

**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 Public Hearing and Regular Meeting on August 28, 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
Shane Willis	Director of Safety, Health and Environment
Tony DiNardo	Developer
Ron Albeit	General Manager – The Foundation
Jack Combes	Resident
Frank Weinberg	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)**

Mr. Jack Combes, a resident, asked to have about 100’ of ficus hedge, west of Cardinal Cove Lane towards Hawk’s Nest inspected and, if warranted, replaced with a calusia hedge. Mr. Olson would coordinate with Mr. Flage to inspect the ficus hedge and provide a proposal to replace the hedge, if warranted.

**THIRD ORDER OF BUSINESS**

**Developer's Report**

Mr. Brougham asked what the Planned Unit Development (PUD) for the old construction area north of Sandpiper Drive was comprised of, aside from a linear park. Mr. Willis stated permits were obtained and the warehouse structures there and at US 41 would be demolished within the next two weeks.

**FOURTH ORDER OF BUSINESS**

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

Mr. Cole reported the following:

- Lake Bank Erosion: Inspections for signs of lake bank erosion would commence during the dry season, within the next couple of months.
- Maintenance – Roadway Striping: Roadway inspections for areas that need restriping, such as along Championship Drive, etc., would commence soon.

**FIFTH ORDER OF BUSINESS**

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

Mr. Adams stated no funds have been recovered yet from the Federal Emergency Management Agency (FEMA); however, the State, upon receipt of the District's appeals package, sent a letter to FEMA in support of the District's appeal. The District's Appeals Specialist stated a response from FEMA could take 12 to 18 months, due to FEMA's backlog, even though FEMA is required to respond within 90 days. The standard Florida Division of Emergency Management Sub-grantee Agreement was completed and would be mailed today. A letter would be sent thanking Mr. Moskowitz, the Director of the Florida Division of Emergency Management, for his support of the District's appeal.

**SIXTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2019/2020 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2019-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020; Authorizing Budget Amendments; and Providing an Effective Date**

**Mr. Brougham opened the Public Hearing.**

Mr. Adams noted that the proposed Fiscal Year 2020 budget reflected a significant reduction in assessment levels, as access control and tree trimming expenses were being reduced and/or eliminated because The Foundation would assume those responsibilities, and from the reduction in the Roadway Capital Outlay line item; all while increasing the District's fund balance to \$200,000, to replenish funds depleted due to Hurricane Irma.

Mr. Christensen asked for further clarification of how the revenue figures were calculated, as off-roll and on-roll figures differed significantly from Fiscal Year 2019. Mr. Adams stated there were changes in the units and product types, with the transfer of un-platted lots to platted, which changed the numbers for the on and off-roll assessments. Comparing the Fiscal Year 2020 revenues against Fiscal Year 2019 was not feasible, as appropriations were being reduced, which causes revenues to decrease and because the District runs a balanced budget.

Mr. Schmitt explained to the residents that their property tax bill would reflect a reduction in assessments but they would likely see an increase in The Foundation's assessments because The Foundation is taking over access control and tree trimming. Mr. Brougham stated the District's and The Foundation's assessment figures most likely would not be "like for like".

Mr. Christensen referred to the information on Line 215 of the prior meeting minutes about changing the proposed budget figures on the "Irrigation supply-Supply system" line item. Mr. Adams stated \$50,000 reflected the District's portion, in relation to the Irrigation Manager's salary; however, the information referencing \$217,250, in the prior minutes, was transcribed incorrectly and would be corrected.

Mr. Brougham asked if there were any questions from the public.

No members of the public spoke.

**Mr. Brougham closed the Public Hearing.**

In response to Mr. Pires' request, Mrs. Adams affirmed the August 6, 2019 and August 13, 2019 proof of publication dates, as documented behind Tab 6B, and that the proposed

Fiscal Year 2020 budget was posted on the District's website as least two days prior to the public hearing. Mr. Adams clarified that affidavits no longer had to be signed by a notary within the State, due to Gannett acquiring ownership of several newspapers.

In response to Mr. Christensen's earlier question about the \$217,250 figure referenced in the prior minutes, Mr. Adams stated that the discussion was transcribed incorrectly; the discussion had to do with changing out the face plate and, based on the proposal that was obtained, the "Supply system" line item was reduced to \$162,250 and the \$50,000 was related to the District's portion of the Irrigation Manager's salary.

Mr. Brougham presented Resolution 2019-05.

**On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, Resolution 2019-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Brougham presented Resolution 2019-06.

**On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, Resolution 2019-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of IberiaBank Term Sheet for Revolving Line of Credit**

Mr. Brougham presented the Iberia Bank Term Sheet for renewal of the line of credit with Iberia Bank, which was for a \$500,000 revolving line of credit, obtained prior to Hurricane Irma.

Mr. Adams stated he contacted another bank that also does governmental lending, but there was no interest in working with the District yet, due to what the District went through. Discussion ensued regarding the terms, maintaining a certain balance in the General Fund, ability to use half of the funds before using the line of credit, loan dates to be added to the Term Sheet, etc. Mr. Pires stated that term dates were reflected in the loan documents, which are typical, and not the Term Sheet.

The following changes were made to the IberiaBank Term Sheet:

Page 2, first line: Insert "not" after "but"

**On MOTION by Mr. Slater and seconded by Mr. Christensen, with all in favor, the IberiaBank Term Sheet for Renewal of Line of Credit, for \$500,000, as amended, was approved.**

**NINTH ORDER OF BUSINESS**

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

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2019. He gave an overview of the FineMark-MMA line item; a copy of the statement would be provided to the Board. Mrs. Adams would write off \$26,796 from the "Assets-Due from Fiddler's Creek CDD #2" line item, which was related to the traffic signal.

**TENTH ORDER OF BUSINESS**

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

Mr. Brougham presented the July 24, 2019 Regular Meeting Minutes.

Mr. Brougham asked if Ms. Toresco received reimbursement for damages to her SUV. Mrs. Adams was unsure but noted that the repair cost was under the \$300 approved.

The following changes were made:

Line 27 and throughout: Change "Tamarazzo" to "Tamarazzok"

Line 27: Change "FIA Insurance Services, Inc." to "Kelley, Kronenberg"

Line 99: Change "appointed by" to "legal counsel for"

Line 149: Change "Waldrup" to "Waldrop"

Line 315: Change "king" to "cane"

Line 202: Change "Improvements and Renovations" to "Other contractual - landscape maint"

Line 202: Change "125,000" to "1,060,000" and "0" to "\$935,000"

Line 315: Change "king" to "cane"

**On MOTION by Mr. Schmitt and seconded by Mr. Christensen, with all in favor, the July 24, 2019 Regular Meeting Minutes, as amended, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Active Action Items**

Mr. Schmitt suggested combining any unfinished tasks related to encroachment issues, into one new action item and moving items 6, 8, 11 and 12 to the completed list, as most of the tasks in each one were completed.

Items 6, 8, 11, 12, 13, 19, 10, 15, 18, 26 and 27, were completed.

Item 18: Clarification of discussion was provided; the cost sheet was for cleaning products to use on paver bricks in case of a spill.

In response to Mr. Schmitt's request, Mr. Olson would coordinate having the street sign at the corner of Fiddlers Creek Parkway and Club Center Boulevard adjusted.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Pires reported the following:

- Once the Exhibit to the Interim Tree Trimming Maintenance Services Agreement with The Foundation is finalized, all documents would be forwarded to Ms. Lord.

- Work on the drafts of the Services Agreement and the Ground Lease was underway; this item would be included in the next agenda. Due to time constraints Mr. Pires would provide Mr. Brougham the documents to execute within the next two days.

**On MOTION by Mr. Christensen and seconded by Mr. Badessa, with all in favor, authorizing the Chair to work with District Counsel to finalize and execute the Ground Lease and Master Agreements with The Foundation, once the final draft is presented, with the caveat that Exhibit D is removed from the documents, was approved.**

- Preparation of the Ashton Woods letters regarding encroachment incidents, for Mr. Adams to execute, was underway.
- An Order was filed imposing sanctions on an attorney and plaintiff for filing frivolous lawsuits related to the Americans with Disabilities Act (ADA).

In order for Mr. Pires to finalize the exhibits to the Ground Lease and Long Term Agreements, Mr. Cole would provide a copy of the GradyMinor survey in The Foundation's Ground Lease documents.

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

- **NEXT MEETING DATE: September 25, 2019 at 8:00 a.m.**

The next meeting will be held on September 25, 2019 at 8:00 a.m.

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

Mrs. Adams distributed her Operations Report and reported the following:

- Awaiting proposals from Mr. Willis to assess for repairs to the Championship Drive gate house area for damages caused by a lightning strike. Mr. Adams and Mrs. Adams would discuss what costs, if any, could be recovered by submitting a claim with the District's insurance carrier.
- Flowers: Red and white sunpatiens were selected for the winter flower rotation and Coleus red and Defiance gold in August.
- Replacing Palm on Mulberry Lane next Friday.
- Tree Sucker Removals: Underway; various project issues were addressed with Mr. Flage.
- Lake Maintenance: SOLitude Lake Management (SOLitdue) expected to address complaints about Lake #3 and the issues at the pond at Whisper Trace Lane today.

- Insurance Claim: Reimbursement from the homeowner's insurance carrier for damaged sign on Runaway Lane was pending.
- Hawk's Nest/Championship Drive: Order placed to have missing paddles replaced.  
Mr. Olson presented his Operation Report and reported the following:
- Yield Sign: Work order to repair the sign on Cherry Oaks Trail was placed and the owner of the company that caused the damage agreed to reimburse the District.
- Guardrail Replacement: Obtaining proposals to replace wooden guardrails outside the entrance, on both sides of the Parkway, and researching alternative materials.

Mr. Brougham asked Mr. Olson to obtain input from the Design Review Committee (DRC) before presenting proposals. He would forward viable options he found on the internet to Mr. Olson.

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

Mr. DiNardo recalled prior discussions about The Foundation taking over certain hurricane-related responsibilities. The County Utilities Department denied The Foundation's request to utilize a portable generator at the pump station. The County would prefer permanent generators and was in the process of requesting a grant from FEMA to purchase and install generators to low lying areas. He asked Board Members to contact the County and suggest implementing a program that allows communities to help the County with short-term solutions during a storm event and advising that the District would contribute to the cost of generators, since The Foundation is willing to fund the emergency generators. Mr. Brougham would contact the County to suggest Mr. Pires' idea of the County and both CDDs entering into an Interlocal or Mutual Aid Agreement, government to government, in which the Districts would indemnify the County and contribute to the cost. The Districts could then designate some of The Foundation's personnel as agents for that task.

Mr. Willis stated funding was also discussed at the meeting and recommended the District apply to FEMA and other governmental grant organizations for grant funds to help fund the purchase of generators.

Mr. Willis distributed the July 2019 Department of HSE and Community Services Report.

Mr. Brougham asked if any alligators were removed recently since he informed a resident that neither the District nor The Foundation has a program to remove them on a

regular basis. Mr. Willis stated one was lurking in his pond but none had been removed since the beginning of July but The Foundation engaged a trapper to only remove nuisance alligators.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

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

**FOURTEENTH ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**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 9:10 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair