

**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 July 24, 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:

Phil Brougham	Chair
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
Valerie Lord	Counsel – The Foundation
Terry Cole	District Engineer
Ron Albeit	General Manager – The Foundation
Shane Willis	Director of Safety, Health and Environment
Tony DiNardo	Developer
Dominik Tamarazzo	FIA Insurance Services, Inc.
Barbara Toresco	Public
Dorothy Hirsch	Resident
Joe Vaccaro	Resident
Jessie Fritz	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.

SECOND ORDER OF BUSINESS

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

Ms. Barbara Toresco, a nonresident caregiver, requested reimbursement to repair her SUV damaged by the entrance gate arm. She presented photographs and two estimates, the lowest was \$300. Discussion ensued regarding no incident report or video due to the lapse in time, whether the gate arm could cause those damages and, that they had 15 similar incidents before the gate replacement program was initiated and four after. At Mr. Pires’ suggestion, Mr. Adams would coordinate payment and have a final release form executed by Ms. Toresco.

On MOTION by Mr. Slater and seconded by Mr. Brougham, with all in favor, authorizing District Counsel to prepare a release form and for District Staff to process a reimbursement to Ms. Barbara Toresco, in the amount of \$300, for damages caused by an entrance gate arm, subject to execution of a release form releasing any claims against the District, was approved.

Ms. Dorothy Hirsch, a resident, asked about removal of the Royal Palm tree on Mulberry Lane that was damaged by lightning. Mr. Schmitt provided information and stated that, according to plat records and the location of the tree, the Developer or CDD was responsible for maintaining the “signature” trees adjacent to her property. Mr. Pires confirmed that, in accordance with the Property Appraiser’s office, the deed obtained in 2017 indicated the District owns the property. Discussion ensued regarding which entity was responsible for replacing the tree, photographs, an addendum to the plat, etc.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, authorizing District Staff to coordinate removal and replacement of the dead Royal Palm tree in front of 7621 Mulberry Lane, was approved.

THIRD ORDER OF BUSINESS

Developer’s Report

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

FOURTH ORDER OF BUSINESS

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

Mr. Cole reported the following:

- Concrete and Catch Basin Repairs: All miscellaneous concrete and catch basin repairs were completed. Sewer Viewer cleaned the two catch basins on Mulberry Lane.
- Traffic Signal: CDD #1's portion of the \$600,000 total shared cost is \$300,000. Mr. Adams would include the cost in the Fiscal Year 2021 budget preparations. The traffic signal would be installed in the redeveloped area of CDD #2, to coincide with the Commercial Shopping Center at Sandpiper Drive and US 41.

Mr. Slater asked why The Foundation and Publix were not included in the cost share arrangement. Mr. DiNardo stated that the signal was not part of the provision of the sale of the property; the Developer funded the light included in CDD #2's 2005 bond and CDD #1 has an agreement with CDD #2 to fund a portion of this light.

- Paving Project Fiscal Year 2020: After touring the community, the next project recommendation was to commence work at Club Center Boulevard, from Fiddler's Creek Parkway past the Rookery Entrance. Since \$150,000 was budgeted and the cost would be about \$100,000, other minor areas could be added to the project. The recommendation for Fiscal Year 2021 was Championship Drive.

Mr. Cole would coordinate with the paving subcontractor doing work at Publix to obtain better pricing by bundling CDD #1's project with The Foundation's and CDD #2's projects.

FIFTH ORDER OF BUSINESS

Consideration of Confidential Settlement Agreement of the "Scribner Sidewalk Trip and Fall" Lawsuit *(to be provided under separate cover)*

Mr. Adams introduced Mr. Dominik Tamarazzo, appointed by FIA Insurance Services, Inc. (FIA), the District's Insurance Carrier, to represent Fiddler's Creek CDD #1 in this litigation. All parties reached a settlement during mediation, which FIA would pay. The Confidential Settlement Agreement, executed by Mr. & Mrs. Scribner, was distributed. Mr. Tamarazzo confirmed that the General Releases and Indemnity Agreements were in place. Mr. Adams confirmed that all repairs were completed within a month of reporting the incident and the incident resulted in initiating the District's annual sidewalk grinding and replacement programs.

On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, accepting the Confidential Settlement Agreement and Mutual General Releases, in the "Scribner Sidewalk Trip and Fall" Lawsuit, as stipulated, was approved.

SIXTH ORDER OF BUSINESS

Continued Discussion/Update: Hurricane Irma Recovery

Mr. Adams stated that the Federal Emergency Management Agency (FEMA) was in receipt of the District's appeals package prepared by CDR Maguire, the District's Appeals Specialist. FEMA's portal still indicated that the status was unchanged and remained locked "due to determination memo's indicating it was not fundable". Mr. Adams would contact the Appeals Specialist to ascertain FEMA's typical response timeline to an appeal and instruct the Appeal's Specialist to contact FEMA at an appropriate time to check on the status.

SEVENTH ORDER OF BUSINESS

Continued Discussion: Access Control Service Operations Assumption Agreement with The Foundation

▪ **Continued Discussion: Arbor Care and Hurricane Recovery Agreement**

This item, previously the Eighth Order of Business, was presented in conjunction with the Seventh Order of Business.

Mr. Brougham stated that he confirmed with Mr. Pires that the District can legally award a maintenance contract to a vendor of its choice without a Request for Proposals (RFP) for competitive bid, if the contract is under \$195,000. Since the District intends to have The Foundation take over security, effective January 1, 2020, it made sense for The Foundation to take over arbor care and hurricane recovery, as well, so The Foundation could implement a community-wide tree trimming program. The vendor would be on site with their equipment before a hurricane to speed up hurricane recovery. The District would enter into an agreement with The Foundation, as the security and arbor care services contractor, following the District's established standards, and The Foundation would choose subcontractors to perform the work.

Mr. DiNardo stated The Foundation Finance Committee was in favor of taking over arbor care, which would allow The Foundation to obtain a commitment from Juniper Landscaping (Juniper) to provide the Districts and Golf Club with staff and equipment within 48 hours after a hurricane, 30 employees at cost plus 15%, with trimming at a guaranteed maximum contract of cost plus 10% coming from the District's budget. The Foundation was willing to use funds from the Delta account to invest in a 100 kW portable generator to use on lift stations and to accommodate the pump stations, to prevent the prior incident of when the County was unable to provide a generator to flush out the lift stations. Mr. Willis was in discussions with the County's Utilities Distribution Director to obtain a commitment for a generator on site or to get Mr. Willis certified with the ability to attach a generator to run the lift stations. Rather than incurring Waldrop's \$300,000 expense, Juniper would perform the same walkthrough of the damages and develop a plan, at cost plus 10%, with installation at cost plus 10%, and provide records that would be subject to an audit. If both Districts are in agreement, The Foundation would be able to collect funds that could be billed as a Special Loss Assessment so residents can submit it to their insurance company for reimbursement.

Rather than waiting to initiate the program on January 1, 2020, Mr. DiNardo asked for an interim Agreement and The Foundation would bill the District its budget amount for trimming, since Juniper was in the process of developing a system to GPS and tag trees and provide a database to input a maintenance schedule and an annual agreement. Discussion ensued regarding the number of generators being purchased and the expense of maintaining them. Mr. Brougham instructed District Staff to prepare agreements to present at the next meeting and to distribute them before the meeting.

On MOTION by Mr. Badessa and seconded by Mr. Slater, with all in favor, authorizing District Staff to prepare an Interim Agreement with The Foundation to bill the District for tree trimming services effective the first quarter of Fiscal Year 2020 and an Agreement with The Foundation to bill the District for security and arbor care and hurricane recovery services effective January 1, 2020, and circulate both to the Board before the next meeting, was approved.

EIGHTH ORDER OF BUSINESS

Continued Discussion: Arbor Care and Hurricane Recovery Agreement

This item was presented during the Seventh Order of Business.

NINTH ORDER OF BUSINESS

Continued Discussion/Consideration: Irrigation/Satellite Software and Hardware Upgrade Proposals

Mr. Willis gave a PowerPoint presentation on the Irrigation/Satellite Software and Hardware Upgrade Proposals. He noted the following:

- Irrigation Program: Cost to consolidate both Districts and the Village's Irrigation Program was \$74,000.
- CDD #1's cost was approximately \$20,000; comprised of \$12,430 to convert and upgrade the satellites and \$5,400 to repair and upgrade the satellite boxes.

Mr. DiNardo stated the Irrigation Manager would make the repairs if he can; however, he was coordinating with WESCO to do the other repairs and would invoice those costs to The Foundation, who would bill the Districts and each Village directly. The Foundation intends on installing a new device at Mulberry, Isla Del Sol and Mahogany, that would communicate through the software, to replace the current clocks.

On MOTION by Mr. Schmitt and seconded by Mr. Christensen, with all in favor, authorizing The Foundation to commence billing the District for its portion of expenses related to the Irrigation/Satellite Software and the Hardware Upgrade Proposals, was approved.

TENTH ORDER OF BUSINESS

Continued Discussion: Fiscal Year 2020 Proposed Budget

Mr. Adams stated the figures in the "Security and Arbor Care" line items must be revised. The following change would be made to the proposed Fiscal Year 2020 budget:

Landscaping: Change "125,000" to "0"

Mr. DiNardo stated The Foundation would perform trimming from October through December 2019 and bill the District for reimbursement of those costs.

On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, retaining The Fiddler’s Creek Foundation to commence performing arbor maintenance, effective immediately, authorizing District Counsel to prepare an Interim Services Agreement with The Foundation to perform arbor maintenance for the remainder of Fiscal Year 2019, on a reimbursement basis to The Foundation, subject to submittal of detailed invoices, and authorizing the Chair to execute the Agreement, was approved

The following change would be made to the proposed Fiscal Year 2020 budget:

Irrigation supply – Supply system: Change “217,250” to “50,000”

Funds for the satellites would be split between CDD #1 and CDD #2.

Although on-roll assessments could be reduced further, once the adjustments noted above are made, Mr. Adams recommended holding funds back to increase the fund balance and prepare for the upcoming “Roadway services-Capital outlay” project at Championship Drive, which Mr. Cole believed would cost around \$300,000. Mr. DiNardo stated The Foundation intends to inform residents to expect their assessments from The Foundation to increase due to the scope of work increasing and to expect some decrease in the District’s assessments. Mr. Brougham stated residents are invited to the District’s budget public hearing.

Mr. Adams would revise the proposed budget accordingly, for the Fiscal Year 2020 assessments to be \$1,530 per unit, reflecting a \$320 savings over the Fiscal Year 2019 assessments, while still increasing the paving project to \$200,000 and the fund balance.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2019-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2019/2020 and Providing for an Effective Date

Mr. Brougham presented Resolution 2019-04.

On MOTION by Mr. Slater and seconded by Mr. Brougham, with all in favor, Resolution 2019-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2019/2020 and Providing for an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2019

Mr. Brougham presented the Unaudited Financial Statements as of June 30, 2019. Mrs. Adams would research why the "Assets-Due from Fiddler's Creek CDD #2" line item, tied to access control costs, does not fluctuate monthly.

THIRTEENTH ORDER OF BUSINESS

Consideration of June 26, 2019 Regular Meeting Minutes

Mr. Brougham presented the June 26, 2019 Regular Meeting Minutes.

The following changes were made:

Line 49: Change "Flagg" to "Flage"

Line 64: Change "Mr. Reyes" to "the Auditor"

Line 102: Change "Jeff" to "Staff" and delete "who is"

Line 107: "Agreement" to "PUD"

Line 288: Change "Christensen" to "Slater"

On MOTION by Mr. Schmitt and seconded by Mr. Brougham, with all in favor, the June 26, 2019 Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Active Action Items

Items 4, 13, 19, 17, 21, 20, 22, 24 and 27 were completed.

Item 5: Mr. Cole would follow up with Sunshine 811 on whether they require infrastructure maps from the District.

Item 7: Mr. Pires would send Ashton Woods letters this week regarding Marsh Cove encroachment incidents.

Item 16: Mr. Pires would schedule Mr. McAlpin, with Collier County, to give a 15 minute presentation at the October meeting about the County's Comprehensive Water Shed Improvement Plan.

Item 25: Mr. Pires would prepare Irrigation and Arbor Maintenance Interim and Annual Services Agreements with The Foundation.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires asked Mr. Adams to make sure the District's website was in compliance with the structure of the Settlement Agreement in the Americans with Disability Act (ADA) lawsuit, since Collier County settled a recent lawsuit by another Plaintiff that included a more extensive agreement. Mr. Adams stated that he made sure the District's website was in compliance of the Settlement Agreement at the close of the 2018 calendar year.

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

• UPCOMING MEETINGS

- August 28, 2019 at 8:00 A.M.
- September 25, 2019 at 8:00 A.M.

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

Mrs. Adams and Mr. Olson presented their Operation Reports, noting the following:

- Landscape: Duranta fill-ins on Fiddler's Creek Parkway were completed.
- Tree Sucker Removal: Underway; however, the Collier Boulevard entrance schedule was pushed back to around the first week of August.
- Cardinal Cove: Installation of sod and pine straw was completed.
- Palm Pruning: Seed pod and coconut removal nearly completed.

Mr. Willis would contact the County again to address line of sight issues at center medium from 951 onto Fiddler's Creek Parkway.

Mrs. Adams stated that she filed a claim with the resident's insurance carrier to replace the damaged sign on Runaway Lane.

In response to a request, Mr. Olson would have the street sign at the corner of Isla Del Sol and Championship Drive adjusted.

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

Mr. Willis highlighted the following:

- Gate arms were functioning properly; however, sensors were removed because of humidity causing them to stop working. The sensors would be reinstalled after the rainy season.
- Occupancy Report 2019: Monthly gate entries were up, averaging 1,700, compared to 1,400 in 2018.
- Road Patrol: 25,000 total miles for the year.

Mr. Adams would surplus the District's security vehicles since The Foundation did not want them.

- Incidents: 124 reported; mostly related to parking. The decrease was due to patrolling the gates when they were down.
- Pressure Cleaning: Team averaged 15,000' of sidewalk and 39,000' of curb.
- Nuisance Animal Program: 10 pythons and 140 cane toads were caught; the final count from the University of Florida was pending.
- Upcoming Programs: A Security Officer would be designated to attend a training program that the State uses for its Animal Control Officers.

Mr. Willis introduced Lieutenant Jake Walker, District Commander with Collier County Sheriff's Office, to address incidents within Fiddler's Creek. Lieutenant Walker extended an open invitation to visit their sub-station by Tractor Supply, which was relocated in 2017. Of the incidents reported, Fiddler's Creek was considered an "oasis from crime". He identified areas on a map where crime was reported; the closest occurrences were in the Port-au-Prince area, off US 41. Those inside Fiddler's Creek were related to theft between contractors on construction sites; he recommended residents continue to lock their cars.

SIXTEENTH ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisors' requests, the next item followed.

SEVENTEENTH ORDER OF BUSINESS

Public Comments

Mr. Jesse Fritz, a resident, noted the contractor marked up the black top in front of Montreaux during work from 951 Fiddler's Creek Parkway to Championship Drive. Mr. Brougham stated the mark would eventually dissolve.

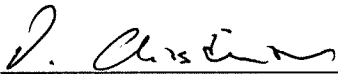
EIGHTEENTH ORDER OF BUSINESS

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 9:52 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair