

**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 March 27, 2019 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:

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| Phil Brougham | Chair |
| Robert Slater | Vice Chair |
| Joseph Badessa | Assistant Secretary |
| Joseph Schmitt | Assistant Secretary |
| Torben Christensen | Assistant Secretary |

Also present were:

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| Chuck Adams (via telephone) | District Manager |
| Cleo Adams | Assistant Regional Manager |
| Jason Olson | Assistant Regional Manager |
| Tony Pires | District Counsel |
| Barry Jones | District Engineer |
| Valerie Lord | Counsel – The Foundation |
| Ron Albeit | General Manager – The Foundation |
| Shane Willis | Director of Safety, Health and Environment |
| Jesse Fritz | Resident |
| Gary Bernhardt | Resident |
| Joe Vaccaro | Resident |
| Frank Weinberg | Resident |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Brougham 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. Jesse Fritz, a resident, asked for product recommendations to remove rust from the monument at Montreaux Lane on Championship Drive. Mrs. Adams would provide product information to Mr. Fritz.

THIRD ORDER OF BUSINESS

Special Counsel Update

Mr. Adams stated Mr. Reyes would transmit the litigation settlement funds from escrow to the District this week, since he received the executed settlement documents. The funds would be booked to an “Operations and Maintenance”, Miscellaneous Income Settlement” budget line item.

FOURTH ORDER OF BUSINESS

Developer’s Report

Mr. Brougham recalled Mr. DiNardo mentioning, at the Village Council meeting, retaining an Architect to restyle the gate houses and asked for an update. Mr. Albeit stated it was in the initial discussion process but had no plans yet.

FIFTH ORDER OF BUSINESS

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

Mr. Jones reported the following:

➤ The Report identifying areas of encroachment in the drainage easements at Ashton Woods within Marsh Cove was completed last week and forwarded to Mr. Pires for review and distribution. The project of identifying and noticing areas of encroachment in easements throughout the community continued.

Mr. Pires suggested continuing this as an agenda item since projects would most likely have to be performed in phases. Discussions should also include initiating various communication templates to send to property owners and for the three Mr. Cole identified.

Mr. Pires requested a separate agenda item to discuss the request from Lot D1, in Marsh Cove, for an encroachment agreement. Collier County was doing a better job catching encroachment issues during the building permit phase, which was how the Stock Development issue of identifying the equipment pad was caught. Mr. Brougham stated the District needs

District Staff's input to develop criteria and standard response letters providing consent to use agreements for future incoming requests from residents. The amendment to the Land Development Code (LDC) was pending and would still need to be returned to the Planning Commission for final review and approval.

➤ The repaving project costs estimates were \$550,000, which was above the threshold, which required scheduling a second pre-bid meeting on March 29th, with bids due April 16th, and with the project to commence in May. Mrs. Adams would inform the Mallards Landing and Bellagio HOAs of the project and see if they are interested in hiring the District's contractor to perform work in their communities.

SIXTH ORDER OF BUSINESS

Discussion: Memorandum Regarding Towing of Vehicles on District Property, Including Road Rights of Way; Ch. 2016.94, Laws of Florida, Amending Section 190.012(2)(d), Florida Statutes

Mr. Pires recalled discussions of a trailer blocking District property for an extended time and whether the District would be able to remove it or have it towed. He presented the memorandum which indicated, under Florida Statute, the District, as the property owner, has the authority to tow vehicles. The District is required to follow the same process as noted online. He presented a draft resolution to implement that policy. Discussion ensued regarding whether this incident was frequently enough to warrant the District adopting a towing policy.

On MOTION by Mr. Brougham and seconded by Mr. Christensen, with all in favor, taking no action at this time, was approved.

SEVENTH ORDER OF BUSINESS

Discussion/Consideration: Douglas N. Higgins, Inc., Catch Basin Rehab Project Proposal

Mr. Jones presented the D.N. Higgins (DNH) proposal for the Catch Basin Rehab Project, which was revised to include additional work; DNH was the lowest bidder. He indicated that Mr. Cole suggested authorizing a not-to-exceed amount of \$45,000, in case other areas were

identified prior to the work being completed. Discussion ensued regarding why repurposing District funds was an agenda item, when it typically is not. Mr. Adams stated he wanted recognition of this action noted because the lake bank erosion funds would be depleted and repurposed for this, which was an unforeseen project.

On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, authorizing District Staff to transfer and utilize funds from the "Lake Bank Erosion" budget line item to "Roadway maintenance" to perform Catch Basin Rehab Project and the D.N. Higgins proposal, for Catch Basin Rehab Project, in a not-to-exceed amount of \$45,000, was approved.

EIGHTH ORDER OF BUSINESS

Discussion/Consideration: Runaway Lane Concrete Repair Proposal

Mr. Jones presented a proposal from Collier Paving & Concrete, the lowest bidder, for the Sidewalk Repair Project on District property, which was revised to include cleaning two additional manhole covers identified on Runaway Lane. He indicated that Mr. Cole also requested authorizing a not-to-exceed amount of \$21,000, to include any cost to clean additional manholes that may be identified prior to the work being completed.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, the Collier Paving & Concrete proposal, for Sidewalk Repair Project and manhole cover cleaning in Runaway Lane, and any additional cleaning identified, in a not-to-exceed amount of \$21,000, was approved.

NINTH ORDER OF BUSINESS

Consideration: Tree Trimming and Irrigation Management Proposals from Fiddler's Creek Foundation, Inc.

Mr. Brougham stated this item would be discussed during the CDDs #1 and #2 Joint Workshop this afternoon.

TENTH ORDER OF BUSINESS

Continued Discussion/Update: Hurricane Irma Recovery

Mrs. Adams stated there was nothing to report; however, a few of her other Districts started receiving funds.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2019

Mr. Brougham presented the Unaudited Financial Statements as of February 28, 2019. Mrs. Adams would reclassify the monument expansion flower program expense to the correct line item. Mr. Brougham stated the current flower rotation looked stunning.

TWELFTH ORDER OF BUSINESS

Consideration of February 27, 2019 Regular Meeting Minutes

Mr. Brougham presented the February 27, 2019 Regular Meeting Minutes.

Mr. Schmitt asked whether Isla Del Sol Park would be restored. Mr. Albeit stated they were in the process of obtaining bids.

The following changes were made:

Line 133: Change "interior" to "language"

Line 222: Change "in length" to "deep"

Regarding Line 222, Mr. Brougham asked if the issue of whether the pipes at the Ashton Woods catch basins were clean was resolved. Mr. Pires replied yes, apart from the County's perspective and the final inspection. He would prepare a follow up letter.

On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, the February 27, 2019 Regular Meeting Minutes, as amended, were approved.

THIRTEENTH ORDER OF BUSINESS

Action Items

Items 7, 9, 10, 11, 14, 15, 17, 18 and 20 were completed.

Item 13: Mr. Pires stated the Planning Commission would hear their request regarding potential encroachment issues, at a future date.

Item 19: The sign exiting to Championship Drive was being repaired and reinstalled within the week.

Item 21: LandCare was currently replacing bougainvilleas in the median. Mrs. Adams would contact LandCare to address line-of-sight issues related to shrubbery at the second turn to Pepper Tree Way, off Fiddler's Creek Parkway, and at the median, turning left into Cascada Way. Mr. Brougham stated Management should be contacted to address any potential line-of-sight issues. LandCare should monitor and address repeated complaints and inform Management, who may decide to replace the type of shrubbery.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires reported the following:

- During the County's Planning Commission discussions on encroachments of generators in the drainage easements and after reviewing photographs with a number of above ground facilities in the side yards, the County now has concerns about emergency access, which resulted in further discussions about offsets, when side yards are obstructed.

Ms. Lord presented The Foundation's request to install a permanent Traffic Hawk to the District's light post at Cherry Oaks Trail, at no expense to the District. Mr. Pires stated the revisions to the Licensing Agreement were accepted and standard language for termination and indemnification was included in the Agreement. Ms. Lord stated The Foundation would continue providing reports about the locations of the portable unit.

Mr. Brougham asked for public comments, since it was not on the agenda.

No members of the public spoke.

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, authorizing the Chair to execute the Licensing Agreement to install one Traffic Hawk at Cherry Oaks Trail, was approved.

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

- **NEXT MEETING DATE: April 24, 2019 at 8:00 A.M.**

The next meeting will be held on April 24, 2019 at 8:00 a.m.

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

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

- The LED Streetlight Conversion Project commenced last week and would take up to three weeks to complete.
- Repaving/Remilling Project: Mr. Brougham was concerned the Board and the affected Villages were not provided sufficient information about how various aspects of the project were being coordinated. Mr. Albeit stated, at the preplanning session, a request for a staging area was made. Once the bidding process is completed and matters such as scheduling, traffic, etc., would be addressed. Mr. Cole would work with Mr. Willis and provide the project schedule to Mr. Albeit to post on the HOA websites. Mr. Pires recalled, from prior discussion, that bicyclists would need to receive instructions during this process.
- The commencement date for additional sidewalk repairs was unknown; however, the contractor requires a span of two weeks for mobilization. It was confirmed that the sidewalk markings were still visible.
- Mulberry Buffer: Two oak trees would be replaced; who removed them was not known.

D. Director of Safety, Health and Environment: *Shane Willis*

Mr. Willis gave a PowerPoint presentation and highlighted the following:

- Residents have three gate access options. Residents continue to call Security rather than 911 for medical assistance.
- E-blasts are sent to residents and the community about any upcoming presentations.
- The Traffic Hawk took about 30,000 photographs in February, which was an increase from January. The average speed remained below 30 miles per hour (mph).
- January and February patrols, combined, totaled 11,500 miles, averaging 200 miles per day, and responded to 306 incidents, which were mostly related to parking and noise.
- Removed a 420 pound alligator from Runaway Lane and residents continue being notified that they become overly aggressive during the breeding season and should not be fed. An educational presentation on pythons was scheduled for next month.

- Redoing signs to install at construction sites was still underway.
- Waiting for a third proposal to replace 15 gate towers, before submitting them to Mrs. Adams.
- In the process of preparing the District's emergency response procedures during a hurricane.
- Pressure cleaning in CDD #1 would commence, once it is completed in CDD #2, which should be within the next two weeks.

Mr. Pires stated, in light of the community having aggressive alligators and the potential liability of parties that own or operate and maintain lakes and water management facilities, at the next meeting, he would present a memorandum about awareness and the likely need to post additional signs.

- The toad population continues reproducing. Residents should contact the guard house if they come across a populated area.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Slater stated a resident notified him of a dead Royal Poinciana tree in the median island going into Mulberry Lane, off of Fiddler's Creek Parkway. Mrs. Adams would determine whether the tree was in shock or needed to be replaced; the tree was planted just six weeks ago so it was still under warranty.

SIXTEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor,
the meeting adjourned at 9:31 a.m.**


Secretary/Assistant Secretary


Chair/Vice Chair