

**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 May 22, 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:

Robert Slater	Vice Chair
Joseph Badessa	Assistant Secretary
Torben Christensen	Assistant Secretary
Joseph Schmitt	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Ron Albeit	General Manager – The Foundation
Shane Willis	Director of Safety, Health and Environment
Dan DeMont	Juniper Landscaping – Vice President
Justin Lucas	Juniper Landscaping, Branch Manager
Michelle Cady	Juniper Landscaping, Client Relations Manager
Jacob Long	Juniper Landscaping, Construction Manager
Mike Owens	Arborist - Juniper Landscaping
Frank Weinberg	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 8:00 a.m.

Mr. Slater called roll call. Supervisors Slater, Schmitt, Badessa and Christensen were present, in person. Supervisor Brougham 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

This item would be removed from all future agendas.

FOURTH ORDER OF BUSINESS

Health, Safety and Environment Report

This item would be removed, as it is listed under Staff Reports.

FIFTH ORDER OF BUSINESS

Developer's Report

There being no Developer's report the next item followed.

SIXTH ORDER OF BUSINESS

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

Mr. Cole reported the following:

- Paving Project: Asphalt portion should be completed today and striping would follow.
 - ✓ The District Engineer's Inspector was coordinating with LandCare about watering the recently planted annuals.

Mrs. Adams stated the County was conducting semi-annual fire hydrant flushing and flooded one of the streets where paving was scheduled today.

- ✓ Striping: Certain locations had temporary paint applied.
- ✓ Thermal plastic stop bars would be installed.
- ✓ The contractor would complete punch list items before the project is deemed complete. Sand placed on the pavers to avoid tracking asphalt would be removed and hauled away. Maintenance striping would be added to crosswalks by Sandpiper and where needed.
- Valley gutter and sidewalk repairs continue. Areas completed were Runaway Lane and Club Center Boulevard.
- Catch Basin Repairs: Replaced 12 tops. Proposals to repair catch basin on Mulberry and the catch basin apron on Championship Drive were being obtained.

SEVENTH ORDER OF BUSINESS

Presentation: Juniper Landscaping, Urban Forest Hurricane Recovery Program

- **Discussion/Consideration of Arbor Care Maintenance Proposal**

Mr. Dan DeMont, Vice President of Juniper Landscaping (Juniper), introduced himself and his team. He gave a presentation of the Urban Forest Hurricane Recovery Program

prepared by Dr. Gilman, from the University of Florida (UF), and presented to The Foundation.

He highlighted the following:

- The Program's objective is to minimize exposure and risk of damage in a hurricane.
- Determine Pruning Cycle: Annual pruning is preferred over pruning every two years because less stress is put on the trees.
- Execute Pruning Plan: Choose the appropriate pruning method to maintain tree health. Different types of pruning were included in the proposals to the CDDs and various HOAs.

Mr. Slater recalled the prior decision to only maintain existing ficus trees and to replace trees with something other than ficus trees; therefore, Juniper's proposal must be revised, since it referenced ficus trees. Mr. DeMont suggested the possibility of using the big oaks in the on-site nursery, if the Board ever considered replacing a mature ficus canopy.

Mr. Slater stated the Request for Proposals (RFP) must be sent to the contractors so the proposals can be compared against the specifications in the RFP. Mrs. Adams recalled that the Board approved the Arborist's/Architect's detailed specifications for proper tree pruning services several months ago, which Juniper's proposal did not have. The District's annual pruning specifications also included specs for crown reducing, thinning, etc., which would be outlined in the RFP and sent to Davey Tree, Juniper and a few other contractors.

Mr. Pires clarified that Juniper's specs were being presented for consideration, not the proposal. He felt that the use of the term "bid" was confusing; the proposal was part of The Foundation's package. Mr. DeMont understood the reason for the clarification and noted that Mr. Owens spent two months on site collecting data, to be able to provide these specs and a schedule, before finding out the CDD was working on revising the specs. He stated he expects the RFP would require contractors to bid a unit price bid.

Mr. Albeit stated The Foundation was working towards providing a community-wide tree trimming program, so the contractor would do the job properly, thereby saving everyone money. The golf course and 11 of the villages already signed with Juniper, who committed to Mr. DiNardo to have a crew in the community trimming trees daily. The benefit of this was the vendor would leave their equipment on site so that, in case of a hurricane, the crew would be able to immediately assist the Districts in clearing roads.

Mr. DeMont stated the goal for Juniper, or any other qualified contractor, was to have sufficient work to justify assigning a full-time crew to be on site daily and store equipment; they were working towards this by enrolling HOAs but were not quite there yet.

Mr. Slater stated, in order to implement a community-wide program, the RFP must go out; otherwise, if the Board decided to do a sole source, they must justify that action, which most likely would end in a protest. Mr. Pires would review the Rules to Sole Source the contract. Mr. Adams stated a full inventory of CDD areas would be needed so it can be priced against unit costs. Discussion ensued regarding Juniper's presentation and about the proposal not including anything associated with CDD areas. Comparing bids with just the counts and without other necessary knowledge, requirements or criteria needed in RFP responses and additional services that are provided are taken into consideration, were discussed. Mr. Pires clarified that the criteria and specs are always outlined in the RFP, which gives the Board the ability to evaluate bids and make a direct comparison; how bidders choose to respond would be up to the vendor. Mrs. Adams would send the RFP out next week. Mr. Adams stated each vendor would be required to provide their own counts and per unit cost and, if there are changes to the count, the vendor should then focus on their per unit costs. Mrs. Adams stated that LandCare would remove the stakes from the trees that were planted last summer.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2019-02, Approving a Proposed Budget for Fiscal Year 2019/2020 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Slater presented Resolution 2019-02. Mr. Adams stated that some adjustments were already reflected in the proposed Fiscal Year 2020 budget and it would be thoroughly reviewed in June.

On MOTION by Mr. Badessa and seconded by Mr. Slater, with all in favor, Resolution 2019-02, Approving a Proposed Budget for Fiscal Year 2019/2020 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 28, 2019 at 8:00 a.m., at Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

Mr. Cole stated about \$45,000 was saved on the roadway project when they did not have to reconstruct the lime rock base and those funds were spent on curb repairs instead. Budget costs on future roadway projects would be much lower.

NINTH ORDER OF BUSINESS

Continued Discussion: District Counsel Memorandum Regarding Marsh Cove/Ashton Woods/Drainage Easement Encroachment

Mr. Slater stated Ashton Woods submitted two requests. Mr. Pires presented his Memorandum and stated it was the same one that was discussed before. The Board's consensus was to take no action on any issues that were found and, if a request is received, those would be considered on an ad hoc, case-by-case basis. The County was becoming more proactive in catching these, with regard to building and development permits.

Mr. Adams distributed another Ashton Woods request that was omitted from the agenda package. The request involved a 1' roof overhang, on the right side of the property, and a 4x4 travertine paver door pad on the left side. Mr. Cole confirmed that granting this would not impose any maintenance issues for any District facilities. Mr. Pires was directed to prepare the standard form of Agreement; attorney and recording fees are to be paid by the applicant.

In response to Mr. Badessa's perception that the Board did not approve tabling this matter of notifying homeowners, Mr. Pires clarified that the motion failed; meaning there would be no action taken. Mr. Badessa asked what the objective was to expend funds to perform an action if the Board was not going to inform those residents with encroachment issues. Mr. Pires explained the reason it was done was to give the Board a better understanding of the scope of the encroachment issues. Mr. Slater agreed with Mr. Badessa that the intent was to document and ensure there was no financial burden on the CDD and to notify the homeowner that, if the District needs to perform work in the area, any costs to return the property to its original condition would be at the expense of the homeowner.

Mr. Schmitt motioned and Mr. Badessa seconded the motion to advise homeowners of the potential encroachment and the legal violation and, if the homeowner decides to take action, they must present the request for relief to the Board for approval. Discussion ensued and Mr. Schmitt withdrew his motion.

Mr. Cole provided the following timeline of events:

- To date, about \$5,000 was spent to identify encroachment issues in the Ashton Woods and Marsh Cove areas a few months ago.
- The District Engineer's Inspector toured Mahogany Bend and part of Mulberry; however, he was unable to review notes and provide a field report before they were told to stop the process.
- It would cost another \$10,000 to \$12,000 to identify all areas and prepare a report for all of CDD #1 related specifically to drainage structures only; some require surveys and the primary issues were pool equipment and half privacy walls. How to notify the residents must be determined.

Mr. Pires stated, if the Board wishes to individually notify and place the residents on notice, the resident may ask to enter into an agreement; this information is already disclosed in the minutes as public record. Mrs. Adams stated the Board could decide to individually notify residents, on a case-by-case basis, when an issue presents itself.

Mr. Cole asked whether he should finish preparing the field report for Mahogany Bend and parts of Mulberry.

On MOTION by Mr. Badessa and seconded by Slater, with Mr. Badessa, Mr. Slater and Mr. Schmitt in favor and Mr. Christensen dissenting, directing Mr. Cole to stop identifying areas of encroachment and authorizing Mr. Pires to prepare and send notification letters to homeowners that were identified as having encroachment issues or those with potential encroachment issues, and, if no response, to send a follow up letter, and authorizing Mr. Cole to complete a field report for Mahogany Bend and parts of Mulberry, was approved. [Motion passed 3-1]

Mr. Pires presented the Ashton Woods request involving the overhang and the door pad, distributed by Mr. Adams earlier in the meeting.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, the request from the Developer for a Non-Encroachment Disturbance Agreement, was approved.

Mr. Pires stated that he, Mr. Cole and Mrs. Adams always confirm that all required fees and costs are paid before presenting it for consideration. Mr. Cole stated, going forward, the

District should no longer have these types of issues since the County's Permitting Department has a system in place to notify Developers of easement issues.

TENTH ORDER OF BUSINESS

Discussion/Consideration: International Security Networks, Inc., (ISN) PO and Invoices

Mrs. Adams presented The Foundation's request for reimbursement of \$1,602 associated with the ISN Traffic Hawk and cloud-based services. The ongoing expense would be \$519 per month. This expense would be included in the Fiscal Year 2020 budget.

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, authorizing reimbursement to The Foundation the \$1,602 expense associated with the International Security Networks, Inc., (ISN) Traffic Hawk and web cloud-based systems services and for the District to pay the ongoing \$519 per month expense, was approved.

ELEVENTH ORDER OF BUSINESS

Continued Discussion: Collier County Proposed Water Pollution Control and Prevention Ordinance

Mr. Pires stated Collier County and its Water Control Department were proposing revisions to the County's Water Pollution Control and Prevention Ordinance, which, if enacted, would require Districts to structurally retrofit any stormwater system identified as the source of pollution. This matter was placed on the County Commission's June 25th agenda. He would attend the meeting since County Staff opposed the Development Services Advisory Committee's (DSAC's) recommendation to include verbiage to exempt existing permitted stormwater management systems that were previously approved and constructed. The recommendation and his letter to the County requesting the notice to include verbiage were not acted upon. Mr. Schmitt stated Mr. Pires' letter of objection should be reverted back to the Planning Commission for consideration, since it was sent after the Planning Commission's meeting and he believed the exemption could be eliminated since it was already required, as part of the Clean Water Act.

The Board authorized Mr. Pires to work with Mr. Schmitt on a letter to the County Commission, in preparation for the June 25th meeting, requesting that Mr. Pires' Letter of Objection be sent to the Planning Commission and for it to reevaluate its position.

Mr. Adams stated there was nothing to report; he continues to monitor the progress.

THIRTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of April 30, 2019**

Mr. Slater presented the Unaudited Financial Statements as of April 30, 2019.

FOURTEENTH ORDER OF BUSINESS

**Consideration of April 24, 2019 Regular
Meeting Minutes**

Mr. Slater presented the April 24, 2019 Regular Meeting Minutes.

**On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, the
April 24, 2019 Regular Meeting Minutes, as presented, were approved.**

FIFTEENTH ORDER OF BUSINESS

Action Items

Items 10, 11, 23 and 17 were completed.

Item 6: Mr. Schmitt asked when The Foundation intends to schedule the workshop to discuss potentially transferring Security over to The Foundation. Mr. Albeit stated The Foundation intends bring Security in-house, effective January 1, 2020; he would send budget figures to Mr. Adams. Mr. Pires and Ms. Lord would commence work on legal documents.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires reported the following:

- The Irrigation Maintenance Services Agreement with The Foundation was presented in final form and executed by the Board.
- The First Amendment to the Cross Access Easement Agreement at the Antilles development was executed and recorded.

➤ The County approved advertising of the proposed Land Development Code language related to placement of items, such as generators on easements, to require a site plan showing all easements and agreement from all easement holders.

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

- **NEXT MEETING DATE: June 26, 2019 at 8:00 A.M.**

The next meeting will be held on June 26, 2019 at 8:00 a.m.

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

Mrs. Adams and Mr. Olson presented the Operation's Report, noting the following:

➤ Tree and Palm Pruning: Mr. Christensen asked why palm pruning was scheduled for later in the year rather than having the coconuts removed before hurricane season. Mrs. Adams stated the District's contract does not include removing seed pods; however, she was obtaining a Work Order from LandCare to remove them this summer. She reviewed the schedule; all palm pruning is performed before the holidays, with the exception of coconut and royal palms, which are pruned throughout the year.

➤ Construction Entrance Ramp: Walk ramp repairs were completed.

➤ LED Streetlight Conversion: The Mulberry Lane and Championship Drive street lights were being charged a flat rate tariff; therefore, there was no savings for converting those so 78 additional lights on Fiddler's Creek Parkway were converted instead.

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

Mr. Willis highlighted the following:

➤ Gate access options for residents include the phone app, website and automated telephone system. Email is the preferred method because it contains a lot of information, which is sent to all Supervisors in the Department to input into the system. Samples of the E-blasts sent in April were presented.

➤ Gatehouse access totaled 16,000 in March. Traffic in the community decreased to 12,000 in April, as snowbirds left.

➤ The Traffic Hawk data supports the opinion that speed is not an issue, as 85% of the vehicles travel below 30 miles per hour (mph). This month's report was distorted, with 38,000 photographs taken, because it was relocated to an area with a stop sign and captured all movements.

➤ Patrol vehicle average 200 miles per day and mileage totaled 22,000, year-to-date.

- There were 296 incidents in March and 206 in April; mostly parking and open garage doors. An e-blast reminding residents to close garage doors was being prepared.
- Pressure Cleaning: 21,000' of sidewalk and 56,000' of curb were cleaned in April. The crew was currently working on the monuments and the Club and golf course paths would follow. Mrs. Adams asked to include the Aviamar pump station to the schedule. Veneta residents complimented favorably on the monuments that were just cleaned.
- Irrigation Program: An example of the Report was provided, along with an overview of what is contained in the Report. The Irrigation Manager completed 80% of the 30-day Assessment Report. After Mr. Albeit and Mr. DiNardo's review, it would be forwarded to the District next week. Most of the complaints were due to shoddy work and negligence, when old wires were not removed. Areas with insect issues were treated to prevent future issues inside the boxes. Mr. Olson would have the District's landscaping company unlock the boxes so that they could be assessed. The Irrigation Manager's evaluation indicated only three satellites within the entire community were fully functioning and 27 were not communicating and 31 were in stand-alone mode. Since they are not communicating with the central computer, it is in noncompliance with water regulations. The work performed over the last few weeks resulted in four more being fully functional, of the 27 not communicating, 11 were repaired during the initial assessment, 42 in stand-alone mode. The next follow-up step was to identify what it would take to get each satellite box fully functional and the cost. He suggested adding this expense to the Fiscal Year 2020 budget. Mr. Albeit recommended, once the systems are fully functional, for their staff to keep the key with instruction of the landscaping company to contact the Irrigation Manager for access. Mr. Willis was obtaining a lower cost to purchase locks and preparing the Standard Operating Procedure (SOP).
- Upcoming Programs: Cane toads were removed and traps would be set next week.
- At Mr. DiNardo's direction, Ferguson Waterworks' contractor would assess all drains in the community next week. The intent was to purchase equipment that protects the storm drains from sediment and debris to and prevent flooding during a storm event. Equipment would be installed before a potential hurricane event and removed afterwards. Mr. Olson would obtain the map containing the drain locations for both Districts and email it to Mr. Willis.
- The Greater Naples Fire Department was scheduled to train staff on crowd control next week and again prior to the season.

➤ Ms. Viegas, a CDD #2 Board Member, was compiling a “What to Do List” of information advising new residents and renters of who to call with an issue. Once reviewed it would be published and e-blasted to residents.

SEVENTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Schmitt stated he, as a Supervisor, and Mr. Christensen, as a property owner, attended the County’s public meeting regarding the proposal to create a plan to rehydrate the Picayune Strand State Forest, which requires installing a pump system to move water that could potentially go through CDD #2 and then CDD #1’s canal systems. Since the CDD maintains the canal and shoreline, he was perturbed that the CDD was not informed of the public meeting. Although this would not come to fruition for another two years, he recommended District Counsel prepare a letter to Mr. McAlpin, the Coastal Zone Manager responsible for the project, requesting that the CDD be notified of all activities associated with the project and that the County present the proposed project to both CDDs and the Developer, as he is concerned about its impact, the permits that already exist, etc. He wondered if the District would be compensated for any costs incurred from the County moving water through the CDD’s canal system. Mr. Christensen stated the County’s presentation lacked specific information, such as how much water would flow into the District, and given the District’s current lake bank erosion issues, the District has a legitimate right to be informed. Discussion ensued regarding the “Collier County Comprehensive Water Shed Improvement Plan, Rehydration of the Picayune Strand”, which complements the current project nearby. Mr. Pires would send a letter asking the County to schedule a presentation to the CDDs in the next couple of months.

EIGHTEENTH ORDER OF BUSINESS

Public Comments

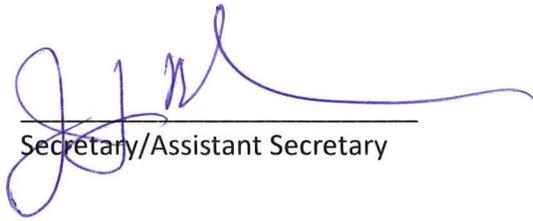
There being no public comments, the next item followed.

NINTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Slater and seconded by Mr. Christensen, with all in favor, the meeting adjourned at 10:10 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair