

**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 October 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
Joseph Badessa	Assistant Secretary
Joseph Schmitt	Assistant Secretary
Robert Slater	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Carrie Robinson (via telephone)	Special Counsel
Marie Puckett	Fiddler's Creek Security
Robert Dieckmann	Interim Project Manager – The Foundation
Tony DiNardo	Developer
Shannon Benedetti	Resident
Torben Christensen	Resident
Judy Tibbs	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mrs. Adams called the meeting to order at 8:00 a.m. All Supervisors were present, in person. One seat remained vacant.

Mr. Brougham stated that paving options for the section of CDD going into Isla Del Sol, which resulted from his discussions with Mr. Frank Marcos, would be discussed under Staff Report.

- **Presentations to Mr. Tony DiNardo and Mr. Robert Dieckmann**

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

Mr. DiNardo and Mr. Dieckmann were presented plaques in recognition and appreciation for their assistance and support rendered to the District and residents by the Fiddler's Creek Foundation, Inc., in the aftermath of Hurricane Irma during the Hurricane Irma Restoration Project.

Mr. DiNardo thanked everyone and reminded them that Mr. Albeit, Mr. Ferrao and the Development Team will do everything they can to protect the community and to keep it beautiful. Mr. Dieckmann recognized Mr. and Mrs. Adams and commended them on their efforts touring and assessing damages the day after the storm with Mr. DiNardo.

**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 provided the following update:

- Some depositions were held and others were scheduled in the upcoming weeks; however, it is a tight schedule particularly with the upcoming holidays and the Discovery cutoff date of December 14<sup>th</sup>.
- The October 29<sup>th</sup> hearing to hear U.S. Bank's Motion to Bifurcate the cases is the next major event. U.S. Bank is asking the Court to sever the CDD #1 case from the CDD #2 case, for the purposes of having two trials; a comprehensive response opposing U.S. Bank's Motion was submitted.

Ms. Robinson stated that Mr. Reyes plans to attend the hearing on October 29<sup>th</sup> and his attendance at the November 16<sup>th</sup> deposition should not present an issue; however, Mr. Reyes shattered his kneecap and will have surgery on October 31<sup>st</sup>, so his attendance is somewhat dependent upon his surgery but he is expected to be mobile 10 to 14 days after the surgery. Due to this, the October 31<sup>st</sup> deposition of Dr. Hank Fishkind, the expert with respect to damages, that was hired by both Districts, was rescheduled and Ms. Robinson will cover other depositions, in the interim; Counsel for U.S. Bank and ITG were notified. In response to Mr.

Brougham's question, Ms. Robison stated the deposition of the Bank Officer, out of Minneapolis, was rescheduled for November.

**Ms. Robison left the meeting.**

**FOURTH ORDER OF BUSINESS**

**Developer's Report**

Mr. DiNardo expects to give a report at the next meeting.

**FIFTH ORDER OF BUSINESS**

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

Mr. Cole circulated the Hurricane Irma Restoration Report for October 24, 2018 and reported the following:

➤ Juniper completed the landscape restoration work in CDD #1, with the exception of the Hawk's Nest area, which will be done, now that the fence is installed, along with all the other HOA areas; the work should be completed by late November.

➤ The iron, double-rod fence at the Mulberry gates was installed on Friday but he still needs to inspect it.

Discussion ensued regarding the location where the lock bars were installed. Mrs. Adam will inspect the area.

➤ Streetlight repairs were substantially completed with only a few streetlight and signage punch list items remaining.

Mr. Slater commented positively about the new streetlight installation; however, he requested changing the older yellow ones, along Fiddler's Creek Parkway. Mr. Dieckmann stated that Bentley Electric Company Inc. (Bentley) explained that color differences occur when new lights are installed, lights age out and when the ballast starts aging. Mrs. Adams will count the streetlights and obtain quote from Bentley.

➤ Repaving Project: Currently preparing documents; the project is delayed until late spring 2019.

Mr. Cole was directed to begin planning and calendaring the project, by next month, and coordinate with Security beforehand so that announcements are made and those affected are notified in advance. Mr. Cole was directed to contact GradyMinor to discuss and review

the \$24,316 estimate to mill and repave the CDD #1 section out to Championship. The District's project would be completed in conjunction with Isla Del Sol's project; however, GradyMinor will be directed to send a separate invoice to the District for that work and other neighborhood association projects scheduled in the future.

In response to a question, Mr. Cole stated the markings, along Fiddler's Creek Parkway, identify the worst areas of lime rock and alligator cracks that need reworking and will be included as a bid allowance to the paving project, repairing approximately 100 square yards.

➤ Contractors are too busy to do sidewalk repairs of this size but he hopes to secure a proposal from a third Contractor. The project consists of grinding and sidewalk replacement in the area from Cascada to Championship Drive, along Fiddler's Creek Parkway and southwest catch basins. Mr. Adams will contact Collier Paving again.

Mr. Larry Spencer, a resident, sent Mr. Cole and Mr. Dieckmann an email regarding missing trees and shrubs along Fiddler's Creek Parkway, abutting CDDs #1 and #2, impacted by the hurricane but not part of the Waldrop Engineering (Waldrop) Hurricane Restoration Plan scope of work. Mrs. Adams will tour CDD #1 and provide an update at the next meeting. Mr. Cole will notify CDD #2 of the issue.

**SIXTH ORDER OF BUSINESS**

**Consideration of Revised Post Orders**

- **Broken Irrigation Response List**
- **Property Management Company Contact List**

Mr. Brougham stated both items were updated and asked if any other changes were needed. The following change was made:

Page 5, Key Personnel and Faces to Know: Insert the email addresses for Ms. Puckett, Mr. Duprey, Mr. Willis and Mr. Albeit.

**On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the Revised Post Orders, dated 09/27/2018, as amended, were approved.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of AV Tech ISN Gate Keeper  
5-Year Customer Service Agreement**

A revised Agreement was circulated, which was different from the one in the agenda package. Mr. Dieckmann had further concerns. The following changes were made:

Page 1, Paragraph 5, Line 2: Delete "for"

Page 1, Cancellation Section: Insert "for cause by either party" after "cancelled"

Page 1, Cancellation Section: Delete "with mutual cause for cancellation by either party."

Discussion ensued regarding inserting a cure notice clause. It was noted and confirmed by Mr. Pires that this Agreement will be an exhibit to the District's standard contract, which already includes a cure provision.

Page 2, Section 5: Delete "DOES NOT" and change "INCLUDE" to "INCLUDES"

**EIGHTH ORDER OF BUSINESS**

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

Mr. Adams stated the Federal Emergency Management Agency (FEMA) was still in possession of the grant reimbursement; it was not forwarded yet to the State for further review. Out of the four Districts that he manages, only one grant was forward to the State, which was three months ago, and the rest remain at FEMA.

**NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of September 30, 2018**

Mr. Brougham presented the Unaudited Financial Statements as of September 30, 2018. Mr. Adams will research why the "Audit" and "Trustee" line items were not at 100%. Assessment revenue collections were at 101% and expenditures were at 91%. New line items were added to Access control; "Capital outlay-truck" for the District's portion of the new patrol vehicle, which will be offset by the "Rentals and leases" line item. Items associated with guard houses, computers, cameras, etc., are assigned to "Capital outlay" The Fiscal Year 2020 budget will include provisions to purchase new cameras.

**TENTH ORDER OF BUSINESS**

**Consideration of September 26, 2018  
Regular Meeting Minutes**

Mr. Brougham presented the September 26, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

- Line 35: Delete the second "Slater"
- Line 85: Change "at truncate" to "of Trustee"
- Line 101: Change "Puckett" to "Lord"
- Line 114: Change "walking" to "locking"
- Line 164: Capitalize "rookery golf club"
- Line 185: Change "project" to "of clickers"
- Line 249: Insert "overall" after "expenditures"

**On MOTION by Mr. Slater and seconded by Mr. Brougham, with all in favor, the September 26, 2018 Regular Meeting Minutes, as amended, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Action Items**

Completed Action Items: 3, 8, 9, 10, 11, 12, 13, 16, 20, 26, 27, 33, 34, 36, 37 and 41.

Item 4: Mr. Pires is working with Ms. Lord to reconcile legal invoices.

Item 14: Mr. Cole will follow up on implementing the Sunshine One contract.

Item 22: Mr. Cole will follow up to confirm that the Isla Del Sol right-of-way (ROW) crosswalk is lined.

Regarding Item 26. Mr. Pires and Mr. DiNardo gave presentations at the Collier County Public Hearing; however, the County decided to study the County's Storm Water Fee again and the Public Hearing was continued to November 13, 2018.

Item 42: Task was revised, Ms. Puckett to provide the schedule for pressure cleaning to Villages in advance.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Pires stated that, in response to the County Manager's Office questioning whether there were anymore objections to the County's Storm Water Fee, he reiterated the District's position to the County Manager, as noted in the correspondence.

A Board Member asked to be included in CDD information to the County regarding the District's storm water drainage system. Mr. Pires noted his thoughts regarding this issue were expressed to Commissioner Taylor, at his standing monthly meeting.

Mr. DiNardo stated The Foundation was performing studies to transfer Security over to The Foundation, since tax benefits to the District were no longer available, and to refurbish the gate houses, similar to the office buildings. Residents would pay the costs to the Foundation over time, rather than paying it through CDD assessments. Mr. Brougham suggested scheduling workshops before preparing the Fiscal Year 2020 budget. Mr. DiNardo stated two Safety Patrol members who are testing the use of drones were already certified. The benefits of drones include taking photos of incidents in the area, etc.

- **Update: Cherry Oaks/Oyster Harbor Canal Bank Dedications**

Mr. Pires stated that the Cherry Oaks Board's position regarding the Oak tree was no longer an issue to the District. Mr. Brougham explained the current issue resulted from a scrivener's error during the time the boundaries of CDDs #1 and #2, along that canal, were being defined; the concept was to correct the error and not require placing easements. Discussion ensued regarding determining each District's maintenance responsibilities. Mr. DiNardo located the areas on the map and indicated which were originally intended to be assigned as CDDs #1 and #2. Mr. Pires distributed handouts of Tract C, to be dedicated to CDD #1, and the Interlocal Agreement will define each CDD's responsibilities.

**On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, accepting the Assignment of Dedications and entering into the Interlocal Agreement that was circulated for the Canal Tract C, in substantial form, were approved.**

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

i. **NEXT MEETING DATE: November 14, 2018 at 8:00 A.M.**

The next meeting will be held on November 14, 2018 at 8:00 a.m.

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

i. **Discussion: Tree Pruning Specifications**

Mr. Pires provided changes to the Tree Pruning Specification handout. The following changes were made.

4.1, Line 1: Replace "4.06.05 J" with the correct code citation number

2.3, Blank Lines: Insert "Sunshine One", along with the utility contact information

Mrs. Adams presented the Field Operations Report for October 24, 2018 and highlighted the following:

- Whitefly: Treating Pepper Tree buffer and fungus issues on Mulberry. Mrs. Adams will tour areas and provide an update.
- Irrigation: The presentation from the Irrigation Design Group (IDG) was delayed to November meeting, as the irrigation CAD files were not submitted to IDG timely enough for them to prepare a proposal; this will be delayed further if materials are not submitted timely.
- Patrol Services: Sergeant Hall, of the Collier County Sherriff's Office, notified her that, despite the contract no longer being in place, they continue patrolling and providing traffic enforcement details, etc., in the area.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Schmitt provided photographs and the District will address his various issues, as follows:

- Landscaper to flush cut bougainvillea at the Mulberry gates, the stone monuments at Mahogany and other areas within the community. Mr. Schmitt to work with the Design Review Committee (DRC) on a landscaping plan; costs between entities will be shared.
- Repair or replace fencing and posts and remove wires at Club Center Way and the intersection of Championship Drive and Hawk's Nest.
- Repair ruts along Championship Drive and Fiddler's Creek Parkway, caused by overwatering.



Mr. Adams noted the draft of the District's community graphics were included as part of the GIS programming, which will ultimately be linked to the District's website; it is a cloud-based program that is accessible to the public. A presentation by Passarella & Associates will be scheduled for the next meeting. Programming, overlaying the District's streetlight and irrigations systems will occur in the future.

Mr. Brougham reminded everyone of the upcoming election and to vote. The newly elected Supervisor will be sworn in at the December meeting.

**FOURTEENTH ORDER OF BUSINESS**

**Public Comments**

Ms. Shannon Benedetti, a resident, asked when the irrigation presentation will occur. Mr. Adams stated that the presentation is scheduled for November.

Mr. Slater, speaking on behalf of the Board at Bent Creek, stated they intend to request taking over their entranceway into the community from the CDD; removing the shrubs and having the DRC prepare a look similar to that of Pepper Tree or Bellagio. Mr. Brougham stated that the District had no issue with that and, once their HOA receives the DRC's approval and pays for the landscaping and initial shrubbery, the District would maintain the shrubbery but not any ornamental flowers.


Mr. DiNardo stated to the gray walls, behind Bent Creek and Peppertree, need to be landscaped. Mr. Brougham stated that landscape installation was underway.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the meeting adjourned at 9:16 a.m.**



Secretary/Assistant Secretary



Chair/Vice Chair