

**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 Wednesday, February 28, 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
Robert Slater	Assistant Secretary
Charles Turner	Assistant Secretary
Joseph Schmitt	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Lenore Braxfield	District Counsel
Terry Cole	District Engineer
Carrie Robinson (<i>via telephone</i>)	Special Counsel
Ron Albeit	General Manager - The Foundation
Robert Dieckmann	Interim Project Manager – The Foundation
Chuck Salvaggione	Hawks Nest Association President
Tony DiNardo	Developer
Robert Bacha	Resident
Frank Weinberg	Resident
Gerald J. Pecha	Resident
Judy Tibbs	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 8:02 a.m. Supervisors Brougham, Slater, Turner and Schmitt were present, in person. Supervisor Bergmoser was not present.

SECOND ORDER OF BUSINESS

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

Ms. Judy Tibbs, a resident, stated that she was concerned that there was an elaborate plan for all of Fiddler’s Creek but there did not seem to be a plan for plant removal and replacement along the fence line, where there was 100’ of dead ficus. Mr. Brougham stated that this item would be discussed later in the meeting and the first priority is to replace the old fence with a

new fence, around the perimeter of the community, and the second step would be to determine the type and amount of landscaping that would be installed in front of the fence. A consensus would be reached during today's meeting.

Mr. Gerald Pecha, a resident, wanted to know when a fence would be installed between the District and Port-au-Prince. Mr. Pecha noted that there was no irrigation along the fence from Bent Creek to Whisper Trace and the ficus trees and plantings were dead. Mr. Brougham stated that the landscaping would be addressed. Discussion ensued regarding the irrigation lines. Mrs. Adams stated that the District disconnected from Bent Creek. Mr. Brougham believed that the CDD also paid LandCare to reconnect a new line to irrigate from CDD #1's feed; he directed Mrs. Adams to ask Mr. Flage to investigate the irrigation lines and provide an update. Mr. Slater noted that he was also the President of Bent Creek and stated that after the irrigation lines were disconnected, watering behind Mr. Pecha's residence ceased, which was the first house intersecting Pepper Tree and Bent Creek Court. There was either a disconnection or the pipes were broken, which he felt was most likely.

THIRD ORDER OF BUSINESS**Special Counsel Update**

Ms. Robinson stated that she was coordinating with the other law firms to schedule depositions. The preference would be for Mr. Harvey Pitt to be deposed first; it would be scheduled for March 27, 28, or 29. Those dates were cleared and held with Mr. Pitt, her office and the other lawyers' offices; the deposition will occur in Washington D.C., where Mr. Pitt is located. This is a necessary first step to setting the hearing on the Motions for Leave, to plead punitive damages against U.S. Bank. Once that deposition is set, Counsel would proceed with setting the hearing on those motions. Since some of the U.S. Bank representatives will not be available until the second or third week of April, she was working on scheduling depositions for them and more would follow. U.S. Bank requested to take the deposition of the corporate representative for CDD #1, in addition to other depositions, so the Board would need to determine who that corporate representative would be for purposes of scheduling the deposition, which would not be until late April or early May. Mr. Brougham did not wish to be nominated as the corporate representative for CDD #1. In response to Mr. Brougham's comment, Ms. Robinson concurred that Mr. Pitt's testimony in the case, years ago, was extremely important and she anticipated that it would be very pivotal again.

******Ms. Robinson left the meeting at 8:09 a.m.******

FOURTH ORDER OF BUSINESS

Developer's Report

Mr. Brougham stated that yesterday's restoration meeting was a very thorough explanation of the Hurricane Irma Foundation or restoration assessment and the processes. It was noted that the neighborhood information meeting regarding the rezoning application for the Planned Unit Development (PUD) at Fiddler's Creek was rescheduled for March 13 at 5:30 p.m., at the San Marco Catholic Church. This would allow many more attendees to participate.

FIFTH ORDER OF BUSINESS

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

Mr. Cole presented the Monthly Engineer's Report. He highlighted the following:

- The Phase 6 Lake Erosion project is nearing completion.
- A change order for additional work, along golf Hole #4, was submitted. Additional erosion occurred during the storm and was added to the area.

Mr. Cole distributed an email update of the Hurricane Irma work and reported:

- The tree removal by BrightView Landscapes, LLC (BrightView) was 95% completed and continue working on punch list items, such as debris removal, cutting overhanging limbs.
- Some areas would remain rough in appearance because BrightView will not address them, as those would be handled by the landscape restoration contractor.

Mr. Brougham stated that five flush cut ficus stumps and a few downed trees along Mahogany needed to be addressed. One of the issues with the stumps was the existence of an irrigation controller and there may be an issue of utility markings. Mr. Slater recalled that, during the restoration meeting, it was noted that much of the remaining work was due to water or utility issues. There was a dead, giant royal palm on the median, coming in from the front gate, and several of the culverts were chipped or broken. Mr. Slater inquired about responsibility, as he felt that the CDD should not be responsible. Discussion ensued regarding damaged catch basins and sidewalks, contracts and The Foundation. Mr. Cole stated that BrightView would repair any areas that they damaged. Mr. Brougham asked Mr. Dieckmann to confer with Mr. DiNardo and Mr. Albeit regarding who was responsible for repairing broken or non-functioning catch basins and broken sidewalks. Mr. Albeit stated that sidewalk damage and other destruction from the hurricane was previously discussed and justified in The Foundation loan.

- Mr. Cole stated that Waldrop Engineering (Waldrop) was in the process of completing the replanting plans. Juniper Landscaping (Juniper) was the low bidder, the contract of

approximately \$4.1 million was being prepared; the contract included CDDs #1 and #2 and the Villages. A meeting would be scheduled between Waldrop, Mrs. Adams, Mr. Dieckmann and possibly LandCare or GulfScapes to discuss the process and procedure for installation, verification, inspection and turnover. Discussion ensued regarding the replanting process, maintenance and phasing the project. Mr. Brougham requested a progress report from Mr. Cole by the next meeting.

- The Bentley Electric (Bentley) streetlight repairs were ongoing and most of the materials were on order.

Mr. Brougham asked when the materials would arrive. Mr. Cole stated it was typically a 3-month wait.

- Lykins-Signtek (Lykins) was completing the contract for the signage.
- The contractor was securing a permit for the wall and fence repairs. The plan was to start on Championship Drive, which is currently the area most vulnerable to the outside

A Board Member asked if there was an issue with acquiring a permit to replace the existing fence. Mr. Cole stated that Q. Grady Minor & Associates P.A. (GradyMinor) was addressing the County's comments and resubmitting the application. Mr. Slater stated that, as the Bent Creek President, he disagreed with commencing the fence project on Championship Drive because there was an ongoing bear problem from the swamp area behind the fence between Whisper Trace and Bent Creek; therefore, the fencing should start at Bent Creek or on both ends, as the bear issue was more pressing and someone might get hurt. Mr. Brougham stated there were open areas in a number of locations and other neighborhoods were worse off, such as Hawk's Nest. Management should confer with the fence installer to regarding options. Mr. Brougham felt that it was important to start in one location and show progress. Mr. Dieckmann planned to meet with the installer on Friday to discuss this, obtain the contractor's input on the phasing and to discuss other concerns. Mr. Brougham directed Mr. Dieckman to facilitate feedback to the Supervisors as to the initial plans and how many crews there will be.

- **Discussion/Consideration: Hawk's Nest at Fiddler's Creek Request to Install Fence Along Boundary of Hawk's Nest at Championship Drive Entrance**

******This item, previously the Seventh Order of Business, was presented out of order.******

Mr. Brougham stated that there was never a fence in this location; there was very dense, buffer landscaping, which was decimated during the hurricane, leaving nothing but rubble. Mr. Salvaggione, Hawk's Nest Association President, asked the Board to consider installing the same

type of fence as what will be installed in the remainder of the community. This was not part of the Restoration Plan budget so Mr. Cole obtained cost estimates of the proposed project.

Mr. Cole presented the Fiddler's Creek CDD #1 - Hawk's Nest Fence Estimate for approximately \$85,000, which included materials, installation, tree removal, utility locating, surveying, the landscape plan, insubstantial changes, permitting and replanting along wall. Mr. Brougham asked, with respect to potential interference with utility runs, from a cost or safety perspective, if one side was better than the other. Mr. Cole stated that the landscaping must be removed before the fence can be installed and half of the estimate was for removal and replacement of landscaping which would be a big variance. Discussion ensued regarding the fence project, landscaping, the Hawk's Nest boundary and costs.

Mr. Salvaggione stated that there was never a fence around the perimeter of the property. The hedges and bushes were still there; however, people trespassed into Hawk's Nest all the time and residents did not feel safe. Mr. DiNardo stated it would be more cost-effective to install hedges and chain-link fencing. Mr. Slater voiced his opinion that a fence at Hawk's Nest was essential and should coincide with the CDD's fence installation; he voted to move forward with both fence projects. Discussion ensued regarding the cost estimate, contingencies, utility locations, easements, landscaping and funding. Mr. Brougham directed Mr. Cole to present formal quotations, from the supplier and the installer, for fence installation from the Pump Station to the Hawk's Nest entrance, including full contingencies and draft contracts for fence installation, as discussed and outlined in the plan. Mr. Cole would stake out the south right-of-way line and measure to know where the utilities are, which would identify the buffer location and coordinate with Mr. Salvaggione and Mr. Dieckmann regarding the tree layout, in relation to the right-of-way (ROW) line, the proposed fence line and the utilities.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, approving the Hawk's Nest fence concept and funding of the concept, if the contracts and bids are approved at the next meeting, and authorizing the District Engineer to stake out the area and secure formal proposals, including landscaping options, for the Hawk's Nest fence installation project, including specific location for re-landscaping on both sides, were approved.

SIXTH ORDER OF BUSINESS

Continued Discussion/Update: Hurricane Irma Recovery

i. FEMA Reimbursement

Mr. Adams stated that Management received a request for additional information about the quantities of materials that were removed. Collier County performed the debris removal within the District and he asked the Board's help in applying pressure to Mr. Rodriguez to be responsive to that request, as he has not responded to Management's emails. Mr. Brougham asked Mr. Adams to forward the emails to Mr. Rodriguez. In response to a Board Member's question regarding a reimbursement amount, Mr. Adams stated that the District requested between \$550,000 and \$600,000 and receiving half of the amount would be considered a win.

ii. Wall Install Schedule and Plant Removal/Replacement Adjacent to the Walls

Mr. Brougham stated that there was landscaping in front of all of the perimeter walls and, without question, a certain amount of that landscaping would have to be removed to facilitate the installation of the new fencing. The fence installer initially stated that all the shrubbery should be trimmed to a 2' high, in front of the fence that will be removed and replaced; they would not be responsible for hauling. Subsequent to that, the fence installer confirmed that, at least in CDD #1, they would dispose of the materials at no incremental costs. He felt that all the ficus should be removed and replaced by new fencing and, eventually, new landscaping that would enhance the appearance of the fence. Discussion ensued regarding the fence, landscaping, funding, approval by the Design Review Committee (DRC) and Ms. Cathy Feser.

On MOTION by Mr. Schmitt and seconded by Mr. Turner, with all in favor, installation of the fence, first, and consideration of a landscaping plan that would enhance but not cover the fencing, were approved.

Mr. Brougham directed District Counsel to seek a formal agreement from the Manager at Copper Cove to determine if the fence installer could work within the CDD's easement but access the roadway to enter into the CDD's easement, via the Championship route. Mr. Adams stated that the Copper Cove was disbanded in 2009 and was no longer a CDD.

iii. Update: Phase 2 and 3

Mr. Dieckmann summed up that he toured the area with BrightView, went over the punch list and addressed some of the questions posed in the Restoration meeting. Those items would be addressed and another tour would be scheduled as punch list items are completed.

SEVENTH ORDER OF BUSINESS

Discussion/Consideration: Hawk's Nest at Fiddler's Creek Request to Install Fence Along Boundary of Hawk's Nest at Championship Drive Entrance

This item was addressed following the Fifth Order of Business.

EIGHTH ORDER OF BUSINESS

Discussion/Consideration: McGee & Associates Proposal for Landscape Architectural and Arborist Services for Review and Recommendations Related to Tree Pruning Specifications

Mr. Brougham presented the proposal from McGee & Associates for Landscape Architectural and Arborist Services, in the amount of \$1,800. Mrs. Adams stated that the contractor has been a Landscape Architect for 30 years and an arborist for 20 years. In response to Mr. Brougham's question regarding time frame, Mrs. Adams would inquire and advise the Board.

On MOTION by Mr. Brougham and seconded by Mr. Turner, with all in favor, the McGee & Associates Proposal for Landscape Architectural and Arborist Services for Review and Recommendations Related to Tree Pruning Specifications, in the amount of \$1,800, was approved.

NINTH ORDER OF BUSINESS

Consideration of Award of Contract for Lake & Wetland Maintenance

Mr. Brougham questioned why only one contractor bid for the Lake and Wetland Maintenance Contract, when requests were solicited to six different contractors. Mrs. Adams stated that only Lake and Habitat responded and advised that they were now focusing on the Sarasota/Tampa area. Mrs. Adams stated that the only bidder was Solitude Lake Management (SOLitude), who was the District's current contractor, formerly known as LakeMasters Aquatic Weed Control, Inc. (LakeMasters). Discussion ensued regarding pricing.

On MOTION by Mr. Schmitt and seconded by Mr. Brougham, with all in favor, awarding the Lake & Wetland Contract to SOLitude Lake Management, in the amount of \$173,040, was approved.

TENTH ORDER OF BUSINESS

Discussion/Consideration: GIS Solutions Letter Agreement to Develop GIS Capabilities

Mr. Adams presented the GIS Solutions Letter Agreement to Develop GIS Capabilities. He stated that a graphical information system (GIS) was a web-based mapping system and a place to harbor the District's information, such as layout of lakes, wetland and inter-connecting pipes. The system consisted of layers and was an inventory informational tool, with plat links etc. A Board Member asked if CDD #2 was on Board with the system. Mr. Adams stated that CDD #2 was not fully developed and would subscribe to the GIS when it is fully developed and would undergo a separate exercise similar to this one. Discussion ensued regarding the GIS system, the Property Appraiser, public information and pricing. Mr. Brougham questioned the \$90 per hour rate, on Page 2 of the Letter Agreement, and cautioned to keep close track of the rate. Mr. Adams stated that it was typical to be charged \$2,000 to \$3,000 annually for updates and maintenance; Management would monitor the rate.

On MOTION by Mr. Turner and seconded by Mr. Brougham, with all in favor, the GIS Solutions Letter Agreement to Develop GIS Capabilities, was approved.

ELEVENTH ORDER OF BUSINESS

Notice of General Election: November 6, 2018

- **Official Candidate Qualifying Period: Noon, June 18, 2018 – Noon, June 22, 2018**
 - i. **Candidates May Pre-Qualify Beginning June 4, 2018 at 10:00 A.M.**

Mr. Adams announced the official candidate qualifying and pre-qualifying periods for the upcoming November 6, 2018 General Election.

- **Consideration of Resolution Implementing Section 190.006(3)(A)(2)(C), Florida Statues, and Instructing the Collier County Supervisor of Elections to Conduct the District's General Election**

**i. Resolution 2018-01, Fiddler’s Creek Community Development District #1
[Seats 1 & 2]**

Mr. Adams presented Resolution 2018-01. Mr. Turner and Mr. Bergmoser’s seats would be up for election.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, Resolution 2018-01, Implementing Section 190.006(3)(A)(2)(C), Florida Statutes, and Instructing the Collier County Supervisor of Elections to Conduct the District’s General Election, was adopted.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2017

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2017. On-roll assessment revenue collections were at 63% and cumulative expenses were at 59%. Mr. Brougham commented that, in the previous year, many items were charged under the “Operating supplies” account, which was confusing and was supposedly to be offset by income from clicker sales, which ended up booked as miscellaneous income. In September and October 2017, 700 clickers were purchased at \$20.23 each, totaling \$14,161; however, the District only received miscellaneous income of \$8,000. The “Operating supplies” account should be better maintained with sub accounts and expenses should be segregated. Mr. Adams would coordinate with the Operations Manager to resolve the issue. A Board Member inquired about the new District vehicle. Mr. Adams stated that it was ordered, after the last meeting, and it could take 60 to 90 days for delivery.

THIRTEENTH ORDER OF BUSINESS

Consideration of January 24, 2018 Regular Meeting Minutes

Mr. Brougham presented the January 24, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

- Line 26: Insert “Flage” after “Kenny”
- Line 102: Change “Mr. Albeit” to “Mr. Cole”
- Line 133: Change “right-of-way (ROW)” to “easement”
- Line 142: Change “Mr. Cole” to “Mr. Dieckmann”

Line 179: Change “paver project” to “paving project” and “pavers” to “areas”

Line 305: Insert “Flage” after “Kenny”

On MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, the January 24, 2018 Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Action Items

Mr. Brougham stated that the following Action Items can be deleted or added to the March Agenda:

Remove: Items 3, 4, 10 and 11

Add to next agenda: Item 8 – Per Mr. Brougham, include discussion of a proposal process policy, possibly expanding the Manager’s spending threshold for routine maintenance or contracting for on-call services.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

In response to Mr. Brougham’s inquiry regarding the post orders, Ms. Puckett stated that they were updated and in the finalization process.

A. District Counsel

There being no report, the next item followed.

B. District Manager

i. NEXT MEETING DATE: March 28, 2018 at 8:00 A.M.

The next meeting will be held on March 28, 2018 at 8:00 a.m., at this location.

C. Operations Manager

Mrs. Adams presented the Monthly Status Report dated February 28, 2018. She asked the Board to approve the Bentley contract, in the amount of \$21,350, for “951/Parkway Entry Lighting”. The District would save \$2,500 to \$4,000 per year, as the contractor would no longer use the bucket trucks to perform repairs in the trees. The DRC previously approved the project.

On MOTION by Mr. Schmitt and seconded by Mr. Turner, with all in favor, the Bentley Electric, 951/Parkway Entry Lighting contract, in the amount of \$21,350, for installation of integrated up-lights, was approved.

Regarding the “Streetlight/Road Damages” item, Mr. Brougham stated that one of the contractors was responsible for the damages and should be held liable. Mrs. Adams stated that the District expended \$5,000 to repair the damages and the contractor asked to split the costs. Mr. Pires stated that Fiddler’s Creek CDD #2 was not part of the Sunshine network. He explained that, when a utility locate company comes, they are locating the Collier County utilities and the public utilities, such as Comcast and telephone, but the private utilities, such as CDD street lighting and irrigation, are not on their systems. Mr. Brougham stated that the District would not split the costs and wanted reimbursement of those funds.

SIXTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Turner stated that, on the west side of Fiddler’s Creek Parkway, two weeks ago, there was yellow caution tape staked and tied to the bushes and asked why the tape was there and for the details, as he was unaware that anything was amiss. Ms. Puckett would investigate.

A Board Member stated that a ficus tree on the northwest corner of Mulberry must be removed because it was growing and would soon undermine the monument and was encroaching onto the neighbor’s property. He wanted to preclude any type of the liability that the CDD might have. Mr. Brougham requested that Staff obtain a quote to remove the ficus tree. He shared that most of the fence was delivered and it was the correct color.

SEVENTEENTH ORDER OF BUSINESS

Public Comments

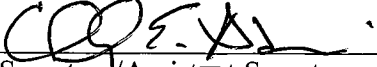
There being no public comments, the next item followed.

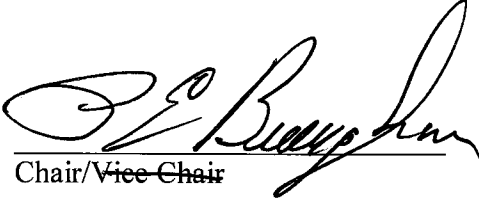
EIGHTTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 9:21 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary Assistant Secretary


Chair/Vice Chair