt stated he was concerned about the fence color along Mahogany Bend not
152 matching the existing fence. He asked if the style of the gates that were being replaced on
153 Mulberry would match the fence. Mr. Cole stated the gates would match. Since the County
154 utilities need access to their pump stations through the Hawk’s Nest fence, a 12’ gate must be
155 installed and, because of that, the fence must decrease from 8’ to 6’; landscaping will be
156 installed. Regarding when the irrigation system and tree planting project along Championship
157 Drive would begin, Mr. Dieckmann stated the project commenced and stakes were inserted into
158 the ground. In response to who is responsible for the repairs to the two ROW access points to
159 the golf course, along Championship Drive and Mulberry, Mr. Adams stated that, per Mr. Fritz, a
160 commitment from the Golf Course that they would restore the area outside of their easement was
161 received.

162 ▪ **Developer’s Report**

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

164 There was nothing to report. Mr. Albeit asked if the Planned Unit Development (PUD)
165 Amendment was approved. Mr. Adams replied affirmatively.

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167 **SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-02,
Approving a Proposed Budget for Fiscal
Year 2018/2019 and Setting a Public
Hearing Thereon Pursuant to Florida
Law; Addressing Transmittal, Posting
and Publication Requirements;
Addressing Severability; and Providing
an Effective Date**

176 Mr. Bergmoser presented Resolution 2018-02. Mr. Adams stated there will be a
177 thorough review of the proposed Fiscal Year 2019 budget in June. In response to a question
178 about the “Supervisors” amount, on Page 4, Mr. Adams stated that FICA was included in the
179 budget amount.

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On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, Resolution 2018-02, Approving the District’s Proposed Budget for Fiscal Year 2018/2019 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 22, 2018 at 8:00 a.m., at this location; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Continued Discussion/Update: Hurricane Irma Recovery

Mr. Adams stated that the Federal Emergency Management Agency (FEMA) Manager assigned to the District was waiting to hear from the funding side of FEMA regarding whether any additional information was needed to process the claim. The District’s claim is in queue but there is no indication that it is being processed yet.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2018

Mr. Bergmoser presented the Unaudited Financial Statements as of April 30, 2018. Mr. Adams stated that the larger expenses associated with understory replanting, which the District agreed to do in conjunction with the recovery replanting, would occur during the summer months. Mr. Turner asked why the “Assessment levy: off-roll” line item amount, on Page 2, was not lower. Mr. Adams stated that the amount was on target for the year; he was more concerned about the “Assessment levy” line item being below budget because of tax certificates being paid later than usual. Overall expenditures were at 50%, typically targeted for 58%, which was due to larger programs not beginning yet.

NINTH ORDER OF BUSINESS

Consideration of April 25, 2018 Regular Meeting Minutes

Mr. Bergmoser presented the April 25, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 61: Insert “by the Restoration Project” after “replanted”

Line 131: Change “A Board Member” to “Mr. Slater”

On MOTION by Mr. Turner and seconded by Mr. Slater, with all in favor, the April 25, 2018 Regular Meeting Minutes, as amended, were approved.

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TENTH ORDER OF BUSINESS **Action Items**

Item 9 was removed.

ELEVENTH ORDER OF BUSINESS **Staff Reports**

A. District Counsel: *Woodward, Pires and Lombardo, P.A.*

Mr. Pires stated he is working with the District Engineer and District Manager on routine items, in addition to preparing Notices of Commencement documents regarding landscape restoration. Defense Counsel retained by the District’s Insurance Carrier is handling the slip and fall claim.

B. District Manager: *Wrathell, Hunt and Associates, LLC*

i. NEXT MEETING DATE: June 27, 2018 at 8:00 A.M.

An Executive Session will be held on June 11, 2018 at 1:00 p.m., at this location. The next regular meeting will be held on June 27, 2018 at 8:00 a.m., at this location.

C. Operations Manager: *Wrathell, Hunt and Associates, LLC*

Mrs. Adams presented the Field Operations Report and highlighted the following:

- Crown Reducing of Hardwoods: The draft Opinion Letter from McGee & Associates would be distributed to the Board, once it is reviewed by Staff and a final estimate has been obtained.
- Street Light/Road Damages: The Annese Telecom Release form was received and, once executed, the payment will follow.
- Vehicle/Landscape Damages: The \$8,200 check is en route from the Insurance Company.
- Patrol Services: Sheriff’s patrol services have been suspended until further notice. The Florida Highway Patrol (FHP), as well as the Florida Fish and Wildlife Conservation Commission (FWC) will be contacted about possible patrol services, as they charge less than the Sheriff.

TWELFTH ORDER OF BUSINESS **Supervisors’ Requests**

252 Staff responded to the following observations made by Mr. Turner:

253 ➤ Fiddler’s Creek Parkway and Championship Drive Pedestrian Walk Sign: The sign is
254 being repaired by Lykins.

255 ➤ Main Entrance Flag Lights: Mr. Albeit indicated that, although not seen, he believed
256 LandCare was the responsible party to pay for the broken upright. It was being replaced and the
257 bill forward to Mrs. Adams.

258 ➤ Outbound Gate at Championship Drive Remained Open for Hours: Mr. Albeit stated that
259 the access control program is nearly finalized with the new provider. Gates and controllers will
260 remain on a separate maintenance contract. The new software should help with the existing
261 system. A Board Member recommended seeking bids from other hardware vendors, once the
262 software change is completed. Ms. Puckett stated that three vendors were already lined up.

263 Mr. Albeit stated that the Creative Lane road, which Juniper was using as their access
264 point, was in poor condition. Mrs. Adams agreed. Discussion ensued regarding the location of
265 the road, who utilizes the access road and which entity is responsible for maintaining the road. It
266 was noted that Fiddler’s Creek CDD #2 is the responsible party for the access road; however, not
267 required to upgrade that roadway

269 **THIRTEENTH ORDER OF BUSINESS**

Public Comments

270 This item was not addressed.
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273 **FOURTEENTH ORDER OF BUSINESS**

Adjournment

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275 There being nothing further to discuss, the meeting recessed at 9:07 a.m., and was
276 continued to June 11, 2018 at 1:00 p.m., at this location, for the purpose of holding the closed
277 door Executive Session requested by Special Counsel, earlier in the meeting.

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279 **On MOTION by Mr. Slater and seconded by Mr. Bergmoser,**
280 **with all in favor, the meeting recessed at 9:07 a.m., and was**
281 **continued to June 11, 2018 at 1:00 p.m., at this location for the**
282 **purpose of holding a closed door Executive Session, as**
283 **requested by Special Counsel.**

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286 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

DRAFT